



MEMORANDUM

Community Services Department

DATE: September 14, 2016

TO: Urban Forestry Board

FROM: Jakob Trconic, Parks Section Manager
J.P. de la Montaigne, Community Services Director

SUBJECT: Heritage Tree Appeal – 87-89 Starr Way

RECOMMENDATION

Deny the appeal and allow tree to remain.

FISCAL IMPACT – None.

BACKGROUND

Article II, Protection of the Urban Forest, Sections 32.22 through 32.39 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 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 following conditions. The decision maker shall consider additional criteria, if applicable, in weighing the decision to remove a Heritage tree, with the 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, 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 to remove a Heritage-sized *Cedrus deodara* (cedar) tree at 87-89 Starr Way was received on June 27, 2016. The application was submitted by Judy Wright, owner of the property. The criteria for removal listed on the original application were: “Tree is unhealthy and has been dropping large limbs on the driveway and street. It is dangerous. I will replace this tree with another tree.” Forestry Division staff reviewed the application and visited the property to evaluate the tree. The tree was posted for denial on July 7, 2016.

An appeal filed by Judy Wright was received on July 19, 2016 for the same reasons as listed on the application.

ANALYSIS

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

1. The Deodar cedar (*Cedrus deodara*) is an evergreen conifer tree that is favored for its weeping habit. It is often used as a specimen tree in parks and other large gardens and can also be used to line streets. They are fast-growing trees native to the Himalayas. In home gardens, the Deodar cedar will usually be 40' to 70' tall and 20' to 40' wide, forming into a pyramidal shape. Cedar trees can live to be over 100 years old. The tree is located away from the sewer line and water service. Staff estimates the tree to be approximately 35 years old.
2. The cedar tree (*Cedrus deodara*) has even branch spacing and is a relatively young specimen in very good health. The canopy is full when observed from below the tree. Branches are full and have dark green, healthy needles. No branch or tip die-back can be observed and all visual observations indicate a healthy tree.
3. The structure of the tree is typical of a lot of cedar trees in town with some vertical branching structures off of the main trunk. It does not have a strong single central leader, but that is common for cedar trees. Staff did not see any signs of substantial, recent branch failure in this street tree. Someone has been side trimming the front and side of the street tree, but otherwise the tree is a good specimen. Cedar trees are grown in several of our public parks. No major structural defects were noted that would indicate the tree is dangerous.

SUMMARY

Staff is of the opinion that this cedar tree is a healthy tree with nice branch spacing and acceptable structure. The tree does not appear to be hazardous or a danger. The tree does not fit the criteria for removal. Staff recommends the appeal be denied and the tree be allowed to remain.

JT-JPdIM/5/CSD
221-09-14-16M-E

Attachment: 1. Appeal Packet

cc: F/c