

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Laurie B. Jester, Planning Manager

DATE: February 11, 2009

SUBJECT: City Council 2008-2009 Work Plan item: Zoning Code Amendment to the Tree Preservation regulations (Section 10.52.120 of the Zoning Code) and related Code sections, to revise the Tree Preservation Regulations to provide more flexibility and to require a Tree Trimmers Permit.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the **CONTINUED PUBLIC HEARING, DISCUSS**, and **ADOPT DRAFT RESOLUTION PC 09-02** for revisions to the Zoning Code related to the Tree Preservation Ordinance.

BACKGROUND

On January 28, 2009 the Planning Commission conducted a public hearing on the proposed revisions to the City's Tree Preservation Ordinance. After taking public input and discussing the proposal the Commission provided direction to staff for further revisions to the regulations. This report and attachments provide those revisions. A complete project background is provided in the January 28th staff report.

DISCUSSION

Tree Ordinance flexibility

The following is a summary of further revisions to the Tree Ordinance as discussed and directed by the Planning Commission on January 28th. In Attachment A the black text is the current Code language, the red text are the revisions reviewed on January 28th, and the green text are the proposed revisions based on Planning Commission direction from the last meeting. The proposed revisions will allow more flexibility in the removal and replacement of trees.

Purpose

The purpose section is proposed to be revised to emphasize that healthy trees should be protected, allow flexibility for removal of trees that may be inappropriate or causing damage, and balancing the preservation of healthy trees with the reasonable enjoyment of private property. The existing language in this section that indicates that the design of residences should consider and accommodate healthy protected trees has been revised to add "as reasonably feasible". The sentence from Section D. 7. regarding residential buildings taking priority over tree preservation has been relocated to this section. Another intent statement has

been added to emphasize the goal of enhancing the future tree canopy and providing the right tree for the right location.

Preservation of Trees During Grading and Construction Operations

The sentence from Section D. 7. regarding residential buildings taking priority over tree preservation has been relocated to the Purpose section. The section on public right-of-way improvements includes additional information on modifying dimensions to preserve healthy trees.

Criteria

This new section has been reorganized for further clarification. A new sentence has been added to indicate that when reviewing a Tree Permit the Director shall also consider the age, species, history and location of the tree in relationship to surrounding improvements.. Criteria 2 and 3 were combined so health, safety and structural stability criteria are all one item. Criteria 5 was modified to indicate that if the tree “will” cause in the “near” future significant damage it may be removed. Trees causing “minor” damage to private underground utilities generally would not meet the criteria for removal.

The Commission also requested that there be a requirement to post a notice on trees that have been approved to be removed for a minimum of one week prior to the removal. Staff will incorporate this standard into the Tree Permit Application process, not into the Code so there is flexibility to modify the requirement without amending the Code.

Third party arborist and appeals

No changes were made to these sections.

Tree Trimmers License

This section has been reorganized to clearly indicate the permit requirement, and standards required for all tree trimmers and residents, and for just tree trimmers. The ANSI A300 standards that state that generally no more than 25% of living foliage should be removed and that topping is generally prohibited was added. The posting requirements for the tree trimming notice will be included in the Tree Trimmers Permit application, which requires 24 hours posting prior to the trimming and maintaining the sign on site for 2 weeks after the pruning. Placing the requirements in the permit and not the Code provides more flexibility if changes are needed.

The State contractors licensing requirements have been revised so it is clear that it is a State not City requirement to have a contractors license. The dollar amount of the job that requires a State license, currently \$500, was deleted as the State requirements could change in the future. Staff also looked into the State requirements for the C27 Landscaping Contractor and C61/D49 Tree Service requirements. The C27 license requires knowledge, training, experience and skills to pass two written exams, one on law and business and a trade test that includes a portion on landscape maintenance. Additionally, 4 years of experience in landscape contracting is required. The D49 license also requires knowledge, training, experience and skills to pass one written exam on law and business and 4 years of experience in the tree service industry, including pruning trees, is required.

Attachment C is a copy of the draft Tree Trimmers Permit Application which have been revised to be consistent with the Ordinance revisions. Attachment D is a reduced size of the draft Tree Trimmers Permit sign that will be posted on the site where the tree is being pruned, and this has also been revised to be consistent with the Ordinance as well as the City website information has been added.

Public comments

A number of residents provided comments on the proposed revisions. Representatives from the Tree Committee e-mailed and spoke with staff and indicated at the meeting that they were supportive of the proposed revised, which they were very involved in formulating the concepts for. Other residents indicated that there should be a broader long range vision and this has been reflected in the Purpose section. There were comments on the dead tree permit fee, which the City Council recently reduced to \$100. There were comments on the ANSI A300 standards and the ISA pruning booklets. The City has purchased a large volume of the ISA booklets and a number of other educational materials which the Tree Committee has provided free to the public at a number of educational events and most are available at City Hall and posted on the City website. There was a question on how a tree appraisal is performed. The process is similar in any other type of appraisal, it is a detailed appraisal of the value of a tree prepared by a certified arborist

CONCLUSION:

Staff requests that the Commission conduct the public hearing, review and adopt the attached draft Resolution recommending to the City Council approval of the proposed amendments to the Tree Ordinance.

Attachments:

- A. Redline strikeout revisions of Tree Preservation Code- 10.52.120
- B. Draft Resolution No. PC 09-02
- C. Tree trimmers Permit
- D. Tree Trimmers sign
- E. Planning Commission staff report- January 28, 2009 (excluding attachments)

REDLINE-STRIKEOUT TEXT
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10.52.120 Tree preservation and restoration in residential zones, Area Districts I and II.

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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 healthy tree canopies on individual residential properties as well as the overall neighborhood, in order to maintain the neighborhood character, while allowing flexibility for removal of existing trees that may be inappropriate for an area or causing damage. The design of residences, including grading, driveways, walkways, patios, utilities and right-of-way improvements, shall consider and accommodate existing healthy protected trees, as reasonably feasible. 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. The intent of this section is the reasonable retention and preservation of healthy trees while considering and balancing the reasonable enjoyment of private property. The intent is also to enhance the future tree canopy of the City, striving to provide the right trees in the right location.

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The purpose of the Tree Trimmers Permit is 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.

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.

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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;
 - 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. 8.~~ Required public right-of-way improvements shall take priority over tree preservation, however alternative designs and materials, including but not limited to modified dimensions, permeable surfaces and planter areas with irrigation, shall be considered and implemented, as feasible.
- ~~8. 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.
- ~~9. 10.~~ No fill material shall be placed within the drip line of any tree.
- ~~10. 11.~~ The Community Development Department may impose special measures determined necessary to preserve and protect the health of trees to remain on site.

Comment: SECTION D 7. WAS MOVED TO PURPOSE SECTION. 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.

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E. Tree Permit Applications - without Building Permit.

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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. Tree Permit Criteria. When reviewing a Tree Permit application, the Director of Community Development shall make a finding that the application is consistent with the Purpose portion of this Section. The Director shall also consider the age, species, history, and location of the tree in relationship to other trees, and existing and proposed surrounding structures, utilities and other improvements. Additionally, the following criteria shall be met in order to remove and replace a protected tree.

1. The tree is dead, or
2. The tree is a health or safety hazard, or is structurally unstable, or
3. The tree is dying or in marginal condition and reasonable alternatives to preserve or rejuvenate the tree have been implemented unsuccessfully or have been analyzed, and are not feasible, or
4. Construction will cause significant unavoidable damage to the tree that will compromise the health of the tree, and reasonable alternatives to preserve the tree have been analyzed and are not feasible, or
5. The tree is causing or will cause in the near future, significant damage to public or private property, which creates a liability, health or safety concern, and can not reasonably be repaired, maintained or corrected. Trees causing minor damage to sewers, water lines or other similar private underground utilities, generally shall not be considered to meet the criteria for removal and replacement, or

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6. The tree is obstructing protected solar access as regulated by California State law, Solar Shade Control Act, Public Resources Code 25980-25986, and the tree can not be reasonably pruned or maintained in accordance with the State requirements.

The Director of Community Development may require the applicant to submit a report from an ISA certified arborist or other horticultural professional, and/or historical or other support documentation in order to substantiate that the required criteria has been met. The City arborist and/or other City staff may review the information. All costs shall be the responsibility of the applicant. If the applicant's arborist or other horticultural professional is not in agreement with the findings of the City arborist or staff a third party ISA certified arborist, agreed to by the applicant and the City, may be contracted to mediate the situation. The cost of this third party arborist shall be shared between the applicant and the City.

H ~~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.

~~I-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).

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J. Tree Trimmers Permit.

1. Permit requirements-

Any person pruning any private property protected tree in the City of Manhattan Beach must have a Tree Trimmers Permit. Residents are responsible for hiring City licensed Tree Trimmers. Residents pruning their own trees are exempt from obtaining a Tree Trimmers Permit but must still comply with the ANSI A300 standards.

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2. Standards-

a. All Tree Trimmers and Residents-

Protected trees must be pruned in accordance with ANSI A300 pruning standards, which include, but are not limited to, the following standards:

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- i. Generally no more than 25% of living foliage should be removed annually, and
- ii. Topping of trees is generally prohibited.

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b. All Tree Trimmers-

The following standards must also be met when pruning protected trees.

- i. A notice provided by the City shall be posted on the site, in accordance with the requirements stated in the Tree Trimmers Permit.
- ii. The State of California may require contractor's to have one of the following licenses if the total cost of the job exceeds a dollar value established by the State:
 - aa. C27- Landscaping Contractor, or
 - bb. C61- Limited Specialty Classification and D49 Tree Service.

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K. Effective date--Appeals. Unless appealed in accordance with Chapter 10.100, a Tree Permit decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030.

L. 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.

M. 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.

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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.

~~N-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)

DRAFT RESOLUTION NO. PC 09-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH RECOMMENDING APPROVAL OF AMENDMENTS TO THE CITY ZONING CODE (SECTION 10.52.120) TO REVISE THE TREE PRESERVATION REGULATIONS

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. The City's Tree Preservation Ordinance was originally adopted August 19, 1993 (Ordinance No. 1884), and is included as Section 10.52.120 of the Zoning Code, and the Ordinance originally applied only to the Tree Section, generally bounded by Rosecrans Avenue, Blanche Road, Valley Drive and Sepulveda Boulevard.
- B. On May 6, 2003, the Ordinance was expanded (Ordinance No. 2045) to apply to all of the residential zones in Area Districts I and II; the Beach Area is not covered by the Tree Ordinance.
- C. On June 24, 2005, the City Council held a special session and developed the 2005-2007 Work Plan, which included an item to study possible revisions to the Tree Ordinance.
- D. On July 5, 2005, the City Council amended and formally adopted the 2005-2007 Work Plan.
- E. On July 26, 2005 the City Council and Planning Commission held a joint Work Plan meeting, and provided direction to revise the Tree Ordinance as one of the top priorities for the Community Development Department.
- F. On March 21, 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, and the concept of a residents' Tree Committee was approved. The Tree Committee was formally approved April 18, 2009.
- G. On September 18, 2007 the City Council held a special study session to discuss the Tree Ordinance, and requested that staff return with a status report.
- H. On December 4, 2007 the Council reviewed a status report, provided direction to staff to utilize the City arborist more, and adopted Resolution No. 6117 increasing fines for tree ordinance violations. The Tree Committee made a presentation, and the Council directed them to focus on developing a number of outreach and educational items, including a Tree Trimmers Permit.

- I. On June 17, 2008 the City Council adopted the 2008-2009 Work Plan, which includes providing a status report on the Tree Ordinance.
- J. On October 21, 2008, the Council adopted Resolution No. 6163 approving a reduced fee of \$100 for a Tree Permit for the removal and replacement of dead or dying trees.
- K. On November 18, 2008 staff presented a status report to the City Council in accordance with the 2008-2009 Work Plan. The Tree Committee was directed to focus their efforts on public education, and staff to proceed with Code Amendments to provide flexibility in the Tree Preservation regulations and provide a no cost Tree Trimmers Permit and license.
- L. Pursuant to applicable law, the Planning Commission of the City of Manhattan Beach conducted a public hearing on January 28, 2009, on the proposed Code Amendments related to revisions to the Tree Preservation regulation. The hearing was conducted and continued to February 11, 2009.
- M. The January 28th public hearing was advertised pursuant to applicable law, and testimony was invited and received at both public hearings. Public noticing included an ad published on January 8, 2009 in a newspaper of general circulation (Beach Reporter).
- N. The applicant for the subject project is the City of Manhattan Beach.
- O. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA.
- P. The proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code.
- Q. The Planning Commission finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- R. The Planning Commission made the following findings with regard to the proposed changes:
 - 1. The proposed amendments are consistent with the City of Manhattan Beach General Plan.

Goal LU-2: Encourage the provision and retention of private landscaped open space.

Policy LU-2.3: Protect existing mature trees throughout the City, and encourage their replacement with specimen trees whenever they are lost or removed.

Goal LU-3: Achieve a strong, positive community aesthetic.

Goal CR-4: Preserve the existing landscape resources in the City, and encourage the provision of additional landscaping.

Policy CR-4.1: Protect existing mature trees throughout the City and encourage their replacement with specimen trees whenever they are lost or removed.

Policy CR-4.3: Recognize that landscaping, and particularly trees, provide valuable protection against air pollution, noise, soil erosion, excessive heat, and water runoff, and that they promote a healthy environment.

Policy CR-4.4: Review the tree ordinance to consider its application citywide and to determine the need to strengthen tree preservation criteria.

Policy CR-4.5: Discourage the reduction of landscaped open space and especially the removal of trees from public and private land.

SECTION 2. NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Manhattan Beach hereby recommends **APPROVAL** of the proposed amendments to the Manhattan Beach Municipal Code (Section 10.52.120-Tree preservation and restoration in residential zones, Area Districts I and II) as follows:

SECTION 3. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.52.120 (Tree Preservation and Restoration in Residential Zones Area Districts I and II) of the Manhattan Beach Municipal Code by amending Section 10.52.120 A. (Purpose) as follows:

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 healthy tree canopies on individual residential properties as well as the overall neighborhood, in order to maintain the neighborhood character, while allowing flexibility for removal of existing trees that may be inappropriate for an area or causing damage. The design of residences, including grading, driveways, walkways, patios, utilities and right-of-way improvements, shall consider and accommodate existing healthy protected trees, as reasonably feasible. 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. The intent of this section is the reasonable retention and preservation of healthy trees while considering and balancing the reasonable enjoyment of private property. The intent is also to enhance the future tree canopy of the City, striving to provide the right trees in the right location.

The purpose of the Tree Trimmers Permit is 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.

SECTION 4. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.52.120 (Tree Preservation and Restoration in Residential Zones Area Districts I and II) of the Manhattan Beach Municipal Code by deleting Section 10.52.120 D. 7. as follows:

D. Preservation of Trees During Grading and Construction Operations.

~~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.~~

SECTION 5. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.52.120 (Tree Preservation and Restoration in Residential Zones Area Districts I and II) of the Manhattan Beach Municipal Code by modifying Section 10.52.120 D. 8. as follows:

D. Preservation of Trees During Grading and Construction Operations.

7. Required public right-of-way improvements shall take priority over tree preservation, however alternative designs and materials, including but not limited to modified dimensions, permeable surfaces and planter areas with irrigation, shall be considered and implemented, as feasible.

SECTION 6. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.52.120 (Tree Preservation and Restoration in Residential Zones Area Districts I and II) of the Manhattan Beach Municipal Code by adding Section 10.52.120 G. (Tree Permit Criteria) as follows:

G. Tree Permit Criteria. When reviewing a Tree Permit application, the Director of Community Development shall make a finding that the application is consistent with the Purpose portion of this Section. The Director shall also consider the age, species, history, and location of the tree in relationship to other trees, and existing and proposed surrounding structures, utilities and other improvements. Additionally, the following criteria shall be met in order to remove and replace a protected tree.

1. The tree is dead, or
2. The tree is a health or safety hazard, or is structurally unstable, or
3. The tree is dying or in marginal condition and reasonable alternatives to preserve or rejuvenate the tree have been implemented unsuccessfully or have been analyzed, and are not feasible, or
4. Construction will cause significant unavoidable damage to the tree that will compromise the health of the tree, and reasonable alternatives to preserve the tree have been analyzed and are not feasible, or
5. The tree is causing or will cause in the near future, significant damage to public or private property, which creates a liability, health or safety concern, and can not reasonably be repaired, maintained or corrected. Trees causing minor damage to sewers, water lines or other similar private underground utilities, generally shall not be considered to meet the criteria for removal and replacement, or
6. The tree is obstructing protected solar access as regulated by California State law, Solar Shade Control Act, Public Resources Code 25980-25986, and the tree can not be reasonably pruned or maintained in accordance with the State requirements.

The Director of Community Development may require the applicant to submit a report from an ISA certified arborist or other horticultural professional, and/or historical or other support documentation in order to substantiate that the required criteria has been met. The City arborist and/or other City staff may review the information. All costs shall be the responsibility of the applicant. If the applicant's arborist or other horticultural professional is not in agreement with the findings of the City arborist or staff a third party ISA certified arborist, agreed to by the applicant and the City, may be contracted to mediate the situation. The cost of this third party arborist shall be shared between the applicant and the City.

SECTION 7. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.52.120 (Tree Preservation and Restoration in Residential Zones Area Districts I and II) of the Manhattan Beach Municipal Code by adding Section 10.52.120 J. (Tree Trimmers Permit) as follows:

J. Tree Trimmers Permit.

1. Permit requirements-

Any person pruning any private property protected tree in the City of Manhattan Beach must have a Tree Trimmers Permit. Residents are responsible for hiring City licensed Tree Trimmers. Residents pruning their own trees are exempt from obtaining a Tree Trimmers Permit but must still comply with the ANSI A300 standards.

2. Standards-

a. All Tree Trimmers and Residents-

Protected trees must be pruned in accordance with ANSI A300 pruning standards, which include, but are not limited to, the following standards;

- i. Generally no more than 25% of living foliage should be removed annually, and
- ii. Topping of trees is generally prohibited.

b. All Tree Trimmers-

The following standards must also be met when pruning protected trees.

- i. A notice provided by the City shall be posted on the site, in accordance with the requirements stated in the Tree Trimmers Permit.
- ii. The State of California may require contractor's to have one of the following licenses if the total cost of the job exceeds a dollar value established by the State:
 - aa. C27- Landscaping Contractor, or
 - bb. C61- Limited Specialty Classification and D49 Tree Service.

SECTION 8. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.52.120 (Tree Preservation and Restoration in Residential Zones Area Districts I and II) of the Manhattan Beach Municipal Code by adding Section 10.52.120 K. (Effective date--Appeals) as follows:

K. Effective date--Appeals. Unless appealed in accordance with Chapter 10.100, a Tree Permit decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030.

SECTION 9. A staff review of the proposed amendments is hereby directed to occur approximately twelve (12) months after the effective date of the City Council approved Ordinance.

SECTION 10. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution.

SECTION 11. If any sentence, clause, or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this resolution. The Planning Commission hereby declares that it would have passed this resolution and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 12. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this resolution, and no further, are hereby repealed.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of February 11, 2009 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Richard Thompson
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary



TREE TRIMMERS PERMIT APPLICATION (PRIVATE PROPERTY PROTECTED TREES)

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

2-11-09 DRAFT DRAFT DRAFT DRAFT 2-11-09 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 10.52.120 J. of the MBMC. Residents are responsible for hiring City licensed Tree Trimmers. Residents pruning their own trees are exempt from obtaining a permit, but must still comply with the ANSI A300 standards (summary below). Residents may obtain a list of permitted Tree Trimmers from the City of Manhattan Beach Finance Department, Business License Division. 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: 1- deciduous (lose their leaves in winter) fruit-bearing trees and 2- Washingtonia species palm trees (California and Mexican Fan Palms).

Standards:

All Tree Trimmers and Residents 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. ANSI A300 standards provide, in part, that:
 - a. 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.
 - b. Topping of trees (indiscriminately trimming major branches to limit height) is generally 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. The State of California requires contractors that are doing tree trimming jobs that **total \$500 or more** must have one of the following contractor's licenses:
 - 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



CITY OF MANHATTAN BEACH PROTECTED TREE 2009 TREE TRIMMERS PERMIT

Job Address: DRAFT DRAFT DRAFT 2-11-09 DRAFT DRAFT DRAFT EXHIBIT D

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 generally 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.

**TO REPORT VIOLATIONS OR FOR MORE INFORMATION CONTACT THE CITY OF
MANHATTAN BEACH AT (310) 802-5538 OR 5503 OR WWW.CITYMB.INFO**

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Laurie B. Jester, Planning Manager

DATE: January 28, 2009

SUBJECT: City Council 2008-2009 Work Plan item: Zoning Code Amendment to the Tree Preservation regulations (Section 10.52.120 of the Zoning Code) and related Code sections, to revise the tree preservation regulations, to provide more flexibility and to require a Tree Trimmers Permit.

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the **PUBLIC HEARING, DISCUSS,** and **ADOPT DRAFT RESOLUTION PC 09-02** for revisions to the Zoning Code related to the Tree Preservation Ordinance.

BACKGROUND

The City's Tree Preservation Ordinance was originally adopted in 1993 and at that time, the Ordinance applied only to the Tree Section. The 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 to promote the protection and enhancement of the Manhattan Beach tree canopy.

In September 2007 the City Council held a special study session to discuss the Tree Ordinance, and then at that meeting requested that staff return with a status report as a regular agenda item. 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. One of the items that Council directed staff to work with the Committee on was a Tree Trimmers Permit.

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."

In October 2008, the Council approved a reduced fee of \$100 for a Tree Permit for the removal and replacement of dead or dying trees. On November 18, 2008 staff presented a status report to the City Council in accordance with the Work Plan. The Council directed the Tree Committee to focus their efforts on public education, and they directed staff to proceed with Code Amendments to provide flexibility in the regulations and a no cost Tree Trimmers Permit and license.

DISCUSSION

At the November 2008 City Council meeting, the Council heard from various members of the public, including the Tree Committee, that the existing Tree Preservation Ordinance is too restrictive. They felt that it does not allow enough flexibility for removal and replacement of trees. Although there were strong opinions on both sides of the issue, the general consensus was that the original 1993 ordinance was too lax, and the 2003 revisions are too restrictive, and a more "middle of the road" approach would better suit the desires of the community. Based on those discussions the Council formed a subcommittee that met with staff to discuss revisions to the Tree Ordinance.

The subcommittee felt that it was important to provide some flexibility in the regulations to allow the removal and replacement of trees in marginal health, trees that will be impacted by development, and trees that significantly damage private property, creating a liability and safety

concern. The subcommittee also directed staff to address the State Solar Shade Control Act requirements in the Tree Ordinance.

The Council subcommittee also discussed developing guidelines for tree canopy management. (Attachments F, G and H). They suggested that guidelines should be a future work effect, that it was important to go forward with the initial revisions as soon as possible and not have the guidelines delay the other revisions. Staff received one e-mail that addresses this issue, included at Attachment D. The Council subcommittee then reported back to the Council on January 6, 2009, and the Council directed staff to proceed with the revisions to the Planning Commission. This item is before the Commission tonight based on that direction from the City Council.

Tree Trimmers License

The Community Development and Finance Departments, and City Attorneys office have worked with the Tree Committee to develop a Tree Trimmers Permit Application. Currently all gardeners and landscapers in the City require a City business license. Currently there are about 300 total licensed landscapers and gardeners in town. 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. Links to the International Society of Arboriculture (ISA) website with the ANSI Pruning Standards are available on the City website.

Attachment B is a copy of the draft Tree Trimmers Permit, and Attachment C is a reduced size of the draft Tree Trimmers Permit sign that will be posted on the site where the tree is being pruned. The Council previously reviewed and approved these in concept. The Council also directed that no fee be charged for the Tree Trimmers Permit.

Tree Ordinance flexibility

The following is a summary of the revisions to the Tree Ordinance as discussed in concept with the Council Subcommittee. The proposed revisions will allow more flexibility in the removal and replacement of trees.

Purpose

The purpose section is proposed to be revised to emphasize that healthy trees should be protected, allow flexibility for removal of trees that may be inappropriate or causing damage, and balancing the preservation of healthy trees with the reasonable enjoyment of private property.

Criteria

A new section is proposed to be added to the Code to establish the criteria for the removal and replacement of trees. The criteria includes the current standards that staff uses: if the tree is dead, dying, a health or safety hazard, structurally unstable, or construction will cause significant unavoidable damage to the tree, staff will approve removal. Generally the applicant will submit an arborist report and the City arborist will also review the request to remove the tree and make a recommendation before staff makes a decision. Currently there needs to be a compelling health or safety reason in order for staff to approve removal and replacement of a protected tree. Cracked driveways, walkways, or walls or clogged sewers have not been compelling reasons to approve tree removal.

Additional criteria is also proposed to be added to allow more flexibility. First if the tree is in marginal condition and reasonable alternatives are not available to preserve the tree, staff feels it is appropriate to remove and replace a tree. Construction is very stressful for existing trees, even when they are protected on a job site. Sites are very small, leaving limited room for tree protection, access to the site and on-site storage of construction materials and debris. Roots are compacted, watering is limited and construction equipment can damage trees. Abandoned cesspools are required to be dug up, and underground utility trenching can damage tree roots. If a tree is in marginal condition at the beginning of a construction job it is not likely to survive and thrive through a year or more of construction. On sites where there is no construction sometimes it is in the best interest of the entire landscaping to remove a tree in marginal health and replace it with a younger, stronger, healthier tree that is more appropriate for the location.

If a tree is significantly damaging public property, cracking a sidewalk, curb or gutter, or damaging a utility meter, which creates a public liability, health or safety concern, and it can not be reasonably repaired or maintained, staff will approve removal. The Council requested that staff include similar criteria for damage to private property to the regulations. This will allow trees that are significantly damaging driveways, walkways, walls or other above ground structures, to be removed if there is a liability, health or safety concern, and the situation can not be reasonably be repaired, maintained, or corrected. The applicant would generally be required in these situations to submit support documentation to substantiate the request. Generally damage to underground structures and utilities, such as sewers, and water pipes would not be sufficient justification to approve removal and replacement of a protected tree.

State laws in California protect homeowner's access to the sun for solar systems. The Public Resources Code Section 25980-25986, the Solar Shade Control Act, (Attachment E) allows the pruning and removal of trees in certain situations, if trees are shading more than 10% of the solar panel between 10:00 am and 2:00 pm. There are a number of exemptions for tree that were planted prior to the installation of the solar panels and their replacement trees if those trees die, as well as trees that are protected under City ordinances. Due to these exceptions it is unlikely that trees will be removed in accordance with the State Solar requirements, however staff felt it was important to add this reference.

Third party arborist

Usually, when a tree permit is submitted the applicant is also required to submit a report from an ISA certified arborist or other horticultural professional, and/or historical or other support documentation to justify the removal and replacement of the tree. The City arborist and City staff reviews the information and make a determination if the request meets the established criteria. Occasionally the applicants arborist and the City arborist will disagree. In these cases the application is brought before the Planning Commission. As an alternative staff would like to have the option of contracting with a third party ISA certified arborist, agreed to by the applicant and the City, to mediate the situation. The cost of this third party arborist would be shared between the applicant and the City. City staff would make the determination if this is the appropriate approach and whether or not the application would then be forwarded to the Planning Commission, and ultimately the City Council.

Appeals

Staff is adding a new Appeals section that references the current Code Section, Chapter 10.100. This Chapter indicates that decisions of the Director of Community Development are appealable to the Planning Commission , and Planning Commission decisions are appealable to the City Council. If none of the criteria for removal can be met and the applicant desires to remove the tree, the applicant may appeal the Directors denial of the permit. When reviewing the request one of the options that the Planning Commission could consider it to have an determination made on the appraised value of the tree. If the Commission or City Council feels it is appropriate to remove the tree an option would be to have the applicant pay the City the full appraised value of the tree, minus the cost of replacement trees. The funds paid by the applicant could then be placed in the City Tree Canopy Restoration Fund to be used by the City for tree planting, education and other tree related projects. These are options that could be reviewed during an appeal.

CONCLUSION:

Staff requests that the Commission conduct the public hearing, review and adopt the attached draft Resolution recommending to the City Council approval of the proposed amendments to the Tree Ordinance.

Attachments:

- A. Draft Resolution No. PC 09-02
- B. Tree trimmers Permit
- C. Tree Trimmers sign
- D. E-mail from Gary Osterhout- January 17, 2009
- E. State of California Solar Shade Control Act- Public Resources Code 25980-25986
- F. Guidelines for Developing and Evaluating Tree Ordinances- (document not attached- link to document on International Society of Arboriculture website - <http://www.isa-arbor.com/publications/tree-ord/resources/treeord.pdf>)

- G. Tree Guidelines for Coastal Southern California Communities- (document not attached-link to document on website- Local Government Commission-
http://www.fs.fed.us/psw/programs/cufr/products/2/cufr_48.pdf)
- H. Protecting and Developing the Urban Tree Canopy- The United States Conference of Mayors- (document not attached-link to document on website-
<http://www.urbanforestrysouth.org/resources/library/protecting-and-developing-the-urban-tree-canopy-a-135-city-survey>)

H:\Work Plan 2008-2009\Tree Ordinance-\PC Report 1-28-09- tree trimmers and flexibility.doc