



MEMORANDUM

Community Services Department

DATE: January 10, 2018

TO: Urban Forestry Board

FROM: Jakob Trconic, Parks Section Manager
Bruce Hurlburt, Parks and Open Space Manager

SUBJECT: Heritage Tree Appeal – 2447 Thaddeus Drive

RECOMMENDATION – Deny the appeal and allow the Mexican fan palm to remain.

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 Service 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 and 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 the 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 Jessica Dang to remove a Heritage-sized *Washingtonia robusta* (Mexican fan palm) was received on September 29, 2017. No specific criteria for removal was listed in the comment section in regard to the palm tree. The boxes were checked for: (1) Condition of the tree with respect to age, etc.; (2) Necessity to remove the tree to construct improvements; (3) Nature and quality of the tree as a Heritage tree; and (4) Good forestry. Staff visited the site to observe the tree and its condition. A decision to deny the removal of the Mexican fan palm was posted on October 30, 2017.

An appeal was filed for the Mexican fan palm by Jessica Dang. The appeal letter states in part: “We have recently expanded our house and the palm is in front of our front door. We are concerned that the pathway to our front door is blocked by the tree and also by any damage that may result as the tree’s root system expands. We have tried to maintain the tree but large fronds and fruit do fall off frequently and we currently have two young children.” The letter continues, “We respect the intention of the heritage tree ordinance but it does not seem palms were the type of tree it was intended to protect and that they would be happy to consider a different tree for the safety of our home and children.”

A eucalyptus tree was also on the application but this tree is not a part of the appeal process since it was approved for removal based on its condition and location under PG&E high voltage wires. No appeals were filed for this tree.

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 trees can be reasonably mitigated. Based on inspection and evaluation of the *Washingtonia robusta* (Mexican fan palm), the appeal should be denied.

1. Mexican fan palms, *Washingtonia robusta*, are native to western Sonora, and Baja California Sur in northwestern Mexico. Like the closely related *Washingtonia filifera* (California fan palm), it is grown as an ornamental tree. Mexican fan palms can grow to 80’ tall. Mexican fan palm leaves are fan-shaped, about 3’ to 5’ wide, and have sharply toothed petioles about 4’ to 6’ long. Long pendulous inflorescences extend out from among the leaves in the spring and are followed by small (3/8”) black fruits later in the summer. Through the course of time, the Mexican and California fan palms have been planted as design elements in or around modern or Spanish architecture throughout southern, central, and northern California.
2. This tree is in good health with no signs of disease or other problems. It has a circumference of 53” measured at 54” above natural grade. Staff estimates the trees to be around 25 years old. The height of the trees is approximately 40’ with a 12’ to 15’ wide canopy. It has room to continue growing in its current location and is not an issue with proximity to structure. The tree is not impacting any plans for constructing improvements. It is an attractive palm in good health and although some may have an opinion on the aesthetics of palm trees, it does not meet this criteria’s intent for removal. It would not meet the standard for consideration

based on age, aesthetic of the canopy, shape, or structure. No other trees are in close proximity and therefore it is not a consideration for good forestry practices.

3. Palm trees lose fronds as part of a natural process and shedding of fronds would not be a reason for consideration. Palms have a fibrous root system, do not have aggressive surface roots, and do not tend to damage structures, walkways, or driveways, even in close proximity.

SUMMARY

Staff is of the opinion that the *Washingtonia robusta* (Mexican fan palm) is healthy and does not meet any of the criteria for consideration for removal. Staff recommends the appeal be denied and allow the Mexican fan palm to remain.

JT-BH/7/CSD
221-01-10-18M-E

Attachment: 1. Appeal Packet

cc: F/c