



City of Culver City

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Staff Report

File #: 21-716, **Version:** 1

Item #: PH-1

CC - PUBLIC HEARING: Appeal of the Public Works Director/City Engineer's Decision to Deny a Request to Remove Two City-Owned Parkway Trees Located at 4381 Motor Avenue

Meeting Date: March 8, 2021

Contact Person/Dept: Steve Orozco/Public Works
Joe Susca/Public Works

Phone Number: (310) 253-6444/5636

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 (03/03/2021); 4381 Motor Avenue Property Owner (12/28/2020)

Department Approval: Charles D. Herbertson, Director of Public Works/City Engineer (02/25/2021).

RECOMMENDATION

Staff recommends the City Council conduct a public hearing to consider an appeal of the Public Works Director/City Engineer's decision to deny a request to remove two City-owned parkway trees located at 4381 Motor Avenue.

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/City Engineer (Director) and paying the applicable filing fee. After the application is submitted, the City's Urban Forester conducts a thorough assessment.

In accordance with the procedures set forth in CCMC Section 9.08.210.C, the Director then reviews the application and its supporting documentation, as well as the Urban Forester's assessment, to determine whether to approve the requested removal of the trees. In determining whether any tree in or on the parkway shall be removed or replaced, the 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 the 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 Director's decision be filed within 10 City Hall business days after the date set forth in the notice of decision.

DISCUSSION

On May 19, 2020, the property owner of the single-family home located at 4381 Motor Avenue (the "Appellant") filed an application for the removal of two parkway trees (*Ficus microcarpa nitida*) one on each side of their driveway apron (see Attachment 1). The request was made on the justification that since replacing their front yard's landscaping in March 2019, the two trees' root structure has caused minor damage to the sidewalk and may cause future damage to their private infrastructure due to aggressive root growth into their front yard.

The Urban Forester's assessment recommended preserving both trees since they are healthy and

have not caused any major damage to public or private infrastructure. Based on the Urban Forester's recommendation, the subject trees were last trimmed on November 9, 2018 along with the rest of the block.

Based on the Appellant's justification and the Urban Forester's assessment, the Director denied the Appellant's request for the tree removals based on insufficient criteria required for consideration of removal, as well as other viable options that were identified as mentioned in the assessment (see Attachment 1). In this case, it was determined that none of the criterion set forth in CCMC Section 9.08.210.C.1 were met; and only one (of the two required) criterion set forth in Section C.2 was met (which was 2.a described above).

Upon receipt of the Director's decision, the applicant responded with a timely request to appeal. The appeal is primarily based on the applicant's belief that damage to the property's foundation, driveway apron, and front yard hardscape may occur in the future if the trees root growth were allowed to continue unabated. The growth of parkway tree roots into front yard setbacks however, is a very common occurrence as roots seek nutrients and moisture from the soil in the immediate area around them. Staff recommends that root growth be monitored and when found, that roots be pruned to avoid potential property damage.

Pursuant to CCMC Section 9.08.210.F, the City Council shall affirm the decision of the Director, unless the Appellant demonstrates by substantial evidence, that the decision is based on an error 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 appeal is granted and the Director's decision is overturned, then there are costs associated with the removal of the tree, which costs are already budgeted in account number 10160220.619800 of the Public Works Department-Tree Maintenance adopted budget for Fiscal Year 2020-2021.

ATTACHMENTS

1. 2022_03_08_ATT 1_4381 Motor Avenue Tree Removal Application and Staff Assessment
2. 2022_03_08_ATT 2_4381 Motor Avenue Tree Removal Appeal by Appellant

MOTION

That the City Council:

1. Affirm the decision of the Public Works Director/City Engineer to deny the Appellant's request for two tree removals located at 4381 Motor Avenue;

OR

2. Overturn the decision of the Public Works Director/City Engineer, finding that the decision to

deny the request to remove the trees located at 4381 Motor Avenue was based on an error in fact or disputed finding; thereby, granting the Appellant's request to remove the trees.