

September 10, 2007

Honorable Chairman and Members of the
Public Works Commission

Regular Meeting of
September 19, 2007

REQUEST TO REMOVE TREES FROM PUBLIC RIGHT OF WAY

Recommendation:

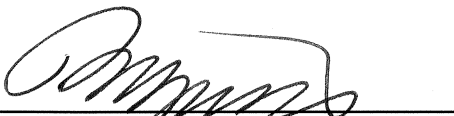
It is recommended that the Public Works Commission consider a request to remove two Japanese Elm trees which are within the public right of way adjacent to 1948 Valley Park Avenue.

Summary:

In accordance with the City's Tree Ordinance (Municipal Code Section 12.36.050), any property owner wishing to remove a parkway tree with a trunk diameter greater than 12 inches must receive approval from the Public Works Commission following a public hearing. A written request was received from the property owner at 1948 Valley Park Avenue to remove two Japanese Elm trees at this property (see attachment). Notices of this hearing were sent to all properties within a 300-foot radius of subject trees.

Attachments: 1. Request Letter
 2. Photo
 3. Tree Ordinance
 4. Notice

Respectfully submitted,



Richard D. Morgan, P.E.
Director of Public Works/City Engineer

6a

Richard Morgan
City of Hermosa Beach
1315 Valley Drive
Hermosa Beach, CA 90254

Dear Mr. Morgan

I am requesting permission to remove 2 Japanese Elm trees from the easement in front of my house. The trees have started shifting the sidewalk, which causes a falling hazard to pedestrians. They have also pushed the sidewalk into a slant, which makes all running water come into my yard; this is a potential issue for flooding. It is my understanding the sidewalk should be sloped into the street or the easement. The roots of the trees will need to be ground out which is going to need collaboration with public works, as this would leave the sidewalk needing to be replaced.

I am offering to pay the tree removal if you will replace the sidewalk. We would like to replace the trees with something less invasive and that requires less maintenance. It has been a considerable expense trimming the trees in accordance to the sign postings. Often one cannot see the stop sign or the street signs when the trees are overgrown as they are right now.

I would also ask you to consider making the berm you created along the side of my property a proper sidewalk. This could possibly be done at the same time as the front.

Enclosed is a copy of the estimate for one tree and stump removal. Considering the hassle, I would like to go ahead and remove both.

Thank you,

Krista Capo
1948 Valley Park Ave.
Hermosa Beach, CA 90254
310-372-4456



For City use only.

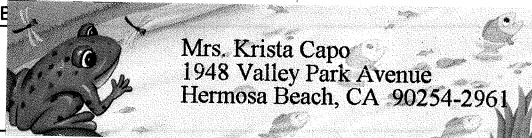
PERMIT NO.:

DATE ISSUED:

City of Hermosa Beach

PUBLIC WORKS DEPARTMENT

PARKWAY TREE PERMIT

Permission is hereby granted to:	
NAME	
 Mrs. Krista Capo 1948 Valley Park Avenue Hermosa Beach, CA 90254-2961	
ADDRESS:	PHONE:
ACTION: PLANT ☐ TRIM ☐ PRUNE ☐ REMOVE ☒ OTHER ☐	
TYPE OF TREE: JAPANESE ELM	
Please note the following:	
1. No permit will be granted for cutting down a tree only. STUMPS MUST BE REMOVED TO 6" BELOW GROUND LEVEL. 2. Permits for trimming and pruning are granted with the understanding that the symmetry of the tree, shrub or plant will be preserved. NO STUBS OR SPLITS are to remain. No other species of tree, shrub or plant may be planted other than that named in the permit. 3. Trees are to be in the standard tree form, not shrub form. Trees are to be 5-gallon size or larger with branching at crown to start a minimum of 5 feet from the soil line. 4. The permittee is obligated to water, maintain and properly care for the tree, shrub or plant planted in the parkway. 5. This permit expires thirty (30) calendar days from the date issued. 6. Other _____	

The undersigned hereby agrees to the terms of this Permit and acknowledges receipt thereof.


SIGNATURE OF PERMITTEE

For City use only:	
AUTHORIZATION:	DATE
PERMIT REQUEST RECEIVED BY:	
APPROVED BY PUBLIC WORKS SUPERINTENDENT:	
APPROVED BY DIRECTOR OF PUBLIC WORKS	

DAVE'S TREE SERVICE P.O. Box 10104 Torrance, CA 90505
Lic. # 719834 (310) 375-3309

ESTIMATE:3/19/07

Property owner:

Job Location (If different):

Krista Capo
1948 Valley Park
Hermosa Beach CA 90254

372-4456

Remove 1 Chinese elm (south tree).
Grind stump.**

\$700.00

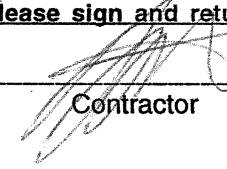
****PLEASE READ CAREFULLY BELOW!!**

Property owner assumes full responsibility for damage to anything underground including but not limited to: utilities, sprinklers, electrical conduits, drains, etc., and to adjacent plants, trees, walkways, patios, driveways, or other adjacent structures which may be damaged during stump and root removal or digging, and to any consequential loss or damage which is a direct result of above damage. Before we start call Dig Alert at: 800-422-4133.

Contractor promises to complete the job in a professional and timely manner. All debris generated will be removed and site left clean. Owner agrees to pay full amount on completion. Please sign and return 1 copy by fax or mail.

Property Owner

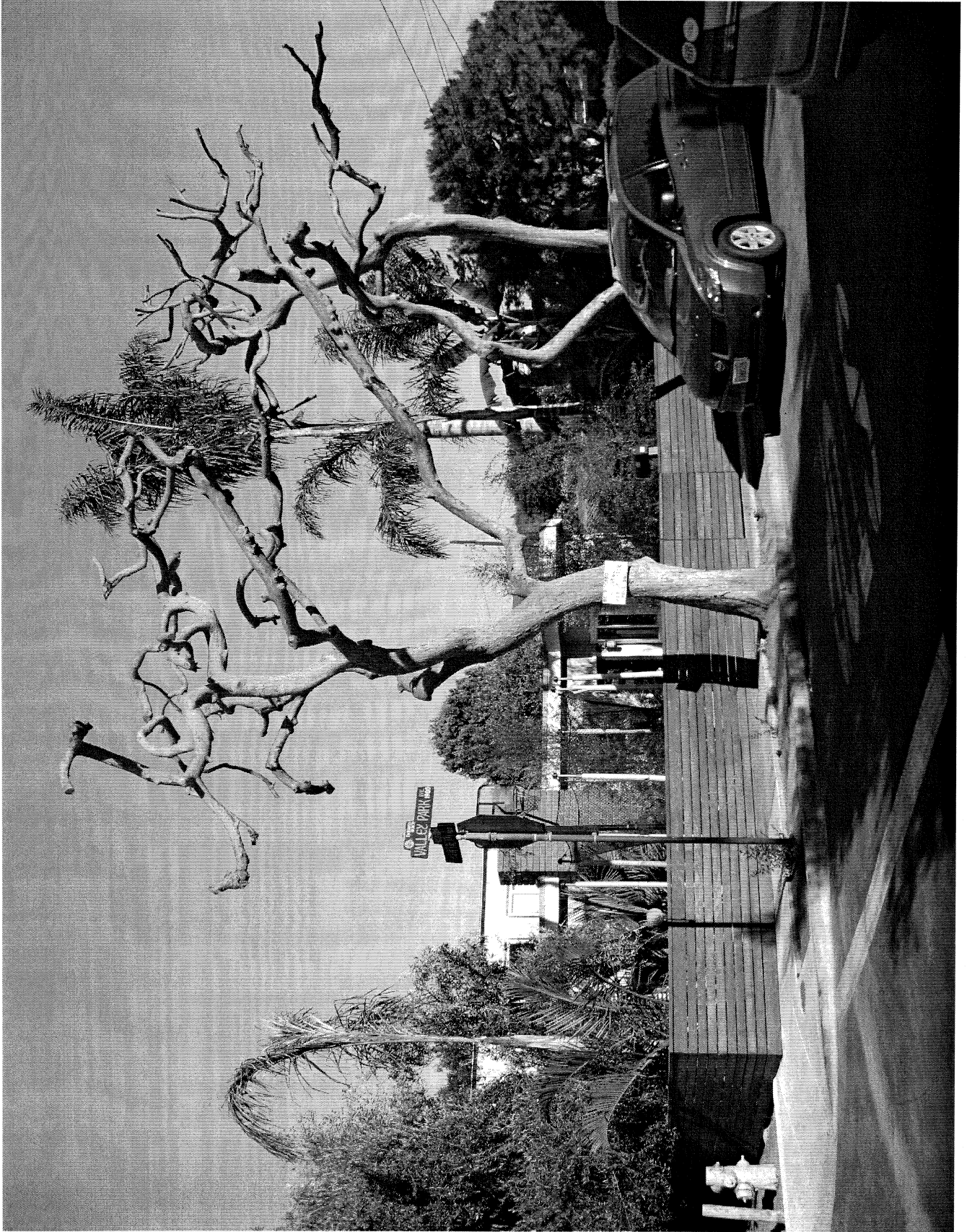
date



Contractor

3/19/07

date



Chapter 12.36

TREES

Sections:

- 12.36.010 Definitions.
- 12.36.020 Planting of trees in parkway.
- 12.36.030 Maintenance of trees in the parkway.
- 12.36.040 Prohibition of damage, destruction or removal of parkway trees.
- 12.36.050 Permit requirement for tree removal.
- 12.36.060 Prohibition of attaching objects to parkway trees.
- 12.36.070 Protection of parkway trees during construction.
- 12.36.075 Abatement of nuisance conditions.
- 12.36.080 Remedies
- 12.36.090 Violations

12.36.010 Definitions

As used in this chapter:

"Director" means the Public Works Director or his/her designee.

"Parkway" means that portion of the public right-of-way that is not paved as a street or sidewalk, including encroachment areas used as yards by abutting property owners.

"Property Owner" means the person or entity that owns the real property abutting and usually extending to the centerline of the immediately adjacent public-right-of-way, where a parkway tree is located. In the case where the parkway tree is located on the property line between two properties, then the "Property Owner" shall refer to both property owners.

"Public right-of-way" means any area owned by or dedicated to the City for highway purposes.

"Tree" means any perennial plant having a self-supporting woody main stem or trunk measuring at least five inches in circumference at a height of six feet above the ground, usually characterized by the ability to grow to considerable height or size and to develop woody branches. (Ord. 06-1261 §1, 2006; Prior code § 22-20)

12.36.020 Planting of trees in parkway.

No person other than the City and the Property Owner shall plant a tree on any parkway. The Property Owner requesting to plant a tree in the parkway shall first obtain a permit from the Director. Only those species of trees specified on the City's official list of approved parkway trees shall be planted in the parkway. Trees planted on the parkway by the Property Owner shall be planted in accordance with horticultural standards promulgated by the Director. All work under a permit shall be performed within thirty days of the issue date of the permit, and shall be performed in accordance with the conditions and requirements set forth in the permit. (Ord. 06-1261 §1, 2006; Prior code § 22-21)

12.36.030 Maintenance of trees in the parkway.

A. With the exception of those trees maintained by the City (as set forth in an inventory of City-maintained trees published by the Director), it is the duty of the Property Owner at his or her expense to cultivate, care for and provide for the complete maintenance of all trees on the parkway adjacent to their real property. Trees shall be maintained in accordance with horticultural standards promulgated by the Director, and shall be maintained in a manner as not to cause or constitute a nuisance. The Property Owner shall be liable for all damages or injuries incurred by any person or to any real or personal property arising from his or her failure to maintain parkway trees as required by this Section.

B. No person other than the City and the Property Owner, including but not limited to utility companies and others owning facilities or performing work in the public right-of-way, shall trim, prune or cut a tree without first obtaining a permit from the Director. All work under a permit shall be performed within thirty days of the issue date of the permit, and shall be performed in accordance with the conditions and requirements set forth in the permit. (Ord. 06-1261 §1, 2006; Prior code § 22-22)

12.36.040 Prohibition of damage, destruction or removal of parkway trees.

A. No person, including the Property Owner, shall willfully injure, deface, mutilate, poison or destroy a parkway tree.

B. No person shall place or maintain any stone, concrete, cement, asphalt, brick or other substance or object within the drip-line of a parkway tree so as to impede free access of water and air to the roots of the tree.

C. No person shall cause or allow any substance deleterious to tree life, including but not limited to oil, dye, brine or any other substance, to pour, flow or drip on any parkway tree or around the base of any such tree. (Ord. 06-1261 §1, 2006; Prior code § 22-23)

12.36.050 Permit requirement for tree removal.

A. No person, including the Property Owner, shall remove a parkway tree without first obtaining a permit from the Director except under exigent or emergency services. A permit to replace a tree may be issued if the tree is dead, otherwise constitutes a public nuisance or interferes significantly with the use and enjoyment of the immediately adjoining property. All work under a permit shall be performed within thirty days of the issue date of the permit, and shall be performed in accordance with the conditions and requirements set forth in the permit.

B. Applications for permits to remove a tree with a trunk diameter in excess of twelve inches (measured six feet above the ground) shall be referred to and decided by the Public Works Commission following a public hearing. Notice of the hearing shall be provided to the owners of all real property within a radius of three hundred feet of the subject tree. The decision of the Commission may be appealed to the City Council. Appeals shall be filed in writing within ten days of the final decision of the Commission. The City Council's decision shall be final.

C. A permit to remove a tree shall include imposition of a condition requiring replacement of the tree at the same or a different location with a tree from the City's official list of approved parkway trees, unless the Director or the Commission find that replacement is physically impractical or infeasible. (Ord. 06-1261 §1, 2006; Prior code § 22-24)

12.36.060 Prohibition of attaching objects to parkway trees.

No person shall tack, nail, paste or otherwise attach by any means whatsoever any sign, notice,

advertisement or any other printed matter, or place any board, platform or other object on a tree. No person shall attach any rope or wire to any tree for the purpose of maintaining or repairing the tree without first receiving a permit from the Director. (Ord. 06-1261 §1, 2006; Prior code § 22-25)

12.36.070 Protection of parkway trees during construction.

During the construction, repair or renovation of any structure, utility facility or right-of-way improvement, the person responsible for such activity shall take all necessary precautions to protect parkway trees in the vicinity of the construction project. (Ord. 06-1261 §1, 2006; Prior code § 22-26)

12.36.075 Abatement of nuisance conditions.

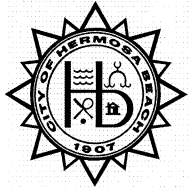
The Property Owner shall abate any condition of a parkway tree determined by the Director to constitute a public nuisance. For purposes of this section, "tree" shall include shrubs and other vegetation in the parkway. Conditions constituting a nuisance include, but are not limited to, dead or diseased trees, trees constituting a danger to persons or property, trees impairing vehicular visibility, trees endangering utility wires, trees damaging the sidewalk pavement, or trees impairing pedestrian use of the sidewalk. The nuisance condition shall be abated in the manner prescribed by the Director. In the event the Property Owner fails or refuses to abate the nuisance, the provisions of Chapter 8.28 pertaining to abatement of public nuisances shall be applicable. (Ord. 06-1261 §1, 2006)

12.36.080 Remedies.

In addition to any other remedies provided for in this Code and State law, a person who damages, mutilates, removes or destroys a parkway tree shall be liable to the City for the full replacement cost of the tree. (Ord. 06-1261 §1, 2006; Prior code § 22-27)

12.36.090 Violations.

Violations of the provisions of this Chapter shall be infractions, punishable in accordance with Section 1.12.010 of this Code. (Ord. 06-1261 §1, 2006; Prior code § 22-28)



City of Hermosa Beach

DEPARTMENT OF PUBLIC WORKS

PUBLIC NOTICE

**NOTICE OF REVIEW BEFORE THE PUBLIC WORKS COMMISSION
TO CONSIDER A REQUEST FOR REMOVAL OF TWO TREES FROM
IN FRONT OF 1948 VALLEY PARK AVENUE**



**WHAT'S BEING
DISCUSSED:**

A request for the removal of two Japanese Elm trees located in front of 1948 Valley Park Avenue.

WHY THIS AD:

A public review will be held to give you an opportunity to talk about the issues before any changes take place in your neighborhood.

WHERE & WHEN:

A public review will be held at the regular Public Works Commission meeting on Wednesday, September 19, 2007 at 7:00 p.m. or shortly thereafter, in the City Hall Council Chambers, 1315 Valley Drive, Hermosa Beach, CA 90254.

CONTACT:

The City's contact person is Richard D. Morgan, P.E., Director of Public Works, 310/318-0211.