

**City of Culver City, California
Agenda Item Report**

Meeting Date: 06/10/2013		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: Introduction of an Ordinance Amending Chapter 9.08, Streets and Sidewalks, and Chapter 9.10, Parks, Public Buildings and Property, of the Culver City Municipal Code, by Adding a New Subchapter 9.08.200, et seq., and Repealing and Reserving Sections 9.10.025, 9.10.030 and 9.10.040, Relating to Tree Removal.			
Contact Person/Dept.: Helen Kerstein/PW		Phone Number: (310) 253-5618	
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 (06/05/13); (Published) Culver City News (06/06/13); (E-Mail) Environmental Listserv (06/06/13); (E-mail) Audubon Society (06/06/13); (E-mail) Ballona Creek Renaissance (06/06/13).			
Department Approval: Charles D. Herbertson (05/29/13)		City Attorney Approval: Carol Schwab (by H. Baker) (06/05/13)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (06/05/13)		City Manager Approval: John M. Nachbar (06/05/13)	
<u>RECOMMENDATION:</u> Staff recommends the City Council introduce an ordinance amending Chapter 9.08, Streets and Sidewalks, and Chapter 9.10, Parks, Public Buildings and Property, of the Culver City Municipal Code, by adding a new Subchapter 9.08.200, et seq., and repealing and reserving Sections 9.10.025, 9.10.030 and 9.10.040, relating to tree removal. <u>BACKGROUND:</u> On May 28, 2013, the City Council considered the introduction of an ordinance relating to tree removal regulations and parkway planting standards. The City Council directed staff to bifurcate the ordinance in order to allow the tree removal and parkway components to be considered separately. The City Council asked staff to bring the tree removal portion of the ordinance back for consideration at the earliest available opportunity, but to hold one or more community meetings or workshops prior to returning with the parkway standards. Tonight, staff is returning, as requested, with the introduction of the ordinance related to the process for tree removals.			

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DISCUSSION:

The City of Culver City's trees contribute enormously to the quality of life of the community. Yet for all the benefits the City's trees provide, there are times when they pose hazards or create hardships and, thus, their removal is in the best interest of the City and the public health, safety, and welfare.

The Public Works Director/City Engineer (Director) is charged with overseeing the City's trees and determining whether a tree should be removed. The Director's decision is based on the criteria outlined in the Culver City Municipal Code (CCMC). The existing provisions of the CCMC specify that the applicant for a tree removal bears the burden of proof to demonstrate the reasons for removal by a preponderance of evidence. It requires a number of factors to be considered, amongst other things, when the Director evaluates tree removal requests and also states that the applicant must show by demonstrable evidence that the alleged damage to private property caused by the tree in question is at least \$5,000. This requirement often precludes the Director from recommending removal of a tree that may otherwise merit removal.

It has become clear in recent years that these provisions are in need of updating in order to ensure that the CCMC provides clear guidance to the Director and also provides some flexibility so that the Director may exercise his judgment and expertise.

The proposed ordinance is intended to fulfill this need. It consolidates and simplifies the criteria for tree removals, eliminates redundant language, reorganizes and relocates the relevant sections to improve clarity, and specifies which criteria are sufficient to merit removal individually and which should be considered in combination. It also eliminates the following requirements for tree removals: 1) that the applicant bear the burden of proof by preponderance of evidence, 2) that the Public Works Director make a declaration on the costs of alternatives, and 3) that \$5,000 in damage to private property be documented. Finally, the proposed ordinance contains a procedure for removals that are necessary for the construction of a private improvement project, which was a critical omission in the past.

Together, these changes should provide the Director with the flexibility to determine holistically whether it is in the best interest of the City to remove the tree or not, while simultaneously providing a sufficiently well-defined framework for making these decisions.

FISCAL ANALYSIS:

Staff does not believe that the proposed changes will result in a significant increased burden on staff. The proposed changes to the criteria for tree removals will provide the Director with more discretion to approve some tree removals, but will not be

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likely to significantly change the number of requests that are received. The Fiscal Year 2013/2014 fee schedule includes fees for tree removal applications and appeals (\$75 each). These fees are intended to offset the staff time associated with processing applications and appeals.

ATTACHMENTS:

1. Proposed Ordinance

MOTION:

That the City Council:

Introduce an ordinance amending Chapter 9.08, Streets and Sidewalks, and Chapter 9.10, Parks, Public Buildings and Property, of the Culver City Municipal Code, by adding a new Subchapter 9.08.200, et seq., and repealing and reserving Sections 9.10.025, 9.10.030 and 9.10.040, relating to tree removal.