



PARKS AND RECREATION COMMISSION AGENDA REPORT

MEETING DATE: MAY 22, 2014

ITEM NUMBER:

SUBJECT: TREE REMOVAL REQUEST - 1164 BISMARK WAY

DATE: MAY 8, 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 two City-owned parkway trees at 1164 Bismark Way; one located in front of the property (F1), and the other located on the Van Buren Avenue side of the property (S2).

BACKGROUND

The Maintenance Services Division was initially contacted by the Applicant on March 4, 2014, expressing concern that the parkway roots may be damaging the patio foundation. Subsequently, after the Arborist evaluated the affected patio and gate, a determination was made that there was no justification for removal for Tree #2 (S2). The Applicant contacted Maintenance Services on April 29, 2014, inquiring as to when she would receive a letter regarding her request. It was at that time that she stated the tree was growing above her sewer line and that she was having problems. The initial removal request was for a different tree.

ANALYSIS

The City Arborist initially inspected the trees on March 5, 2014. Both are Canary Island Pine trees, *Pinus canariensis*. They were found to be healthy and in good condition. The trees are growing in parkways that are five and one half feet (5.5') in width, adjacent to four foot (4') wide sidewalks. See Attachment 2.

Tree #1 (F1) is growing in front of the property on Bismark Way. It is approximately seventy feet (70') in height with a trunk diameter of twenty-one inches (21"). The tree is growing very close in proximity to the sewer lateral line, as is a very large eucalyptus tree and Floss Silk tree growing on the private property, making any determination on sewer line root intrusion difficult. One sidewalk panel immediately adjacent to the tree is raised slightly at one end, less than one inch, and had been ground smooth previously at the other end where there was a raised area. Root pruning was performed May 12, 2009, with a twelve inch (12") root barrier installed, according to maintenance records. The raised sidewalk will be ground smooth in the near future.

Tree #2 (S2) is growing on the Van Buren Avenue side of the property. This was the tree of concern in the initial request for service. It is approximately sixty feet (60') in height with a trunk diameter of nineteen inches (19"). The tree has raised the adjacent sidewalk and affected the curb and gutter as well. The Applicant states that the tree is damaging the private property wall that is immediately behind the sidewalk. On April 23, 2014, the Arborist inspected the location and confirmed that the roots of the tree were pruned and a twelve inch (12") root barrier was installed. This will likely prevent any future damage to the wall or footing.

The property has several other trees that could be affecting the sewer lateral. In addition to the eucalyptus tree, there is a Floss Silk tree, which is a very large species of tree known for very extensive root systems. Without video documentation of a sewer lateral inspection, it is impossible to determine the condition of the lateral and where or if there is root intrusion. The Applicant informed staff that they could not afford the video inspection. Even if the City tree growing closest to the sewer lateral were removed, there are private trees that quite likely are causing and/or contributing to any sewer lateral problems. The Arborist met with the resident on March 6, 2014, to evaluate the wall, footing and patio from the private property side. He observed a slight lifting of the wall. Root pruning and root barrier installation was performed by the City's tree maintenance contractor on April 23, 2014, as stated above. If roots were affecting the patio and/or gate, they will not continue to do so.

The City Arborist evaluated the trees for possible relocation, but believes that due to the large size, high cost and low probability of success relocating the trees; relocation is not recommended.

The Canary Island Pine trees requested to be removed, do 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 letter from the Applicant dated April 5, 2014, requesting the City remove the trees. See Attachment 1. The Applicant's letter provided the following reasons for the removal request:

- The pine tree located on Bismark Way is over the sewer line, and the Applicant has experienced extensive and costly sewer problems.
- Debris and water collect in the curb and gutter area, preventing drainage and creating mosquitos.
- A family member tripped on the lifted sidewalk.
- The pine tree located on Van Buren Avenue is causing damage to her patio and brick wall, resulting in the inability to close her gate; and the street and sidewalk are lifted causing drainage issues.

The Applicant is requesting removal of both trees; one located on Bismark Way and the other located on Van Buren Avenue. The Applicant has been notified of the Parks and Recreation Commission meeting and has been sent a copy of this staff report.

ALTERNATIVES CONSIDERED

The Commission could authorize the removal and replacement of the trees, per the Streetscape and Median Development Standards, Section 4.0.3 – Discretionary Removals, which would require the replacement of *each* 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 trees must be removed and mitigation trees provided to the City within one year from the date of final approval, after which the approval expires.

FISCAL REVIEW

There would be no fiscal impact to the City if the request to remove the trees were 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 two trees would be \$800. The replanting costs for the mitigation trees (1 – 24" box size and 2 – 15 gallon size) would be \$425 for each tree removed, for a total replacement cost of \$850. Total cost for removal and replacement would be \$1,650. Costs are based on current City contract prices. The estimated value of Tree #1 is \$4,890 and the estimated value of Tree #2 is \$2,070.

LEGAL REVIEW

No legal review is required for this item.

CONCLUSION

The two City-owned street trees that are being requested to be removed are located in the public right-of-way on the front and side parkway of 1164 Bismark Way. The Applicant is requesting removal of the parkway trees due to the problems created by the roots of the tree damaging the sidewalk and patio; and causing sewer issues. Insufficient documentation was provided to the City from which to make a determination as to whether or not the City tree was causing any damage to the sewer lateral. The tree adjacent to the private property wall has been root pruned and root barriers were installed, thus reducing the likelihood of any further impact on the adjacent wall or footing. It does not appear that removing the City tree on Bismark Way would eliminate potential impacts to the sewer lateral, as there are other trees on the property that are located near the lateral line.

The trees do not meet the criteria required for staff approval. The City Arborist determined that the trees are in good condition, and therefore staff recommends that the Commission deny the request.


BRUCE A. HARTLEY
Maintenance Services Manager


for ERNESTO MUNOZ
Public Services Director

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

C: Kitty O'Neil
 1164 Bismark Way
 Costa Mesa, CA 92626

Attn: Public Services Maintenance Services Division 4/5/14
Attn: Bruce Hartley

ATTACHMENT #1

To whom it may concern:

On March 6th 2014 Daniel Domiguez (City of Costa Mesa, certified arborist), stated on this day, the pine tree by the parking on Bismark Way is over my sewer line. He gave me a printout of the map, which is included.

Debris and water collect constantly in the curb and gutter area, stopping it from draining to the end of the street. It also creates mosquitos.

The sidewalk by the pine is lifted, and my sister-in-law tripped and fell by the pine tree.

It is definitely a safety hazard.

My next door neighbor at 1168 Bismark Way is licensed for 12 children in her day care center, and it is a very high volume traffic area by the pine tree. I'm afraid of what potentially, may be another safety hazard. I have had extensive and costly sewer problems. I've had 2 additional cleanouts put in, the first one on 8/9/08 for \$825- and the second one on 10/25/13 for \$681- I have receipts which are included. I am consistent about keeping my sewer line clean, but it is becoming more of a hazard and very costly.

In regards to the pine tree on Van Buren Av., it also is causing damage. The street is lifted to where the water does not run to the end of the street, the sidewalk is lifted and the roots of the pine tree have caused damage to my patio, and the brick wall of the patio, to where my gate does not close, and is continuing to worsen.

I also spoke to Christina Oquendo, she was looking at the trees with me on the afternoon of April 1st 2014. She stated she would speak to Daniel Domiguez concerning the pine trees.

Mondays are my street sweeping days, and they rarely get through the area because of parked cars, which leaves debris constantly.

I hope these problems get resolved by removing the pine trees. I'm on very limited finances and I can't afford more expenses.

~~XXXXXXXXXX~~ Thank you,
Litty O'Neill 1164 Bismark Way Costa Mesa, Ca. 92624

S-189



189



Full Service Plumbing
GARDEN GROVE PLUMBING

P. O. Box 0971 Garden Grove CA. 92842

INVOICE

714/636-4375 353-3463

State License # 719635

TO <i>Kathy Merrill</i>	SHIP TO
ADDRESS <i>1469 Berrak way Ct</i>	ADDRESS
CITY, STATE, ZIP <i>546-5628</i>	CITY, STATE, ZIP

DATE	DATE REQUIRED	TERMS	HOW SHIPPED	REQ. NO. OR DEPT.	FOR
<i>08/29/08</i>	<i>1/1</i>				

QUANTITY	DESCRIPTION	PRICE	UNIT
	<i>- installed 4" C.O. in Driveway swelled his to the sheet</i>		
	<i>Parts in line Recommended cleaning every 6 months</i>		
	<i>Part in floor lock M. Seal</i>	<i>825</i>	<i>00</i>
		<i>825</i>	<i>00</i>

RECEIPT DATE 1-26-13 NO. 7258
 RECEIVED FROM Kitty O'Neill
 ADDRESS 1164 Bismark Way
Costa Mesa Ca. 92626
 FOR _____

ACCOUNT		
AMT. OF ACCOUNT		
AMT. PAID		
BALANCE DUE		

CASH
 CHECK
 MONEY ORDER
 BY Victor Lopez

©1998 REDIFORM® 8L820

RECEIPT DATE 2-27-13 NO. 7263
 RECEIVED FROM Kitty O'Neill
 ADDRESS 1164 Bismark Way
Costa Mesa, Ca. 92626 \$ 60.00
 FOR plumbing Dan Kitchen facet

ACCOUNT		
AMT. OF ACCOUNT		
AMT. PAID		
BALANCE DUE		

CASH
 CHECK
 MONEY ORDER
 BY Victor Lopez

©1998 REDIFORM® 8L820

RECEIPT

DATE 7-12-13 No. 536655
 RECEIVED FROM Kitty O'Neill \$ 85.00
eighty five dollars DOLLARS
 FOR plumbing

ACCOUNT		
PAYMENT		
BAL. DUE		

CASH
 MONEY ORDER
 CHECK
 CREDIT CARD
 FROM _____ TO _____
 BY Victor Lopez

1182

RECEIPT

DATE 10-3-13 No. 536661

RECEIVED FROM Kitty O'Neill \$85.00

eighty five dollars DOLLARS

100

FOR RENT
 FOR

ACCOUNT PAYMENT BAL. DUE

CASH
 MONEY ORDER
 CHECK
 CREDIT CARD

FROM _____ TO _____
 BY Nick Sandoz

Job Work Order

ESTIMATE (VALID FOR 30 DAYS)

10/25/13 SERVICE WILL CALL
 INSTALL DELIVER

NAME Kitty O'Neill PHONE _____

ADDRESS 1164 BISMARCK WY MODEL _____
COSTA MESA, CA 92626 SERIAL _____

ITEM TO BE SERVICED _____ NATURE OF SERVICE REQUEST 4" SEWER CLEANOUT

QTY.	PART #	DESCRIPTION OF PARTS OR MATERIALS	PRICE	AMOUNT
<u>2</u>		<u>TRANSITION BANDS</u>		
		<u>ABS PIPE + FITTINGS</u>		
		<u>81#</u>	<u>81.00</u>	<u>81.00</u>
		<u>PARTS & MATERIAL</u>		
		<u>600#</u>	<u>600.00</u>	<u>600.00</u>
		<u>LABOR</u>		

LABOR PERFORMED VIGOR SANCHEZ JR
(PLUMBING)

work done on 10/19/13

TOTAL MATERIALS _____
 TAX _____
 TOTAL LABOR _____
 TOTAL AMOUNT 681.00

DATE WANTED _____ DEPOSIT _____ RECEIVED BY 681-

ESTIMATES ARE FOR LABOR ONLY, MATERIAL ADDITIONAL. WE WILL NOT BE RESPONSIBLE FOR LOSS OR DAMAGE CAUSED BY FIRE, THEFT, TESTING, OR ANY OTHER CAUSES BEYOND OUR CONTROL.

AUTHORIZED BY: _____ **Job Work Order TRIPLICATE**

TERMS - NET CASH
 NO GOODS HOLD OVER 30 DAYS

Kelly

Hearing set over 'invasive' trees

Costa Mesa resident takes city to court in an effort to save seven pines set for removal.

BY BRADLEY ZINT

To save some trees near her home, a longtime Costa Mesa resident is taking the city to court.

Earlier this month, Kimberly DeBroux, 59, filed paperwork in Orange County Superior Court that has effectively halted, for the time being, the removal of seven trees in the public right-of-way by her Yukon Avenue home.

DeBroux, a 37-year Costa Mesa resident, contends that the court should overrule the Parks and Recreation Commission's decisions in January and February to remove the Canary Island pine trees.

"The trees' majestic beauty and aromatic wood transports one to the mountains, which is what the developer must have had in mind when he planted the trees some 30 years ago and named the streets Klondike and Yukon," DeBroux states in her March 10 court documents, which include a Wikipedia encyclopedia page about the species.

She also wrote that the trees are in good health, do not pose a public safety hazard and that dozens of residents along Yukon and nearby streets signed a petition to see them saved.

When ordering the re-

removal of the pines, the commission went against its own directives to increase and improve Costa Mesa's neighborhood tree inventories, DeBroux wrote.

"The associated impacts of the trees are affecting, disproportionately, a small number of the residents in this neighborhood but have a larger positive aesthetic impact for the 132 homes that are accessed via Yukon Avenue, the only access road into the tracts," she wrote.

Costa Mesa's attorney, James Touchstone of Jones & Mayer, in his opposition, stated that residents affected by the trees in question asked City Hall for their removal last year.

The residents contend that the pines have presented some safety issues and damaged a property wall and landscaping with their roots.

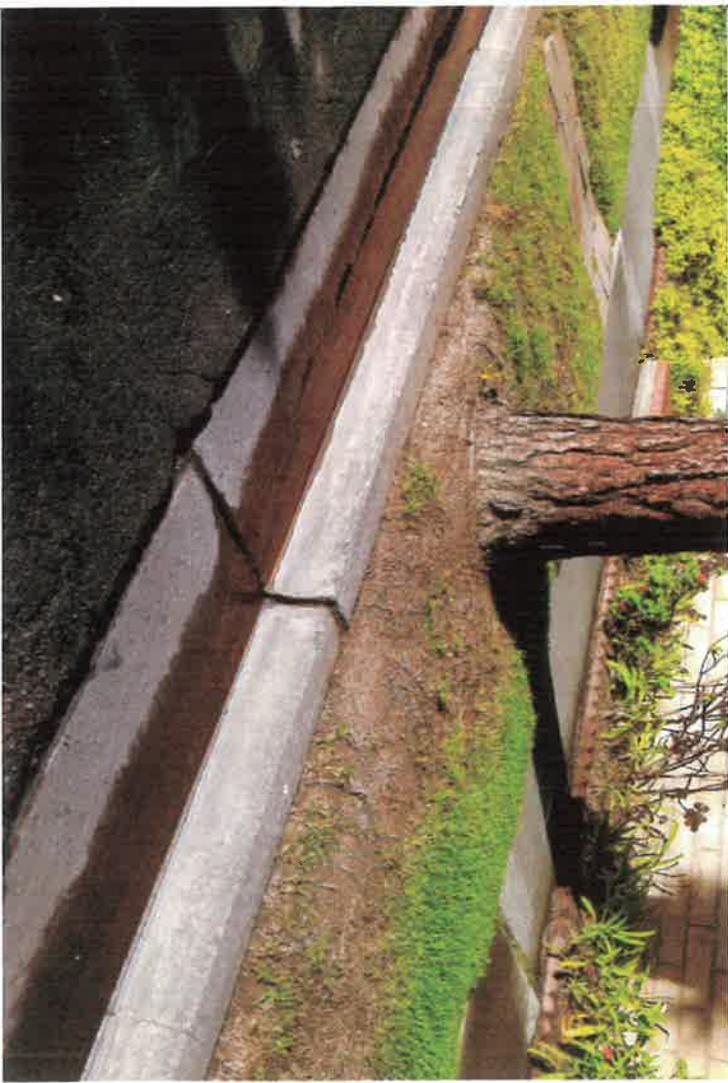
The trees are invasive, Touchstone wrote, have "excessive" needle and cone litter, prevent some sunlight and attract rats, crows, spiders and opossums.

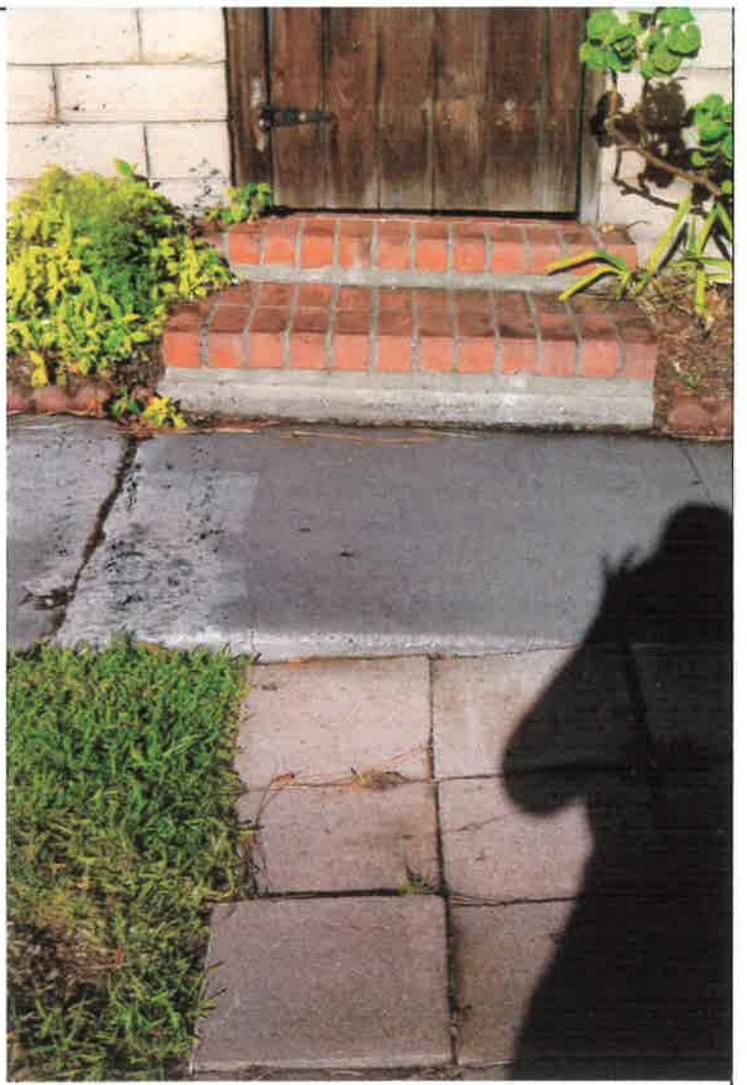
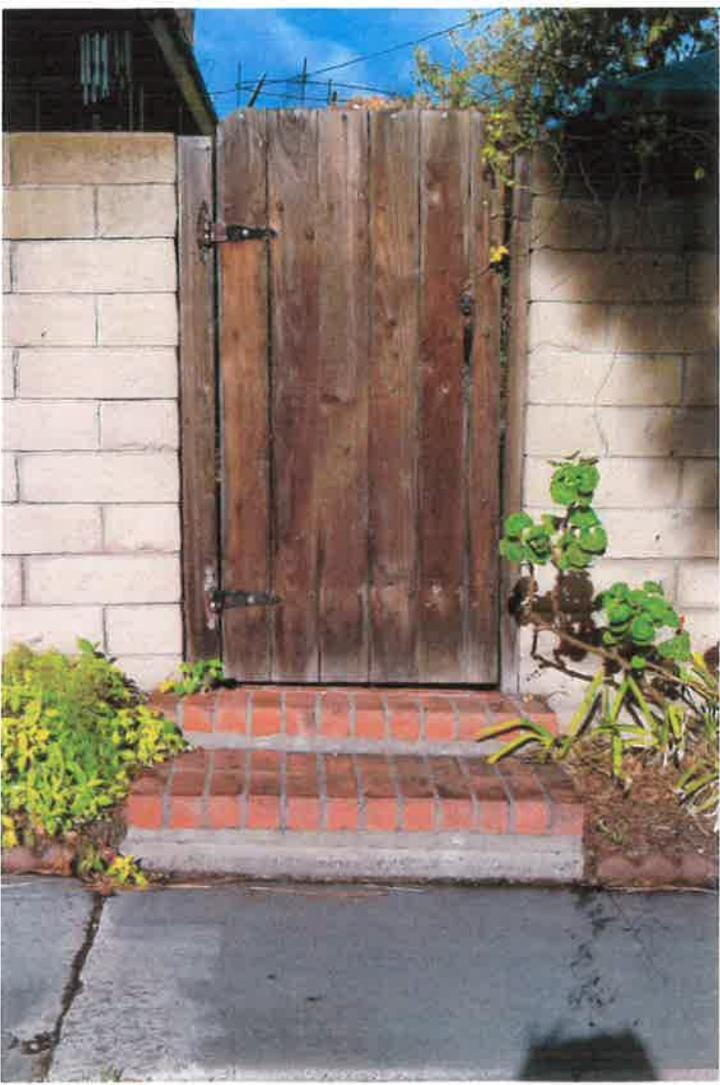
He also wrote that DeBroux "disingenuously points to only very scant evidence supporting her position, while completely disregarding the overwhelming evidence in support of the [commission's] decision."

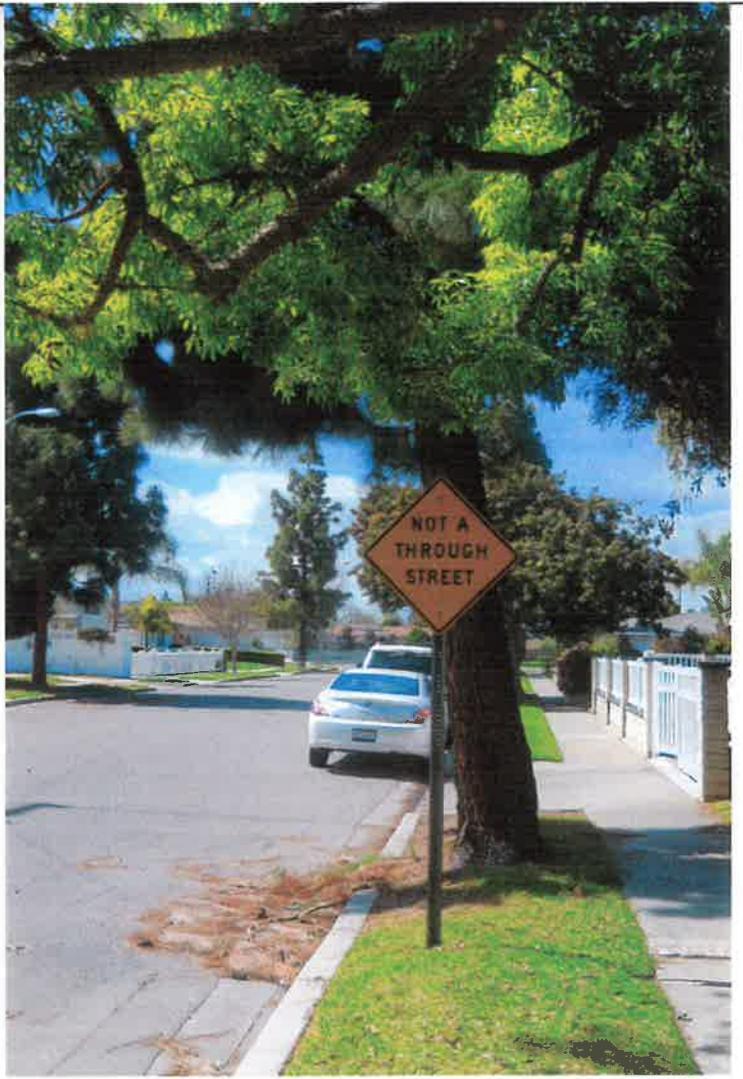
Furthermore, Touchstone wrote, DeBroux "has not provided the court with any allegations or any evidence to demonstrate that she is 'beneficially interested' in the removal of the [trees] adjacent to another property owner's home. Petitioner states that she is a resident of Costa Mesa and that she likes the appearance of the trees."

A hearing about the matter is tentatively scheduled for April 3 at the Central Justice Center in Santa Ana.

Bruce Hartley, Costa Mesa's maintenance services manager, said city staff will still do some maintenance work on the pines until the matter is resolved.







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

ATTACHMENT #2

Date Request Received: 4/05/14
Name of Resident: Kitty O'Neil Requesting Party: _____
Address: 1164 Bismark Way Address: _____
Home Phone: _____ Home Phone: _____
Work Phone: _____ Work Phone: _____

Date Inspected: 5/02/2014
Inspected By: Daniel Dominguez III – Interim City Arborist
Parkway Maintenance Report:

Tree Species: Pinus canariensis F1 Removal Cost: (DBH x \$20.00)= \$ 420.00
Height: 70 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: 4/15/2011

Is the Tree a good candidate for Relocation? Yes No

Likelihood of survival: Good Fair Poor

Comments: **Tree is too large to relocate. Cost for relocation exceeds value of the tree. Estimated tree value \$4,890.00**

Concrete Damage: Yes No

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

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

Root Pruning Comments: **The tree is too tall, stability will be compromised.**

Date of Response to Resident: _____

Date Information Packet Mailed: _____

Photos Taken: Yes No Date Photos Taken: 5/02/2014

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

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

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

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



Site on 1 list
[Edit Tree Site](#) - [Insert History](#) - [Calls](#) - [Street View](#) - [Photo Album](#) - [Notes](#)

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

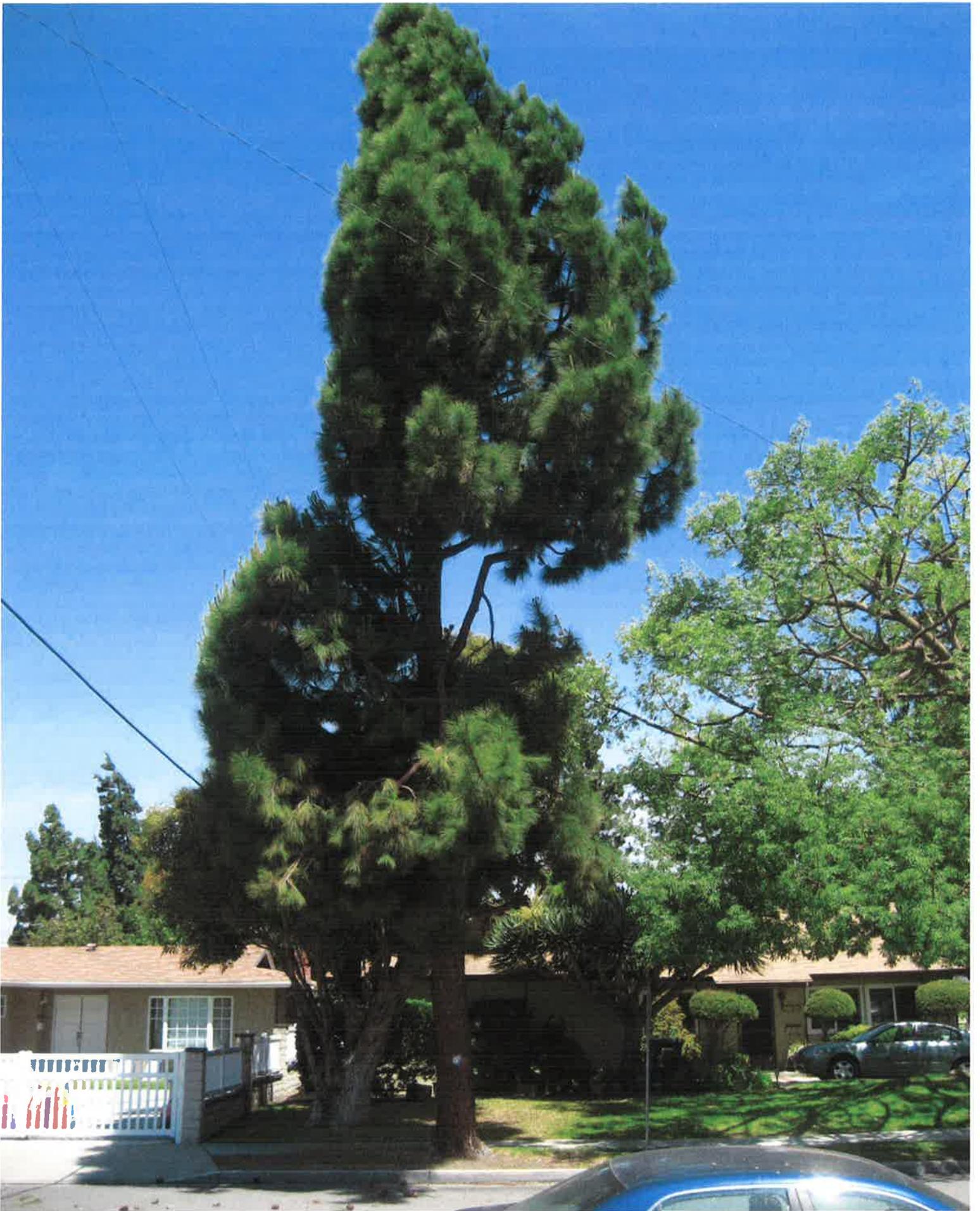
Site Detail (33.684636328418,-117.90629839937)

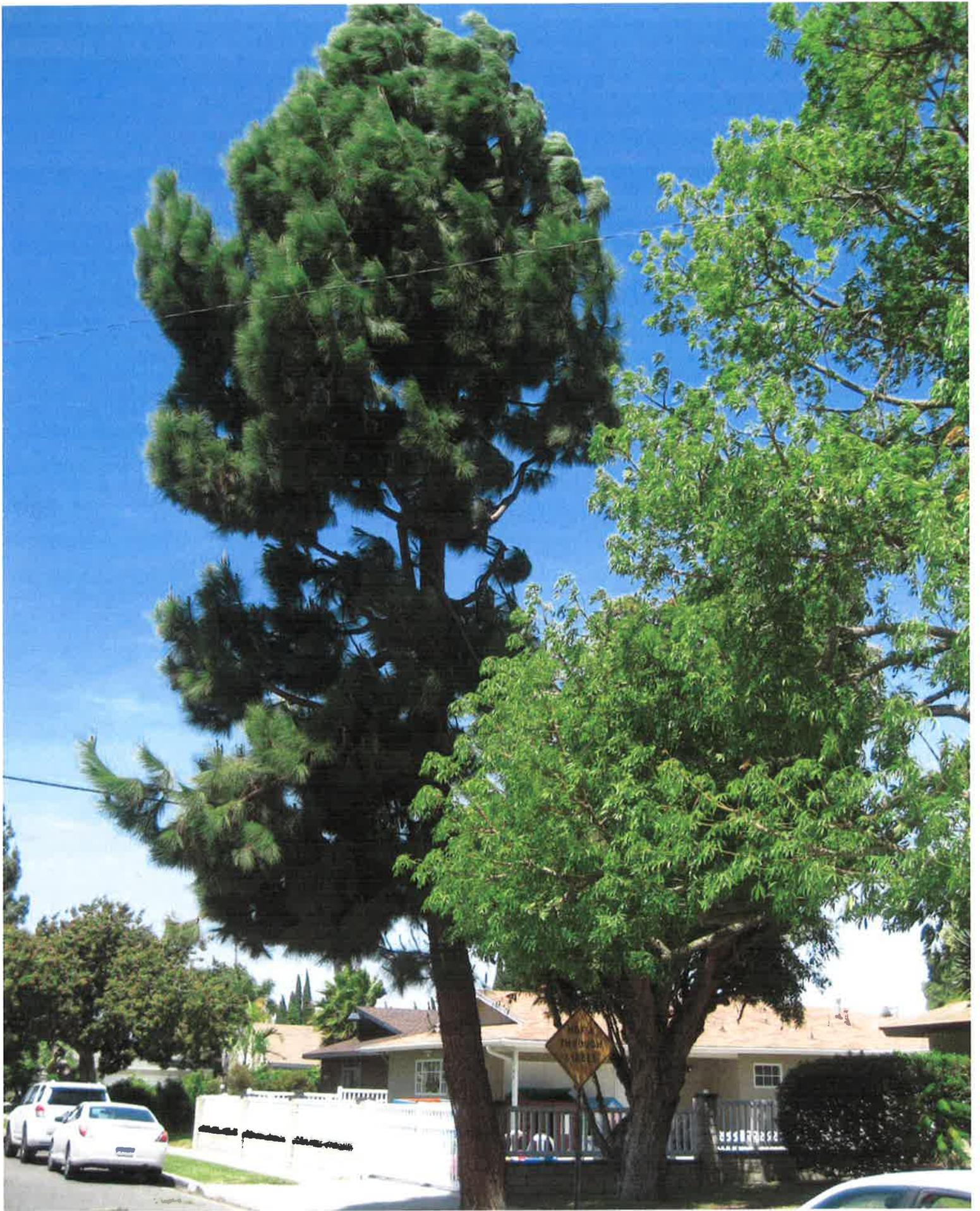
District	Address	Location	Species	DBH	Height
7	1164 BISMARCK WY	Front-1	<i>Pinus canariensis</i> CANARY ISLAND PINE	13-18	45-60
Condition	Maintenance	Removal Priority	Estimated Value	Parkway Type	Parkway Size
Good	Grid Trim	N/A	\$4,890	Parkway	5
Utility	Valid				
No	Yes				

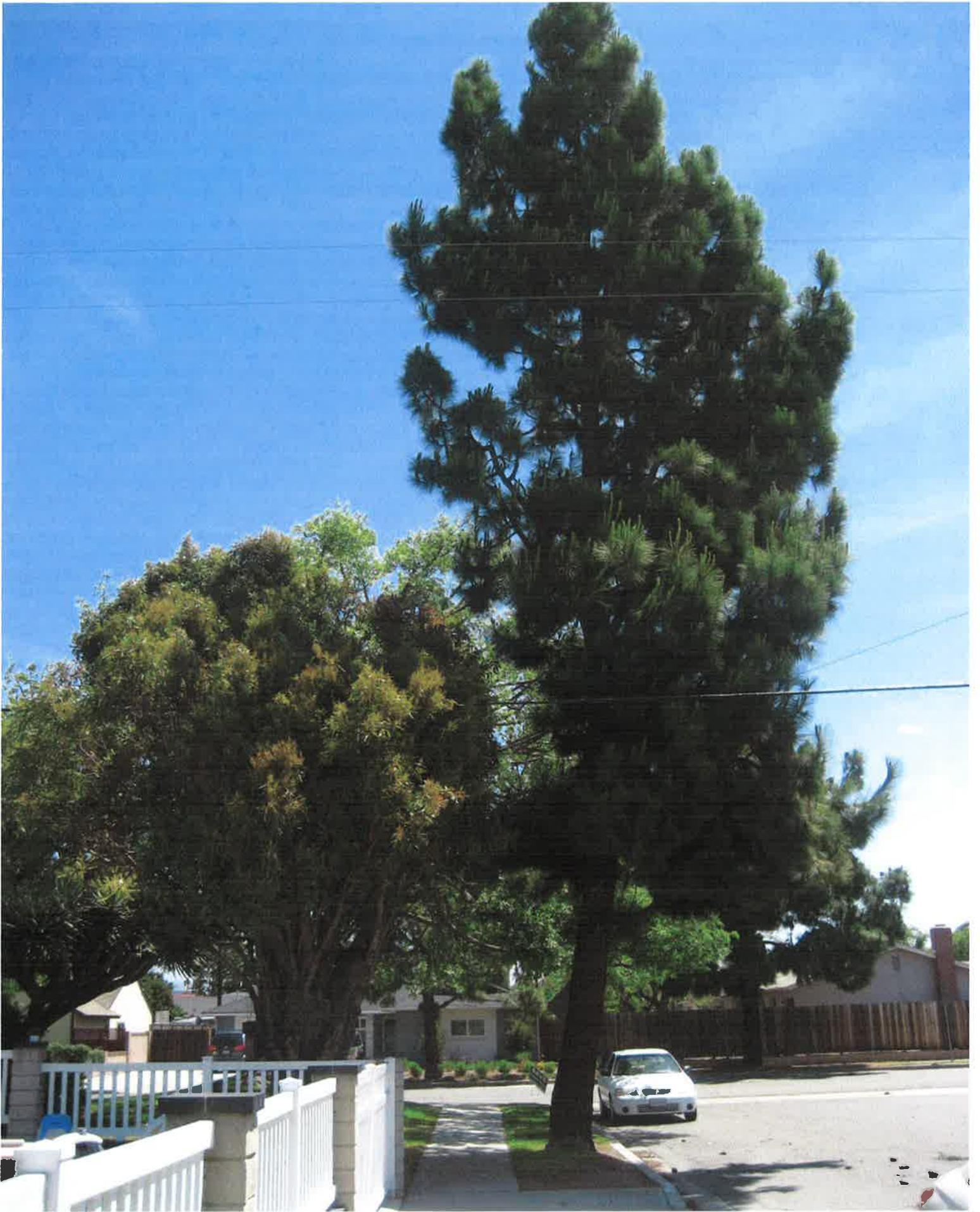
[<--Prev](#) [Next-->](#)

Work History

Crew	Work Date	Work Type	Job #/Acct #	Amount
WCA	5/12/2009	<u>Root Prune/12" RB Installation</u>	13652	\$182.00
WCA	12/26/2006	Grid Pruning	9754	\$41.50
WCA	7/18/2005	Grid Pruning	8470	\$41.50
WCA	3/15/2002	Grid Trimming	4219	\$41.50









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

Date Request Received: 4/05/14
Name of Resident: Kitty O'Neil Requesting Party: _____
Address: 1164 Bismark Way Address: _____
Home Phone: _____ Home Phone: _____
Work Phone: _____ Work Phone: _____

Date Inspected: 5/02/2014
Inspected By: Daniel Dominguez III – Interim City Arborist
Parkway Maintenance Report:

Tree Species: Pinus canariensis S2 Removal Cost: (DBH x \$20.00)= \$ 380.00
Height: 60 Feet Width of Sidewalk: 4 Feet
Trunk Diameter: 19 Inches Size of Right-of-Way: 10 Feet

Health: Good Fair Poor Date of Last Pruning: 4/15/2011

Is the Tree a good candidate for Relocation? Yes No

Likelihood of survival: Good Fair Poor

Comments: **Tree is too large to relocate. Cost for relocation exceeds value of the tree. Estimated tree value \$2,070.00**

Concrete Damage: Yes No

If Yes, describe damage: **Sidewalk lifted, private wall raised.**

Can the Tree be Root Pruned: Yes No Date: 4/21/2014

Root Pruning Comments: **The tree was root pruned on the sidewalk side to mitigate lifting of the perimeter wall.**

Date of Response to Resident: _____

Date Information Packet Mailed: _____

Photos Taken: Yes No Date Photos Taken: 4/09/2014

Photo #1: **Base of the tree looking north**

Photo #2: **Displaced wall and gate**

Photo #3: _____

Photo #4: _____



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

Select a list

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

Site Detail (33.684906187539,-117.90612479052)

District	Address	Location	Species	DBH	Height
7	1164 BISMARCK WY	Side-2	<i>Pinus canariensis</i>	07-12	45-60
On: 3101 VAN BUREN AV CANARY ISLAND PINE					
Condition	Maintenance	Removal Priority	Estimated Value	Parkway Type	Parkway Size
Good	Grid Trim	N/A	\$2,070	Parkway	5
Utility	Valid				
No	Yes				

<--Prev. Next-->

Work History

Crew	Work Date	Work Type	Job #/Acct #	Amount
WCA	4/21/2014	<u>Root Prune/12" RB Installation</u>	25119	\$70.00
WCA	4/15/2011	Grid Pruning	16780	\$46.60
WCA	3/27/2009	Grid Pruning	12656	\$46.60
WCA	12/21/2006	Grid Pruning	9754	\$41.50
WCA	7/15/2005	Grid Pruning	8470	\$41.50
WCA	3/15/2002	Grid Trimming	4219	\$41.50





<https://www.google.com/maps/@33.684797,-111.0>
[1164 Bismark W...](#)

[ArborAccess: Home](#)
[City of Costa Mesa...](#)
[City of Costa Mesa...](#)
[Maintenance Servic...](#)

File Edit View Favorites Tools Help

Home Page Safety Tools



3104 Van Buren Ave
 Costa Mesa, CA 92626 -- approximate address
 NEW! Street View - May 2011

Street View navigation controls:

- Home button
- Street View pegman icon
- Map view button
- Back to Map button

Image capture: May 2011 Van Buren Ave © 2014 Google Lite mode Terms Privacy Report a problem

2:40 PM 05/08/2014

Windows taskbar icons:

- Internet Explorer
- Outlook
- File Explorer
- Word

