Agenda Item #:_____

Staff Report
City of Manhattan Beach

TO: Honorable Mayor Fahey and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Laurie B. Jester, Senior Planner

DATE: May 3, 2005

SUBJECT: Consideration of a Planning Commission Decision to Deny a Tree Permit to Remove a Tree at 1600 Chestnut Avenue

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RECOMMENDATION:
Staff recommends that the City Council **RECEIVE AND FILE** this report.

FISCAL IMPLICATION:
There are no fiscal implications associated with the recommended action.

BACKGROUND:
Tree Permit Application
On February 25, 2005 the City received a tree permit application from the property owner, Marilyn Beaumont, located at 1600 Chestnut Avenue. The subject tree is an Italian Stone Pine within the northern portion of the required 20 foot front yard setback. The tree is a significant specimen, approximately 39 feet in height, with a 3.5 foot diameter trunk and a canopy over 50 feet in diameter, with a large portion of the root structure and canopy growing into the adjacent property to the north at 1604 Chestnut Avenue. The purpose for the application was to help facilitate construction of a new home at 1604 Chestnut Avenue, since the tree poses a potential conflict with the proposed construction as currently designed. Subsequently the City denied the tree permit application, and on March 16th the subject appeal was filed by the owner of 1604 Chestnut Avenue, Mr. Zukotynski. A complete background and project description is included within the Planning Commission staff report (Attachment A).

On April 13, 2005, the Planning Commission voted (3-0-1- Commissioner Simon absent) to deny the Tree Permit Appeal, thereby requiring the Pine tree to be protected. The Commission conditioned the Tree Permit as recommended by City staff and the arborist as follows:

a. Trim the tree under supervision of the City Arborist.
b. Demolition and all grading shall be under supervision of the City Arborist.
c. If after the demolition and pre-rough grading the City Arborist determines that the tree is likely to survive then staff and the construction team shall follow the recommendations of

the City Arborist which may include, but not be limited to further trimming, installation of a bio-barrier, structural soil, and grasscrete.

d. If after the demolition and pre-rough grading, by hand in the area of the tree roots, the Arborist determines that the tree is unlikely to survive then staff will approve removal of the tree and replacement with two 48" box trees.
e. All cost associated with these actions shall be paid by the project proponent, Mr. Zukotynski

At the April 13, 2005 Planning Commission meeting, two residents spoke in favor of preserving the tree and one spoke in favor of removing the tree. The appellant submitted additional material at the Planning Commission meeting which is included as Attachment B. Ms. Beaumont, the owner of the tree, indicated that her tree permit application was submitted to help facilitate the construction of her neighbor's new home, and to remove what she was told could potentially be a hazardous tree. She indicated that she had a very strong desire to retain her tree if there were available options, however she would accommodate her neighbor if there is no other viable option. She also provided an appraisal from a certified arborist of the value of the tree.

DISCUSSION:

Tree Ordinance

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. At that time, the Ordinance applied only to the Tree Section, generally bounded by Rosecrans Avenue, Blanche Road, Valley Drive and Sepulveda Boulevard. The Ordinance protects all trees, except deciduous fruit-bearing trees and Washingtonian species palms, 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 than a "preservation" regulation.

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. The Purpose Section states, in part, that "The intent of this section is the retention and preservation of trees while permitting the reasonable enjoyment of private property." 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.

After the adoption of the expanded Tree Ordinance, the City Council and Planning Commission held a joint meeting on July 22, 2003 and discussed the Tree Ordinance. At that meeting the City Council stated that the Ordinance was intended to preserve trees, and that Staff should continue to enforce the Ordinance accordingly. Staff works with architects, developers and contractors during the design of a home and throughout construction to ensure that new construction considers and protects existing trees that are protected under the Ordinance.

Applications for a tree permit typically include notification signatures from neighbors and/or an arborist's written recommendation that the tree should be removed. Tree permits for dead or unhealthy trees typically require little review or concern. Proposed tree removals related to construction projects involve more review, and staff encourages retention of protected trees in the design process. If no alternatives are available then Staff typically approves an application.

Remaining trees are required to be protected by fencing during the construction process.

Permit Application Process

On June 6, 2004 the appellant submitted plans to the Community Development Department for a new home at 1604 Chestnut Avenue, to replace an existing home, built in 1947. Vehicular access is proposed on the south side of the property, as is provided currently for the existing residence.

Approximately late January/early February of 2005 the appellant brought to the City's attention that there is a potential conflict with the proposed residence and the neighboring large Pine. It was indicated to Staff that many large roots would need to be cut and/or removed as well as trimming of the tree's canopy to accommodate the proposed residence and driveway. At this time, Staff indicated to the appellant that the City would take a look at the subject tree and that in the mean time he should discuss with his neighbor pruning the tree under the guidance of a certified arborist so that construction conflicts with the neighboring tree might be alleviated.

The appellant later came back to the City indicating that he had discussed the issue with his neighbor, and that he had received permission to remove the tree. Staff indicated that the tree was protected, and that a permit would need to be applied for before removal could be considered. Staff received a letter from Travers Tree Service dated February 16, 2005 indicating that the stability of the tree would be compromised with construction of the new home and removal of large roots, and therefore the tree should be removed. Planning Staff inspected the site with the Public Works Department and determined at this time that it would be appropriate to have the City's consulting Arborists (West Coast Arborist) provide a full evaluation of the tree. At no time during these early discussions with the appellant did Staff indicate that the tree could and/or should be removed.

On February 25, 2005 the City received a tree permit application signed by Ms. Beaumont to request approval to remove her tree. During review of the application Staff had numerous discussions with all parties involved. Discussions with Ms. Beaumont indicated that the purpose of her application was to help facilitate the construction of her neighbor's new home, and that the tree was truly endeared by her and her family, and that she had a very strong desire to retain her tree if there were other available options. In addition, discussions with the architect of the proposed construction at 1604 Chestnut indicated that he, the engineer, and the appellant were aware early on of the potential issues with the tree when the survey for the project was prepared in December 2003.

Permit Analysis

After reviewing the subject application, it was determined that based on all the information available to Staff at that time that granting a tree permit would not be consistent with the intent of Section 10.52.120 of the Manhattan Beach Municipal Code. The correspondence to Ms. Beaumont dated March 9, 2005, is included as an attachment to the Planning Commission report. Also included as attachments to the Planning Commission report are letters from the appellants consulting structural engineer.

Alternatives

When reviewing a Tree Permit application for removal of a tree, staff looks at alternatives in order to retain and preserve the tree, consistent with the Code. One option that staff explored was

flipping the house so that the garage and driveway would be located on the north side of the lot instead of the south side of the lot as proposed. This option was not recommended by staff.

The option that was recommended by staff and approved by the Planning Commission was to demolish the existing house and have the City arborist monitor the tree during demolition and pre-rough grading. After demolition the arborist could reevaluate the situation, observe the number, location, size, health, and depth of the tree roots and then make further recommendations based on this new information. After this further evaluation by the arborist, the site would be monitored during construction and regularly thereafter to evaluate the health of the tree if it able to be retained, was recommended.

Other options such as a "bio-barrier", which is a durable fabric with herbicide nodules that inhibit root growth, could be utilized underground adjacent to the foundation, driveway or other areas to be protected from tree roots. Structural soil could also potentially be used beneath any paved area such as the driveway and the garage slab. This material provides air and water pockets within the soil which is essential for healthy roots. Another possibility would be to install a driveway with a permeable surface such as "grasscrete", as well as a planter next to the driveway to provide water and air to the tree roots.

CONCLUSION:
Planning Commission and Staff believe that having the City's arborist monitor the tree during demolition, grading, and construction is the best available option. As the tree is such a significant specimen, and the fact that the owner of the subject tree has an absolute desire to keep the tree, Staff feels that the utmost effort must be put forth to preserve the tree consistent with the City's Tree Ordinance. Since there is not truly a way to determine the extent of the trees growth below ground, Staff believes that the practical applicability of options such as using the "bio-barrier", structural soil, grasscrete, and possibly other solutions may only be revealed by letting construction proceed under observation. This recommendation would ensure that an expert has the opportunity to evaluate all available options.

ALTERNATIVE:
The alternative to the staff recommendation includes **REMOVE** this item from the Consent Calendar, and **MODIFY** the decision of the Planning Commission.

Attachments:
A. Planning Commission Minutes, Staff Report and attachments- April 13, 2005 (All available electronically except plans)
B. Information submitted by appellant at April 13, 2005 Planning Commission meeting (Available electronically- some poor quality due to originals)
C. Chronology of Tree Permit application

cc: Dr. Stephen Zukotynski-1604 Chestnut Avenue
Marilyn Beaumont-1600 Chestnut Avenue

CITY OF MANHATTAN BEACH
MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION
APRIL 13, 2005
EXCERPTS

A regular meeting of the Planning Commission of the City of Manhattan Beach was held on Wednesday, April 13, 2005, at 6:40 p.m. in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROLL CALL

Chairman O'Connor called the meeting to order.

Members Present:	Kuch, Savikas, Chairman O'Connor
Members Absent:	Simon
Staff:	Richard Thompson, Director of Community Development
	Rosemary Lackow, Senior Planner
	Daniel Moreno, Associate Planner
	Juan Price, Maintenance Superintendent
	Sarah Boeschen, Recording Secretary

BUSINESS ITEMS

C. Appeal of an Administrative Decision to Deny a Tree Permit Requesting Approval to Remove a Tree at 1600 Chestnut Avenue

Director Thompson summarized the staff report and stated that the tree being requested to be removed is located on the property at 1600 Chestnut Avenue, which is adjacent to the property at 1604 Chestnut Avenue proposed to be redeveloped. He said that the original tree permit application was submitted by the owner of the property on which the tree is located. He commented that alternatives to removing the tree include possibly changing the orientation of the proposed new home so that the driveway would be located on the opposite side of the property from the tree; having an arborist monitor the tree and evaluate the situation during construction; and incorporating the use of a bio barrier, structural soil, and grasscrete for the driveway. He indicated that the tree permit application was submitted in February of 2005 and was denied on March 9, 2005. He indicated that an appeal of staff's decision denying the tree permit application was filed by the owners of the property at 1604 Chestnut, and staff received new information on March 12, 2005 from their structural engineer that roots must be removed 2 to 3 feet deep from the site. He indicated that after considering the situation and discussing it with the City's arborist, staff is recommending that building permits be granted for the construction with the understanding that a City arborist be present during demolition and grading to evaluate as the area is excavated around the tree in order for it to possibly be preserved. He indicated that without currently knowing the specifics of the root system underground, it is not possible to know the impact that the construction would have on the tree. He stated that staff's feeling is that the tree can be saved; however it would be permitted to be removed if it is found that it is

not likely to survive the construction process. He indicated that if the tree did survive, the use of a bio barrier, grasscrete and structural soil could possibly be used. He said that staff feels the tree could survive a major trimming necessary to accommodate the new construction based on the evaluation of the City's arborist and maintenance supervisor.

In response to a question from Commissioner Savikas, Director Thompson said that it would be possible to use grasscrete for the driveway which would allow water to penetrate through the surface. He stated that the appellants have concerns that the roots could harm the foundation of the proposed home regardless of whether the orientation is changed. He stated, however, that staff feels that there are alternatives such as the bio barrier that would prevent any damage.

Mr. Price indicated that a bio barrier is a product that has embedded polymers with a herbicide, and the dissolving of the polymer creates a vapor barrier that eliminates root intrusion. He said that there has been some success with the use of the product in the City. He indicated that the barrier could be placed along the property line and along any utility lines or other areas to be protected against root intrusion.

Abe Chorbajian, the architect for the project, said that their proposal meets all City Code requirements. He stated that the structural engineer hired by the applicants is very experienced. He stated that much more than the driveway of the new home would be impacted by the tree, as 60 percent of the drip line is located over the construction area. He commented that the structural engineer has indicated that roots must be removed to 2 ½ to 3 feet below grade in order to avoid settlement resulting from deteriorating roots. He said that he would not have confidence that a bio barrier would be effective in preventing roots from intruding under the home. He commented that it took a great deal of time to arrive at the design of the proposed home, and it cannot simply be reconfigured. He indicated that it would not be possible to walk on the tile roof of the proposed home in order to trim the tree. He indicated that any pipes and utility lines placed underground would also be jeopardized by the roots. He pointed out that staff did not comment regarding the issue when the plans were originally submitted for plan check. He indicated that the existing home is uninhabitable because demolition has already been started, which has resulted in a large financial loss to the applicant.

Steve Zukotynski, the appellant, said that he previously sent a letter to the Commissioners on March 14, 2005. He provided a letter with signatures of 43 of his neighbors in support of removing the tree. He indicated that a survey clearly depicting the subject pine tree was submitted to the City in December of 2003. He stated that he spoke to Don Boudreau on August 20, 2004, who agreed that the tree should be removed. He said that Mr. Boudreau suggested he approach his neighbor to discuss having it removed or alternatively that he prune the branches, remove the roots, and put in a barrier to prevent the roots from spreading. He indicated that plan check was then completed in November of 2004, and the plans were stamped as being ready for issuing of the building permit. He said that he then contacted two arborists who refused to dig

up the roots and install the tree root barrier so close to such a large mature tree because they feared it could fall. He stated that **Marilyn Beaumont**, the owner of the property on which the tree is located, also consulted an arborist and agreed that the tree could become a danger and needed to be removed. He said that **Ms. Beaumont** then submitted an application for a tree permit. He indicated that they began the demolition process during that time believing that the building permits would be issued, and it was not until after he requested a final pre-demolition inspection that he discovered on his own that the property was red tagged by the City. He said that he went on the advise of staff to have the tree removed or cut, and now his home is uninhabitable. He indicated that he has taken a great deal of time to demonstrate the damage the tree has caused to his home, but staff continues to downplay the impact of the tree.

Mr. Zukotynski indicated that the tree roots have generated sufficient force to cause cracks in his foundation that is concrete footing 2 feet thick and 1 foot wide. He commented that the City's arborist wrote in his report that stone pines are a species of tree that frequently fall, and there have been several instances of pine trees in the Los Angeles area that have fallen and injured or killed people. He commented that the City's arborist acknowledged that the trunks hanging over his property and his neighbor's property weigh thousands of pounds. He said that the retaining wall adjacent to the tree is deteriorating and needs replacing. He commented that their structural engineer is credentialed to perform plan check in many cities. He said that case histories in the literature regarding bio barriers indicate that it is not to control large mature trees but rather to define a space for young trees to grow. He indicated that other tree permits have been granted in the City because of roots causing damage to driveways and lawns or because of branches being located too close to the roof line of a home. He indicated that the subject tree not only damaged his driveway and home but also poses a safety hazard to his family and neighbors. He said that the tree would touch the roof of his new home, which would create a fire hazard. He pointed out that it would be more dangerous to remove a destabilized tree than when it is living and still has firm roots.

Chi Tran, the appellant, said that trees do not only damage foundations because of the roots intruding but also because the roots will soak up all of the available moisture in the area around the tree during very dry years causing the ground to shrink and the foundation to shift. She indicated that the last few years have been dry, which has resulted in the tree causing more damage to their home. She indicated that there are large cracks that run the entire length of the foundation of their home. She indicated that she chose to buy the property knowing that the tree was next door but did not realize the damage that it would cause. She said that the tree is not appropriate for the location. She commented that the retaining wall adjacent to the tree is damaged and could collapse. She stated that a bio barrier cannot be used in this case because cutting the roots of a large tree to such a great extent would cause the tree to fall. She commented that it cannot be guaranteed that bio barrier will be completely effective, and it may be necessary to spray herbicide on both sides of the barrier, which could kill the tree roots. She commented that the tree roots would damage the foundation even if the orientation of the home

were changed.

Director Thompson said that staff does not lie to the public nor to applicants who process their applications. He pointed out that plans were never approved for the project, and his understanding is that the applicants were well aware of the issue regarding the tree before the application was filed. He said that Don Boudreau would never indicate to the applicants that the tree needed to be removed. He indicated that the owner of the property where the tree is located would prefer alternatives be used to save the tree, and there is no evidence of any damage to her home.

Commissioner Kuch indicated that he has had the utmost trust in staff in the six years he has served on the Commission, and this is the first instance he has heard of someone accusing any of them of lying. He said that he is aware of the time that staff invests in projects, and he is surprised to hear such testimony.

Roger Hartman, a resident of Manhattan Beach, said that the tree is very imposing. He pointed out that removing the tree is agreeable to the owners of both properties, and a replacement tree would be provided.

Martha Andreani, a resident of the 100 block 10th Street, said that she is a proponent of the Tree Ordinance. She commented that she would consider existing trees on or adjacent to a property before purchasing it. She stated that she supports the work that has been done by staff and stated that trees will survive with roots being trimmed and branches cut.

Don McPherson said that he has never known Don Boudreau to lie. He indicated that his understanding is that the applicant and developer were previously aware of the tree, and he feels the proposed structure should have been designed to fit the property.

Marilyn Beaumont, the applicant, said that she applied for the tree permit in order to accommodate her neighbor and to remove a potential hazard. She said that she would like for alternatives to be used to retain the tree if possible; however she would accommodate the applicants if necessary. She commented that staff has been very accommodating to her.

In response to a question from Commissioner Savikas, **Ms. Beaumont** stated that she has lived in her home for 22 years and has not had any damage to her home from the tree.

Commissioner Kuch stated that there are alternatives to removing the tree, and staff has outlined a clear step by step process for attempting to retain it. He said that he is not certain he believes the statements by the applicant regarding the ineffectiveness of root barriers. He said that he has used root barriers on some of the most obtrusive trees, and they have been very effective. He indicated that he is not convinced that the concrete cracks on **Mr. Zukotynski's** property are

necessarily due to the roots of the tree. He indicated that he has not heard sufficient evidence to convince him that the tree should be removed.

Commissioner Savikas indicated that she is comfortable with the approach included with staff's recommendation for an arborist to evaluate the situation as grading and demolition for the new project occurs, to determine the direction the tree should take; to remain or to be removed..

Chairman O'Connor commented that said that there has been significant effort focused on addressing this particular tree and defining manners by which it may be protected. He indicated that the preservation of trees is a fairly subjective topic, and the City has framed an Ordinance granting the Community Development Director administrative responsibility for making very difficult judgments. He commented that this proposal is exactly why the proposal was recently upgraded. He indicated that the subject tree is a significant addition to the neighborhood, and great lengths should be given to protect it. He said that he would support monitoring under the supervision of an arborist to preserve the tree if possible. He commented that he does not believe the tree permit application would have been filed if the information that has now been provided was known originally.

A motion was MADE and SECONDED (Kuch/Savikas) to **DENY** appeal of an administrative decision to deny a tree permit requesting approval to remove a tree at 1600 Chestnut Avenue

AYES: Kuch, Savikas, Chairman O'Connor
NOES: None
ABSENT: Simon
ABSTAIN: None

Director Thompson said that staff's understanding is that the Commissioners support their recommendation that the applicants proceed with the development, provided they trim the tree and proceed with demolition and grading under the supervision of a City arborist. He indicated that if the arborists determines that the tree is unlikely to survive, then staff would approve replacement. He indicated that staff would follow the arborists' recommendation if the tree survives to further protect the tree roots from intruding onto the project site.

In response to a question from Commissioner Savikas, Director Thompson stated that staff would negotiate placing a 48 inch box tree on both the project site and **Ms. Beaumont's** property if it is determined that the tree needs to be replaced. He pointed out that all of the costs associated with retaining the tree would occur would be at the cost of the project proponent.

Commissioner Kuch commented that he feels staff's plan is systematic and appropriate for the situation.

Chairman O'Connor suggested that the City should consider the arborists' opinion and make a judgment rather than simply following the arborists' opinion.

A motion was MADE and SECONDED (Savikas/Kuch) that the subject tree be preserved with the tree being trimmed as recommended by the City's arborist and with demolition of the house and grading to occur under the supervision of the City's Arborist. Two appropriate replacement trees will be approved by City staff if a determination is made by the arborist that the tree is unlikely to survive, and the project proponent will follow the recommendation of the arborist if the tree is preserved. All costs associated with preserving the tree will be incurred by the project proponent.

Director Thompson explained the 15 day appeal period and indicated that the item will be placed on the City Council's Consent Calendar for their review on May 3, 2005.

At 9:35 a 20 minute break was taken.

AYES:	Kuch, Savikas, Chairman O'Connor
NOES:	None
ABSENT:	Simon
ABSTAIN:	None

ADJOURNMENT

The meeting of the Planning Commission was **ADJOURNED** at 10:15 p.m. in the City Council Chambers, City Hall, 1400 Highland Avenue, to Wednesday, April 27, 2005, at 6:30 p.m. in the same chambers.

_____	_____
RICHARD THOMPSON	SARAH BOESCHEN
Secretary to the Planning Commission	Recording Secretary

CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Donald Boudreau, Assistant Planner

DATE: April 13, 2005

SUBJECT: **Appeal of an Administrative Decision to Deny a Tree Permit for the Property Located at 1600 Chestnut Avenue** (Zukotynski).

RECOMMENDATION

Staff recommends that the Planning Commission consider the alternatives and **DENY** the tree permit thereby preserving the Italian Stone Pine.

APPELLANT

Stephen Zukotynski
1604 Chestnut Avenue
Manhattan Beach, CA 90266

BACKGROUND

Tree Permit Application

On February 25, 2005 the City received a tree permit application from the property owner, Marilyn Beaumont, located at 1600 Chestnut Avenue (Exhibit "A" Vicinity Map). The property currently exhibits an Italian Stone Pine within the northern portion of the required 20 foot front yard setback. The subject tree is a significant specimen, approximately 39 feet in height, and a 3.5 foot diameter trunk, with a large portion of the root structure and canopy growing into the adjacent property to the north at 1604 Chestnut Avenue. The purpose for the application was to help facilitate construction of a new home at the subject property to the north since the tree poses a potential conflict with the proposed construction as currently designed. Subsequently the City denied the tree permit application (Exhibit "B"), and on March 16th the subject appeal was filed by the owner of 1604 Chestnut Avenue, Mr. Zukotynski (Exhibit "C" Appeal Application with Accompanying Correspondence).

Tree Ordinance

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 (Exhibit "D"). At that time, the Ordinance applied only to the Tree Section, generally bounded by Rosecrans Avenue, Blanche Road, Valley Drive and Sepulveda Boulevard. The Ordinance protects all trees, except deciduous fruit-bearing trees and Washingtonia species palms, 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 than a "preservation" regulation.

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. The Purpose Section states that "Tree Preservation is necessary for the health and welfare of the citizens of the City of Manhattan Beach in order to conserve scenic beauty, prevent the erosion of topsoil, protect against flood hazards, counteract pollutants in the air, and generally maintain the climatic and ecological balance of the area. The intent of this section is the retention and preservation of trees while permitting the reasonable enjoyment of private property." 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.

After the adoption of the expanded Tree Ordinance, the City Council and Planning Commission held a joint meeting on July 22, 2003 to discuss a variety of planning issues, including the Tree Ordinance. At that meeting the City Council confirmed that the Ordinance was intended to preserve trees, and that Staff should continue to enforce the Ordinance accordingly.

Applications for a permit typically include notification signatures from neighbors and/or an arborist's written recommendation that the tree should be removed. Tree permits for dead or unhealthy trees typically require little review or concern. Proposed tree removals related to construction projects involve more review, and staff encourages retention of protected trees in the design process. If no alternatives are available then Staff typically approves an application. Remaining trees are required to be protected by chain link fencing during the construction process. Staff works with architects, developers and contractors during the design of a home and throughout the construction to ensure that new construction considers and preserves existing trees that are protected under the Ordinance.

DISCUSSION

On June 6, 2004 the appellant submitted plans to the Community Development Department for a new 3,720 square foot Single Family Residence located at 1604 Chestnut Avenue within the Residential Single Family (RS) Zone (Area District II). The proposal would replace an existing single family residence with vehicular access taken from the south side of the property as is done currently for the existing residence, see proposed plans (separate).

Approximately late January / early February of 2005 the appellant brought to the City's attention the fact that there is a potential conflict with the proposed residence and the neighboring large Stone Pine. It was indicated to Staff that many large roots would need to be cut and/or removed as well as trimming much of the tree's canopy would be required to accommodate the proposed residence and driveway access to the garage. At this time, Staff indicated to the appellant that the City would take a look at the subject tree and that in the mean time he should discuss pruning the tree under the guidance of a certified arborist with his neighbor so that construction conflicts with the neighboring tree might be alleviated.

The appellant later came back to the City indicating that he had discussed the issue with his neighbor, and that he had received permission to remove the tree. Once again Staff indicated that the tree was protected, and that a permit would need to be applied for before removal could be considered. Staff then receiving a letter from Travers Tree Service dated February 16, 2005 (Exhibit "E") indicating that the stability of the tree would be compromised with construction of the new home and removal of large roots, and therefore the tree should be removed. Planning Staff inspected the site once again with the Public Works Department and determined at this time that it would be appropriate to have the City's consulting Arborists (West Coast Arborist) provide a full evaluation of the tree, consistent with the City's Tree Ordinance. At no time during these early discussions with the appellant did Staff indicate that the tree could and/or should just be removed.

On February 25, 2005 the City received a tree permit application signed by Ms. Beaumont to request approval to remove her tree. During review of the application Staff had numerous discussions with all parties involved. Verbal correspondence with Ms. Beaumont revealed that the purpose of her application was only to help facilitate the construction of her neighbor's new home, and that the tree was truly endeared by her and her family, and that she had a very strong desire to retain her tree if there were other available options. In addition, discussions with the architect of the proposed construction at 1604 Chestnut revealed that he, the engineer, and the appellant were aware early on of the potential issues with the tree when the survey for the project was prepared in December 2003. Had staff been made aware of the potential conflicts by the owner of the subject property or his architect, or if the situation were more apparent on the plans and survey, Staff would have addressed the issue earlier during the review process.

Permit Analysis

After reviewing the subject application, it was determined that based on all the information available to Staff at that time that granting a tree permit would not be consistent with the intent of Section 10.52.120 of the Manhattan Beach Municipal Code. Staff's decision was based on the following reasons as outlined in correspondence to Ms. Beaumont dated March 9, 2005 (Exhibit "B"):

- Approval of the project at the subject property would entail a new driveway and construction in close proximity to the subject tree to the south. Large roots would need to be cut and/or removed to facilitate the new driveway and retaining wall. According

to written analysis dated March 1, 2005 by Tony Uno (Exhibit F), consulting arborist from West Coast Arborists retained by the City the proposed construction at the subject property could have a detrimental affect to the pine tree. The arborist indicates that the cutting of large diameter roots can have serious impacts on both the health of trees and their structural stability. The arborists also indicated that this would be especially relevant in this particular case since the roots of the pine tree are generally located on the windward or tension loaded side of the tree making the tree more vulnerable to failure onto the house due to severe wind and/or heavy rains.

- Approval of the application would be in specific conflict with Section 10.52.120(D)3 of the "Tree Ordinance" which states that "any tree which is adjacent to the subject property and may be potentially impacted by construction activity on the subject property shall be protected to the provisions of this chapter."

- Analysis by West Coast Arborists is in agreement with the correspondence dated February 16, 2005 from Mike Tahash, certified arborist from Travers Tree Service, also indicating that the proposed construction at the neighboring property may have detrimental impacts to the subject tree.

- Verbal correspondence between the owner of the subject tree and the City indicated that the tree is truly endeared with a strong desire to preserve the tree.

- Branches of the subject tree which may impact the proposed new home at the subject property can be selectively pruned by a qualified company using ISA (International Society of Arborists) standards, so as not to endanger either property or the health and viability of the tree.

- The proposed new construction could possibly be modified so as to mitigate impacts to the subject tree. The house could be reconfigured using the same floor plan (flipped) so that vehicular access may be retained at the opposite (north) side of the property.

Structural Engineers Comments

When the appeal was submitted a letter dated March 12, 2005 (Exhibit "C") from the appellants consulting structural engineer, Nazarian Engineering, was also received. Among other observations, the letter states that the existing garage at 1604 Chestnut has many cracks in the concrete slab as well as the foundation, and the slab is not level. Staff inspected the site and was unable to verify the structural engineers' findings. Staff only observed two hairline cracks in the garage slab and one in the foundation, which is typical for a 58-year old slab, and the slab appeared to be level. There was no uplifting, heaving, or off-set observed anywhere in the garage area. There was one hairline crack in the foundation and no cracks in the exterior stucco. (See Exhibit "G"-Attached Photos)

The brick side property line wall next to the driveway was observed to be leaning slightly to the north, and has several vertical cracks, likely caused by tree roots. This wall is located on the neighbors' property that has the Stone Pine tree at 1600 Chestnut. This wall is very low, less than 3 feet in height, and is decades old so the leaning and minor cracking is not unexpected and structurally it is not necessary to replace the wall.

Staff also had the opportunity to inspect the garage slab and foundation of the neighboring property at 1600 Chestnut, where the tree is located. The tree is touching the northwest corner of the garage. There is an exterior brick facade around the base of the garage with one vertical crack. This crack was not observed to extend into the slab or foundation, and was a non-structural surface crack. There where no cracks in the foundation or slab, and no uplifting or unevenness in the garage slab.

Based on his observations the appellants' structural engineer recommends that all tree roots be removed from within the footprint of the new house to a depth of 2 to 3 feet, as they would potentially impact the foundation. A phone conversation with the structural engineer clarified that it would not be necessary from a structural engineering viewpoint to remove the tree roots in the driveway or the landscaped areas. Although the City's structural engineer feels that these conclusions are a reasonable opinion based on the observations that the appellants structural engineer identified, typically tree roots are only removed in the isolated areas where they interfere with the construction of the foundation. Staff is aware of many locations where large trees have been preserved in close proximity to a new home.

ALTERNATIVES

When reviewing a Tree Permit application for removal of a tree, staff looks at alternatives in order to retain and preserve the tree, consistent with the Purpose Section in 10.52.110 of the MBMC. Additionally, Section 10.52.120D.6 states that "The Community Development Department may impose special measures determined necessary to preserve and protect the health of trees to remain on site." In this particular instance, staff reviewed a number of options since the tree is on the neighboring property which creates an unusual situation. The following details the options that staff explored.

"Flipping" the house:
If the house were "flipped" so that the garage and driveway is located on the north side of the lot instead of the south side of the lot as proposed, the new driveway would not be covering the exposed roots. Where currently there is a driveway and garage slab on-grade, there would be landscaping and a raised foundation. The report from West Coast Arborist states that providing landscaping instead of a driveway in this area would preserve the tree roots in this location. Providing landscaping would allow the roots to be exposed to water, nutrients and air which would minimize the impact to the tree and be beneficial to it's long-term health. There is an existing Liquidamber street tree that would need to be removed if the house were "flipped". However, this tree has caused extensive sidewalk damage in the past and due to the surface

roots that are typical of this particular species it is likely to cause further damage in the future. Additionally, the tree is located in a very narrow 2 foot wide parkway, Liquidambers are not on the City's approved street tree list due to the damage that the species can cause, and staff has no objection to removing the tree. In a follow-up letter dated March 29, 2005, the appellants structural engineer indicates that with flipping the house his concerns with the tree roots impacting the future house still remain. The engineer also evaluated a pier and continuous footing type of construction to possibly minimize disturbance to the tree roots and he concluded that his concerns with the tree roots would still remain.

Arborist monitoring and reevaluation

Another option would be to demolish the existing house and have an arborist, approved by the City, monitor the tree during demolition and pre-rough grading for the arborists observation. Pruning of the tree canopy will also need to be monitored to accommodate the second story of the new home. West Coast Arborists has already provided recommendations for protection the tree during demolition, grading and construction, although a number of these recommendations would need to be modified as the structural engineers recommendation to remove all tree roots within the footprint of the house to a depth of 2-3 feet, would make some of the arborists recommendations unnecessary. After the house is demolished, the asphalt is removed by hand from the driveway area, and the walkway and other hardscape is also carefully removed, the arborist could reevaluate the situation, observe the number, location, size, health, and depth of the tree roots and then make further recommendations based on this new information. The tree roots in the driveway area are particularly critical to protect as they provide structural stability for the tree due to the prevailing westerly winds, as well as they are arterials that act as conduits providing water and nutrients to the feeder roots at the end. There may be very large critical roots that the structural engineer recommends be removed to accommodate construction of the home and the arborist would need to take all of this information into consideration. With this evaluation the arborist may determine that the tree will not likely survive due to extensive root damage and removal and may recommend removal of the tree. After this further evaluation by the arborist, then monitoring the site during construction and quarterly thereafter to evaluate the health of the tree if it able to be retained, would be recommended.

Bio-barrier

The appellant's structural engineer also indicates that regeneration of tree roots growing towards the north will damage the new residence. Staff and the City's arborist are familiar with a product called "bio-barrier", which is a durable fabric with herbicide nodules that inhibit root growth. The fabric is placed underground adjacent to a foundation, driveway or other areas to be protected from tree roots. The fabric is porous, to allow air, water and nutrients through which is essential for the health of the tree, while the time-released herbicide nodules prevent root growth beyond the barrier, thereby redirecting the root growth away from the home and it's foundation. The product has been used for more than 30 years and has a 15 year guarantee.

Structural Soil

Staff also discussed with the City's arborist alternative methods to protect the tree roots, particularly the large exposed roots in the driveway area, if the house is not flipped. One suggestion was to use "structural soil" beneath any paved area such as the driveway and the garage slab. Structural soil is a combination of soil and stone particles with a stabilizing and binding agent. This material provides air and water pockets within the soil which is essential for healthy roots. The material can be compacted to meet structural design standards yet still allow sustainable root growth. The soil surrounding the tree roots in the driveway area could be dug out by hand, the roots could be pushed down and structural soil could replace the existing soil below and above the roots. The driveway slab or a grasscrete driveway could then be placed on top of the tree roots. Structural soil has been tested and used successfully for approximately 10 years.

Grasscrete

Another suggestion would be to install a driveway with a permeable surface such as "grasscrete". This type of driveway has been used in numerous locations throughout the City and allows air, water and nutrients to the tree roots, while providing a very strong driving and parking surface. Additionally, the driveway would not crack like a typical driveway if there are surface roots as it is somewhat a flexible surface, although it could buckle and not be perfectly level. The placement of a planter area with irrigation between the existing retaining wall and the new driveway would also be beneficial to again allow air, water and nutrients to the tree roots.

NOTIFICATION

Staff mailed a notice to all neighboring property owners within a 500 foot radius of the 1600 Chestnut Avenue. No input from the public has been received regarding the subject appeal.

CONCLUSION

Staff believes that having an arborist monitor the tree during demolition, rough grading by hand, finished grading, and possibly during construction is the best available option at this juncture. As the tree is such a significant specimen, and the fact that the owner of the subject tree has an absolute desire to keep the tree, Staff feels that the utmost effort must be put forth to preserve the tree consistent with the City's "Tree Ordinance". Since there is not truly a way to determine the extent of the trees growth below ground, Staff believes that the practical applicability of options such as using the "bio-barrier", structural soil, grasscrete, and possibly other solutions may only be revealed by letting the construction process proceed under observation. This recommendation would ensure that an expert has the opportunity to evaluate all available options before Staff approves the removal of the tree.

Currently the owner of the tree at 1600 Chestnut has indicated that she is in the process of obtaining an appraisal of the current monetary value of the tree. The City's arborist had suggested that identifying the value of the tree would be worthwhile should any incidents arise

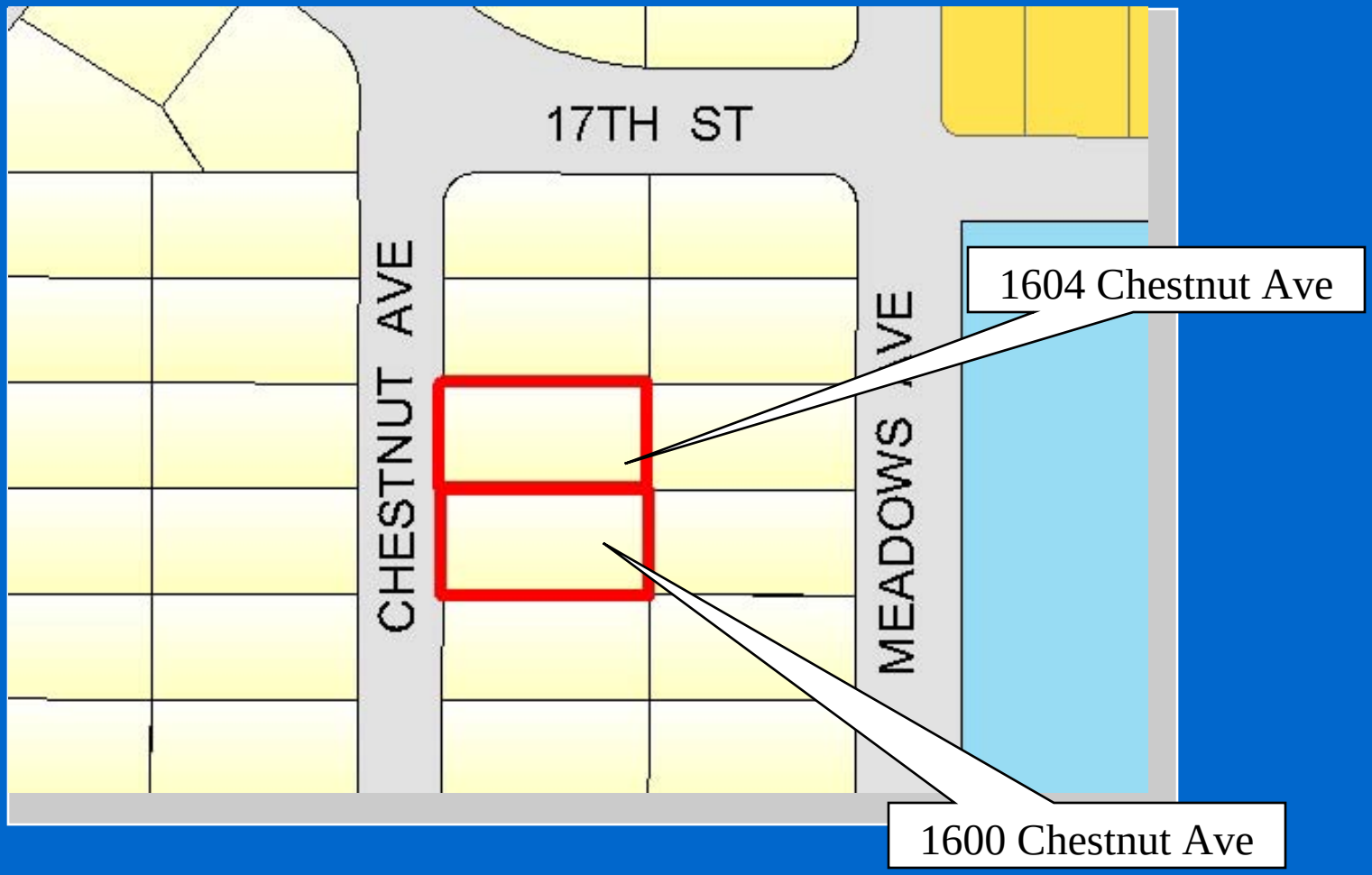
where the tree is damaged. This evaluation could be used by Staff to determine a proper replacement tree if warranted in the future.

Attachments:

Exhibit A - Vicinity Map
Exhibit B - Letter of Denial for Tree Permit #TR05-0010
Exhibit C - Appeal Application (Includes Appellant Correspondence and Correspondence from Nazarian Engineering)
Exhibit D - Tree Ordinance
Exhibit E - Letter from Travers Tree Service
Exhibit F - Analysis from West Coast Arborists Inc.
Exhibit G - Photos of Both Properties
Exhibit H - Plans (Separate)

cc: Dr. Stephen Zukotynski-1604 Chestnut Avenue
Marilyn Beaumont-1600 Chestnut Avenue

Vicinity Map



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795
Telephone (310) 802-5000 FAX (310) 802-5501 TDD (310) 546-3501

March 9, 2005

Marilyn Beaumont
1600 Chestnut Avenue
Manhattan Beach, CA 90266

RE: Request for a Tree Permit at 1600 Chestnut Avenue

Dear Ms. Beaumont,

The City has received your application for a Tree Permit dated February 25, 2005 which request removal of the large Italian Stone Pine located within the required twenty-foot setback of your property. It is understood by the City that the purpose of the subject application is to help facilitate the construction of a new home located at the neighboring property to the north at 1604 Chestnut Avenue.

Although the owner of the adjacent property, Mr. Stephen Zukotynski, his architect, and his engineer were aware of the potential issues with the tree when the survey was prepared in December 2003 the City was not made aware of potential conflicts until approximately one month ago. At that time Mr. Zukotynski informed our Staff that he was concerned with the subject tree and we suggested that he discuss pruning the tree with you. After discussing his concerns about the tree with you, Mr. Zukotynski then informed us that he had permission from you to remove the tree. Staff again indicated at that time that the tree was a protected tree and that a tree permit would need to be approved before removal could proceed. After receiving a letter from Travers Tree Service dated February 16, 2005 indicating that the tree should be removed, Staff inspected the tree with Public Works Staff. It was determined at that time that it would be appropriate to have the City's Consulting Arborist (West Coast Arborist) provide a full evaluation of the tree and determine options to retain the tree consistent with the City's Tree Ordinance. During this past month Staff has spent many hours on the phone and at the counter with Mr. and Mrs. Zukotynski, his architect, and you discussing the tree and the City's ordinance.

The purpose of Section 10.52.120 of the Manhattan Beach Municipal Code (Tree Ordinance) is the retention and preservation of trees while permitting the reasonable enjoyment of private property. According to this Section of the Code, Tree preservation is necessary for the health and welfare of the Citizens of Manhattan Beach in order to conserve scenic beauty, prevent the erosion of topsoil, protect against flood hazards, counteract pollutants in the air, and generally maintain the climatic and ecological balance of the area.

EXHIBIT
B

After reviewing the subject application, it has been determined, based on all of the information submitted and gathered by the City, that granting a tree permit would not be consistent with the intent of Section 10.52.120 of the Manhattan Beach Municipal Code and therefore is denied based on the following reasons:

- Approval of the project proposed by your neighbor would entail a new driveway and construction in close proximity to the subject tree. Large roots would need to be cut and/or removed to facilitate the new driveway and retaining wall. According to written analysis dated March 1, 2005 by Tony Uno, consulting arborist from West Coast Arborists retained by the City of Manhattan Beach for this application, the proposed construction at 1604 Chesnut Avenue could have a detrimental affect to your pine tree. The arborist indicates that the cutting of large-diameter roots can have serious impacts on both the health of trees and their structural stability. It is also indicated that this would be especially relevant in this case since the roots of your pine tree are generally located on the windward or tension-loaded side of the tree making the tree more vulnerable to failure onto the house due to severe wind and/or heavy rains. Approval of your application for construction at the neighboring property is in specific conflict with Section 10.52.120(D).3 of the "Tree Ordinance" which states that "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." In this case the "subject" property is the neighboring property as outlined above.

- The subject pine tree has been determined by West Coast Arborists to be in overall good health, with normal looking scaffold limbs, healthy color, and needles.

- Analysis from West Coast Arborists is in agreement with correspondence dated February 16, 2005 from Mike Tahash, certified arborist from Travers Tree Service, also indicating that the proposed construction at the neighboring property may have detrimental impacts to the subject tree.

- It has been determined by the City that construction at the neighboring property can be modified so as to mitigate impacts to your tree. The house may be reconfigured using the same floor plan (flipped) so that vehicular access may be retained at the opposite side as currently proposed, therefore lessoning the anticipated construction impacts.

- Verbal correspondence between you and the City has indicated the tree is truly endeared on your part with a strong desire to preserve the tree.

- Branches of the subject tree which may impact the proposed new home at the neighboring property can be selectively pruned by a qualified company using accepted ISA (International Society of Arborists) standards, so as not to endanger your or your neighbor's property nor the health of the tree.

Please note the suggestions by West Coast Arborist as outlined in the accompanying attachment to help preserve the health and wellbeing of the tree.

If you would like to appeal this decision to the Planning Commission, you may submit an Appeal to the Community Development Department within 15 days from the date noted above, along with an appeal fee of $465. The appeal would be presented to the Planning Commission.

If you have any questions, please contact Donald Boudreau at the Community Development Department at (310) 802-5517.

Sincerely,

Richard Thompson, Director
Community Development Department

Attachment: Analysis from West Coast Arborist

Cc: Stephen Zukotynski

March 1, 2005

City of Manhattan Beach
ATTN: Ms. Laurie Jester
1400 Highland Avenue
Manhattan Beach, CA 90266

RE: 1600 Chestnut Avenue – Italian Stone Pine

Dear Ms. Jester,

Pursuant to your request, I examined one Italian Stone Pine (*Pinus pinea*) located at 1600 Chestnut Avenue in the City of Manhattan Beach. The purpose of the visit was to examine the tree and its situation, as it was suggested that it be removed due to imminent construction of a house next door.

I visited the site on February 25, 2005, and assessed the situation. All comments that follow are based on my site visit, our discussion while on site, a report regarding the Pine that was submitted to the homeowner, and a brief review of the proposed site plan that you provided to me.

The subject Pine is located in a planter area next to the house (see Figure 1.1). It has a trunk diameter of about 41" (measured about 15" above ground), and it is about 39' tall with a crown spread of about 60' (N/S). From its trunk base it has two large trunks that rise up and spread out to form, as is typical for the species, the wide crown (see Figure 1.2). It has a somewhat flat crown head, and the crown seems to be weighted more over the house side (toward the east, see Figure 1.3), presumably due to both the prevailing westerly winds and the nearby Siberian Elm in the parkway, both of which have oppressed growth on the street side. On the ground there are some plants growing nearby the trunk, which is very close to the house foundation (see Figures 1.4 & 1.5). Overall, the Pine appears to be in good health, with normal-looking scaffold limbs and healthy color and needles (see Figure 1.6).

Per your comments there is a plan to demolish the neighboring house and build a new house. According to the provided site plan the new house would have its driveway and garage located in the same place where it is now – on the right side of the property close to the Pine (see Figure 2.1). In order to facilitate this, significant construction work would have to be done within close proximity of the Pine, and the entire driveway would have to be replaced, and this would require that the large roots that have already buckled the driveway would have to be cut and removed (see Figure 2.2). It is known that cutting large-diameter (>2") roots can have serious impacts on both the health of trees

and their structural stability[1]. This would especially be the situation with this Pine, since these roots are more on the tension-loaded side (the windward side) and would make the tree more vulnerable to failure onto the house due to a severe wind event and/or heavy rains. (Italian Stone Pines are considered one species of Pine here in Southern California that is more vulnerable to root failure due to its top-heaviness; I have attached an article that mentions this.) As it is unclear at this time the extent of root spreading on the house side (although there would likely be less due to the lack of available water around the foundation), cutting any large-diameter roots would clearly be increasing the instability risk. Also, there is a retaining block wall bordering both properties (see Figure 2.3), and the soil grade drops down considerably. Clearly there is pressure being put on the wall by soil and/or buttress roots, the reason likely being that the Pine is trying to anchor on that side (again, the windward side).

Thus, I am in general agreement with an assessment in the Arborist Report (submitted to the homeowner by Travers Tree Service, Inc., dated February 16, 2005), which implies that there would be compromised stability due to any construction work that damages large-diameter roots near the Pine.

However, as it is the homeowner's desire to preserve their Pine, I will suggest the following:

1.) A revision of the proposed site plan where the design is "flipped" (the garage being on the opposite side of the property). Of course, certain adjustments (utilities, the street tree) will need to be made to accommodate this, but this is the best alternative, since at this time there is no tree or other obstacle that would prevent having the garage on the opposite side and the house (which I understand to be a single-story home) being near the Pine. Also, doing this would allow for preserving the exposed roots and designing and installing a landscape near the Pine that would have a minimal negative impact.
2.) Flipping the design and possibly modifying the layout of the front of the house (which would now be near the Pine). There may be a possibility that large-diameter roots are within the existing garage area, and any construction of this new foundation would likely require that these roots be cut. Although it is generally harmful to cut large-diameter roots, it may be necessary to determine the overall number and then decide how many and which roots can be cut if it is deemed absolutely necessary. However, it may very well be necessary to modify the design if the root network in the area is too extensive.
3.) In whichever case, the Pine will need to be given protection from construction effects, and these should be implemented prior to the start of construction; this would include (but is not limited to) fencing, signs, mulch covering the roots, prohibiting the use of power equipment within the dripline, prohibiting the

[1] *Reducing Infrastructure Damage by Tree Roots: A Compendium of Strategies.* L.R. Costello & K.S. Jones. University of California Cooperative Extension.

dumping of any liquids of any kind onto soil, clear instructions to all workers onsite, fines for violations of any stated rules, or any other pertinent measures that exist within the City's rules or ordinances for tree protection during construction.

4.) Any necessary pruning to the Pine prior to the start of construction of the new house; such pruning should only entail selective removal of low-hanging limbs or branches, or dead, diseased, or decaying stems or branches. Although the best time to prune Pines is generally in the fall months (October and November), it may be wise to allow the pruning as stated so as to avoid disrupting the construction process and to minimize any risk of damaging the construction (it would be easier to drop limbs and clean up with no significant target below on that side of the Pine).

5.) Removal of the Siberian Elm (*Ulmus pumila*) in the parkway in front of the above address AND removal of the Sweet Gum (*Liquidambar styraciflua*) in front of the lot where the new house is to be built. The Siberian Elm is in rather poor condition (with noticeable root decay) and is trying to compete for growing space with the larger and more dominant Pine. The Sweet Gum is located where it may be necessary to install the driveway, and since there is already another Sweet Gum across the street, I would consider it a minor loss to have it removed. Further, removal of both trees (and I would advise against replanting any trees in the parkways in these two sites) would allow the Pine more protection and more space to thrive.

6.) Removal of the plants growing near the trunk of the Pine, removing the soil away from the trunk base, and applying a layer of small mulch chips in the existing planter layout (but avoid piling mulch up against the trunk base). Also, periodically removing any debris (needles, leaves) from the crotch of the codominant attachment (as is indicated in Figure 1.5). As there is a clear desire to preserve this Pine, it would be wise to show it more care by maintaining cleanliness and applying basic techniques. The mulch chips will help preserve moisture, keep weeds down, provide a cushion for any foot traffic (and thus help reduce soil compaction), and in time, by decomposing, provide nutrients into the soil. And because this Pine possesses a codominant (and apparently a somewhat included) attachment, it is certainly possible that constant moisture in this attachment can lead to wood decay, which can lead to a serious trunk split (which can cause serious damage). Although any tree with such an attachment carries a certain degree of risk, it certainly would not be harmful if the attachment were kept clean of piled up debris, which would otherwise keep the area damp and prone to decay. Finally, I would make it clear to the homeowner that the Pine should be irrigated by flood means only (as opposed to spray irrigation), with no water repeatedly hitting the trunk. Bear in mind that Italian Stone Pines are native to Mediterranean climates (of which Southern California has been officially classed as having), and so they can thrive on irrigation (primarily cool-season rains) similar to their native habitat. Although the Pine would probably appreciate regular irrigation during the summer months, it

would be best if this were done infrequently, since this species is prone to certain harmful root-borne pathogens (including Phytophthora and Armillaria) which are more likely to thrive in constantly wet soil conditions.

7.) Deeming this subject Pine officially "Protected" or "Significant" (or any other moniker that would automatically acknowledge it) per any existing ordinance or protection status with the City. It is at the moment, despite its few structural flaws and its close proximity to the house, an attractive specimen, and designating officially would garner it more respect and (hopefully) more cooperation from the homebuilder and their construction workers.

8.) Suggesting to the homeowner that they obtain a value appraisal (from a qualified consulting arborist) of the Pine. Doing so beforehand can inform them of their tree's current monetary worth, and should any incidents arise where it becomes damaged, they would have a better chance of claiming and receiving compensation for any costs to restore the Pine (as best as is possible, since significant damage to mature trees is rarely reversible), mitigate any new hazards (as a result of incidents which compromise its structural integrity), or remove the Pine (should it be deemed necessary due to extreme hazard, decline, or death). As it has been made clear to me that the homeowner is endeared to it, an appraisal may very well be worth a small investment.

****

Should you have any questions or require additional information, please feel free to contact me at (714) 991-1900.

Sincerely,

Tony Uno
Consulting Arborist
West Coast Arborists, Inc.

ASSUMPTIONS AND LIMITING CONDITIONS

1. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the Consultant can neither guarantee nor be responsible for the accuracy of information provided by others.

2. Loss or alteration of any part of this report invalidates the entire report.

3. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written consent of the Consultant.

4. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a stipulated result, nor upon any finding to be reported.

5. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree(s) or property in question may not arise in the future.

Figure 1.1 (above); Figure 1.2 (left), two main trunks arise from main trunk; these rise to form the wide crown; also, notice the nice bark color typical for the species; Figure 1.3 (below), more of the crown is over the house side, and there is less spreading over the street side (the windward side); also, even though the trunk of the Siberian Elm is somewhat away from the Pine, their heads are very close and there is competition for growing space.

Figure 1.4 (above left), several plants growing in the planter; Figure 1.5 (above right), note the proximity to the brick wall adjacent to the house wall; also, note the pile of needles and other debris in the crotch; Figure 1.6 (below), note the healthy color and appearance of the needles in the crown.

Figure 2.1 (above), neighboring property; Figure 2.2 (below left), note the numerous root swellings on the driveway; the roots will do this in order to permit water percolation down to their feeder roots; Figure 2.3 (below right), note the curving and leaning wall, presumably due to pressure from the tree roots.

Stephen Zukotynski, MD
1604 Chestnut Ave.
Manhattan Beach, CA 90266

March 15, 2005

Planning Commission, City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266-4765

Dear Commissioners:

I would like to appeal Mr. Richard Thompson's decision not to allow the pine tree on 1600 Chestnut Avenue being replaced. The pine tree has extensively damaged my home on 1604 Chestnut Avenue and made it structurally unsound. The tree roots and branches need to be cut to repair the present residential structure including the retaining wall or to build a new structure up to code. Cutting of tree roots and branches extending across property lines into adjacent property is exempted from the requirements of Manhattan Beach tree ordinance. However cutting the pine tree's extensive root network and its branches on my property will destabilize the tree and make it become a bigger hazard to people's lives and properties. Mr. Thompson's decision unreasonably prevents my home from being built up to code and violates my right to live safely in my home.

The city planner was aware of the tree problem and gave me the option to remove the tree. My new house plan was approved by the Planning Department, Building Department and the Department of Public Works. The city planner has signed for the demolition of the house to proceed. The plan check comments given to my architect did not include any requirement for the removal of the pine tree. The tree removal permit requirement was marked on the plan check comments by the city planner after the house plan was approved for building permit. (In front of many City Hall staffs, Mr. Don Boudreau, representing the city planning department, admitted that all he knows about trees is that they are green. He could not possibly know that the tree is a "Stone Pine" as marked until after he read the arborist's report submitted with the tree permit application sent in by my neighbor, Ms. Beaumont.) The planning department suddenly changed its position about cutting the tree after it has approved my house plan. This imposes undue hardship on me and my family.

I respectfully ask that the city planning commission allow me and my neighbor to replace this hazardous pine with a safer tree, so that I can proceed with building a safe home for my family. After all, trees can be replaced, but not people's lives.

Sincerely,

Stephen Zukotynski, MD

Stephen Zukotynski, MD
1604 Chestnut Ave.
Manhattan Beach, CA 90266

March 14, 2005

Mr. Bruce Kuch
Planning Commission, City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266-4765

Dear Mr. Kuch:

I am writing to appeal for your help in resolving a problem with a tree that is interfering with the rebuilding of my home.

On February 25 of this year my neighbor, Ms. Marilyn Beaumont, submitted an application to the City of Manhattan Beach for permission to cut down a 40 to 50-foot tall pine tree. This tree abuts both Ms. Beaumont's garage and the retaining wall between our properties. Part of the tree trunk is situated more than 20 feet from her front property line. The tree's canopy overhangs her garage, my garage and parts of my dining room and kitchen.

When I bought my house in 1992 I was not aware of the potential damage this pine tree could cause to my home. The tree has grown since then, and its root system has enlarged. Over the years, the roots have damaged my entire driveway as well as part of the brick walkway in front of my house. In 1994, my house foundation was cracked, requiring repair, and more recently the roots cracked the garage slab. (All of the cracks in the garage floor originate from the wall closest to the tree; there are also cracks on the garage wall nearest to the tree; and there are no cracks that start from the opposite wall; the structural engineer who inspected my house confirmed that this damage was caused by the tree roots.) The roots have also cracked and destabilized the retaining wall between my property and that of my neighbor. Moreover, at least four times per year, I have had to sweep my roof of the pine needles, or actually pull them out by hand, as the tree sap causes the needles to adhere to the roof. I have enclosed pictures of the pine tree (note the large crack in the tree at a large branch attachment), as well as the damage it has already caused.

When my new house project started to go through the Planning Department of the City of Manhattan Beach about 1 ½ years ago, the offending tree was included in the property survey, and Mr. Don Boudreau, the city planner, was made aware of the problem. He most kindly came to my house to look at the tree and called it a "monster". On August 20, 2004, during our telephone conversation, he recommended the tree be removed. When I speculated that my neighbor might not want to have the tree cut down, he advised me to bake a cake and bring it to my neighbor to discuss the matter. (Mr. Boudreau was obviously not aware of my lack of culinary skills.) He also advised that in the event that my neighbor refused to have the tree removed, I could trim the branches, dig up the roots on my property and install a tree root barrier along the property line. The city engineer (Sal) also advised me to remove as many of the roots as possible, especially the big ones. But in November, 2004, when the time actually came to trim the tree to prepare for the construction of the house, I consulted two arborists, and they both refused to dig up the roots or install root barrier less than eight feet from the tree trunk because they felt that these acts would destabilize the tree and cause it to fall or die. Further research confirmed their assessment. I then discussed the issue with my neighbor, Ms. Beaumont, who, after consulting with her own arborist, agreed that the tree had become a danger and needed to be cut down. She understands, as I do, that falling branches or entire trees can not only damage homes, but also injure or kill people. I have two children who will be attending Meadows Elementary School this next school year. I need my home to be safe for them.

The tree hazard checklist from the International Society of Arboriculture includes the following:

1. *Are there cracks or splits in the trunk or where branches are attached?*
   The pine tree has a crack on one of the big branches. The crack is too high to be visible by a person standing at street level, but is well seen in the enclosed photograph.

2. *Have adjacent trees fallen over or died?*
   Three pine trees behind the tree in question had died and were removed by Ms. Beaumont in 1994-1995. This year, the elm tree in front of the pine tree has died, and needs to be removed soon.

3. *Has the trunk developed a strong lean?*
   Indeed, the trunk has developed a strong lean toward my and my neighbor's homes.

4. *Do many or the major branches arise from one point on the trunk?*
   Yes, they do.

5. *Have the roots been broken off, injured, or damaged by installing pavement, repairing sidewalks, or digging trenches?*
   My driveway has been repaired three times, with shaving of the tree roots. One month ago, my entire front lawn was excavated, as required by Art from the

Building Department of Manhattan Beach, in an attempt to locate a cesspool. Art specifically instructed Chuck Richard from National Demolition Contract to excavate the entire front yard to a depth of 4 feet. A bobcat was used, and as a result of the excavation, multiple large roots originating from the pine tree were torn away. These are no doubt the feeder roots because they are in the drip line of the tree. Such injury to the root system can cause the tree to die or fall over.

6. *Has the tree been topped or otherwise heavily pruned?*
   In order for the second story of my house to be built, many large branches of the tree will need to be cut, making it unbalanced.

The tree is at least 40 feet tall, and it can easily destroy many houses in the neighborhood if it falls. Clearly, this large pine tree is becoming a hazard to both life and property, and so, on February 25, 2005, Ms. Beaumont submitted a Tree Permit application to remove it. As the process proceeded, I spoke several times with Ms. Laurie Jester and with Mr. Richard Thompson, reiterating my concern about the tree being hazardous. On March 7, 2005, Mr. Thompson told me that the tree could not be removed. I responded that he would have to take responsibility for any injury the tree caused, but he replied that he would not assume any such responsibility. (I don't understand how a city official can make a decision and at the same time deny responsibility for its consequences.) Mr. Thompson then proceeded to hang up on me as I was presenting the facts about the danger of this tree.

Now: The city planner has known about the tree problem for a year and a half, and my building plan was signed off by the Department of Public Works, the Planning Department, and the Building Department. The city officials have walked me through the process of the demolition of the old structure. Per the city inspector's request, my front yard was dug up to a depth of four feet, and a hole 6 feet wide was cut into the floor of the house so that a cesspool could be located. I have hired contractors to build my new house. Now, after all this, Mr. Boudreau, Ms. Jester and Mr. Thompson refuse to issue permits for me to build my house. Why do they impose such hardship on me and my family? Why do they want me to build a house on a foundation that will be cracked by tree roots when the problem can be preventable? Ms. Beaumont and I do not want the pine tree removed because it blocks our view, or it does not fit into our landscape plans. We want it removed because it poses a danger to us and to our children

Two weeks ago, Ms. Jester told me that no one in her department had advised me to cut down the tree. That is not true! If Mr. Boudreau had not originally given me the option to have the tree removed, I would have addressed the matter with the city in November, when I learned about the hazard of the tree if its branches or roots were cut, rather than in February (which significantly delayed my construction plan.) If he hadn't meant to tell me to remove the tree, he would not have advised me to "bake a cake and bring it to my neighbor." (We all know that one can trim a tree branches and roots on one's property with or without the owner's approval. Ms. Beaumont has told us many times that we may trim the branches and cut the roots of the pine tree that are on our property. The tree

ordinance exempts from its requirements cutting of tree branches and roots extending across property lines into adjacent property.)

Mr. Richard Thompson and Ms. Laurie Jester retained a consulting arborist who made many major mistakes when assessing the issue. He assumed that it would be unlikely that the roots spread on the house side; in fact, the roots have already cracked my garage foundation at multiple places. The city's arborist suggests not cutting roots with diameter greater than 2 inches; but in order to build the house to code, the ground needs to be graded 24 inches and recompaction performed to 90%, and how can one do that without cutting such roots? The city's arborist recommended flipping the design of the house, moving the garage to the side further from the tree. He then stated that "... any construction of this new foundation (of the house, not the garage, since the design was already flipped) would likely require that these roots be cut. Although it is generally harmful to cut large-diameter roots, it may be necessary to determine the overall number and then decide how many and which roots can be cut if it is necessary. However, it may very well be necessary to modify the design if the root network in the area is too extensive." First he wants me to flip the design of the house, then he wants me to "modify the design." Does he realize that this tree covers half of my property? An arborist is not an engineer, and has no credentials to decide how much of the root network must be removed to ensure the safety of the structure. (The city's engineer Sal recommended removal of all visible roots to the depth of at least 24 inches below grade!) The city's arborist called the construction of the driveway and the garage "significant construction work" that compromises the stability of the tree. Does he know that the construction of the main house is even more significant if the house design is "flipped" so that the living room, dining room, family room, stairs, and bedrooms sit under the tree? He also made the mistake of assuming that the new house was a single-story home, when in fact is it a two-story structure, and therefore many major branches will have to be cut, unbalancing the tree. Further, he contradicts the International Society of Arboriculture when he states that the Sweet Gum in front of my lot should be removed to allow the pine tree more space to thrive; with the stresses of new construction, the younger Sweet Gum has higher chance of survival than the older pine tree, and the Sweet Gum itself is not a small tree and is protected by the city's ordinance.

Even if a new house is not constructed, damages to our existing home need to be repaired to make my home habitable. I will still have to dig up large roots to repair the cracks to the house foundation, the lifting up of the garage concrete slab, the lifting up of the driveway, and the lifting up of the brick walkway in front of our home. The retaining wall needs to be replaced to prevent my neighbor's home from sliding into our home, and this will necessitate cutting large anchoring roots next to the tree.

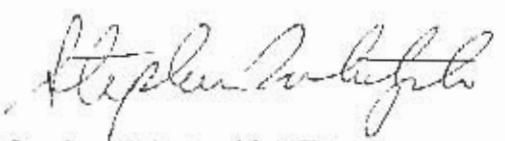
Why does the city allow a tree to destroy my property? Why does the city want to keep a hazardous tree and cut a much healthier and safer tree? Why does the city want to take the chance that this pine tree or one of its branches will injure, even kill, someone in the future, when this is completely avoidable? Why does the city base its decision on the report of an arborist who states that his inspection is "limited to visual examination of accessible items without dissection, excavation, probing, or coring," and who did not

know that there was a crack in the tree, or that the root network has damaged my present home's foundation, or that multiple large roots within the drip line of the tree were recently removed? After all, this arborist disclaimed any warranty or guarantee that the problems with the pine tree may not arise in the future. Who among the City officials will bear the responsibility when the tree hurts someone?

My neighbor did not submit the Tree Permit application to help facilitate the construction of my house. She submitted it because the tree is a hazard to her, to me, and to the people of our neighborhood. In the end, the neighborhood would not lose a tree, but a hazardous tree would be replaced by a healthier and safer one.

To sum up, this pine tree has extensively damaged my present house, will damage the new house I build for my family, and is a hazard to other people's life and property as well. The city planners knew about this tree problem at least since August 2004 (if not in December 2003 when the survey was presented to them with the tree clearly present), and there was no plan to preserve the tree when the house plans were approved in November of 2004. And now, they are asking me to build a new house on a foundation that will be cracked by tree roots. They apparently value a tree more than the safety of me and my family. I respectfully ask that the city planning commission allow me to replace this pine, according to the requirements of the Tree Permit application, so that I can proceed with building a safe home for my family. After all, trees can be replaced, but not people's lives. My family's safety should not be compromised.

Sincerely,



Stephen Zukotynski, MD

cc: Mr. David Simon, Mr. Bruce Kuch, Mr. Richard Montgomery, Mr. Gerry O'Connor, The Honorable Mayor Linda Wilson, Mayor Pro Tem Joyce Fahey, Council Member Mitch Ward, Council Member Steve Napolitano, Council Member Jim Aldinger.

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Consulting Structural Engineers
24254 Hawthorne Blvd,. Suite F
Torrance, CA 90505
(310) 378-5330

March 12, 2005

To: Dr. Stephen Zukotynski
1604 Chestnut Avenue
Manhattan Beach, CA 90266

Subject: Site visit and observation report for the existing large size pine tree roots and its effect on the existing residence and the proposal residence at 1604 Chestnut Avenue, Manhattan Beach, CA 90266

Visual Observation

In accordance with your request, a site visit was made to the subject residence site to observe the roots of the pine tree located to the south of your property and evaluate its effect on the existing residence as well as the new proposed two-story residence. As we were informed, the demolition of the existing residence has been stopped and the site is red tagged by the Department of Community Development. The Department wants the pine tree to remain and explore the possibility of modifying the design of the residence to satisfy this requirement. Our evaluation will also address this requirement taking into account the integrity of the proposed two-story residence. The following observations of the site were made during our site visit:

1. The subject pine tree has roughly a trunk of 3 feet 6 inches diameter at the base and a height of about 40 feet and branches extending about 30 to 40 feet over the subject property and is located about 2 feet south of the property line.

2. The concrete block wall located close to the south property line has a height of about 2 feet 8 inches, is tilted toward the north and has many vertical cracks, and appears to be structurally unsound. The tree roots are most likely the cause of this condition.

3. The asphalt driveway of the existing residence is completely torn apart, cracked and needs to be replaced. Tree roots are exposed and uplift most of the driveway.

4 The southern part of the existing garage has many cracks in the concrete slab as well as in several locations in the foundation. The surface of the concrete slab is

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no longer level. In contrast, the northern part has no noticeable cracks. The south side is the closest to the pine tree.

5. The existing walkway north of the driveway has a tilted surface with the south side lifted by the roots of the tree.

6. The brick wall of the garage adjacent to the pine tree of the residence at 1600 Chestnut, south of the site has vertical cracks likely caused by the tree roots.

Conclusions and Recommendations:

1. To construct the new proposed two-story residence, it will be necessary first to remove all tree roots from the site at least to a depth of 2 to 3 feet. Where foundations will be located, all loose soils is to be removed and re-compacted. Additionally, all interfering tree branches overhead should be cut to make room for the superstructure of the residence. After removing all the roots and branches, we are not certain about the stability of the tree.

2. The existing damaged retaining walls should be replaced, and roots causing this condition removed.

3 If the roots of the present tree are allowed to regenerate growing toward the northerly direction, the new retaining wall and the foundation of the residence will be damaged again and will affect the structure integrity of the new residence.

4. If the present one-story residence is salvaged and repaired, it will again be necessary to cut many of the roots to perform the necessary repairs. This will destabilize the tree. In the future, regenerated roots if any will again cause similar damage to all affected areas.

5. Considering all the ramifications of leaving the present pine tree in place, we feel that the proposed project cannot proceed. We recommend the removal of the tree and possibly replacing it with a much smaller tree at a location at least 8 feet from

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the property line so the structure integrity of the proposed residence can be maintained

This completes our evaluation of this item. If you have questions about the content of this report, please contact our office.

Respectfully yours,

Hagop N. Nazarian
Structural Engineer

Nizarian Engineering
Consulting Structural Engineers
24254 Hawthorne Blvd., Suite # F
Torrance, CA 90505
(310) 378-5330

March 29, 2005

To: Mr. Richard Thompson
Director of Department of Community Development
City of Manhattan Beach, CA.

Subject: Addendum to the report dated 3/12/05 regarding the large size pine tree and its effect on the proposal two-story residence at 1604 Chestnut Avenue, Manhattan Beach, CA 90266.

Job No. R-145

This addendum will address the two design concepts to modify the design of the new residence. The concepts were discussed by telephone on 3/28/05 by Mr. Sal Kaddorah of Manhattan Beach Building and Safety Department.

1. Investigating the possibility of modifying the design of the residence by placing the garage to the north of the present location and changing all room arrangements accordingly.

   Comments: By relocating the garage to the north (flip the plan), the concern about the roots of the pine tree still remains. To place all the new foundation, all tree roots should be removed. If any roots are allowed to remain, they will damage the footing and affect the structural integrity of the whole residence. In addition, to construct the superstructure, all interfering tree branches must be cut and removed.

2. Investigating the possibility of placing the residence on piers spaced 8 to 10 feet grid system.

   Comments: This approach will necessitate an increase in the height of the structure to provide the required clearance for the crawl space. More tree branches must be cut to accommodate the added height. Additionally, all perimeter footings and other shear wall footings will require continuous footings.

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The garage footings and slab have to remain at grade level. All excavation for piers and continuous footings will require the removal of all tree roots. Any remaining roots under the footing of the residence may damage the foundation system and affect the structural integrity of the residence.

I hope the comments presented herein concerning the structure requirements of the new residence provide the report that you requested.

Respectfully yours,

H Nazarian

Hagop N. Nazarian
Project Structural Engineer

Exp: 6/30/05

Cc: Mr. Sal Kaddorah
Building and Safety Department
City of Manhattan Beach

14. Building exteriors and common areas shall be maintained in the absence of an individual owner's agreement.
15. All common areas including, but not limited to, exterior portions of buildings, structures, utilities, yards, driveways, open space, etc., shall be under common ownership of all owners of condominium units.
16. All title conditions, covenants, and restrictions (CC&Rs), in form and content, and any revisions thereto shall, if required by the project use permit, be subject to approval of the City Attorney.
17. Two (2) off-street parking spaces and one (1) guest space shall be provided, consistent with Section 10.64.030.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 2014, eff. July 6, 2000)

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

A. **Purpose.** Tree preservation is necessary for the health and welfare of the citizens of the City of Manhattan Beach in order to 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. The intent of this section is the retention and preservation of trees while permitting the reasonable enjoyment of private property.

B. **General Requirements.** Except as provided in subsection G (Exemptions), no person shall directly or indirectly remove or cause to be removed 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.

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 of a site, with a trunk diameter of twelve inches (12") or multiple trunks totaling twelve inches (12") in diameter 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 or replacement of a protected tree.
3. A "tree plan" shall mean a plot plan (scale 1/8 inch = 1 foot, minimally) with all trees on the subject property identified by location, size and species, including:
   a. footprint of all existing and proposed buildings and/or additions to buildings on the property
   b. location of all trees within the front yard
   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, and/or replaced
   f. proposed location, size and type of replacement tree(s)
   g. photos of all trees in front yard.

D. **Preservation of Trees During Grading and Construction Operations.**

1. 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.
2. Care shall be exercised for trees to be preserved so that no damage occurs to said trees. All construction shall preserve and protect the health of trees:
   a. Remaining in place
   b. Being relocated

EXHIBIT D

c. Planted to replace those removed
d. Adjacent to the subject property.

3. 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.
4. No construction, including structure and walls, that disrupts the root system shall be permitted without prior approval by the Community Development Director. As a guideline, no cutting of roots 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.
5. No fill material shall be placed within the drip line of any tree.
6. The Community Development Department may impose special measures determined necessary to preserve and protect the health of trees to remain on site.

E. **Tree Permit Applications - without Building Permit.**
1. Any person desiring to remove one or more protected trees shall obtain a Tree Permit from the Community Development Department. A fee, as specified in the City's Fee Resolution, may 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 or an arborist's verification of a potential safety risk.
3. 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 may require a Tree Plan as defined above.
2. A Tree Permit shall be required if the proposed project may impact existing trees in the front yard of the subject property even though removal is not planned.

G. **Replacement Trees.** Required replacement trees shall be minimum twenty-four inch (24") boxed trees of an appropriate species and must be planted prior to final inspection. Actual sizes, species, and quantities of replacement trees are subject to Community Development Director approval. In no case shall replacement tree quantities result in less than one protected tree per lot or thirty feet (30') of site storage.

H. **Exemptions.** Tree removals and alterations exempt from the requirements of this section are as follows:
1. Removal in case of 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) if a subsequent application for a Tree Permit is filed within five (5) working days.
2. Removal of deciduous, fruit-bearing trees, Washingtonia robusta, or Washingtonia filifera.
3. 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.
4. Cutting of tree branches and roots extending across property lines into adjacent property.

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

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

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

(Ord. No. 1884, Enacted August 19, 1993; § 2, Ord. 2045, eff. May 6, 2003)

TRAVERS TREE SERVICE

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CONSULTING ARBORIST/CERTIFIED ARBORIST No. 686
CALIFORNIA AGRICULTURAL LICENSE No. 30170
FULLY INSURED STATE CONTRACTORS LICENSE No. 438273

PMB 7000-416, PALOS VERDES PENINSULA, CA 90274
310/545-5816 310/530-3920 FAX 310/534-3020

February 16, 2005

Mrs. Beaumont
1600 Chestnut Avenue
Manhattan Beach, CA 90266

Re: Impact assessment of driveway and retainer wall
Improvement of neighbor's property

Dear Mrs. Beaumont,

As you requested, I evaluated the Italian Stone Pine in front lawn next to garage. It will be impacted by neighbor's improvement to retainer wall, old driveway and house.

Immediate concerns regarding tree health relate to possible root or root flare injury and the stability of the Pine tree with regard to wind throw due to root severance or injury from improvement to neighbor's retainer wall and driveway. Long term concerns related to tree decline, dieback, root decay and increased maintenance requirement of an affected tree.

My evaluation occurred January 18, 2005 and included an assessment of potential injuries to the Pine tree. My report contains these assessments, recommendation and specification for mitigation or avoidance of injuries, current health status of Pine tree that may be highly impacted.

The Italian Stone Pine should be removed. If you have any questions, concerns or need of future assistance, please give me a call.

Sincerely,

Travers Tree Service, Inc.

Mike Tahash

Mike Tahash
Certified Arborist # WE 2697-A

EXHIBIT
E

Planning Commission, City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

March 19, 2005

Dear Commissioners:

We are the neighbors of Marilyn Beaumont and Stephen Zukotynski. We have noticed that the large pine tree has uplifted Steve's driveway and cracked his garage foundation and the retaining wall between their properties. The damage is extensive. Steve informed us that Marilyn and he plan to remove the hazardous tree as he is rebuilding his home. He also let us know that the city has denied the permit to replace the tree.

We would like to let you know that we support the decision of Marilyn and Steve to replace the tree. We do not want to see a tree destroying our neighbors' properties and becoming a hazard to all of us in the neighborhood. If the dangerous tree is replaced, our neighborhood will not loose a tree because a hazardous tree will be replaced by a healthier and safer one. We respectfully ask that you allow Marilyn and Steve to replace the pine tree.

Sincerely,

1. Barbara Hamilton 1608 Chestnut
2. Betty R. Clark 1504 chestnut
3. Francis Blanchet 1404 Chestnut
4. Catia Panarello 1612 Chestnut
5. L Kelly 1508 Chestnut
6. Ann L. Fay 1504 Chestnut Ave. Man. Bch
7. Charles Fay 1504 Chestnut Ave. Man. Bch.
8. [illegible] 1164 Chestnut Ave MB 90266
9. Joe Sorrentino 1154 Chestnut
10. Margaret Tyndall 1205 Chestnut.
11. DL Boyle 1217 Chestnut Ave MB 90266

Andrea Ramey 1501 Chestnut Ave 546-5291

Robert [illegible] 1605 MEADOWS Ave 546 [illegible]

Toni Schottenhammer 1212 Chestnut Ave. 545-6180

Stephanie Manny[illegible] 1209 Chestnut Ave 546-3154

Paul M. Glasser 1208 Chestnut Ave. 545-0451

Carol Reynolds 1213 Chestnut Ave 545-3363

Donald Gerds 1200 Chestnut Ave 546-1934

[illegible] 1216 Chestnut Av ~~310~~ 546[illegible]8

[illegible] 1400 Chestnut Ave 310.545.1793

Barry W [illegible] 1405 CHESTNUT AVE. M.B. 310-545-538[illegible]

Robert [illegible] 1500 CHESTNUT AVE M.B. (310) 546-6724

[illegible] 1505 Chestnut Ave MB. 310 545 1880

Jennifer [illegible] 1613 Chestnut Ave MB 310 545 8491

Pauline [illegible] 1601 Meadows Ave MB 310-546-106

Melanie West 1505 Meadows Ave MB 310-545-2560

Richard [illegible] 1401 Meadows 310 545 8696

Richard Powell 1217 N. MEADOWS Ave 310 545-5952

Planning Commission, City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

March 22, 2005

Dear Commissioners:

We are the residents of the city of Manhattan Beach. We learned from Stephen Zukotynski and Chi Tran that the city has denied the permit to replace the large pine tree on 1600 Chestnut Avenue. We have noticed that the pine tree has uplifted the driveway and cracked the retaining wall on Steve and Chi's property at 1604 Chestnut Avenue. They also informed us that the tree cracked their house foundation and the garage concrete floor. The tree has caused extensive damage to their property. The repair of the driveway and the house foundation and concrete floor or a new house construction will no doubt require removal of the tree roots and branches, and therefore will destabilize the tree. This large pine tree is a hazard to our city. We do not want to take a chance that this tree or its branches can fall and injure or kill someone. We do not want trees undermining the foundations of our houses. We would like to let you know that we support Steve and Chi in their effort to have the tree replaced. The dangerous tree will be replaced by a healthier and safer tree. We respectfully ask that you allow this hazardous tree replaced.

Sincerely,

Lucy Nell Henderson 1163 N. Meadows

Tomie Rogers 529 Maine Ave Manhattan Beach

Cliff Marshall 705-17th St, M.B

Lisa Stekol 1301 16th St; M.B.

Robert Hartman 636 27th St.

Gerald Wilmoth 1551 9th St, MB

Andrew Chuang 1600 Magnolia Ave MB, CA 90036

Bob Perry 1201 Meadows Ave

Steve Kallenbach 1167 Meadows

Gayle McQuown	1155 N Meadows Ave M.B. CA 90266	Gayle McQuown
Scott McQuown	1155 N MEADOWS AVE M,B CA 90266	
Elisha Lawrence	1405 N. Meadows Ave. MB, CA 90266	Elisha Lawrence

Planning Commission, City of Ma hattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

March 22, 2005

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Sincerely,

Tomie Rogers 529 Manke Ave Manhattan Beach

Cliff Marshall 705-17th St, M.B.

Lisa Stekol 1301 16th St, M.B.

Roger Hartman 68 27th St.

Gerald Wilmot 157 9th St, MB

Richard Rizka 1717 Pacific MB

Kim Hammond 2004 Pine Ave MB

Craig Hammond 2004 Pine Ave. MB

Planning Commission, City of Ma hattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

March 22, 2005

Dear Commissioners:

We are the residents of the city of Manhattan Beach. We learned from Stephen Zukotynski and Chi Tran that the city has denied the permit to replace the large pine tree on 1600 Chestnut Avenue. We have noticed that the pine tree has uplifted the driveway and cracked the retaining wall on Steve and Chi's property at 1604 Chestnut Avenue. They also informed us that the tree cracked their house foundation and the garage concrete floor. The tree has caused extensive damage to their property. The repair of the driveway and the house foundation and concrete floor or a new house construction will no doubt require removal of the tree roots and branches, and therefore will destabilize the tree. This large pine tree is a hazard to our city. We do not want to take a chance that this tree or its branches can fall and injure or kill someone. We do not want trees undermining the foundations of our houses. We would like to let you know that we support Steve and Chi in their effort to have the tree replaced. The dangerous tree will be replaced by a healthier and safer tree. We respectfully ask that you allow this hazardous tree replaced.

Sincerely,

Tomie Rogers 529 Marine Ave Manhattan Beach

Cliff Marshall 705-17th St, M.B.

Lisa Stekol 1301 16th St, M.B.

Robert Hartman 636 27th St.

Gerald Wilmoth 1571 9th St, MB

Richard Rizzo 1717 Pourtania MB

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(310) 378-5330

April 12, 2005

To : Planning Commision
City of Manhattan Beach

Subject: Clarification of information contained in Staff Report dated April 13, 2005

The retaining wall at the south side of the property of 1604 Chestnut Avenue needs to be replaced or new retaining wall on south side of the property needs to be built. The property of 1604 Chestnut Avenue is located at a lower elevation downhill from 1600 Chestnut Avenue. The purpose of the retaining wall is to prevent soil located on property of 1600 Chestnut Avenue from sliding onto the property at 1604 Chestnut Avenue. Leaving the wall in its current state can result in the collapse of the wall. If the wall collapses, it can cause injury to any person or child standing next to it. Also mud and soil sliding down hill from the property located at 1600 Chestnut Avenue would affect the soil integrity of the property of 1600 Chestnut Avenue and subsequent undermining of the structural integrity of the house located at the same property. Soil and mud sliding onto the property at 1604 Chestnut Avenue can result in the compromise of the structural integrity of the house on that property as well.

Respectfully yours,

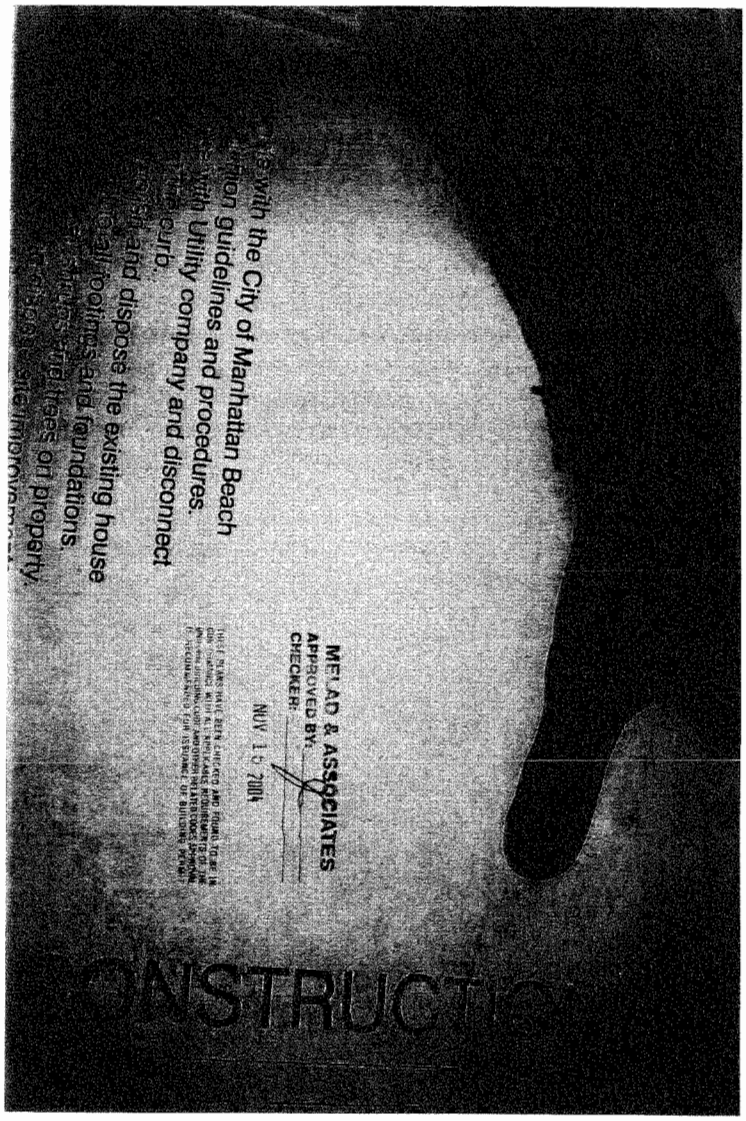
Hagop Nazarian

Hagop N. Nazarian
Project Structural Engineer

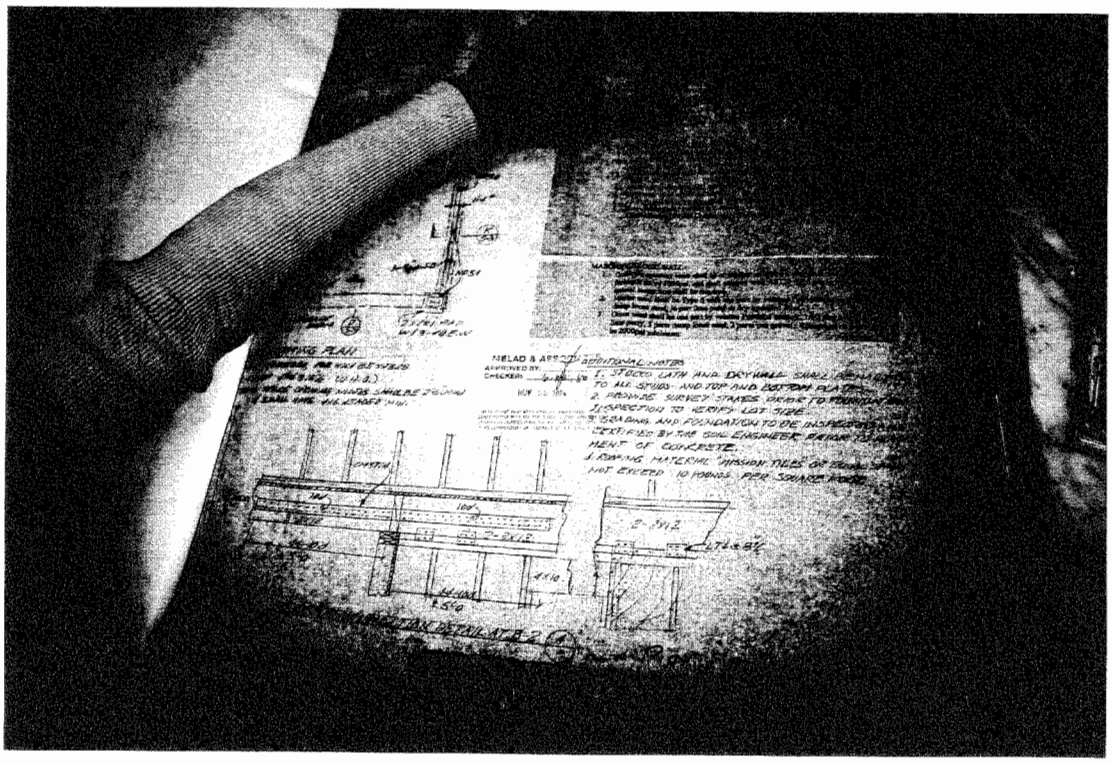
REGISTERED PROFESSIONAL ENGINEER
HAGOP N. NAZARIAN
4/12/05
No. 1798
STRUCTURAL
STATE OF CALIFORNIA

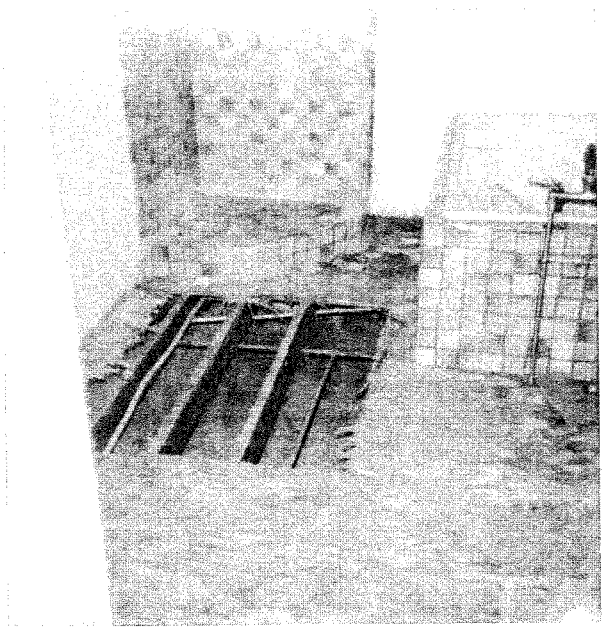
Exp: 6/30/05

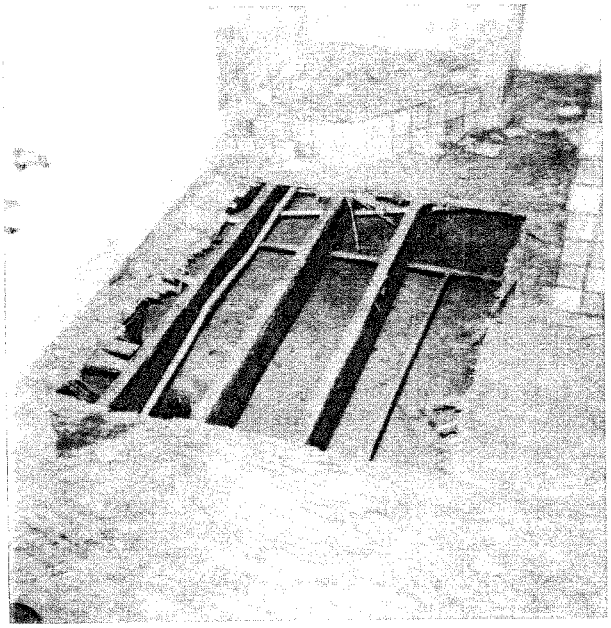
Pictures of damaged driveway

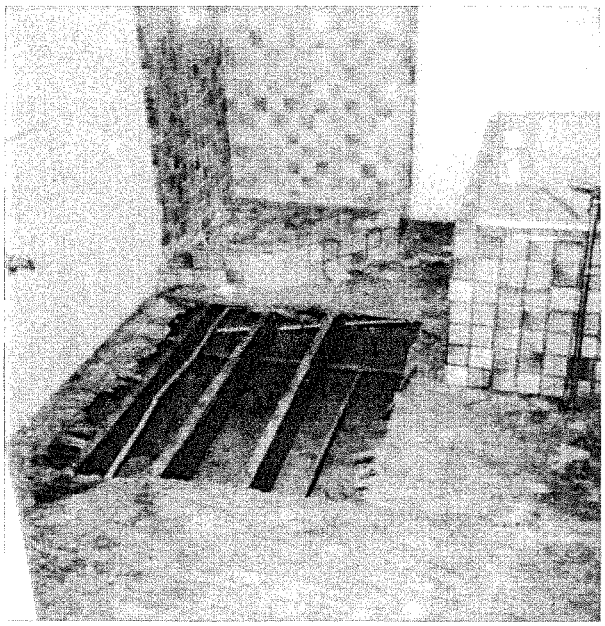


Approved Building Permit Plans

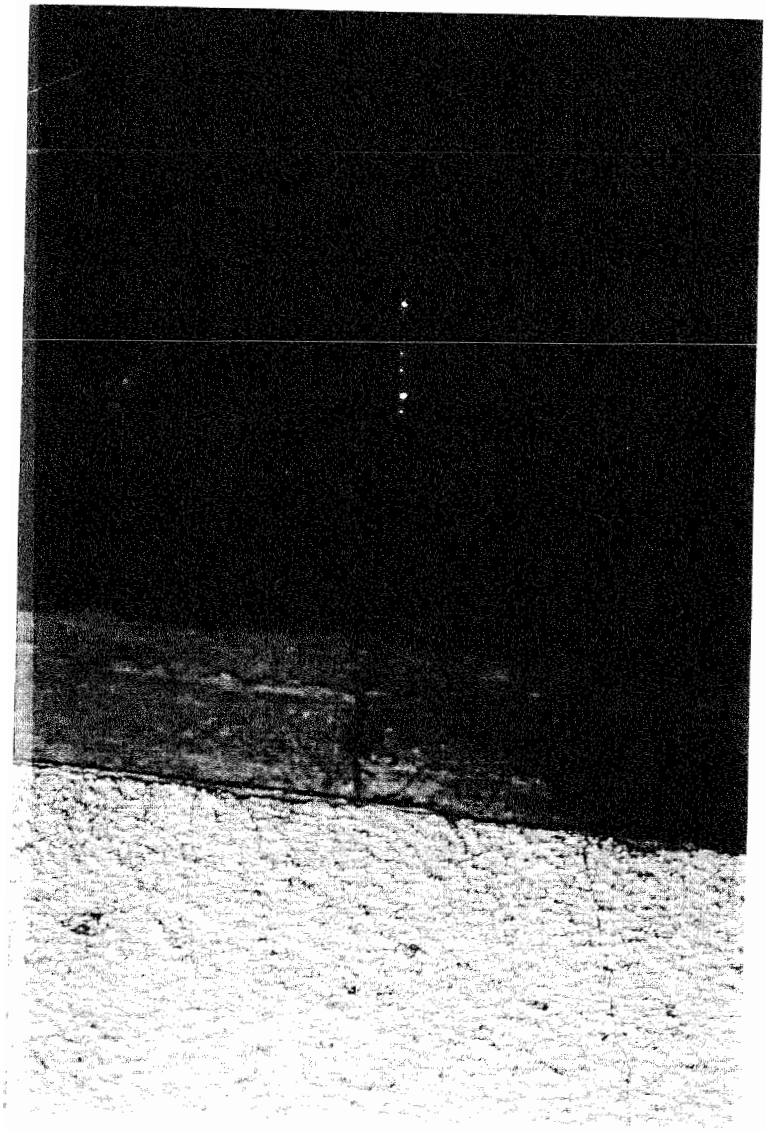


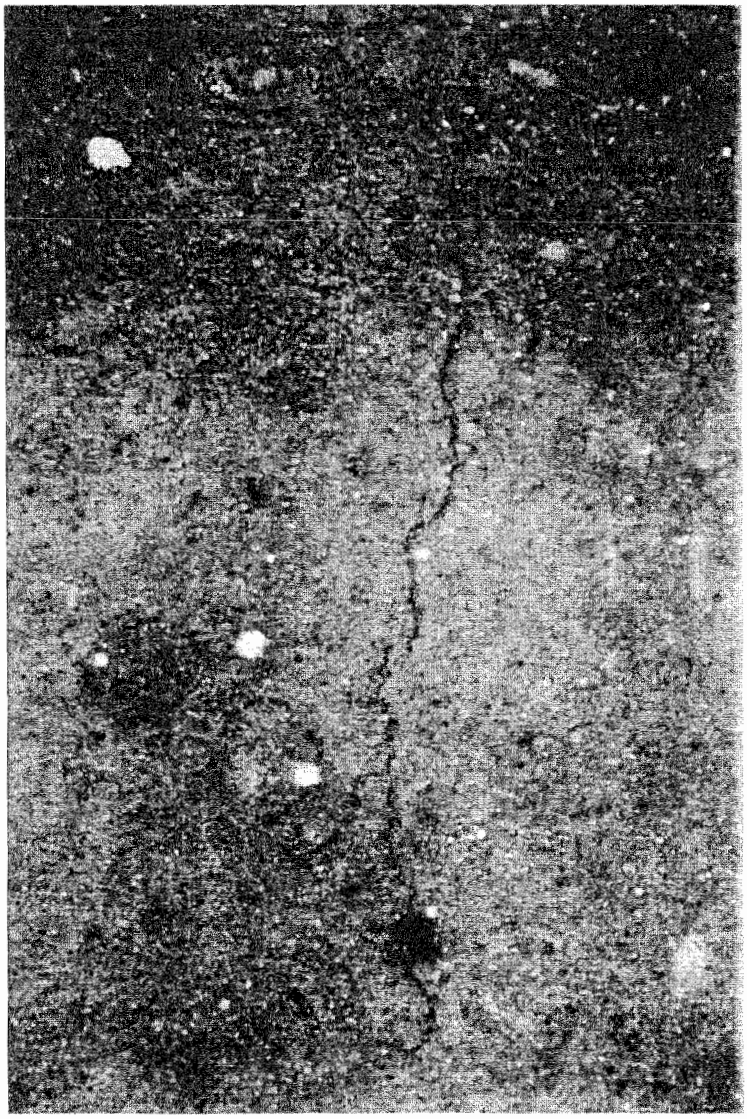




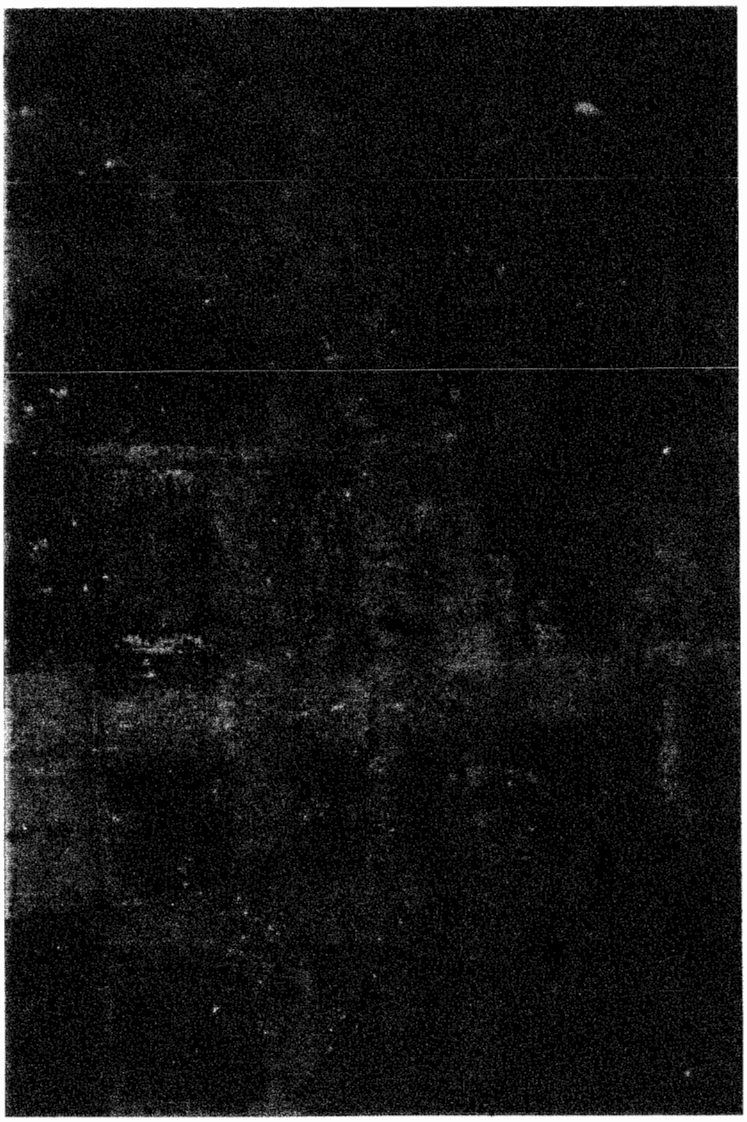


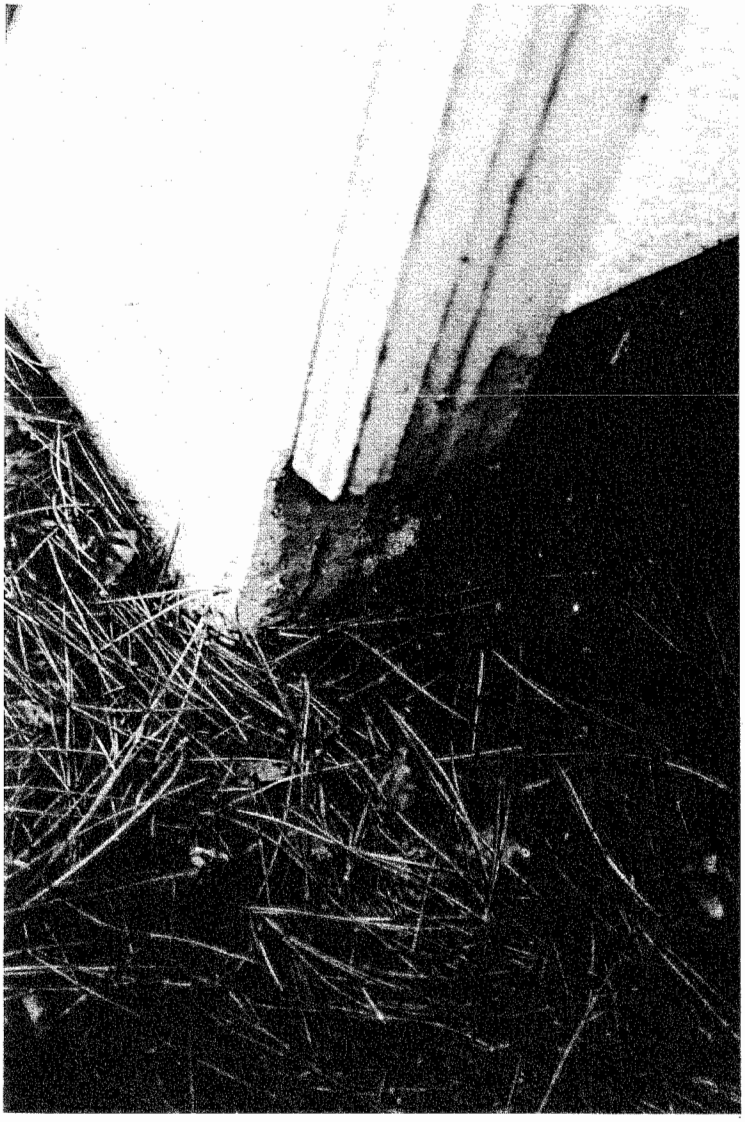
Demolition

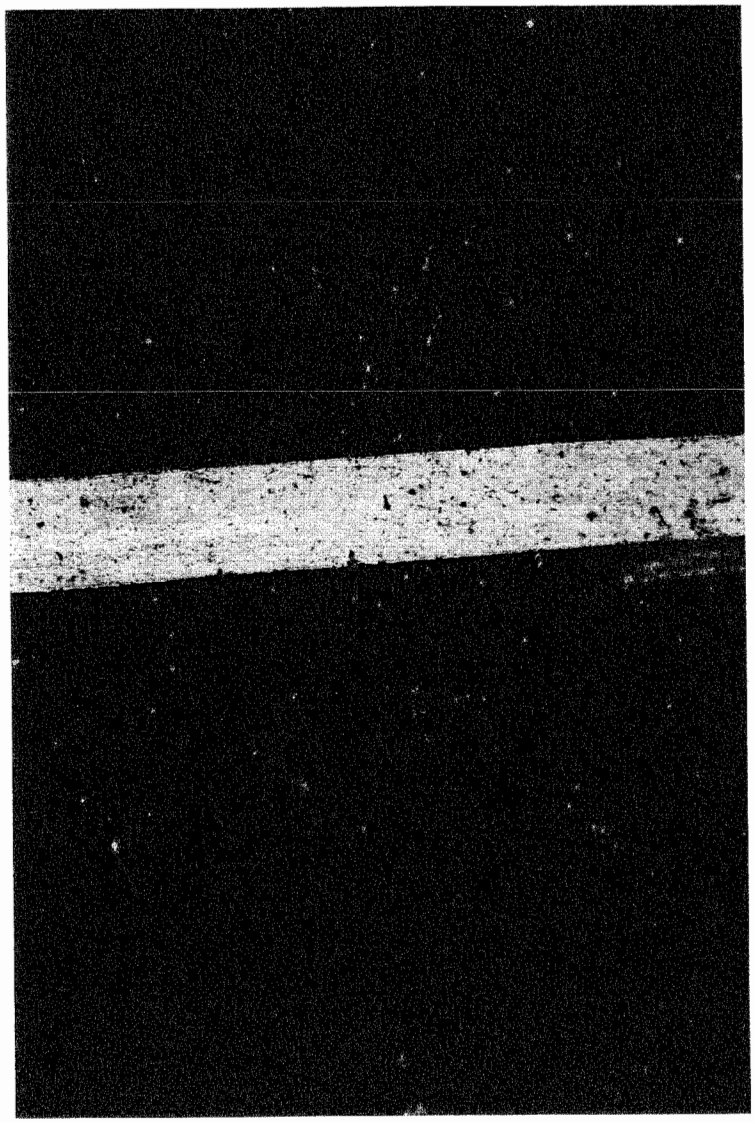


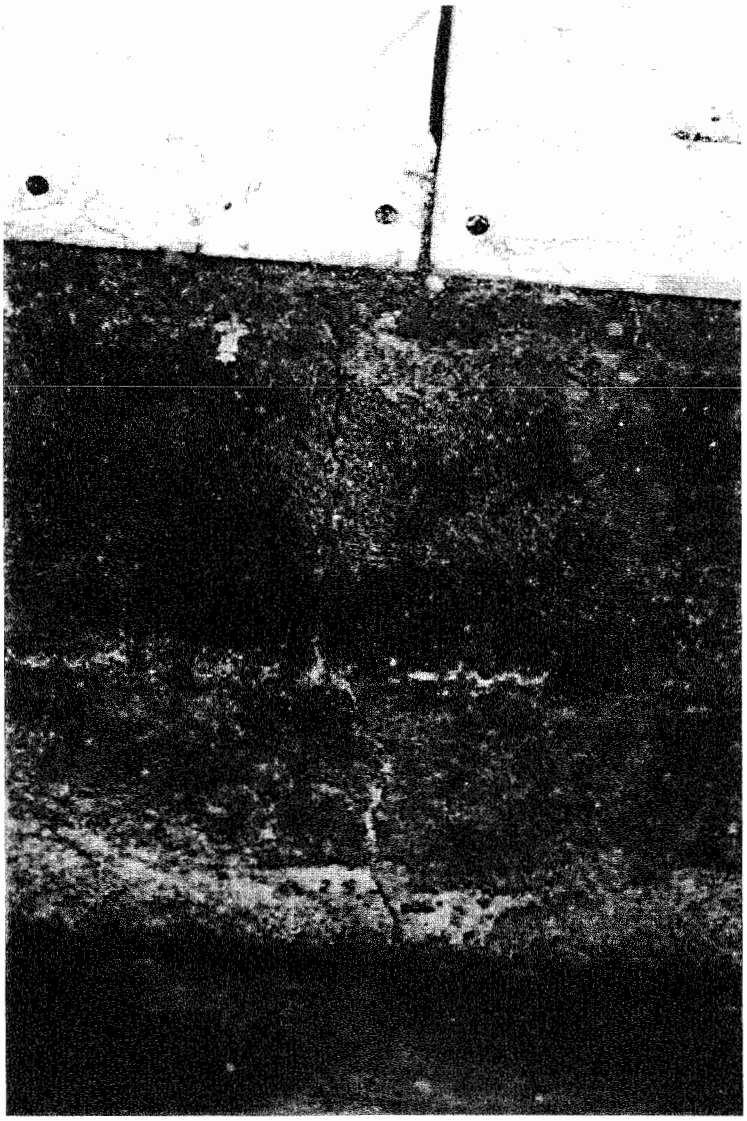


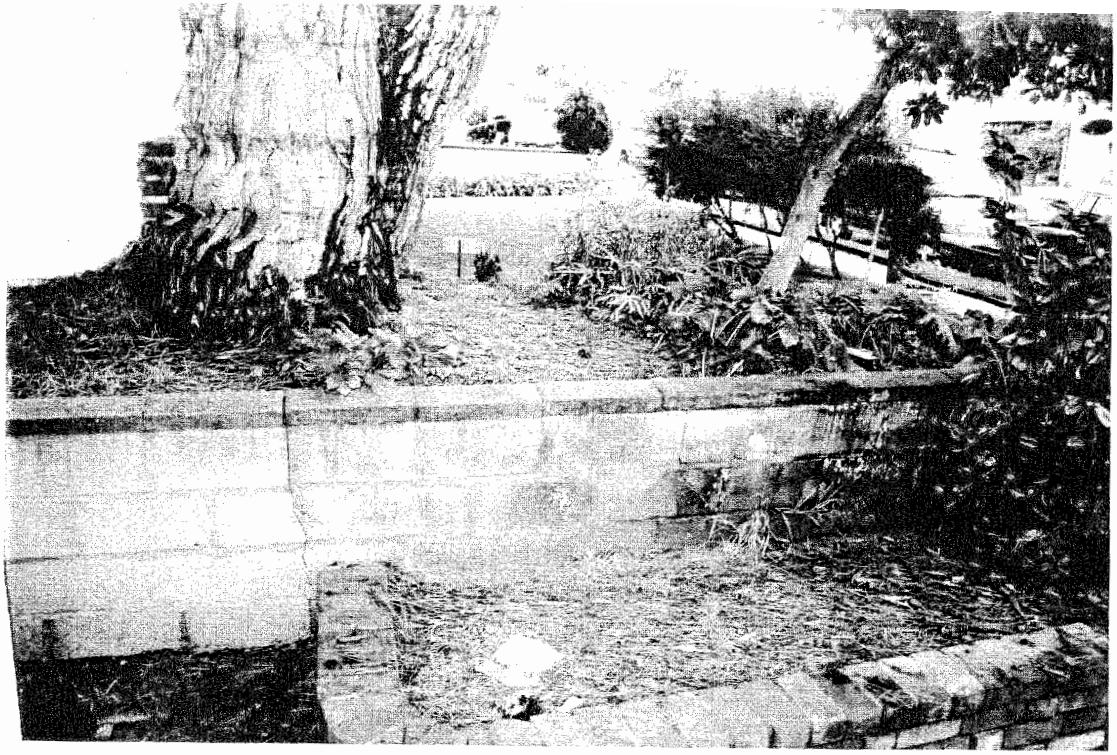
Cracks of Garage Slab / Foundation



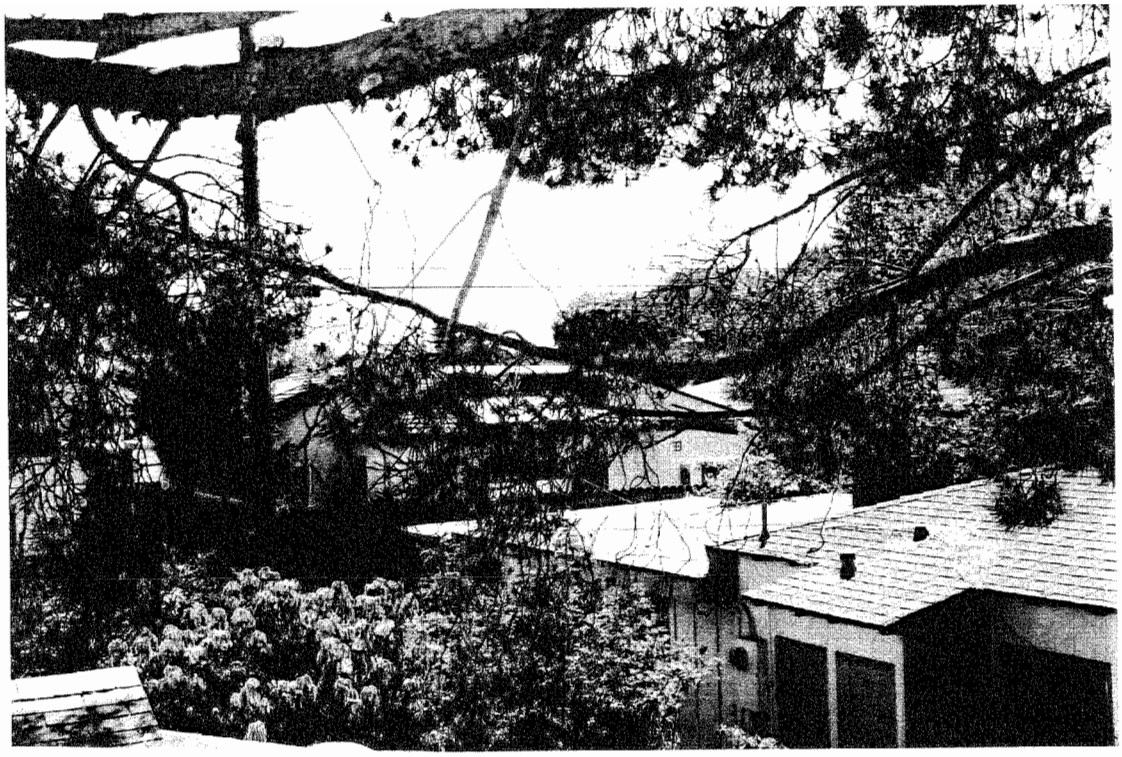




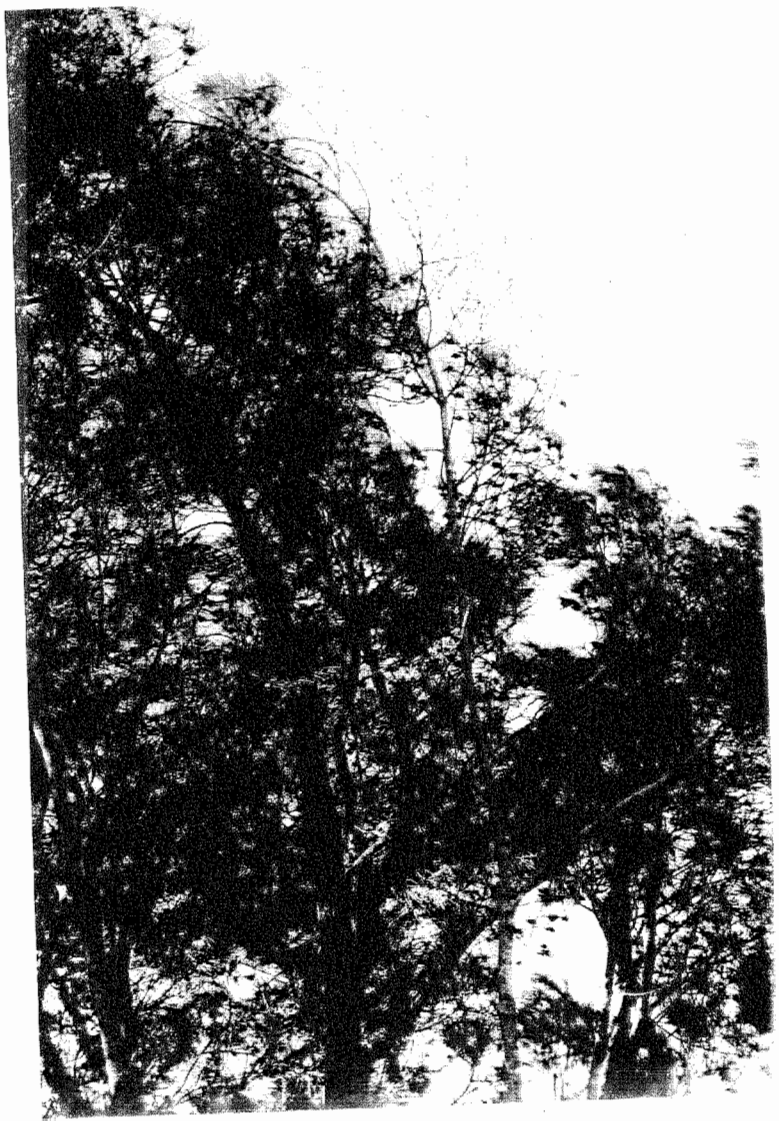


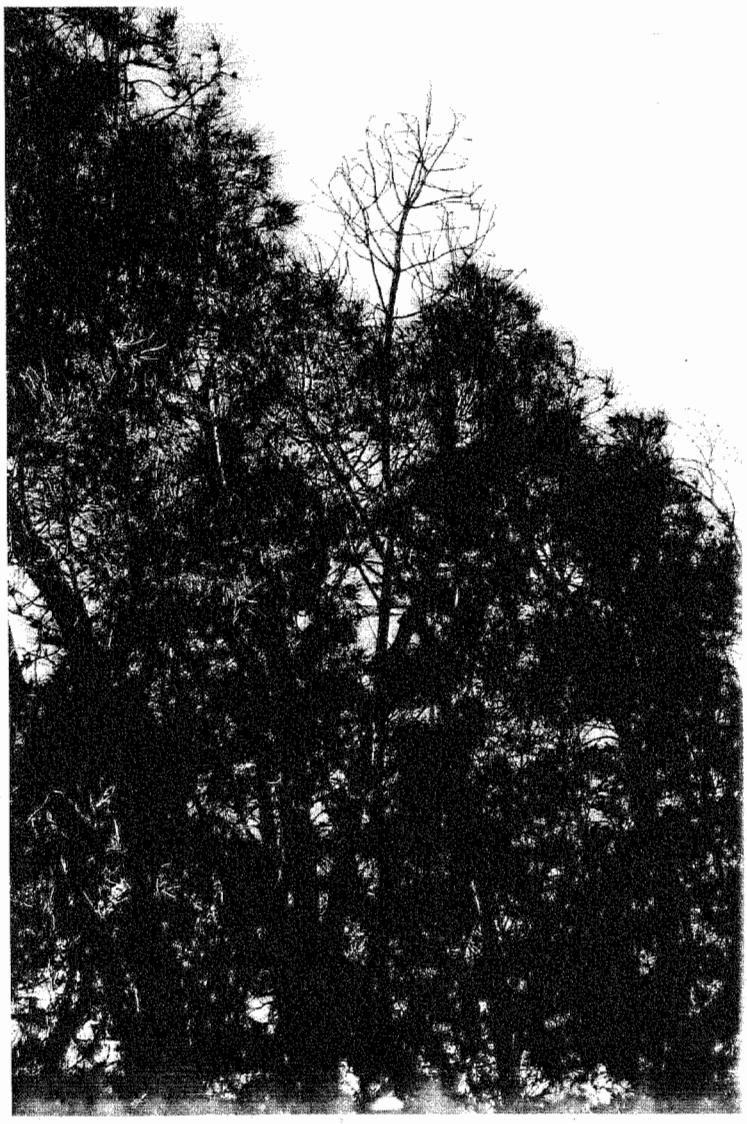


Damage to Retaining Wall



Dead Branches on Tree





SUGGESTED END USER PRICES - JANUARY 2005

Biobarrier® Root Control System Pricing			
Roll Size (in. x ft.)	Part Code	Approx Wt. (lbs.)	**SUGGESTED $ per Roll**
12" X 20'	4407-010	4	**$53**
12" X 100'	4407-008	14	**$231**
19.5" X 20'	4407-177	6	**$78**
19.5" X 100'	4407-006	21	**$344**
29" X 20'	4407-168	9	**$107**
29" X 100'	4407-169	30	**$473**
39" X 20'	4407-158	12	**$131**
39" X 100'	4407-004	40	**$592**
58.5" X 20'	4407-138	17	**$177**
58.5" X 100'	4407-011	59	**$819**

Biobarrier® II Preemergence Weed Control Pricing			
Roll Size (in. x ft.)	Part Code	Approx. Wt. (lbs.)	**SUGGESTED $ per Roll**
58.5" X 50'	4407D-026	32	**$342**
58.5" X 100'	4407D-027	58	**$668**
29.25" x 300'	4407D-169	76	**$999**

For a Distributor in your area or more information phone Reemay®, Inc. at 1-800-284-2780 or go to our website, www.biobarrier.com

Biobarrier® Root Control System vs. Physical Barriers

	Biobarrier®	Physical Barriers
Root Nurturing	Water, air and nutrients easily pass through the fabric, allowing healthy root and tree growth.	Natural movement of water, air and nutrients in the soil is blocked, reducing chances for healthy development.
Materials	Thirty-five years of extensive use shows that trifluralin, the active ingredient in Biobarrier, is not systemic and works by preventing root tip cell division. Acute oral toxicity is less than table salt or aspirin.	Most are made from extruded polyethylene, polypropylene or polystyrene. If a tree root can move a concrete retaining wall or building foundation, it most likely can move a sheet of rigid plastic.
Root Redirection	Roots reaching the protective zone created by the trifluralin cease growing only in that area; diverted healthy root growth continues. Flexibility of fabric renders it unlikely to be pushed out.	Roots typically directed downward where water, air and nutrients may not be sufficient for healthy growth. Roots can push physical barriers above ground, creating tripping and liability hazards.
Product Life	When installed correctly, Biobarrier is guaranteed effective for a minimum of 15 years.	Physical barriers can heave and crack with ground movement and change in temperature. Product performance not usually guaranteed.
Installation	Easy to install; simply cut and shape flexible fabric to fit any configuration.	Difficult to install since cutting and shaping are prohibited. Products are often pre-formed, reducing soil volume available for tree root development.

Biobarrier®

Case Histories

Biobarrier® Saves Sidewalk Repair Costs
City of Bristol, Virginia

If patience is a virtue, then Danny Hunt, assistant city engineer for the City of Bristol, Virginia, is one of the most virtuous men alive. For 22 years, Hunt made recommendations that something be done about the tree roots growing into the curbs, gutters and sidewalks of a residential area of the city.

The problem

"The problem was that we had 60 to 70-year-old elms, oaks and maples growing in a 3-foot-wide space," says Hunt. "These trees had 4- to 5-foot trunks, so the trees had really become a problem. Tree roots were extending far into the sidewalks, a big liability especially in a neighborhood with older residents. The tree roots had also grown through the curbs and gutters. In fact, in some areas, the pavement had worn away long ago but the tree roots were still there.

"We had been going in, pruning the roots and making repairs. But, this was very expensive. Sidewalks cost roughly $5 per square foot to repair, and curbs and gutters cost $15 to $20 per linear foot. Add to that the cost of manpower to prune the roots and haul the debris away. Plus, we weren't really solving anything because we'd have to repeat this process every few years and the trees were looking pretty bad.

The solution

"We decided that the only way to truly solve this problem was to start over and do it right. I called in Lloyd Hipkins from VPI in Blacksburg and Kyle Richardson, chief horticulturist from Radford University, for advice on tree recommendations. Together, we decided to remove all the old trees, replant with smaller, less invasive trees and use Biobarrier®.

"Biobarrier was easy to install and I feel confident that we did the right thing. We completed the renovation project five years ago, and the new trees are healthy and vigorous. "When you compare the cost of Biobarrier against the savings in sidewalk, curb and gutter repairs, Biobarrier is far and away the smart choice .

"Plus, once we explained to the neighborhood what we were trying to achieve - safer sidewalks and a more attractive neighborhood - we've had nothing but compliments. The performance we expected is what we've gotten. I'm very pleased.

Biobarrier® II

Biobarrier® II Keeps Trees Weed Free
Forestry Division, Sarasota County, Florida

Maintenance costs are an on-going problem for professional landscapers, and Norm Easey, manager of the forestry division for Sarasota County government, is no exception. With about 50,000 residents in the city of Sarasota and with 250,000 in the outlying communities, forestry division workers landscape a lot of public land, planting some 3,000 street trees each year. With this investment of time and money spent on trees, Easey definitely wants to ensure trees don't get damaged by workers running into a tree with a mower while trying to cut weeds and grass.

"We're always looking for ways to minimize maintenance," Easey says. "it's the key element in all our landscaping designs, and we look at a lot of things. We look at species selection, and we look at spacing so we're not creating maintenance problems for the people who are in the field."

The problem

In 1988, it was time to do major replanting along the Beneva Road, a nine-mile major north-south corridor through the county. Easey wanted to plant 1,000 65-gallon containerized live oak trees and 30-gallon muskogee crepe myrtles along the road because they do well in his area. But he also wanted to reduce his maintenance headaches even further, and one solution to the maintenance problem that he really wanted was to prevent grass and weeds from growing around the base of the new trees. This would let him reduce weeding and the possibility of mower damage to the tree.

The solution

Biobarrier® II was in the development stages in 1989, and Sarasota County was one of its first test sites. Biobarrier II was compared with several other methods of preventing weed growth in this test. The initial planting was approximately 400 trees in the Spring of 1989, with the remaining plantings taking place over the next year. Although Biobarrier II was one of several products used to prevent weed growth around the new plantings, Easey had looked into the technology behind Biobarrier II and was eager to try it. The final outcome of the test site proved the technology.

"Biobarrier II is long term, and it definitely retarded weed growth without exception," Easey says. "The trees are absolutely gorgeous; they're all doing very well."

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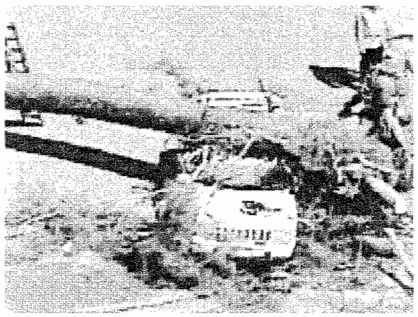
TheKSBWChannel.com

Man Killed When Tree Falls On SUV

Jeep Grand Cherokee Crushed By Falling Tree

POSTED: 1:23 pm PST March 30, 2005
UPDATED: 1:52 pm PST March 30, 2005

LOS ANGELES -- A 70-year-old motorist was crushed to death Wednesday when a large pine tree fell on top of the man's Jeep Grand Cherokee at Reseda Boulevard and Mecca Avenue in Tarzana.



Los Angeles City Fire Department officials said the tree fell as the man drove south on Redesa Boulevard. What caused the tree to fall is unknown, but wind and sodden ground from three feet of rain this season could be a factor.

Witness Mel Harrison said he heard a crack and saw the tree coming down.

Witness Diana Barker said the gentleman was just going down the street and the tree hit. In her words, "He didn't have a chance."

www.latimes.com/classified/realestate/news/la-re-trees30jan30,0,1931881.story?coll=la-class-realestate-news

voids a crushing blow: Catch the weak trees before they all

ome pines and those with lopsided roots and in soggy soil might be ndidates for disaster.

Robert Smaus
cial to The Times

uary 30, 2005

news footage and photos are always dramatic — a fallen tree, roots in the air, sprawled across the crushed roof of a or house. They seem to topple after a soaking rain that has gone on for days, or a big blow.

why do trees suddenly fall, and how can homeowners make sure that one won't land on their house or car?

the hundreds of thousands of trees growing in Southern California, only a minuscule amount topple, but they're very ceable," said West Hills consulting arborist Robert Hansen. For one thing, many of the trees that fell during the ent heavy rains were growing in city parkways, easily reached by news crews.

en on TV you can see why these fall," Hansen said. "The roots grow on only one side of the tree because of the ." Because the biggest roots are usually on the house side of the tree, it tips like it was hinged, right into the building.

ood arborist can spot most problems that eventually bring trees down. "Not all, but most," he said. "Most that fall in a m or wind were already candidates for failure."

during the series of storms this month, some trees fell for no discernible reason, said Jan Scow, a consulting arborist herman Oaks who has spent the last few weeks looking at many. On one seemingly cursed residential block in Studio , several species in different kinds of soil fell within sight of one another.

ow do you know whether big trees on your property might be at risk? Arborists assess risk by the type of tree, the 's size and the damage it might cause. Evergreen trees, pines in particular, are more likely to come down because r canopy is always present and it's thick and heavy — "a windsail effect," Scow said.

ed Hansen: "I'll bet half the trees that fell in the last storm were Aleppo pines. You won't ever find Bob Hansen ping under one," he said, only half-kidding. "They shouldn't be planted within striking distance of a home."

ther pine that frequently falls is the majestic Italian stone pine. "They can have a spread of 80 feet with roots that fan for only 10." One beefy specimen was lying on a sidewalk in West Los Angeles after the last series of storms, the t of several on that street to topple in storms.

ciduous trees such as crape myrtle and Modesto ash can be more stable because they lose their leaves before winds l winter storms arrive, but not always. Samuel Knapp, author of the 10-page pamphlet "A Guide for Safe, Healthy and autiful Trees" and a consulting arborist in Riverside, said, "Sycamores are very stable, but jacarandas are less so cause they're not as adapted to our climate."

Certified Urban Forester #831034
Certified Arborist #WE - 0407A
Pest Control Advisor #02483

MEMBER
American Society of Consulting Arborists
International Society of Arboriculture
California Urban Forests Council
California Arborists Association
Society of Municipal Arborists

WALTER WARRINER
CONSULTING ARBORIST
412 Camino de las Colinas
Redondo Beach, CA 90277

PH# 310-378-1764
FX# 310-378-1016
WWCA621@aol.com

December 20, 2004

Miriam Rainville
1926 Pacific Coast Highway
Redondo Beach, CA 90277

Ref: Rizika Residence @ 844 18th Street, Manhattan Beach, CA

Ms. Rainville,

On Monday, December 13th 2004 I inspected the Liquidambar (*Liquidambar styraciflua*) located in the front yard of the subject address. This tree has had virtually all of its surface roots removed as part of the grading process for the driveway and front yard. Given that most of an urban trees roots are typically found in the upper 18 – 24 inches of soil, this treatment has rendered the tree unstable as it now has no means of supporting itself. In addition to the root removal, the tree has been topped and appeared to me to be leaning slightly towards the location of the proposed driveway. Since the Liquidambar species is highly prone to decay and I do not recommend retaining the tree or trying to mitigate the damage that has been done to the tree. Finally, should the Manhattan Beach area experience any adverse weather conditions, the likelihood of the tree falling over is high, and therefore the subject tree should be removed as soon as possible.

I discussed the condition of the subject tree with Laurie Jester of the Manhattan Beach Planning Department. Although she feels that the condition of the tree does not pose a problem, one can see the precarious position that the tree is in with its current condition. I strongly advise that the City of Manhattan Beach allow the property owner to remove and replace this tree regardless of how Mrs. Jester interprets the City Code. She also indicated that the grading was not approved as a part of this project and I am inclined to agree with her comment. I find it unconscionable to grade around any tree in this manner and negligent of an architect to design a driveway that close to this species of tree.

At this time I strongly recommend that the tree be removed as soon as possible to avoid any potential disaster which will occur should the tree fall over, and replaced with a suitable species for this site.

Respectfully submitted,

W. Warriner.

Walter Warriner
Certified Arborist #WE-0407A
Certified Urban Forester #831034

DETAIL OF CURRENT ACTIVITY

VOICE USAGE FOR (714)381-4260

Item	Date	Time	Number Called	Calls To	Qnty Used	Rate	Charge Description	Charge
1	08/03	10:55A	(714)381-4260	ANAHEIM CA	2MIN		MOBILE TO MOBILE	
					1EVT		MESSAGE RETRIEVAL	
2	08/03	11:10A		INCOMING	4MIN		200 ADD'L ANYTME MIN	
3	08/03	11:50A		INCOMING	13MIN		MOBILE TO MOBILE	
4	08/03	02:27P		INCOMING	3MIN		200 ADD'L ANYTME MIN	
5	08/03	03:39P		INCOMING	12MIN		200 ADD'L ANYTME MIN	
6	08/03	05:08P		INCOMING	1MIN		200 ADD'L ANYTME MIN	
7	08/04	11:07A		INCOMING	6MIN		200 ADD'L ANYTME MIN	
8	08/04	11:13A	(720)873-5464	ENGLEWOOD CO	10MIN		200 ADD'L ANYTME MIN	
9	08/04	03:27P		INCOMING	3MIN		200 ADD'L ANYTME MIN	
10	08/05	09:06A	(720)873-5464	ENGLEWOOD CO	1MIN		200 ADD'L ANYTME MIN	
11	08/05	09:30A	(714)381-4260	ANAHEIM CA	3MIN		MOBILE TO MOBILE	
					1EVT		MESSAGE RETRIEVAL	
12	08/05	11:05A		INCOMING	5MIN		200 ADD'L ANYTME MIN	
13	08/06	12:31P	(714)381-4260	ANAHEIM CA	2MIN		MOBILE TO MOBILE	
					1EVT		MESSAGE RETRIEVAL	
14	08/09	10:26A	(949)275-3719	IRVINE CA	2MIN		200 ADD'L ANYTME MIN	
15	08/09	12:40P	(714)381-4260	ANAHEIM CA	1MIN		MOBILE TO MOBILE	
					1EVT		MESSAGE RETRIEVAL	
16	08/09	04:07P	(562)809-3886	NORWALK CA	1MIN		200 ADD'L ANYTME MIN	
17	08/09	05:34P	(562)598-6125	ALAMITOS CA	1MIN		200 ADD'L ANYTME MIN	
18	08/10	09:09A	(626)625-2229	ALHAMBRA CA	2MIN		200 ADD'L ANYTME MIN	
19	08/10	11:24A		INCOMING	4MIN		200 ADD'L ANYTME MIN	
20	08/10	04:12P		INCOMING	4MIN		200 ADD'L ANYTME MIN	
21	08/11	09:40A	(514)521-0021	MONTREAL PQ	1MIN		200 ADD'L ANYTME MIN	
					1MIN	0.20	LONG DISTANCE	0.20
22	08/11	09:41A	(514)521-0010	MONTREAL PQ	2MIN		200 ADD'L ANYTME MIN	
					2MIN	0.20	LONG DISTANCE	0.40
23	08/11	10:19A	(602)279-2171	NO PHOENIX AZ	5MIN		200 ADD'L ANYTME MIN	
24	08/12	09:11A		INCOMING	1MIN		200 ADD'L ANYTME MIN	
25	08/13	08:19A	(714)821-8437	CYPRESS CA	3MIN		200 ADD'L ANYTME MIN	
26	08/13	09:17A		INCOMING	1MIN		200 ADD'L ANYTME MIN	
27	08/13	10:03A	(310)487-3309	SAN MONICA CA	14MIN		200 ADD'L ANYTME MIN	
28	08/13	11:25A	(714)995-2723	CYPRESS CA	1MIN		200 ADD'L ANYTME MIN	
29	08/13	11:50A	(310)487-3309	SAN MONICA CA	1MIN		200 ADD'L ANYTME MIN	
30	08/13	02:23P	(714)336-2070	ANAHEIM CA	1MIN		200 ADD'L ANYTME MIN	
31	08/13	02:23P	(714)336-2070	ANAHEIM CA	1MIN		200 ADD'L ANYTME MIN	
32	08/13	04:31P	(714)336-2070	ANAHEIM CA	2MIN		200 ADD'L ANYTME MIN	
33	08/13	05:04P		INCOMING	14MIN		200 ADD'L ANYTME MIN	
34	08/13	05:19P		INCOMING	1MIN		200 ADD'L ANYTME MIN	
35	08/15	12:20P	(858)455-7961	LA JOLLA CA	2MIN		UNLIMITED N/WKND MIN	
36	08/15	01:53P		INCOMING	1MIN		UNLIMITED N/WKND MIN	
37	08/15	08:38P	(714)821-8443	CYPRESS CA	1MIN		UNLIMITED N/WKND MIN	
38	08/15	08:39P	(714)821-8437	CYPRESS CA	2MIN		UNLIMITED N/WKND MIN	
39	08/16	08:10A	(626)625-2229	ALHAMBRA CA	2MIN		200 ADD'L ANYTME MIN	
40	08/16	11:09A		INCOMING	1MIN		200 ADD'L ANYTME MIN	
41	08/16	11:33A	(714)381-4260	ANAHEIM CA	2MIN		MOBILE TO MOBILE	
					1EVT		MESSAGE RETRIEVAL	
42	08/16	11:38A	(562)493-4899	ALAMITOS CA	2MIN		200 ADD'L ANYTME MIN	
43	08/16	11:51A	(626)625-2229	ALHAMBRA CA	5MIN		200 ADD'L ANYTME MIN	
44	08/16	11:58A	(626)625-2229	ALHAMBRA CA	3MIN		200 ADD'L ANYTME MIN	
45	08/16	12:33P		INCOMING	1MIN		200 ADD'L ANYTME MIN	
46	08/16	12:35P	(714)420-2424	ANAHEIM CA	2MIN		200 ADD'L ANYTME MIN	
47	08/16	12:37P	(626)625-2229	ALHAMBRA CA	5MIN		200 ADD'L ANYTME MIN	
48	08/16	12:48P	(310)378-5330	REDONDO CA	2MIN		200 ADD'L ANYTME MIN	
49	08/16	12:57P	(626)912-3289	LA PUENTE CA	7MIN		200 ADD'L ANYTME MIN	
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53	08/16	03:15P	(626)625-2229	ALHAMBRA CA	2MIN		200 ADD'L ANYTME MIN	
54	08/16	03:53P	(626)625-2229	ALHAMBRA CA	1MIN		200 ADD'L ANYTME MIN	
55	08/16	05:11P	(562)598-6125	ALAMITOS CA	1MIN		200 ADD'L ANYTME MIN	
56	08/16	06:03P	(714)381-4260	ANAHEIM CA	1MIN		MOBILE TO MOBILE	
					1EVT		MESSAGE RETRIEVAL	
57	08/18	09:06A	(626)625-2229	ALHAMBRA CA	1MIN		200 ADD'L ANYTME MIN	
58	08/18	11:39A	(626)625-2229	ALHAMBRA CA	1MIN		200 ADD'L ANYTME MIN	

DETAIL OF CURRENT ACTIVITY - CONTINUED

VOICE USAGE FOR (714)381-4260 - Continued

Item	Date	Time	Number Called	Calls To	Qnty Used	Rate	Charge Description	Cha
59	08/18	11:45A		INCOMING	15MIN		200 ADD'L ANYTME MIN	
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61	08/18	02:06P	(909)799-5317	REDLANDS CA	4MIN		200 ADD'L ANYTME MIN	
62	08/18	05:09P		INCOMING	1MIN		200 ADD'L ANYTME MIN	
63	08/18	08:10P		INCOMING	5MIN		MOBILE TO MOBILE	
64	08/19	10:26A	(626)625-2229	ALHAMBRA CA	1MIN		200 ADD'L ANYTME MIN	
65	08/19	10:35A		INCOMING	1MIN		200 ADD'L ANYTME MIN	
66	08/19	10:57A		INCOMING	1MIN		200 ADD'L ANYTME MIN	
67	08/19	10:58A	(310)217-1909	GARDENA CA	1MIN		200 ADD'L ANYTME MIN	
68	08/19	12:01P	(626)618-2288	EL MONTE CA	1MIN		200 ADD'L ANYTME MIN	
69	08/19	12:07P	(714)821-6701	CYPRESS CA	1MIN		200 ADD'L ANYTME MIN	
70	08/19	04:03P		INCOMING	1MIN		200 ADD'L ANYTME MIN	
71	08/20	09:53A	(310)768-3828	GARDENA CA	2MIN		200 ADD'L ANYTME MIN	
72	08/20	09:58A	(310)628-9101	SAN MONICA CA	2MIN		200 ADD'L ANYTME MIN	
73	08/20	10:00A	(310)802-5517	REDONDO CA	1MIN		200 ADD'L ANYTME MIN	
74	08/20	10:01A	(310)802-5517	REDONDO CA	10MIN		INCLUDED MINUTES	
75	08/20	10:10A	(714)632-3191	ANAHEIM CA	1MIN		INCLUDED MINUTES	
76	08/20	10:11A	(714)381-4260	ANAHEIM CA	2MIN		MOBILE TO MOBILE	
					1EVT		MESSAGE RETRIEVAL	
77	08/20	10:12A	(800)989-6657	Toll Free CL	2MIN		INCLUDED MINUTES	
78	08/20	10:17A	(562)493-4899	ALAMITOS CA	3MIN		INCLUDED MINUTES	
79	08/20	11:20A	(626)625-2229	ALHAMBRA CA	1MIN		INCLUDED MINUTES	
80	08/20	11:21A		INCOMING	2MIN		INCLUDED MINUTES	
					1EVT		CALL WAITING	
81	08/20	01:09P	(310)768-3828	GARDENA CA	3MIN		INCLUDED MINUTES	
82	08/20	01:12P	(714)381-4260	ANAHEIM CA	1MIN		MOBILE TO MOBILE	
					1EVT		MESSAGE RETRIEVAL	
83	08/20	01:15P	(562)461-6712	NORWALK CA	2MIN		INCLUDED MINUTES	
84	08/20	01:46P	(310)546-6425	REDONDO CA	1MIN		INCLUDED MINUTES	
85	08/20	01:49P	(310)546-6037	REDONDO CA	2MIN		INCLUDED MINUTES	
86	08/20	01:52P	(310)546-2832	REDONDO CA	4MIN		INCLUDED MINUTES	
87	08/20	01:56P	(310)768-3828	GARDENA CA	3MIN		INCLUDED MINUTES	
88	08/20	01:59P	(310)546-2832	REDONDO CA	2MIN		INCLUDED MINUTES	
89	08/20	05:01P	(714)381-4260	ANAHEIM CA	1MIN		MOBILE TO MOBILE	
					1EVT		MESSAGE RETRIEVAL	
90	08/21	09:40A		INCOMING	10MIN		UNLIMITED N/WKND MIN	
91	08/21	10:58A	(714)381-4260	ANAHEIM CA	1MIN		UNLIMITED N/WKND MIN	
					1EVT		MESSAGE RETRIEVAL	
92	08/23	10:05A	(310)936-5400	CULVERCITY CA	2MIN		INCLUDED MINUTES	
93	08/23	10:35A	(626)405-3188	PASADENA CA	2MIN		INCLUDED MINUTES	
94	08/23	10:47A	(626)405-3188	PASADENA CA	1MIN		INCLUDED MINUTES	
95	08/23	10:48A		INCOMING	5MIN		INCLUDED MINUTES	
					1EVT		CALL WAITING	
96	08/23	11:17A		INCOMING	1MIN		INCLUDED MINUTES	
97	08/23	11:25A	(310)785-6135	BEVERLYHLS CA	2MIN		INCLUDED MINUTES	
98	08/23	11:27A	(949)200-0499	NEWPTBEACH CA	13MIN		INCLUDED MINUTES	
99	08/23	11:59A	(562)809-3886	NORWALK CA	1MIN		INCLUDED MINUTES	
100	08/23	12:09P	(562)940-4853	DOWNEY CA	2MIN		INCLUDED MINUTES	
101	08/23	12:11P	(909)353-4189	ARLINGTON CA	2MIN		INCLUDED MINUTES	
102	08/23	12:22P	(562)803-2719	DOWNEY CA	1MIN		INCLUDED MINUTES	
103	08/23	01:52P		INCOMING	7MIN		INCLUDED MINUTES	
104	08/23	04:56P	(562)598-6125	ALAMITOS CA	1MIN		INCLUDED MINUTES	
105	08/23	05:55P	(619)301-0309	SAN DIEGO CA	5MIN		INCLUDED MINUTES	
106	08/24	09:09A	(310)785-6135	BEVERLYHLS CA	7MIN		INCLUDED MINUTES	
107	08/24	02:03P		INCOMING	2MIN		INCLUDED MINUTES	
108	08/24	04:48P	(626)405-3188	PASADENA CA	1MIN		INCLUDED MINUTES	
109	08/25	03:35P		INCOMING	1MIN		INCLUDED MINUTES	
110	08/25	05:25P		INCOMING	2MIN		INCLUDED MINUTES	
111	08/25	05:29P	(626)912-3289	LA PUENTE CA	4MIN		INCLUDED MINUTES	
112	08/25	05:49P	(626)579-4510	EL MONTE CA	3MIN		INCLUDED MINUTES	
113	08/26	12:17P		INCOMING	15MIN		INCLUDED MINUTES	
114	08/26	05:37P	(562)682-2304	LONG BEACH CA	5MIN		INCLUDED MINUTES	
115	08/27	12:16P		INCOMING	7MIN		INCLUDED MINUTES	
116	08/27	01:21P		INCOMING	9MIN		INCLUDED MINUTES	
117	08/27	05:11P		INCOMING	2MIN		INCLUDED MINUTES	
118	08/27	05:43P		INCOMING	2MIN		INCLUDED MINUTES	

TRAVERS TREE SERVICE

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310/545-5816 310/530-3920 (FAX 310/534-3020)

TREE EVAULATION
TRUNK FORMULA METHOD FORM*
April 6, 2005

Tree Type: Italian Stone Pine
Address: Beaumont
1600 Chestnut Avenue
Manhattan Beach, CA

Particulars: Caliper size = 32 inches, double trunk; approximately 60 foot crown, 35 to 40 feet tall, good health – well maintained

1.	Replacement Cost: largest transplantable tree	$ 3,000.00
2.	Basic Price of replacement tree:	
	a. Wholesale, retail or installed cost	$ 1,500.00
	b. Replacement tree trunk area (TA R) = (7 inch diameter tree) = 38.47	
	c. Divide cost by TA R (2a / 2b)	$ 38.99
3.	Determine difference in trunk areas:	
	a. TA = 0.785DD (803.84)	804
	b. Replacement tree TA R (2b)	38
	c. Subtract (3a – 2b)	766
4.	Multiply basic price by area differences (2c X 3c)	$29,866.34
5.	Adjust step 4 by species rating (rating 1 = 90%)	$26,879.70
6.	Basic value = (1 + 5)	$29,879.70
7.	Adjust line 6 by condition (rating 2 = 70%)	$20,915.79
8.	Adjust for location: Location = site/contribution/placement (rating 3 = 50%)	$10,457.89
9.	Appraised value equals	$10,500.00

* Workbook – Guide for Plant Appraisal, 8th Edition. Copyright 1993, International Society of Arboriculture

Chronology of Events
Tree Permit 1600 Chestnut Avenue

June 6, 2004- Appellant, Mr. Stephen Zukotynski, submitted plans to the Community Development Department for a new 3,720 square foot home at 1604 Chestnut Avenue, to replace an existing home built in 1947. The survey included with the plans, dated December 2003, very faintly showed the outline of the Italian Stone Pine tree and the trunk located on the adjacent property, 1600 Chestnut Avenue, owned by Ms. Marilyn Beaumont.

November 15, 2004 Plans approved by Building Safety. No approval from Planning was received.

Late January/early February of 2005- The appellant brought to Planning's attention that there is a potential conflict with the proposed residence and the neighboring tree. It was indicated to Staff that many large roots would need to be cut and/or removed as well as trimming much of the tree's canopy would be required to accommodate the proposed residence and driveway access to the garage. Staff indicated to the appellant that the tree was protected, the City would take a look at the tree and that in the mean time he should discuss pruning the tree under the guidance of a certified arborist with his neighbor.

Late January/early February of 2005- Staff inspected the tree, and it appeared very large and healthy.

Early February 2005- The appellant came back to the City indicating that he had discussed the issue with his neighbor, and that he had received permission to remove the tree. Staff again indicated that the tree was protected, and that a permit would need to be applied for before removal could be considered.

Mid-February 2005-Staff receiving a letter from Travers Tree Service dated February 16, 2005 indicating that the stability of the tree would be compromised with construction of the new home and removal of large roots, and therefore the tree should be removed.

Mid-February 2005-Planning Staff inspected the site again with the Public Works Department and determined that it would be appropriate to have the City's consulting Arborists (West Coast Arborist) provide a full evaluation of the tree. This information was relayed to the appellant.

February 25, 2005- The City Arborist inspected the tree and subsequently provided a detailed report.

February 25, 2005- The City received a tree permit application from Ms. Beaumont to request approval to remove her tree.

February 25-March 9, 2005-During review of the tree permit application Staff had numerous discussions with all parties involved. Ms. Beaumont indicated that the purpose of her application was only to help facilitate the construction of her neighbor's new home, and that the tree was truly endeared by her and her family, and that she had a very strong desire to retain her tree if there were other available options. Discussions with the architect indicated that he, the engineer, and the appellant were aware early on of the potential issues with the tree when the survey for the project was prepared in December 2003.

March 1, 2005 -Written analysis received, prepared by Tony Uno, City's consulting arborist from West Coast Arborists.

March 9, 2005- Correspondence to Ms. Beaumont denying tree permit application.

March 16, 2005- The subject appeal was filed by Mr. Zukotynski.

April 5, 2005- Staff mailed a notice of the April 13, 2005 Planning Commission meeting to all neighboring property owners within a 500 foot radius of 1600 Chestnut Avenue. No input from the public was been received regarding the subject appeal.

April 13, 2005- Planning Commission meeting, appeal denied.