

RESOLUTION NO. R20-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, APPROVING THE PARKLAND COMMITTEE'S DECISION AND DENYING THE APPEAL APPLICATION FOR PC-534-20, AN APPLICATION TO REMOVE ONE STREET TREE LOCATED IN THE PARKWAY ADJACENT TO 1332 VIA GABRIEL.

The City Council of the City of Palos Verdes Estates does find, order and resolve as follows:

Section 1. Recitals

A. Chapter 12.16 of the Palos Verdes Estates Municipal Code governs the City's regulation of "street trees," which includes trees located in City parkways. Pursuant to section 12.16.040(B)(2) of the Code, residents seeking to remove a tree located in the parkway adjacent to another resident's property are required to apply for a permit from the Parklands Committee.

B. City Council Resolution No. R18-13 provides that the Palos Verdes Estates Tree Management Policy guides the Parklands Committee's consideration of tree removal applications. The Policy directs the Committee to "strike a reasonable balance between the preservation of views, the protection and enhancement of mature trees, the protection of privacy, and the protection of public safety for each property owner."

C. On April 25, 2019, Amin Akhavan, going by Alan Haven, a resident of 2400 Via Sobrante, Palos Verdes Estates, California, 90274, submitted an application for a permit to remove one Italian Stone Pine tree ("Stone Pine") located in the parkway adjacent to 1332 Via Gabriel, Palos Verdes Estates, California, 90274. City staff determined that the application made the same request for tree removal that Mr. Haven had made in previous applications, all of which had been finally decided by the City Council. Accordingly, the City asked Mr. Haven to point out new facts that would warrant reconsidering his application, which would otherwise be held in abeyance.

D. On February 19, 2020, Mr. Haven informed the City that the Stone Pine had grown to a height of 48 feet. Based on this information, City staff prepared Mr. Haven's application (designated "PC-534-20") for consideration by the Parklands Committee.

E. On May 14, 2020, during a teleconference meeting of the Parklands Committee furnished by Zoom, the Committee considered PC-534-20. During the meeting, the Committee received and considered the written and oral staff report, documentary evidence submitted by members of the public, and oral testimony from four residents, including the resident at 1332 Via Gabriel. Mr. Haven did not participate in the meeting.

F. After the close of public comments the Committee deliberated on the merits of PC-534-20 according to the relevant provisions of the Tree Management Policy. Thereafter, the Committee voted 4-0 (Groves abstaining) to deny the application for removal with permission to allow for trimming of the Stone Pine by up to 3 or 4 feet, provided that the trimming is consistent with maintaining the health and safety of the tree.

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G. On May 29, 2020, Mr. Haven timely filed an application to appeal the Parklands Committee decision on PC-534-20 (“the Appeal”).

H. On July 14, 2020, pursuant to section 12.16.120 of the Palos Verdes Estates Municipal Code, the City Council held a duly noticed public hearing on the Appeal. At the public hearing, the City Council received and considered the written staff report, including materials in support of the Appeal submitted by Mr. Haven; written and oral testimony from residents impacted by the removal application; and other documentary evidence, including, but not limited to, materials from the Parklands Committee hearing.

Section 2. Based on the entirety of the administrative record relating to PC-534-20, and the oral and written evidence presented at the appeal, the City Council hereby finds and determines as follows:

A. Tree removal applications brought under section 12.16.040(B)(2) of the Palos Verdes Estates Municipal Code are subject to the balance of considerations specified in the Tree Management Policy: preservation of views, the protection and enhancement of mature trees (expressed in terms of neighborhood character), the protection of privacy, and public safety.

B. Views. The scenic view from the main viewing area of the applicant’s residence is a view comprised of many mature trees, and removing the Stone Pine would not create the unobstructed ocean view that the applicant seeks. Respecting preservation of views, it is undisputed that the Stone Pine stood in its current location as a mature tree at the time the applicant purchased his residence; therefore, restoring any subsequent obstruction of views should not require tree removal.

C. Neighborhood Character. While the Stone Pine is not the designated tree for the street on which it is located, the street is not defined by a single tree or uniform groves. Rather, the street is notable for its diverse assortment of mature trees, and the Pine’s mature, majestic quality has contributed to the unique feeling of this particular neighborhood.

D. Privacy. The resident at 1332 Via Gabriel has consistently stated that the Stone Pine functions to screen a substantial section of his home featuring glass-paned doors that would otherwise be visible to neighboring properties. In addition to providing this measure of privacy, the Stone Pine bears a substantial canopy that has furnished other residents with shade, which the Council recognizes as an important amenity in a warming climate.

E. Public Safety. Staff has consistently reported that the Stone Pine is safe and healthy, and no evidence has otherwise been presented to support a finding that the tree poses a public safety concern.

F. On balance, allowing the Stone Pine to be removed would not preserve or substantially improve the applicant’s view, whereas the action would eliminate a significant source of privacy and shade for neighboring residents and unduly detract from the neighborhood’s character.

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G. Allowing the applicant to trim the Stone Pine to reduce its height offers a reasonable compromise of the presented interests, provided that the trimming is subject to the following conditions:

- i. The Stone Pine may be trimmed by no more than 3 or 4 feet, to the height that the tree was trimmed in 2016.
- ii. A certified arborist or the Urban Forester shall provide an opinion stating that the trimming is consistent with maintaining the health and safety of the Stone Pine. No trimming is permitted that would adversely affect the health of the tree

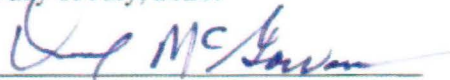
Section 3. Based on the above factual findings and determinations, the City Council hereby denies Mr. Haven's appeal and approves the recommendation of the Parklands Committee to deny PC-534-20, an application for tree removal, and to allow trimming according to the conditions set forth herein. The City's Council's final decision on the appeal was made by a 4-1 vote.

Section 4. The City Council hereby finds that the denial of application PC-534-20, requesting permission for tree removal, and the permission for tree trimming is exempt from the California Environmental Quality Act (CEQA). Pursuant to Public Resources Code § 21080(b)(5), the Act does not apply to projects which a public agency rejects or disapproves, and under section 15061(b)(3) of the CEQA Guidelines (the common sense exemption), it can be seen with certainty that the Council's limited allowance for tree trimming has no potential to cause a significant effect on the environment.

Section 5. ALL PARTIES ARE HEREBY NOTIFIED that the time within which judicial review must be sought is governed by Code of Civil Procedure section 1094.6, which provides that any petition for judicial review of the City Council's final decision must be filed not later than the ninetieth (90th) day following the date on which the decision becomes final.

Section 6. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 14th day of July, 2020.




DAVID MCGOWAN, Mayor

ATTEST:



KYLVERN CHANEY, City Clerk

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)


I, Kylynn Chaney, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R20-24** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 14th day of July, 2020, by the following vote:

AYES: COUNCILMEMBERS: McGowan, Davidson, Lozzi, Kao

NOES: COUNCILMEMBERS: Kemp

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBER: None



Kylynn Chaney, City Clerk

(Faint circular stamp: CITY OF PALOS VERDES ESTATES)