



# *PARKS AND RECREATION COMMISSION AGENDA REPORT*

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MEETING DATE: JULY 28, 2004

ITEM NUMBER:

**SUBJECT: TREE REMOVAL REQUEST – 2561 WESTMINSTER AVENUE**

**DATE: JULY 21, 2004**

**FROM: PUBLIC SERVICES DEPARTMENT, MAINTENANCE SERVICES DIVISION**

**PRESENTATION BY: BRUCE A. HARTLEY, MAINTENANCE SERVICES MANAGER**

**FOR FURTHER INFORMATION CONTACT: BRUCE A. HARTLEY, (714) 754-5123**

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## **RECOMMENDATION**

It is recommended that the Commission deny the request for the removal of one (1) American Sweetgum located in front of 2561 Westminster Avenue.

## **BACKGROUND**

The Maintenance Services Division was contacted on June 1, 2004 by the property owner at 2561 Westminster Avenue requesting the removal of the parkway tree located in front of his house. The basis for the request, as stated by the property owner, is the fruit of the tree and the alleged damage it causes to private property when run over by the lawnmower. The applicant also stated his children are frequently injured by the fruit when playing in the front yard. The applicant is in the process of re-landscaping the front yard of his home. As part of that project, he is planning to install two European White Birch trees in the front yard, if the City tree is removed. The applicant did not state in the letter, whether or not the proposed trees are to be planted in the public right-of-way. The European White Birch tree is not listed as an acceptable public parkway and median tree, or as a private property tree for street landscaped setbacks (Appendix C and D) in the City's Streetscape and Median Development Standards. The trees could be planted by the property owner outside of the public right-of-way, is desired.

On June 2 and 4, 2004 Jim Ortiz, Acting Sr. Maintenance Supervisor investigated the field conditions and made contact with the resident. After evaluating the conditions, Mr. Ortiz informed the resident that the tree did not meet the City's criteria for removal as stated in the "Streetscape and Median Development Standards". The Maintenance Services Manager subsequently reviewed the information and found the denial to be justified.

The City received a letter dated June 17, 2004, from Michael Vrbas, the property owner of 2561 Westminster Avenue, appealing the staff decision and requesting that the City remove the American Sweetgum located in the public right-of-way in front of his home. See Attachment 1.

## **ANALYSIS**

The tree is an American Sweetgum, *Liquidambar styraciflua*. It is the designated City parkway tree for Westminster Avenue. It is growing in the public right-of-way that is ten feet (10') wide. There is no sidewalk in the parkway at this address. The tree is approximately fifteen feet (15') in height with a trunk diameter of five inches (5"). The tree is in good health. The tree was pruned last on August 1, 2003 as part of the City's normal trimming cycle for that area. See Attachment 2.

The tree could be relocated with moderate probability of success, due to its young age and small size. There are no obvious signs of any hazards or disease in the tree. There is no apparent infrastructure damage to the City's curb, gutter and street. There is no sidewalk at this location.

The fruit of the American Sweetgum is a small, spherical fruit, called a capsule, which when mature releases its seed and hardens into a spiny ball. These fruit may persist on the tree or drop on to the ground on a seasonal basis. Lawn mowing equipment may pick them up or cut them and discharge them, if a bagging lawnmower is not used. They may be uncomfortable to the bare feet of children, but to date, the City has not received a claim for any injuries caused by the fruit of American Sweetgum falling on to turf. There are a number of streets in the city that have the American Sweetgum as the designated parkway tree.

The tree does not meet any of the criteria that would support a staff approval of the request. American Sweetgum trees are not considered "problem tree species". Staff the request.

## **ALTERNATIVES CONSIDERED**

1. The Commission could approve the request to remove one (1) City parkway tree located at 2561 Westminster Avenue, with the requirement that the tree be replaced in a three-to-one ratio, with one twenty-four inch box-size tree to be replanted on-site, and two (2) fifteen gallon-size trees, to be planted elsewhere on public property as specified in the Streetscape and Median Development Standards. All removal and replacement costs to be paid by the applicant.
2. The Commission could approve the request to remove one (1) City parkway tree located at 2561 Westminster Avenue, with the requirement that the tree be relocated to other public property and the condition that should the tree not survive for one year, the applicant would be responsible for the cost of one twenty-four inch box-size tree and two (2) fifteen gallon-size trees. The applicant would provide a deposit or bond to the Public Services Department at the time an encroachment permit is issued for the tree removal. All costs associated with the relocation of the tree would be the responsibility of the applicant. Costs are estimated at approximately \$500 for the relocation.
3. The Commission could deny the request for the removal of one City parkway tree located at 2561 Westminster Avenue.

## **FISCAL REVIEW**

There would be no fiscal impact as a result of the alternatives provided, as all costs would be the applicant's responsibility. If the City were to remove the tree, the cost would be \$70.

## LEGAL REVIEW

No legal review is required for this item.

## CONCLUSION

The tree that is the subject of the request for removal is a City-owned tree located in the public right-of-way in at 2561 Westminster Avenue. It is healthy and is not causing any problems with the curb and gutter. It is not damaging any buried utilities. The applicant is requesting removal on the basis that the fruit of the tree is causing damage to private property and causing injuries to his children. The request does not meet the established removal criteria as stated in the Streetscape and Median Development Standards. Therefore, staff recommends denial of the removal request.

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BRUCE A HARTLEY  
Maintenance Services Manager

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WILLIAM J. MORRIS  
Public Services Director

ATTACHMENTS:   1   [Letter to City from Mr. Michael Vrbas dated 6/09/04](#)  
                      2   [Photographs of Tree](#)

C:     Michael Vrbas  
       2561 Westminster Avenue  
       Costa Mesa, CA 92627