



City Council Agenda Item
Staff Report

CITY OF SAN BRUNO

DATE: November 13, 2018

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

SUBJECT: Appeal of the Removal of Two Heritage Trees from the Florida Avenue Park Development Site

BACKGROUND:

In October, 2014, the City Council adopted a Resolution authorizing the City Manager and City Attorney to complete the purchase of 324 Florida Avenue for future use as a neighborhood park. The property consists of eight parcels (approximately ½ acre in total land area) and is located in a relatively dense residential neighborhood. At the time of acquisition, the property included four buildings: the main residence, a duplex, a garage and a workshop. The large yard was primarily undeveloped with various types of trees including two heritage trees (exceeding 30" in diameter). The condition of the property had fallen into disrepair due to lack of upkeep and vandalism, and became a public nuisance.

In May, 2016, the City Council authorized a contract for remediation of the site, which included the demolition of the buildings on site, proper removal and disposal of contaminated soil and asbestos associated with the property, grading, temporary security of the site with fencing, and salvage of the solid mahogany wooden tableau in the workshop.

Concurrently with the demolition phase at the site, an extensive community engagement process was conducted with the residents surrounding the future park site. The neighborhood was invited to attend meetings to provide input on their preferred design and amenities for their future park. The first meeting was held in June, 2016, where residents were asked to articulate their vision for the park and share concerns regarding neighborhood impacts, safety and maintenance. Residents were asked their preferences on placement of various park elements such as play areas and features for young children, teens and adults, social and gathering areas, spaces for solitude and quiet contemplation and open space and natural elements. Following the first neighborhood meeting, a single concept plan was developed for the park.

The second neighborhood meeting held in August, 2016, at which time the concept plan was introduced. Meeting participants were very pleased with the design and expressed a strong interest in seeing the park constructed in a manner consistent with the presented design concept. In October, 2016, City Council approved the Florida Avenue Draft Master Plan, park design concept and the architectural design services contract for the design phase. The design phase included civil and architectural design including grading plans, planting plans and plant palette, landscape layout, materials plans, irrigation area plans, lighting and electrical plans, and equipment selection such as play equipment, benches, trash receptacles and picnic tables.

In August, 2017, the City Council approved a construction contract with Star Construction, Inc. for the Florida Avenue Park Project. During the project submittal phase, the Contractor requested changes and clarifications related to the design and construction documents. The City did not issue the notice to proceed for the construction work and decided to terminate the contract for convenience November, 2017. Since that time, City staff have worked with the landscape architecture firm to identify revisions to construction documents and work through various concerns that were raised about the design and the site.

One of the more significant concerns involved the potential removal of two heritage trees on the site. This decision is linked to the preferred layout of the park. City staff brought this issue to the attention of the Parks and Recreation Committee at their regular Commission meeting held on September 19, 2018 and received a recommendation on the preferred layout in order to move forward with preparation of final design plans/specifications as well as preparation of the site and documents to rebid the project for construction.

Following the Park and Recreation Commission meeting, staff posted the trees for removal in accordance with Municipal Code Chapter § 8.25.020, which requires a 10 day noticing period. Within the 10-day period, three appeals were received by City staff: one by the City Clerk's office; one by the City Manager; and one by the Community Services Director. All three appeals appear to include the same information and were submitted by the same group of citizens, with 17 names and email addresses. This staff report is prepared for the City Council to consider the appeals.

The appeal hearing was initially scheduled for October 23, 2018, and was rescheduled to November 13, 2018 based on a request to reschedule from one of the listed appellants.

DISCUSSION:

On September 19, 2018, the Park and Recreation Commission received a report on the current design and construction plan for the Florida Avenue Park, which consists of the following components:

- Park entrance with signage, seating and scored tone paving;
- A minimum of twelve (12) new trees per the City's standards and preservation of two existing on-site heritage trees;
- Children's play area with play equipment, rubberized play surfacing, seating, and play equipment;
- Adult exercise features including a cardio course and multi-generational play equipment;
- Community grove of small, proportionally sized, flowering trees, with fully accessible crushed stone paving;
- Neighborhood square with scored tone paving, seating, picnic tables and, shade from trees;
- Urban woodlands with low evergreen ground cover and multi-trunk native trees;
- Pedestrian paths with seating and scored ton paving; and,
- Great Lawn area with turf or drought tolerant grass.

While the design plans are at 100% completion and construction documents were prepared, as noted above, the prior contractor requested changes and clarifications related to the design and

construction documents. Further, the City undertook a review of the project as well as future maintenance requirements at the site. As a result, staff recommended the following changes to the park layout.

Design Changes:

1. **Revise design of walkway area long San Anselmo Avenue**
Maintain existing walkway alignment and replace mulch at the tree planting strip with decomposed granite.
2. **Simplify planting inside the play area fence**
Eliminate vines on the fence, delete two irrigation valves and associated equipment. Reduce plant variety and alter all shrub landscaping to include only varieties that are not easily trampled.
3. **Revise fence plan between the park and the adjacent residence**
Replace existing fence design at the property line (decorative metal fence), with a solid six foot wood fence.
4. **Revise irrigation and electrical plans**
Amend electrical plans related to service meter dimensions and alter irrigation design to revise quick coupler union PVC grade.
5. **Remove existing heritage trees or amend plans for the location and/or inclusion of a children's play areas.**

Items 1-4 are relatively minor to the overall concept and future use of the park. However, item 5 has significant implications on the usability and configuration of the park.

Heritage Trees

Two large trees remain on the site. Both trees meet the City's definition of a heritage tree as defined in Municipal Code Chapter 8.25 section 8.25.020 (Ordinance 1669). Removal of any heritage tree is subject to specific site/tree conditions and obtaining a City permit. In addition, replanting of either two twenty-four inch box trees or one thirty-six inch box tree for each heritage tree removed is required. If the City's Public Works Director determines that reforestation is not possible, a payment equal to the cost of purchasing and installing the replacement tree(s) is required to be made to the City's Restricted Revenue Fund designated for tree replanting. Additionally, if the removal permit is approved, the City shall notice the abutting property owners and provide a minimum of a 10-day period for any person to file an appeal. Heritage tree appeals are heard and decided by the City Council.

After the completion of the 100% plans, several individuals (including City staff) raised concerns about the location and condition of the two heritage trees, especially considering their proximity to the children's play area. Earlier this year, a representative for the City suggested removal of the two trees. This information was conveyed to residents near the site as well as members of the Parks and Recreation Commission. At that time, several community members expressed concern that the trees would be removed and urged the City to reconsider.

In order to obtain an outside assessment of the current condition of the trees as well as the impact that installation of the park (as currently designed) would have, the City hired two certified arborists, Tree Management Experts and Kielty Arborist Services, to provide independent reports. Both reports are attached to this document as Attachments 2 and 3.

Following is a combined summary of their findings.

Norfolk Island Pine

The Norfolk Island pine (*Araucaria heterophylla*) is located at the north end of the property and is approximately 4 feet from the neighboring property. The tree is about 90 feet tall, and has had the top removed after it had died. The trunk is approximately 36.5 inches in diameter and the form of the tree is fair with a single straight trunk and very good limb spacing (common for the species). The tree has very large surface roots (12-14 inch diameter).

Norfolk Island Pine



- “The Norfolk Island pine produces large seed pods that fall without warning. The species is also prone to Mealybugs, a sucking insect that excretes large volumes of honeydew (fecal matter). The honeydew is quite sticky causing damage to vehicles and landscape structures including play equipment.” (*Kielty Arborist Services*)
- “The Norfolk Island pine will be significantly impacted as the pad for the play structure will be within 6 feet of the trunk. The excavation depth for the pad will be approximately 2 feet and will sever the surface oriented roots. Root loss will be between 25-30 percent.” (*Kielty Arborist Services*)
- “The Norfolk Island pine is a poor choice for a park especially a park with children play equipment. The 2-3 pound seed pods mature in September and will fall from the tree. The excretion of honeydew will also be a nuisance as surfaces and clothing will become a sticky mess. Root loss

will be significant and will further reduce the tree vigor.” (*Kielty Arborist Services*)

- “Because the tree has lost its top, side limb development is likely to be faster and new tops will tend to develop. Both the new tops and proportionately longer limbs will be at an increased risk for failure.” (*Tree Management Experts*)
- “The health of the Norfolk Island pine will likely be impacted more significantly, and although it would likely survive and have minimal impact to structural roots, it will likely show thinning and decline...The tree will pose a much higher risk after construction due to the presence of people on a frequent basis, and particularly due to the large number of cones, any one of which could strike a person.” (*Tree Management Experts*)
- “This tree is at a maturity point where it is producing many cones, and there are likely more than 100 currently in the tree. These cones are about the size of a grapefruit and weigh about 1 to 2 pounds. As with all *Araucaria* species, most cones mature, dry out and then disintegrate and fall as cone scales. There are frequent exceptions to the disintegration, however, and green cones can fall. The presence of squirrel damage increases the risk that a green cone could be chewed free. These cones fall from near the top of the tree, or at about 50 to 80 feet. If a green cone were to hit someone it would cause serious harm or death.” (*Tree Management Experts*)
- “We recommend that the Norfolk Island pine be considered for removal due to the risks posed from the cones.” (*Tree Management Experts*)

Norfolk Island Pine’s Green Cones and Needles



Deodar Cedar

The Deodar cedar (*Cedrus deodara*) is located along the Martin Place frontage of the park site. The canopy spreads about 35 feet and the tree is approximately 40-45 feet tall. It has a diameter at breast height of 29.9 and 15.5 inches. There is a slight lean in the trunk toward the southeast, and the limbs are also predominantly toward the south.

Deodar Cedar



- “The trunk of the tree was covered with ivy and some root crown damage occurred from the removal of the ivy. The abundance of deadwood may be an indicator of crown rot. The cedar was recently trimmed with several of the limbs being shortened. The cedar receives a condition rating of 50 on a 1-100 scale (poor-fair).” (*Kielty Arborist Services*)
- “The cedar tree has been heavily trimmed in the past. The topping of the tree has caused the form of the tree to be poor. The latest trimming was quite heavy reducing the heavy lateral limbs over the site and street. The latest trimming

lessened the chances of limb failure but permanently disfigured the poorly formed tree.” (*Kielty Arborist Services*)

- “The cedar will have moderate impacts to the root zone. Several paths intersect within the dripline of the tree. Root loss during the path installation should be 10-15 percent.” (*Kielty Arborist Services*)
- “The cedar will not present a hazard as the severe trimming has temporarily reduces the chances of limb failure. Root damage will be moderate and the will survive the construction. The poor disfigured form of the cedar is permanent and will never improve.” (*Kielty Arborist Services*)
- “The tree was recently pruned and some lower limbs were removed. There are no dead branches or particularly end-heavy branches in the tree. One larger limb on the south side has a decayed and cracked area and should be removed. The tree has no other pruning needs at this time. Risk posed by this tree is currently low.” (*Tree Management Experts*)
- “The health of the Deodar cedar will likely be impacted in some way, but should be manageable if a TPR [Tree Protection Report] is implemented and if we are on site during excavation activities. The risk posed by this tree will increase due to people being beneath it on a frequent basis. The defective limb with decay present is a known potential failure point and should be removed before construction begins. Other maintenance needs have already been met with recent pruning.” (*Tree Management Experts*)
- “We recommend that the Deodar cedar be pruned to remove the decayed limb and that a Tree Protection Report be created and implemented.” (*Tree Management Experts*)

Staff developed two conceptual alternates for the Park and Recreation Commission to consider, if there was an interest to retain the heritage trees, which included:

Alternate 1: Relocate the children’s play area closer to the middle of the park site, thereby increasing the distance from the core root structure of the trees. This alternate also reduces the size of the lawn feature near the Florida Avenue side of the park. Under this alternate, staff would recommend that the fall zone for the Norfolk Island pine’s cones is several feet away from the children’s play area and the area around the trees be fenced off, making that portion of the park unusable. Additionally, the change will add 2-3 months to the timeline so that revised design and specification documents as well as construction plans can be created. The additional cost is unknown at this time, however, staff estimates the increased cost to be between \$50,000 and \$75,000. A sketch of Alternate 1 can be found on Attachment 4 of this report.

Alternate 2: Eliminate all play equipment in the park and provide a large lawn from the middle of the site to the Florida Avenue frontage. This will create a dedicated area for the heritage trees in the rear of the site that will be enclosed with a fence and unusable. It is estimated that this change will add 1-2 months to the timeline so that revised design and specification documents as well as construction plans can be created. However, while the cost of the redesign and construction are unknown at this time, the total cost will be less than the recommended

approach and Alternate 1 due to the removal of the play equipment. A sketch of Alternate 2 can be found on Attachment 5 of this report.

Based on the aforementioned arborist reports and to provide the most appealing new park at the site, staff recommends that both heritage trees be removed if the current layout/design is selected. It is important to note that the current design includes the installation of more than twelve (12) new trees within the park and near the surrounding sidewalks.

If this recommended approach is taken (minor changes to current design and the removal of the two existing heritage trees) is selected, staff estimates that it will take appropriately 3-5 weeks to revise the design/specifications and construction documents. The project will then be rebid for selection of a contractor, a 3-4 month process. It is estimated that construction would begin in the first quarter of 2019, with an estimated completion in the third quarter of 2019 (July-September).

The Park and Recreation Commission heard the presentation on this item on September 19, 2018 and supported staffs' decision to remove both heritage trees and retain the original layout of the park. Several members of the public spoke regarding this issue, both for and against the removal of the trees. In accordance with the San Bruno Municipal Code Section 8.25.080, any person can appeal the decision to remove heritage trees 10 days after the decision is made. Following the Park and Recreation Commission meeting, three appeals were received by staff, which initiated an appeal process.

Following the appeal consideration by the City Council, staff will prepare a resolution and will include it on the consent calendar at the next regular City Council meeting, which is scheduled for November 13, 2018.

FISCAL IMPACT:

There is no direct fiscal impact to consider this appeal. The 2018-19 Capital Improvement Program Budget includes a total available appropriation for Florida Avenue Park site demolition and clean-up, planning, design and construction in the amount of \$1,533,127. Staff obtained three informal bids for the cost of the removal of the two heritage trees, and estimates the removal to increase the construction cost by approximately \$7,000 to 10,000. Staff anticipates the current appropriations are sufficient for this project.

RECOMMENDATION:

Appeal by group of residents on the removal of two heritage trees from Florida Avenue Park site.

ALTERNATIVES:

1. Uphold the Park and Recreation Commission decision for removal of the two heritage trees located at the Florida Avenue Park site and proceed with the four other minor design changes as detailed in this report.
2. Direct staff to pursue alternative 1 or alternative 2 and bring a revised cost back to the City Council for additional appropriations.

3. Do not consider design changes, and defer construction of the park.

ATTACHMENTS:

1. Florida Avenue Park Site and Plan Sketch Photos
2. Arborist Report by Tree Management Experts
3. Arborist Report by Kielty Arborist Services
4. Conceptual Sketch of Alternate 1
5. Conceptual Sketch of Alternate 2
6. September 19, 2018 Park and Recreation Commission Minutes
7. Appeals (3)

DATE PREPARED:

November 1, 2018