

Item # 19
Date: 01-09-18

COUNCIL ACTION FORM

SUBJECT: APPEAL FOR REMOVAL OF TREES AT 427 LYNN AVENUE

BACKGROUND:

On November 30, staff received an e-mail from the owner of 427 Lynn Avenue regarding sidewalk concerns along Baker Street on their property. Staff visited the site and noticed there was also sidewalk concerns along Lynn Avenue and determined tree roots from two street trees, a hackberry and silver maple, were the cause of the heaving sidewalks. The photos below show the tree location and extent of the sidewalk issues:



Property at 427 Lynn Avenue – trees in question are circled



Hackberry tree on Lynn Avenue



Silver Maple on Baker Street

The first issue to resolve was to determine if the sidewalk areas affected by the two trees needed to be repaired or replaced. Staff used the City's Standards for Sidewalk Repair or Replacement (Attachment A) for guidance and determined the sidewalks should be replaced.

According to Municipal Code Chapter 22 Sec. 22.1, the abutting property owner shall maintain sidewalks, parkings, and all other property outside the lot and property lines and inside the curb lines upon the public streets except that the property owner shall not remove diseased trees or dead wood on the publicly owned property or right-of-way. A letter will be sent to the property owner in the spring of 2018 regarding the need to have the sidewalks repaired/replaced and explain it is the property owner's responsibility to do so.

The second issue to resolve was to inspect the trees and determine what course of action was needed. Staff inspected the trees and their findings are below:

Hackberry on Lynn Avenue

- Overall the tree appeared healthy.
- The tree is too large for the right-of-way space it is in.
- Several dead limbs were observed.
- The roots of the tree on the street side had already been pruned due to curb and gutter installation a few years ago.
- The edge of the tree has grown in to wires and needs to be pruned.
- In order to repair the sidewalk in its current location, the tree roots would need to be pruned. This is not a good option as this will likely result in decline and eventual death of the tree in the future.

Silver Maple on Baker Street

- The tree is too large for the right-of-way space it is in.
- The tree has two metal posts embedded in the trunk where the tree has grown around them (see picture below).
- There is damage to the base of the tree (see picture below).
- There is decay and “included bark” taking place in the crotch of the tree (see picture below) which could result in the tree splitting at some point.



Posts embedded



Damage at trunk base



Decay & included bark

Based on the information above, staff made the determination the trees need to be removed.

According to Municipal Code Chapter 27, Section 27.3.1, street trees which are dead or which for some other reason constitute a clear and present danger to the public safety may be removed at the direction to the City Manager or designee at any time without notice. Staff did not feel this section pertained to these trees.

Section 27.3.2 refers to removing trees which have been identified in an approved plan by City Council to manage a current or impending infestation or disease. These trees are not part of an approved plan.

Section 27.3.3 states, “To remove a street tree for any reason other than as stated above the City Manager shall cause a notice of intention to do so to be posted on the subject tree or trees. The notice shall remain posted for a period of not less than fifteen (15) days, during which period any local resident may file a written objection with the City Manager. If no objections are filed after fifteen days’ notice as aforesaid, the City Manager may cause or permit the tree to be removed. If objections are filed within the fifteen days of notice as aforesaid, they shall be referred to the City Council and a hearing held thereon at its next regular meeting and the Council may thereafter sustain the objection or authorize the tree removed as is deemed in the best interest of the public.”

This section does apply in this instance and staff posted the trees on December 15 giving notice the trees were going to be removed. After the posting, staff received a phone call from a neighborhood resident objecting to the removal and the process for appeal was explained to her. In addition, two letters (attachments B & C) objecting to the removal was received in the City Manager's office on December 22. Due to this appeal, nothing has been done to the trees pending direction from City Council.

ALTERNATIVES:

Listed below are possible alternatives with an explanation as to whether or not they are good options in this situation:

- 1) Prune the roots and replace the sidewalk in its current location

Staff feels this is not a good option for either tree based on the trees current condition and what has been done in the past.

- 2) Curve the sidewalk around the tree

This is not preferred as the roots could cause issues in the future, there may be potential ADA compliance issues, the sidewalk may not fit within the right-of-way, and a curve around a tree is not the standard for sidewalks.

- 3) Build up the sidewalk to go over the tree roots

This is not favored as it presents grading issues, concerns regarding compliance with ADA, creates water flow issues, and adds additional expense to the property owner.

- 4) Remove the sidewalk completely

This is not preferred as it creates a sidewalk gap in the neighborhood.

- 5) Remove the trees

This is preferred option for the aforementioned reasons and is why the trees were posted.

MANAGER'S RECOMMENDED ACTION:

Staff always prefers to retain trees if they are healthy and no actions are needed that might jeopardize the trees health in the future. It should be noted, the right tree in the right place is also something staff considers when assessing tree condition location.

This is a situation where the condition of the sidewalk warrants repair or replacement in order to comply with the Standards for Sidewalk Repair. It appears that the two right-of-way trees' roots at the corner of Baker and Lynn are causing the sidewalk issues. While the Hackberry appears to be healthy, in order to repair the sidewalk in its current location, the roots would need to be pruned which will result in the decline of this tree. The Silver Maple, on the other hand, is concerning due to the decay and "included bark" in the crotch of the tree. In the last six months, there have been two incidents where limbs have fallen off of trees and onto vehicles. Removing this tree would be a proactive action to prevent something potentially bad happening were the tree to split.

There is also the idea of the right tree in the right place concept. Since the right-of-way on this property is approximately six feet, both of these trees have outgrown the space they are in. Currently, there are approximately 180 trees in the area bordered by Storm, Stanton, Knapp, and Lynn and a majority of them are mature trees. Admittedly, removing these two trees will create a void of mature trees on this corner. However, new trees will be planted in their place to start bringing some age diversity in trees in the neighborhood.

Therefore, the recommendation of the City Manager that City Council approve Alternative #5 which is to authorize the removal of the two trees in question located adjacent to the corner lot at 427 Lynn Avenue.

ATTACHMENT A

Standards for Sidewalk Repair or Replacement

Compliance is determined by Public Works using the following criteria in accordance with the United States Access Board's Public Right-of-Way Accessibility Guidelines (PROWAG):

- Cracked slab or joint with $\frac{1}{2}$ " or more horizontal displacement.
- Change in vertical level greater than $\frac{1}{4}$ " without bevel or up to $\frac{1}{2}$ " with a 2:1 bevel



In addition, the following local standards for extent of damage are applied:

- Two or more cracks in one 4' x 4' panels that have a $\frac{1}{8}$ " or greater opening.



- Holes with one dimension greater than $\frac{1}{2}$ ".



- Spalling $\frac{1}{4}$ " in depth over at least 50% of the panel area.

- All repairs shall be performed in accordance with City of Ames standard specifications. The City of Ames follows Iowa Statewide Urban Design and Specifications (SUDAS) and all local supplemental specifications. Crack sealing is not an approved method of repair.

ATTACHMENT B

Martin Huber
430 Lynn Ave
Ames, IA. 50014
720-876-7498
mdhuber@gmail.com

City Managers office
City of Ames
515 Clark Ave.
Ames, IA 50010

Re: Written Objection to tree removals at 427 Lynn Ave

Dear City Manager,

I am writing to object to the proposed tree removals at 427 Lynn Ave. I am a homeowner across the street from this property.

Our street has already lost several large trees due to mechanical damage from the street repairs performed in 2014, in addition to removal of Ash trees due to Emerald Ash borer. The two trees at 427 that are posted for removal are large, healthy trees (Hackberry and Maple, I believe) which add character and value to the neighborhood. Not to mention, shade, fall color, and bird habitat. There are also Ash trees nearby that will likely require removal in the near future, which will leave this section of our block with nearly no mature trees.

Our street and neighborhood already suffers from the blight of student rental houses (427 is a student rental). These properties receive minimal maintenance or landscaping. Removing the large trees further adds to the blighted appearance of the neighborhood and hurts the property values of all the homeowners around them.

I understand that large trees can damage sidewalks over time, and that the property owner is likely upset that he will make less profit from his rentals by being required to repair the sidewalks. However, the sidewalks were not damaged overnight. They have been neglected for many years and the removal of the trees will not repair the sidewalks. The sidewalks can be repaired without removing the trees and will likely remain in fine shape for many more years, as the slow growth of these large trees will have minimal impact.

Many of my neighbors feel the same as I do and I hope that you will listen to our request to save these trees. Unlike the property owner of 427, We live in the neighborhood and look at these trees every day. Mature trees are rare in Ames neighborhoods and it is one of the reasons we decided to live in this particular area. The historic homes and large trees are unique and add character and history to Ames. With so much new development and huge apartment complexes sprawling everywhere, older neighborhoods (and trees) like this should be protected.

Sincerely,



Martin Huber

CITY MANAGER'S OFFICE

DEC 22 2017

CITY OF AMES, IOWA

ATTACHMENT C

December 17, 2017

City Manager, City of Ames

515 Clark Avenue

Ames, IA 50010

Dear City Manager,

I am writing to protest under City Code Chapter 27, section 27.3, the scheduled removal of a mature oak tree on the 400 block of Lynn Avenue and a mature tree at the corner of Lynn Avenue and Baker Street. Neither tree is ill or diseased or at risk of falling down or a threat to the public. I believe the reason behind the proposed removal of the trees is because the roots have pushed up the sidewalk. The sidewalks have been pushed up since we have moved to Ames in July of 2014, and I would expect have been in that condition at least 5 years before.

Removal of these trees is not in the best interest of the public. These trees should be saved and the sidewalk diverted to accommodate their root structure because the value of the trees far outweighs the inconvenience of diverting the sidewalk.

Campus town is a historic neighborhood. Part of Campus town's charm and allure for my family as home owners is the old trees that canopy the neighborhood. This is in contrast to track housing that is present in a number of newer neighborhoods in Ames. The aesthetic and property value of Campus town is important to maintain and preserve and respect. A mature tree takes decades to establish.

These trees provide shelter and habitat for wildlife. Campus town is home to birds, squirrels, and owls which rely on these mature trees. These trees provide shade, temperature control, pollution control, light pollution control and a sense of history and well being for the neighborhood, and for my family.

Sidewalks being diverted or accommodating environmental issues or even absent has precedence in Ames. The sidewalks on the east side of Stranger Road, north of Iowa State University, meander closer or further to the road. Several rain management diverts have been created along the south side of 20th Street between Strange Road and Grand Avenue which abuts the sidewalk, consisting of a three foot depressions. There are no sidewalks on Ashmore Drive to accommodate foot traffic at all.

Thank you for your attention to this matter.

Sincerely,

Lisa Prichard and Bernard J Canniffe
413 Lynn Avenue, Ames IA 50014
Cell: 443-570-3016

December 17, 2017

City Manager, City of Ames
515 Clark Avenue
Ames, IA 50010

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Lisa Prichard and Bernard J Canniffe
413 Lynn Avenue, Ames IA 50014
Cell: 443-570-3016

January 11, 2018

Keith Abraham
Director of Parks and Recreation
City of Ames
515 Clark Ave.
Ames, IA 50010

Dear Mr. Abraham,

My name is Larry Hamling and I am the owner of the property at 427 Lynn Avenue in Ames, Iowa. The purpose of this letter is to clarify my position on trees that are in the right-of-way space and sidewalk alternatives related to those trees.

We contacted the Parks and Recreation Department to look at the tree that is on the Baker Street side of the property. The reason for the request was because we are concerned about the sidewalks. The sidewalks need to be replaced because they have been broken and heaved by the tree roots. To replace the sidewalks, the tree roots will likely need to be trimmed. In addition, I feel the proximity of the trees to the sidewalk will cause the replacement of the sidewalks more often than would be normal. While at the property, the City representative(s) noted that the tree on Lynn Avenue also needed to be evaluated.

I want to add clarity to my conversation with Lisa Prichard since there seemed to be confusion at the January 9th city council meeting. I did talk with Lisa and I understand why she doesn't want to see the tree on Lynn Avenue taken down. I told her that I would consider reasonable alternatives. However, that was before you explained to me that an easement may need to be obtained and that approximately six feet of the property would be needed to keep the sidewalk away from the tree.

I am not in favor of routing the sidewalk around the trees for several reasons. First, I am not interested in providing the easement for a number of reasons that I don't feel need to be discussed here. Secondly, I don't want to give up property to reroute the sidewalk. And lastly, I think once these trees die or need to be removed, the sidewalk will have an awkward curve or it will need to be removed and replaced. Although, I do realize that it is difficult to predict how long the trees will survive.

Your presentation at the January 9th city council meeting taught me a lot about the issues with these trees (I watched the archived video). I am not in favor of keeping the trees because these trees are likely a safety issue for the public and nearby residents. Having said that, if there is a solution that will not result in unreasonable maintenance of the sidewalks and I can be guaranteed of that, and the City of Ames believes they are safe, I remain open to listening to alternative solutions.

Sincerely,


Larry Hamling

From: "Iles, Jeffery K [HORT]" <iles@iastate.edu>
To: Keith A Abraham <KAbraham@city.ames.ia.us>

Date: Friday, January 19, 2018 02:23PM
Subject: Trees at 427 Lynn

Good Afternoon Keith:

As you know, I have visited 427 Lynn on two separate occasions to assess the health of two trees in the city right of way associated with that property; a hackberry on Lynn and a silver maple on Baker. Both trees have caused infrastructure damage (sidewalk upheaval), and for that reason alone, are candidates for removal. But the decision to remove both trees is made even more compelling after considering their location, health, structural integrity, and potential for failure. Because these trees are much too large for the space they've been given, have structural flaws that could result in limb failure, and in the case of the hackberry, is already beginning to decline, I recommend their removal. These kinds of recommendations are not easily made, especially for trees that have brought functional and aesthetic benefit to our urban tree canopy, but as responsible stewards of this important "green" resource, we must give equal consideration to potential risks. The time for responsible tree management, including the removal of additional trees that pose unacceptable risks, along with the planting of new trees, has never been more important for our city.

Jeff Iles, Professor & Chair
Department of Horticulture
Iowa State University
Ames, IA 50011
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