



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Laurie B. Jester, Planning Manager

DATE: November 18, 2008

SUBJECT: Consideration of Status Report on the City Council 2008-2009 Work Plan Item Regarding Implementing the City's Tree Ordinance

RECOMMENDATION:

Staff recommends that the City Council **DISCUSS** implementation of the Tree Ordinance, **REVIEW** the proposed Tree Trimmers permitting process and **PROVIDE DIRECTION**.

FISCAL IMPLICATION:

There will be costs associated with processing the new permit, however the proposed \$65 fee will be sufficient to cover the administrative costs.

BACKGROUND:

The City's Tree Preservation Ordinance was originally adopted in 1993 and at that time, the Ordinance applied only to the Tree Section. That Ordinance protected most private property trees with a 12" or greater trunk diameter located in the front yard. At that time the Ordinance was implemented more as a "removal and replacement" regulation rather than a "preservation" regulation.

In 2003, the Ordinance was expanded to apply to all of the residential zones in Area Districts I and II; the Beach Area is not covered by the Tree Ordinance. With the expansion of the Tree Ordinance, planning staff began implementing the regulation as a "preservation" regulation, not a "removal and replacement" regulation as previously implemented. At a joint City Council and Planning Commission meeting the City Council confirmed that the Ordinance was intended to preserve trees, and that Staff should continue to enforce the Ordinance accordingly.

In July 2005, the City Council adopted the 2005-2007 Work Plan which included a status report on the Tree Preservation regulations, and the Council provided direction on revisions to the regulations. In March 2006 the City Council adopted Ordinance No. 2082 amending the Tree Preservation regulations to protect streetside trees on corner lots, require new trees on lots that have no trees, increase the size of replacement trees, and require tree pruning standards. Additionally, new fees and fines for violations of the Tree Ordinance were adopted with the fines going to the newly established Tree Canopy Restoration Fund. City Council also directed staff to

work with a group of interested residents to form a Tree Committee.

In April 2006 the City Council approved the formation of the Tree Committee as well as established the purpose of the Committee to work with City staff to focus on educating the public on the Tree Preservation Ordinance and promote the protection and enhancement of the Manhattan Beach Tree Canopy. More specifically the City Council established the Tree Committees mission statement, roles and responsibilities as follows:

1. Education-
 - Promote public awareness of the Tree Preservation Ordinance through participation in educational meetings, events, and other public outreach.
 - Develop and distribute public educational material regarding tree care, pruning, urban forestry, benefits of trees in an urban environment, potential of long-term damage during construction etc.
2. Community resource and referral-
 - Provide information to the community on replacement trees, types and sources, tree care services, and certified arborists.
3. Staff input-
 - Review and comment periodically on the Tree Preservation Ordinance.
 - Develop an expanded list of replacement trees for use on private property, using the street tree list as a base.
4. Grants/Awards-
 - Research and apply for grants and/or awards related to trees such as Tree City USA.
 - Recognize outstanding contributions to preserving and enhancing the City's tree canopy.

In September 2007 the City Council held a special study session to discuss the Tree Ordinance. At that meeting the Council requested that staff return with an agenda item to further discuss the City's Tree Preservation regulations. In December 2007 the Council reviewed the status report, provided direction to staff to utilize the City arborist more, and approved increased fines for tree ordinance violations. The Council also accepted a presentation from the Tree Committee, acknowledging their efforts and refined their role, directing them to focus on developing a number of outreach and educational items.

In June 2008 the City Council adopted the 2008-2009 Work Plan. One of the Work Plan items under the category of "Other Environmental Initiatives" was to provide a status report on the Tree Ordinance as follows:

"Staff will present a status report on implementing the City's tree ordinance to the City Council, as well as feedback from it's meetings with the Palo Alto Tree Specialist and the Canopy Committee held in May. City Council will provide direction for any changes to the ordinance, its implementation, or public outreach that may be necessary."

This item is before the Council tonight based on that direction.

DISCUSSION:

Tree Preservation Ordinance

The City's Tree Preservation regulations protect most private property trees with a 12" or larger trunk diameter located in the front yard, and streetside yard on corner lots, in all residential areas except the Beach Area. Required replacement trees are also protected, even if they are less than 12" trunk diameter. A Tree Permit is required to request removal and replacement of a protected tree, and there needs to be a compelling reason for removal. The intent of the Ordinance is the retention and preservation of trees while permitting the reasonable enjoyment of private property. Generally, replacement trees are required when a tree is removed unless there is no room on the property. Pruning guidelines are also provided within the regulations, but a permit is currently not required for pruning. If a property has no protected trees then at least one is required with new construction. Violations of the regulations may result in fines up to the value of the tree with increasing fines for repeat offenders.

Tree Committee

At the December 4, 2007 meeting the City Council acknowledging and supporting the work of the Tree Committee and directed staff to work with the Committee to implement Council direction. At that time the Council also approved a \$10,000 budget for the Committee for outreach and public information. Since that time the Committee has spent approximately \$3,000. The Council specifically asked the Committee to focus on developing ideas and material related to Education, a Tree Trimmers License, a Tree Management Plan, a Website and Incentives. Staff requested input on all of these issues from the Tree Committee and their comments are incorporated within this report. No separate materials were submitted by the Committee. The following is an update on the status of the items directed by Council.

Education

The Council approved a budget of \$10,000 for education and suggested that the Committee develop ideas such as a large ad in the Beach Reporter, a brochure and other educational items. The Committee has been active in pursuing public education about the City's Tree Preservation regulations, and proper tree care and pruning. The Committee continues to distribute handouts and flyers at Earth Day and the Hometown Fair. A kiosk with brochures is located in the City Hall lobby, and Code Enforcement staff continues to provide educational materials to homeowners, contractors and landscapers in the field, at pre-construction meetings, and on the City website. The Committee has held pruning demonstrations and other educational events at the botanical garden. Staff has attended periodic meetings with the Committee to help them develop and distribute educational material. Planning and Public Works staff, as well as the City arborist and landscape contractor attended a recent meeting of VOICE (Volunteers and Organizations Improving the Community's Environment) and provided the group with information on private and public trees.

In May the Committee hosted a free Urban Forest Workshop with the City of Palo Alto arborist as the guest speaker. The City of Palo Alto is known for its dedication to sustaining

and improving its tree canopy. The arborist provided information on community tree stewardship, and shared information on community tree preservation and management strategies. A large display ad was placed in the Beach Reporter inviting the public to attend the event. City staff from Community Development and Public Works as well as the City arborist participated in the Workshop.

Tree Trimmers License

The Community Development and Finance Departments, and City Attorneys office have been working with the Committee to develop a Tree Trimmers Permit Application. Currently all gardeners and landscapers in the City require a City business license. If they also trim protected trees they will be required to also obtain a Tree Trimmers Permit. The Permit will be valid for one year, the same as the business license. The Permit has criteria that they must meet, such as requiring that the tree trimmers acknowledge that they will meet ANSI A300 pruning standards as already specified in the Tree Preservation ordinance, and that a notice will be posted near the protected trees to be trimmed. The City will provide the Tree Trimmer with a supply of large notices with the Trimmers permit information and the Tree Trimmer will be required to complete information on the job address and dates of pruning and post the notice on each job site.

Homeowners that prune their own trees do not need a permit, however they must comply with the ANSI pruning standards. Tree Trimmers and homeowners will also be informed that there are fines for violations of the ordinance. A list of permitted Tree Trimmers will be available from the Finance and Community Development Departments and posted on the city website.

Attached (Exhibit A) is a copy of the draft Tree Trimmers Permit, and Exhibit B is a reduced size of the draft Tree Trimmers Permit sign that will be posted on the site where the tree is being pruned. Implementation of this regulation will require public hearings, an amendment to the Municipal Code and the adoption of fees. Staff anticipates bringing the amendment and fees to the Council in the next few months, and the fees will be similar to the Home Occupation Permit fee, for homeowners that conduct a business out of their home, which is \$65.

Tree Management Plan

The Committee was asked by the Council to develop a complete and comprehensive approach to tree management to protect trees during construction and after completion of construction. Staff anticipates that this will incorporate this into the existing tree protection plan that is already implemented during the plan check, permit and inspection process. After the public Workshop in May, the Committee spent the balance of the day meeting with the Palo Alto arborist and various City staff including Community Development and Finance to discuss goal setting, tree trimmers permitting, current tree management during construction and enforcement of the regulations. The Committee is still in the process of formulating ideas to further improve the City existing Tree Preservation process.

Website

The Council suggested that the Committee provide feedback on updating the City website so that staff can implement changes. Staff has provided Information Systems staff contact

information to the Committee. The Committee is also working with their own consultant to formulate a proposal for modifications, as well as develop a website for the Committee itself. The Committee is still in the process of developing these ideas.

Incentives

The Council indicated that they would like the Committee to develop incentives to encourage residents to protect our existing tree canopy and plant more new trees. The Committee is still in the process of developing ideas for incentives.

Tree Canopy Restoration Fund

The Tree Canopy Restoration Fund was established in 2006 to provide a mechanism for fines for violations of the Tree Preservation ordinance to be set aside and tracked separately so that the funds could be used for a variety of projects related to tree preservation. The fund currently has a balance of over \$55,000, and over half of that is one large fine that was recently imposed. Staff anticipates that since people are becoming much more aware of the severe fines for violations of the Ordinance that the revenue will decrease significantly over the years.

There are a variety of options for allocating these funds consistent with the established goals. This would include paying the City arborist salary, supporting the Tree Committee budget, paying for trees for an existing public works project such as in the north end of Highland Avenue, and planting trees in the public right-way in areas where trees are missing. Staff would suggest that all of these options remain open depending on the needs and availability of other funding sources for these projects and programs.

Tree Removal and Replacement

As previously mentioned, in 2006 the City Council directed staff to implement the ordinance as a preservation ordinance and not a remove and replacement ordinance. Residents who desire to remove trees because they don't like the look, raking leaves, sap dripping on their car, root bumps in their lawn, view blockage, cracks in their walkways and driveways, roots in their sewer or similar situations have not been approved to remove and replace trees. If a private tree is creating a public nuisance due to public right-of-way damage or safety concerns then staff will approve removal and replacement. There needs to be a compelling health or safety reason for tree removal.

Staff often uses the City arborist to determine if it is appropriate to remove and replace a tree. Staff has found that many trees in the City are compromised due to the urban environment. In some instances the applicant will hire their own arborist.

On the City Council 2008-2009 Work Plan there are two other items related to this subject. Storm Water Retention and Landscaping, includes ways to retain storm water on-site and increase landscaping and softscape, and to minimize hardscape with both be reviewed and submitted separately for City Council review.

CONCLUSION:

Staff requests that the City Council review the status report, provide direction to staff and the Tree Committee, and approve the Tree Trimmers Permit process.

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ATTACHMENTS:

- A. Draft Tree Trimmers Permit Application
- B. Draft Tree Trimmers Permit sign
- C. MBMC Section 10.52- Tree Preservation regulations



TREE TRIMMERS PERMIT APPLICATION (PRIVATE PROPERTY PROTECTED TREES)

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
(310)-802-5503 www.citymb.info

11-18-08 DRAFT DRAFT DRAFT DRAFT DRAFT 1-18-08 DRAFT DRAFT DRAFT DRAFT DRAFT

Business Name (DBA)

Business License No.

Address

City

Zip

Business phone number

Cell phone number

Purpose: To provide standards so that trees are pruned properly in order to protect the City's tree canopy and to provide residents with a list of permitted Tree Trimmers.

Permit and Notice: Any person pruning any private property **Protected Tree** in the City of Manhattan Beach must have a Tree Trimmers Permit, in accordance with Section 10.52.XXX of the MBMC. Residents pruning their own trees must still comply with the ANSI A300 standards (summary below), but are exempt from obtaining a permit. Residents may obtain a list of permitted Tree Trimmers from the City of Manhattan Beach Finance Department, Business License Division. Homeowners are responsible for hiring City licensed Tree Trimmers. Pruning all trees in the public right-of-way requires a right-of-way permit

Protected Trees are defined by Section 10.52.120 of the MBMC as follows.

1. Trees that are on private property in all Residential Zones, **and**
2. Located in Area Districts I and II, generally east of Valley/Ardmore and Blanche/Bell (See map on back), **and**
3. Located in the front yard or streetside yard (on corner lots), **and**
4. Have a trunk diameter of twelve inches (12") in diameter or greater or multiple trunks totaling twelve inches (12") in diameter or greater at a height of four and one-half feet (4.5') from the ground or is a required new or replacement tree for any protected tree that was removed.

Exclusions: Trees excluded from protection include deciduous (lose their leaves in winter) fruit-bearing trees and Washingtonia species palm trees (California and Mexican Fan Palms).

Standards:

All Tree Trimmers and Homeowners must comply with the following standards when pruning protected trees.

1. Trees must be pruned in accordance with ANSI A300 pruning standards. Standards may be obtained from the Tree Care Industry website at:
http://www.natlarb.com/code/gov_standards_a300.htm.
2. ANSI A300 standards provide, in part, that generally no more than 25% of living foliage should be removed annually. Exceptions exist such as for utility clearance, crown dieback or decay, damage due to natural or accidental causes, insects or disease, and where trees are used as hedges.
3. Topping of trees (indiscriminately trimming major branches to limit height) is prohibited.

In addition to the standards above, **all Tree Trimmers** must comply with the following standards when pruning protected trees.

1. A notice provided by the City shall be posted on the site, **NOT** on the tree. The notice shall be visible from the street, state the job address and date of pruning, be posted a minimum of 24 hours prior to pruning and remain on the site for a minimum of two weeks after the pruning.
2. In addition, the following is required for tree trimmers doing jobs that **total \$500 or more**.
One of the following State of California contractor's licenses must be provided:
 - a. C27- Landscaping Contractor, **OR**
 - b. C61- Limited Specialty Classification and D49 Tree Service

VIOLATIONS OF THESE REQUIREMENTS ARE PUNISHABLE AS A MISDEMEANOR OR AN INFRACTION AND/OR ARE SUBJECT TO ADMINISTRATIVE FINES.

I HEREBY CERTIFY THAT THE INFORMATION I PROVIDED ABOVE IS TRUE AND THAT I HAVE READ, UNDERSTAND, AND WILL COMPLY WITH THE ABOVE STANDARDS.

SIGNATURE

PRINT NAME

DATE

OFFICE USE ONLY:

Approved ()

Denied ()

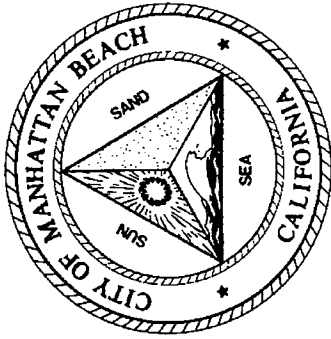
Signature

Date

THIS APPLICATION IF APPROVED MUST BE ACCOMPANIED BY A BUSINESS LICENSE APPLICATION

H:\Work Plan 2008-2009\Tree Ordinance-Tree Trimmers Permit application Form-revised draft.doc

EXHIBIT A
C.C. 11/18/08



CITY OF MANHATTAN BEACH PROTECTED TREE 2009 TREE TRIMMERS PERMIT

Job Address: DRAFT DRAFT DRAFT DRAFT 11-18-08 DRAFT DRAFT DRAFT

Date of pruning: _____ Business License No.: _____

Business Name (DBA): _____ Contact Name: _____

Address: _____ City: _____ Zip: _____

Business phone number: _____ Cell phone number: _____

- Trees must be pruned in accordance with ANSI A300 pruning standards
- Generally no more than 25% of living foliage should be removed annually;
 - Exceptions for utility line/structure clearance, crown dieback or decay, damaged branches, trees used as hedges and similar ANSI exceptions.
- Topping of trees is prohibited.

This notice shall be posted to be visible from the street (not on the tree) a minimum of 24 hours prior to pruning and remain on the site for a minimum of two weeks after pruning.
Violations of these requirements are punishable as a misdemeanor or an infraction and/or are subject to administrative fines.

EXHIBIT B
C.C. 11/18/08

TO REPORT VIOLATIONS CALL CITY OF MANHATTAN BEACH (310) 802-5538 OR 5503

10.52.120 Tree preservation and restoration in residential zones, Area Districts I and II.

A. Purpose. Tree preservation is necessary for the health and welfare of the citizens of the City of Manhattan Beach in order to provide cooling shade and beauty, increase property values, minimize spread of disease to healthy trees, conserve scenic beauty, prevent erosion of topsoil, protect against flood hazards, counteract pollutants in the air, and generally maintain the climatic and ecological balance of the area. These regulations strive to preserve and enhance the existing tree canopies on individual residential properties as well as the overall neighborhood, in order to maintain the neighborhood character. The design of residences, including grading, driveways, walkways, patios, utilities and right-of-way improvements, shall consider and accommodate existing protected trees. The intent of this section is the retention and preservation of trees while permitting the reasonable enjoyment of private property.

B. General Requirements.

1. Except as provided in subsection H (Exemptions), no person shall directly or indirectly remove or cause to be removed, or relocate any protected tree as herein defined, from residentially zoned properties within Area Districts I and II, without first obtaining a permit to do so in accordance with the procedures set forth in this section.
2. No person shall directly or indirectly neglect, abuse, damage, mutilate, injure or harm any protected tree as herein defined, from residentially zoned properties within Area Districts I and II.

C. Definitions.

1. "Protected tree" shall include: any species of tree, (excluding deciduous fruit-bearing trees and Washingtonia species palms) the trunk of which is located at least partially within the required front yard or streetside yard (on corner lots) of a site, with a trunk diameter of twelve inches (12") or greater or multiple trunks totaling twelve inches (12") in diameter or greater at a height of four and one-half feet (4.5') from existing grade; and any replacement tree required pursuant to this section.
2. A "tree permit" is a permit required for the removal, relocation or replacement of a protected tree.
3. A "tree plan" shall mean a plot plan (scale 1/8 inch = 1 foot, minimally) with all trees on the subject property identified by location, size and species, including:
 - a. Footprint of all existing and proposed buildings and/or additions to buildings on the property;
 - b. Location of all trees within the front and streetside yards, in the adjacent public right-of-way and on adjacent properties within ten feet (10') of the subject property adjacent to the front and streetside yards;
 - c. Size (diameter and height) and species of each tree;
 - d. Location of drip line for each tree;
 - e. Designation of tree(s) to be removed, saved, relocated and/or replaced;
 - f. Proposed location, size and type of replacement tree(s);
 - g. Photos of all trees in front and streetside yards.

D. Preservation of Trees During Grading and Construction Operations.

1. All protected trees, as defined above, shall be preserved and protected, and may be only be removed or relocated with prior approval of a Tree Permit provided they are replaced or relocated in accordance with the provisions of this section.
2. Trees required to be retained shall be protected during demolition, grading, and construction operations by methods subject to the approval of the Community Development Director.
3. Care shall be exercised for trees to be preserved so that no damage occurs to said trees. Advisory sign(s) that identify the tree protection requirements shall be clearly posted on the site. All construction shall preserve and protect the health of trees:
 - a. Remaining in place;
 - b. Being relocated;

EXHIBIT C
C.C. 11/18/08

- c. Planted to replace those removed;
- d. Adjacent to the subject property.
- 5. Any tree which is adjacent to the subject property and may be potentially impacted by construction activity on the subject property shall be protected pursuant to the provisions of this chapter.
- 6. No grading or construction, including structures, paving, and walls, that disrupts the root system on private as well as public property, shall be permitted without prior approval by the Community Development Director. As a guideline, no cutting of roots over two inches (2") in diameter should occur within the drip line of the tree as measured at ground level. Where some root removal is necessary as approved by the City the tree crown may require thinning to prevent wind damage.
- 7. Residential buildings shall take priority over tree preservation, however alternative designs and materials, shall be considered and implemented, as feasible, with the proposed overall design of the project.
- 8. Required public right-of-way improvements shall take priority over tree preservation, however alternative designs and materials, including but not limited to permeable surfaces and planter areas with irrigation, shall be considered and implemented, as feasible.
- 9. Relocation of protected trees shall only be allowed if the Community Development Director determines that the relocation will not be detrimental to the health of the tree or to other protected trees.
- 10. No fill material shall be placed within the drip line of any tree.
- 11. The Community Development Department may impose special measures determined necessary to preserve and protect the health of trees to remain on site.

E. Tree Permit Applications - without Building Permit.

- 1. Any person desiring to remove or relocate one (1) or more protected trees shall obtain a Tree Permit from the Community Development Department. A fee, as specified in the City's Fee Resolution, shall be required for a Tree Permit.
- 2. Tree Permit applications shall include a Tree Plan, and written proof of neighbor notification pursuant to applicable permit instructions and may also include an arborist's report.
- 3. A bond, cash deposit or other financial security, may be required to ensure required replacement trees are planted and/or that existing protected trees are properly protected, as determined to be appropriate by the Community Development Director.
- 4. The Community Development Director, when approving Tree Permits, shall determine the adequacy and appropriateness of the submitted plan, neighbor input, and other related information.

F. Tree Permit - with Building Permit.

- 1. Application for a Building Permit shall require a Tree Permit/Acknowledgement and Plan as defined above, if protected trees are located on the property.
- 2. A Tree Permit shall be required if the proposed project may impact existing trees in the front or streetside yard of the subject property even though removal is not planned.
- 3. A fee, as specified in the City's Fee Resolution, shall be required for a Tree Permit.
- 4. A bond, cash deposit or other financial security, may be required to ensure required replacement trees are planted and/or that existing protected trees are properly protected, as determined to be appropriate by the Community Development Director.
- 5. Any new residential construction project in Area Districts I and II which exceeds fifty percent (50%) valuation (total estimated cost of reconstructing the entire structure as defined by Section 10.68.030 of the Manhattan Beach Municipal Code) shall be required to plant a minimum of one (1) new thirty-six inch (36") box tree, unless the Director of Community Development determines that it is inappropriate to require additional tree(s) on the property.

G. Replacement Trees. Required replacement trees shall be minimum thirty-six inch (36") box trees for each protected tree removed of an appropriate species and must be planted prior to final inspection. Actual sizes, species, location, and quantities of replacement trees are subject to Community Development Director approval. The City street tree list may be used as a guideline by the Director in determining appropriate replacement tree(s). A

combination of protected and replacement tree quantities shall not result in less than one (1) protected tree per lot or thirty feet (30') of site frontage. If the Director of Community Development determines that there is not adequate room on the property for replacement tree(s) due to the number of existing trees to remain, then the requirement for replacement trees may be modified or waived.

H. Exemptions. Tree removals and alterations exempt from the requirements of this section are as follows:

1. Removal in case of imminent emergency caused by the hazardous or dangerous condition of a tree, requiring immediate action for the safety of life or property (e.g., a tree about to topple onto a dwelling due to heavy wind velocities) with the prior approval of the Director of Community Development or his or her designee if a subsequent application for a Tree Permit is filed within five (5) working days.
2. Removal of any tree that is determined to be a public nuisance in accordance with Section 7.32.070, with prior approval of the Directors of Community Development and Public Works or his or her designee if a subsequent application for a Tree Permit is filed within five (5) working days.
3. Removal of deciduous fruit-bearing trees, *Washingtonia robusta*, or *Washingtonia filifera*.
4. Public Utility actions, under the jurisdiction of the Public Utilities Commission of the State of California, as may be necessary to comply with their safety regulations, or to maintain the safe operation of the facilities.
5. Cutting of tree branches and roots extending across property lines into adjacent property, to the extent that the pruning complies with the American National Standards Institute (ANSI A300) standards and does not damage or potentially damage the health and structure of the tree(s).
6. Cutting of tree branches and roots to the extent that the pruning complies with the American National Standards Institute (ANSI A300) requirements and does not damage or potentially damage the health and structure of the tree(s).

I. Non-liability of City. Nothing in this section shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of any private property shall have a duty to keep the trees upon the property and under his control in a safe and healthy condition.

J. Violation/Penalties. Violation of this chapter shall be punishable as a misdemeanor or an infraction subject to the discretion of the City Prosecutor with the following additional penalties:

1. **Suspension, Revocation and Restoration.** In addition to any other penalties allowed by this Code, the Director of Community Development may suspend any Tree Permit. The Planning Commission or City Council may suspend the Tree Permit for a Discretionary Project upon a finding at a public hearing that a violation of conditions of approval has occurred.
2. **Stop Work Orders.** Whenever any construction or work is being performed contrary to the provisions of this section or condition of approval of the applicable discretionary project the Director of Community Development may issue a written notice to the responsible party to stop work on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation and the risk to the trees. No work shall be allowed until the violation has been rectified and approved by the Director of Community Development.
3. **After-the-Fact Permit Fees.** The standard permit fee shall be doubled for tree removals or other work requiring a Tree Permit pursuant to this section when commenced prior to issuance of said permit.

K. Administrative Fines. The Director of Community Development may impose a fine against any person who is in violation of any provision of this section. Such fine shall be a range as specified in the City Fee Resolution. The proceeds of all administrative fines imposed under this section shall be placed in a "Tree Canopy Restoration Fund" to be used solely for the replacement and maintenance of trees in the public right-of-way or on public property within the City.

1. Any person upon whom a fine is considered to be imposed pursuant to this section shall be entitled to a written notice of the pending decision of the imposition of the fine within ten (10) calendar days of the decision of the imposition of the fine. The notice shall state the amount of the fine, the reason for the proposed imposition of the fine and the authority for imposing the fine. The notice shall also state that the person upon whom the fine is proposed to be imposed has a right to request a hearing to protest the proposed decision of imposition of the fine and the time and method by which a hearing may be requested.
2. Any person upon whom a fine authorized by this section is proposed to be imposed may request, in writing, a hearing to protest the proposed fine. The request must be filed with the City Clerk within ten (10) calendar days from the mailing date of the notice of the proposed fine. The failure to timely file a written request for a hearing shall constitute a waiver of the right to a hearing.
3. Upon timely receipt of a request for a hearing, the City shall, within ten (10) calendar days of receipt of such a request hold a hearing to be presided over by the Director of Community Development or his or her designee. This presiding officer shall determine the procedure and rules for the conduct of the hearing. The ruling of the presiding officer, notwithstanding any other provision of this Code shall be final.
4. If the Director determines that a fine is due, and the fine imposed by this section is not paid within fifteen (15) calendar days of its becoming due and payable the City may file a lien in the amount of the fine plus interest at the legal rate, which may be recorded on any property owned by the individual subject to the fine which is located in the City of Manhattan Beach.
5. In the event that a civil action is filed regarding any provision of this subsection K the City shall be entitled to attorney fees if it prevails.
(Ord. No. 1884, Enacted August 19, 1993; § 2, Ord. 2045, eff. May 6, 2003, as amended by § 2, Ord. 2082, eff. March 21, 2006)