



PARKS, ARTS AND COMMUNITY SERVICES COMMISSION AGENDA REPORT

MEETING DATE: OCTOBER 24, 2019

ITEM NUMBER: 9b

SUBJECT: TREE REMOVAL REQUEST - 3350 AVENUE OF THE ARTS

DATE: SEPTEMBER 26, 2019

FROM: PUBLIC SERVICES DEPARTMENT, MAINTENANCE SERVICES DIVISION

PRESENTATION BY: BRUCE LINDEMANN, MAINTENANCE SERVICES MANAGER

FOR FURTHER INFORMATION CONTACT: JIM ORTIZ, MAINTENANCE SUPERINTENDENT
(714) 327-7490

RECOMMENDATION:

Staff recommends that the Parks, Arts and Community Services Commission approve the request to remove fourteen (14) trees growing in the public right-of-way in front of 3350 Avenue of the Arts, the property known as the Avenue of the Arts Hotel, as a Category 3 – Discretionary Removals per the City's Streetscape and Median Standards section 4.0.3. Attachment 1.

BACKGROUND:

The Maintenance Services Division was initially contacted by the applicant Mr. Derek Troya a representative of the Tribute Portfolio Hotel Ownership via e-mail on August 30, 2019 requesting the removal of the trees located at 3350 Avenue of the Arts. The Tribute Portfolio Hotel Ownership owns and operates the Avenue of the Arts Hotel in the Theater & Arts District (TAD). There have been several improvements in the area including the Julianne and George Argyros Plaza, Segerstrom Concert Hall, and the luxury residential building located at 580 Anton. Future projects include the remodeling and hotel expansion at Avenue of the Arts Hotel and the future home of the Orange County Museum of Art.

The proposed project at Avenue of the Arts Hotel is an enhanced version of a project that was approved in 2016, PA-16-50 (Amendment to PA-14-33) for retaining 238 hotel rooms and adding 150 rooms. The new project will include the renovation of approximately 375' of frontage property located along Avenue of the Arts. With this proposed design by WATG, the newly renovated area will take on the form of a modern midrise building stretching across the length of the Avenue of the Arts, creating a cohesive streetscape with the surrounding architecture.

To accommodate the proposed hotel expansion, the existing trees along Avenue of the Arts will need to be removed. The requestor is proposing to remove nine (9) Palo Verde Trees, one (1) Fern Pine Tree and four (4) Canary Island Pine Trees, totaling fourteen (14) trees. The trees are approximately ten (10) to forty (40) feet in height with a trunk diameter of three (3") inches to nineteen inches (19"). The trees are growing in a twenty-five foot (25') right-of-way; and are currently maintained per the TAD Maintenance Agreement.

ANALYSIS:

Staff inspected the location and evaluated the overall health of the trees on September 5, 2019. There were no significant health or infrastructure issues observed. The trees do not meet the criteria to be removed by the City at no cost to the Applicant category 1- Health and Safety. The City Arborist evaluated the trees for possible relocation, but believes due to the size of the trees and the type of tree species, there is a low probability of success, therefore relocation is not recommended. On September 13, 2019, the City Arborist notified the applicant of the findings and explained the criteria and process for potential tree removals, including the required mitigation at 3 to 1 replacement ratio.

The applicant (WATG) proposes to plant twenty-three (23) trees in the front of the property adjacent to the Avenue of the Arts. In order to promote a consistent landscape, they propose to plant Palo Verde Trees and Mexican Fan Palms similar to those currently planted in the City owned median in front of the property and at the 580 Anton Boulevard. The proposed trees include sixteen (16) Palo Verde Trees and seven (7) Mexican Fan Palms. For the remaining mitigation trees, the applicant proposes to donate them to the City of Costa Mesa per the letter dated September 4, 2019, Attachment 2 & 3. The applicant will work with the City's Arborist, to coordinate specific tree species for the remaining mitigation trees.

The Applicant has been notified of the Parks and Recreation Commission meeting and has been sent a copy of this staff report.

If the tree removal is approved by the Commission, the payment for the removal of the parkway trees and any required mitigation tree must be provided to the City prior to removal and within one year from the date of final approval, after which the approval expires.

ALTERNATIVES CONSIDERED:

1. The Commission could authorize the removal of the tree as a Category 1 – 'Health and Safety' removal with all removal and replacement costs paid for by the City and determine if a replacement tree is to be planted. However; the trees in their current state and location do not pose a safety concern to health or property. Staff does not recommend this option.
2. The Commission could authorize the removal and replacement of the tree, per the Streetscape and Median Development Standards, Section 4.0.2 Category 2 – Accelerated Removals, which would require the replacement of the tree at a 3 to 1 ratio. The applicant would pay all removal and replacement costs. The tree species would be determined by the City Arborist. However; the trees in their current state and location do not meet the criteria set forth for Category 2 removals. Staff does not recommend this option.

FISCAL REVIEW:

There would be no fiscal impact to the City if the request to remove the trees was denied, or approved as a Category 3 – Discretionary Removals, as the Applicant would pay all costs.

For the Commission’s information, the estimated removal cost for the trees would be \$2,044.40. The replanting costs for the mitigation trees at the 3:1 ratio (1 – 24” box size and 2–15-gallon container size) equates to approximately \$6,209.00. Costs are based on current City contract prices. The total cost for removal and replacement would be \$8,073.40.

The value of the trees is estimated to be \$35,000.00

LEGAL REVIEW:

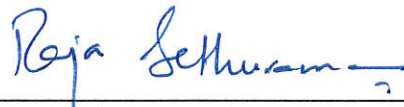
Legal review is not required for this item.

CONCLUSION:

The 14 City-owned trees that are proposed for removal are located in the public right-of-way at 3350 Avenue of the Arts, in front of the Avenue of the Arts Hotel. The trees are in good condition and have been maintained by a private contractor on a regular schedule. They do not meet the criteria for a Category 1- Health and Safety Removal or Category 2- Accelerated Removals. Therefore, it is recommended that the Commission evaluate the request to remove the trees as Category 3 – Discretionary Removals.



BRUCE LINDEMANN
Maintenance Services Manager



RAJA SETHURAMAN
Public Services Director

- ATTACHMENTS:
1. Criteria for Parkway Tree Removal/Replacement
 2. Letter from Applicant, Plans and Photographs
 3. Maintenance Work Order and Photographs

C: Derek Troya
Tynan Group, L.L.C.
121 Gray Avenue, Suite 300
Santa Barbara, CA 93101
dtroya@tynangroup.com

4.0 CRITERIA FOR PARKWAY TREE REMOVAL/REPLACEMENT

Based on guidelines established by City Council ordinance, the Public Services Director is authorized to approve or deny all tree removal requests, or may agendaize any removal request for review by the Parks and Recreation Commission.

Any removal decision made by the Public Services Director may be appealed to the Parks and Recreation Commission for review. Decisions made by the Parks and Recreation Commission are final and may not be appealed to the City Council. The Public Services Director will notify the property owner/applicant of every decision to ensure that any appealed decision will not be implemented until after the appeal is heard.

Decisions made by the Parks and Recreation Commission are valid for a period of one year. All requests for removal and specified mitigation measures approved by the Parks and Recreation Commission must be completed by the applicant within one year from the date of approval. If tree removal and/or

Tree removal denials made by the Parks and Recreation Commission may not be reconsidered for a period of one year from the date of denial.

All property owners/applicants wishing removal of a parkway tree(s) shall complete the "Request for Tree Removal" application available from the Public Services Department. Removal requests will fall into one of three categories:

Category 1 – Health and Safety Removals

Category 2 – Accelerated Removals

Category 3 – Discretionary Removals

4.0.1 Category 1 – Health and Safety Removals

Removal of a street tree at no cost to the property owner/applicant may be considered on the following basis, and in accordance with Public Services policies:

- If the tree is dead, dying, critically diseased, or damaged beyond reasonable repair.
- If the tree is causing a safety hazard (such as significant sidewalk and curb uplifting), and root pruning is determined not to be a viable option. Root pruning, sidewalk shaving, and sidewalk rerouting shall be considered as alternative options when evaluating the removal of trees that are causing safety hazards.

- If the tree presents a foreseeable risk of injury and liability to the public.

If the tree is damaging vital infrastructure (such as sewer, water, gas, electrical conduit) or other major structural damage, proof of damage must be submitted by the property owner/applicant prior to the final approval and scheduling by the Public Services Director.

4.0.2 Category 2 – Accelerated Removals

The City may remove or allow a street tree to be removed, as a “convenience” to property owners or other City departments, if the tree meets the “Accelerated Removal Criteria” and the property owner agrees to the following Criteria and Conditions:

Criteria

- a. The tree(s) is a City designated “Problem Tree Species” (*Ficus microcarpa* or *F. retusa*, *F. nitida*, *Fraxinus uhdei*, *Schinus terebinthifolius*, *Cupaniopsis anacardioides* or other tree species so designated by the Parks and Recreation Commission), or...
- b. The Director may determine to remove a tree based on the following factors and determine the individual tree to be a ‘nuisance’ and qualify for an Accelerated Removal, with all Conditions to be met in order to allow for the removal of the parkway tree:
 - Any tree, where the amount and/or nature of litter from the tree (pods, seeds, flowers, sap, etc.), is significantly greater than can be expected from a typical tree of that variety; or
 - Any tree, where impacts on surrounding public or private property improvements (i.e. hardscape, landscape, masonry structures, etc.) are significant or are potentially significant in the future; or
 - The tree is causing unreasonable impacts on the property owner where it is located.

Conditions

- a. If the sidewalk, curb and/or gutter are damaged by said property owner/applicant (final conditions shall be inspected by the City), the property owner/applicant agrees to pay for all damaged concrete within forty-five (45) calendar days after tree removal. If damage occurs, the property owner/applicant agrees to obtain all permits and provide a bond for completion, and securing a licensed contractor.

- b. If tree is to be removed by City, City staff will prepare a cost estimate for removal based on established contract prices. The property owner/applicant agrees to pay for the service by check or cash. If tree is to be removed by property owner/applicant, the City will require an approved licensed, bonded and insured contractor to remove the tree and stump. Date of removal shall be approved by the Public Services Department.
- c. The property owner/applicant agrees to pay the Public Services Department for tree replacement costs based upon the adopted City Council 3:1 tree replacement ratio. For every one mature tree removed, three (3) new trees consisting of one (1) 24" box tree and two (2) 15-gallon trees shall be planted, with tree locations to be determined by the Public Services Department. Property owner/applicant agrees that the Public Services Department will select the tree species and determine minimum acceptable tree species height, trunk caliper, and crown development criteria.

4.0.3 Category 3 – Discretionary Removals

Requests for removal of City-owned trees in parks, parkways, or rights-of-way not covered under Category 1 or Category 2 shall be agendized for review and determination by the Parks and Recreation Commission.

Final determination by the Parks and Recreation Commission will be based on information provided by the property owner/applicant as well as the following:

- 1) Is the request from City staff, commercial applicant, or residential property owner/tenant?
- 2) Are there alternatives to removal which have not been considered?
- 3) Who will bear the financial responsibility for removal/transplanting/replacement?
- 4) Is transplanting a viable option from the standpoint of tree survivability?
- 5) Is "in-kind" replacement or 3:1 replacement (1-24" box, plus 2-15 gallon) more appropriate?
- 6) What are the aesthetic impacts to the neighborhood or to existing planting themes?
- 7) Does the removal pose any adverse impacts to adjacent property owners?

4.01 Penalties for Illegal Removal or Destruction of Street Tree

Any person who illegally removes or destroys any street tree shall be subject to penalties as listed and enforced under Section 1-33 of the Costa Mesa Municipal Code.



HOTEL EXPANSION

LANDSCAPE CONCEPT DESIGN
COSTA MESA, CALIFORNIA | 19 AUGUST 2019 | #194077

WATG

AVENUE OF THE ARTS
COSTA MESA

A Tribute Portfolio Hotel

LANDSCAPE DESIGN
NARRATIVE

Date	September 4, 2019
To	Jim Ortiz, Certified Arborist - City of Costa Mesa
From	Wincome
Re	Tree Replacement Within City ROW

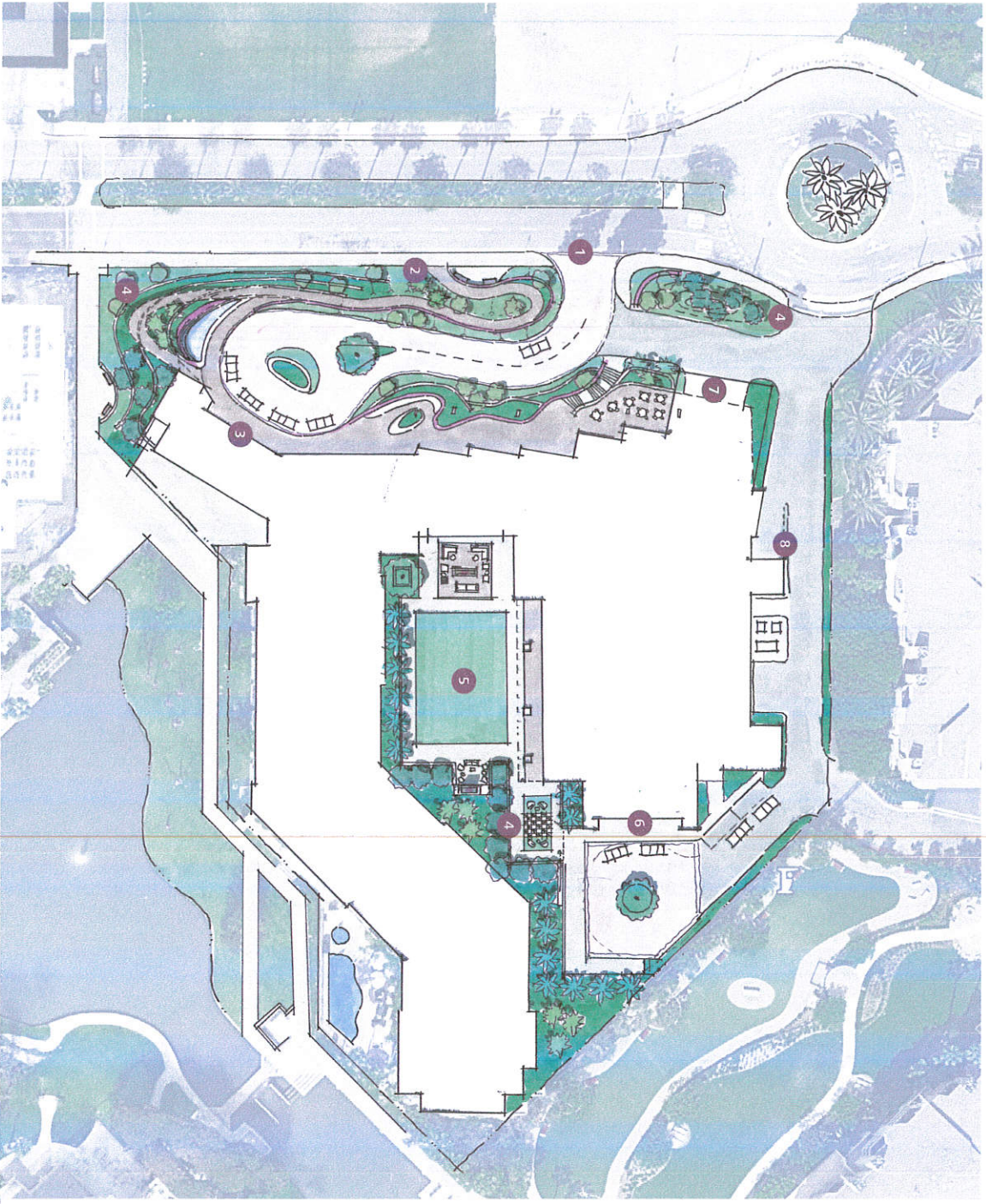
To Whom It May Concern:

The Costa Mesa Arts district has seen significant new development over the past 5 years including the redeveloped Argyros Plaza at Segerstrom Center, the proposed Orange County Museum of Art and the newly constructed luxury residential building at 580 Anton Boulevard. These new improvements, in the immediate neighborhood of Avenue of the Arts, have motivated the Tribute Portfolio Hotel Ownership to enhance the plans of the 2016 approved 150-key hotel expansion by activating the 375' frontage along Avenue of the Arts through purposeful design and cohesive landscaping.

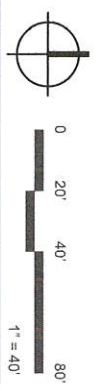
The proposed design by architect WATG takes on the form of a modern mid-rise building stretching across the length of the frontage and creating a new dialogue with the surrounding architecture. The main arrival drive offers a dramatic landscape design celebrating views of the highly anticipated OCMA and frames vistas of the Lake upon arrival to the elevated lobby. The parking garage is moved entirely below grade, reducing the potential for noise and light pollution, and creating a more appropriate scale at the north side of the property line.

To accomplish many of these changes, we will need to remove the existing trees along Avenue of the Arts. We are proposing to remove (9) *Parkinsonia acculeata* - Palo Verde Trees, (1) *Podocarpus gracilior*- *Afrocarpus gracilior* Fern Pine and (4) *Pinus canariensis* – Canary Island Pine, totaling the removal of (14) trees. Understanding the City of Costa Mesa's criteria for discretionary removal of trees, we are aware of the 3:1 replacement ratio but would also like to propose "in-kind" replacement of the (9) Palo Verde Trees as an option. WATG will work with Jim Ortiz, Costa Mesa City's Certified Arborist, to coordinate specific tree species, however, to promote a cohesive landscape, we propose to plant Palo Verde Trees and Mexican Fan Palms that are currently planted on property, in the median and at 580 Anton. As part of the tree replacement strategy mitigation plan, any trees which are unable to be planted on site due to square footage constraints will be donated to the City of Costa Mesa.

Please send all documents for PACS commission directly to Derek Troya via email at dtroya@tynangroup.com.



- LEGEND
- 1 MAIN ENTRANCE
 - 2 PEDESTRIAN PATHWAY (>5% SLOPE)
 - 3 ARRIVAL / DROP-OFF
 - 4 LANDSCAPE AREAS
 - 5 EVENT SPACE
 - 6 SECONDARY DROP-OFF
 - 7 PARKING GARAGE ENTRANCE
 - 8 BACK OF HOUSE



WATG

Avenue of the Arts Hotel Expansion
Costa Mesa, California

CONCEPT SITE PLAN
194077 | 21 August 2019 | Concept Design

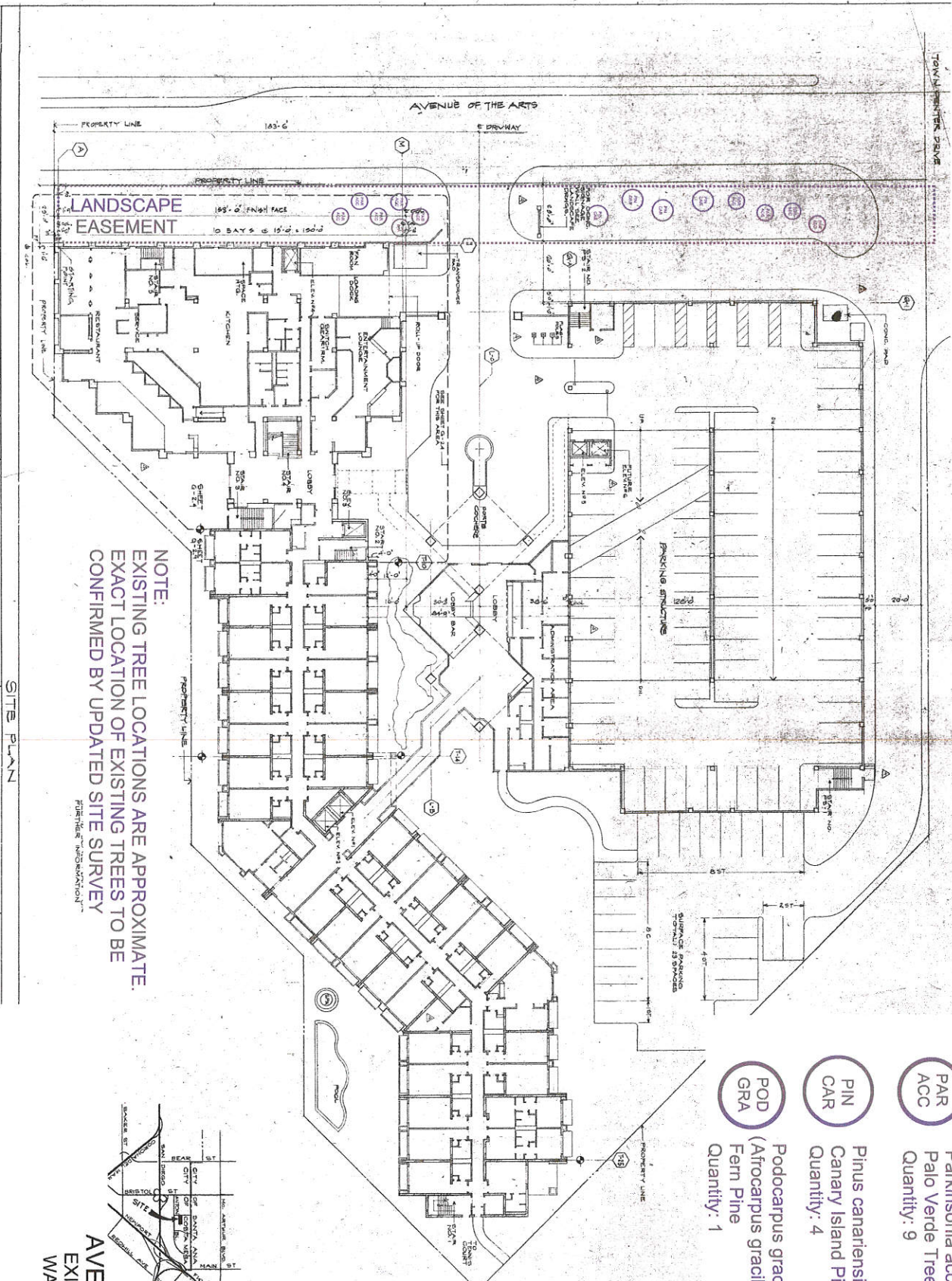
TREE REPLACEMENT STRATEGY

EXISTING TREE LEGEND

PAR ACC
 Parkinsonia aculeata
 Palo Verde Tree
 Quantity: 9

PIN CAR
 Pinus canariensis
 Canary Island Pine
 Quantity: 4

POD GRA
 Podocarpus gracillor,
 (Afrocarpus gracillor)
 Fern Pine
 Quantity: 1



NOTE:
 EXISTING TREE LOCATIONS ARE APPROXIMATE.
 EXACT LOCATION OF EXISTING TREES TO BE
 CONFIRMED BY UPDATED SITE SURVEY
 FURTHER INFORMATION

SITE PLAN



AVENUE OF THE ARTS
 EXISTING TREE INVENTORY
 WATG
 AUGUST 30, 2019
 1/8" = 1'-0"

updated 16 SEPT. 2019



TREE REPLACEMENT STRATEGY

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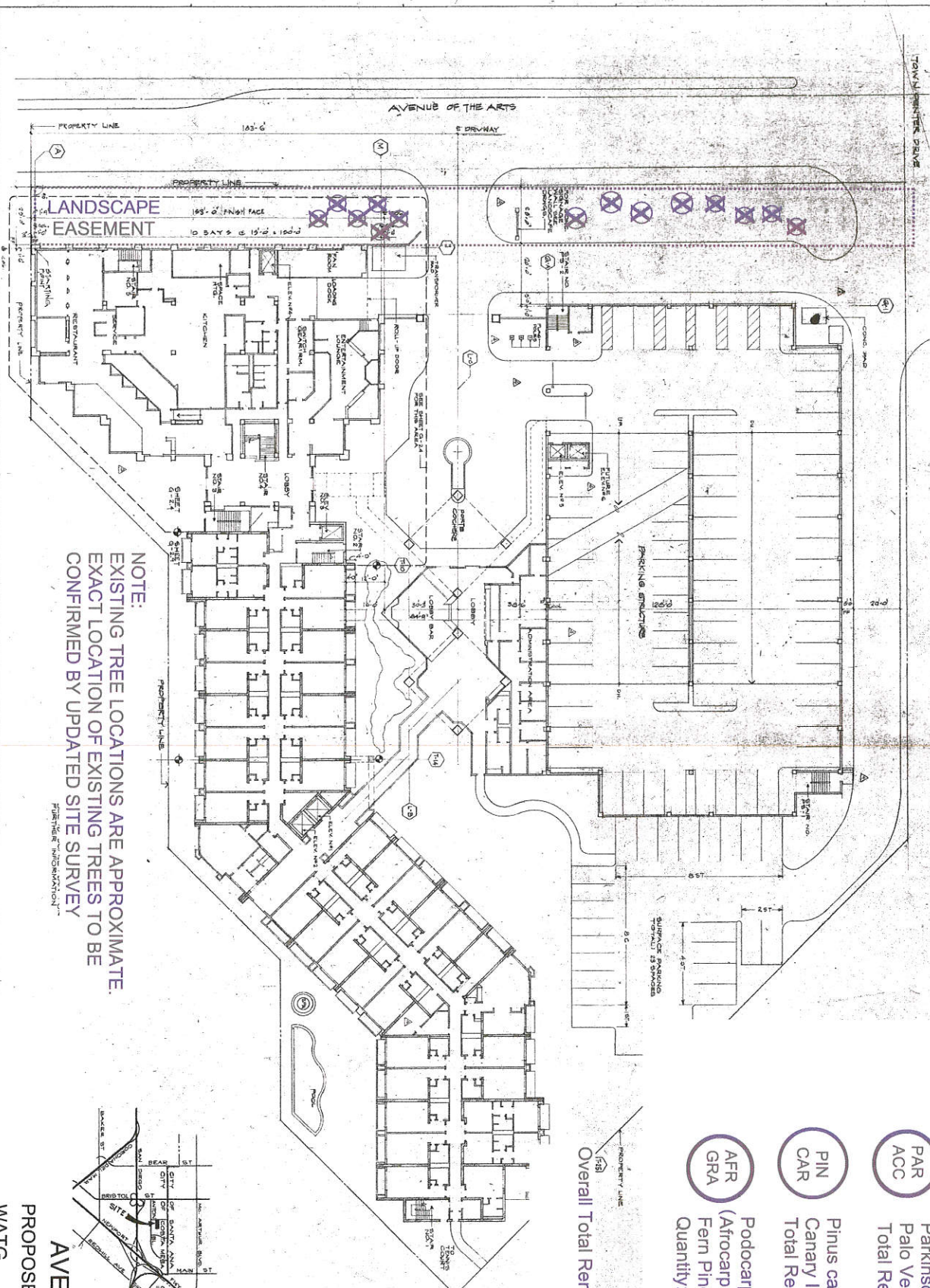
TREE REMOVAL LEGEND

PAR ACC
 Parkinsonia aculeata
 Palo Verde Tree
 Total Removed: 9

PIN CAR
 Pinus canariensis
 Canary Island Pine
 Total Removed: 4

AFR GRA
 Podocarpus gracilior,
 (Afrocarpus gracilior)
 Fern Pine
 Quantity: 1

Overall Total Removed: 14



NOTE:
 EXISTING TREE LOCATIONS ARE APPROXIMATE.
 EXACT LOCATION OF EXISTING TREES TO BE
 CONFIRMED BY UPDATED SITE SURVEY
 FURTHER INFORMATION



SITE PLAN

AVENUE OF THE ARTS
 PROPOSED TREE REMOVAL PLAN
 WATG
 AUGUST 30, 2019
 updated 16 SEPT. 2019
 1/8"=1'-0"

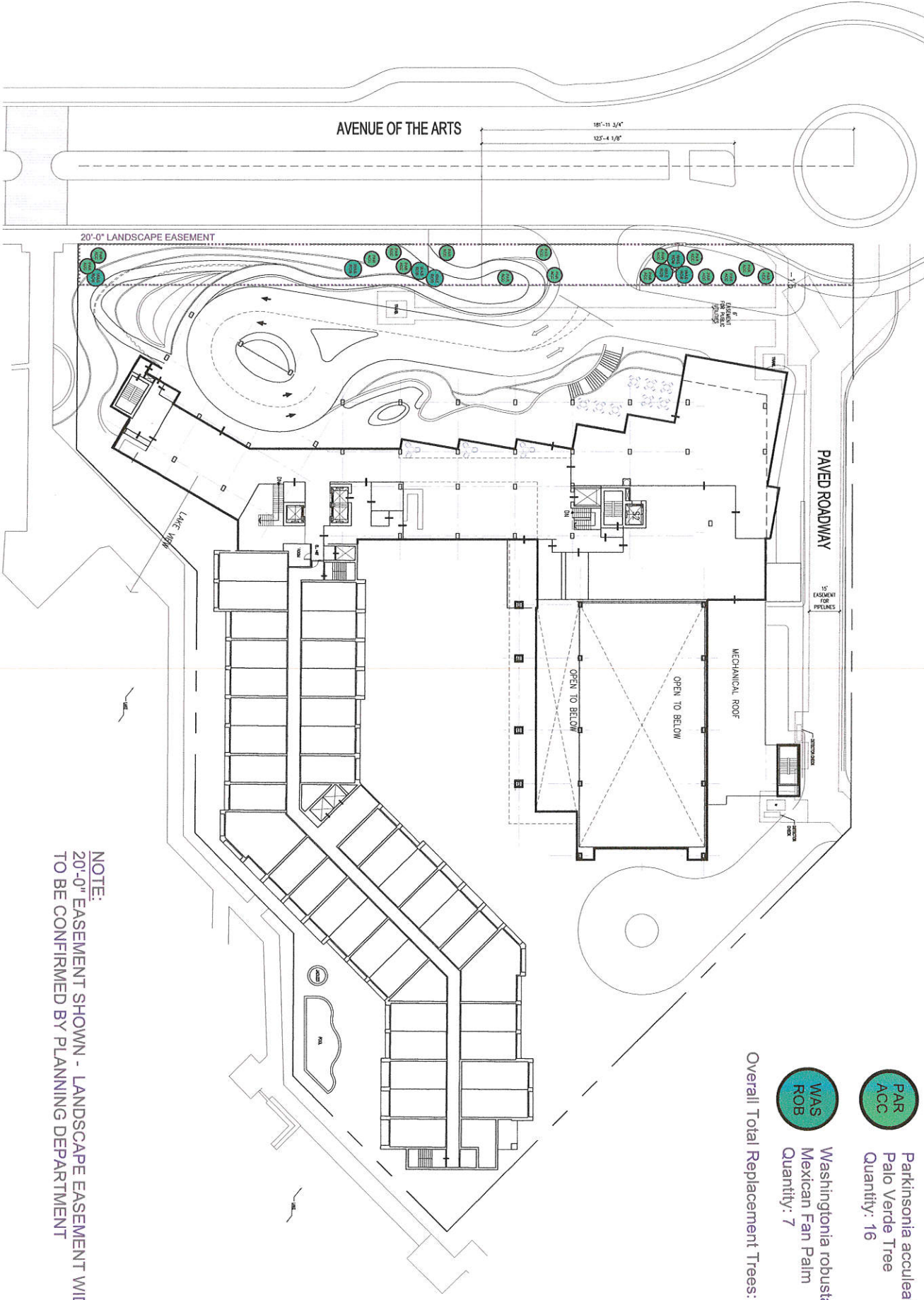
TREE REPLACEMENT STRATEGY

PROPOSED TREE LEGEND

PAR ACC
 Parkinsonia aculeata
 Palo Verde Tree
 Quantity: 16

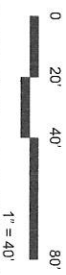
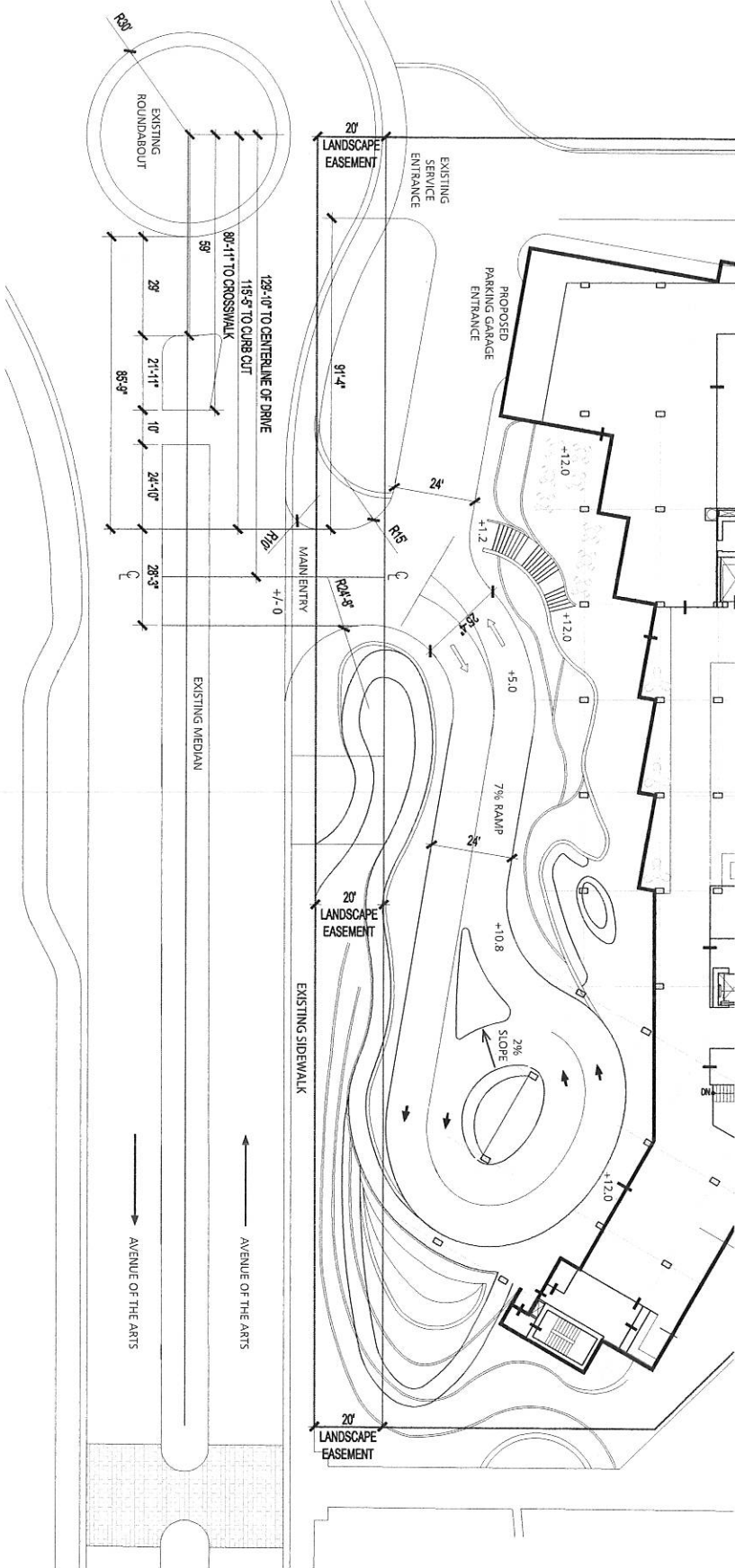
WAS ROB
 Washingtonia robusta
 Mexican Fan Palm
 Quantity: 7

Overall Total Replacement Trees: 23



NOTE:
 20'-0" EASEMENT SHOWN - LANDSCAPE EASEMENT WIDTH
 TO BE CONFIRMED BY PLANNING DEPARTMENT

AVENUE OF THE ARTS
 PROPOSED REPLACEMENT TREE PLAN
 WATG
 AUGUST 30, 2019
 updated 16 SEPT. 2019 1/8"=1'-0"
 ↑ NORTH



WATG

Avenue of the Arts Hotel Expansion

Costa Mesa, California

CONCEPT PLAN ENLARGEMENT

194077 | 19 August 2019 | Concept Design



WATG

Avenue of the Arts Hotel Expansion
Costa Mesa, California

EXISTING SITE PHOTOS
194077 | 19 August 2019 | Concept Design



WATG

Avenue of the Arts Hotel Expansion
Costa Mesa, California

EXISTING SITE PHOTOS

194077 | 19 August 2019 | Concept Design

Subject:

Hotel Expansion

Detailed description:

Project to include expansion of the existing hotel, remodel of the drive isle, re-landscaping of the existing right-of-ways and the removal of the existing above ground parking lot to a under ground parking structure.

Req'd date:

2019-09-24 (Request entered by: Jim Ortiz)

Req'd by:

Derek Troya

Location:

3350 Avenue of the Arts

Phone:

(760) 310-1498

Work Order Nr:

19091358

District:

3

Supervisor:

City Arborist

Employee:

Ortiz, Jim

Call back needed:

Y

Contacted date:

2019-08-30

OSHA safety concern:

N

Status:

In Progress

Completion date:

0000-00-00

Inspection date:

2019-09-05

Hours:

1 Minutes: 15

Material cost:

0.00

Action taken:

8/30/19 - Received phone call from Landscape Architect. Need to determine City's R.O.W. - JO 9/5/19 - Determined that the City's R.O.W. is 25'. Evaluated the fourteen (14) trees in front of the Silver Trumpet and the Avenue of the Arts Hotel. There are nine (9) Palo Verde Trees with DSH ranging from 3" to 5". with heights of 10'. Four (4) Canary Island Pine Trees with DSH ranging from 14" to 21" with heights of 15' to 45' and one (1) Fern Pine with a DSH of 5" and a height of 10'. All trees are healthy and show no signs of any structural issues. There were no signs of any pest or disease activity present during the time that I inspected these trees - JO 9/13/19 - Verbally discussed the tree removal process with the Landscape Architect - JO 9/16/19- Received PACS related documents from Landscape Architect - JO

Costa Maintenance©2006 - 2019- City of Costa Mesa

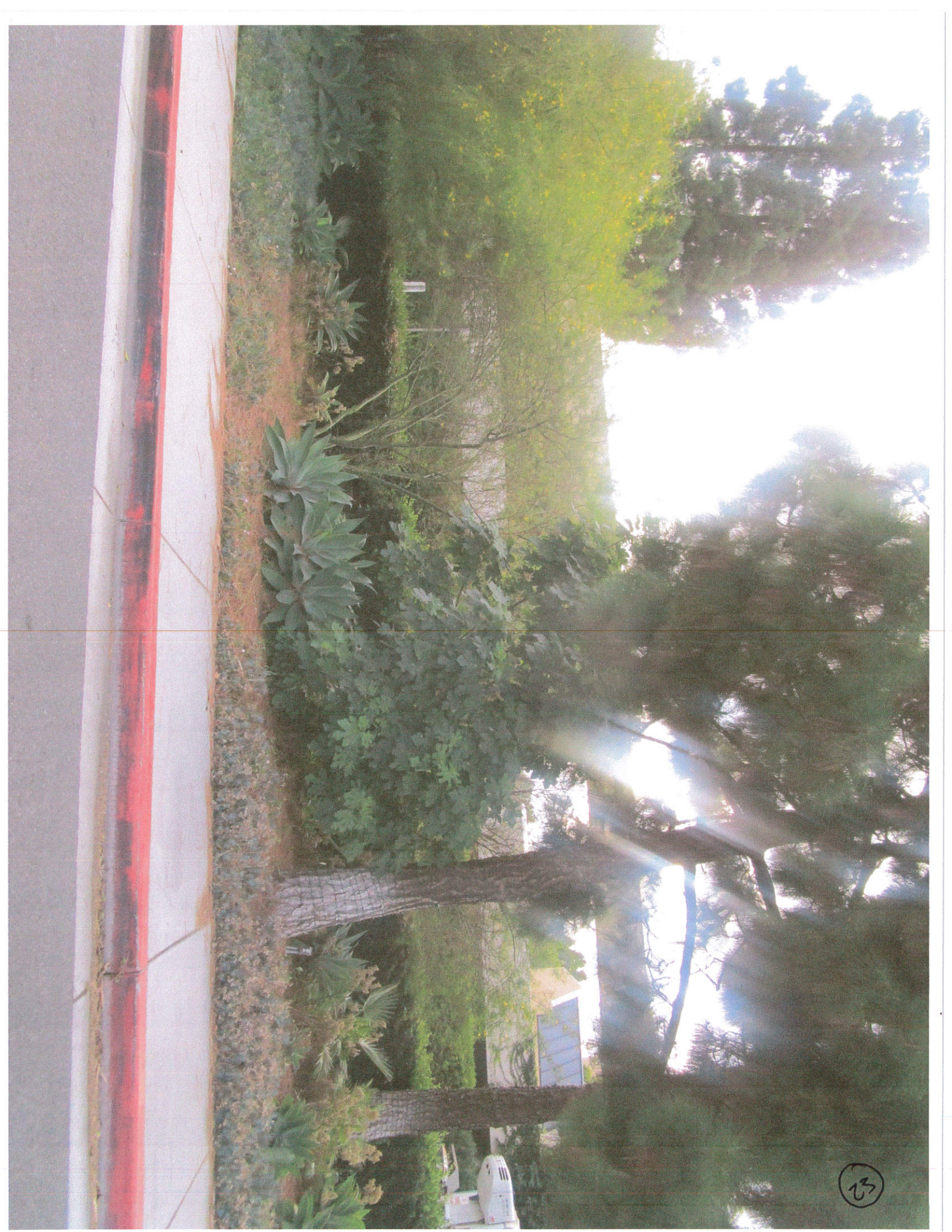












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