



Information Item

Date: March 28, 2012

To: Mayor and City Council
From: Karen Ginsberg, Director of Community and Cultural Services
Subject: Street Tree Removal Process Update

Introduction

This information item provides an update on the street tree removal process outlined in the Urban Forest Master Plan.

Background

On [December 13, 2011](#), Council adopted the [Urban Forest Master Plan](#) (the Plan) and introduced for first reading an ordinance amending Chapter 7.40 of the Santa Monica Municipal Code related to community forest regulations. On [January 10, 2012](#), Council adopted the ordinance on second reading. The ordinance eliminated sections of the code that were no longer applicable and clarified the remaining sections of Chapter 7.40 for the purposes of carrying out the care, maintenance and protection of the urban forest.

Discussion

The Plan established a three step administrative review and appeal process relating to parkway tree removals as described below. Of course, the Plan does not limit the City's right to take immediate action to remove any tree that poses an imminent public safety hazard.

Step 1: Evaluation of the Tree Using Removal Criteria

Evaluations begin with an inspection of the tree by two certified arborists from Public Landscape Division staff using the removal criteria outlined in the Plan. In sum, the removal of a tree may be necessary if the tree is dead, in a state of declining health, infected with a disease that cannot be treated successfully, hazardous to public safety, not a good candidate for relocation, or if it requires extensive root pruning due to excessive hardscape damage and no longer has the capacity to support itself. Based upon the evaluation, the Community Forester in consultation with the Public Landscape Manager will determine whether a tree should be removed.

Step 2: Notification Process for Tree Removals

If it is determined that a tree should be removed, a removal notification will be issued for public review. Staff will publicize a notice of intended tree removal using these methods:

- Posting the removal notice on the tree.
- Door-to-door noticing to all residents on the impacted block.
- Publishing the notice on the City's web site.
- Distributing the notice to the contact list of community members who request notices on a regular basis.

Notices will be posted for a period of 14 working days in advance of the intended removal.

Step 3: Appeals Process

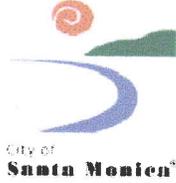
During the posting period, a member of the public may appeal the proposed tree removal as outlined in the "Administrative Hearing Guidelines For Tree Removal Appeals." (Attachment A)

Over the next year, staff will monitor the effectiveness of the tree removal appeal process by assessing elements such as the number of appeals filed, reasons for the appeals, and outcomes of the appeals and return to Council with recommendations for modifications to the process as necessary.

Prepared By: Carlos Collard, Senior Administrative Analyst

Attachments:

A: Administrative Hearing Guidelines For Tree Removal Appeals



CITY OF SANTA MONICA
ADMINISTRATIVE HEARING GUIDELINES
FOR TREE REMOVAL APPEALS

I. Purpose

The purpose of these guidelines is to establish procedures for tree removal appeals brought pursuant Appendix I of the Santa Monica Urban Forest Master Plan (the "Plan").

II. Requesting An Appeal

In order to initiate the appeal process, the person requesting the appeal (the "appellant"), must completely fill out the Tree Removal Appeal Form and return the form to the Community and Cultural Services Department.

III. Hearing Officer

The Plan provides that the Director of Community and Cultural Services or his/her designee shall preside over the appeal as the hearing officer. The hearing officer's main function is to receive and objectively consider the evidence and decide the issues.

Impartiality is essential. Thus, no person shall serve as the hearing officer who has a financial or personal interest in the outcome of the hearing, or if he/she was in any way previously involved in the action that is being challenged. The hearing officer should not discuss the case in advance with any City personnel who participated in the action that is being challenged; nor should the hearing officer discuss the case in advance with either the appellant, anyone representing the appellant, or with anyone who will be submitting evidence on behalf of the appellant or the City. This general prohibition against ex parte communications (communications with only one side of the case) equally applies after the close of the hearing.

IV. Presentation of Evidence and Burden of Proof

The appellant has the burden of proof. In order for the appellant to prevail, he/she must show, by clear and convincing evidence, that City staff's decision to remove a street tree is not authorized by applicable federal, state or local law, or is inconsistent with the removal criteria as established by the Plan.

The appeal hearing shall be conducted exclusively on written materials submitted to the hearing officer. No live testimony shall be presented. The appellant must submit all written materials within five calendar days after he or she files the Tree Removal Appeal Form. Failure to submit written materials in support of the appeal will result

in an automatic denial of the appeal. City staff shall submit written materials to the hearing officer in support of their decision to remove a street tree promptly after the appellant's submission.

V. Issuing a Decision

The hearing officer shall issue a written decision within thirty calendar days after the City receives the Tree Removal Appeal Form. The hearing officer's decision shall be final and not subject to further administrative appeal.

Date: 2/29/12

By: 
Karen Ginsberg
Director of Community and Cultural Services