



City of Culver City

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Staff Report

File #: 16-500, **Version:** 2

Item #: PH-1.

CC-PUBLIC HEARING: Appeal of the Public Works Director's Decision for Removal of City-Owned Parkway Tree Located at 10860 Stever Street.

Meeting Date: January 23, 2017

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

Public Notification: (E-Mail) Meetings and Agendas - City Council (01/18/2017);

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer (01/12/17)

RECOMMENDATION

Staff Recommends the City Council conduct a public hearing to consider the appeal of the Public Works Director's decision for removal of the City-owned parkway tree located at 10860 Stever Street.

PROCEDURE

1. Mayor calls on staff for a brief staff report and Council poses questions to Staff as desired.
2. Mayor seeks 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. 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 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 § [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 occurs.
 - c. The tree is creating a public or private nuisance.

CCMC Section 2.08.210.E requires all property owners within a 100 foot radius of the subject tree to be notified of the Public Works Director's decision and 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. On November 25, 2016, the Public Works Department received a timely appeal from the property owners at 10869 Stever Street.

DISCUSSION

On August 29, 2016, the property owner at 10860 Stever Street filed an application for removal of the parkway tree (*Ficus microcarpa Nitida*) directly adjacent to the property. The request was made on the justification that the tree is a "nuisance" due to the production and dropping of berries this species of trees is known for, financial burden caused to clean up the droppings from the tree, and safety concerns for a family member with a medical condition that can slip on the berries.

The Urban Forester's assessment recommended removal of the tree based on the fact the roots of tree were damaging the adjacent sidewalk and private driveway, excessive berry production/dropping, and unbalanced tree canopy that was creating instability issues for the tree.

Based on the applicant's justification and Urban Forester's assessment, the Public Works Director approved the removal of the subject tree based on the criteria set forth in CCMC sections C.1.a, C.2.b and C.2.c being met. Subsequently, the Public Works Department received a formal appeal of this decision on November 25, 2016 by the property owner(s) at 10869 Stever Street. The appeal is

primarily based on the appellant's statements of the many benefits the existing street trees provide, including their aesthetic value, the "screening" of carbon monoxide pollutants from vehicle traffic, carbon sequestration, and reducing stormwater runoff.

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 an appeal shall be final.

FISCAL ANALYSIS

There is no fiscal analysis to conduct this public hearing. There is only a fiscal impact to remove the tree, which cost is already budgeted in the Public Works Department-Tree Maintenance adopted budget for Fiscal Year 2016/2017.

ATTACHMENTS

1. Applicant's tree removal request
2. Appellant's formal appeal letter
3. Notice of Public Hearing sent to all property owners within a 100 foot radius of 10860 Stever Street

MOTION

That the City Council:

1. Affirm the decision of the Public Works Director to remove the tree located at 10860 Stever Street; or
2. Overturn the decision of the Public Works Director, finding that the decision to remove the tree located at 10860 Stever Street was based on an error in fact or disputed finding;