



PARKS AND RECREATION COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 24, 2013

ITEM NUMBER: 10c

SUBJECT: TREE REMOVAL REQUEST - 950 CHEYENNE STREET

DATE: OCTOBER 7, 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 950 Cheyenne Drive.

BACKGROUND

The Maintenance Services Division was initially contacted by the Applicant on July 18, 2012, requesting removal of the tree due to safety concerns relative to the 'acorns' (woody fruit) the tree drops.

ANALYSIS

The City Arborist initially inspected the tree, a Brisbane Box, *Tristania conferta*, on July 20, 2012, and found it to be healthy and in good condition. The tree is approximately forty feet (40') in height with a trunk diameter of twenty-one inches (21"). The tree is growing in a five and one half foot (5.5') irrigated parkway. The public right-of-way width at this location is ten feet (10'). See Attachment 2.

The tree has been trimmed and inspected every three years for the past ten years. It is growing normally, with size, appearance and fruit quantity typical for the species. The 'fruit' of a Brisbane Box is a small woody capsule, up to approximately ½" in diameter, similar to the fruit of eucalyptus trees. It is 'bell shaped' with a flatter end and a more pointed tip. The fruit is typically formed after summer flowering, but may be present in other seasons locally. The fruit could be bothersome to bare footed pedestrians; but is usually not a problem for homeowners when regular mowing and landscape maintenance are performed. The City owns 1,326 Brisbane Box trees located in parks and parkways throughout the City. Although the species drops leaves, bark, flowers and fruit, it is generally perceived to be a safe attractive tree and is relatively problem free and is infrequently the source of complaints.

The sidewalk at this location is raised slightly, with the lift measuring from 3/8" to ½" across the lifted section of concrete. The curb and gutter are displaced slightly as well. Due to the large root flair at the base of the tree there is not sufficient space to safely root prune the tree without putting the tree at substantial risk of injury and potential failure; so root pruning is not recommended.

The City received additional complaints from the Applicant regarding the fruit on April 2nd and June 4th of this year. Following the complaint in June, the City Arborist provided the Applicant's wife with a copy of the City's tree removal criteria.

An electronic mail communication from the Applicant was received on September 9, 2013, requesting the City remove the tree. See Attachment 1. The Applicant's e-mail provided the following reasons for the removal request:

- The tree continues to pose a threat to the safety and well-being of those walking by.
- Children cannot go in the front yard without wearing shoes because they will likely be injured by the fallen acorns.

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 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 is either denied or approved as a Category 3 - Discretionary Removal, as the applicant would pay all costs. The cost to remove the tree would be \$420. 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 to the Applicant for removal and replacement would be \$845.

If the Commission were to approve the request to remove the tree as a Category 1 - Health and Safety Removal, with the City paying removal and replacement costs, the cost for the removal of the tree would be \$420, with the cost of replanting 1 – 24" box-size tree at that address of \$225.

The estimated value of the tree is \$9,110.

LEGAL REVIEW

No legal review is required for this item.

CONCLUSION

The City-owned street tree that is being requested to be removed is located within the public right-of-way at 950 Cheyenne Street. The Applicant is requesting removal of the tree due to safety concerns associated with the fallen acorns from the tree. The tree is in good condition and does not meet the criteria for removal. It is recommended that the Commission deny the request to remove the tree.


BRUCE A. HARTLEY
Maintenance Services Manager


ERNESTO MUNOZ
Public Services Director

ATTACHMENTS: 1. Electronic Mail Communication from Applicant
2. Tree Information
3. Photographs

C: Brian Dear
950 Cheyenne Street
Costa Mesa, CA 92626

DOMINGUEZ, DANIEL

From: Brian.Dear@mbusa.com
Sent: Monday, September 09, 2013 12:19 PM
To: DOMINGUEZ, DANIEL
Subject: Tree Removal Request - 950 Cheyenne Street, CM 92626
Attachments: IMG-20130522-00009.jpg; IMG-20130522-00011.jpg

Good afternoon, Daniel-

I had been in communication with you regarding having the overgrown tree taken out in front of our house. At the time, it was declined (likely for budgetary purposes), but it continues to pose a threat to the safety and well-being of those walking by. My children literally cannot go in our front yard without wearing shoes because they will likely be injured by the fallen acorns that the tree drops. In fact, both my daughter and son have recently had injuries as a result of stepping on the acorns (pictures of son attached below).

One of the criteria for parkway tree removal/replacement under Section 4.0.1 (Category 1) is if the tree is causing a safety hazard. "If the tree presents a foreseeable risk of injury and liability to the public" then it may qualify for removal. I'd like for you to recommend having the tree removed as soon as possible, as it continues to threaten the safety of the public who walk by it every day.

I think I've been pretty reasonable up to now, but would like for you to take this 2nd request seriously. Now that you've been notified of the recent injuries and the foreseeable risk that this will happen again, please have the city remove this tree from in front of our property as soon as possible.

Thanks for your consideration. I look forward to hearing from you after you've had a chance to review our request.

Best regards,

Brian Dear

Aftersales Operations Manager
Western Region
Mercedes-Benz USA
(201) 574-6248



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: **9/09/2013**

Name of Resident: **Brian Dear** Requesting Party: _____

Address: **950 Cheyenne Street** Address: _____

Home Phone: _____ Home Phone: _____

Work Phone: _____ Work Phone: _____

Date Inspected: **9/12/2013**

Inspected By: **Daniel Dominguez III – Interim City Arborist**

Parkway Maintenance Report:

Tree Species: **Tristania conferta** Removal Cost: (DBH x \$20.00)= **\$420.00**

Height: **40 Feet** Width of Sidewalk: **4 feet**

Trunk Diameter: **21 inches** Size of Right-of-Way: **10 Feet**

Health: Good Fair Poor Date of Last Pruning: **4/27/2011**

Is the Tree a good candidate for Relocation? Yes No

Likelihood of survival: Good Fair Poor

Comments: **Tree is too large to move, would impact street, curb & gutter and sidewalk. Estimated value in Arbor Access is \$9,110.00**

Concrete Damage: Yes No

If Yes, describe damage: **Displaced curb & gutter. Sidewalk panels lifted.**

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

Root Pruning Comments: **The root plate is raised in the parkway. No signs there are any sinker roots to provide stability.**

Date of Response to Resident: _____

Date Information Packet Mailed: _____

Photos Taken: Yes No Date Photos Taken: **9/12/2013**

Photo #1: **Street view looking east**

Photo #2: **Street view looking north**

Photo #3: **Street view looking south**

Photo #4: **Base of tree**











