



PARKS AND RECREATION COMMISSION AGENDA REPORT

MEETING DATE: SEPTEMBER 26, 2013

ITEM NUMBER: 9a

SUBJECT: TREE REMOVAL REQUEST - 2009 LEMNOS DRIVE

DATE: SEPTEMBER 9, 2013

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

RECOMMENDATION

Deny the request for the removal of one City-owned parkway tree located in the public right-of-way at 2009 Lemnos Drive.

BACKGROUND

The Maintenance Services Division was initially contacted by the Applicant on August 12, 2013, requesting removal and replacement of the parkway tree, as the roots impede landscape growth.

ANALYSIS

The City Arborist inspected the tree, an Evergreen Pear, *Pyrus kawakamii*, on August 13, 2013, and found it to be healthy and in good condition. The tree is approximately thirty-five feet (35') in height with a trunk diameter of twenty-two inches (22"). The tree is growing in a five and one half foot (5.5') irrigated turf parkway. The public right-of-way width at this location is ten feet (10'). The tree showed symptoms of Fire Blight, a bacterial disease typical of Evergreen Pear trees, which does not harm the tree or require treatment unless the infection becomes more severe. According to available records, the tree has been root pruned in the past to accommodate replacement of damaged curb, gutter and sidewalk concrete. There were observable surface roots surrounding the tree and in the adjacent parkway. This is not typical for Evergreen Pear trees and may be due to the inconsistent or shallow watering practices in the past. See Attachment 2.

One invoice for sewer cleaning was provided by the Applicant (Attachment 1), but it did not provide sufficient information to base a removal upon. No video/DVD inspection documentation was provided.

The Arborist could not find any health and safety concerns with the tree that would meet the criteria for a Category 1 removal. The tree is not a 'problem tree species' and therefore did not meet the criteria for a Category 2 removal. There was no observed uplifted condition of the curb, gutter or sidewalk. The tree has been pruned on a typical three year trimming cycle for the past decade. The tree was last pruned on July 21, 2011.

The Evergreen Pear tree requested to be removed, does not meet criteria for a staff level authorization for removal as stated in the Streetscape and Median Development Standards. The Applicant was informed of that decision and was provided the removal criteria.

The City received a hand delivered letter from the Applicant on August 13, 2013, requesting the City remove and replace the tree. See Attachment 1. The Applicant's letter provided the following reasons for the removal request:

- A plumber has cleaned out the main line numerous times in the last ten years. Each time the issue was roots.
- The root system is very high above the sidewalk and curb level, posing a hazardous condition to anyone walking along the sidewalk and/or stepping up from the street.
- The tree has a fire blight disease plaguing it.

The City Arborist evaluated the tree for possible relocation, but believes that due to the size and cost of relocating the tree, relocation is not recommended. The tree has been previously root pruned on the curb side and sidewalk side when hardscape was replaced. A small amount of fire blight was detected.

The Applicant has been notified of the Parks and Recreation Commission meeting and has been sent a copy of this staff report.

ALTERNATIVES CONSIDERED

1. The Commission could authorize the removal and replacement of the tree, per the Streetscape and Median Development Standards, Section 4.0.3 – Discretionary Removals, which would require the replacement of the tree with one (1) twenty-four inch box-size tree to be planted at the same address and two (2) fifteen gallon-size trees to be planted elsewhere on City property. The applicant would pay all removal and replacement costs.

If approved by the Commission, the tree must be removed and mitigation trees provided to the City within one year from the date of final approval, after which the approval expires.

2. The Commission could authorize the removal of the tree as a Category 1 – 'Health and Safety' removal with all removal and replacement costs paid for by the City.

FISCAL REVIEW

There would be no fiscal impact to the City if the request to remove the tree was either denied or approved as a Category 3 - Discretionary Removal, as the applicant would pay all costs.

For the Commission's information, the cost for the removal of the tree would be \$440. The replanting costs for the mitigation trees (1 – 24" box size and 2 – 15 gallon size) would be \$425. Costs are based on current City contract prices. Total cost for removal and replacement would be \$865. The value of the tree is estimated to be \$6,080.

LEGAL REVIEW

No legal review is required for this item.

CONCLUSION

The City-owned street tree that is being requested to be removed and replaced is located within the public right-of-way at 2009 Lemnos Drive. The tree is in good condition. The Applicant initially requested removal of the tree due to problems associated with the roots in the parkway, but added additional concerns regarding roots in the main sewer line, and the large surface roots growing above the grass line posing a hazardous condition.

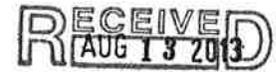
The tree does not meet criteria required to allow for staff approval. The City Arborist determined that the tree is in good condition and that there was insufficient documentation of repetitive sewer issues, therefore, it is recommended that the Commission deny the request.


BRUCE A. HARTLEY
Maintenance Services Manager


ERNESTO MUNOZ
Public Services Director

ATTACHMENTS: 1. Letter from Applicant
2. Tree Information
3. Photographs

C: Carol Hunt & Phil Moon
2009 Lemnos Drive
Costa Mesa, CA 92626



City of Costa Mesa

RE: Request of tree removal and replacement

Dear Sir:

We are the home owners of 2009 Lemnos Dr., Costa Mesa. We are writing regarding the city tree, an ornamental pear, on our tree lawn. As your historical records may indicate, the previous owner of this home was uncooperative during the city's normal tree pruning cycles and did not allow normal tree care. We have owned this property since the fall Of 2003 and have highly encouraged the cutback of this tree at every opportunity.

Throughout our 10 years, we have had to have a plumber clean out the main line numerous times. Each time the issue was roots. A copy of the most recent clean out bill is attached for your information. If you would like evidence of the previous bills, please let me know and I will trace back through our records.

In addition to the plumbing issues, I would like to draw your attention what we consider to be other hazards. The tree root system is very high above the sidewalk and curb level, there are large surface roots above the grass line, the sidewalk has been repaired previously, and ground down in a few areas, and the city water line access is far below the grass line. We feel this is dangerous to anyone walking along the sidewalk and/or stepping up from the street. One of our neighbors has macular degeneration and a service dog to lead him, but loves to regularly walk. This is a hazard for such individuals.

To assist your evaluation of our complaints, we have attached several photographs of the site in question. We would like to have this tree removed and replaced with our selection of a city approved tree. We both love trees and this request was not particularly easy to make. However, given the size of this tree, the probable damage to the infrastructure, and the fire blight disease plaguing it, we do think this is the best solution.

Please let us know how we may assist in your decision. We look forward to your response.

Sincerely,

Carol Hunter
Phil Moon

attachments



10652 Trask Avenue
Garden Grove, CA 92843
800-563-7757
www.cole-services.com
Lic. #718978

HOME IMPROVEMENT CONTRACT #0079378

START DATE: 01 06 12 IN #: 1701065

CUSTOMER NAME (Financially Responsible Party) <i>Carol Hunter</i>		CALLER NAME		JOB CONTACT NAME	
JOB ADDRESS <i>2009 Lemnos</i>		CITY <i>Costa Mesa</i>		STATE <i>CA</i>	
BILLING ADDRESS (if Different)		PH1		PH2	
E-MAIL ADDRESS				SERVICE PARTNER MEMBER? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

ORIGINAL REASON FOR THE CALL: *Maintain Kitchen Sink*

SUMMARY: *New K/S Clean Out, Settle to Mainline Clean out \$ 364 - 79*

Contract Addendum See Summary of Findings sheet for additional information

WORK AUTHORIZATION: I, the undersigned, am owner/authorized representative/tenant of the premises at which the work above is being done. I hereby authorize you to perform the above recommendation, and to use such labor and materials as you deem advisable. Unless prior-authorization for billing, payment for all work done is due upon completion (C.O.D.). A \$10.00 BILLING CHARGE is due thereafter. An office billing charge and/or finance charge of 1.75% per month (21% per annum) will be added after 10 days past due. I agree to pay reasonable attorney's fees, court costs and collection fees in the event of legal action. I have read this contract, including the terms and conditions on the reverse side hereof and agree to be bound by all the terms contained herein. All old parts will be removed from premises and discarded, unless otherwise specified herein.

I HEREBY AUTHORIZE YOU TO PROCEED WITH THE ABOVE WORK AT THE SERVICE CALL CHARGE OF \$ *49*. Signature: *[Signature]* Date: *[Date]* Print Name: _____

For your peace of mind, should the repair amount exceed 25% of your system's replacement value, our technician is required to inform you of options for both repairing and replacing the equipment.

Qty	Task#	Description of Project Materials/Equipment	Contract Price
		Service Partner Membership <input type="checkbox"/> Plumbing <input type="checkbox"/> Heating <input type="checkbox"/> Air <input type="checkbox"/> All Three	
	<i>DP</i>	Service Call Charge	<i>49</i>
	<i>level</i>	<i>Drain Clean K/S & Mainline K/S Pulled Roots.</i>	<i>79</i>

Pre-Approved Financing Terms: Please pay from this invoice - Work performed C.O.D.

PAYMENT 1 Cash Check Check #: *1709*
 MC Visa Disc AmEx Auth #: _____
 Card #: _____ Exp:

PAYMENT 2 Cash Check Check #: _____
 MC Visa Disc AmEx Auth #: _____
 Card #: _____ Exp:

WANT TO PAY LESS?

My Service Technician presented me with a Service Partner Program and explained the benefits

I want to save money and become a Service Partner Initial ONE

OR

At this time I decline the offer

DISCOUNT	
SUBTOTAL	<i>79</i>
CONTRACT ADDENDUM	
TOTAL CONTRACT PRICE	<i>79</i>

ACCEPTANCE OF WORK PERFORMED: I acknowledge satisfactory completion of the above described work and that the premises has been left in satisfactory condition. I understand that if my check does not clear, I am liable for the check and any charges from the bank. I agree to pay 1.75% per month for past due contracts (minimum charge \$15). In the event that collection efforts are initiated against me, I shall pay for all associated fees at the posted rates as well as all cost of collection fees and reasonable attorney fees. I agree that the amount set forth in the space marked "TOTAL CONTRACT PRICE" is the total price I have agreed to pay.

SIGNATURE: *[Signature]* DATE: *[Date]*

SERVICE TECHNICIAN ACKNOWLEDGEMENT

Prior to the customer entering into the contract, I have discussed the nature of the service and cost and I have given a copy of the contract to the customer. All work I have done has been in compliance with company standards in a workmanship manner, to building codes when applicable.

SIGNATURE: *[Signature]*

SERVICE PARTNER SAVINGS

\$ _____

CUSTOMER SERVICE IS OUR #1 FOCUS

If you are not completely satisfied for any reason, please call and ask to speak with the Customer Service Manager. Your feedback is very important to us.

THANK YOU FOR CHOOSING US FOR YOUR SERVICE! **5**

WORK COMPLETED ON THIS DATE: _____

I decline to have the recommended work performed at this time. SIGNATURE: _____ DATE: _____

Contractors are required by law to be licensed and regulated by the Contractor's State License Board. Any questions concerning a contractor may be referred to the registrar of the board whose address is: Contractor's State License Board, 9835 Goethe Road, Sacramento, CA 95827. On work in excess of \$500.00: YOU AS OWNER OR TENANT HAVE THE RIGHT TO REQUIRE THE CONTRACTOR TO HAVE A PERFORMANCE AND A PAYMENT BOND. The cost of procuring this bond will be paid by the purchaser and is not included.

RIGHT TO CANCEL You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction.

2009 Lemnos Drive

Overall view
of tree/roots



Displacement street side



Displacement/sidewalk side



City Water Turnoff



Previously repaired
sidewalk

City of Costa Mesa
Maintenance Services Division
FIELD INSPECTION – TREE INFORMATION

ATTACHMENT #2

Denial	<input checked="" type="checkbox"/>	Category	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input checked="" type="checkbox"/>
Supporting	<input type="checkbox"/>	Category	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

Date Request Received: **8/13/2013**

Name of Resident: **Carol Hunter/Phil Moon** Requesting Party: _____
Address: **2009 Lemnos Dr.** Address: _____
Home Phone: _____ Home Phone: _____
Work Phone: _____ Work Phone: _____

Date Inspected: **8/28/13**

Inspected By: **Daniel Dominguez III – Interim City Arborist**
Parkway Maintenance Report:

Tree Species: **Pyrus kawakamii F1** Removal Cost: (DBH x \$20.00)= \$ **440.00**
Height: **35 Feet** Width of Sidewalk: **4 Feet**
Trunk Diameter: **22 inches** Size of Right-of-Way: **10 Feet**

Health: Good Fair Poor Date of Last Pruning: **7/21/2011**

Is the Tree a good candidate for Relocation? Yes No

Likelihood of survival: Good Fair Poor

Comments: **Tree size makes boxing prohibitive. Will require a large root ball impacting curb & gutter, asphalt street and sidewalk. Tree roots have been cut in the past to accommodate new sidewalk and curb & gutter. Estimated value stated in Arbor Access is \$6,080.00.**

Concrete Damage: Yes No

If Yes, describe damage:

Can the Tree be Root Pruned: Yes No Date: _____

Root Pruning Comments: **Root pruning has occurred on the north and south side of the tree when sidewalk and curb & gutter were replaced. Additional root pruning is not recommended.**

Date of Response to Resident: _____
Date Information Packet Mailed: _____

Photos Taken: Yes No Date Photos Taken: **8/28/2013**

Photo #1: **Street view looking south**
Photo #2: **Street view looking east**
Photo #3: **Street view looking west**
Photo #4: **Base of the tree**



Site on 2 lists

[Edit Tree Site](#) - [Insert History](#) - [Calls](#) - [Street View](#) - [Photo Album](#) - [Notes](#)

[Select a list](#)

[Create a list](#) - [Add site to list](#)

Site Detail (33.676488061272,-117.94110317044)

District	Address	Location	Species	DBH	Height
11	2009 LEMNOS DR	Front-1	<i>Pyrus kawakamii</i> EVERGREEN PEAR	19-24	30-45

<--Prev Next-->

Condition	Maintenance	Removal Priority	Estimated Value	Parkway Type	Parkway Size
Good	Grid Trim	N/A	\$6,080	Parkway	5
Utility	Valid				
No	Yes				

Work History

Crew	Work Date	Work Type	Job #/Acct #	Amount
WCA	7/21/2011	Grid Pruning	19252	\$46.60
WCA	11/5/2008	Grid Pruning	12656	\$46.60
WCA	12/14/2005	Grid Pruning	8470	\$41.50
WCA	9/24/2002	Grid Trimming	5259	\$41.50

