

City of Culver City

Mike Balkman
Council Chambers
9770 Culver Blvd.
Culver City, CA 90232
(310) 253-5851

Staff Report

File #: 21-73, **Version:** 2

Item #: PH-2.

CC - PUBLIC HEARING: Appeal of the Public Works Director's Decision for Approval of Request for Removal of City-Owned Parkway Tree Located at 10729-31 Northgate Street.

Meeting Date: August 10, 2020

Contact Person/Dept: Eric Mirzaian/Public Works

Phone Number: 310-253-6444

Fiscal Impact: Yes ☐ No ☐

General Fund: Yes ☒ No ☐

Public Hearing: ☒

Action Item: ☐

Attachments: ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (08/05/2020); (Mail) All property owners within a 100-foot radius of 10729-31 Northgate Street (08/03/2020)

Department Approval: Charles D. Herbertson, P.E., Director of Public Works/City Engineer (07/22/2020)

RECOMMENDATION

Staff recommends the City Council conduct a public hearing to consider the appeal of the Public Works Director's decision for approval of a request for removal of City-owned parkway tree located at 10729-31 Northgate Street.

PROCEDURE

1. Mayor calls on staff for a brief staff report and City Council poses questions to Staff as desired.
2. Mayor seeks a motion to open the public hearing, providing the appellant the first opportunity to speak, followed by the general public.
3. Mayor seeks a motion to close the public hearing after all testimony has been presented.
4. City Council discusses the matter and arrives at its decision.

BACKGROUND

Culver City Municipal Code (CCMC) Sections 9.08.200, et seq., pertain to the removal of trees in parkways. In accordance with Section 9.08.210.B, applicants have the option to request the discretionary removal of a City-owned parkway tree by submitting a written application to the Public Works Director and paying the applicable filing fee. Subsequent to the filing of the request for tree removal, a thorough assessment is conducted by the City's Urban Forester.

In accordance with the procedures set forth in CCMC Section 9.08.210.C, the Public Works Director then reviews the application and supporting documentation, as well as the Urban Forester's assessment, to determine whether to approve the requested removal of the particular tree. In determining whether any tree in or on the parkway shall be removed or replaced, the Public Works Director shall determine whether the removal or replacement is in the best interest of the City and the public health, safety and welfare. Such determination shall be based on the criteria set forth in either Subsection C.1 or Subsection C.2 as follows:

1. If any one of the following criteria is met:
 - a. The tree is dead, dying, or weakened by disease, age, storm, fire or other injuries so as to pose an existing or potential danger to persons, properties, improvements, or other trees; or
 - b. The removal is necessary for construction of a street improvement project or other public improvement/repair work; or
 - c. The removal is necessary for a private improvement or development project, see Section 9.08.215.
2. If two or more other criteria are met:
 - a. The tree is a known species or is otherwise found to be an undesirable species for its location based on tree size relative to available area for tree growth.
 - b. The tree roots are creating extensive and repeated damage to public and/or private infrastructure, including sidewalks, sewer lines, or other utility lines. A history of sewer line blockages from tree roots does not alone provide sufficient reason for tree removal, but rather suggests the need for sewer repair to stop leaks and the accompanying root intrusion that occurs.
 - c. The tree is creating a public or private nuisance.

CCMC Section 9.08.210.E requires that a formal appeal of the Public Works Director's decision can be filed within 10 City Hall business days after the date set forth in the notice of decision.

DISCUSSION

On October 1, 2019, the property owner at 10729-31 Northgate Street filed an application for removal of two parkway trees (*Ficus microcarpa Nitida*) on the Galvin Street side of the property (Attachment 1). The request was made on the justification that the subject trees are known problem species and have outgrown their planting area, the tree roots are causing extensive damage to the public street/sidewalk, and due to the tree roots growing near a high-pressure natural gas line located on Galvin Street as well as other underground utilities.

The Urban Forester's assessment recommended the removal of both trees based on the justification

provided by the applicant in addition to the fact one of the trees has been damaged by vehicular traffic in the past which could potentially compromise the stability and health of the tree. The size of both trees is also causing the canopies to encroach into each other which creates a hazardous situation. In addition, the damaged caused to the surrounding sidewalk, curb/gutter and pavement is so extensive that any repairs to be made would require extensive root cutting that will further compromise the stability of the trees. The trees would need to be removed for any future infrastructure repair/improvement to occur.

Based on the applicant's justification and the Urban Forester's assessment, the Public Works Director approved the applicant's request to remove both trees based on the criterion of CCMC Sections 9.08.210.C.1, C.2.a and C.2.b being satisfied (See Attachment 1).

On February 25, 2020, the Director's decision was mailed to the applicant and all interested persons (Attachment 2). On March 2, 2020 the City received a letter from a property owner of 10740 Northgate Street timely requesting an appeal of the decision to remove the trees (Attachment 3). The appeal is primarily based on the aesthetic value the trees provide to the neighborhood.

Pursuant to CCMC Section 9.08.210.F, the City Council shall affirm the decision of the Public Works Director, unless the appellant demonstrates by substantial evidence, that the decision is based on an error in fact or disputed findings. The decision of the City Council on this appeal shall be final.

FISCAL ANALYSIS

There is no fiscal impact in conducting this public hearing. If the Public Works Director's decision is upheld, the cost to remove the tree are already budgeted in the Public Works Department-Tree Maintenance Adopted Budget for Fiscal Year 2020-2021. If the Public Works Director's decision is overturned, then there are no costs associated with the removal of the trees.

ATTACHMENTS

1. 2020-08-10_ATT_Tree Removal Application_Northgate
2. 2020-08-10_ATT_Public Works Director's Decision Letter_Northgate
3. 2020-08-10_ATT_Appeal Letter_Northgate.

MOTION

That the City Council:

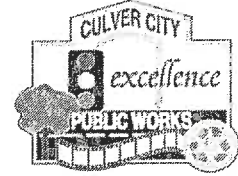
1. Affirm the decision of the Public Works Director to approve the applicant's request for removal of two trees located at 10729-31 Northgate Street; or
2. Overturn the decision of the Public Works Director, finding that the decision to approve the request to remove the trees located at 10729-31 Northgate Street was based on an error in fact or disputed finding; thereby, denying applicant's request to remove the trees.



Public Works Department
Maintenance Operations Division

CITY OF CULVER CITY

9505 West Jefferson Boulevard, Culver City, California 90232



Request for Parkway Tree Removal

(Pursuant to Culver City Municipal Code Section 9.08.210: See reverse side of this form)

Applicant: Cynthia A Mabus
(Name)
10729/10731 Northgate St. Culver City 90230
(Address)

Telephone 310-415-1111
Cynthia Mabus - City Council

Request for removal of 2 tree(s)

Location: ☐ In front of, and/or
☒ On side of property located at 10729/10731 Northgate St. Culver City 90230
(Street Address)

Reason for removal:
(Criteria set forth in Culver City Municipal Code Section 9.08.210.C must be satisfied. See reverse side of this form.)

- 2a The tree is a known problem species, FICUS. TREE SIZE TO LARGE FOR SIDEWALK
2b the tree roots cause extensive damage to public street sidewalk + sewer line.
the trees are sitting on a high PRIORITY NATURAL GAS LINE.
2c the trees damage does not allow for parking, limbs fall and are dangerous
☒ Supporting documentation is attached.
☒ Request for removal (subject to availability of City resources and funds), OR
☐ Request for priority removal at applicant's expense.

PROCEDURE FOR TREE REMOVAL:

If applicant's request for tree removal is granted, removal of aforementioned tree(s) will be accommodated on a priority basis subject to availability of City resources and funds. Applicant has the option to be granted priority removal if they agree to pay for the removal at their expense. Applicant will be presented with a quote from City's tree trimming contractor prior to removal. Upon authorization of quote and payment by applicant, tree(s) will be removed by City's tree trimming contractor as their schedule permits.

FILING FEE:

The applicant shall post a non-refundable filing fee in the amount of \$ 75 along with this request form.

DECISION AND APPEAL:

The decision of the Public Works Director is final, unless appealed by the Applicant, a member of the City Council or an Interested Person. Appeals shall be submitted in writing and filed with the City Clerk within 10 days after the decision date identified in the notice of decision. (See CCMC Section 9.08.210.E and F for more information.)

Date 10/1/2019 Signature Cynthia Mabus
(Applicant)

FOR CITY USE

Species of tree(s) to be removed: Ficus microcarpa nitida

Tree(s) to be removed: 33 inches 45 feet _____ feet
(Approx. diameter) (Approx. height) (Parkway width)

Permission is hereby: ☒ Granted for removal (subject to availability of City resources and funds) Trees #1 & #2
☐ Granted for priority removal at applicant's expense
☐ Denied

Date 2/4/2020 Signature [Signature]

White: Property Owner/Applicant

Yellow: Public Works Director

Pink: Maintenance Operations Division

Revised 1/30/14

Both trees exhibit potential for major branch failure. Extensive shade; sidewalk damage creating hazards; cannot be repaired without tree removal. History of previous damage to sidewalk from street (8'). Potential to impact high pressure gas line.



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas
TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 10731 Norhtgate St Tree # 1
Map/Location: Tract 14843 Lot 112 Block 10000
Owner: public ☒ private ☐ unknown ☐ other ☐
Date: 12/31/2019 Inspector: David Talavera
Date of last inspection: 12/24/2019

HAZARD RATING:

<u>2</u>	+	<u>4</u>	+	<u>3</u>	=	<u>9</u>
Failure Potential		Size of part		Target Rating		Hazard Rating
☐ Immediate action needed						
☒ Needs further inspection						
☐ Dead tree						

TREE CHARACTERISTICS

Tree #: 1 Species: Ficus microcarpa nitida
DBH: 33" # of trunks: 1 Height: 48' Spread: 45'
Form: ☒ generally symmetric ☐ minor asymmetry ☐ major asymmetry ☐ stump sprout ☐ stag-headed
Crown class: ☐ dominant ☒ co-dominant ☐ intermediate ☐ suppressed
Live crown ratio: 85 % Age class: ☐ young ☐ semi-mature ☒ mature ☐ over-mature/senescent
Pruning history: ☐ crown cleaned ☒ excessively thinned ☒ topped ☐ crown raised ☐ pollarded ☐ crown reduced ☐ flush cuts ☐ cabled/braced
☐ none ☐ multiple pruning events Approx. dates: illegal trimming
Special Value: ☐ specimen ☐ heritage/historic ☐ wildlife ☐ unusual ☒ street tree ☐ screen ☐ shade ☐ indigenous ☐ protected by gov. agency

TREE HEALTH

Foliage color: ☒ normal ☐ chlorotic ☐ necrotic Epicormics? Y ☐ N ☐
Foliage density: ☐ normal ☒ sparse Leaf size: ☒ normal ☐ small
Annual shoot growth: ☐ excellent ☒ average ☐ poor Twig Dieback? Y ☐ N ☒
Woundwood development: ☐ excellent ☒ average ☐ poor ☐ none
Vigor class: ☐ excellent ☒ average ☐ fair ☐ poor
Major pests/diseases: None pests or diseases

SITE CONDITIONS

Site Character: ☒ residence ☐ commercial ☐ industrial ☐ park ☐ open space ☐ natural ☐ woodland/forest
Landscape type: ☒ parkway ☐ raised bed ☐ container ☐ mound ☐ lawn ☐ shrub border ☐ wind break
Irrigation: ☒ none ☐ adequate ☐ inadequate ☐ excessive ☐ trunk wetted
Recent site disturbance? Y ☒ N ☐ construction ☐ soil disturbance ☐ grade change ☐ line clearing ☐ site clearing
% dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y ☐ N ☐
% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
% dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
Soil problems: ☐ drainage ☐ shallow ☒ compacted ☐ droughty ☐ saline ☐ alkaline ☐ acidic ☐ small volume ☐ disease center ☐ history of fail
☐ clay ☐ expansive ☐ slope _____° aspect: _____
Obstructions: ☐ lights ☐ signage ☐ line-of-sight ☐ view ☐ overhead lines ☒ underground utilities ☐ traffic ☐ adjacent veg. ☐
Exposure to wind: ☐ single tree ☐ below canopy ☐ above canopy ☐ recently exposed ☐ windward, canopy edge ☒ area prone to windthrow
Prevailing wind direction: N/E Occurrence of snow/ice storms ☐ never ☐ seldom ☐ regularly

TARGET

Use Under Tree: ☐ building ☒ parking ☐ traffic ☒ pedestrian ☐ recreation ☐ landscape ☐ hardscape ☒ small features ☐ utility lines
Can target be moved? Y ☒ N ☐ Can use be restricted? Y ☒ N ☐
Occupancy: ☐ occasional use ☒ intermittent use ☐ frequent use ☐ constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y ☒ N ☐ Mushroom/conk/bracket present: Y ☒ N ☐ ID: _____

Exposed roots: ☐ severe ☒ moderate ☐ low Underscored: ☐ severe ☐ moderate ☐ low

Root pruned: 2' distance from trunk Root area affected: 50 % Butress wounded: Y ☒ N ☐ When: _____

Restricted root area: ☒ severe ☐ moderate ☐ low Potential for root failure: ☐ severe ☐ moderate ☐ low

LEAN: 0 deg. from vertical ☒ natural ☐ unnatural ☐ self-corrected Soil heaving: Y ☒ N ☐

Decay in plane of lean: Y N Roots broken Y N Soil cracking: Y N

Compounding factors: unbalance canopy by illegal trimming, _____ Lean severity: ☐ severe ☒ moderate ☐ low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low) N = Negative

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				S
Bow, sweep				L
Codominants/forks			S	
Multiple attachments			S	S
Included bark			M	
Excessive end weight			L	L
Cracks/splits			N	N
Hangers			N	
Girdling	N			
Wounds/seam	S	S	S	S
Decay	M			
Cavity	N	N		
Conks/mushrooms/bracket	N	N	N	
Bleeding/sap flow	N		N	
Loose/cracked bark	N		N	
Nesting hole/bee hive			N	
Deadwood/stubs	M	S	S	S
Borers/termites/ants	N	N		
Cankers/galls/burls	N	N		
Previous failure				Several

HAZARD RATING

Tree part most likely to fail: Big Scaffold

Inspection period: ☒ annual ☐ biannual ☐ other

Failure Potential + Size of Part + Target Rating = Hazard Rating

2 + 4 + 3 = 9

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);
3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 intermittent use;
3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: ☐ remove defective part ☐ reduce end weight ☐ crown clean ☐ thin ☐ raise canopy ☒ crown reduce ☒ restructure ☐ shape

Cable/Brace: _____ Inspect further: ☐ root crown ☐ decay ☐ aerial ☐ monitor

Remove tree: ☒ N ☐ Replace? ☒ N ☐ Move target: ☒ N ☐ Other: _____

Effect on adjacent trees: ☐ none ☒ evaluate

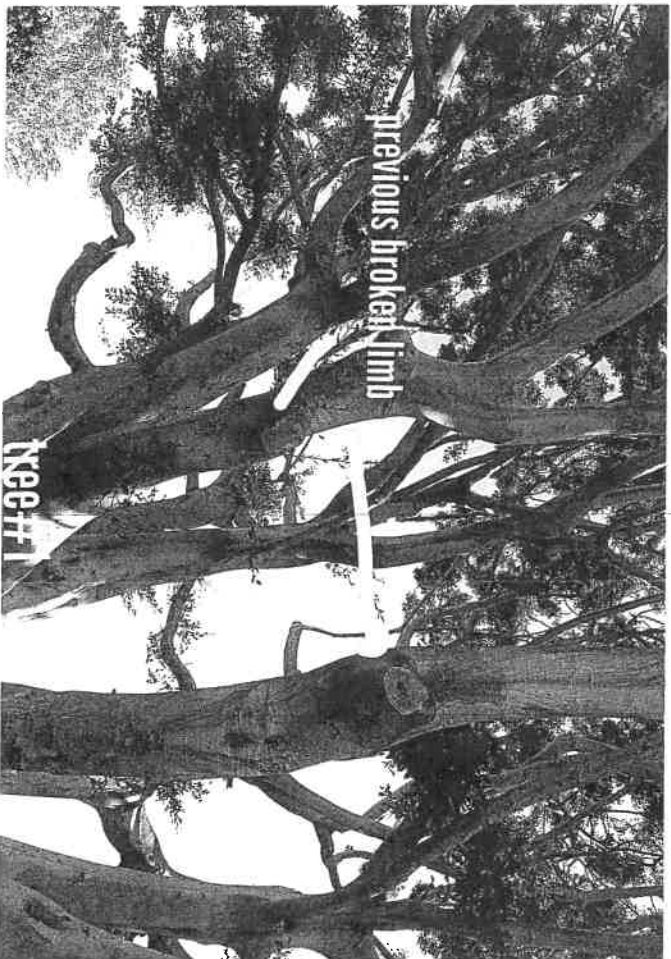
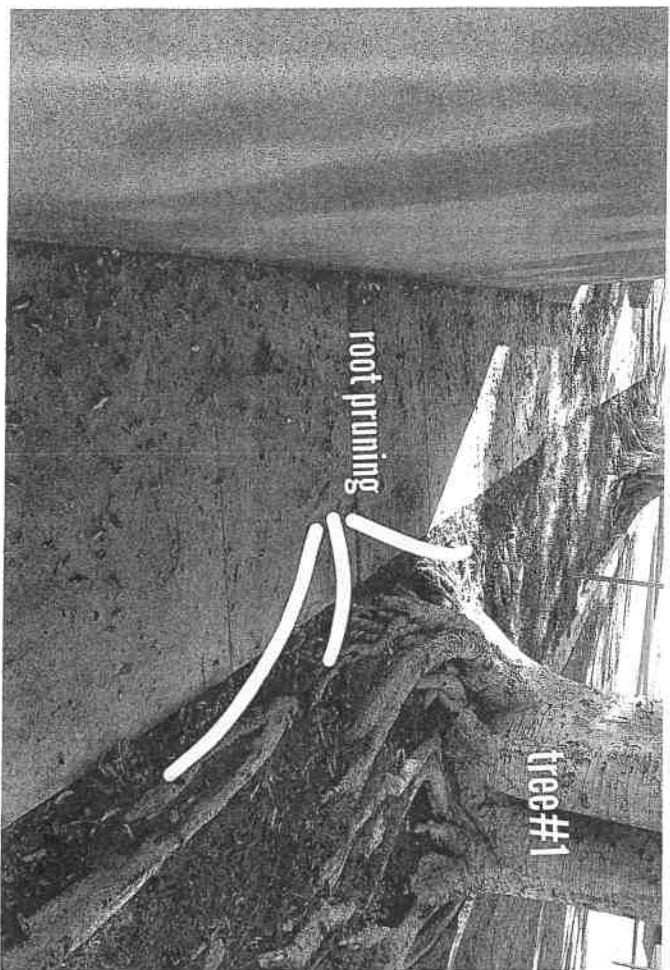
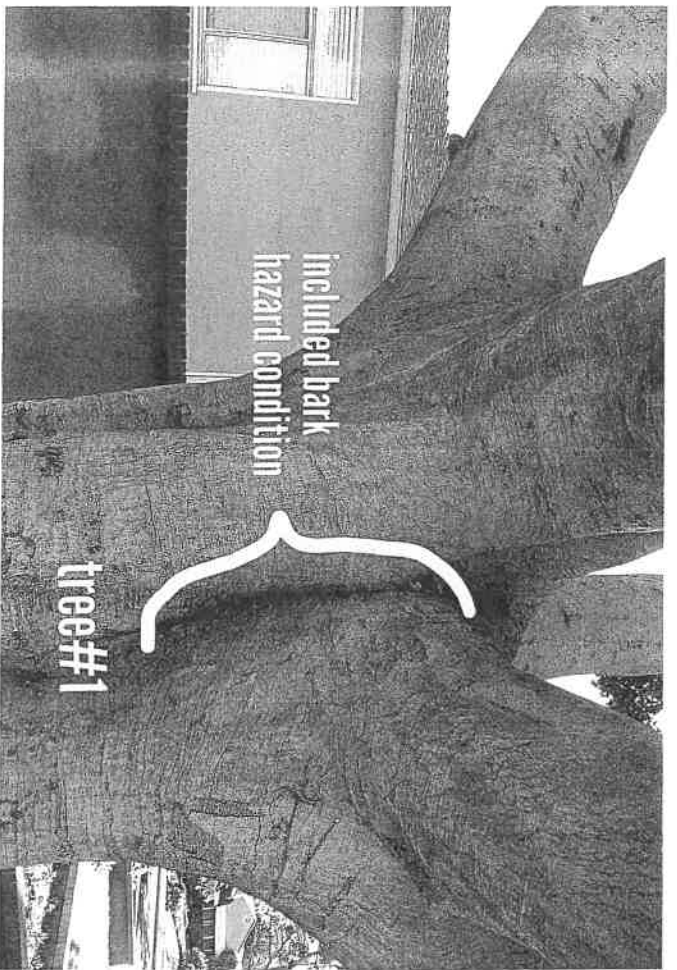
Illegal pruning create unbalance crown canopy

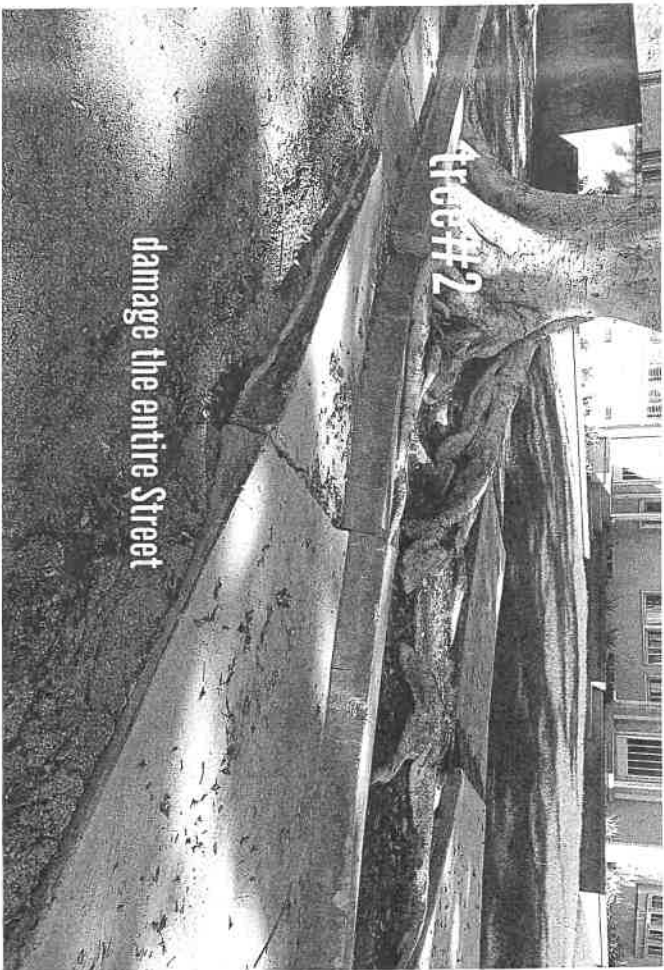
Notification: ☒ owner ☐ manager ☒ governing agency Date: low scaffold hit by traffic (8feet high)

COMMENTS tree will be affected by wind effects if tree#2 ben remove

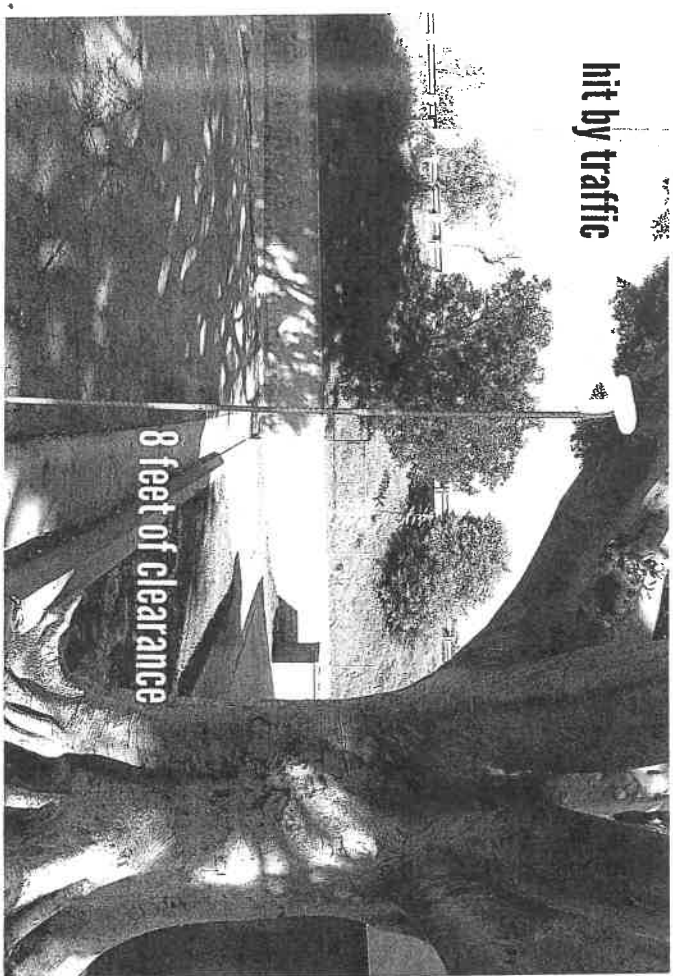
tree damadge the entire street, and curb
history of previous broken limb
recomendation tree remove and replace

Note; Approximately 6 years back the City have a sidewalk improvement on this location
we recommended tree remove ,but a city resident from this address complain and
regard to save this trees , so we decided to skip this improvement.



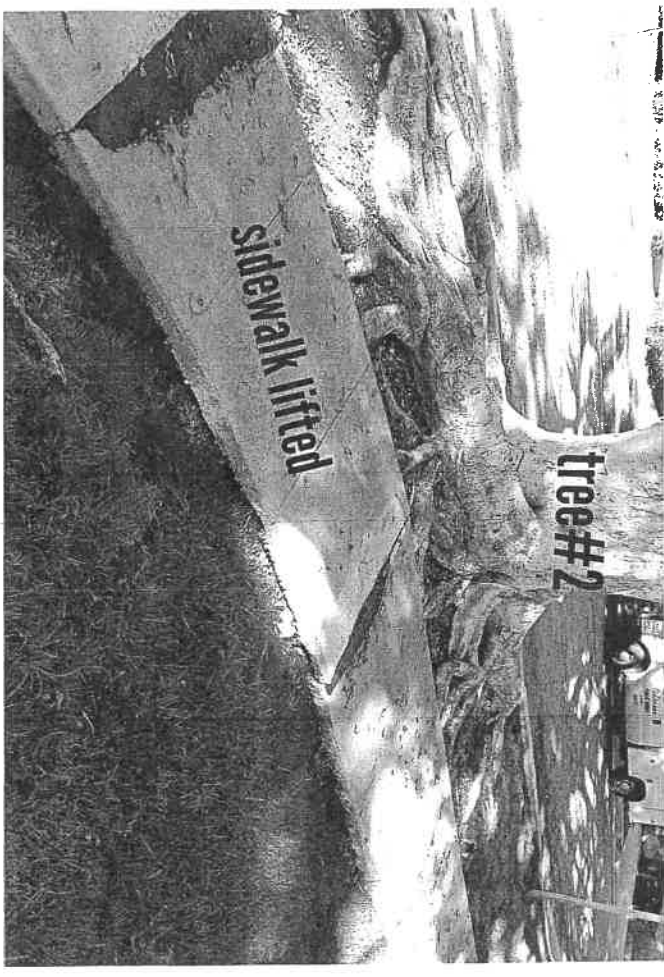


damage the entire Street



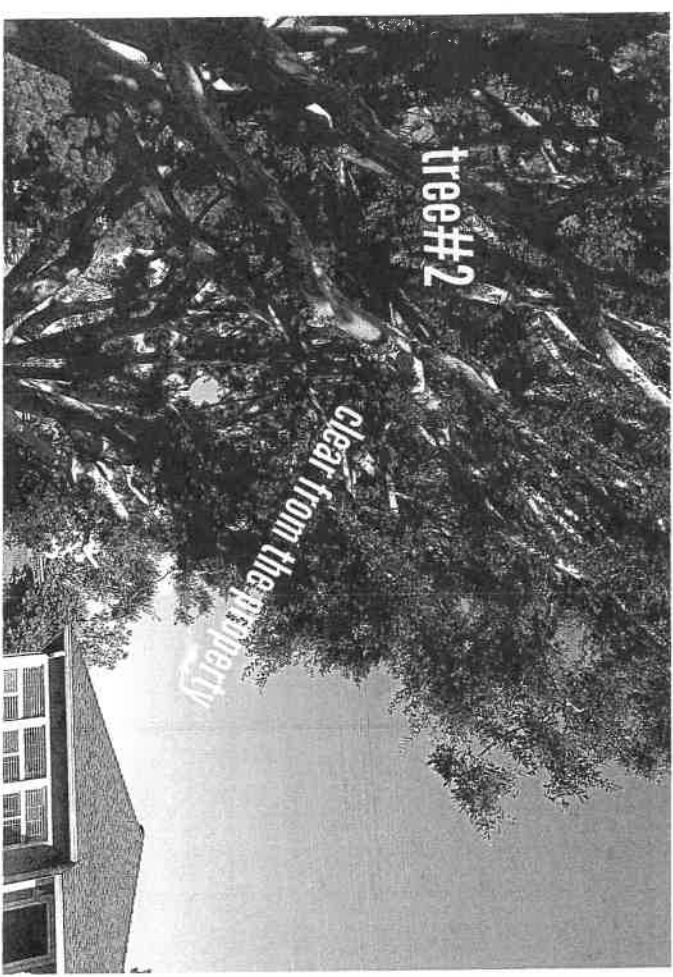
hit by traffic

8 feet of clearance



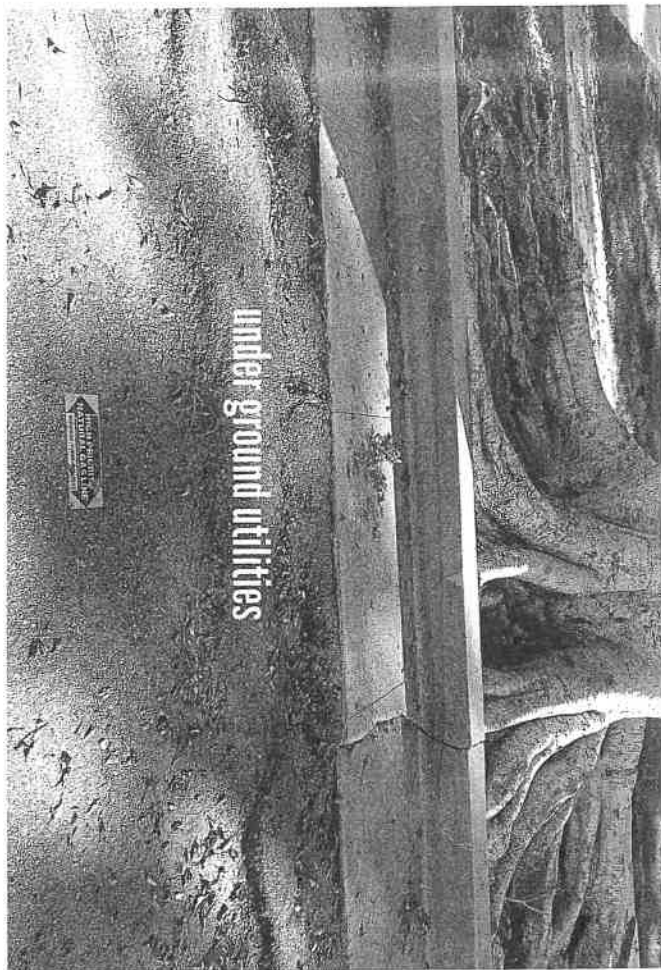
tree#2

sidewalk lifted

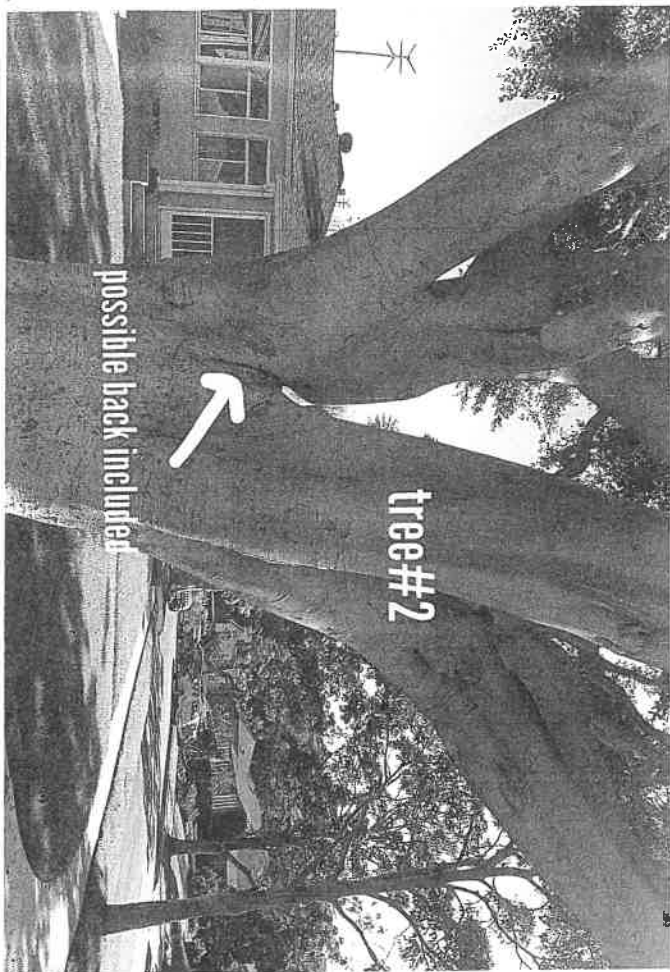


tree#2

clear from the property

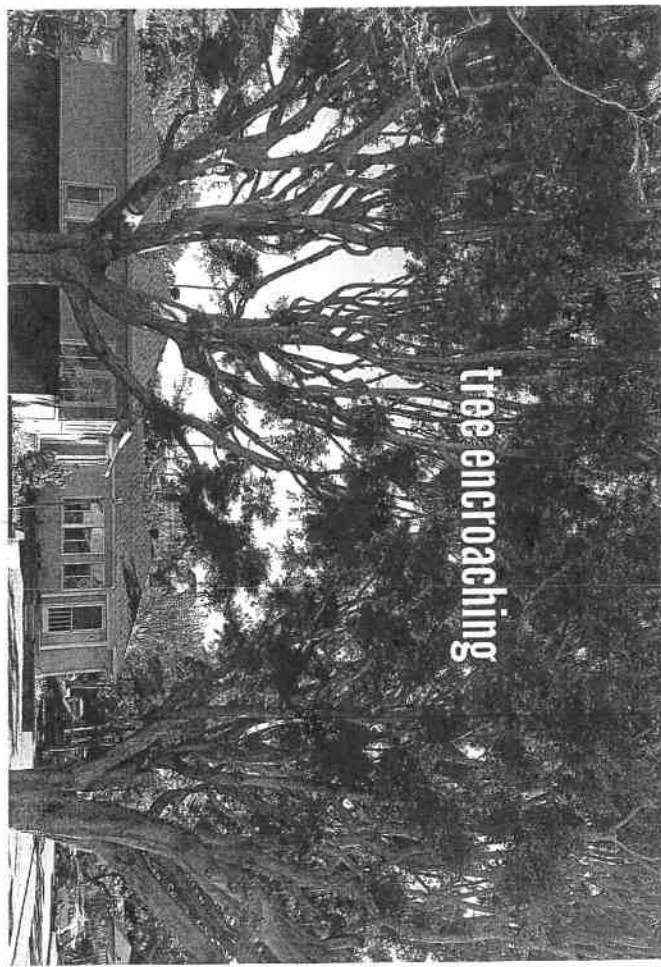


under ground utilities

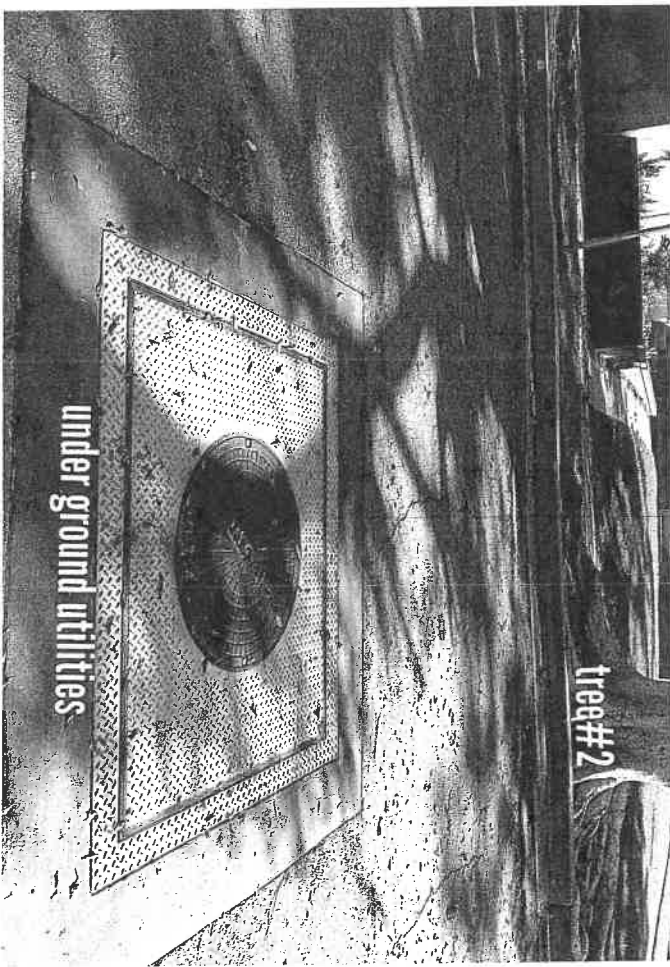


tree#2

possible back included



tree encroaching



tree#2

under ground utilities



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 10731 Norhtgate St Tree # 2
Map/Location: Tract 14843 Lot 112 Block 10000
Owner: public ☒ private ☐ unknown ☐ other ☐
Date: 12/31/2019 Inspector: David Talavera
Date of last inspection: David Talavera

HAZARD RATING:

3	+	4	+	2	=	9
Failure Potential		Size of part		Target Rating		Hazard Rating
☐ Immediate action needed						
☒ Needs further inspection						
☐ Dead tree						

TREE CHARACTERISTICS

Tree #: _____ Species: Ficus Microcarpa Nitida
DBH: 33" # of trunks: 1 Height: 48' Spread: 50
Form: ☒ generally symmetric ☐ minor asymmetry ☐ major asymmetry ☐ stump sprout ☐ stag-headed
Crown class: ☐ dominant ☒ co-dominant ☐ intermediate ☐ suppressed
Live crown ratio: 90 % Age class: ☐ young ☐ semi-mature ☒ mature ☐ over-mature/senescent
Pruning history: ☐ crown cleaned ☒ excessively thinned ☐ topped ☐ crown raised ☐ pollarded ☐ crown reduced ☐ flush cuts ☐ cabled/braced
☐ none ☐ multiple pruning events Approx. dates: illegal trimming
Special Value: ☐ specimen ☐ heritage/historic ☐ wildlife ☐ unusual ☒ street tree ☐ screen ☐ shade ☐ indigenous ☐ protected by gov. agency

TREE HEALTH

Foliage color: ☒ normal ☐ chlorotic ☐ necrotic Epicormics? Y N
Foliage density: ☒ normal ☐ sparse Leaf size: ☐ normal ☐ small
Annual shoot growth: ☐ excellent ☒ average ☐ poor Twig Dieback? Y N
Woundwood development: ☐ excellent ☒ average ☐ poor ☐ none
Vigor class: ☐ excellent ☒ average ☐ fair ☐ poor
Major pests/diseases: None pests or diseases
Growth obstructions: ☐ stakes ☐ wire/ties ☐ signs ☐ cables
☐ curb/pavement ☐ guards
☒ other traffic

SITE CONDITIONS

Site Character: ☒ residence ☐ commercial ☐ industrial ☐ park ☐ open space ☐ natural ☐ woodland/forest
Landscape type: ☒ parkway ☐ raised bed ☐ container ☐ mound ☐ lawn ☐ shrub border ☐ wind break
Irrigation: ☒ none ☐ adequate ☐ inadequate ☐ excessive ☐ trunk wetted
Recent site disturbance? Y ☒ N ☐ construction ☐ soil disturbance ☐ grade change ☐ line clearing ☐ site clearing
% dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N
% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
% dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
Soil problems: ☐ drainage ☐ shallow ☐ compacted ☒ droughty ☐ saline ☐ alkaline ☐ acidic ☐ small volume ☐ disease center ☐ history of fall
☐ clay ☐ expansive ☐ slope _____° aspect: _____
Obstructions: ☐ lights ☐ signage ☐ line-of-sight ☐ view ☐ overhead lines ☒ underground utilities ☐ traffic ☐ adjacent veg. ☐ _____
Exposure to wind: ☐ single tree ☐ below canopy ☐ above canopy ☒ recently exposed ☐ windward, canopy edge ☐ area prone to windthrow
Prevailing wind direction: N/E Occurrence of snow/ice storms ☒ never ☐ seldom ☐ regularly

TARGET

Use Under Tree: ☐ building ☒ parking ☒ traffic ☒ pedestrian ☐ recreation ☒ landscape ☐ hardscape ☐ small features ☐ utility lines
Can target be moved? Y ☒ N ☐ Can use be restricted? Y ☒ N ☐
Occupancy: ☐ occasional use ☐ intermittent use ☒ frequent use ☐ constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.

TREE DEFECTS Tree #2

ROOT DEFECTS:

Suspect root rot: Y ☒ N ☐ Mushroom/conk/bracket present: Y ☒ N ☐ ID: _____

Exposed roots: ☒ severe ☐ moderate ☐ low Undermined: ☐ severe ☐ moderate ☐ low

Root pruned: 10 distance from trunk Root area affected: 25 % Buttress wounded: Y N When: _____

Restricted root area: ☒ severe ☐ moderate ☐ low Potential for root failure: ☐ severe ☐ moderate ☐ low

LEAN: 0 deg. from vertical ☐ natural ☐ unnatural ☐ self-corrected Soil heaving: Y N

Decay in plane of lean: Y ☒ N ☐ Roots broken Y ☒ N ☐ Soil cracking: Y N

Compounding factors: None pests or diseases Lean severity: ☐ severe ☐ moderate ☐ low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low) N=negative

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				L
Bow, sweep				L
Codominants/forks			S	
Multiple attachments			S	S
Included bark			M	
Excessive end weight			S	S
Cracks/splits			N	N
Hangers			N	
Girdling	N			
Wounds/seam	N	S	S	S
Decay	N	N		
Cavity	N	N	N	
Conks/mushrooms/bracket	N	N	N	
Bleeding/sap flow	N		N	
Loose/cracked bark		N		N
Nesting hole/bee hive				N
Deadwood/stubs				L
Borers/termites/ants	N		N	
Cankers/galls/burls	N		N	
Previous failure				N

HAZARD RATING

Tree part most likely to fail: Big Scaffold

Inspection period: ☒ annual ☐ biannual ☐ other _____

Failure Potential + Size of Part + Target Rating = Hazard Rating

3 + 4 + 2 = 9

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);
3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 intermittent use;
3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: ☒ remove defective part ☐ reduce end weight ☐ crown clean ☐ thin ☐ raise canopy ☐ crown reduce ☐ restructure ☐ shape

Cable/Brace: _____ Inspect further: ☐ root crown ☐ decay ☐ aerial ☐ monitor

Remove tree: ☒ N ☐ Replace? ☒ N ☐ Move target: Y ☒ N ☐ Other: _____

Effect on adjacent trees: ☐ none ☒ evaluate side walk and curb damage by the tree roots:

Notification: ☒ owner ☐ manager ☒ governing agency Date: illegal trimming

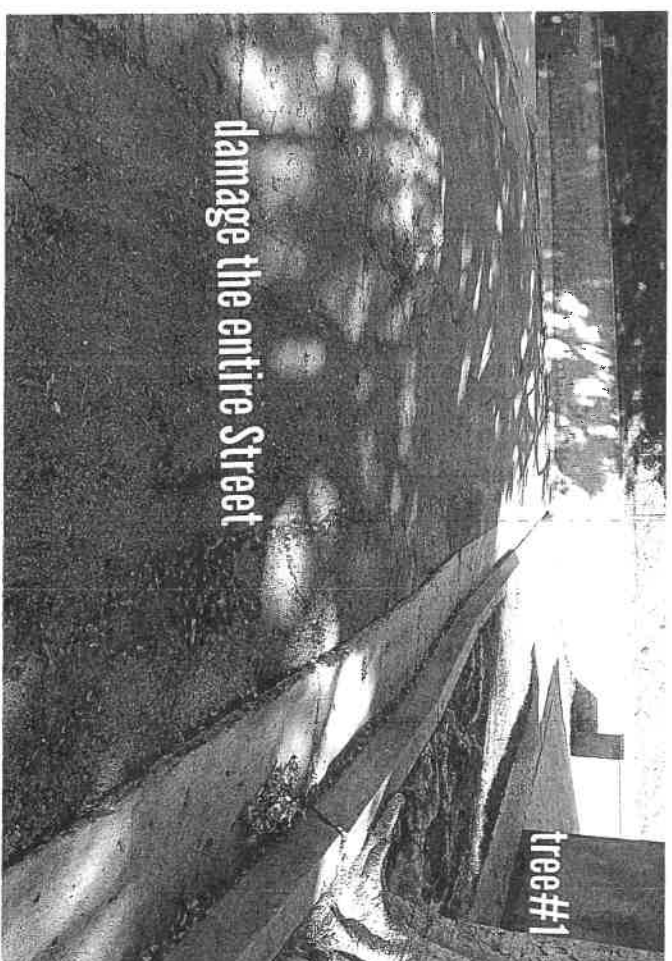
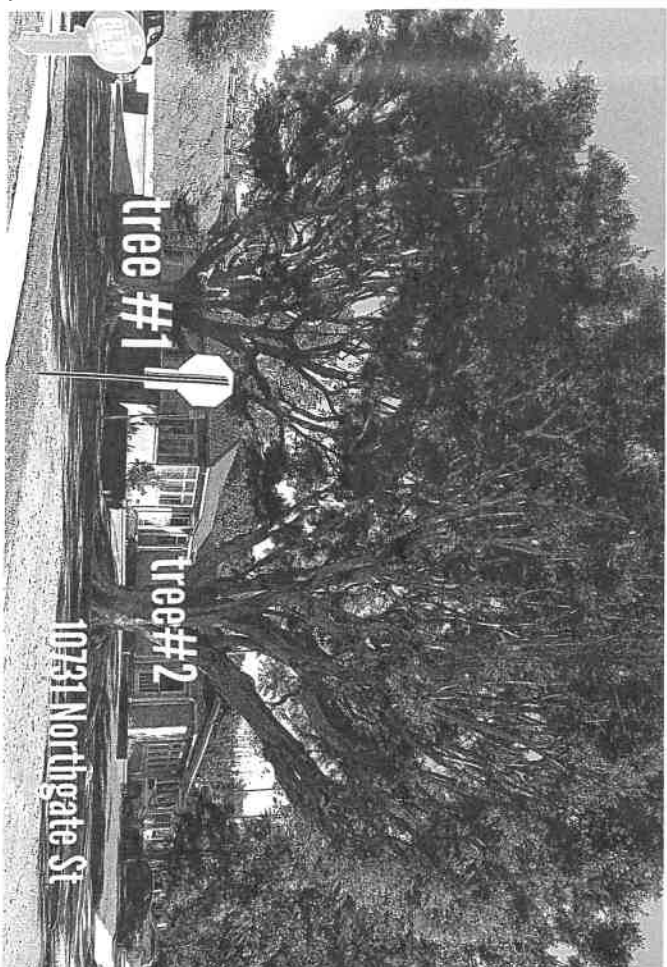
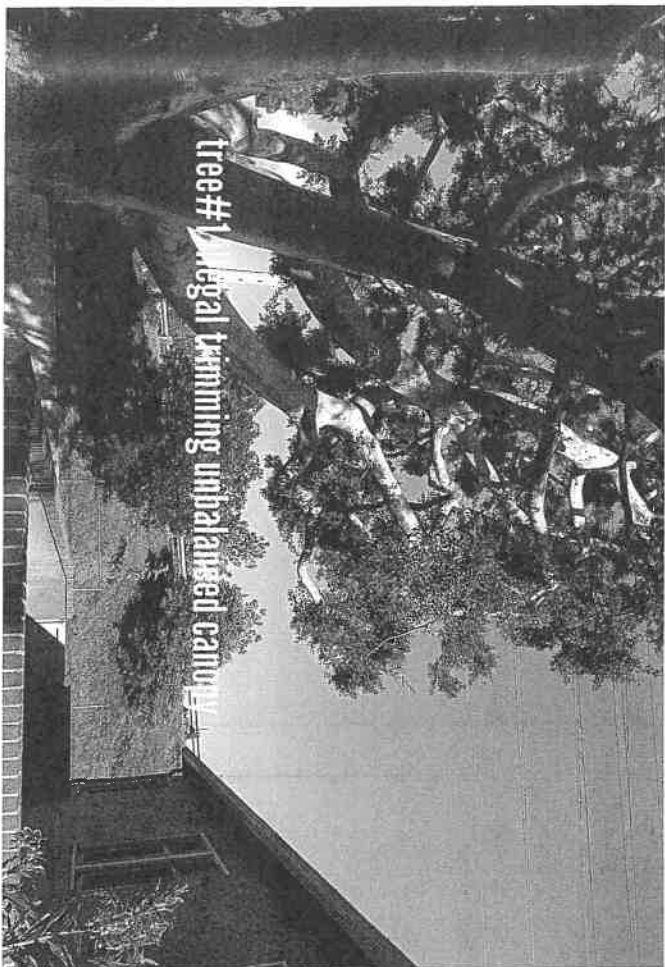
COMMENTS include bark hazard condition at this time tree

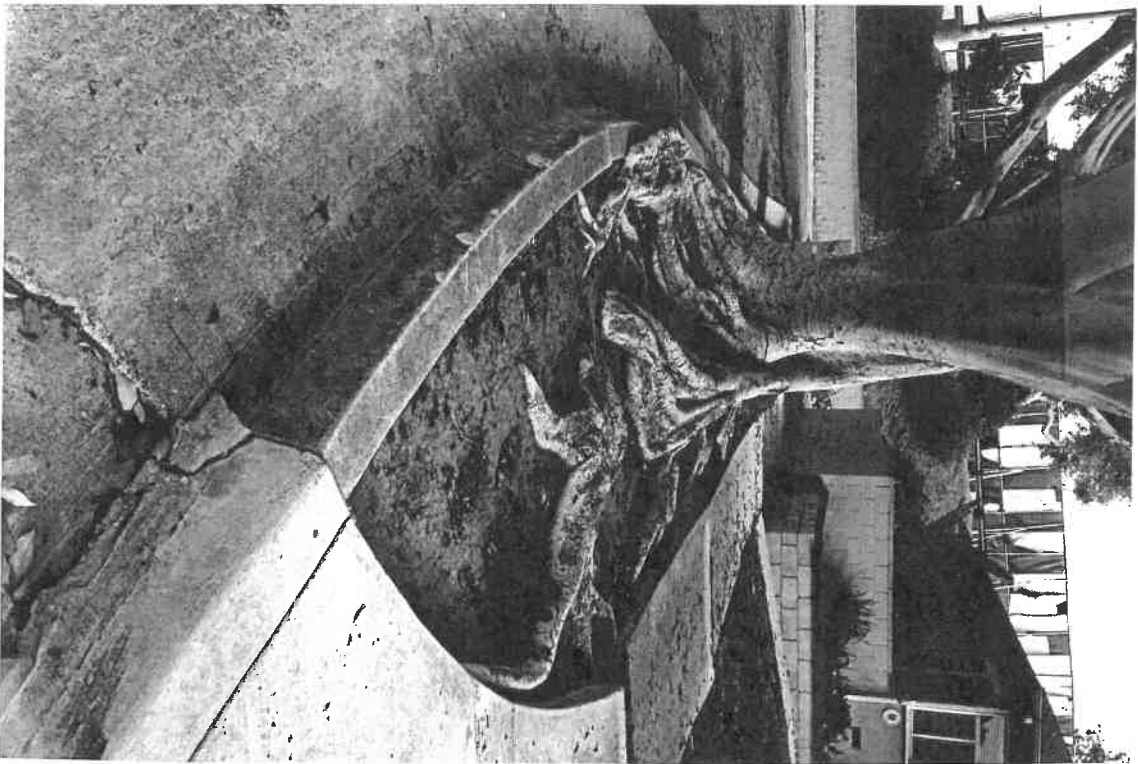
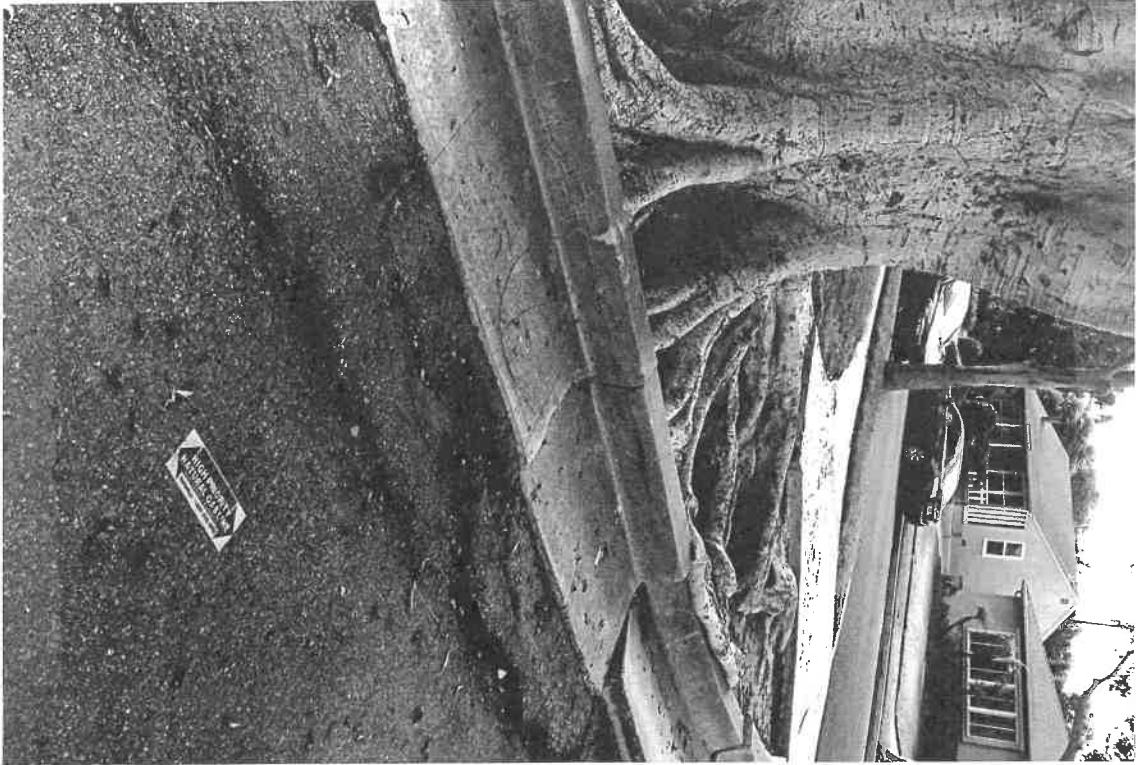
tree encroaching with tree #1

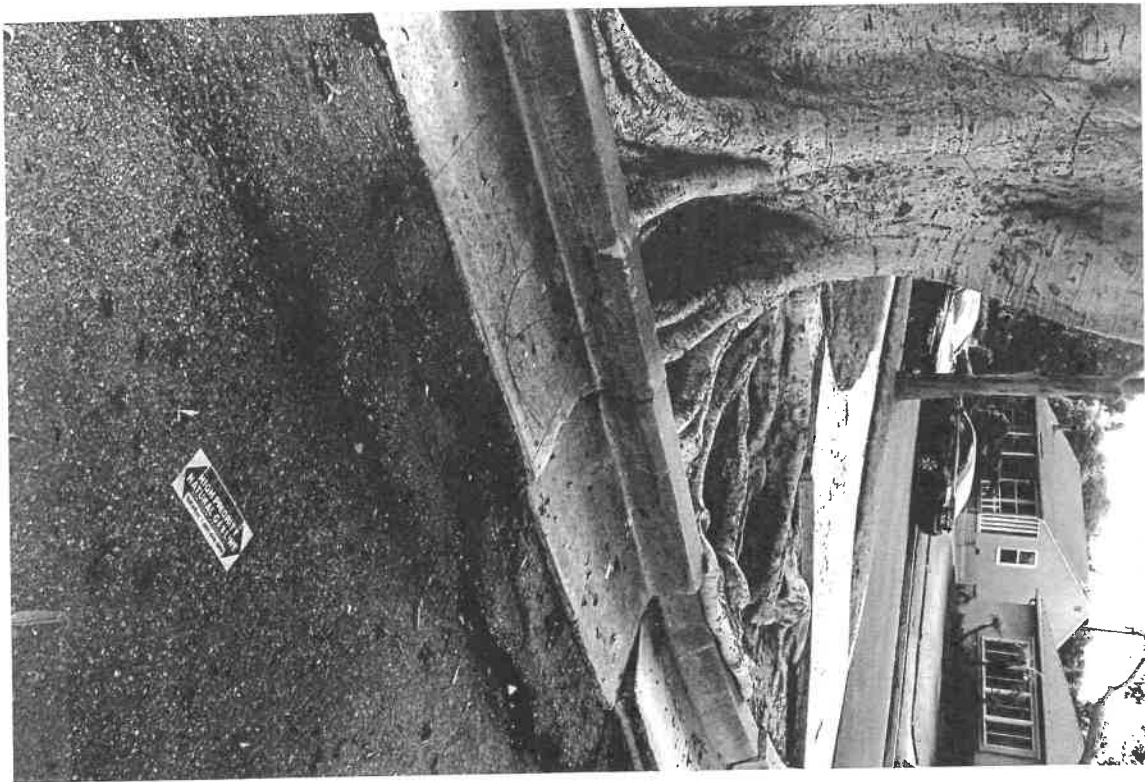
Under ground utility, roots over the lawnscap area

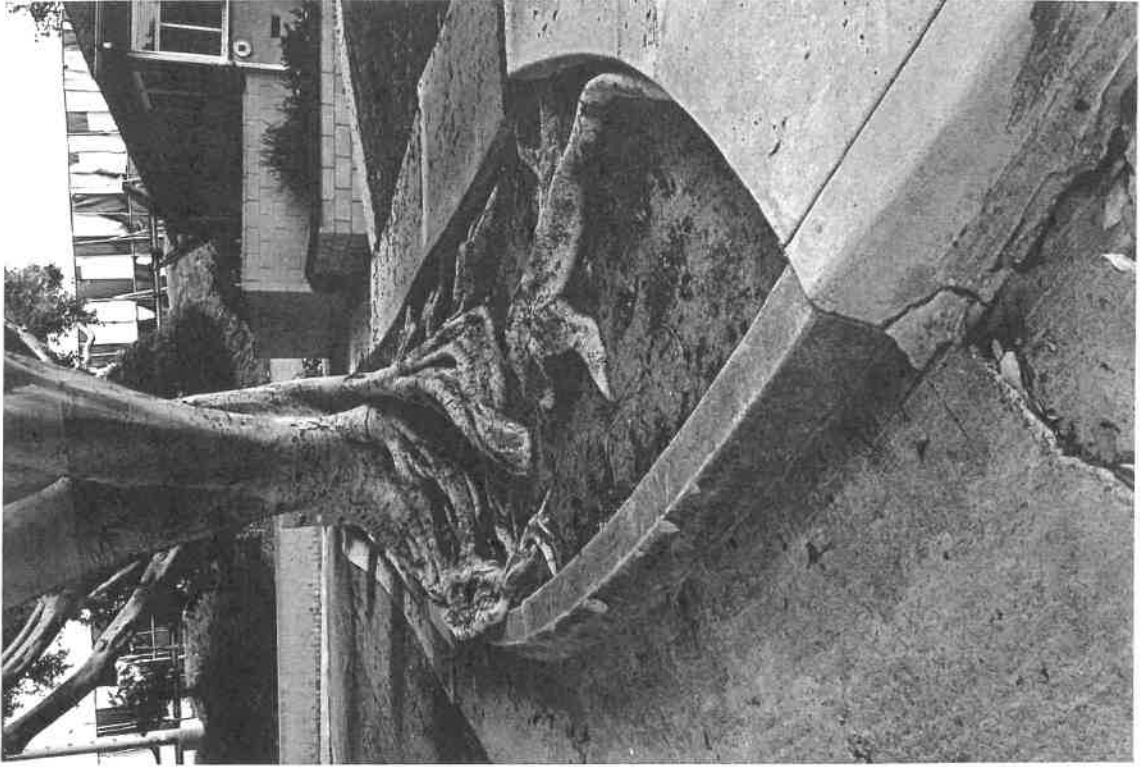
Recommendation remove and replace

Note; same condition to tree #1







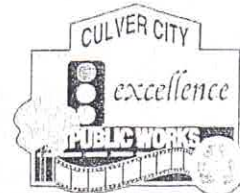




Culver

PUBLIC WORKS DEPARTMENT

9770 Culver Boulevard, Culver City, California 90232



(310) 253-5600
FAX (310) 253-5626

Charles D. Herbertson, PE, LS
Public Works Director and
City Engineer

Date: 2-25-2020

Subject: Approved Tree Removal(s) in Your Area

This letter hereby serves as notice that the property owner/resident at the address referenced below submitted an application for parkway tree removal to the City. Upon submittal of the request and subsequent assessment by the City's Urban Forester, it was determined the request met the criteria as set forth in Culver City Municipal Code Section 9.08.210.C (see reverse side of this letter). Based on this determination, the removal of the requested tree(s) in front of the subject property was granted by the Public Works Director & City Engineer.

Subject Address: 10729 Northgate st

Location or Specific Tree at Subject Address: side street on GALVIN ST

Estimated Removal Date: After 3-9-2020

The Culver City Municipal Code requires that any interested party (i.e. owner, occupant, or agent of real property) within 100 feet of the subject address shall be notified of such removal prior to the actual removal. Interested parties shall have the opportunity to appeal such decision of the Public Works Director & City Engineer. Appeals shall be submitted in writing and filed with the City Clerk within 10 calendar days of receipt of this letter. Appeals will be heard by the City Council at the earliest possible scheduled City Council meeting.

Charles D. Herbertson
Public Works Director/City Engineer

§ 9.08.210 REMOVAL OF TREES IN PARKWAYS; APPLICATION
PROCEDURE; NOTICE AND APPEALS.

- A. The Public Works Director shall have sole authority to cut, trim, prune, replace or remove any tree in or on any Parkway in the City. No other person shall cut, trim, prune, replace, remove, deface, or in any manner injure any tree in or on any Parkway in the City, except as authorized by the Public Works Director in the case of a private improvement project in accordance with Section 9.08.215.
- B. Any Interested Person may request discretionary removal of a Parkway tree by submitting a written application to the Public Works Director, on a form approved by the City. The written application shall state the name and address of the Applicant, the location of the tree, the reason for the request, and any other information required by the Public Works Director. The written application shall be accompanied by a filing fee, established by resolution of the City Council. A filing fee is not required to request removal of a tree that is suspected to be in a hazardous or unsafe condition.
- C. The Public Works Director shall review the application and supporting documentation to determine whether to approve the removal of the requested tree. In determining whether any tree in or on the Parkway shall be removed or replaced, the Public Works Director shall determine whether the removal or replacement is in the best interest of the City and the public health, safety and welfare. Such determination shall be based on the criteria set forth in either Subsection C.1 or Subsection C.2 as follows:
 1. If any one of the following criterion is met:
 - a. The tree is dead, dying, or weakened by disease, age, storm, fire or other injuries so as to pose an existing or potential danger to persons, properties, improvements or other trees; or
 - b. The removal is necessary for construction of a Street improvement project or other public improvement/repair work; or
 - c. The removal is necessary for a private improvement or development project. Where the application for removal is related to a private improvement or development project, see section 9.08.215.
 2. If two or more other criteria are met:
 - a. The tree is a known problem species or is otherwise found to be an undesirable species for its location based on tree size relative to available area for tree growth.
 - b. The tree roots are creating extensive and repeated damage to public and/or private infrastructure, including sidewalks, sewer lines, or other utility lines. A history of sewer line blockages from tree roots does not alone provide sufficient reason for tree removal, but rather suggests the need for sewer repair to stop leaks and the accompanying root intrusion that results.
 - c. The tree is creating a public or private nuisance.
- D. If a Parkway tree is approved for removal, following review of the criteria listed in Subsection 9.08.210.C, such removal shall be accommodated subject to availability of City resources and funds. In the event that the Applicant desires the approved removal occur prior to when it can be accommodated by the Public Works Director, the Applicant shall be given the option of paying for the removal, in which case the tree will be removed at the first opportunity upon receipt of payment.
- E. The decision of the Public Works Director is final, unless appealed by the Applicant, a member of the City Council or an Interested Person. Appeals shall be submitted in writing and filed with the City Clerk within 10 days after the decision date identified in the notice of decision. The notice of decision shall be prepared by the Public Works Director and sent to the Applicants and all Interested Persons with a copy provided to the City Council. The number of days shall be construed as City Hall business days. Time limits will extend to the following City Hall business day, where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed. An appeal shall include a general statement, specifying the basis for the appeal, shall be based on an error in fact or dispute of the findings of the decision, and must be accompanied by supporting evidence substantiating the basis for the appeal. Appeals shall be accompanied by a filing fee established by resolution of the City Council.
- F. Appeals shall be heard by the City Council, which shall affirm the decision of the Public Works Director, unless the appellant demonstrates, by substantial evidence, that the decision is based on an error in fact or disputing findings. The decision of the City Council on an appeal shall be final.

Craig R. Jablin

Culver City, CA 90230

RECEIVED
2020 MAR -2 PM 5:15

March 2, 2020

CITY CLERK
CITY OF CULVER CITY

Mr. Charles D. Herbertson
Public Works Director/City Engineer
City of Culver City
9770 Culver Boulevard
Culver City, CA 90232

RE: Tree Removal – Corner of Galvin Street and Northgate Street, Culver Crest

Dear Mr. Herbertson,

Pursuant to your notification letter dated February 25, 2020 (please see attached), I would like to file a formal appeal with the City of Culver City (the "City") not to go forward with the tree removal on the corner of Galvin Street and Northgate Street in the Culver Crest.

I am the owner of the property located at 10740 Northgate Street, which is across the street from the subject trees. The two trees in question are beautiful, mature trees, that have recently undergone a large scale (and I am certain costly) pruning, and provide both shade and character to our portion of Culver Crest.

It is evident that the trees, over many years, have caused damage to the road surface and the sidewalk and meet the criteria in the City code for potential removal. However, there is absolutely no detail in the February 25 notice letter as to what the City plans to do as it relates to road repair, sidewalk repair, and most importantly tree replacement. Until a detailed street repair and tree replacement plan by the City is presented to residents, I am asking that the subject tree removal be indefinitely postponed.

It is my opinion that the subject trees provide an important aesthetic to the neighborhood and the replacement with mature trees would be a mandatory requirement should this removal go forward.

Please feel free to call me at your earliest opportunity should you wish to discuss further and let me know what the next steps are in my appeal.

Thank you in advance for your consideration.

Sincerely,

Craig Jablin

Enclosure