



City Council AGENDA REPORT

DATE: 12/21/2023

AGENDA OF: 01/23/2024

DEPARTMENT: Parks and Recreation

SUBJECT: Tree Appeal 339 Walnut Avenue (PR)

RECOMMENDATION: Resolution to deny the appeal and uphold the Parks and Recreation Commission's approval of tree removal permit application TR23-0089 submitted by Santa Cruz Property Management to remove one coast redwood tree located at 339 Walnut Avenue.

BACKGROUND: On March 14, 2023, Santa Cruz Property Management submitted tree permit application TR23-0089 requesting the removal of one heritage-size coast redwood tree located at 339 Walnut Ave. The reasons stated on the request for tree removal were "Redwood tree is causing sidewalk to uplift and very close to proximity to building" (Tree Permit Application TR23-0089 and Pictures).

The City's Urban Forester evaluated the tree on April 26, 2023 (Heritage Tree Evaluation TR23-0089) and posted a tentative permit for tree removal (Notice of Action TR 23-0089) on May 10, 2023.

On May 19, 2023, Keelan Franzen filed an appeal of the staff decision stating "Sidewalk can be replaced, tree cannot. Twin trunks have massive 28-foot circumference at chest height. 10 feet in diameter. Roots make up an integral portion of ground mass & slope stabilizing. Violation of codes 9.56.050(d) 9.56.060(e) the city has not made a good faith attempt to alter the projects design to accommodate the heritage tree." (Appeal Form C TR23-0089).

The Parks and Recreation Commission held a public hearing to consider the appeal at its regular meeting on August 14, 2023 (Meeting Summary, Parks and Recreation Commission, August 14, 2023). By a vote of three to two, with two commissioners absent, the Commission upheld the Parks and Recreation Department staff decision to approve permit TR23-0089 for removal of the heritage tree.

On August 23, 2023, Keelan Franzen appealed the Parks and Recreation Commission's decision to the City Council (Tree Appeal 339 Walnut Ave - Franzen). The appeal states, "We believe that the city and/or the rental property owners have not made a good faith attempt to alter the proposed plan to accommodate the heritage tree. There should be no basis for granting a heritage tree removal permit without further considering alternative solutions."

On September 26, 2023, The City Council considered the appeal and made a motion to continue the item in approximately three months after more information has been gathered on the redwood tree and sidewalk area repair costs.

DISCUSSION: City Council Resolution No. NS-23,710 sets the criteria and standards under which a heritage tree or shrub may be altered or removed. It requires that one or more of the following findings be established by the applicant and confirmed by the Director of Parks and Recreation for the removal of a heritage tree or heritage shrub:

- (1) The heritage tree or heritage shrub has, or is likely to have, an adverse effect upon the structural integrity of a building, utility, or public or private right of way;
- (2) The physical condition or health of the tree or shrub, such as disease or infestation, warrants alteration or removal; or
- (3) A construction project design cannot be altered to accommodate existing heritage trees or heritage shrubs.

Staff's determination is that findings have been established by the applicant that the coast redwood tree at 339 Walnut Avenue meets criterion one (1): that the heritage tree has, or is likely to have, an adverse effect upon the structural integrity of a building, utility, or public or private right of way. The tree is approximately 120 feet tall with two large individual trunks. The tree is codominant by definition as the two trunks share a common root system. The trunk of the tree is less than a foot from the building foundation. The root system of the tree is in contact with the building foundation and has caused property damage to the structural integrity of the building. Cracks can be seen in the apartment building foundation on the Lincoln Street frontage and the brick masonry veneer is also damaged adjacent to the tree. The tree is damaging the structural integrity of the building therefor qualifying for a permit to remove per the City Council adopted resolution. There is no way to mitigate this property damage.

In addition to the Urban Forester's Certified Arborist opinion supporting tree removal, an independent Consulting Arborist Don Cox (Arborist Report 5-30-23 - Donald Cox ISA Certified Arborist) concludes: "Removal is determined as unavoidable due to proximity to the structures. The tree is an obstacle for essential repairs. No reasonable means of mitigation is available that would preserve the tree."

On December 9, 2023, an additional arborist report focusing on a tree root crown inspection was submitted to the city (Arborist Report 12-9-23 - Donald Cox ISA Certified Arborist). The Consulting Arborist used an air spade tool and probe to identify and locate tree roots to defend that damage to the structure is caused from the tree. He confirmed roots from the redwood tree are in contact with and growing against the building foundation causing cracks and damage to the structural integrity of the building. The arborist field report notes that "There is definite contact with the wall of the building by the expanding root crown of the tree, as further evidenced by the appearance of a bowed inward curvature of the brick siding at the points of contact." It is clear from this additional Arborist review that the redwood tree's root system is the cause of the damage to the building.

A structural assessment prepared for Santa Cruz Property Management by Professional Engineer Jodi Collins Henry (Structural Assessment 7-17-23, Jodi Collins PE) states that the tree "has already caused minor structural damage to the foundation and framing of the apartment building." It further states, "If the redwood remains, it will continue to grow and cause

substantial structural damage to the building which will threaten the structural integrity of the building.”

Upon Council’s request for further information, on December 13, 2023, Jodi Collins reviewed the building for a second time after the arborist root inspection was performed. Her assignment was to determine if there are any other foundation design types that could allow for the tree to remain adjacent to the building given the existing conditions. The engineer also evaluated how much of the building would need to be modified if the tree were to remain in place (Structural Assessment 12-13-23, Jodi Collins PE). On the first point Collins concludes that “replacing the foundation. . . while maintaining the same building footprint is not possible since the tree roots are in contact with the brick veneer attached to the wall and floor framing.” On the second she determined that to get the building at least 10 feet away from the tree approximately a 24 ft. by 12 ft. section, eliminating two apartments, would need to be removed from the building.

On December 11, 2023, Santa Cruz Property Management submitted information from Tino’s Plumbing stating that there is root intrusion in the main sewer line (Plumbing Repair Estimate 12-11-23, Tino’s Plumbing) providing further documentation to support the finding of damage to utilities from the redwood tree, criterion one (1).

Staff approved tree removal primarily due to the damage to the structural integrity of the building that cannot be mitigated from root pruning. A secondary concern is the damaged public sidewalk adjacent to the redwood tree. The owner is responsible for repairs and is also liable under Chapter 15.20 and 13.30 for this damage and repair per the Municipal Code. The public sidewalk has been cracked and lifted by the tree’s roots, creating a public access concern. Additionally, a fire hydrant next to the tree could be compromised in the future.

At the request of Council, Public Works staff has explored options for sidewalk repair and alteration. Staff prepared a plan sheet (Public Works Sidewalk Design- Exhibit A) to create additional planter area for the tree by moving the sidewalk into the parking area, which requires reconstruction of the adjacent sidewalk and curb ramps to current accessibility standards. The estimated cost for this design would be \$127,940.02 (Public Works Sidewalk repair estimate). Although this sidewalk repair plan is possible, it is costly and may also not be a permanent solution. In May of 2011 the sidewalk was repaired at the expense of the owner and by 2017 the tree had again caused damage to the repair. In 2022 the sidewalk was severely impacted from the tree and since that time the sidewalk lifts have become significantly worse. Given the location and growth rate of the tree, the adjacent sidewalk is likely to require periodic replacement at the owner’s expense if the tree is to remain. Additionally, this repair option does not address the tree root damage to the building which was the basis of staff’s approval of the application for tree removal. The property owner has also submitted a repair cost for the sidewalk without the tree (Watsonville Grading & Excavation sidewalk repair estimate 3-7-23) which totals \$8,900.00.

At the September 26, 2023, Council meeting concerns were raised over whether removal of the tree could lead to destabilization of the slope and the adjacent sidewalk and roadway. Public Works engineers who worked on the sidewalk alteration plan did not consider this to be a significant issue. Additionally, stump grinding is typically relatively shallow and limited to the trunk and immediate buttress roots and is not deep enough to lead to stability concerns.

While root pruning and moving the sidewalk could be a viable medium-term option to mitigate sidewalk damage, root pruning to lessen impact to the building foundation is not possible without destabilizing the tree and damaging the tree's health. The International Society of Arboriculture's formula for root pruning is at a minimum of three times the diameter of the tree's trunk, because pruning more closely can reduce tree stability. The Society's Best Management Practices—Root Management notes that "severe loss of stability is common when cuts are made at a distance that is less than 1 to 1.5 times the trunk diameter." The tree is too close to the foundation to perform this root pruning work to industry standard or to protect the building foundation. There is no reasonable mitigation option to save the tree or prevent ongoing damage to the structural integrity of the building. The redwood tree is still relatively young and of relatively small diameter compared to mature redwoods in their native habitat.

Staff and the Parks & Recreation Commission have determined that this application meets criterion one (1) required for tree removal approval as specified by City Council Resolution No. NS-23,710. The coast redwood tree at 339 Walnut Avenue currently has an adverse effect upon the structural integrity of the adjacent building, the sewer main for the building, and the public sidewalk. As the tree continues to grow it is likely to have a greater adverse effect upon the structural integrity of the building, and lead to repeated damage to the sidewalk, even if modified. Root pruning could theoretically occur for sidewalk repair but is not an option to prevent ongoing damage to the building. Root pruning for the building would both harm and destabilize the tree and only postpone the need for tree removal.

FISCAL IMPACT: None.

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Approved By:

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ATTACHMENTS:

1. RESOLUTION.DOC
2. TREE PERMIT APPLICATION TR23-0089 AND PICTURES.PDF
3. HERITAGE TREE EVALUATION TR23-0089.PDF
4. NOTICE OF ACTION TR23-0089.PDF
5. APPEAL FROM C TR23-0089.PDF
6. MEETING SUMMARY PARKS AND RECREATION COMMISSION AUGUST 14 2023.PDF
7. TREE APPEAL - 339 WALNUT AVE - FRANZEN.PDF
8. CITY COUNCIL RESOLUTION NO. NS-23,710.PDF
9. STRUCTURAL ASSESSMENT 7-17-23 - JODI COLLINS PE.PDF
10. ARBORIST REPORT 5-30-23 - DONALD COX ISA CERTIFIED ARBORIST.PDF
11. SECOND ARBORIST REPORT 12-9-23 - DONALD COX ISA CERTIFIED ARBORIST.PDF
12. SECOND STRUCTURAL ASSESSMENT 12-13-23 - JODI COLLINS PE.PDF
13. PLUMBING REPAIR ESTIMATE 12-11-23 TITO'S PLUMBING.PDF
14. PUBLIC WORKS SIDEWALK DESIGN - EXHIBIT A.PDF
15. PUBLIC WORKS SIDEWALK REPAIR ESTIMATE.PDF
16. WATSONVILLE GRADING AND EXCAVATION SIDEWALK REPAIR 3-7-23.PDF