PARKS AND RECREATION COMMISSION AGENDA REPORT

MEETING DATE: JANUARY 23, 2014 **ITEM NUMBER: 9a**

SUBJECT: TREE REMOVAL REQUEST - 433 BROADWAY

DATE: JANUARY 9, 2014

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 433 Broadway.

BACKGROUND

In 2007 the City completed the Broadway sidewalk project. As part of that project all property owners of locations where trees were removed to accommodate the installation of a new sidewalk were contacted individually to coordinate the planting of replacement trees. The City planted several trees as the result of the outreach efforts.

Following the successful planting of the replacement trees, the City initiated a re-forestation project to improve the entire length of Broadway from Fullerton to Irvine Avenue. The City Arborist conducted a survey of vacant planting sites that would be appropriate for replanting. In 2008 the residents of the 300-500 blocks of Broadway were sent a letter informing them that trees would be planted in the City's right of way in front of their homes and that they could either select from four tree species, let the City select the species or contact the Arborist to discuss. See Attachment 1. A letter was sent to the resident(s) of 433 Broadway.

Maintenance records confirmed that on June 2, 2009 a 24" box-size Camphor Tree was planted at 433 Broadway. On April 25, 2013 maintenance services received a call from a Broadway resident reporting that the tree at 433 Broadway had been removed. The City Arborist confirmed on April 30, 2013 that in fact, the tree that was planted four years prior had been removed and that it had been 'flush cut' just above the ground. When asked about the tree by the Arborist, the resident of 433 Broadway at the time stated that they were unaware that the tree had been removed. In June 2013 the Arborist made contact with the resident. At that time the resident indicated they did not wish to have a replacement tree planted. The Arborist reported that information to the Maintenance Services Manager.

After evaluating the series of events; including the initial surveys completed and notification letter; the $200 cost of planting the original tree; the unauthorized removal of the City tree and the cost to remove the stump of the destroyed tree, the Maintenance Services Manager made the decision to have the tree replanted and not spend any more City

resources on trying to determine who removed the tree. On July 18, 2013 a replacement tree was planted.

ANALYSIS

Arbor Access records indicate that a 24" box Camphor tree was planted on June 2, 2009 by West Coast Arborist, Inc. The planting was confirmed during a site visit on April 30, 2013. On May 1, 2013, it was observed that a small three inch (3") diameter tree was flush cut to the ground. The City's Parcel Viewer software program shows the right-of-way width at twelve feet (12') as measured from the back of the curb. Subsequently, the City planted a 15-gallon size replacement tree within the right of way and the planting was confirmed during a site visit on December 23, 2013. See Attachments 2 and 5.

An electronic mail communication from the Applicant was received on January 7, 2014 requesting the City remove the tree. See Attachment 3. The Applicant is requesting removal based on the "principle" that a resident should have the choice as to whether or not a tree should be planted in the public right of way in front of their residence.

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 or relocation of the tree to other public property. The Applicant would pay all removal and replacement costs.

2. The Commission could authorize the removal or relocation of the tree to other public property. The City would pay all removal and replacement costs.

FISCAL REVIEW

There would be no fiscal impact to the City if the request to remove or relocate the tree is either denied or approved as a Category 3 - Discretionary Removal, as the applicant would pay all costs. The estimated costs to remove and dispose of the tree would be approximately $50. Transplanting the tree would cost approximately $100.

If approved as a Discretionary Removal, the costs for the required three-to-one replacement (mitigation) trees (1 – 24" box-size and 2 – 15 gallon-size) would be $425, plus a $50 cost for removal of the existing tree. Costs are based on current City contract prices. City costs would be identical for any of the above options.

The estimated value of the tree is $100.

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 433 Broadway. The Applicant is requesting removal of the tree

because they feel they were not given a choice in accepting the planting of the replacement 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.

for: BRUCE A. HARTLEY
Maintenance Services Manager

ERNESTO MUNOZ
Public Services Director

ATTACHMENTS:
1. Letter from City to Broadway residents dated May 7, 2008
2. Costa Maintenance Work Record
3. Electronic Mail Communication from Applicant
4. Tree Information
5. Photographs

C: Erica Bryen and Chris McLaughlin
433 Broadway
Costa Mesa, CA 92627

ATTACHMENT #1

CITY OF COSTA MESA

P.O. BOX 1200 CALIFORNIA 92628-1200

FROM THE OFFICE OF MAINTENANCE SERVICES

May 7, 2008

Owner
365 Broadway
Costa Mesa, CA 92627

RE: Broadway Sidewalk Project – Tree Planting

Dear Property Owner:

In an effort to improve the neighborhoods throughout Costa Mesa, the City will be replanting vacant street tree locations within the parkways along various City Streets. Broadway will be the starting point for this project. You are receiving this letter to inform you that the parkway in front of your property is vacant and will be receiving a new tree in the near future. The City Arborist and other qualified staff have developed a mix of four tree species that will be planted on your street. If you wish, you may select which of the species of tree is to be planted in front of your property. Please find the enclosed information showing the four tree options. Please take the time to look over these four options and select one that you would prefer to be planted at your address. One tree site has been chosen for each address excluding properties which have side yards facing Broadway, which will have two trees planted. If you do not wish to select the species, then no action is required. The City will make a selection for you.

You must contact me within two weeks of the date of this letter if you wish to select your tree species. If a tree has not been selected one will be chosen for you and planted at this address within thirty days after that date. Thank you for your cooperation. If you have any questions or wish to advise me as to your choice of tree, please contact me at (714) 327-7492, between the hours of 6:30 a.m. and 5:00 p.m., Monday through Thursday. You may also leave a message with your name, address and tree selection or email me DRodia@ci.costa-mesa.ca.us.

Sincerely,

Dean Rodia
Senior Maintenance Supervisor

Enclosure

C: Bruce Hartley, Maintenance Services Manager

77 FAIR DRIVE
PHONE (714) 754-5123 FAX: (714) 327-7558 TDD (714) 754-5244

The attached letter was sent to the following recipients:

357 Broadway
365 Broadway
369 Broadway
370 Broadway
376 Broadway
379 Broadway
383 Broadway
384 Broadway
385 Broadway
386 Broadway
388 Broadway
390 Broadway
391 Broadway
393 Broadway
395 Broadway
402 Broadway
403 Broadway
408 Broadway
418 Broadway
422 Broadway
423 Broadway
428 Broadway
433 Broadway
439 Broadway
442 Broadway
443 Broadway
449 Broadway
458 Broadway
459 Broadway
462 Broadway
470 Broadway
471 Broadway
477 Broadway
481 Broadway
497 Broadway
498 Broadway
499 Broadway

37 addresses

Podocarpus gracilior

poc-doc-KAR-pus
gra-SILL-ee-or

(Afrocarpus g., Podocarpus elongatus)
(Fern Pine, African Fern Pine)
Podocarpaceae (Podocarpus family)
Origin: East Africa

Species characteristics:

Form - Evergreen conifer. A large, upright tree of moderate growth to 60' with equal spread. Dense growth, finely textured, spreading to slightly drooping branchlets.

Trunk - Bark has flaking gray platelets on a straight trunk.

Foliage - Leaves are 1 - 2" long and ½" wide, resembling those of related yews, but broader and lighter, depending on method of propagation. Seedlings, usually sold as Podocarpus gracilior, are more upright, have branches less willowy, more evenly spaced, with longer leaves of a dark glossy green. Cutting-grown and grafted plants, usually sold as *Podocarpus elongatus*, are slow to develop vertically; branches are more weeping and limber, with shorter, bluish or grayish leaves.

Flowers/fruit - Flowers are borne only on female trees, very small and inconspicuous. Fruit are fleshy drupes with a single seed on mature female trees, if a male pollenizer is nearby.

No significant pest problems are known at this time.

Site suitability:

Sunset zones - 8, 9, and 13 - 24.

Clearances - Suitable for 8' minimum parkways, medians or cutouts.

Good for street sides, medians, parks and lawns.

Culture considerations:

Tolerates drought, most soil types, high salinity, cold, seacoast exposure, and air pollution. Mature female trees may produce fruit litter.

Comments, notes:

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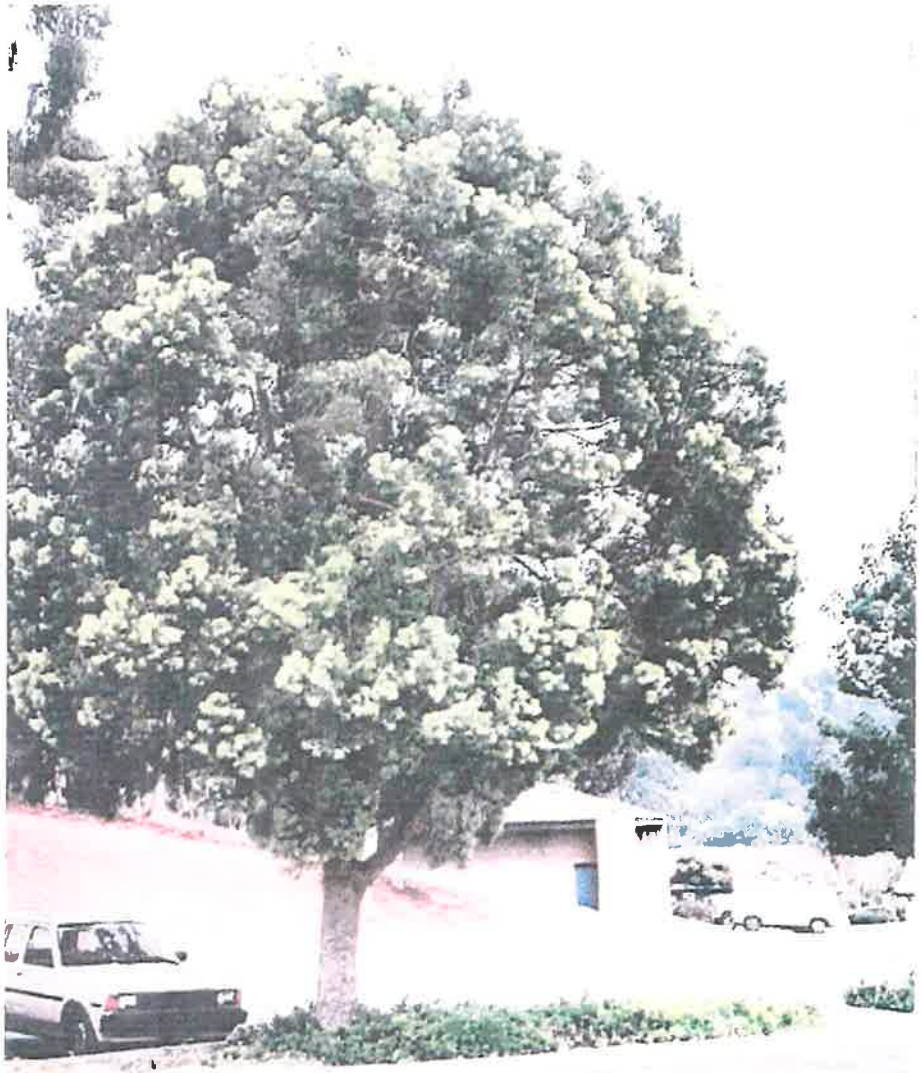
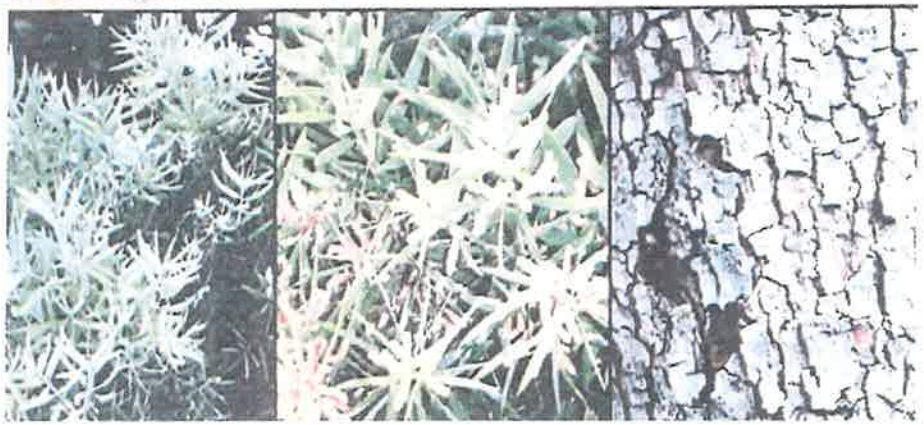




Koelreuteria bipinnata — kole-roo-TEER-ee-uh
(*K. integrifolia*) — bye-pin-AH-tuh
(Chinese Flame Tree)
Sapindaceae (Soapberry family)
Origin: China, 1888

Species characteristics:

Form - Deciduous. Moderate growth to 40' and equally wide.

Trunk - Bark is light tan and textured.

Foliage - Imparipinnately compound leaves 1 - 2' long divided into many oval smooth edged leaflets, remaining until late fall, then turning yellow or brown before dropping.

Flowers/fruit - Small bright yellow flowers arranged in long terminal sprays at the tips of branches bloom in summer. The fruits are 2" long papery, showy, 3-sided green lantern-like capsules, which turn orange, red or salmon color in late summer or fall.

No significant pest problems are known at this time.

Site suitability:

Sunset zones - 8 - 24.

Clearances - Suitable for 6' minimum parkways, medians or cutouts.

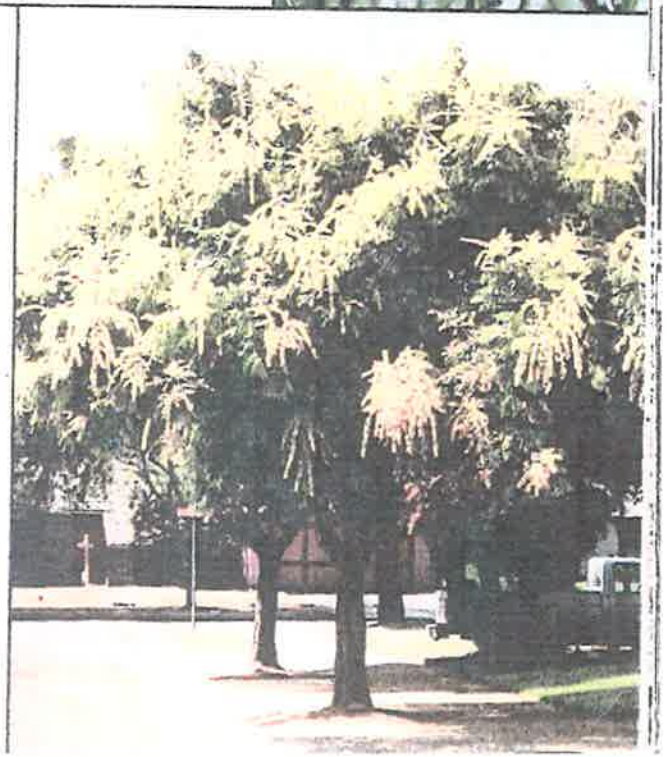
Good for street sides, medians, parks and lawns.

Culture considerations:

Best in well-drained soils.

Comments, notes:

Long season of colorful flowers and fruits – often June through December. Fruits usually showier than the flowers.



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Bauhinia variegata bau-HEEN-ee-hu
(B. purpurea) ver-ee-uh-GAH-tuh
(Purple Orchid Tree)
Fabaceae (Leguminosae) (Legume family)
Origin: India and China, 1690

Species characteristics:

Form - Semievergreen. Rounded, or dome shaped tree to 30' with moderate growth rate.

Trunk - Most trees have leaning trunk. Light tan to dark brown bark is smooth when young and roughens with age.

Foliage - Loses leaves briefly in late winter during flowering. Light green, broad two-lobed leaves, 2 - 3" across, with a deep notch at the end. Leaves have 9 - 11 veins. The foliage may thin out by late summer, at which time a few scattered flowers may appear.

Flowers/fruit - Peak flowering on bare branches in spring. Flowers have broad petals, are light pink to orchid purple with white patches on lateral petals, bear a superficial resemblance to orchids. Can produce a very large crop of beanlike, flattened seedpods that may give the appearance that the tree has died.

Cultivars - 'Candida' is the White Orchid Tree. Similar to the species but with white flowers. Slightly smaller in stature.

No significant pest problems are known at this time.

Site suitability:

Sunset zones - 13 and 18 - 23.

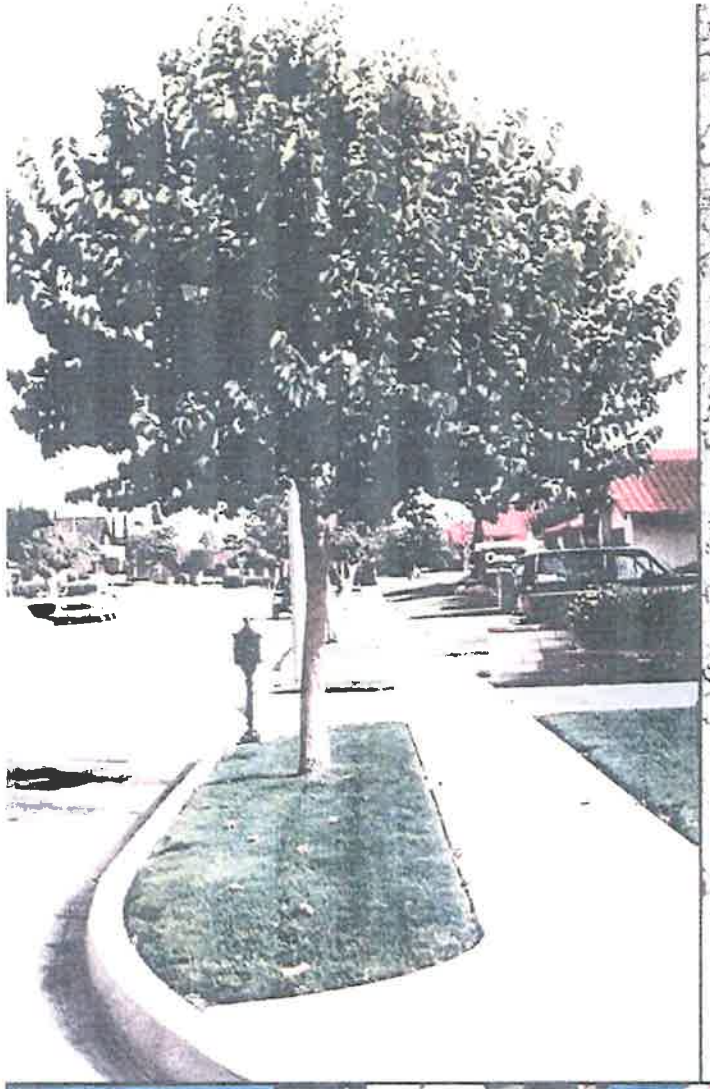
Clearances - Suitable for 5' minimum parkways, medians or cutouts. Suitable under utility lines.

Good for street sides, medians, parks and lawns.

Culture considerations:

Most commonly planted orchid tree. Drought tolerant. Removal of seedpods will enhance appearance.

Comments, notes:



Cinnamomum camphora sin-uh-MOE-mum
(Camphora officinalis, officinarum) kam-FOR-uh
(Camphor Tree)
Lauraceae (Laurel family)
Origin: China and Japan, 1727

Species characteristics:

Form - Evergreen. Slow to moderate growing to 50' or more with a dense spreading crown and wider than high. Strong structure with large limbs.

Trunk - Rough gray bark fissured into small plates. Massive with age.

Foliage - Winter foliage is shiny yellow green. Spring foliage may be pink, red or bronze depending on the tree. The aromatic leaves, 2½ - 5" long, have the odor of camphor when crushed. Drops leaves heavily in March. Attractive foliage all year.

Flowers/Fruit - Flowers small, fragrant, greenish yellow in May and June, developing into round ⅜" green fruits that turn black at maturity. Fruits and twigs drop later.

No significant pest problems are known at this time.

Site suitability:

Sunset zones - 8, 9, and 12 - 24.

Clearances - Suitable for 8' minimum parkways, medians or cutouts.

Good for street sides, medians, parks and lawns.

Culture considerations:

Prefers sandy loam to clay loam. Thrives in summer heat, and where winter temperatures do not go below 20 .

Comments, notes:

ATTACHMENT #2

.:: Costa Maintenance ::.

View

Wednesday, January 8, 2014

Subject: Tree Removed from Parkway

Detailed description:
It was reported that a tree may have been removed from this address.

Req'd date:	2013-04-25 (**Request entered by:** Daniel Dominguez III)	**Req'd by:**	Bruce Hartley
Location:	433 Broadway	**Phone:**	x5123
Work Order Nr:	13040676	**District:**	26
Supervisor:	City Arborist	**Employee:**	Dominguez, Dan
Call back needed:	N	**Contacted date:**	0000-00-00
OSHA safety concern:	N	**Status:**	**Closed**
Completion date:	2013-12-27	**Inspection date:**	2013-05-01
Hours:	0 **Minutes:** 30	**Material cost:**	0.00

Action taken:
4/25/13 Arbor Access records indicate a 24" box camphor tree was planted on 6/2/09 by WCA Inc. Review in the field on 4/30/13. 5/1/2013 A small 3" diameter tree was flush cut to the ground 9' back of curb. I spoke to the resident, Erica [redacted]. She was unaware of the tree being removed. She indicated that she had been out of town the past two weeks. She also stated that she thinks her boyfriend was unaware the tree was missing. Parcel viewer showing ROW at least 12' back of curb. Review planting files to see if we have letter from property owner for this tree. PENDING. 06/04/13 Reviewed project files and did not find this address listed as a planting site. Stopped by this address to see if the resident wants a tree replaced. Unable to make contact. Resident has not called back. Attempt one more time. PENDING 6/5/13 Contacted resident and they stated they do not want a replacement tree. Close. DD 7/18/13 Plant 15 gallon Camphor as per BH. Site is marked. WCA Inc. DD 12/23/13 Verified tree planted. DD. Resident Chris McLaughlin [redacted] called to speak with Dan regarding Tree on 1/06/13.

Password: **Update** **View pictures (1)**

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To whom it may concern at the Parks & Recreation Commission,

Thank you for your time and consideration of reading this letter. I am writing this at the request of Mr. Bruce Hartley. The reason for this letter is that I am requesting that the recently planted tree at our address of 433 Broadway be removed until further notice. Let me make it clear that I do not want it removed because I am unhappy with trees in our area and I do believe in the "beautification" of our city.

I am requesting the tree be removed on principle. Principles that I believe are the rights and freedoms of the people and tax paying citizens to choose.
In the past my neighbors were given a choice to "sign" a letter/waiver as to
1 of 4 species too be planted or not planted on their front lawns. I was never given that choice. I am also told that once planted, I cannot trim or groom the tree, but responsible for water and maintenance at my expense.

A previously planted tree was either hit by a car or vandalized at my address back in April of 2013 and has been subsequently removed. At which point we have had several voice and personal conversations with city officials about the replanting of a new tree. We were told by the city via phone in October of 2013 that an "anonymous neighbor" had called on our behalf and wanted it "replaced immediately". Mr. Jim Fitzpatrick made it clear on Sunday January 5th, 2014 that he in fact, was this neighbor and this was personal. We have made it clear that due to our future landscaping plans, a new tree was unwanted and unnecessary until further notice. As a matter of fact, I wanted to work with the City on a species of tree we could agree on for the beautification of our home. Since buying the home in late 2010, we have made many improvements to the exterior of our home.
Improvements that we believe help the beautification of our community and the surrounding homes.

I was told in person by my neighbor Mr. Jim Fitzpatrick that I have "no choice" and "I want it there" in regards to this matter as well as "many people have worked hard to have these trees planted." I was also told by phone conversation with Mr. Hartley on December 20th, 2013 that he himself gave the order to the City Arborist to have the tree replaced. Mr. Hartley had also expressed his concerns that he himself wanted the tree at our location regardless of what we want and I had "no choice" in the matter. Mr.
Hartley stated "you are wasting tax payer dollars by having it removed and replanted elsewhere" to which I replied, "I didn't want a new tree nor did I give an order to have it replaced in the first place." So, who is responsible for spending or "wasting" tax payer money?

Mr. Hartley stated at the end of or conversation to write you, the Parks & Recreation Commission a letter and regardless of the outcome, he will vote "no" and "to have the tree remain".

My question is, why does a City official have the right to dictate the type and location of a tree in the front of my home without prior

notice and at my future expense? And why do my neighbors get an option while we do not?
Has anyone questioned Mr. Fitzpatrick as to what type of trees he has in his yard that are clearly within the city easements and public right of way? He has made it evident that this is a personal matter and not a city matter by his comments he made on the 5th of January 2014.

Again, I stress the importance of trees in our community and the "beautification" of our City. However, I am requesting that the same courtesy be extended to our household that was extended to our surrounding neighbors in regards to a tree in the front of our home, the right to choose.

Thank you for your consideration.

Kind Regards,

Chris Mclaughlin
Costa Mesa Resident

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

ATTACHMENT #4

Denial	☒	Category	1☐	2☐	3☒
Supporting	☐	Category	1☐	2☐	3☐

Date Request Received: _____

Name of Resident: _____ Requesting Party: _____

Address: **433 Broadway** Address: _____

Home Phone: _____ Home Phone: _____

Work Phone: _____ Work Phone: _____

Date Inspected: **1/08/14**

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

Parkway Maintenance Report: ☐

Tree Species: **Cinnamomum camphora** Removal Cost: (DBH x $15.00)= **$15.00**

Height: **10 Feet** Width of Sidewalk: **4 Feet**

Trunk Diameter: **1 Inches** Size of Right-of-Way: **10 Feet**

Health: Good☒ Fair☐ Poor☐ Date of Last Pruning: **Never been trimmed**

Is the Tree a good candidate for Relocation? Yes☒ No☐

Likelihood of survival: Good☒ Fair☐ Poor☐

Comments: **15 gallon tree planted on 12/19/13. Root system has not developed and can be easily relocated.**

Concrete Damage: Yes☒ No☐

If Yes, describe damage: Sidewalk adjacent to curb, cracking of the sidewalk panel. Cracking not from the tree.

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

Root Pruning Comments: **Root pruning not required.**

Date of Response to Resident: _____

Date Information Packet Mailed: _____

Photos Taken: Yes☒ No☐ Date Photos Taken: **1/08/2014**

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

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

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

Photo #4: **Base of the tree**

ATTACHMENT #5

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