



## CITY OF BEVERLY HILLS

### COMMUNITY SERVICES

#### MEMORANDUM

**TO:** Mahdi Aluzri, City Manager

**FROM:** Steve Zoet, Director of Community Services 

**DATE:** November 20, 2015

**SUBJECT:** Removal of Trees on Parcels 12 and 13

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Mr. Lyn Konheim, who has an ownership interest in the undeveloped tracks of land east of the Civic Center campus along the south side of Santa Monica Boulevard, contacted City Arborist Ken Pfalzgraf and shared his intent to remove trees on these properties for public safety reasons. These tracks of land, commonly referred to as Parcels 12 and 13, are part of a former Southern Pacific Railroad corridor and are currently zoned T-1 (Transportation).

Due to recent incidents of tree limb failures, with at least one incident resulting in vehicular damage, Mr. Konheim engaged the services of an arborist who prepared a report concluding the trees on these parcels need to be removed to reduce public safety hazards and associated liability concerns. Mr. Pfalzgraf has reviewed the report and in general concurred with the findings. The southerly 20 feet of Parcel 13 is within the City's right-of-way and therefore the trees within that area, which runs the length of the parcel adjacent to Civic Center Drive and parallel to street parking, belong to the City. These trees are the responsibility of the City and should be maintained in accordance with the City's traditional practices of protecting public health and property as well as to assure the vigor and health of the tree stock. Accordingly, and in light of recent limb failures, Mr. Pfalzgraf has had the opportunity to personally inspect these and all of the other trees on Parcels 12 and 13.

The trees along the northerly edge of Parcel 13 and all those within Parcel 12 are privately owned and the City does not have jurisdiction over them. The report commissioned by Mr. Konheim identified numerous hazardous trees throughout both parcels. Many of the trees that exist on the parcels are Eucalyptus which are generally regarded as a nuisance tree due to their propensity to self-shed large limbs without warning and, as a result, are often deemed a long-term liability. The City has, through its Urban Forest program, initiated the removal of several Eucalyptus trees on its own properties for these reasons.

According to preliminary assessments, there are approximately 63 Eucalyptus trees and 39 mixed-species trees that lie fully within or straddle the City right-of-way along the southerly 20 feet of Parcel 13. Of these, Mr. Pfalzgraf has identified 28 trees, the majority of them being Eucalyptus, which he is recommending for removal. Additionally, substantially all of the remaining trees are proposed to be trimmed to assure public safety and that the fall zone created around the trees, subsequent to their trimming, will not endanger adjacent parked vehicles or pedestrian traffic.

Mr. Konheim has the right to remove the trees on his property and, as earlier stated, it is his intention to do so in the near future. Most of these trees are of similar specie and in the same poor condition as those planted on the City right-of-way. Similarly, they too are viewed as being hazard trees and are capable of posing public safety and property damage. Many of them are planted in close proximity along the northern edge of the parcels and are in immediate proximity to Santa Monica Boulevard. As a part of the processes that will be associated with the boulevard's pending reconstruction the root zones of these trees will be compromised and, as a result, they will pose additional safety hazards. It should be noted that none of these trees are subject to the City's protected tree ordinance. Mr. Konheim has offered to incur the costs of removing the trees within the City right-of-way that Mr. Pfalzgraf has deemed unsafe. He has further offered to provide and plant approximately 50 City-designated 36" box trees at predetermined spacing along the southern edge of Parcel 13 to help create a barrier hedge and lessen the visual impacts of trees that have been removed or pruned.

Unless directed otherwise, staff intends to initiate the removal of the City trees that have been identified as unsafe within the next 45-60 days. As in all cases when City trees are removed, a public outreach and notification process is initiated that involves adjacent property owners to explain the process, stipulate the safety hazard posed by the trees and outline the timing and duration of the removal process. Staff initiates these contacts at least two weeks in advance of any work that is performed. Notification will be sent out to Beverly Hills residential and business addresses within approximately three hundred feet of the two parcels.

As you are aware, these parcels have previously been identified as having elevated levels of arsenic associated with them. Staff has consulted with the State Department of Toxic Substances Control (DTSC) and will comply with their guidelines and acceptable practices to insure public safety when new trees are planted at a later date. As there is no need or intention to grind the stumps or roots associated with the trees that will be removed there is no soil disturbance and thus no concerns on the part of DTSC regarding the tree removal process.

Please advise should you have any questions or concerns regarding this matter.