# PARKS AND RECREATION COMMISSION AGENDA REPORT

**MEETING DATE: JUNE 26, 2014** **ITEM NUMBER:**

**SUBJECT:** **TREE REMOVAL REQUEST - 1164 BISMARK WAY**

**DATE:** **JUNE 12, 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

This request was originally agendized for the Parks and Recreation Commission meeting held on May 22, 2014. However, it was continued to the June meeting, as the homeowner was not able to attend.

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
BRUCE A. HARTLEY
Maintenance Services Manager

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.

Debre 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 definitly a safety hazzard.

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 potintialy may be another safety hazzard. 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 hazzard 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 debre 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.

Thank you,

Kitty O'Neill 1164 Bismark Way Costa Mesa, Ca. 92626

S-189

DUNNYBROOK LN.
KILLARNEY LANE
KERRY LANE
CORK LANE
BREY LANE
LONDONDERRY
STREET
GISLER
FERNHEATH
MURRAY
WATSON AVE.
M. CLINTOCK WAY
LORED
AVENUE
DORSET LN.
CONEGAL
PAPANEL
LANE
FAIRVIEW
ROAD
DORSET
PAULARINO
ARTHUR AVENUE
ATLANTA
AUGUSTA
BISMARK
BOGTON WAY
VAN BUREN AVE.
BUCHANAN WAY
LANE
AUSTIN
CARSON
TYLER WAY
JAFT WAY
CLEVELAND AVE.
TAYLOR WAY
HOOSEVELT WAY
COOLIDGE AVE.
ALBANY
FILLMORE WAY
PIERCE AVE.
CHEYENNE
CONCORD
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 Kelly Orrell | SHIP TO |
| ADDRESS 7464 Bisnakway LL | ADDRESS |
| CITY, STATE, ZIP 546-5628 | CITY, STATE, ZIP |

| DATE | DATE REQUIRED | TERMS | HOW SHIPPED | REQ. NO. OR DEPT. | FOR |
|---|---|---|---|---|---|
| 08/07/08 | / / | | | | |

| QUANTITY | DESCRIPTION | PRICE | UNIT |
|---|---|---|---|
| | Installed 4" C.O. in Driveway | | |
| | Installed line to ~~[illegible]~~ sheets | | |
| | Roots in line; | | |
| | Recommended cleaning every 6 Months | | |
| | Paid in full Cash | | |
| | M Saif | 825 | 00 |
| | | 825 | 00 |

6

**RECEIPT** DATE 1-26-13 NO. 7258

RECEIVED FROM Kitty O'Neill

ADDRESS 1164 Bismark Way

Costa Mesa Ca. 92626 $ 90—

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 — 00/100 DOLLARS

○ FOR RENT
○ 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

eigthy five dollars /100 DOLLARS

○ FOR RENT
○ FOR

| ACCOUNT | | |
|---|---|---|
| PAYMENT | | |
| BAL. DUE | | |

☒ CASH
○ MONEY ORDER
○ CHECK
○ CREDIT CARD

FROM TO

BY Victor Sanchez

1182

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**Job Work Order**

☐ ESTIMATE (VALID FOR 30 DAYS)

10/25/13 ☑ SERVICE ☐ INSTALL ☐ WILL CALL ☐ DELIVER

PHONE

NAME Kitty O'neill

MAKE

ADDRESS 1164 BISMARK WY

MODEL

Costa mesa, CA-92626

SERIAL

ITEM TO BE SERVICED

NATURE OF SERVICE REQUEST 4" sewer clem out

| QTY. | PART # | DESCRIPTION OF PARTS OR MATERIALS | PRICE | AMOUNT |
|---|---|---|---|---|
| 2 | | TRANSITION BANDS | | |
| | | ABS PIPE + FITTINGS | | |
| | | 81 $ | 81.00 | 81 00 |
| | | PARTS & MATERIAL | | |
| | | 600 $ | 600.0 | 600 0 |
| | | LABOR | | |

LABOR PERFORMED

VICTOR SANCHEZ OR (PLUMBING)

work done on 10/19/13

| | |
|---|---|
| TOTAL MATERIALS | |
| TAX | |
| TOTAL LABOR | |
| TOTAL AMOUNT | 681.00 |

681

| DATE WANTED | DEPOSIT | RECEIVED BY |
|---|---|---|
| | | |

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

10-11

TERMS - NET CASH
NO GOODS HOLD OVER 30 DAYS

3-28-14

WWW.DAILYPILOT.COM

Kitty.

# 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 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.

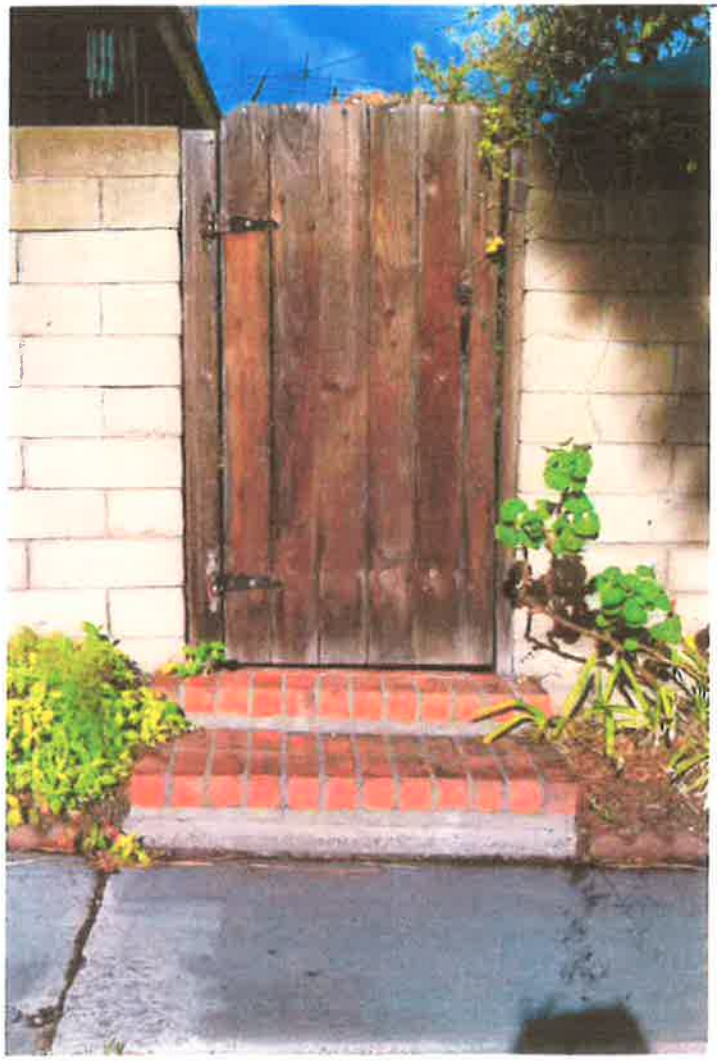
He also wrote that DeBroux "disingenuously points to only very scant evidence supporting her position, while completely disregarding the overwhelming evidence in support of the [commission's] decision."

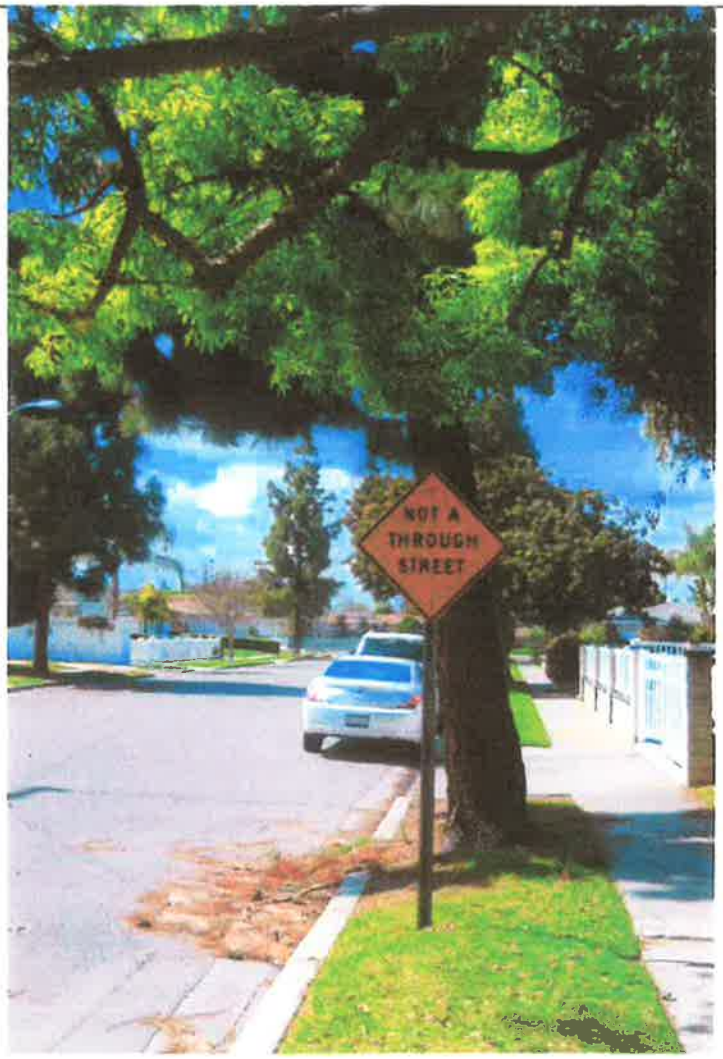
Furthermore, Touchstone wrote, DeBroux "has not provided the court with any allegations or any evidence to demonstrate that she is 'beneficially interested' in the removal of the [trees] adjacent to another property owner's home. Petitioner states that she is a resident of Costa Mesa and that she likes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

bradley.zint@latimes.com
Twitter: @bradleyzint




NOT A
THROUGH
STREET

**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**

<--Prev Next-->

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 BISMARK WY | Front-1 | *Pinus canariensis* CANARY ISLAND PINE | 13-18 | 45-60 |

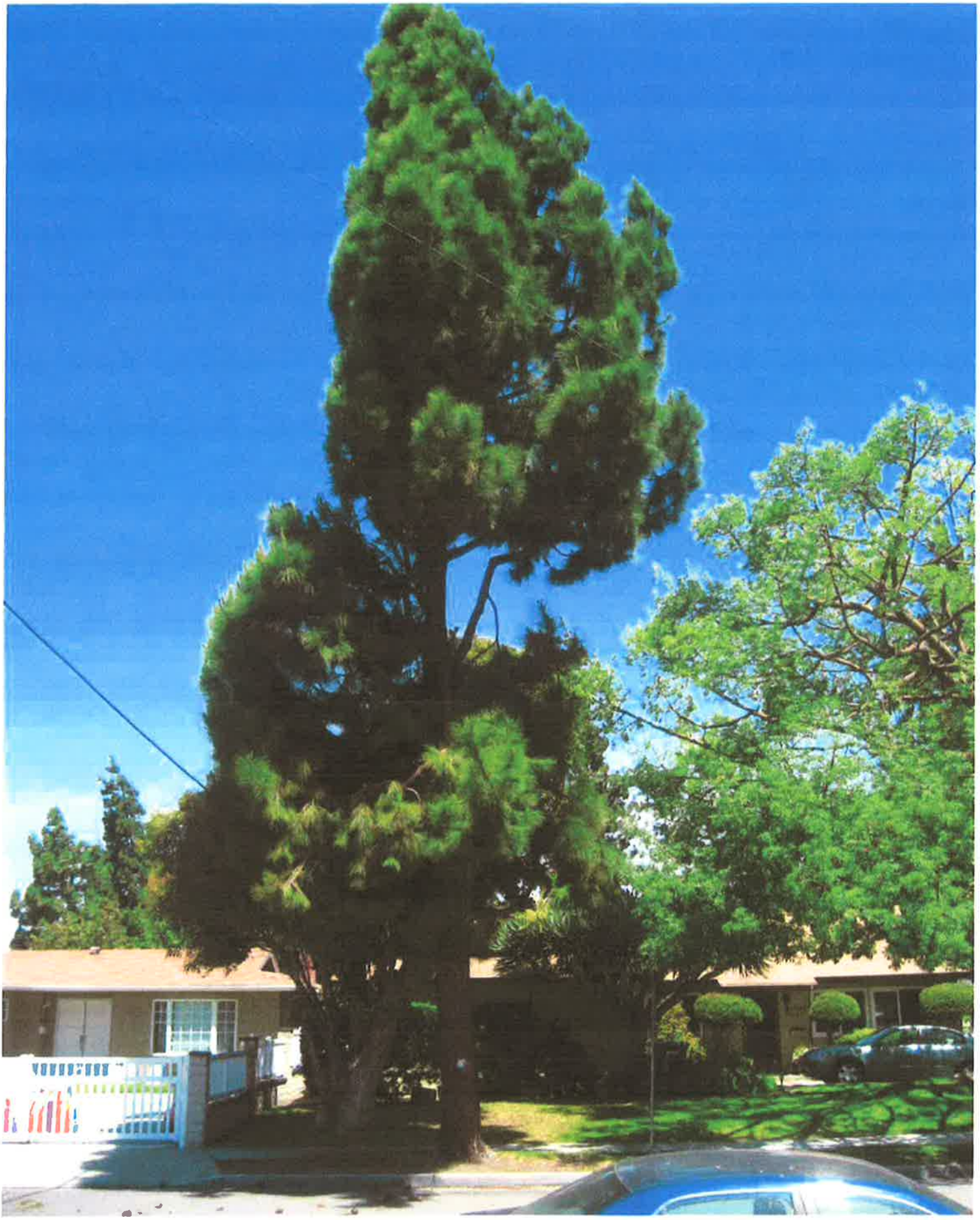
| Condition | Maintenance | Removal Priority | Estimated Value | Parkway Type | Parkway Size |
|---|---|---|---|---|---|
| Good | Grid Trim | N/A | $4,890 | Parkway | 5 |

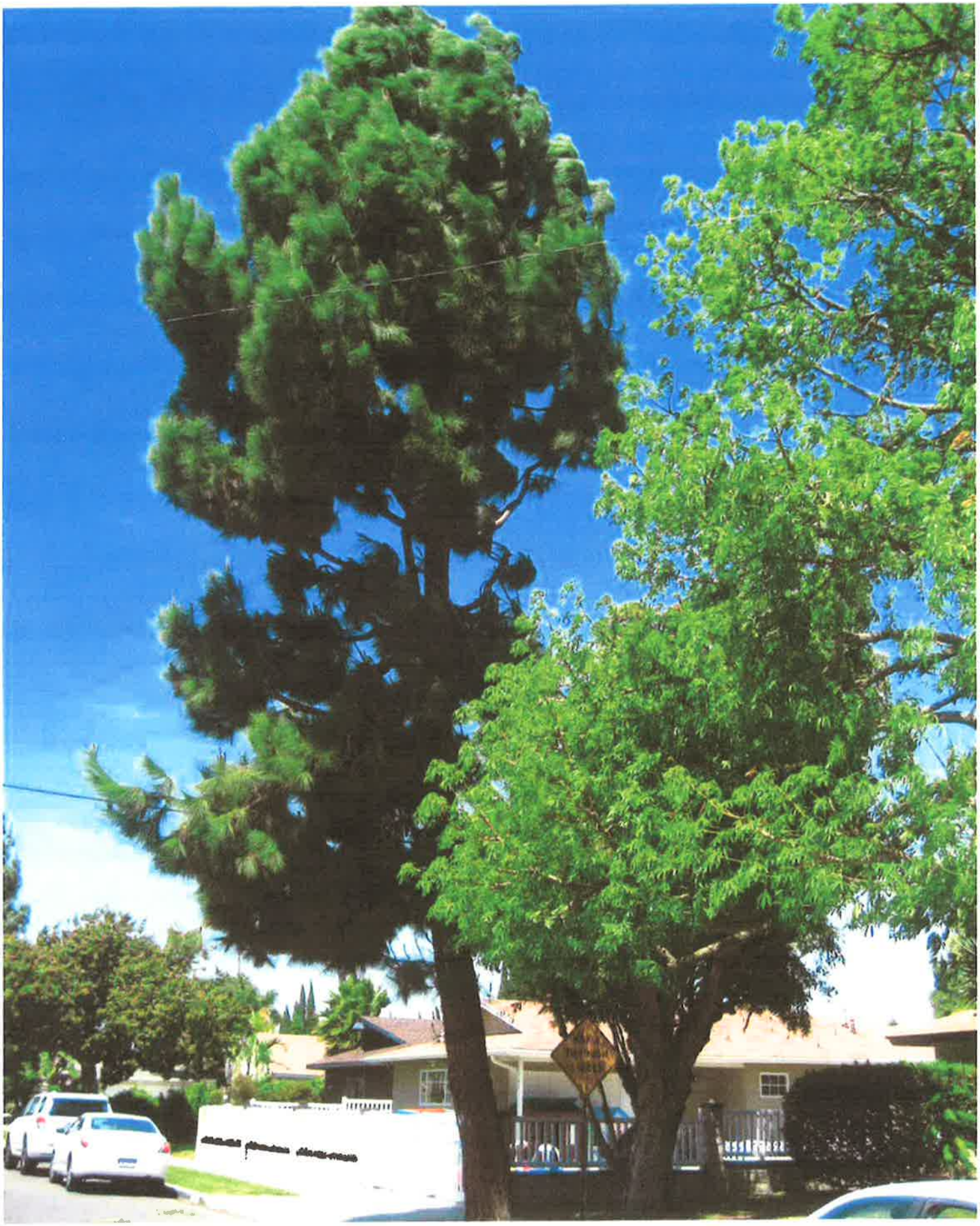
| Utility | Valid |
|---|---|
| No | Yes |

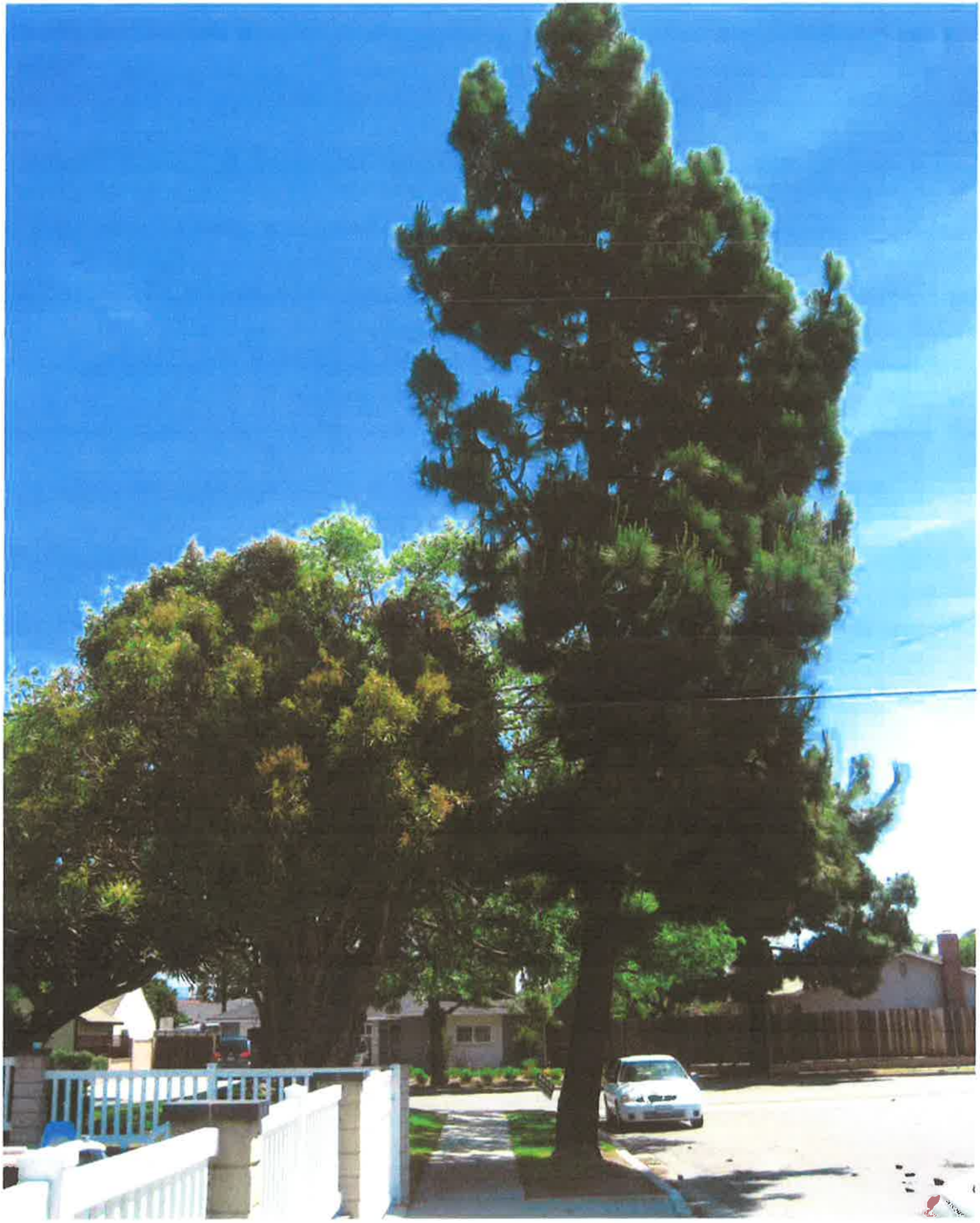
## Work History

| Crew | Work Date | Work Type | Job #/Acct # | Amount |
|---|---|---|---|---|
| WCA | 5/12/2009 | Root Prune/12" RB Installation | 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 |

14







**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 BISMARK WY<br>*On: 3101 VAN BUREN AV* | Side-2 | *Pinus canariensis*<br>CANARY ISLAND PINE | 07-12 | 45-60 |

| Condition | Maintenance | Removal Priority | Estimated Value | Parkway Type | Parkway Size |
|---|---|---|---|---|---|
| Good | Grid Trim | N/A | $2,070 | Parkway | 5 |

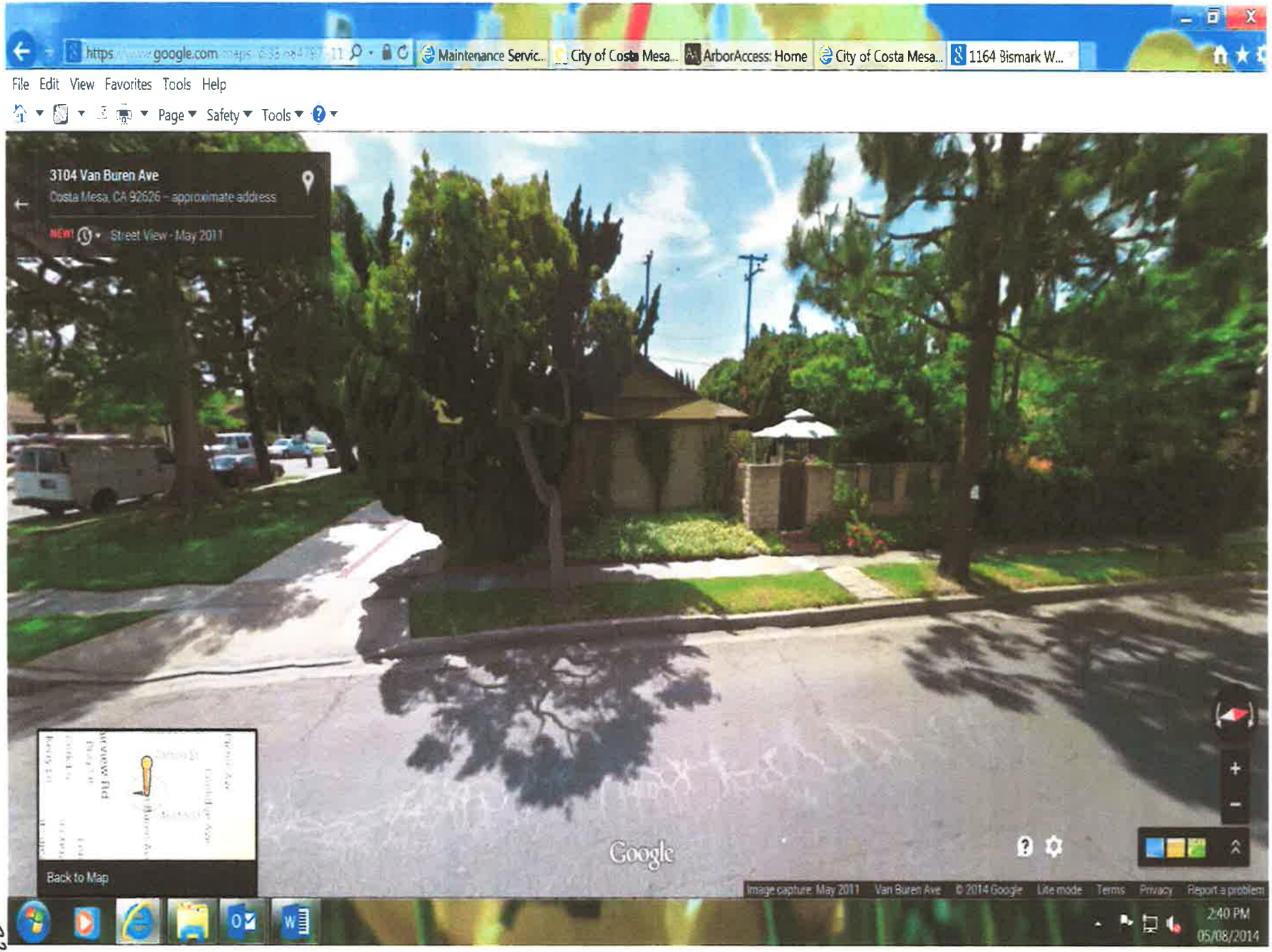
| Utility | Valid |
|---|---|
| No | Yes |

<- Prev Next- ->

### Work History

| Crew | Work Date | Work Type | Job #/Acct # | Amount |
|---|---|---|---|---|
| WCA | 4/21/2014 | Root Prune/12" RB Installation | 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 |

20


https google.com
Maintenance Servic...
City of Costa Mesa...
ArborAccess: Home
City of Costa Mesa...
1164 Bismark W...
File Edit View Favorites Tools Help
Page Safety Tools
3104 Van Buren Ave
Costa Mesa, CA 92626 – approximate address
NEW! Street View - May 2011
Back to Map
Google
Image capture: May 2011 Van Buren Ave © 2014 Google Lite mode Terms Privacy Report a problem
2:40 PM
05/08/2014

TREE S2
TREE S1
TREE F1
SEWER LINE
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