



Agenda Item #: 07/0206.16

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Neil Miller, Director of Public Works
Juan Price, Maintenance Superintendent

DATE: February 6, 2007

SUBJECT: Ratification of Parking and Public Improvement Commission Decision to Uphold Existing Policy Prohibiting Removal of Streetscape Trees for View Enhancement

RECOMMENDATION:

Staff recommends that the City Council pass a motion to uphold the Parking and Public Improvement Commission's decision to uphold existing City policy prohibiting removal of Streetscape trees for view enhancement.

FISCAL IMPLICATION:

No fiscal impact for recommended action.

BACKGROUND:

On January 25, 2007 the Parking and Public Improvement Commission heard an appeal of existing City policy to not allow removal of Streetscape trees for view enhancement. Several residents from 8th Street above Manhattan Avenue had requested that Streetscape trees located at the intersection of 8th Street and Manhattan Avenue be removed for view enhancement. This request was denied by staff stating that there was an existing City policy prohibiting the removal of Streetscape trees for view enhancement. The 8th Street residents then requested the policy be appealed.

DISCUSSION:

After receiving public testimony and input from staff, the Parking and Public Improvements Commission (PPIC) voted to uphold the existing City policy. Staff's recommendation to deny the appeal is based on the fact that this issue has been before the City Council before (August, 2000) at which time a decision was made not to remove the trees.

During public testimony, two 8th Street residents requested that the trees in question be replaced with smaller trees. In response, staff informed the Commission that a project to replace all of the Streetscape landscaping is on a current list of unfunded Capital Improvement Program projects competing with other unfunded projects.

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All Commissioners voted to uphold staff's recommendation. Several comments were made by the Commissioners and are reflected in the meeting minutes (attached).

All addresses within 500 feet of the subject trees were notified by mail of this meeting.

Attachments: a) PPIC Agenda Item G 1.
b) PPIC Minutes from January 25, 2007 Parking and Public Improvements
Commission meeting
c) Notice of February 6, City Council Meeting



Agenda Item # _____

Staff Report

City of Manhattan Beach

TO: Members of the Parking and Public Improvements Commission

FROM: Neil Miller, Director of Public Works *Uem*
Juan Price, Maintenance Superintendent

DATE: January 25, 2007

SUBJECT: Appeal of Existing Policy Prohibiting Removal of Streetscape Trees for View Enhancement

RECOMMENDATION:

Staff recommends that the Parking and Public Improvements Commission deny the appeal of staff's decision to have carrot wood trees removed from the intersection of 8th Street and Manhattan Avenue.

FISCAL IMPLICATION:

None at this time.

BACKGROUND:

On August 31, 2006, the City received a "Request for Action Form" (attached) along with a petition from several 8th Street residents requesting that trees in the Downtown Streetscape area located at the intersection of 8th Street and Manhattan Avenue, be removed. Staff responded to this request with a letter dated September 22, 2006 (copy attached) informing the residents that these trees were planted and maintained as part of the Downtown Streetscape District which is paid for by assessments from the property owners of the District. The letter further informed the residents that trees in the District are trimmed on a maintenance cycle for the benefit of the overall landscape health and not for view preservation.

DISCUSSION:

The Parking and Public Improvements Commission (PPIC) and the City Council have previously been asked (2000) to grant a request to remove a Streetscape tree for the purpose of enhancing view from properties located east of the tree location. That request was denied by both the PPIC (July 27, 2000) and at the subsequent City Council meeting (August 15, 2000). (Reports and minutes for these meetings are attached.)

In addition, staff has researched the City's codes regarding circumstances where trees located on public right of way can be removed. The Code does allow for the removal of trees on public right of way under certain circumstances. However, in all such circumstances the tree must be replaced with another tree of a species approved by the City. The circumstances whereby trees can be

removed are described in Section 7.32.070, Public Nuisance.(attached) In general, a tree can be removed which "...is apt to cause injury or damage to persons or property, or constitutes a then present menace or threat to life or property, or constitutes and is a nuisance, and shall be subject to abatement..." The Code describes many situations which constitute a nuisance. View obstruction is not one of those.

CONCLUSION

Because of the prior decision by both the PPIC and the City Council not to allow the removal of a Streetscape tree for the purposes of view improvement, staff's position is that policy has been established and that there are no grounds for the appeal of this policy.

- Attachments:
- A. Copy of original "Request for Action Form" and petition dated 8/31/06
 - B. Copy of the City's response letter dated September 22, 2006
 - C. Copy of "Request to Appeal" letter dated October 6, 2006
 - D. Copy of staff Memo to PPIC re: Request to remove Tree from Streetscape District dated July 27, 2000
 - E. Copy of Minutes of the PPIC meeting of July 27, 2006
 - F. Copy of Staff Report to the City Council Requesting to Uphold PPIC Decision to Deny Request to remove tree dated August 15, 2006
 - G. Copy of page 9.of the Minutes from the City Council meeting of August 15, 2000
 - H. Section 7.32.070 Public Nuisance of the Manhattan Beach Municipal Code
 - I. Several photos of the subject trees after recent tree trimming.
 - J. GIS Map Showing subject trees



ATTACHMENT A

Request for Action Form

- 1. Date: 8/31/06
- 2. Citizen Requesting Service: Residents of 8th Street bet. Manhattan + High St.
- 3. Citizen's Address: 200 Block of 8th St.
- 4. Citizen's Phone Number: Chris Griffin - 310-502-7240

5. Nature of Request: Trees planted during the downtown beautification project are blocking the views and do not comply with city ordinance regarding walk street landscaping. Please see attached signatures and pictures with our request that the trees be removed.

6. Signature of Request Taker: [Signature]

7. Department Report:

8. By: _____

9. Date: _____



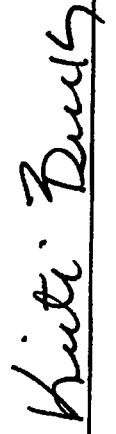



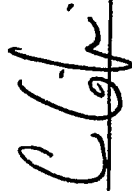
10. Citizen Contacted By: _____

11. Date: _____

12. Additional Action Required:

NAME	SIGNATURE	ADDRESS
Helen Griffin	<i>Helen Griffin</i>	225- 8 th Street, MB
Darrin Freeman	<i>Darrin Freeman</i>	224 8 th St MB
ALPAD PHILLAI	<i>Alpad Phillai</i>	213 B th ST MB
Joan Pallai	<i>Joan Pallai</i>	218 8 th ST. M.B.
PATRICIA CITTA	<i>Patricia D. Citter</i>	229 8 th ST M.B.
Anne C. Kennedy	<i>Anne Kennedy</i>	217 8 th St. M.B.
John Roberts	<i>John Roberts</i>	721 Bayview Dr. M.B.
JULIES E. COCCHI	<i>Julie E. Cocchi</i>	800 MANHATTAN AVENUE #107B

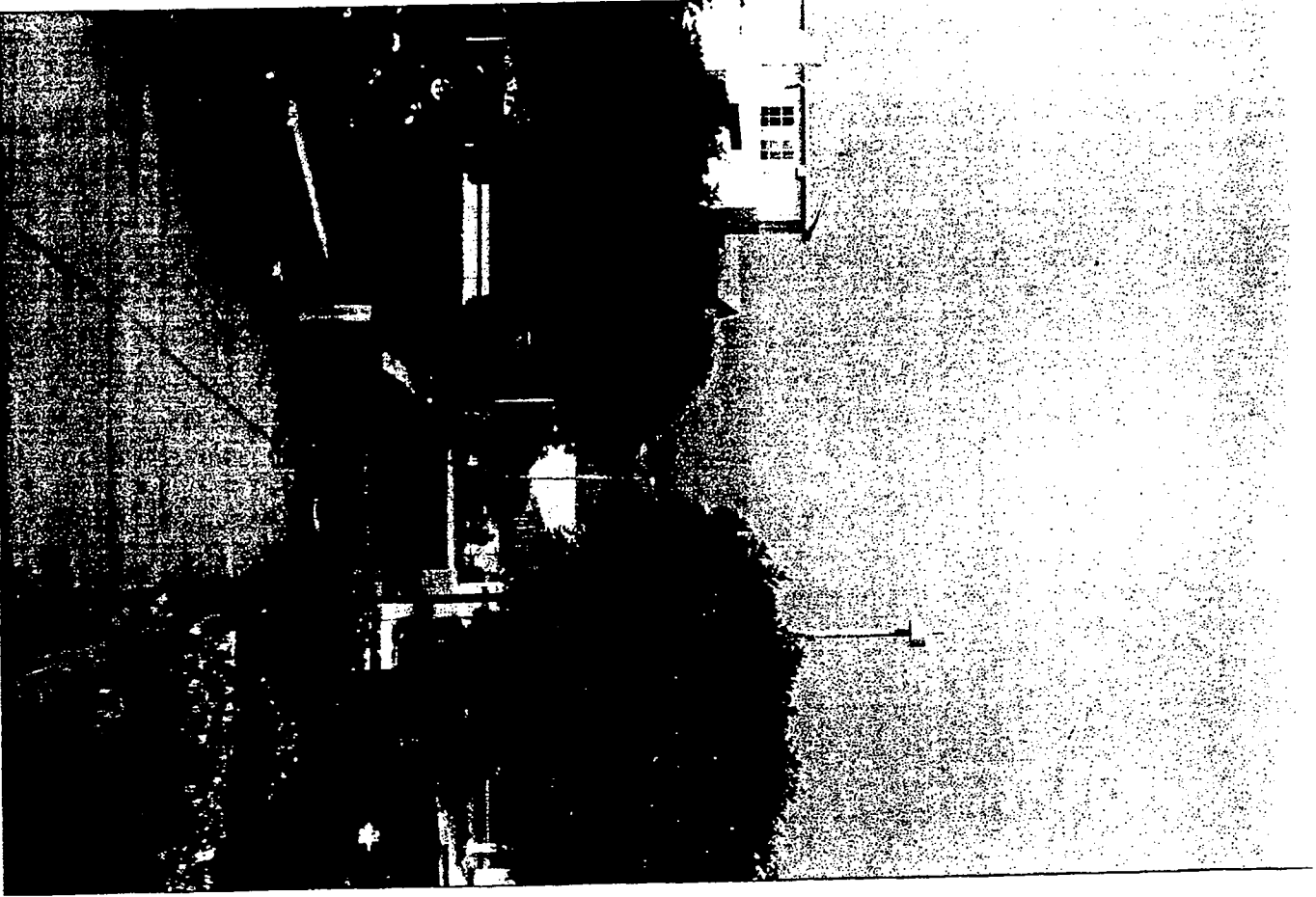
The residents of the 200 block of 8th street do hereby petition the city to remove trees installed during the downtown beautification project so as to be in compliance with city ordinance regarding walk street landscaping.

NAME	SIGNATURE	ADDRESS
Lisa Ristani		233 8 th Street
Rick Buckley		228 8 th Street
Kristi Buckley		228 8 th Street
Beverly Shane		232 8 th Street
CINDY FREEMAN		224 8 th STREET
John Shane		232 8 th Street
Chris Griffin		225 8 th Street

7th Street - no trees...



8th Street - trees





City of Manhattan Beach

Public Works Department

Phone: (310) 802-5300

FAX: (310) 802-5301

TDD: (310) 546-3501

September 22, 2006

Dear Resident,

This letter is in response to a letter and attached petition dated August 31, 2006. The letter requests that the City remove the trees located at the intersection of 8th Street & Manhattan Ave. due to a view obstruction.

As I am sure you are aware, these trees are part of the downtown Streetscape District. The entire Streetscape District was rehabilitated during fiscal year 1987-88. One goal of the project was to develop a uniform look and present a hometown feel. The landscape plan as implemented during the last 20 years has remained virtually unchanged and helps set the Downtown Streetscape apart as a unique part of Manhattan Beach.

The City currently trims the carrotwood trees on an annual basis, usually in October or early November. These trees have been heavily trimmed and manicured to maintain their scale. Because these trees are part of an approved landscape plan and one of the design elements that make the Downtown Streetscape unique, we cannot remove the trees as you have requested. Additionally, the City does not trim trees on public ROW to maintain or enhance views.

Past requests to have Streetscape trees removed have been denied by the City Council, which is consistent with current tree policies. As such, Public Works cannot honor this request. Please contact me directly if you have any other questions regarding this or any other maintenance issue.

Respectfully,

Juan Price
Maintenance Superintendent

ATTACHMENT C

October 6, 2006

Attention: Neil Miller
City of Manhattan Beach

802-5302

Re: Citizens of 8th street request for appeal on public trees in the walk street corridor

Dear Neil,

We submitted the attached petition and pictures originally to Laurie Jester on 8/31/06. On Sept. 22 we received a letter from Juan Price declining action. (See attached letter).

At this time we would like to appeal this decision.

We understand the next PPIC meeting is set for the 1st week of December; it would be fine if we were on the agenda.

Regards,
Citizens of 8th Street

Griffin3@adelphia.net
darrinf@earthlink.net
rbuckley2@aol.com
jshane18@mac.com

Patty Citta
Anne Kennedy
John Roberts
Jules Cochott
Arpad Pallai
Lisa Ristani

ATTACHMENT D

CITY OF MANHATTAN BEACH MEMORANDUM

TO: Parking and Public Improvements Commission

FROM: Neil Miller, Director of Public Works

DATE: July 27, 2000

SUBJECT: Request for removal of a City-owned Palm Tree located at 800 Manhattan Avenue

Introduction

Attached to this report is a letter of request to remove a queen palm tree from public right of way located adjacent to 800 Manhattan Avenue. This request is being made after many attempts by the City to trim the tree to the satisfaction of the residents.

The applicant makes several points in favor of removing the City-owned tree. Also, the applicant requests complete removal with no replacement tree.

Discussion

The City's Code regarding care and maintenance of trees located in public right of way and adjacent to private property is quite specific. Copies of the City's tree codes are attached to this report for reference. The code does allow for the removal of trees on public right of way under certain circumstances. However, in all such circumstances the tree must be replaced with another tree of a species approved by the City. The circumstances whereby trees can be removed are discussed in Section 7.32.070, Public Nuisance. In general, a tree can be removed which "...is apt to cause injury or damage to persons or property, or constitutes a then present menace or threat to life or property, or constitutes and is a nuisance, and shall be subject to abatement..."

The Code section goes on to describe many situations which constitute a nuisance. View obstruction is not one of the circumstances which constitutes a public nuisance as described in the Code. In all circumstances covered in the Code, the cost of the removal is born by the adjacent property owner. If the tree is ordered removed by the City, the City will pay for the replacement tree.

Conclusion

In view of the specific Code sections regarding circumstance when trees located on public right of way can be removed we do not find a section which allows the removal of a tree for view enhancement reasons. Therefore, staff recommends the Commission deny the request to remove the queen palm tree located at 800 Manhattan Avenue.

ATTACHMENT E

CITY OF MANHATTAN BEACH PARKING AND PUBLIC IMPROVEMENT COMMISSION MINUTES OF THE REGULAR MEETING

A. A regular meeting of the Parking and Public Improvements Commission of the City of Manhattan Beach was held on Thursday, July 27, 2000, at 6:35 p.m. in the City Council Chambers of City Hall, 1400 Highland Avenue.

B. ROLL CALL

Members Present: Chairperson Berks, Liggett, Saunders
Members Absent: Davy, Miller
Staff: Richard Garland, Traffic Engineer
Neil Miller, Director of Public Works
Rob Osborne, Management Analyst
Debbie Freeman, Recording Secretary

C. AGENDA CHANGES

Management Analyst Osborne reported that there was one change on the agenda regarding a traffic study at Valley and Ardmore due to the fact that the study would not be accurate during the non-school season.

D. APPROVAL OF MINUTES - July 6, 2000

Postponed until the next regular meeting due to the absences of Commissioners Davy and Miller.

E. CITY COUNCIL AGENDA

Two items relating to Commission:

- Encroachment appeal for 400 and 404 20th Street, applicant decided to try something to make the situation work. The item has been removed.
- Proposed patio for former H2O site recommended for approval, they would like to see more landscaping. Postponed until August 1, 2000 meeting.

F. AUDIENCE PARTICIPATION

None.

G. GENERAL

3. Request for Removal of a City-Owned Palm Tree located at 800 Manhattan Avenue

Director of Public Works Miller read the staff report recommending that the request to remove a queen palm tree with no replacement should be denied. Miller stated that the City has tried trimming, however the tree continues to grow. He commented that there were no sections in the Code which allow removal of trees located in public right of way due to view enhancement reasons.

Audience Participation

Jules Cochoit, 800 Manhattan Avenue, stated that when he was purchasing the units there was no tree, and two days before the close of sale the City had put in the queen palm. He stated that as the tree grew it became more obtrusive to the view, and in addition, the tree is dirty and messy when it sheds in the driveway, which he can not use because of that shedding. He commented that he knew of many palm trees in the city were being pulled out, and if this one were to be pulled out he feels it would not spoil the landscaping of the block because this particular tree is at the end of the block.

Chairperson Berks asked if the tree were to grow would it be out of the view, and **Mr. Kushwal** responded that the trunk would still be in the way.

Ron Wiggins, 800 Manhattan Avenue, Unit 2, stated that 100% of the view down the walkstreet is blocked due to the positioning of this tree. He is in favor of removing the tree, and asked that the Commission grant their request. In response to a question by Commissioner Saunders, **Mr. Wiggins** said that the Carrotwood tree next to the palm does not block their view.

Discussion

Commissioner Saunders questioned the fact on whether there would be any justification for the tree being a nuisance, although the legal definition may not apply, due to the fact that **Mr. Cochoit** cannot use his driveway because of the shedding.

Director of Public Works Miller, in response to a question by Chairperson Berks, said that the tree was trimmed by the City.

Chairperson Berks questioned if trimming the tree back severely would help the situation, although it doesn't appear to be impeding on their balconies. He stated that they are reluctant to put the tree on a regular trimming schedule.

Action

A motion was MADE and SECONDED (Saunders/Liggett) to uphold policy and not remove the palm tree at 800 Manhattan Avenue. Commission suggests trying to find some compromise, and possibly putting the tree on a special trimming schedule.

AYES: Chairperson Berks, Liggett, Saunders
NOES: None
ABSENT: Davy, Miller
ABSTAIN: None

4. Request by Greg Lutz to Move an Edison-Owned Utility Pole Related to a Condominium Development Located at 216 First Street

Director of Public Works Miller presented the staff report, which recommends upholding the City Council's policy regarding utility pole relocation. He stated that requests by developers for utility pole relocation are not allowed for view or aesthetic reasons, but only if sufficient engineering or access reasons, and must be presented to the Parking and Public Improvement Commission.

Audience Participation

Elizabeth Srour, attending the meeting in representation of Greg and Anne Lutz, owners of the property in question, as they were unable to attend. **Ms. Srour** stated that they wish to have the pole moved to the northwest corner approximately five to five and a half feet out of line with a deck that is on the northwest corner of the structure. She stated that moving the pole would enhance access to the corner on Bayview, and also would help the flow of traffic as it exits Bayview, east on First Street.

In response to a question by Chairperson Berks, **Ms. Srour** stated that the pole would be raised five to ten feet and moved to the corner of the property, and the wires would be moved or extended to go over the alley.

Chairperson Berks questioned the fact that this wasn't taken care of before the building was constructed and included it in the plans before the latter stages of construction. **Ms. Srour** said she could not respond to that, but stated that Mr. Lutz had consultants discussing that.

When asked by Commissioner Liggett, **Ms. Srour** stated that the final judgment of what Edison wanted to do doesn't have anything to do with moving the pole.

Brian Wilcox, 224 First Street, stated that he is against moving the utility pole because if moved it would obstruct his view, whereas it does not where it is now. He stated that he

TO: Mayor Lilligren and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Neil Miller, Director of Public Works

DATE: August 15, 2000

SUBJECT: Uphold Decision of Parking and Public Improvement Commission to Deny Request to Remove a Palm Tree Located at 800 Manhattan Avenue

RECOMMENDATION:

It is recommended that the City Council uphold the decision of the Parking and Public Improvement Commission to deny the removal of a palm tree located at 800 Manhattan Avenue.

DISCUSSION:

Attached is a staff report to the PPIC which contains the background of the request to remove the palm tree. Upon hearing testimony from the applicant and the public the PPIC decided to deny the request.

Attachment: Staff report to the PPIC date July 27, 2000

MOTION: Councilmember Napolitano moved to uphold the Parking and Public Improvements Commission's recommendation to deny a request for installation of a protected-permissive left-turn phase on Rosecrans Avenue at Pacific Avenue and direct staff to analyze the possibility of increasing the length of the left-turn phase for westbound Rosecrans at Pacific. The motion was seconded by Councilmember Wilson and passed by a unanimous roll call vote as follows:

Ayes: Wilson, Dougher, Fahey, Napolitano and Mayor Lilligren.
Noes: None.
Absent: None.
Abstain: None.

00/0815.20 Uphold the Parking and Public Improvements Commission Recommendation to Deny a Request to Remove a Palm Tree Located at 800 Manhattan Avenue

A member of the audience pulled this item from the Consent Calendar for Council discussion.

The following individuals spoke on this item:

- **Jules Cochoit, 800 Manhattan Avenue, #1**
- **Ron Wiggins, 800 Manhattan Avenue, #2**

Council held discussion with Public Works Director Neil Miller relative to Mr. Cochoit and Mr. Wiggins' appeal to Council to reconsider their request to remove a palm tree located at 800 Manhattan Avenue.

Mayor Pro Tem Dougher and Councilmember Fahey voiced their support of the removal of the tree and replacing it with a smaller, more suitable one. Mayor Lilligren and Councilmembers Napolitano and Wilson communicated their opposition citing that the removal will set a bad precedent for others wishing to improve their view by the removal/relocation of trees, light poles, etc.

MOTION: Councilmember Wilson moved to uphold the Parking and Public Improvements Commission recommendation to deny a request to remove a palm tree located at 800 Manhattan Avenue. The motion was seconded by Councilmember Napolitano and passed by the following vote:

Ayes: Wilson, Napolitano and Mayor Lilligren.
Noes: Dougher, Fahey.
Absent: None.

City Council Meeting Minutes of August 15, 2000

shrubs, lawns and ground covers now or hereafter planted or set out within any of the streets, avenues, highways and parkways adjacent to their real properties. This paragraph when applied to those certain residents and property owners designated in Manhattan Beach City Ordinance No. 916 shall not be construed to preclude access of vehicles for the planting, cutting, pruning, or removal of such trees, shrubs, lawns and ground covers provided that permission is first obtained from the Public Works Director for such access.

B. It shall be the duty of all owners and persons having possession or control of real property within the City promptly to notify the Public Works Director of any tree or shrub in a public area immediately adjacent to his property which is in such condition as to be a menace to public safety or dangerous to life or property.

7.32.060 Abuse or mutilation of trees.

It shall be unlawful for any person to:

- A. Damage, cut, carve, etch, hew or engrave or injure the bark of any street tree;
- B. Allow any gaseous, liquid or solid substance harmful to trees to come in contact with any part of any street tree;
- C. Deposit, place, store or maintain upon any public area any stone, brick, concrete, or other materials which may impede the free passage of air, water and fertilizer to the roots of any tree or shrub growing therein, except by written permit of the Public Works Director;
- D. Except as may be authorized by the provisions of Section 7.32.040, damage, tear up or destroy any plantings, grass, flowers, shrubs, or trees planted upon or in any public place or area in the City; and
- E. Paint, tack, paste, post or otherwise attach or place any advertisement, notice, card or announcement or any printed or written matter or any wire, board, platform or injurious material of any kind upon any tree or shrub situated in any public place or area in the City.

7.32.070 Public nuisance.

The Council, pursuant to the power and authority vested in it to do so under the provisions of Sections 38771 and 38773 of the Government Code of the State, does hereby find and declare that any of the following is apt to cause injury or damage to persons or property, or constitutes a then present menace or threat to life or property, or constitutes and is a nuisance, and shall be subject to abatement as such by civil action or summarily as provided by law:

- A. Any dead, diseased, infested, leaning or dying trees on private property so near to any street as to constitute a danger to street trees, or streets, sidewalks, or portions thereof, or the life, health or safety of the public.
- B. Any tree, shrub or plant on any private property or in a parkway of a type of species apt to destroy, impair or otherwise interfere with any street improvement, sidewalk, curb, approved street tree, gutter, sewer or other public improvements including water utilities or services.
- C. Any tree or shrub or parts thereof growing upon private property but overhanging or interfering with the use of any street, parkway, sidewalk or public place of the City such that in the opinion of the Public Works Director endangers the life, health, safety or property of the public.
- D. The existence of any branches or foliage on private or public property which interferes with visibility on, or free use of, or access to any portion of any street improved for vehicular or pedestrian travel.
- E. Trees on public property which constitute a public nuisance shall be removed, replaced or trimmed at the expense of the adjoining property owner as ordered by the Director of Public Works. If a tree on public property is ordered replaced under this section, the City shall pay the cost of the replacement tree, as established by the Council under separate resolution.
- F. It shall be the duty of all owners and persons having possession and control of real property within the City to abate any public nuisances referred to in this section that occur on their real properties.

G. The procedures for notice, service of notice, hearing, abatement and removal by the City, and collection of the cost of the work by tax lien as provided in Section 9.64.030 through 9.64.130 of this Code shall be utilized. Said sections are incorporated herein by reference and made a part of this chapter.
(as amended by § 1, Ord. 1247, eff. August 5, 1971; § 1, Ord. 1290, eff. August 4, 1972; § 27, Ord. 1458, eff. June 17, 1976)

7.32.080 General provisions.

A. Species or varieties of street trees:

1. The Public Works Director shall prepare a list of street trees which may be planted in each of the parkway areas of the City, which list shall be available to the public to aid in the choice of trees to be planted. This list may be modified as experience indicates the desirability of such modification. The original list and any modifications thereto shall be approved by the Public Works Director.

B. Planting of street trees:

1. All planting should be in good horticultural practice as determined by the Public Works Director.
2. All planting on unpaved streets without curb must have the special permission of the Public Works Director who shall determine the tree's exact location so that it will not be injured or destroyed when the street is improved;
3. Spacing of trees shall be determined by the Public Works Director according to local conditions and species to be used, their mature height, spread and form; and
4. The recommended size shall normally be that designated as fifteen (15) gallon size (accepted trade sizing); the minimum size acceptable shall be a five (5) gallon size.

C. Trimming and removal:

1. The property owner shall normally assume responsibility for trimming, topping or dehorning, pruning, and removing trees growing on any public place or area.
2. Except as may be provided for in subdivision (E) of Section 7.32.070, the City will not remove a tree in the parkway adjoining any property unless such tree is a hazard to the street maintenance or other services of the City. Responsibility and expense of all other tree removals shall be borne by the requesting property owner, person, firm, association, corporation or franchisee.

D. Spraying:

1. Suitable precaution shall be taken to protect and warn the public that spraying is being done.

7.32.090 Street tree planting guide.

Those street trees now existing may remain until by old age or other reasons they are removed. When any new street tree is planted it shall conform to the street tree planting guide referred to in subdivision (A)(1) of Section 7.32.080.

7.32.100 Protection of trees.

During the erection, repair, alteration or removal of any building, house, structure or street in the City, any person, firm, association, corporation or franchisee in charge of such work shall protect any tree, shrub or plant in any street, park, boulevard, or public place in the vicinity of such building or structure with sufficient guards or protectors as shall prevent injury to said tree, shrub or plant arising out of or by reason of said erection, repair, alteration or removal, and shall be held responsible if the Public Works Director determines that this protection has not been provided.

(§ 3, Ord. 1202, eff. February 19, 1970)

ATTACHMENT 1

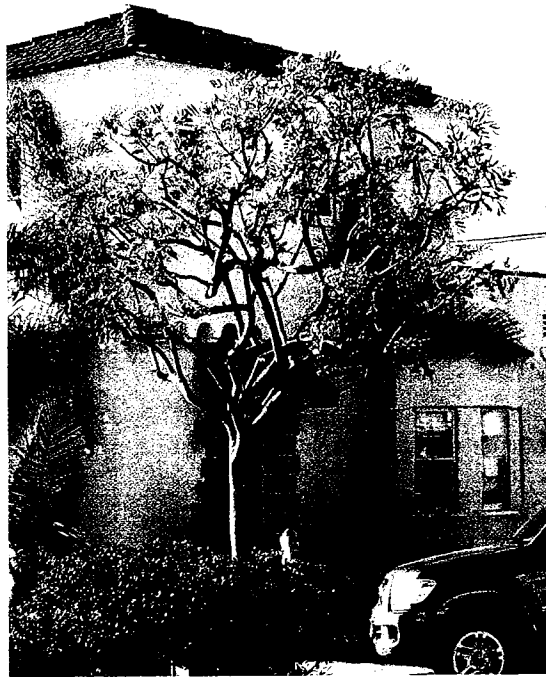
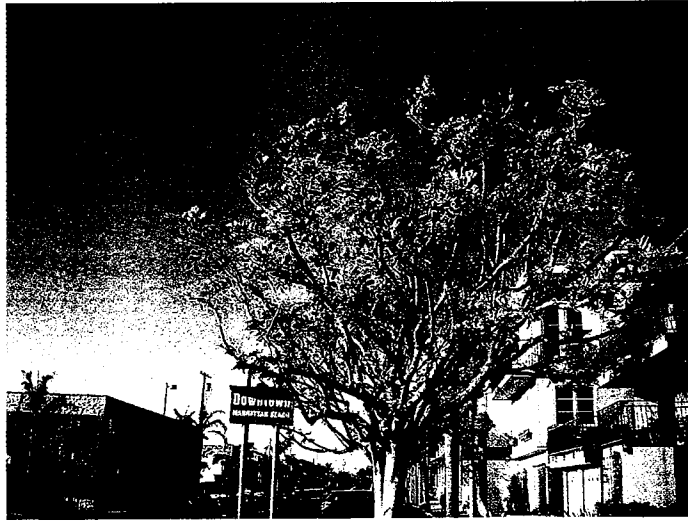


8th at Manhattan Ave.



8th at Manhattan Ave.

8th Street at Manhattan



8th Street and Manhattan Ave.



8th and Manhattan Ave



**CITY OF MANHATTAN BEACH
PARKING AND PUBLIC IMPROVEMENTS COMMISSION
MINUTES OF REGULAR MEETING
JANUARY 25, 2007**

A. The Regular Meeting of the Parking and Public Improvements Commission of the City of Manhattan Beach was held on January 25, 2007, at 6:33 p.m. in the City Council Chambers of the City Hall, 1400 Highland Avenue.

B. ROLL CALL

Members Present: Donahue, Osterhout, Paralusz, Seville-Jones and Chairperson Lang

Members Absent: None

Staff Present: Robert Osborne, Management Analyst
Kara Pompano, Recording Secretary
Erik Zandvliet, Traffic Engineer

C. AGENDA CHANGES

Management Analyst Osborne announced that Item 3 is removed from the agenda as the appellant withdrew the appeal.

D. APPROVAL OF MINUTES – December 7, 2006

A motion was MADE and SECONDED (Seville-Jones/Paralusz) to approve the minutes of December 7, 2006.

AYES: Donahue, Osterhout, Paralusz, Seville-Jones and Chairperson Lang

NOES: None

ABSENT: None

ABSTAIN: None

E. CITY COUNCIL AGENDA

Management Analyst Robert Osborne reported that City Council approved the Commission's recommendation to remove the existing painted crosswalk and install "No Pedestrian Crossing" signs across Sepulveda Boulevard at 14th Street.

F. AUDIENCE PARTICIPATION

Dave Watchfogel, 500 Block of 31st Street,

Mickey Knickerbocker, 500 Block of 31st Street,

G. GENERAL

1. Appeal of Existing Policy Prohibiting Removal of Streetscape Trees for View Enhancement – 8th Street and Manhattan Avenue

Public Works Director Neil Miller presented staff's report and recommendation to deny the appeal and uphold staff's decision to maintain the carrotwood trees from the intersection of 8th Street and Manhattan Avenue.

Audience Participation

Chris Griffin, 200 Block of 8th Street, spoke on behalf of the residents of the 200 Block of 8th Street who have petitioned the City to remove the trees, installed during the Downtown beautification project, and replace them with shorter trees that more closely comply with City Code. Utilizing a Power Point presentation, he reviewed how the current trees are affecting views and are not in line with typical landscaping in the area. He reviewed alternate trees that can be planted, noting that the Downtown Business Owner's Association has not objection to the replacement of the trees.

Richard Buckley, 200 Block of 8th Street, stated that these trees were planted over 20 years ago and their growth and canopy size have gotten worse and worse. The residents are not against trees – they are just asking that the trees be in proper balance to the area. He asked that the Commission consider this petition a reasonable request and act accordingly, adding that he would be willing to contribute to the costs if necessary.

In response to a number of questions from the Commission, Public Works Maintenance Supervisor Juan Price explained that any tree can be relocated, but is a costly expense and the success rate of the replanted tree varies, with about half surviving. The City heavily trims these trees and are actually over-pruning them to maintain their size.

Public Works Director Miller shared that the PPIC and City Council have been asked in the past to remove a Streetscape tree for the purpose of enhancing view and the request was denied by both. The circumstances whereby trees can be removed are described in Section 7.32.070 Public Nuisance. It describes many situations which constitute a nuisance; however view obstruction is not one of those.

Public Works Director Miller further explained that the Downtown Streetscape is 20 years old and that a project to redo the area, which includes replacement of these carrot wood trees, is currently on the City's unfunded project list. Staff is not opposed to the replacement of these trees but questions a piecemeal approach, and that funding is also an issue.

Public Works Maintenance Supervisor Price stated that there are a total of 75 carrot wood trees and that even with the severe pruning taking place; these trees will double in size over the next ten years.

Discussion

Commissioner Seville-Jones stated that although she is sympathetic to the residents concerns, she has to question how the City can deal with these four trees and not the rest. She stated that she is leaning toward the short term measure of pruning the trees as much as possible in hopes that the City Council will address the long term solution of replacing the trees.

Commissioner Osterhout agreed, commenting that he does not find reason to overturn staff's recommendation, noting the past decision of the City Council to retain the trees.

Commissioner Donahue pointed out that the trees have been cut back since the pictures were taken for the Power Point, and that he believes the 8th Street residents have a great view. Commissioner Donahue stated that it is best to address the situation of the trees together, versus a piecemeal approach, and that he will support staff's recommendation.

Commissioner Paralusz noted her agreement with Commissioner Seville-Jones, stating that she too is sympathetic to the residents' concerns, however will support staff's recommendation as removal of the trees is not justified under the City's Code.

Chairperson Lang voiced his support of pruning the trees as an interim measure until the City is able to address the long term solution. He also questioned why a Downtown beautification plan includes the planting of trees which can block the very ocean that makes the area so beautiful to begin with.

Action

A motion was MADE and SECONDED (Seville-Jones/Paralusz) to deny the appeal of existing policy prohibiting removal of streetscape trees for view enhancement - 8th Street and Manhattan Avenue; instruct staff to prune the trees more often; and request that the City Council address the trees in Downtown Streetscape in light of the future damage they can cause.

AYES: Donahue, Osterhout, Paralusz, Chairperson Seville-Jones and
Chairperson Lang

NOES: None

ABSENT: None

ABSTAIN: None

2. Appeal of Existing Policy Prohibiting Plantings or Structures in Excess of 42 Inches – 3404 The Strand

Public Works Maintenance Supervisor Juan Price presented staff's report and recommendations to deny the appeal of staff's decision to have a cluster of Norfolk Island pine trees removed from the public right of way west of 3404 The Strand in accordance with Council policy and Strand Gardens.

The Commission held discussion on this item, with staff clarifying the background of the "Strand Gardens". Although there is not an official ordinance governing this area, City Council instructed staff with the task of bringing the Strand Gardens into the City Council mandated compliance relative to non compliant plantings, structures and rights of way encroachments. This property is one of the few percent that have not complied with the City's policy and complaints stem back 8 to 10 years. Staff has made attempts to contact and work with the property owner to no avail.

Per an inquiry from Commissioner Donahue, Maintenance Supervisor Price shared that he is unsure if the plaque associated with these trees represent a memorial of some type.

Audience Participation

Sharing that he lived on the Strand since 1971, **Wayne Partridge, 3520 The Strand**, stated that this area was literally ignored by the City and the County for a number of years and was filled with dirt, debris and erosion. Residents moved in and started taking care of the area which evolved into what it is today. He agrees that some residents have "overdone" it and doesn't dispute staff's recommendations. However, he does dispute staff's policy that enforcement of non compliance is driven on a complaint basis, as it makes for ill feelings among neighbors. Mr. Partridge also suggested that the City consider grandfathering some of the landscaping planted by those who took the care and responsibility for this area.

Discussion

Commissioner Donahue stated that although they are beautiful trees, they are large in stature. He asked if it would be feasible to replant the trees especially if they were planted as a memorial.

Commissioner Paralusz stated that she is favor of upholding staff's recommendation, It is a beautiful tree but does not belong on the Strand. She also voiced her concern that the homeowner did not have the courtesy to respond to staff or appear before the Commission.

Commissioner Osterhout pointed out that staff has tried to mediate this situation with the homeowner to no avail. He will support staff's recommendation as the tree is not appropriate and residents need to know that planting on public property can be at risk.

Commissioner Seville-Jones pointed out that this situation was brought to the City's attention because staff was directed by City Council to bring the area into compliance.

She believes the issue of grandfathering would be a good idea, noting that if the tree was 40 years old, she would most likely have a different perspective on its removal. Commissioner Seville-Jones stated that she does not believe an official ordinance is necessary as the Coastal Commission would then need to be involved.

Chairperson Lang voiced his support of the removal of the tree and stated that he is less sensitive to the relocation of the tree due to the resident's unwillingness to cooperate or participate. He suggested that one more effort be made to contact the property owner and if there is no response, the tree be removed. Chairperson Lang also stated that he is confident issues such as this can be handled on a case by case basis and that no formal ordinance is needed.

The Commission held brief discussion on the possible relocation of the tree with Public Works Maintenance Supervisor Price stating that he would have to look into whether relocation is technically feasible and that it would be very expensive due to access. He will make every effort to attempt the property owner, noting that she is not living on the premises, and is willing to do whatever it takes to keep peace while trying to be sympathetic to all the residents.

Action

A motion was MADE and SECONDED (Paralusz/Osterhout) to deny the appeal of staff's decision to have a cluster of Norfolk Island pine trees removed from the public right of way west of 3404 The Strand in accordance with Council policy and Strand Gardens.

AYES: Donahue, Osterhout, Paralusz, Chairperson Seville-Jones and
Chairperson Lang
NOES: None
ABSENT: None
ABSTAIN: None

3. Appeal of Existing Policy Prohibiting Removal of Nuisance Tree – 592 31st Street

Above item removed from Agenda per appellant's withdrawal of appeal.

4. Request for Stop Signs – Pacific Avenue at 18th Street

Audience Participation

Discussion

Action

A motion was MADE and SECONDED (Paralusz/Osterhout) to approve staff's initial circulation measure items 1 through 18, with a modification on item 5 to address the

modified Wednesday school schedule, with the exception of items 10 and 11 (to be voted on separately), and with the addition of the following three measures:

AYES: Donahue, Osterhout, Paralusz, Acting Chairperson Seville-Jones
NOES: None
ABSENT: None
ABSTAIN: None

H. COMMISSION BUSINESS

None.

I. ADJOURNMENT

The meeting was adjourned at 8:40 p.m.



City of Manhattan Beach

Public Works Department

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FAX: (310) 802-5301

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Notice of City Council Meeting

Regarding Ratification of Recent Parking and Public Improvement Commission recommendation to uphold a decision to not remove trees at the intersection of 8th Street and Manhattan Avenue

This item was heard by the Parking and Public Improvements Commission on January 25th, 2007.

**If you want to address the City Council on this item you will need to be at the City Council Chambers by 6:30 PM, Tuesday, February 6, 2007
1400 Highland Avenue, Manhattan Beach**

You will need to ask for this item to be pulled from the consent calendar for discussion.

**Public Works Department
310-802-5303**