



# City Council Agenda Report

ITEM NO. 23

**DATE:** May 21, 2025

**FROM:** Todd Hileman, City Manager

**PREPARED BY:** H. Ted Gerber, Public Works Director  
Michael Vartanians, Principal Engineer

**SUBJECT:** **APPEAL OF THE NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION'S DECISION TO APPROVE A TREE REMOVAL PERMIT OF TWO TREES AT 1459 INDIANA AVENUE**

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## Recommendation

It is recommended that the City Council hold an appeal hearing, consider the documents relating to the tree removal permit application, receive public testimony from the applicant and the appellant on the permit application, and then consider a motion to deny the appeal and uphold the decision of approval by the Natural Resources and Environmental Commission.

## Executive Summary

It is recommended that the City Council review and deny the interested party's appeal and uphold the Natural Resources and Environmental Commission's (NREC) decision to approve a tree removal permit to remove two trees at 1459 Indiana Avenue.

## Background

On January 13, 2025, the applicant applied for a private property tree removal permit (Attachment 1). The application identified two trees for removal: a 19-inch diameter Eucalyptus tree, which is classified as a significant tree under the South Pasadena Municipal Code (SPMC), and a 9-inch diameter Cedar tree, which is not considered significant because its diameter is less than 12 inches.

The applicant's reason for removal of both trees is due to concerns regarding danger to property or persons as a result of both trees' lean and poor soil condition and erosion about the base of the trees as shown in the photos (Attachment 2).

On January 22, 2025, the City Arborist inspected the trees and approved the removal of both. The approved tree removal permit application (Attachment 3) was based on the lean of the trees, the poor soil conditions, and the possibility that the trees could uproot due to soil instability. Staff recommends approval of the removal permit, as it meets the criteria outlined in SPMC Section 34.11(a)(1), which states that a tree may be removed if it poses a reasonable risk of harm to persons or property or substantially interferes with the structural integrity or use of existing structures, and if there is no feasible alternative to mitigate the issue.

A public notice was sent on February 26, 2025, to property owners and tenants within a 100-foot radius of the subject property. During the notification period, the City received one objection letter (Attachment 4). The letter raised concerns about one of the trees being on the property line. However, as shown in the Removal and Replacement Plan (Attachment 5), both trees are located at the rear of the property and do not encroach on a shared property line.

The objection letter also referenced a prior unauthorized tree removal on the property, which occurred in December 2021. Two trees were removed at that time, one of which City staff believes was not a significant tree, and the other was an approximately 20-24 inch diameter Pine tree. Past City staff contacted the property owners, who had recently purchased the home, to address the unpermitted removal. The owners were unaware of the tree ordinances in South Pasadena.

As per SPMC Section 34.17(a), penalties for unintentional tree removal include:

1. A standard inspection fee;
2. Double the required tree removal or trimming permit fee; and
3. Planting double the number of replacement trees required under SPMC 34.12-5.

In January 2022, the property owner paid the \$125 inspection fee and the \$322 tree removal permit fee, totaling \$447. The replacement requirement for the unintentional violation was six 24-inch box trees, with each tree priced at \$335. However, the property owner has not yet replanted any trees, though a deposit for one tree was received in April 2022.

## **Analysis**

Approval of tree removal permits are required to adhere to one of the four criteria for approval as specified in the SPMC 34.11 - Criteria for approving tree removal permit applications:

1. Where the tree poses a reasonable risk of injury or harm to persons or property or is substantially interfering with the structural integrity or the use of an existing structure (including, but not limited to, a fence or wall), swimming pool, or building and there is no feasible and reasonable alternative to mitigate the interference.
2. Where, upon taking into account the size, shape, topography and existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner. Redesign of any proposed development as an alternative to removal of an existing protected tree does not create an unreasonable hardship.
3. Where a written determination has been made by a certified arborist, after a visual inspection or scientific evaluation, that the tree is so diseased or damaged that it is no longer viable or is a threat to persons or property, including to other trees. The director or commission may waive the requirement for a certified arborist's written statement when the tree can reasonably be determined to be dead by a layperson's visual inspection or when, after conducting an inspection of the tree, the director determines that the tree poses an obvious and imminent threat to life or property.
4. For the removal of a significant or mature tree, where the proposed replacement tree(s) are of greater value or provide greater benefits than the tree proposed for removal.

The applicant's permit application describes both risk of injury or harm to persons or property as a result of the lean of the trees and poor soil condition. The City Arborist also approved the tree removal permit based on the lean of the trees, poor soil condition and the possibility that the tree could uproot due to soil instability. The NREC based its decision of approval of the tree removal permit on meeting criteria 1 as specified in the SPMC 34.11 as listed above and the motion was passed with a 7-0-0 vote.

According to the SPMC Section 34.13, applicants or any interested party can appeal decisions of the NREC to the City Council within 15 days of the Commission's decision. On April 9, 2025, an interested party submitted an appeal (Attachment 6) to the City Clerk in opposition to the decision from the NREC to approve the removal of the two trees.

The appellant respectfully disagrees with the findings presented in the permit application and city arborists inspection of the permit application. In the appeal letter, the appellant argues that the trees correct their lean and the existing lean will correct itself with time as the tree grows. Furthermore, the appellant states that the soil instability issues are a result of previous unpermitted tree removals and unpermitted construction of a deck in the backyard of the property. Rather than recommending the removal of the trees, the appellant believes that the property owners shall protect the hillside to prevent further soil instability which could prevent the trees from leaning further and avoid removal of the trees.

The Community Development Department does not have records of any permits issued for construction at this property regarding replacement of the wooden deck, concrete work and addition of a new staircase. It appears the construction was done by a previous owner, and the current owners purchased the home in this condition.

The applicant understands the importance of slope protection and has expressed that they have been considering options to resolve the issues but do not have the financial means to construct retaining walls at this time.

### **Fiscal Impact**

The applicant has paid the \$141.00 tree inspection fee. If City Council upholds the NREC's decision, the applicant will be required to pay \$364.00 for the tree removal permit and a \$848.00 deposit will be retained by the City until the replacement requirement is met. Once the replacement requirement is fulfilled, the deposit will be refunded to the applicant.

Per SPMC 34.13(d) the applicant shall be responsible for all actual costs, including staff time, associated with any appeals.

### **Commission Review and Recommendation**

The Natural Resources and Environmental Commission (NREC) reviewed this matter on March 25, 2025 and found that the tree removal permit application and inspection by the City Arborist met the SPMC criteria to allow approval of the removal.

### **Public Notification**

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website.

Attachment:

[Attachment 1 - Tree Removal Permit Application](#)

[Attachment 2 - Existing Tree Photos](#)

[Attachment 3 - Approved Tree Removal Application](#)

[Attachment 4 - Objection Letter during Notification Period](#)

[Attachment 5 - Removal and Replacement Plan](#)

