

May 12, 2004

Honorable Chairman and Members of the
Public Works Commission

Regular Meeting of
May 19, 2004

REMOVAL OF EUCALYPTUS TREE ON PROSPECT AVENUE

Recommendation:

It is recommended that the Public Works Commission hear public testimony and make a recommendation regarding the removal of a eucalyptus tree from the public right-of-way on the west side of Prospect Avenue between 4th and 5th Streets.

Summary:

Staff received a request from a property owner who is building a new home on the east side of Prospect Avenue to remove the subject tree in order to improve their view of the ocean. This property owner has volunteered to pay all expenses of properly removing the tree and will also pay the costs to replace it with three new trees of the City's choosing.

While the tree is within public right-of-way, per the Municipal Code, the rights of ownership to a tree are assigned to the adjacent property owner. In addition, the Municipal Codes states in Section 12.36.110, Paragraph A. that "The director may inspect any tree upon any public property or any tree standing on any private property which overhangs or projects into any public property to determine whether the same or any part thereof is in such condition as to constitute a hazard or an impediment to the progress or vision of anyone traveling on said public property." See attached copy.

Staff contacted the owner of the abutting property and was informed that they would be very happy to have this tree removed. It is a huge tree, approximately 100-feet tall, and has been damaging their fence. The City has spent a lot of money trimming this tree over the years; it is a safety concern due to the large branches falling into the street. Staff supports the removal of this tree. Members of "Friends of the Park" are working on a project to beautify this mini-parkette area and the three new trees would work well with their plans.

Once the above investigation had been completed, staff received complaints from nearby neighbors expressing their desire that the tree remain. Staff mailed a notice to residents within the area (see attached exhibit) advising them of this presentation and suggesting they attend this public meeting if they would like to express interest in the tree.

Staff requests that the Commission make a recommendation regarding disposition of this matter after receiving public comment.

Attachments:

1. Section 12.36.110 of the Municipal Code
2. Correspondence regarding tree
3. Photo
4. Public Notice mailed out 5-11-04
5. Map of area indicating notified properties

Respectfully submitted,

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

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