



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 22, 2011

TO: Mayor and Councilmembers

FROM: Parks Division, Parks and Recreation Department

SUBJECT: Appeal Of Parks And Recreation Commission Denial Of Tree Removal At 320 Cooper Road

RECOMMENDATION:

That Council deny the appeal filed by Peter Hornemann, and uphold the Parks and Recreation Commission decision to deny the removal of a *Quercus agrifolia* (Coast Live Oak) located in the minimum front setback at 320 Cooper Road.

DISCUSSION:

Tree Removal Application

On November 29, 2010, the Parks and Recreation Department received a tree removal application from Peter Hornemann for the Coast Live Oak tree located in the minimum front setback at 320 Cooper Road (Attachment 1). The basis for the applicant's tree removal request was that the tree is lifting a wall, and the tree could damage underground utilities at a future date.

Background

The Coast Live Oak located at 320 Cooper Road is estimated to have been planted at least 30 years ago. The property at 320 Cooper Road is zoned E-3 with a front setback of 20 feet. Since the tree is located in the minimum front setback, a permit is required before the tree can be removed.

Santa Barbara Municipal Code (SBMC) Chapter 15.24 Preservation of Trees, provides guidance for private trees. SBMC Section 15.24.020 establishes the permitting requirements for removing any tree growing within the minimum front setback. Pursuant to Municipal Code Section 15.24.040, a setback tree requires review by the Street Tree Advisory Committee (STAC). The STAC provides a recommendation to the Parks and Recreation Commission (Commission) based on the considerations specified under 15.24.080.

Pursuant to SBMC 15.24.080, considerations during the review of a tree removal application, include:

- Whether the tree is an official Historic or Specimen tree,
- The potential size of the tree in relation to the lot,
- The number and size of other trees on the site or on adjacent City property,
- Any benefits to adjacent trees,
- Whether the tree was planted by or with the permission of the applicant, the condition and structure of the tree, and
- Whether the tree canopy can properly grow.

The Commission reviews the application materials and the STAC recommendation prior to taking action. In addition to the considerations under Section 15.24.080, the Commission must determine, under Section 15.24.090, that one of the following conditions exists in order to make a finding for removal:

- The removal would adhere to the principals of good forestry management, or
- A reasonable development of the property requires the removal, or
- The character of the neighborhood would not be materially affected, or
- The topography of the building site renders the removal desirable, or
- The safety of persons or property dictates removal.

Parks and Recreation Commission decisions on tree removal permit applications may be appealed to the City Council pursuant to SBMC 15.20.170.

Tree Removal Application Review

Mr. Hornemann's tree removal application was reviewed by the STAC at its January 6, 2011, regular meeting. The STAC reviewed materials submitted by the applicant and conducted a site visit. The STAC unanimously voted (4/0) to recommend that the Parks and Recreation Commission deny the tree removal application. The STAC determined that the wall could be repaired through a combination of root pruning and alternative wall construction methods, and that the potential damage to underground utilities is not significant enough to warrant removal of this tree. The STAC also commented that the removal of this oak would be a detriment to the health of the adjacent pine tree.

The Parks and Recreation Commission considered the application and the STAC recommendation at its regular meeting on January 26, 2011. The Commission's discussion of the tree removal application included questions about how to determine if utility lines exist under the tree. Staff advised that it is likely that the electrical supply, television cable, and telephone lines are located under ground below the tree. This can not be determined accurately unless a request is made to Underground Service Alert to mark the location of the lines. Commissioner Burns commented that the utility box for the lines is located sufficiently away from the tree and is not currently being impacted by the tree. The Commission unanimously voted (5/0) to concur with the STAC recommendation and thereby denied the setback tree removal application.

Appeal of the Parks and Recreation Commission's Decision

Mr. Hornemann is appealing the Parks and Recreation Commission's denial of his tree removal application on the basis that the tree will continue to cause damage to the wall and could disrupt the underground electric utility line in the future. Staff determined the water and sewer utility lines enter the property at locations away from the tree. Staff contacted Southern California Edison and confirmed the power supply line for Mr. Hornemann's home is located under ground at the location of the tree. Southern California Edison also indicated that if the line is installed to California Electrical Code requirements, it should be inside a conduit and located a minimum of four (4) feet below the surface. Tree roots require oxygen and water to grow and therefore are typically located within the top three (3) feet of soil. Since the electrical line should be inside a conduit located four (4) feet below ground, and it is unlikely that the tree roots grow to that depth, it is also unlikely the tree roots will negatively impact the line.

The STAC and the Commission took into account all of the considerations for removal pursuant to SBMC 15.24.080 described above. The STAC and Commission also considered all of the findings for removal pursuant to SBMC 15.24.090.

RECOMMENDATION:

The Parks and Recreation Commission considered all relevant issues pertaining to the tree removal application. Staff recommends that Council deny the appeal and uphold the decision of the Parks and Recreation Commission to deny the tree removal application.

- ATTACHMENTS:**
1. Tree Removal Application, dated November 29, 2010
 2. Street Tree Advisory Committee Meeting Minutes, January 6, 2011
 3. Parks and Recreation Commission Meeting Minutes, January 26, 2011
 4. Appeal letter and attachments, dated February 3, 2011

PREPARED BY: Tim Downey, Urban Forest Superintendent
Jill E. Zachary, Assistant Parks and Recreation Director

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office



City of Santa Barbara
Parks and Recreation Department
SETBACK TREE REMOVAL APPLICATION

NOV 29 2010

PARK & RECREATION
PARKS DIVISION

Mailing Address:
PO Box 1990
Santa Barbara, CA 93102
(805) 564-5433 FAX (805) 897-2524

Physical Address:
402 E. Ortega St.
Santa Barbara, CA 93101

Application Fee: \$50 (effective July 1, 2010)

DATE OF REQUEST:	11/29/2010
APPLICANT:	Peter Hornemann
OWNER NAME (IF DIFFERENT THAN APPLICANT):	
MAILING ADDRESS:	320 Cooper Road, Santa Barbara
DAYTIME PHONE:	805-729-5129
LOCATION OF TREE (ADDRESS):	320 Cooper Road, Santa Barbara.
TREE SPECIES (IF KNOWN):	Oak
REASON(S) FOR REMOVAL:	Damage/Up Lifting retaining wall. UTILITIES Run under tree trunk; already replaced COX CATV Feed. That was damaged.
TREE(S) WILL BE REPLACED: Yes [] With:	No <input checked="" type="checkbox"/>

PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION

- > Property owner letter, indicating reasons for removal. Also include whether:
 - o The removal application is associated with new development or redevelopment of property
 - o Status of development application, including whether the project is scheduled for review by the Single Family Design Board, Architectural Board of Review or Historic Landmarks Commission
 - o The tree is a designated Specimen or Historic Tree or located on a property with a designated Historic Landmark
- > Photo of tree(s) proposed for removal
- > Development plan/Landscape plan

ATTACHMENT 1

TO: City of Santa Barbara
Parks and Recreation Department
402 E. Ortega Street.
Santa Barbara, California 93101

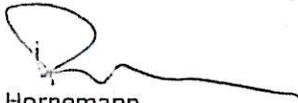
11/29/2010

FROM: Peter Hornemann
320 Cooper Road.
Santa Barbara, California 93109

RE: Setback Tree Removal Application

I would like the Oak tree located in my front yard removed completely. It has caused problems with my utilities as telephone, electrical and CATV pass under the trunk base of the tree. I have had to replace the CATV Service already and am concerned about future issues arising with the Continued growth of the tree. There is a retaining wall located about a Foot from the trunk base of the tree, presently causing the wall to split And raise up. My neighbor is very concerned and has asked my repeatedly To have the tree removed as it is "ruining her wall." She has pruned the tree And very little of the trees branches reach into her property. I am in agreement With her that the tree's growth will only create more serious problems with the Retaining wall. I also am concerned that contined growth will negatively effect My underground utilities that pass under the trunk base of the tree. Removal of The tree will have a positive effect on the retaining wall, eventually settling back Down and make permanent repairs possible, as well as maintaining a good Relationship with my neighbor. It will also give me piece of mind that no further Damage will occur to my utilities that pass under the trunk base.

Thank you for your consideration



Peter Hornemann

ATTACHMENT 1





CITY OF SANTA BARBARA
PARKS AND RECREATION DEPARTMENT

Street Tree Committee
REGULAR MEETING
Thursday, January 6, 2011
Parks Lunch Room
402 E. Ortega Street
8:30 a.m.

Minutes

1. CALL TO ORDER 8:34 AM
2. ROLL CALL
Members present: Maury Treman, Karen Christman, Bob Cunningham, Carol Bornstein
Staff present: Randy Fritz, Tim Downey, Patty Herrera
P&R Commission Liaison present: Lesley Wiscomb
Members of the public: Des O'Neill, Rain Longo, Dana Longo
3. APPROVAL OF MINUTES
A. Regular Meeting, December 2, 2010 – Approved.

Member Maury Treman moved, seconded by Carol Bornstein that the December 2, 2010 Minutes be approved as presented, passed 4/0.

4. CHANGES TO THE AGENDA
 1. Typo on block number of item C. Street Tree Master Plan, 1. 4000 block of San Martin Way. Block is 4100 block of San Martin Way and not the 4000 block.
 2. Take 4100 block of San Martin Way after Election of Chair and Vice Chair for 2011.
5. MEMBER AND STAFF COMMUNICATION
 - A. PARKS AND RECREATION COMMISSION ACTIONS
 1. Tim updated STAC regarding the December Parks and Recreation Commission actions. Tim informed STAC that the Parks and Recreation Commission concurred with all of STAC recommendations.
 2. Tim shared/presented STAC a copy of the Annual Enforcement Report and answered questions on the subject.
 3. Karen presented Tree/Landscape Ordinance Administrative Recommendations.
 4. Tim to talk to Santos about Rangers to help with enforcement in progress.
6. PUBLIC COMMENT
None
7. NEW BUSINESS
 - A. ELECTION OF CHAIR AND VICE CHAIR FOR CALENDAR 2011
 1. Bob Cunningham moves to nominate Carol Bornstein as Chair and Maury Treman as Vice Chair.

Member Bob Cunningham moved, seconded by Carol Bornstein to nominate Karen Christman as Chair and Maury Treman as Vice Chair, passed 4/0.

B. TREE REMOVAL CONSIDERATIONS

STREET TREES

None

SETBACK TREES

1. 320 Cooper Rd. – *Quercus agrifolia*, Coast Live Oak – Peter Hornemann

Recommendation to deny

The Committee recommends that the Commission deny the removal. The Committee and staff discussed that root pruning and wall construction methods could be used to preserve the tree while allowing the wall repairs. The Committee and staff determined that the reasons provided by the applicant are not sufficient to justify removal.

Member Maury Treman moved, seconded by Carol Bornstein that the Commission approve the removal, passed 4/0.

2. 434 E. Valerio St. – *Washingtonia robusta*, Mexican Fan Palm – Michael Cooper

Recommendation to deny

The Committee recommends that the Commission deny the removal. The Committee and staff determined that the reasons provided by the applicant are not sufficient to justify removal.

Member Bob Cunningham moved, seconded by Carol Bornstein that the Commission deny the removal, passed 4/0.

C. STREET TREE MASTER PLAN

1. 4100 block of San Martin Way – change designation

The Committee recommends that the Commission add *Tristania laurina*, Water Gum and *Cassia leptophylla*, Gold Medallion Tree as additional designated species.

Member Maury Treman moved, seconded by Bob Cunningham to add *Tristania laurina*, Water Gum and *Cassia leptophylla*, Gold Medallion Tree as additional designated species. passed 4/0.

8. OLD BUSINESS

- A. 1000 – 1300 block of Chapala St. – consider change to designated species

The Committee recommends that the Commission co-designate *Cedrela fissilis*, Brazilian Cedar Wood and *Koelreuteria bipinnata*, Chinese Flame Tree for 1100 – 1200 blocks and strike 1000 block of Chapala St. The Committee also recommends adding the 1400 block to next month's Agenda.

Member Bob Cunningham moved, seconded by Carol Bornstein to co-designate *Cedrela fissilis*, Brazilian Cedar Wood and *Koelreuteria bipinnata*, Chinese Flame Tree for 1100 – 1200 blocks and strike 1000 block of Chapala St. The Committee also recommends adding the 1400 block to next month's agenda, passed 4/0.

ATTACHMENT 2

B. 2400 – 3000 block of De La Vina St. – consider change to designated species

Karen Christman moves to postpone 2400 – 3000 block of De La Vina St. Members to bring information/notes on parkway size and staff to look at Minutes for further discussion.

Bob Cunningham moves, seconded by Carol Bornstein to postpone a decision with each member to bring to next meeting a list of up to 10 trees to choose from, passed 4/0.

C. Upper State St. – street tree designation

Member Maury Treman moved, seconded by Carol Bornstein to postpone, to look at whole street spread laid out, passed 4/0.

Meeting was adjourned at 11:00 AM

Respectfully submitted,
Tim Downey, Urban Forest Superintendent

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Tim Downey at 564-5592. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.



City of Santa Barbara
PARKS AND RECREATION DEPARTMENT

PARKS AND RECREATION COMMISSION
Regular Monthly Meeting

Wednesday, January 26, 2011

Minutes

CALL TO ORDER: The meeting was called to order at 4:02 p.m. at City Council Chambers.

PLEDGE OF ALLEGIANCE: Chair Wiscomb

ROLL CALL:

Commissioners & Staff Present

Commissioner Lesley Wiscomb
Commissioner Daraka Larimore-Hall
Commissioner W. Scott Burns
Commissioner Nicolas Ferrara
Commissioner Beebe Longstreet
Youth Intern Michael Yi
Parks & Recreation Director Nancy Rapp
Asst. Parks & Recreation Director Jill Zachary
Urban Forest Superintendent Timothy Downey
Executive Assistant Karla Megill
Parks Manager Santos Escobar, Jr.
Recreation Programs Manager Sarah Hanna
Neighborhood and Outreach Services Supervisor Susan Young

Commissioners & Staff Absent

Commissioner Chris Casebeer
Commissioner Rocky Jacobson

Ms. Young introduced Michael Yi, newly appointed Parks and Recreation Commission Youth Intern and provided an overview of the Youth Intern Program.

CHANGES TO THE AGENDA: None

WRITTEN COMMUNICATIONS: None

PUBLIC COMMENT: Speakers: Billy Goodnick, Cathy Murillo, and Karen Christman

ATTACHMENT 3

Chair Wiscomb suggested it is appropriate for the Commission to consider the issue of maintenance and new projects by the Parks and Recreation Department, and, possibly some Integrated Pest Management recommended changes that might go forward to City Council as part of maintenance.

Commissioner Longstreet suggested the items could be addressed during the budget process.

Commissioners Ferrara concurred with Chair Wiscomb and Commissioner Longstreet stating the importance of maintenance of the parks.

Commissioner Burns concurred and suggested it be addressed by some sort of blue ribbon committee.

Commissioner Larimore-Hall suggested the Commission not wait until they address the budget to discuss some of the items. He stressed the Commission should not discuss the items without keeping the budgetary issues in mind, particularly because of the public nature of the issue; he said to totally separate the issues would be irresponsible. Commissioner Larimore-Hall said, however, at the same time there are citizen engaged discussions, proposals, etc., that are not only budget issues that he would be happy to see on the agenda next month and, further, to have the opportunity to respond to some of the things said in public comment.

Chair Wiscomb commented that the February meeting agenda is full and suggested the Commission talk about the items closer to the budget, but before the budget as a separate item.

Ms. Rapp said staff will evaluate workload and what would be involved in bringing a report back to the Commission. She said the February agenda is full, but staff will look at bringing a report back to the Commission in March.

Chair Wiscomb commented that Ms. Christman brought up smoothing out some of the administrative policies regarding the tree ordinances.

Ms. Rapp said staff would review them, but administrative policies would not be approved by the Commission.

COMMUNITY SERVICE RECOGNITION:

1. Recognition of Dave Everett for his volunteer service to the Front Country Trails Program

Recommendation: That the Commission recognize Dave Everett for his volunteer service to the Front Country Trails Program.

Documents:

- Staff Report

Speakers:

ATTACHMENT 3

- Staff: Jill Zachary, Assistant Parks and Recreation Director
- Members of the Public: Dave Everett

The Commission presented Mr. Everett with a Community Service Certificate in recognition of his volunteer service to the Front Country Trails Program.

COMMISSIONER COMMITTEE ASSIGNMENT REPORTS:

Commissioner Ferrara reported that the Integrated Pest Management Advisory has not met; therefore, he has nothing to report.

Commissioner Burns reported on the activities of the Front Country Trails Multi-Jurisdictional Task Force and the Parks and Recreation Community (PARC) Foundation.

Chair Wiscomb reported on the activities of the Street Tree Advisory Committee. She further reported on the Golf Advisory Committee. Chair Wiscomb reported on the rose pruning event.

COMMISSION AND STAFF COMMUNICATIONS:

Ms. Rapp reported that there are 31 applicants to the Neighborhood Advisory Council, and interviews will be conducted on February 3rd and 8th, with appointments being made in March. She further stated that staff will ask the Commission to appoint up to two liaisons to that Committee at the February meeting.

YOUTH COUNCIL REPORT: Youth Intern Yi provided this report.

CONSENT CALENDAR:

2. Approval of Minutes - For Action

Recommendation: That the Commission waive the reading and approve the minutes of the regular meeting of December 15, 2010.

Commissioner Nicolas Ferrara moved, seconded by Commissioner Beebe Longstreet, and passed 5/0 to waive the reading and approve the minutes of the regular meeting of December 15, 2010.

STREET TREE ADVISORY COMMITTEE ITEMS:

1. Street Tree Advisory Committee Recommendations – For Action

Recommendation: That the Commission:

- A. Deny the following Setback Tree removal requests.

ATTACHMENT 3

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Jill Zachary, Assistant Parks and Recreation Director; Tim Downey, Urban Forest Superintendent.

1. 320 Cooper Rd. – Quercus agrifolia, Coast Live Oak – Peter Hornemann

Mr. Downey briefed that the applicant's reasons for removal are that the tree roots are damaging the retaining wall; the removal of the tree would benefit an adjacent tree on the property; and he has already had to make repairs to utility lines that run under the tree trunk. Mr. Downey further said the applicant has concerns that additional utility lines will be damaged.

Mr. Downey indicated the Street Tree Advisory Committee determined that the tree could be preserved and the wall repaired with a combination of root pruning and wall construction techniques. He said they further determined that the other tree is in decline and would not really benefit from the removal of the tree.

Mr. Downey advised that the Street Tree Advisory Committee recommended the request be denied because the reasons for the request do not justify the removal.

Commissioner Ferrara asked whether there is any way to determine if there are utility lines that would be impacted, other than the television cable lines already replaced by the applicant.

Mr. Downey said he is unsure as to whether the City Mapping system contains a complete representation of all utility lines.

Commissioner Larimore-Hall asked how one determines if cable or electrical lines are there and being impacted if the City mapping system is not 100% reliable in terms of the location.

Mr. Downey responded saying that trees are not typically approved for removal due to the presence of utility lines; the applicant is stating the trees could potentially damage utility lines. He said he is not reporting any existing damage. Mr. Downey informed the Commission of a service called "Dig Alert" that could be retained to determine if utility lines are present. He said he does not believe that has been done in this case.

Chair Wiscomb commented that the applicant expressed concern in his letter that continued growth of the tree will negatively affect underground utilities.

ATTACHMENT 3

Ms. Zachary added that the City's mapping system shows where there are water and sewer lines; there are no water and sewer lines underneath this tree. She said that if there are any other utilities, they would be under the jurisdiction of Edison or Cox, etc. Ms. Zachary said a property owner could call "Dig Alert" and have utility lines drawn out. She said that was not done as part of this tree removal application.

Commissioner Burns indicated he looked at the tree and saw the Cox cable box. He commented that there have been times when a tree has grown around a cable box and there has even been a time when the Commission has recommended a Palm tree be cut down because it was surrounding an Edison box. Mr. Burns said that in this case, the box is three to four feet from the base of the tree; it could be an issue in the future.

Commissioner W. Scott Burns moved, seconded by Commissioner Beebe Longstreet, and passed 5/0 to concur with the Street Tree Advisory Committee recommendation and staff and deny the removal of the Quercus agrifolia, Coast Live Oak, at 320 Cooper Road.

1. 434 E. Valerio St. – Washingtonia robusta, Mexican Fan Palm - Santa Barbara Real Estate & Investment Corp.

Mr. Downey briefed that the applicant's reasons for removal are that the palm fronds are falling from the tree; the skirt on the tree is creating a space where rats could nest; and they are concerned about the proximity of the tree to the building.

Mr. Downey advised that the Street Tree Advisory Committee determined that the skirt of the tree could be trimmed through regular maintenance, alleviating two of the concerns, and the tree is quite a distance from of the structure, thus it is unlikely that it is causing any damage. Mr. Downey advised that the Street Tree Advisory Committee recommended that the request be denied.

Commissioner Ferrara stated that he made a site visit to the tree and that it does not seem close to the unit at all; it looks to be 10 to 15 feet from the unit.

Commissioner Nicolas Ferrara moved, seconded by Commissioner Daraka Larimore-Hall, and passed 5/0 to concur with the Street Tree Advisory Committee recommendation to deny the removal of the Washingtonia robusta, Mexican Fan Palm, at 434 E. Valerio Street.

- B. Approve the requests to co-designate the following species to the Street Tree Master Plan

1. 4100 block of San Martin Way – change designation

Commissioner Beebe Longstreet moved, seconded by Commissioner Daraka Larimore-Hall, and passed 5/0 to concur with the Street Tree Advisory Committee recommendation regarding the Street Tree Master Plan change for the 4100 block of San Martin Way.

ADMINISTRATIVE AND STAFF REPORTS:

4. Tree Preservation Ordinance Enforcement - For Information

Recommendation: That the Commission receive a status report on Tree Preservation Ordinance Enforcement.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Jill Zachary, Assistant Parks and Recreation Director; Tim Downey, Urban Forest Superintendent.

Chair Wiscomb commented that the Commission should look at the amount of staff time Tree Ordinance Violation cases take when considering the budget.

Commissioner Larimore-Hall asked that staff provide a multi-year report with the numbers of cases and pending cases and some sense of how staff found out about the violation, keeping privacy in mind, in order to gauge the effectiveness of outreach.

5. Twelve35 Teen Center Update - For Information

Recommendation: That the Commission receive information on the Twelve35 Teen Center participation and activities.

Documents:

- Staff Report

Speakers:

- Staff: Sarah Hanna, Recreation Programs Manager

6. Fiscal Year 2011 Golf Six-Month Rounds and Revenue Report - For Information

Recommendation: That the Commission receive a report on rounds and revenue at the Santa Barbara Golf Club for the first six months of Fiscal Year 2011.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Nancy Rapp, Parks and Recreation Director, and Nancy Woods, Administrative Analyst

OLD BUSINESS: None

NEW BUSINESS:

7. Proposal to Allow Alcohol at Carrillo Recreation Center - For Action

Recommendation: That the Commission recommend to City Council that Resolution No. 08-057, regarding consumption of alcoholic beverages in certain City-owned public areas, be modified such that consumption of alcohol is allowed in the Carrillo Recreation Center.

Documents:

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Sarah Hanna, Recreation Programs Manager, and Nancy Rapp, Parks & Recreation Director

Commissioner Daraka Larimore-Hall moved, seconded by Commissioner Beebe Longstreet, and passed 5/0 to recommend to City Council that Resolution No. 08-057, regarding consumption of alcoholic beverages in certain City-owned public areas, be modified such that consumption of alcohol is allowed in the Carrillo Recreation Center.

ADJOURNMENT:

Commissioner Daraka Larimore-Hall moved, seconded by Commissioner Nicolas Ferrara, and passed 5/0 to adjourn.

Respectfully submitted,

Nancy L. Rapp
Parks and Recreation Director

ATTACHMENT 4

TO: City of Santa Barbara
Parks and Recreation Department
402 E. Ortega Street
Santa Barbara, California 93101

2/3/2011

FROM: Peter Hornemann
320 Cooper Road
Santa Barbara, California 93109

CITY OF SANTA BARBARA

FEB 03 2011

PARK & RECREATION
PARKS DIVISION

RE: Ltr dated 11/29/2010 (attached)
Ltr dated 1/27/2011 (attached)

I wish to appeal your decision regarding the removal of a tree from my property located at 320 Cooper Road. I have spoken with my neighbor Irene A. Toll concerning your decision and she is concerned, as I am that this tree's further growth will continue to damage her brick wall (see picture). My concern is also that my utilities are underground along the path of the base of the tree. Electrical, telephone and Cable TV are beneath the base roots. I am concerned that further damage to these utilities could happen at any time. I have had to replace the cable tv feed already. A outage of the electrical could also occur and would be very costly to repair. I am a retired and disabled American war veteran and any interruption of these underground services would cause a extreme hardship and could be financially devastating. My neighbor, Irene, is also concerned that the damage to her brick wall will continue and result in a financial hardship to repair it. She is 88 years old and lives alone at 312 Cooper Road..

I can understand that if a tree is standing in a yard is not impacting anything, I would also be in favor of keeping it. This tree on the other hand is causing damage to my property and my neighbors property which could result in a financial hardship to both of us.
Please reconsider your determination and allow the removal of the tree.

If the city will assume financial and other liabilities for any present and future damage that has or may arise from the continued presence of the tree, I will no longer argue in favor of the tree's removal.



Peter Hornemann

729-5129

