



## Legislation Details (With Text)

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**In control:** City Council Regular Meeting

**On agenda:** 7/7/2020 **Final action:** 7/7/2020

**Title:** Consider Introducing Ordinances Amending Manhattan Beach Municipal Code 7.32 - Tree, Shrub and Plan Regulations and 7.36 - Private Use of the Public Right of Way, Approving the City of Manhattan Beach Urban Forest Master Plan and Making a Determination of Exemption Under the California Environmental Quality Act (Public Works Director Katsouleas).

a) INTRODUCE ORDINANCE NOS. 20-0009 AND 20-0010

b) APPROVE URBAN FOREST MASTER PLAN

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No. 20-0009, 2. Chapter 7.32 (Redline Version), 3. Ordinance No. 20-0010, 4. Chapter 7.36 (Redline Version), 5. Urban Forest Master Plan

Date	Ver.	Action By	Action	Result
7/7/2020	1	City Council Regular Meeting	approved	Pass

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Carrie Tai, Director of Community Development  
Stephanie Katsouleas, Public Works Director

**SUBJECT:**  
Consider Introducing Ordinances Amending Manhattan Beach Municipal Code 7.32 - Tree, Shrub and Plan Regulations and 7.36 - Private Use of the Public Right of Way, Approving the City of Manhattan Beach Urban Forest Master Plan and Making a Determination of Exemption Under the California Environmental Quality Act (Public Works Director Katsouleas).

a) **INTRODUCE ORDINANCE NOS. 20-0009 AND 20-0010**

b) **APPROVE URBAN FOREST MASTER PLAN**

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**RECOMMENDATION:**

Staff recommends that City Council introduce Ordinance Nos. 20-0009 and 20-0010 amending Manhattan Beach Municipal Code (MBMC or Code) Sections 7.32 - Tree, Shrub and Plant Regulations and 7.36 - Private Use of the Public Right of Way (ROW), respectively, and approve the final draft of the attached City of Manhattan Beach Urban Forest Master Plan.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with introducing Ordinance Nos. 20-0009 and 20-0010 and approving the Urban Forest Master Plan.

## **BACKGROUND:**

### **MBMC Sections 7.32 and 7.36**

Section 7.32 of the MBMC, which addresses tree, shrub, and plant regulations within the public right of way, was originally adopted on February 19, 1970, and subsequently amended on August 4, 2011. The provisions of Section 7.32 cover enforcement, permitting, maintenance, abuse, public nuisance, planting, and protection of trees. It is important to note however, that it does not address trees on private property; tree-related, private property requirements are addressed in MBMC Section 10.52.120. The proposed amendments to Section 7.32 primarily serve to clarify some of the requirements and conditions, as well as to provide clear regulations regarding tree and root management, assessment, and replacement.

Section 7.36 - Private Use of the Public ROW was originally adopted on February 18, 2003, and was also amended on August 4, 2011. The provisions of Section 7.36 establish the guidelines for how the unimproved ROW (e.g., encroachment areas) can be used by adjacent property owners, inclusive of permitting, encroachment standards, walk street, drive street and El Porto standards, sidewalk dining, and long-term commercial use.

### **Urban Forest Master Plan**

As part of the City's 2013 Strategic Plan, a Citywide street tree inventory was prepared and presented to City Council on February 4, 2014. The inventory documented more than 4,000 trees cared for by the City in the public ROW and on public property, and more than 7,000 ROW trees cared for by property owners in encroachment areas.

At that meeting, staff was directed to prepare a Street Tree Master Plan, now titled the Urban Forest Master Plan (UFMP) that would create a framework for managing trees in the ROW and on City property, inclusive of parks and parkways. The guiding principles of the UFMP were to maintain and improve the urban forest, establish a uniform approach and clear policies and procedures for tree-care and replacement, and communicate a vision for the urban forest based on beauty, benefits, and sustainability. In addition to these guiding principles, the attached UFMP addresses four fundamental questions and suggests urban forest programming actions to be taken over the next 25 years. Those questions are:

1. What do we have (tree inventory)?
2. What do we want?
3. How do we get there?
4. How are we doing?

The draft UFMP was developed through input received at three community meetings, an online survey, stakeholder interviews, analysis of the current City owned tree inventory, and review of current tree related ordinances.

## **DISCUSSION:**

### **MBMC Sections 7.32 and 7.36**

The most significant changes proposed in the attached Ordinances are to Section 7.32.080(C). Tree

Pruning, Root Pruning, Tree Removal and Tree Replacement, which more clearly define tree protection by referencing established industry standards for tree care, construction management, root management, tree appraisal, tree risk assessment, and tree replacement. These changes also streamline the process of identifying hazard trees, high value trees, tree replacement values, while maintaining flexibility in the way of options for staff and residents.

As an example, Ordinance 7.32 references ANSI A300 pruning standards, of which there are ten ANSI A300 standards related to tree care, and includes:

- ANSI A300 (Part 1) Tree Pruning
- ANSI A300 (Part 5) Construction Management
- ANSI A300 (Part 8) Root Management

The proposed language will clarify and ensure that protected trees are properly assessed, monitored, and approved, thereby benefitting individual properties as well as the residential community.

Currently, if a 24-inch trunk diameter tree is removed within the ROW, the required replacement is a 15-gallon tree. However, the proposed Replacement Trunk Formula calls for substantially increasing the replacement tree size to better offset any negative impact to the neighborhood of the tree being removed. The proposed box sizes also take into account an existing tree's diameter and determines its replacement based on a quantifiable replacement measure. Notably, a larger box tree is more mature and older than a smaller box tree, and thus its installation will provide a larger canopy years earlier than a 15-gallon tree would. The proposed tree replacement trunk formula is as follows:

- 1 to 12 inches in diameter removed, replace with 24 or 36-inch box tree
- 12 to 18 inches in diameter removed, replace with 36 or 48-inch box tree
- 18 to 24 inches in diameter removed, replace with 48 or 60-inch box tree
- 24 to 30 inches in diameter removed, replace with 60 or 72-inch box tree
- 30 to 36 inches in diameter removed, replace with 72 or 84-inch box tree

The proposed ordinance calls for replacement trees based on the American Standards for Nursery Stock ANSI Z60 1-2014, which is an accepted industry standard approach for identifying key factors for trunk diameter, height, and spread based on box size.

Chapter 7.36 (Private Use of the Public Right of Way) of the municipal code currently identifies City standards for allowing private use of, development of, and improvements to the public ROW that are functional, attractive, and non-obtrusive to the public, consistent with building safety and public works standards, and compatible with public facilities and surrounding developments.

The proposed modifications to Section 7.36 provide clarifications to and improve consistency with other associated sections of the MBMC. These proposed modifications:

- Ensure that a permit to perform work in the public ROW is required, as also stated in Chapter 7.16 (Street Excavation Regulations) of the MBMC.
- Clarify the requirements of a permittee to restore, at his or her own expense, any previously approved encroachment that is removed to its original condition in accordance with City standards or at the direction of the City Engineer.
- Clarify that steps and stairs that function as the primary access to a building or facility cannot

be located within the public ROW permitted encroachment area. A permit issued for the public right of way can be revoked due to the greater good of public need to use the right of way and therefore the subsequent removal of any such primary access steps and stairs could significantly impact the use of the building/facility.

- Add language setting the minimum vertical height clearance for horizontal projections into the ROW (e.g., awnings).
- Modify the minimum setback from two feet minimum to four feet minimum for areas without sidewalks consistent with current accessibility standards to ensure that physical barriers are not constructed within this portion of the public ROW. A minimum setback of two feet minimum would remain for areas with existing sidewalk or existing required street improvements as currently stated in the Code.
- For landscaping in the public ROW, clarify the requirement of permits as described in Chapter 7.16 (Street Excavation Regulations) and Chapter 7.32 (Tree, Shrub and Plant Regulations) of the Code.
- Clearance of any vertical projections above the public sidewalk must have a minimum height clearance of 84 inches.

### **Urban Forest Master Plan**

The draft UFMP provides an overview of the City's tree canopy, the environmental, aesthetic, and socioeconomic benefits of a healthy urban forest, and the history of urban forestry in Manhattan Beach. The plan also identifies the specific species and number of trees located in the public ROW, inclusive of street medians, parks, encroachment areas, etc. This information is now available electronically and has been incorporated into the City's GIS database. It shows, among other things, that the urban forest represents 14.7% of the area within City boundaries, while grass, bare soil, and water make up another 18.2%. The balance, or 67.1% is comprised of impervious surfaces such as buildings, roadways, and parking lots.

The plan also divides the City into tree maintenance zones, which help staff identify the denser areas of coverage, and correspondingly, where to focus on planting trees to increase the tree canopy in the less dense areas of the City - e.g., priority planting sites.

Overall, the City's tree canopy is valued at more than \$20.6 million. This valuable asset requires ensuring that a proper maintenance program is in place, and that the right policies and regulations have been adopted, and that the community is well-informed about the City's standards for protection and preservation of our urban forest.

### **CONCLUSION:**

Staff recommends that City Council introduce Ordinance No. 20-0009 amending Chapter 7.32 and Ordinance No. 20-0010 amending Chapter 7.36 of the Manhattan Beach Municipal Code. Staff also recommends that City Council approve the final draft City of Manhattan Beach Urban Forest Master Plan.

### **PUBLIC OUTREACH:**

No public outreach has been conducted for the amendments to Section 7.32 - Tree, Shrub and Plant Regulations, Section 7.36 - Private Use of the Public Right of Way. Development of the Urban Forest Master Plan included three public meetings and an online survey, which were promoted through social media, newspapers, email blasts, and the City's website.

**LEGAL REVIEW:**

The City Attorney has reviewed and approved the ordinance modifications.

**ATTACHMENTS:**

1. Ordinance No. 20-0009
2. Chapter 7.32 (Redline Version)
3. Ordinance No. 20-0010
4. Chapter 7.36 (Redline Version)
5. Urban Forest Master Plan