



**CITY OF LOS ALTOS
CITY COUNCIL MEETING
April 14, 2015**

DISCUSSION ITEM

Agenda Item # 9

SUBJECT: Approve removal of a Canary Island Pine tree at 86 Third Street and replace with a 36-inch box specimen evergreen

BACKGROUND

On April 4, 2013, the Planning and Transportation Commission recommended approval of a new three-story mixed-use building with one level of underground parking at 86 Third Street with the following conditions:

- Have an arborist evaluate Tree No. 16 and provide input on if it can be preserved with a revised underground parking garage
- Remove the mechanical room in the underground garage in order to provide an earth vault to preserve Tree No. 16 or provide root space for a replacement specimen tree

In response to the recommended conditions, the underground parking garage layout was redesigned to include a 12-foot by 12-foot area (“earth vault”) in the southwest corner of the property to help support preservation of the Canary Island Pine (Tree No. 16) or for the planting of a new specimen tree.

The Council report noted that due to the site disturbance related to utility trenching, site grading and repaving that would occur within the drip-line of the tree during construction, even with all feasible and practical protection measures taken, it was likely that the tree’s health would be negatively impacted. Based on these anticipated construction impacts, it was recommended that the tree be approved for removal and replaced with a large specimen evergreen tree.

On May 28, 2013, the City Council reviewed and approved the project. As part of the approval, the Council modified the project conditions to preserve the Canary Island Pine tree.

EXISTING POLICY

None

PREVIOUS COUNCIL CONSIDERATION

May 28, 2013

DISCUSSION

Since the condition to preserve the Canary Island Pine was required by the City Council, the request to remove the tree must be approved by the City Council, not the Planning and Transportation Commission.

City staff and the project arborist have been monitoring the tree during construction and, despite proper tree protection measures installed prior to demolition and excavation, it appears unavoidable that the tree’s root zone will be negatively impacted by the trenching for the new underground utility

lines in the public alley and the resurfacing of the asphalt adjacent to the base of the tree. The trench, which will be five feet wide and five to six feet in depth, will come within 11-12 feet of the base of the tree. In addition, all of the asphalt around the base of the tree will need to be removed, regraded and replaced. The combination of these two necessary activities related to the new development will result in a significant impact to most of the tree's critical root zone. The developer has submitted a letter and arborist report to support this request and has asked the City for permission to remove the tree (Attachments 1 and 2). The developer, based on the findings in the arborist report, is concerned that the tree will be at increased risk of failure once the utility trench has been dug. Removal, regrading and replacement of the existing asphalt adjacent to the base of the tree will further weaken the tree's root structure.

To ensure that the developer's arborist report provided an accurate assessment of the Canary Island Pine tree, the City retained a consulting arborist, Walter Levison, to provide a peer review of the original arborist report and an independent assessment of the tree. Mr. Levison is the Contract City Arborist for the City of Belmont and has over 16 years of experience as a consulting arborist. His report (Attachment 3) made the following findings:

- The tree's structure, due to the codominant fork in the main trunk, and overall condition are rated as poor
- Proper trimming of the roots during trenching could preserve enough critical root zone to maintain the tree
- Due to the many roots under the alley and public parking plaza drive aisle, the existing asphalt should not be removed and regraded, but rather repaved over the top if the tree is to be maintained
- The tree could be maintained if the City is willing to maintain a 'moderate' risk tree specimen, install a through-bolt in the trunk at the codominant fork, prune most of the limbs to reduce the end weight and not resurface the alley and parking plaza drive aisle
- Since the tree's root system is already compromised and will be further compromised by the trench, its health could still decline

This tree is located adjacent to a City-owned public parking plaza (Plaza 8). If this tree were to lose limbs and/or fall, it would most likely impact the City's public parking spaces in Plaza 8. To assess the potential safety and liability issues associated with the tree, a preliminary risk assessment was conducted (Attachment 4). Based on the assessment of the tree in relation to the public parking lot, the City's liability insurance provider, York Risk Services Group, Inc., found that it posed a very high risk from a claim management perspective.

Based on the findings in the report from Walter Levison and the preliminary risk assessment, it is recommended that the Canary Island Pine tree be approved for removal. Although the Levison report identifies certain measures which could be employed in an attempt to preserve the tree, it is not recommended that these be implemented due to the need to regrade and replace the asphalt immediately adjacent to the tree and the significant liability the City would assume should the tree fail in the future.

In addition to approving the removal of the tree, it is recommended that the developer be required to plant a replacement tree. An appropriate evergreen replacement tree that will grow to a similar

height would be a Deodar Cedar. It generally requires less maintenance, has a reduced risk of limb failure and, once established, will require less water than a Canary Island Pine tree. An appropriate size to be planted in the middle of the earth vault on the property at 86 Third Street would be a 36-inch box specimen tree. A larger box size could be required, but generally the larger specimens are more root-bound and take longer to get established once planted.

PUBLIC CONTACT

Posting of the meeting agenda serves as notice to the general public.

FISCAL/RESOURCE IMPACT

None

ENVIRONMENTAL REVIEW

Categorically Exempt per CEQA Section 15301

RECOMMENDATION

Approve removal of the Canary Island Pine tree at 86 Third Street and replace with 36-inch box specimen evergreen tree

ALTERNATIVES

Deny the request to remove the Canary Island Pine tree and accept the potential safety and liability issues that may result if the tree were to experience failure in the future.

Prepared by: Zachary Dahl, Senior Planner

ATTACHMENTS:

1. Developer letter dated March 31, 2015
2. McClenahan arborist report dated February 27, 2015
3. Levison peer review arborist letter dated March 30, 2015
4. Pine Tree Risk Management Perspective dated April 1, 2015

March 31, 2015

Community Development Department
City of Los Altos

Attn: Zachary Dahl, Senior Planner

Re: Canary Island Pine Tree near the 86 Third Street Project

Dear Zach,

The status of the Canary Island pine tree on the City of Los Altos right-of-way is holding up the underground work for the PG&E joint trench for the 86 Third Street project. The owners of the project do not need the tree to come down as it does not affect this property. However, we recommend it be taken down before it falls down and potentially causes injury to people and property. The PG&E trench will cut several more major roots at which time the risk of this tree falling becomes greater. The arborist, McClenahan Consulting, has written three letters over the past year explaining the dangers of leaving this tree in place.

This tree was recommended to be removed by the owners of 86 Third Street, the arborist, and the staff at the City of Los Altos as long as one year ago. The tree has shallow roots caused by coverage of 75% of the roots with pavement as well as many years of traffic flow over the roots. The tree has been leaning towards the parking lot for many years, the branches are predominantly heavy on that same side, and 50% of the roots will be cut when the PG&E trench is dug immediately adjacent to the tree trunk. In addition, the tree blocks traffic flow in the right-of-way for the long row of parking spaces in the parking plaza.

The owners of 86 Third Street have made arrangements for a new, large, and more appropriate tree to be planted in a 12' x 12' planting box designed specifically into our project to accommodate the loss of this tree when that time comes.

Regards,

David Luedtke
VP Development
86 Third Street, LLC



McClenahan Consulting, LLC
Arboriculturists Since 1911

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Telephone (650) 326-8781
Fax (650) 854-1267
www.spmcclenahan.com

February 27, 2015

West Valley Properties
c/o Mr. David Luedtke
86 Third Street LLC
280 Second Street #230
Los Altos, CA 94022

RE: **86 Third Street**
Los Altos, CA

As requested, I inspected the construction impacts to tree 16, a Canary Island pine shown in our February 20, 2013 tree inventory as proposed for removal. The tree was required to be retained without requiring a design change. This will cause substantial root loss. The tree has sustained damage to the root zone during early stages of excavation. Figure 1 shows some I-beams for lagging where the basement excavation will be 14-feet deep. In addition, PG&E will be trenching to underground the lines within the Tree Protection Zone on the west side of the trunk and the asphalt road shown in Figure 3 and 4 will need to be replaced. I recommend removal of this tree due to loss of roots associated with new construction, adjacent road repairs and installation of underground high voltage lines. The target area is the city parking lot and buildings. The degree of root loss associated with the road repairs and joint trench create a high risk of failure especially in adverse weather conditions. In addition, the codominant leaders are considered a moderate risk for failure associated with wet, windy or high heat weather conditions.

16: Canary Island pine (*Pinus canariensis*)

Diameter: 38.8"

Height: 70' **Spread:** 40'

Condition: Fair

Location: Left rear alley

Observation: Codominant leaders create an inherent structural weakness and a moderate risk of failure. City parking lot is the target. Pruned for utility line clearance. Asphalt encompasses 70 percent of root environment. There are four broken limbs two to four inches in diameter hanging in the crown and on the ground. The existing asphalt has been damaged by roots and creates a tripping hazard.

Figure 1 shows the excavation on the tension side of the slight lean.



Figure 1

Figure 2 shows the codominant leaders and the parking lot that is the target area for either a branch failure or root failure.



Figure 2



Figure 3: Asphalt alley to be excavated sufficient to replace asphalt and achieve similar finished grade.



Figure 4: Asphalt alley to be replaced on two sides of root flare.

Conclusion

The degree of anticipated damage from trenching and replacing existing asphalt may require removal of 70 percent of root system. The loss of more than 50 percent of the root environment will create a high risk for failure, therefore removal is recommended.

Should you have any questions, or if we may be of further assistance in these concerns, kindly contact our office at any time.

Sincerely,

McCLENAHAN CONSULTING, LLC

Handwritten signature of John H. McClenahan.

By: **John H. McClenahan**
ISA Board Certified Master Arborist, WE-1476B
member, American Society of Consulting Arborists

ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like a medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures.

Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees.



Arborist:

John H. McClenahan
McClenahan Consulting, LLC

Date:

February 27, 2015



3/30/2015

**Assessment of
One (1) Canary Island Pine (*Pinus canariensis*) Specimen
at
86 3rd Street
Los Altos, California**

Zach Dahl, Senior Planner
City of Los Altos Community Development Department

Dear Mr. Dahl,

Per your request, Walter Levison, Consulting Arborist ("WLCA") reviewed the written letter report concerning one (1) Canary Island pine specimen at 86 3rd Street prepared on 2/27/2015 by McClenahan Consulting LLC, and visited the active construction site on which the tree sits on 3/26/2015. The following are my notes and recommendations regarding the subject tree. Throughout this document, the pine will be referred to as "the subject", and the McClenahan arborist report will be referred to as the "MC report". Digital images of the subject archived by WLCA are provided in this document:

1. Tree Condition: The MC report notes that the subject tree at the southwest corner of the construction site is currently in fair condition, is failing structurally, and is a known risk due to projected loss of up to 70% of the tree's (lateral) root system.

WLCA finds that the tree maintains good live twig density and extension, but a codominant fork at 25 to 30 feet elevation with bark inclusion type formation brings the structural rating down to "poor", which then reduces the overall condition rating to 45% or "poor" overall. This defect could be managed through use of a through-bolt bracing rod at the fork and/or cable installation(s), and by careful endweight reduction pruning to remove the outermost portions of the tree's southward extended scaffold limbs to reduce load forces acting on the limb attachments. The endweight reduction issue is important, given that there are two to three scaffold limbs that measure more than 50% of the diameter of the main stem, which increases risk of those limbs splitting out. However, these heavy limbs are attached to the lower portion of the tree below the above-noted codominant mainstem fork. Therefore, reduction of endweight on these limbs will not affect stability of the fork itself, and will only stabilize the limbs on which pruning is performed.

2. Root Loss: The actual radius of root zone remaining on the north side of the subject trunk after residential deep excavation was completed was approximately 12 horizontal feet from trunk edge. Roots will be severed at approximately 11 feet west of the trunk edge for joint trench excavation where utilities will be installed in a north-south trajectory, as measured by WLCA in the field, under the assumption that the blue dashed spray line on the asphalt at the time of writing indicates the maximum lateral encroachment of utility trenching west of the subject tree trunk.

Asphalt is to be removed and the existing driving areas replaced, assumedly with new baserock and hardscape, which will require excavation down to the base elevation of the old baserock layer where lateral woody roots are typically found in older pavement sections. If the baserock below the old asphalt were to be retained, and a new section of asphalt poured or otherwise installed directly over a scarified layer, the existing old baserock with its myriad of woody lateral tree roots could theoretically be preserved in the areas south of the trunk, and between the joint trench and the trunk on the west side of the tree.

3. Targets and Risk Analysis: The MC report states that the target is the parking lot, but does not analyze risk of total tree failure or tree part failure using the ISA international standard methodology. WLCA offers the following analysis for review, using the standard risk assessment protocol (TRAQ) set forth by the International Society of Arboriculture:



Below table: Subject tree risk assessment by WLCA, for three (3) targets and two (2) failure modes:

Target	Failure Mode	Likelihood of Failure	Likelihood of Impact	Likelihood of Failure and Impact	Consequences	Overall Risk Rating
Parking Lot Cars and Pedestrians	Entire Tree	Possible	High	Somewhat Likely	Severe	Moderate (tree as-is) Assume failure toward parking lot due to lopsided canopy
New Residence to North / Persons Ingressing or Egressing	Limb or Codominant Mainstem	Probable	Medium	Somewhat Likely	Severe	Moderate (tree as-is)
Residence Itself	Limb or Cod Mainstem	Probable	Medium	Somewhat Likely	Significant	Low (tree as-is)
Parking Lot Cars and Pedestrians	Limb or Cod Mainstem	Probable	Medium	Somewhat Likely	Severe	Moderate (tree as-is)

Note: If endweight reduction pruning were to be performed to shorten branch lengths on the south side of tree, and if a through-bolt cable were installed at the codominant mainstem fork, then these risk ratings may be able to be reduced one tier (risk rating sequence: low, moderate, high, extreme).

Please refer to the standardized TRAQ tree risk assessment table below on page 3 which was the basis used by WLCA to determine the information above:



Below: TRAQ tree risk assessment tables (modified by WLCA for use in reports) used to determine the risk ratings on page 2 above. Note that each factor has four (4) tiers. Also note that the lowermost matrix below concludes the risk rating process with a subjective relative risk rating of low, moderate, high, or extreme:

Likelihood of Failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
<i>Imminent</i>	Unlikely	Somewhat Likely	Likely	Very Likely
<i>Probable</i>	Unlikely	Unlikely	Somewhat Likely	Likely
<i>Possible</i>	Unlikely	Unlikely	Unlikely	Somewhat Likely
<i>Improbable</i>	Unlikely	Unlikely	Unlikely	Unlikely
Improbable: The tree or branch is not likely to fail during normal weather conditions and may not fail in many severe weather conditions.				
Possible: Failure could occur, but it is unlikely during normal weather conditions.				
Probable: Failure may be expected during normal weather conditions.				
Imminent: Failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.				
Very Low: Remote chance that failure will impact target. Rarely used site fully exposed; occasionally used site partially protected. Rarely used trail or trailhead in a rural area, or an occasionally used area that has some protection due to other trees between the failure and the target.				
Low: Not likely that failure will impact target. Occasionally used area fully exposed; frequently used area partially exposed; constant target well protected. EX: a little-used service road next to the tree, or a frequently used street with a street tree between the assessed tree and the street.				
Medium: Even odds that failure will impact target. Frequently used area fully exposed on one side of tree; constantly occupied area partially protected. EX: suburban street next to street tree, or a house partially protected by an intermediate tree.				
High: Likely that the failure will contact the target. A fixed target is fully exposed. EX: near a high-use road or walkway with an adjacent street tree.				
Likelihood of Failure and Impact	Consequences			
	Negligible	Minor	Significant	Severe
<i>Very Likely</i>	Low	Moderate	High	Extreme
<i>Likely</i>	Low	Low	Moderate	High
<i>Somewhat Likely</i>	Low	Low	Low	Moderate
<i>Unlikely</i>	Low	Low	Low	Low
Negligible: low value damage or disruption, no personal injury.				
Minor: low to moderate damage, small disruptions to traffic or communication lines, or very minor personal injury.				
Significant: moderate to high value damage, considerable disruption, or personal injury.				
Severe: high value damage, major disruption, severe personal injury or death.				



4. Root Plate Stability Analysis:

If we use the Ed Hayes rule of 1/3 of major buttress roots severed within 3X DBH as a threshold for stability, we have a limit of 39" X 3 = approximately 10 feet lateral distance as a minimum "no dig" zone inside which no alteration must occur. Per this definition, we seem to have enough lateral root mass intact at the current time, assuming utilities are cut at 11 feet west of trunk per the blue dashed line.

However, if we then account for proposed new asphalt and baserock replacement using standard excavation down to the base of the old baserock, severing through the remnant root system in the areas south of trunk and west of trunk, then the tree will decline both in terms of health rating and structural stability rating, and would then not be viable as a long term landscape specimen tree. In this case, the tree would be of elevated risk and would need to be removed as a high risk specimen (refer to the tables above on pages 2 and 3). This would reduce or remove roots within the critical area of (3 X DBH) as a radial distance from trunk.

Using Mattheck's table on page 84 of *The Body of Language of Trees*, it is determined that stability of trees based on field studies of thousands of failures in Europe requires a root plate radius to stem radius (measured to center of trunk) of about 7:1 for a tree measuring 39 inches diameter or about 20 inches trunk radius. This works out to a required tree root plate preservation distance from trunk edge of approximately 10 feet radius for our subject tree of 39 inches diameter, which coincidentally is exactly the same as the Ed Hayes' rule noted above, except that in Mattheck's calculation, the root plate radius is noted as a full radius in all directions that must be maintained without adulteration.

Summarizing the above information, we find that we basically need a minimum of 10 feet radius of unadulterated root zone to maintain structural stability for the subject tree.

To maintain health long term, trees typically need on the order of 0.50 to 1.0 feet of root zone radius per each inch of trunk, depending on species, health, and various circumstances such as slope, soil, and hydrologic conditions. This works out to approximately 20 feet minimum root zone radius for the subject tree if we are to maintain it in optimal condition over the long term.

Conclusion

The subject tree is in poor overall condition due to structural defects which are somewhat manageable through use of through-bolt brace installation at the codominant mainstem fork, and by use of careful branch endweight reduction pruning per ANSI A300 standards to reduce the lengths of lanky scaffold limbs, mainly in the southerly direction.

The tree is a moderate risk specimen for most failure modes per the analysis on page 2 of this report. Risk ratings may or may not be reduced by one tier, if the above-noted maintenance were to be performed.

Risk ratings determined in this report assumed that asphalt replacement over the south root zone area and west root zone area could be modified such that the existing asphalt would simply be scarified and resurfaced/resealed, without any excavation of or adulteration of the existing older baserock base layer below the asphalt, in which woody lateral roots and fine absorbing roots are likely living.

The tree could potentially be retained if:

A: The tree owner is willing to maintain a 'moderate' risk specimen that may or may not be reduced to a low risk specimen through use of through-bolt installation(s) and branch endweight reduction pruning per ANSI A300 standard practices. Other maintenance may or may not be applicable, such as arborist cable installations.

B: Asphalt renovation is limited to simple scarification, resurfacing, and resealing, without any excavation into or adulteration of the existing baserock beneath the existing asphalt layer. This may mean living with undulations caused by tree root expansion, and dealing with continued maintenance of the roadway related to on-going root expansion.



C: The tree owner understands and is willing to accept that the subject tree's root system is already compromised and will be compromised by utility trenching, at locations that are at the approximate limit of minimum root plate radius for stability maintenance per the Mattheck and Hayes standards.

D: The tree owner understands and is willing to accept that the subject tree's root system is already compromised within the bare minimum root zone radius standards for health maintenance on the north side (residence excavation) and west side (utility excavation, not yet occurred).

E: Final landscaping and irrigation (not assessed by WLCA) does not require any trenching within 15 to 20 feet of the subject tree trunk edges.

On a final note, lack of normal rainfall and/or irrigation around this tree may result in premature tree decline or death.

Assumptions and Limiting Conditions

Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised and evaluated as through free and clean, under responsible ownership and competent management.

It is assumed that any property is not in violation of any applicable codes, ordinance, statutes, or other government regulations.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.

The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.

Unless required by law otherwise, the possession of this report or a copy thereof does not imply right of publication or use for any other purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.

Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initiated designation conferred upon the consultant/appraiser as stated in his qualifications.

This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

Sketches, drawings, and photographs in this report, being intended for visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by engineers, architects, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Walter Levison to the sufficiency or accuracy of said information.

Unless expressed otherwise:

information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection;
and

the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Loss or alteration of any part of this report invalidates the entire report.

Arborist Disclosure Statement:

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Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

Certification

I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signature of Consultant



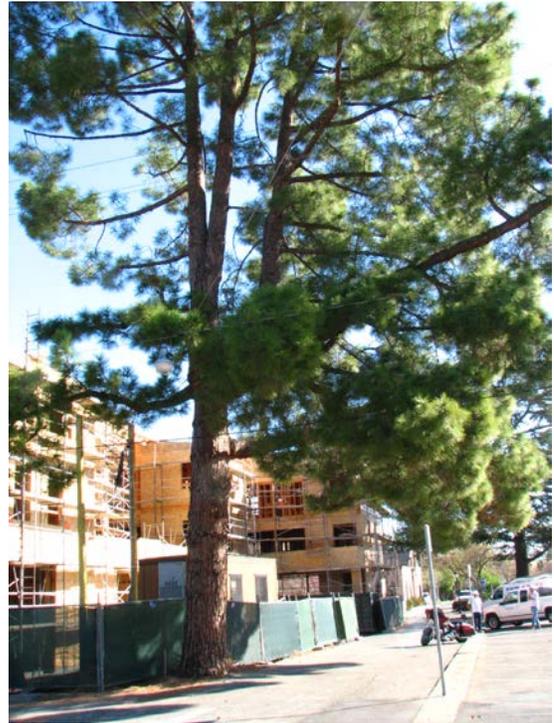
The subject pine exhibits large diameter scaffold limbs that extend southward, that are of diameters greater than 50% of the mainstem diameter, This means that they are more likely to split out than limbs measuring less than 50% of the mainstem diameter.



Close-up view of the codominant mainstem fork in the subject tree which may be treated with a through bolt bracing system and/or arborist cable installation(s). This work may or may not reduce risk of splitout.



Asphalt is to be replaced between the blue line and the green fence (trunk edge). If this asphalt is replaced by excavating down into the baserock and replacing all baserock, then the root system of the tree will be severely compromised and the tree will need to be removed.



Profile of the subject tree looking east. Note the lopsided canopy extending right (southward).



Date: April 1, 2015

RE: 86 3rd Street Ongoing Construction
Mature Canary Island Pine Tree
Risk Management Perspective

I am Steve Kochly, Senior Adjuster for York Risk Services Group. I have 36 years of experience in the field of property & casualty claims. Since 1988, I have specialized in public liability. I am currently assigned by York to the Bay Cities Joint Powers Insurance Authority account, a pooling authority comprised of 18 bay area municipalities. I serve in the role as third party claim administrator for 9 of the 18 cities, including Los Altos.

On April 1st, I was brought to the 86 3rd Street construction site for a firsthand look at the tree in question as well as the immediate area. I have also had the chance to review tree expert opinions for the Canary Island Pine as provided by the City of Los Altos.

Generally speaking, it has been my experience that city trees are responsible for a large percentage of property claims which are presented over the course of a year. The most common claims are the limb detachments which usually fall upon property causing damages. More often than not, the impacted property is a parked vehicle, sometimes multiple vehicles depending upon the size of the limb. But limbs can also fall upon building structures as well. Total tree failures in the form of uprooted trees can also occur, but less commonly so. While rare, pedestrians or vehicle occupants can also be at risk of bodily injury, even death.

Given the close proximity which the Canary Island Pine has to the parking lot, in combination with the report of up to 70% of the trees' root system being compromised by the ongoing construction makes this tree-in my opinion- a very high risk from a claim management perspective. While no one can predict future claims with certainty, the probabilities of claim occurrences increase in direct proportion with the volatility of the risk, in this case a large, compromised tree. So, as the individual serving as your claim administrator, I would favor its removal.

Sincerely,

Steve Kochly

Steve Kochly
York Risk Services Group, Inc.

Enclosure

cc:

1390 Willow Pass Road, Suite 400, Concord, CA 94520

ATTACHMENT 4