



MEMORANDUM

Community Services Department

DATE: April 10, 2019
TO: Urban Forestry Board
FROM: Jakob Trconic, Forestry and Roadway Manager
SUBJECT: Heritage Tree Appeal – 1577 Latham Street

RECOMMENDATION

Deny the appeal and allow the redwood tree to be removed.

FISCAL IMPACT – None.

BACKGROUND

Article II, Protection of the Urban Forest, Sections 32.22 through 32.38 of the City Code, was established to preserve large trees within the City, which are growing on private or public lands. The preservation program contributes to the welfare and aesthetics of the community and retains the great historical and environmental value of these trees. The Parks and Open Space Manager, under the authority granted in the Code to the Community Services Director, has been designated as the enforcement agent in this matter. Under the Code, there are specific criteria for removal. The determination on each application is based upon a minimum of one of the conditions below. The decision-maker shall consider additional criteria, if applicable, in weighing the decision to remove a Heritage tree with emphasis on the intent to preserve Heritage trees.

1. The condition of the tree with respect to age of the tree relative to the life span of that particular species, disease, infestation, general health, damage, public nuisance, danger of falling, proximity to existing or proposed structures, and interference with utility services.
2. The necessity of the removal of the Heritage tree in order to construct improvements and/or allow reasonable and conforming use of the property when compared to other similarly situated properties.

3. The nature and qualities of the tree as a Heritage tree, including its maturity and its aesthetic qualities, such as its canopy, its shape and structure, its majestic stature, and its visual impact on the neighborhood.
4. Good forestry practices such as, but not limited to, the number of healthy trees a given parcel of land will support, the planned removal of any tree nearing the end of its life cycle, and the replacement of young trees to enhance the overall health of the urban forest.
5. Balancing criteria: In addition to the criteria referenced above, which may support removal, the decision-maker shall also balance the request for removal against the following, which may support or mitigate against removal:
 - a. The topography of land and effect of the requested removal on erosion, soil retention, water retention, and diversion or increased flow of surface waters.
 - b. The effect of the requested removal on the remaining number, species, size, and location of existing trees on the site and in the area.
 - c. The effect of the requested removal with regard to shade, noise buffers, protection from wind damage and air pollution, and the effect upon the historic value and scenic beauty and the health, safety, prosperity, and general welfare of the area and the City as a whole.

Also within Code Section 32.31, an appeals process has been included that states:

“Any person aggrieved or affected by a decision on a requested removal may appeal the decision by filing a written notice of appeal with the City Clerk stating the grounds for the appeal, and paying the requisite appeal fee, as established by Council resolution, within ten (10) calendar days after the notice of the decision is posted or mailed.”

HERITAGE TREE REMOVAL REQUEST

An application submitted by John Mark Agosta and Margaret Miller to remove a Heritage-sized *Sequoia sempervirens* (redwood) tree was received on January 4, 2019. The criteria for removal listed in the comment section were a reference to an attached foundation inspection by Nieto Valle Construction: “The report covers 9 vertical foundation cracks. The largest one is next to the tree location at 1” to 1-1/4” wide. The others appear to be from typical ground movement. The floor is also noted to be lifted next to the redwood tree and is 1” higher than surrounding floor areas. The conclusion

was that the larger crack and floor lifting were due to the tree roots and tree itself.” The box was checked for: condition of tree with respect to age, life span, damage, proximity to structure, and interference with utility service. A decision to approve the removal of the redwood tree was posted on January 22, 2019.

An appeal was filed on January 31, 2019 for the tree by Joe Dundon. The appeal letter states, in part: “The tree is a beautiful, refreshing, habitat for our welcomed birds, and a total health enhancement for this community. It is a breathtaking natural landmark.”

ANALYSIS

When evaluating Heritage Tree Removal Applications, staff looks to see if the reason(s) for removal on the application match what is observed in the field. If the reason(s) meet the criteria, staff looks to see if issue(s) regarding the tree can be reasonably mitigated. Based on inspection and evaluation of the redwood tree, the appeal should be denied.

- The *Sequoia sempervirens* (Coast redwoods) typical native range is a narrow strip of land approximately 470 miles in length and 5 to 47 miles in width along the Pacific coast of North America; the most southerly grove is in Monterey County, California, and the most northerly groves are in extreme southwestern Oregon. They usually grow in the mountains where precipitation from the incoming moisture off the ocean is greater. Coalescence of coastal fog accounts for a considerable part of the trees’ water needs. It is an evergreen, long-lived tree, living 1,200 to 1,800 years or more in its native areas. Trees grown in an urban environment typically do not attain the same size and height as trees in their native ranges and typically have a shorter life span—250-plus years. Staff estimates the redwood tree to be around 50 years old and around 70’ tall.
- It is a healthy tree but has codominant stems with a large section of included bark, increasing the potential for a major failure at the union of the two trunks. The issue is both having a higher degree of a potential major failure endangering nearby homes and structures and also the nearby high-voltage utility lines.
- The tree has grown to a size where the base of the tree root plate is causing issues with the home’s foundation. The base of the tree and root plate are pushing and lifting the corner of the home. Root pruning to mitigate current or future damage is not feasible because it is the root plate that is acting on the foundation. Redwoods are often placed in locations where their eventual size outgrows the planting space. Therefore, it is not possible to mitigate the damage with root pruning. The root plate is also lifting the surrounding soil and has changed the grade so that water now flows towards the home instead of away from the

structure as it should. This is bad from standard grading practices because water should move away from the foundation.

SUMMARY

Staff is of the opinion that the redwood should be allowed to be removed due to the negative impacts to the foundation, and mitigation is not possible. Staff recommends that the appeal be denied and the tree be allowed to be removed.

Prepared by:

Jakob Trconic
Forestry and Roadway Manager

Approved by:

J.P. de la Montaigne
Community Services Director

JT/6/CSD
221-04-10-19M

Attachments: 1. Appeal Packet
2. Nieto Valle Construction Foundation Inspection Letter

cc: F/c