



# **PARKS AND RECREATION COMMISSION AGENDA REPORT**

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MEETING DATE: JANUARY 22, 2015

ITEM NUMBER:

SUBJECT: TREE REMOVAL REQUEST - 3126 CORK LANE

DATE: JANUARY 22, 2015

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

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## **RECOMMENDATION**

Deny the request for the removal of two (2) City-owned parkway trees at 3126 Cork Lane (McCormack Lane frontage).

## **BACKGROUND**

This tree removal request was first heard by the Commission on May 23, 2013. At that time, the request was for the removal of three trees. Due to a lack of appropriate notice to the Applicant, the request was re-agendized for the meeting of June 27, 2013. At that meeting, the request for the removal of three trees was denied by the Commission.

The Applicant submitted a similar request after one year had passed since the Commission's original decision. The request was agendized for the meeting of October 23, 2014.

At that meeting, the Commission approved the removal of one of the three trees requested for removal (Tree F1 – growing directly in front of the home on Cork Lane) and directed the City Arborist to perform an on-site evaluation of the root intrusion reported by the Applicant in association with the remaining two trees (Trees S1 & S2 – growing on McCormack Lane) at this address.

The City Arborist met on site with the Applicant and evaluated the tree roots from all potential sources. The results were brought back to the Commission in a report at the November 19, 2014 meeting, which was moved on short notice from the original meeting date of November 20, 2014. At that meeting, the Commission denied the request to remove the two trees. The Applicant contacted the City in the days following the meeting and stated that he missed the meeting due to lack of notice. Although the tree removal application had been heard by the Commission, with action taken, the Assistant Chief Executive Officer requests that this item be reheard by the Commission at the next available Commission meeting to allow for the Applicant's participation in the process.

## **ANALYSIS**

The City Arborist inspected the trees on October 30, 2014, with the Applicant present.

**Tree S1** is located at the east end of the parkway on McCormack Lane, across the sidewalk from a masonry wall that abuts the backside of the sidewalk and creates the boundary of the property owner's side and backyards. Historically, this tree has not been pruned to the City's arboricultural standards. Numerous lower scaffold limbs have been removed, creating a canopy that substantially deviates from the natural shape typically associated with this species. The tree has also been heavily thinned, leaving a sparse appearance to the canopy that is being filled in with epicormic ("sucker") growth. The tree is otherwise in good health and possesses good structure, but does not have the form and dense canopy typical of the species. See Attachment 1.

It was observed that the root system of the tree does not appear to be negatively affecting the block wall on the opposite side of the sidewalk, nor are the roots from this tree growing in close proximity to the chimney or home foundation. The roots were not observed to be causing any harm to private property.

**Tree S2** is located at the west end of the parkway on McCormack Lane. This tree has not been pruned to the City's arboricultural standards. Numerous lower scaffold limbs have been removed, creating a canopy that substantially deviates from the natural shape typically associated with this species. The tree has also been heavily thinned, leaving a sparse appearance to the canopy that is being filled in with epicormic growth. The tree is otherwise in good health and possesses good structure, but does not have the form and dense canopy typical of the species.

The tree is positioned per the following measurements:

- Center point of tree to closest intersection with house foundation: seventeen feet (17').
- Center point of tree to sewer clean-out (Note: sewer lateral from the home enters the District main line on the Cork Lane frontage, not the McCormack Lane frontage): twenty-three feet (23').
- Center point of tree to the chimney: twenty-nine feet (29').

Field observations attempted to correlate the validity of the claim that the roots of the Southern Magnolia (Tree S2) are responsible for current damage to the chimney and are damaging or are likely to damage the perimeter foundation of the home. The site inspection also sought to ascertain whether a Queen Palm (*Syagrus romanzoffianum*) that is located in the Applicant's private side yard eight feet (8') from the chimney, could be responsible for the reported damage.

The City Arborist evaluated the chimney and photo documented the cracking, brick displacement and presence of vegetation growing through the mortar. See Attachment 2. The City Arborist identified the plant material by the tear drop shape, texture and coloration of the leaves to likely be Japanese Boxwood, a typical hedge shrub. The City Arborist determined that the roots were not from the nearby Queen Palm or from Parkway Tree S2. The roots of Tree S2 were present up to the base of the chimney (twenty-nine feet (29') away from the center point of the tree). The exposed roots were growing near the soil surface and did not exceed ½" in diameter.

The City Arborist also evaluated the claim that the roots from Tree S2 were damaging or are a threat to damage the home's perimeter foundation. The observations and measurements taken were conclusive. A two and one-half inch (2½") diameter root on

the west side of the home was found to be approximately three to four feet (3'- 4') from the foundation. The same root was found to be within two feet (2') of the sewer clean-out. Another root mass that measured over four inches (4") in diameter was also observed eleven feet (11') from the foundation. The lack of sizable root presence observed in the area exposed at the base of the home's foundation suggests that there is no present or imminent root concern at this time which warrants the removal of the tree.

The parkway tree roots growing in the lawn are significant in size and number. While they will likely continue to grow and may cause damage in the future, they are not observed to be causing any damage to the home at this time.

## **ALTERNATIVES CONSIDERED**

1. The Commission could authorize the removal and replacement of one or both 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 tree(s) 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. A second alternative would be to have the City perform root pruning at a depth of twelve inches (12") along the sidewalk of Tree S2 to stop any current root intrusion by the parkway trees into the Applicant's property. It is believed that Tree S2 would not be adversely impacted should the Commission proceed with this recommendation.

## **FISCAL REVIEW**

There would be no fiscal impact to the City if the request to remove the two trees (S1 and S2) 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 two (2) trees would be \$760. (\$320 for S1 and \$440 for S2). The replanting costs for the mitigation trees (2 – 24" box size and 4 – 15 gallon size) would be \$850 (\$425 each). The total cost to the Applicant would be \$1,610 for the removal of both trees or \$745 for S1 and \$865 for S2 in case only one removal was approved. Costs are based on current City contract prices.

## **LEGAL REVIEW**

No legal review is required for this item.

## **CONCLUSION**

The City-owned street trees that are being requested to be removed are located in the public right-of-way in the side parkway of 3126 Cork Lane (McCormack Lane street frontage). The Applicant is requesting removal of these trees due to the impacts on private property associated with the root systems and for the potential they have for

causing damage to the chimney and perimeter foundation of the home in the future. The Applicant believes that the damage created by these trees is obvious, as evidenced by the damage occurring to the street asphalt and by the roots he exposed for the City Arborist to view in his front lawn.

Based on the observations and measurements taken by the City Arborist, it does not appear that the two City-owned parkway trees at 3126 Cork Lane are currently causing damage to the home. There are surface roots attributable to the tree growing in the turf area between the sidewalk and the home.

The City Arborist determined that the roots of the trees could be pruned and barriers installed to reduce the likelihood of future damage without removing the trees. Therefore staff recommends that the Commission deny the request and offer root pruning services provided by the City as a more appropriate alternative.

  
BRUCE A. HARTLEY  
Maintenance Services Manager

  
for ERNESTO MUNOZ  
Public Services Director

- ATTACHMENTS:
1. Photographs – Tree S1
  2. Photographs – Tree S2
  3. Action Minutes – Parks & Recreation Commission – November 19, 2014
  4. Action Minutes – Parks & Recreation Commission – October 23, 2014

C: Shaun Stelman  
3126 Cork Lane  
Costa Mesa, CA 92627

**Tree #1  
designated as  
S1**





**Tree #2  
designated as  
S2**

**Foundation to  
2" diameter  
root**



# Roots adjacent to sidewalk



# Roots at chimney looking toward Tree S2



# Sewer clean-out and house foundation near Tree S2



# Root adjacent to sewer clean-out



# Street damage



# Chimney







**SPECIAL MEETING OF THE PARKS AND RECREATION COMMISSION**  
**COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**November 19, 2014 6:00 P.M.**  
**ACTION MINUTES**

	<b>Staff Recommendation</b>	<b>Action Minutes</b>
<b>4. Approval of the Minutes of the September 25, 2014 Meeting</b>	Approve	<b>MOTION</b> made by Commissioner Graham, seconded by Vice Chair Pederson, carried five to zero, to approve the minutes of the September 25, 2014 Meeting.
<b>7. Consent Calendar</b>		
a) Aquatic Instructional Class Proposal	Approve	<b>MOTION</b> made by Vice Chair Pederson, seconded by Commissioner Harper, carried five to zero, to approve fees for one new aquatic instructional class.
<b>8. Old Business</b>	<b>Staff Recommendation</b>	
8a) Tree Removal Request – 3126 Cork Lane	Deny	<b>MOTION</b> made by Commissioner Harper, seconded by Commissioner Abernathy, carried five to zero, to accept staff recommendation and deny request to remove tree from 3126 Cork Lane.
8b) City Park Signage and Establishment of Park Districts	Accept	<b>MOTION MADE</b> by Chair de Arakal, seconded by Commissioner Abernathy, carried four to one, with Commissioner Harper voting no, to approve signage as shown in Attachment A, to adopt a Policy to establish 5 Park Districts and assign a Commissioner to each district, rotating every 2 years, to add Jack Hammett Complex to District 1 and Harper Park to District 3.

**PARKS AND RECREATION COMMISSION**  
**COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**October 23, 2014 6:00 P.M.**  
**ACTION MINUTES**

	<b>Staff Recommendation</b>	<b>Action Minutes</b>
<b>7. Consent Calendar</b>		
a) Contract Classes	Approve	MOTION made by Vice Chair Pederson, seconded by Commissioner Harper, carried five to zero, to approve fees for five (5) new senior instructional classes, two (2) new aquatic instructional classes, and six (6) fee increases for current instructional classes.
<b>9. New Business</b>	<b>Staff Recommendation</b>	
a) Tree Removal Request – 1106 Redding Avenue	Deny	MOTION made by Chair de Arakal, seconded by Commissioner Abernathy, carried five to zero, to deny request to remove tree from 1106 Redding Avenue
b) Tree Removal Request – 2059 Flamingo Drive	Deny	MOTION made by Vice Chair Pederson, seconded by Commissioner Abernathy, carried five to zero, to Deny request.
c) Tree Removal Request – 115 Broadway	Deny	MOTION made by Commissioner Harper, seconded by Commissioner Graham, carried four to one, with Vice Chair Pederson voting no, to approve the removal of one (1) City-owned tree in the public right-of-way, 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. 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, and direct staff to bring back proposal, to replace all five (5) trees, to the November 20, 2014 meeting
d) Tree Removal Request – 3126 Cork Lane	Approve Staff Recommendation	MOTION made by Chair de Arakal, seconded by Commissioner Harper, carried five to zero, to approve the Staff Recommendation

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		<p>for the removal of one (1) tree in front of 3126 Cork Lane and Deny the removal of two (2) city-owned trees on the McCormick side of the property, until the City Arborist can meet with the resident, and instructs staff to bring back in November, the timeframe when street maintenance and repairs will be done in that area.</p>
e) Park Districts and Signage	Approve	<p>MOTION made by Chair de Arakal, seconded by Vice Chair Pederson, carried five to zero, for Staff to come back in November with finalized policy.</p>
f) Placentia Avenue Median Improvement Project	Approve	<p>MOTION made by Chair de Arakal, seconded by Vice Chair Pederson, carried five to zero, to approve the Placentia Avenue Median Improvement Project concept.</p>
g) Red Hill Avenue Median Improvement Project	Approve	<p>MOTION made by Chair de Arakal, seconded by Vice Chair Pederson, carried five to zero, to approve the Red Hill Avenue Median Improvement Project concept.</p>