



# **PARKS AND RECREATION COMMISSION AGENDA REPORT**

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MEETING DATE: AUGUST 27, 2015

ITEM NUMBER: 9b

**SUBJECT:** TREE REMOVAL REQUEST - 2065 FLAMINGO ROAD

**DATE:** AUGUST 17, 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 to remove one (1) City owned parkway tree growing in the public right-of-way in front of 2065 Flamingo Road at City expense.

## **BACKGROUND**

The Maintenance Services Division was initially contacted by one of the Applicants via telephone on June 25, 2015, stating that the parkway tree was causing several problems and requesting a meeting with a City representative. The problems reported were: the tree drops wooden nuts and a large root is growing under the sidewalk toward the home, lifting an iron gate and the whole front lawn, which was recently replaced and is dying because of the root. See Attachment 1.

On July 2, 2015, the Acting City Arborist met with the Applicants and inspected the tree. The Arborist evaluated the reported problems with the tree and explained to the Applicants that the tree did not meet the criteria to be removed by the City at no cost to the Applicants (Category 1 – Health and Safety Removal). However, it was pointed out that the Carrotwood tree is considered by the City to be a “problem tree species” and could be removed by City at the expense of the adjacent homeowner if so desired (Category 2 – Accelerated Removal).

The Applicants were adamant that the tree be removed at City expense and that they would like to have it agendized for consideration by the Parks and Recreation Commission. The Applicants submitted their request via electronic mail to the Maintenance Services Manager on August 3, 2015. See Attachment 2. The Manager replied via electronic mail explaining the tree maintenance and removal process. See Attachment 3.

## **ANALYSIS**

The tree is a Carrotwood, *Cupaniopsis anacardioides*. The tree was found to be in good health with no apparent structural issues or diseases present. The tree is approximately twenty-feet (25') in height with a trunk diameter of sixteen inches (16"). It is growing in a parkway that is five and one-half feet (5.5') in width, with a sidewalk that is four feet (4') in width. The tree has been maintained by the City on a consistent 3-4 year cycle. There is

no record of any root pruning being performed or a root barrier being installed at this location.

During the Arborist's inspection, it was observed that the roots of the tree had grown under the sidewalk and were visible on the private property, but did not appear to be relifting the sidewalk, which had been ground smooth adjacent to the tree in the past. No record of that work was found. Root pruning and installation of a root barrier would stop any further root intrusion into the private property and would protect the sidewalk from any further lifting or damage.

There was fruit present on the sidewalk, with quantities consistent with a tree of this size and age. Typically, Carrotwood trees fruit quite heavily for approximately two to three months in early summer and then the fruit is not as plentiful the remaining months of the year.

The tree is not a risk to health and safety, is not dead, diseased or dying and does not appear to be creating any significant exposure to liability for the City. The tree meets the criteria for a staff level authorization for removal, as stated in the Streetscape and Median Development Standards, however only as a Category 2 – Accelerated removal, which is at the Applicant's expense. The City Arborist evaluated the tree for possible relocation, but believes 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 of the tree as a Category 1 – 'Health and Safety' removal with all removal and replacement costs paid for by the City and determine if a replacement tree is to be planted.
2. The Commission could authorize the removal and replacement of the tree, per the Streetscape and Median Development Standards, Section 4.0.3 Category 3 – Discretionary Removals, which would require the replacement of the tree with one (1) twenty-four inch box-size tree and two (2) fifteen gallon-size trees to be planted elsewhere on City property. The applicant would pay all removal and replacement costs.

If the tree removal is approved by the Commission, the payment for the removal of the parkway tree and any required mitigation trees must be 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 tree was denied, or approved as a Category 3 - Discretionary Removal, as the Applicant would pay all costs.

For the Commission's information, removal cost for this tree would be \$240. The replanting costs for the mitigation trees (1 – 24" box size and 2 – 15 gallon container size)

would be \$425. Costs are based on current City contract prices. The total cost for removal and replacement would be \$645.

If approved as a Category 1 – Health and Safety Removal, the cost to the City for the removal would be \$240; with a cost of \$225 for the installation of one 24” box-size replacement tree. Total cost would be \$465.

The value of the tree is estimated to be \$3,260.

## LEGAL REVIEW

No legal review is required for this item.

## CONCLUSION

The City-owned tree that has been requested to be removed at City expense is located within the public right-of-way at 2065 Flamingo Road. The tree is in good condition, has been maintained appropriately on a regular schedule and is not causing any damage to vital infrastructure; it does not meet the criteria for a no-cost removal. However, the tree is considered a “Problem Tree Species” and may be removed at the expense of the adjacent property owner with 3:1 tree replacement required.

It is recommended that the Commission deny the request to have the City incur the removal and replacement cost and to direct City staff to coordinate root pruning and the installation of eighteen inch (18”) deep root barriers to protect public and private property improvements; should the Applicants decline to fund the removal.

  
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for: BRUCE A. HARTLEY  
Maintenance Services Manager

  
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ERNESTO MUNOZ  
Public Services Director

- ATTACHMENTS:
1. Maintenance Services Work Order
  2. E-mail from Applicant Requesting Removal of Parkway Tree
  3. E-mail from Maintenance Services Manager to Applicant
  4. Tree Information
  5. Photographs

C: Harold and Joyce Weitzberg  
2065 Flamingo Road  
Costa Mesa, CA 92626

**ATTACHMENT #1****Subject:**

Tree roots causing issues.

**Detailed description:**

The tree drops wooden nuts and a large root is growing under the sidewalk toward the home, lifting her iron gate and the whole front lawn, which she just replaced with new sod and is dying because of the root.

**Req'd date:**

2015-06-25 ( Request entered by: MStueve )

**Req'd by:**

Joyce Weitzberg

**Location:**

2065 Flamingo Drive

**Phone:**

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**Work Order Nr:**

15060860

**District:**

0

**Supervisor:**

City Arborist

**Employee:**

Ortiz, Jim

**Call back needed:**

Y

**Contacted date:**

2015-06-25

**OSHA safety concern:**

N

**Status:**

In Progress

**Completion date:**

0000-00-00

**Inspection date:**

2015-06-29

**Hours:**

0 Minutes: 30

**Material cost:**

0.00

**Action taken:**

Resident requesting to meet with City rep on site. 6/29/15 - Inspected tree and tree is 10'-3" away from water meter. The tree is healthy and does not show any signs of decline at this moment. I did notice that the tree has included bark on the home side of the tree. I will contact the resident and set up a meeting with the resident sometime this week - JO 6/29/15 - Spoke with resident and I am meeting the resident at 7:30 am on Thursday, July 2nd - JO 7/02/15 - Met with Mr. and Mrs. Weitzberg and they are adamant about the tree being removed. I provided them copies of both the criteria for removal and the CMSD Slap program. I informed both residents that they would write a letter to Bruce H. and then, he would agendaize the tree for a Parks and Req. Commission meeting. The Weitzberg's also stated that they are going to have residents attend a City Council meeting and will voice there concerns in regards to the Carrotwood trees in their neighborhood. I told Mrs. Weitzberg that was here right. I will attempt to schedule time to meet with Bruce H. at this address to review the tree - JO 7/10/15 - met with the City's certified arborists at this address. The direction is to root prune and add an 18" root barrier - JO 7/30/15 - Contacted resident and she does not want to root prune/ add 18" root barriers at this time. She would rather have the tree agendaized on a PRC meeting. She will be writing the letter today to Bruce H. - JO

August 3, 2015

Bruce Hartley  
City of Costa Mesa  
Parks and Parkways  
P.O. box 1200  
Costa Mesa, CA 92628-1200  
RE: Carrot Wood Tree

**ATTACHMENT #2**

Dear Mr. Hartley,

We recently contacted Jim Ortiz in relation to a tree on the parkway in front of our residence at 2065 Flamingo Drive.

Mr. Ortiz had visited us weeks ago, at which time we discussed the problems the tree has caused over the years and more so recently!

As the tree has matured over the years, the pods and berries it drops have become profuse. No matter how much we clean them up, or the street sweepers do, they are back in a few hours.

Our dogs are attracted to the star shaped wooden nuts the tree drops and on numerous occasions have become ill after eating them.

The nuts and seeds are slippery and dangerous to walk on, and work their way into my disability scooter motor causing mechanical problems. We have a disabled neighbor in a wheel chair that cannot ride over the mess and we cannot get down or up the driveways to avoid it.

Recently the problem has escalated! The sidewalk is starting to lift, the roots are tearing up and lifting our front lawn, the grass has died and there are now new cracks across our concrete driveway!

We were told that although the city owns the tree, we would be fined if we removed it, even though we own the property it sits on. This is incongruous!

It is apparent that the long term effects of this Carrot Wood tree were not considered when they were planted years ago.

This tree is now doing significant damage to our property, and it is an unsightly nuisance. Due to the current impacts on us and our property we request that it be removed by the City of Costa Mesa.

I have attached photo images of the problem for your reference. A guide to the images is included below.

Thank you for your consideration.

Sincerely,

Joyce & Harold Weitzberg

#561 – Roots ruining lawn by killing grass

#564 – Roots killing grass lawn.

#567 – Roots coming up under sidewalk and fence.

#570 – Roots coming up on lawn.

#573 – Roots going under sidewalk.

#576 – Roots under sidewalk lifting previous repair.

#579 – Roots lifting under sidewalk and fence.

#582 – roots starting to crack driveway.

**2065 Flamingo Drive**  
**Photographs provided by Resident**









**From:** HARTLEY, BRUCE  
**Sent:** Monday, August 03, 2015 2:09 PM  
**To:** 'Harold Weitzberg' <hweitzberg@costa.com>  
**Cc:** ORTIZ, JIM <JIM.ORTIZ@costamesaca.gov>  
**Subject:** RE: Tree in front of house - Jim Ortiz follow-up

Good Afternoon Mr. and Mrs. Weitzberg,

I received your e-mail request to remove the parkway tree growing in the City's public right-of-way in front of your home. I have looked at the tree and would like to provide you some information and alternatives regarding the tree:

First of all, it is a City tree growing on City property. The public right-of-way includes the sidewalk, parkway, curb, gutter and street. The maintenance and removal of the tree are governed by the City's Municipal Code and the "Streetscape & Median Development Standards". The City provides trimming of the tree and the adjacent property owner provides irrigation. We trim the trees on a 3-4 year cycle. If the tree starts to cause damage to the adjacent curb, gutter, sidewalk or private property we typically prune the roots to a depth of about 18" and a length of about 12' and install a linear plastic root barrier. Per Council direction, we replace curb, gutter and sidewalk as needed to preserve mature trees. However, in some cases we take trees out. If the tree is dead, diseased, dying, causing damage to utilities (water, gas, sewer, etc.) or has a foreseeable risk of causing injury or liability we take it out free of charge. The City also has a list of 6 trees that are considered 'problem tree species', of which carrotwood is one.

In the case of a problem tree species, such as carrotwood, the adjacent property owner may have the tree removed and replaced at their expense. If you chose to do so, you could have this tree removed if you were willing to pay for the removal and replanting of the tree. If you do not wish to pay for the removal, and would request the City do so, then I can agendize your request for the Parks & Recreation Commission meeting of August 27<sup>th</sup> for their consideration. The PRC is empowered by the City Council to be the final determining body on tree issues. If the tree is to remain, then I will have it root pruned and barriers installed; this will stop any further root intrusion into your property and will stop the damage to the sidewalk from progressing.

If you would like to have your request to remove the tree agendized for the Parks Commission, let me know and I will do so. If you have any questions please feel free to contact me.

Thank you

Bruce Hartley  
Maintenance Services Manager  
City of Costa Mesa

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

**ATTACHMENT #4**

Date Request Received: June 25, 2015  
Name of Resident: Joyce & Harold Weitzberg Requesting Party: N/A  
Address: 2065 Flamingo Road Address: N/A

Date Inspected: July 2, 2015  
Inspected By: Jim Ortiz

Tree Species: Carrotwood Removal Cost: (DBH x \$ 20.00)= \$ 320.00  
Height: 25 Feet Width of Sidewalk: 4 Feet  
Trunk Diameter: 16 Inches Size of Right-of-Way: 10 Feet

Health: Good  Fair  Poor  Date of Last Pruning: \_\_\_\_\_

Is the Tree a good candidate for Relocation? Yes  No

Likelihood of survival: Good  Fair  Poor

Comments: **This tree is a “problem tree species”**

Concrete Damage: Yes  No

If Yes, describe damage:

Can the Tree be Root Pruned: Yes  No  Date: \_\_\_\_\_

Root Pruning Comments: **Tree evaluated. Recommendation is to root prune and add 18” root barriers.**

Date of Response to Resident: August 3, 2015

Date Information Packet Mailed: July 2, 2015

Photos Taken: Yes  No  Date Photos Taken: 8/4/15

Photo #1: Street view looking west

Photo #2: Street view looking east

Photo #3: Street view looking at tree

Photo #4: Base of tree







