



**CITY OF SOUTH PASADENA
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION**

**A G E N D A
REGULAR MEETING
TUESDAY, AUGUST 22, 2023, AT 7:00 P.M.**

**CITY COUNCIL CHAMBERS
1424 MISSION STREET, SOUTH PASADENA, CA 91030**

South Pasadena Commission Statement of Civility

As your appointed governing board, we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made today will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

The South Pasadena Natural Resources and Environmental Commission Meeting will be conducted in-person from the Council Chambers, Amedee O. "Dick" Richards, Jr., located at 1424 Mission Street, South Pasadena.

The meeting will be available:

- In Person – City Council Chambers, 1424 Mission Street
- Via Zoom – **Webinar ID: 880 7206 2700**

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting via Zoom in one of the three methods below.

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Meeting information; or
2. Click on the following unique Zoom meeting link: <https://us06web.zoom.us/j/88072062700>; or
3. You may listen to the meeting by calling +1-669-900-6833 and entering the Zoom Meeting ID.

CALL TO ORDER: Chair Michael Siegel

ROLL CALL:

Chair	Michael Siegel
Vice Chair	Ella Hushagen
Commissioner	Rona Bortz
Commissioner	Michelle Hammond
Commissioner	Amy Davis Jones
Commissioner	Casey Law
Commissioner	Richard Tom

PLEDGE OF ALLEGIANCE: Chair Michael Siegel

PUBLIC COMMENT GUIDELINES *(Public Comments are limited to 3 minutes)*

The City welcomes public input. Members of the public can comment on a non-agenda subject under the jurisdiction of the City Council or on an agenda item, you may participate **by one of the following options:**

Option 1:

Participate in-person at the City Council Chambers.

Option 2:

Public Comment speakers have three minutes to address the Commission, however, the Chair and Commission can adjust time allotted as needed. Participants will be able to “raise their hand” using the Zoom icon during the meeting, and they will have their microphone un-muted during comment portions of the agenda to speak.

Option 3:

Email public comment(s) to NRECPublicComment@SouthPasadenaCA.gov.

Public Comments received in writing will not be read aloud at the meeting, but will be part of the meeting record. Written public comments will be uploaded online for public viewing under Additional Documents. There is no word limit on emailed Public Comment(s). Please make sure to indicate:

- 1) Name (optional), and
- 2) Agenda item you are submitting public comment on.
- 3) Submit by no later than **12:00 p.m., August 22, 2023**

PLEASE NOTE: The Chair may exercise the Chair's discretion, subject to the approval of the majority of the Commission to adjust public comment(s) to less than three minutes.

NOTE: Pursuant to State law, the Commission may not discuss or take action on issues not on the meeting agenda, except that members of the Commission or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

PUBLIC COMMENT

1. GENERAL (NON-AGENDA ITEMS)

PRESENTATION

2. SENATE BILL 1383 ORGANICS RECYCLING IMPLEMENTATION UPDATE

DISCUSSION

3. CURRENT TREE ORDINANCE REVIEW

ACTION

4. APPROVAL OF MINUTES OF JULY 25, 2023, NREC MEETING

Recommendation

It is recommended that the Commission review and consider approval of the July 25, 2023, Meeting Minutes.

COMMUNICATIONS

5. CITY COUNCIL LIAISON COMMUNICATIONS

6. COMMISSIONER COMMUNICATIONS

7. STAFF LIAISON COMMUNICATIONS

8. UPCOMING EVENTS

- Free Household Hazardous Waste and E-Waste Collection Event – 8/26/23, 900 S. Fremont Ave., Alhambra
- LA County Smart Gardening Webinars - Various dates (<https://www.ladpw.org/epd/sg/webinars.cfm>)
- MWD Turf Removal + CA Native Landscape Webinars - Various dates (<https://greengardensgroup.com/turf-transformation/>)

ADJOURNMENT

FOR YOUR INFORMATION

FUTURE NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION MEETINGS

September 26, 2023	Regular Meeting	7:00 p.m.
October 24, 2023	Regular Meeting	7:00 p.m.
November 28, 2023	Regular Meeting	7:00 p.m.

PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS

Commission meeting agenda packets, any agenda related documents, and additional documents are available online for public inspection on the City’s website:

<https://www.southpasadenaca.gov/government/boards-commissions>

Meeting recordings will be available for public viewing after the meeting. Recordings will be uploaded to the City’s YouTube Channel no later than the next business day after the meeting.


The City’s YouTube Channel may be accessed at:

https://www.youtube.com/channel/UCnR169ohzi1AlewD_6sfwDA/featured

AGENDA NOTIFICATION SUBSCRIPTION

If you wish to receive an agenda email notification please contact the Sustainability Division via email at NRECPublicComment@SouthPasadenaCA.gov or call (626) 403-7370.

ACCOMMODATIONS

 The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230 or CityClerk@southpasadenaca.gov. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

CERTIFICATION OF POSTING

*I declare under penalty of perjury that I posted this notice of agenda for the meeting to be held on **AUGUST 22, 2023**, on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's website as required by law, on the date listed below.*

8/17/2023



Date

Arpy Kasparian, Environmental Services & Sustainability Manager

ITEM 3

Current City Tree Ordinance

SOUTH PASADENA MUNICIPAL CODE

CHAPTER 34 TREES AND SHRUBS*

Sections:

- 34.1 Definitions.
- 34.2 Maintenance of trees on private property.
- 34.3 Maintenance of trees on public property.
- 34.4 Tree protection required in connection with development activity.
- 34.5 Tree trimming permit applications.
- 34.6 Procedure for consideration of tree trimming/removal applications.
- 34.7 Criteria for approving tree trimming permit applications.
- 34.8 Appeals of tree trimming permit decisions.
- 34.9 Tree removal permit applications.
- 34.10 Procedure for consideration of tree trimming/removal applications.
- 34.11 Criteria for approving tree removal permit applications.
- 34.12 Tree removal and replacement plans.
- 34.12-5 Replacement tree requirements.
- 34.13 Appeals of tree removal permit decisions.
- 34.14 Exemptions.
- 34.15 Obstruction.
- 34.16 Violations.
- 34.17 Penalties.

* Prior legislation: Ords. 1991, 2051, 2126, 2188, 2191 and 2237.

* For state law as to "Tree Planting Act of 1931," see Sts. & H C.A., §§ [22000](#) to [22202](#). As to "Park and Playground Act of 1909," see Gov. C.A., §§ [38000](#) to [38213](#).

As to hitching animals to trees, see § [5.12](#) of this Code. As to collection of brush, tree, etc., trimmings and stumps, see § 16.14. As to removal of trees from parks, see § 21.7.

34.1 Definitions.

As used in this chapter:

(a) "Caliper" means the diameter of the trunk of a tree measured at four feet above natural grade. In the case of multi-trunked trees, "caliper" is the sum of each trunk measured at four feet above the grade.

- (b) "Certified arborist" means a professional in tree care industry who has received their arborist certification through the International Society of Arboriculture.
- (c) "City arborist" means a certified arborist designated by the director.
- (d) "Commission" means the natural resources and environmental commission (NREC).
- (e) "Damage" means any action taken which causes injury, disfigurement or death of a tree.
- (f) "Deadwood" means limbs, branches or a portion of a tree void of green leaves during a season of the year when green leaves should be present.
- (g) "Development" shall be defined per the city zoning code, SPMC [36.700.020](#).
- (h) "Director" means public works director.
- (i) "Drip line" means a series of points formed by the vertical dripping of water from the outermost branches and leaves of a tree.
- (j) "Front yard" means that portion of private property as designated in the city zoning code.
- (k) "Heritage tree" means a tree of historical value because it is a South Pasadena historical landmark. A heritage tree may be located on private or public property.
- (l) "Intentional violation" means a violation of this chapter (Trees and Shrubs) that is committed by any person or entity who has actual or presumed knowledge of, or who has previously violated, its provisions. A commercial certified arborist/tree trimmer, a real estate developer, a general contractor, or anyone who has previously filed an application for a tree trimming or tree removal permit in the city shall be presumed to know the provisions of this chapter.
- (m) "ISA" means the International Society of Arboriculture.
- (n) "Mature tree" means any variety of tree that has a caliper of at least four inches or more.
- (o) "Native species tree" means any species of tree native to Southern California as defined by ordinance or resolution adopted by the city council.
- (p) "Oak tree" means species of tree of the genus Quercus.
- (q) "Planning review authority" means the individual or official city body (director of planning and building, design review board, cultural heritage commission, planning commission or city council)

identified by the city zoning code as having responsibility and authority to review and approve or disapprove the development permit applications described in Article 6 of the city zoning code (Zoning Code Administration).

(r) “Protected shrub” means a woody plant that is over 16 feet in height, which has one or more trunk(s) equal to or greater than a four-inch diameter.

(s) “Protected tree” means a heritage tree, mature oak tree, mature native species tree, significant tree, or protected shrub.

(t) “Protection” means the safeguarding of trees through proper treatment.

(u) “Real estate developer” means a person or entity that is engaged in the business of constructing or rehabilitating commercial or residential structures within the city for sale or lease to third parties.

(v) “Removal” means uprooting, cutting or severing of the main trunk of a tree.

(w) “Shrub” means a woody plant that is less than 16 feet in height and may be multi-stemmed.

(x) “Significant tree” means any variety of tree that has a caliper of one foot or more.

(y) “Standard of care” means compliance with ANSI standards for tree care, irrigation, and maintenance, including trimming of foliage for tree or shrub.

(z) “Tree” means a woody perennial usually having one dominant trunk and a mature height greater than 16 feet.

(aa) “Trimming” means cutting into the live wood of a tree or shrub to remove limbs and/or branches.

(bb) “ANSI” means American National Standards Institute. (Ord. No. 2328, § 1 (part), 2019.)

34.2 Maintenance of trees on private property.

Private property owners shall be responsible for the maintenance of trees on their property in accordance with the standard of care described in SPMC [34.1\(y\)](#).

Pruning of oak trees and other trees should be limited to the removal of deadwood and the correction of potentially hazardous conditions as evaluated by a qualified certified arborist and approved by the director through the city’s tree trimming permitting process. All pruning should be done in accordance with ISA pruning standards. (Ord. No. 2328, § 1 (part), 2019.)

34.3 Maintenance of trees on public property.

The public works department shall be responsible for the maintenance of trees on public property including but not limited to public rights-of-way and public parks. The public works department shall prepare and implement the annual work plan for the maintenance of trees on public property. The adjacent property owner or tenant is responsible for irrigation of parkway trees in accordance with Chapter [31](#) SPMC. (Ord. No. 2328, § 1 (part), 2019.)

34.4 Tree protection required in connection with development activity.

(a) Development must not interfere with tree standard of care. Irrigation should be administered to replace any soil moisture lost due to site excavation and a tree should continue to receive the amount of irrigation needed to thrive.

(b) Development shall not cause any physical damage to the limbs, bark, crown, or where the roots join the stem.

(c) No grading shall occur within the drip line of a protected tree. All work conducted within the protected drip line area should be accomplished only with hand tools and all activity within this area should be kept to a minimum to minimize soil compaction. This area should not be subjected to incidental construction work or to disposal of construction debris, including but not limited to paint, plaster or chemical solutions.

(d) Natural or preconstruction grade should be maintained per the recommendations of the city arborist in accordance with ANSI standards. At no time during or after construction should soil be in contact with the trunk of any tree above natural grade.

(e) No structure shall be located nor shall any construction requiring a permit occur within six feet of the trunk of a protected tree. No building, structure, wall or impervious paving shall be constructed within the drip line of any mature oak tree. Limited exceptions may be allowed by the director and documented on the permit.

(f) Any required trenching should be routed to minimize root damage and cutting of roots should be avoided by placing pipes and cables above or below uncut roots. (Ord. No. 2328, § 1 (part), 2019.)

34.5 Tree trimming permit applications.

(a) A tree trimming permit shall be required if:

- (1) More than 10 percent of the live foliage or limbs of a mature oak tree or mature native species tree will be removed within a 12-month period; or

(2) More than 20 percent of the live foliage or limbs of any heritage tree will be removed within a 12-month period.

(b) Any person applying for a tree trimming permit shall file with the director an application in writing on a form furnished by the director. The application shall contain the following information:

- (1) The name and residence or business address of the applicant;
- (2) The location and description of the property on which the trees are located;
- (3) A description of the proposed work including the reason for tree trimming. Photographs may be provided as exhibits, if desired;
- (4) The name and state contractor's license number of the person who will perform the work. Permits shall only be issued to persons possessing a C-27 or C-61 (D-49) state contracting license;
- (5) Additional information as the director may require.

(c) The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. (Ord. No. 2328, § 1 (part), 2019.)

34.6 Procedure for consideration of tree trimming/removal applications.

(a) For tree trimming permit applications associated with development:

(1) Upon receipt of the completed application, the director shall cause notice to be sent by first-class mail to property owners and tenants of property located within a 100-foot radius of the property to be developed. Such property owners shall be given 15 calendar days from the date of mailing within which to comment on the application. All comments shall be made in writing and submitted to the director. The notification process may be waived if noticing associated with the development is being sent as required by the planning review authority and such notice specifically identifies the proposed trimming of trees.

(2) The director, after considering the application pursuant to the criteria set forth in SPMC [34.7](#), and any comments received from interested residents, shall provide the planning review authority with recommendations and conditions of approval associated with the proposed tree trimming application. The director's recommendations and conditions of approval shall be considered advisory to the planning review authority's decision associated with the development.

(3) When tree trimming permits associated with development are referred to the commission, the commission shall provide the planning review authority with recommendations and conditions of approval associated with the proposed tree trimming application. The commission's

recommendations and conditions of approval shall be advisory to the planning review authority decision associated with the development.

(4) Tree trimming associated with development shall only be conditionally approved subject to the applicant receiving their development building permit and paying all fees associated with the tree trimming as established by resolution of the city council. Upon the planning review authority's approval of the development application and applicable conditions of approval, and payment of all required fees, the applicant shall be issued a tree trimming permit.

(b) For tree trimming permit applications not associated with development:

(1) Upon receipt of the completed application, the director shall cause notice to be sent by first-class mail to property owners and tenants of property located within a 100-foot radius of the subject property. Such property owners shall be given 15 calendar days from the date of mailing within which to comment on the application. All comments shall be made in writing and submitted to the director.

(2) Upon expiration of the 15-day period, the application shall be reviewed by the director, who shall, after considering the application pursuant to the criteria set forth in SPMC [34.7](#), and any comments received from interested residents, approve, conditionally approve, or deny the application. The decision of the director shall be made in writing and provided to the applicant and to any interested persons who commented on the application.

(3) The decision of the director shall take effect 15 calendar days after the date of mailing of the decision to the applicant and any interested persons to allow for the filing of any appeals. Unless the director's decision is appealed to the commission, upon payment of all fees associated with the tree trimming as established by resolution of the city council, the applicant shall be issued a tree trimming permit.

(c) The director may refer any application for a tree trimming permit to the commission for any of the following reasons:

- (1) The city receives reasonable objections during the notification period; or
- (2) An appeal of the director's decision has been filed in accordance with this chapter; or
- (3) At the discretion of the director.

Should the application be referred to the commission, the commission shall make its recommendation (if the permit application is associated with development) or decision (if the permit application is not

associated with development) during a noticed public meeting. A decision of the commission shall not take effect until 15 calendar days after the date of the public meeting have elapsed to allow for the filing of an appeal. (Ord. No. 2328, § 1 (part), 2019.)

34.7 Criteria for approving tree trimming permit applications.

(a) A tree trimming permit may be issued in either of the following instances:

(1) Where a written determination has been made by a certified arborist that the excess foliage or limbs of the tree pose a reasonable risk of injury or harm to persons or property or are substantially interfering with the structural integrity or the use of an existing structure (including, but not limited to, a fence or wall) and there is no feasible and reasonable alternative to mitigate the interference;
or

(2) Where a written determination has been made by a certified arborist, after a visual inspection or scientific evaluation, that the limbs proposed to be trimmed are diseased or damaged. The director or commission may waive the requirement for a certified arborist's written statement when the proposed limbs to be trimmed can reasonably be determined to be dead by a layperson's visual inspection, or when, after conducting an inspection of the tree, the director determines that the tree poses an obvious and imminent threat to life or property. (Ord. No. 2328, § 1 (part), 2019.)

34.8 Appeals of tree trimming permit decisions.

(a) Appealing Tree Trimming Permit Decisions Associated with Development.

(1) Tree trimming decisions associated with development are advisory to the planning review authority as a condition of approval of development. The applicant may appeal any development decision and conditions of approval pursuant to the appeal process set forth in the zoning code.

(b) Appealing Tree Removal Permit Applications Not Associated with Development.

(1) The applicant or any interested party may appeal the decision of the director to the commission by filing an appeal in writing submitted to the commission staff liaison within 15 calendar days after the date of decision of the director.

(2) Decisions of the commission may be appealed to the city council by filing such appeal in writing submitted to the city clerk within 15 calendar days after the date of decision of the commission. The appeal shall specifically identify the grounds upon which the appeal will be taken and summarize the facts and points of law in support of the appeal.

(c) The appellant shall be responsible for all actual costs, including staff time, associated with any appeals. (Ord. No. 2328, § 1 (part), 2019.)

34.9 Tree removal permit applications.

(a) Any person applying for a tree removal permit shall file with the director an application in writing on a form furnished by the director. The application shall contain the following information:

- (1) The name and residence or business address of the applicant;
- (2) The location or description of the property on which the proposed trees are to be removed;
- (3) A description of the proposed work including the reason for tree removal. Photographs may be included as exhibits, if desired;
- (4) A tree removal and replacement plan in accordance with this chapter;
- (5) The name and state contractor's license number of the person who will perform the work. Permits shall only be issued to persons possessing a C-27 or C-61 (D-49) state contracting license;
- (6) Additional information as the director may require. This information may include, but is not limited to, a list obtained from the county assessor of the names of the owners of all parcels within a 100-foot radius of the property upon which the trees are to be removed or trimmed.

(b) In addition to the application requirements of subsection (a) of this section, tree removal applications associated with development shall include all of the following:

- (1) An arborist report prepared by a certified arborist;
- (2) Project narrative;
- (3) The proposed development plan depicting the actual and proposed location of structures, topography and existing trees, whether to be retained or proposed for removal;
- (4) Site plan with elevations showing before and after sight lines of the properties landscaping and trees;
- (5) Any other information the director or commission deems necessary for reviewing the tree removal application.

(c) The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. (Ord. No. 2328, § 1 (part), 2019.)

34.10 Procedure for consideration of tree trimming/removal applications.

(a) For tree removal permit applications associated with development:

- (1) The applicant shall be responsible for all fees associated with the tree removal application review and processing in accordance with the fees established by resolution of the city council.

(2) Upon receipt of the completed application, the director shall cause notice to be sent by first-class mail to property owners and tenants of property located within a 100-foot radius of the subject property. Such property owners shall be given 15 calendar days from the date of mailing within which to comment on the application. All comments shall be made in writing and submitted to the director. The notification process may be waived if noticing associated with the development is being sent as required by the planning review authority and such notice specifically identifies the proposed removal of trees.

(3) The director, after considering the application pursuant to the criteria set forth in SPMC [34.11](#) and any comments received from interested residents, shall provide the planning review authority with recommendations and conditions of approval associated with the proposed tree removal application. The director's recommendations and conditions of approval shall be considered advisory to the planning review authority's decision associated with the development.

(4) When tree removal permits associated with development are referred to the commission, the commission shall provide the planning review authority with recommendations and conditions of approval associated with the proposed tree removal application. The commission's recommendations and conditions of approval shall be advisory to the planning review authority decision associated with the development.

(5) Tree removals associated with development shall only be conditionally approved subject to the applicant receiving their development building permit, paying all fees associated with the tree removal as established by resolution of the city council, and paying a deposit for the required replacement trees, in an amount sufficient to cover the cost of all required replacement trees, as determined by the city's arborist. Upon the planning review authority's approval of the development application and satisfaction of all conditions of approval, and payment of all required fees, the applicant shall be issued a tree removal permit. Upon the applicant's proof to city's satisfaction that the applicant has complied with the approved tree replacement plan, the city shall reimburse applicant's replacement tree deposit. Should applicant fail to plant any replacement tree in accordance with the approved replacement tree plan, the city shall retain the amount of the replacement tree deposit necessary to cover the cost to plant any required replacement trees in alternative locations within the city (public right-of-way, park, etc.), as permitted by this chapter.

(b) For tree removal permit applications not associated with development:

(1) Upon receipt of the completed application, the director shall cause notice to be sent by first-class mail to property owners and tenants of property located within a 100-foot radius of the subject

property. Such property owners shall be given 15 calendar days from the date of mailing within which to comment on the application. All comments shall be made in writing and submitted to the director.

(2) Upon expiration of the 15-day period, the application shall be reviewed by the director, who shall, after considering the application pursuant to the criteria set forth in SPMC [34.11](#), and any comments received from interested residents, approve, conditionally approve, or deny the application. The decision of the director shall be made in writing and provided to the applicant and to any interested persons who commented on the application.

(3) The decision of the director shall take effect 15 calendar days after the date of mailing of the decision to the applicant and any interested persons to allow for the filing of any appeals. The applicant shall be issued a tree removal permit following its payment of all fees associated with the tree removal as established by resolution of the city council and payment of a deposit sufficient to cover the cost of all required replacement trees as determined by the city's arborist, unless the director's decision is appealed to the commission. Upon the applicant's proof to the city's satisfaction that the applicant has complied with the approved tree replacement plan, the city shall reimburse applicant's replacement tree deposit. Should the applicant fail to plant any replacement tree in accordance with the approved replacement tree plan, the city shall retain the amount of the replacement tree deposit necessary to cover the cost to plant any required replacement trees in alternative locations within the city (public right-of-way, park, etc.), as permitted by this chapter.

(c) The director may refer any tree removal permit to the commission for decision for any of the following reasons:

- (1) The applicant is proposing to remove three or more healthy nonnative significant trees; or
- (2) The applicant is proposing to remove any healthy significant oak trees or significant native species trees; or
- (3) The applicant is proposing to remove any heritage tree; or
- (4) The city receives reasonable objections during the notification period; or
- (5) An appeal of the director's decision has been filed in accordance with this chapter; or
- (6) At the discretion of the director.

Should the application be referred to the commission, the commission shall make its recommendation (if the application is associated with development) or decision (if the application is not associated with development) during a noticed public meeting. A decision of the commission shall take effect 15 calendar

days after the date of public meeting to allow for the filing of any appeals. (Ord. No. 2328, § 1 (part), 2019.)

34.11 Criteria for approving tree removal permit applications.

(a) Subject to the imposition of conditions pursuant to subsection (b) of this section, a tree removal permit may be issued in any one of the following instances:

(1) Where the tree poses a reasonable risk of injury or harm to persons or property or is substantially interfering with the structural integrity or the use of an existing structure (including, but not limited to, a fence or wall), swimming pool, or building and there is no feasible and reasonable alternative to mitigate the interference.

(2) Where, upon taking into account the size, shape, topography and existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner. Redesign of any proposed development as an alternative to removal of an existing protected tree does not create an unreasonable hardship.

(3) Where a written determination has been made by a certified arborist, after a visual inspection or scientific evaluation, that the tree is so diseased or damaged that it is no longer viable or is a threat to persons or property, including to other trees. The director or commission may waive the requirement for a certified arborist's written statement when the tree can reasonably be determined to be dead by a layperson's visual inspection or when, after conducting an inspection of the tree, the director determines that the tree poses an obvious and imminent threat to life or property.

(4) For the removal of a significant or mature tree, where the proposed replacement tree(s) are of greater value or provide greater benefits than the tree proposed for removal.

(b) A tree removal permit may be conditioned upon the replacement or transplanting of the tree either on or off site. Such replacement or transplanting shall be subject to the following provisions:

(1) Designation by the director or the commission of the number, size, species, and location of replacement tree(s) proposed for removal, the significance of the tree(s) on the lot as viewed from a public right-of-way, the size of the lot, and the number of existing trees on the lot.

(2) Because of its size and/or significance, a single tree proposed to be removed may be required to be replaced with multiple trees. If the subject property cannot accommodate multiple trees, alternative locations within the city (public right-of-way, park, etc.) may be designated.

(3) If a replacement tree is required, the property owner must agree to accept the conditions of replacement by his or her signature on the permit application and make the replacement tree deposit (per SPMC [34.10\(a\)\(5\)](#) or [\(b\)\(3\)](#)) before issuance of the permit.

(4) When the work designated in the permit is completed, the applicant shall contact the public works department for an inspection of the work. Any tree removal will require complete removal and grinding of the stump and backfilling of the hole.

(5) Should a designated replacement or transplanted tree not survive for a period of two years, the applicant shall be required to replace it with another tree or pay to the city the full cost of replacing the tree at a location to be determined by the city.

(6) Where the permit allows or requires the replacement or transplanting of tree(s), the director or commission may, in their discretion, as an alternative to subsection (b)(5) of this section, require the applicant to post a bond or surety for a five-year period against the survival of the tree(s). The amount of the bond or surety shall be in accordance with the "Guide for Plant Appraisal" (ISA publication, most recent edition).

(7) Unless otherwise stated in the conditions of approval, the tree removal permit shall be valid for a period of one year with the planting of any new trees on the applicant's property to occur during the next planting season as determined by ANSI standards and local climate conditions. (Ord. No. 2328, § 1 (part), 2019.)

34.12 Tree removal and replacement plans.

Tree removal and replacement plans shall contain the following information:

(a) A drawing of the property which shows the location and species of all existing protected trees;

(b) A site plan showing the proposed development, including all existing and proposed structures, including the topography of the site, in accordance with SPMC [34.9\(b\)](#);

(c) The tree species and trunk caliper of all trees to be removed;

(d) The reason for removal. Any trees proposed for removal due to poor health or condition shall have the condition of the tree documented in a written report prepared and signed by a certified arborist;

(e) A second drawing of the property after the proposed tree removal which shows remaining trees and all proposed replacement trees. The replacement tree sizes and species must be clearly identified; and

(f) A certified arborist review of the tree plan, if required by the director. The certified arborist shall be contracted and managed by the city and all fees incurred shall be the responsibility of the property owner. (Ord. No. 2328, § 1 (part), 2019.)

34.12-5 Replacement tree requirements.

The number of replacement trees is determined by the size of the existing tree(s) approved for removal, unless otherwise determined by the director in accordance with this chapter.

(a) Listed below are the replacement tree requirements for permitted tree removal not associated with development:

(1) For replacement of significant trees, one 24-inch box replacement tree shall be required for each 10-inch increment of the caliper of the existing tree proposed for removal, or portion thereof.

For example:

- i. One 24-inch box replacement tree shall be required for each tree removed with a caliper of less than 10 inches.
- ii. Two 24-inch box replacement trees shall be required for each tree removed with a caliper of between 10 and 20 inches.
- iii. Three 24-inch box replacement trees shall be required for each tree removed with a caliper of between 20 and 30 inches.
- iv. Four 24-inch box replacement trees shall be required for each tree removed with a caliper of between 30 and 40 inches; and so forth.

(2) For replacement of mature oak trees, mature native species trees, and heritage trees, two 24-inch box native species replacement trees shall be required for each 10-inch increment of the caliper of the existing tree proposed for removal, or portion thereof. For example:

- i. Two 24-inch box native species replacement trees shall be required for each tree removed with a caliper of less than 10 inches.
- ii. Four 24-inch box native species replacement trees shall be required for each tree removed with a caliper of between 10 and 20 inches.
- iii. Six 24-inch box native species replacement trees shall be required for each tree removed with a caliper of between 20 and 30 inches.
- iv. Eight 24-inch box native species replacement trees shall be required for each tree removed with a caliper of between 30 and 40 inches; and so forth.

(b) Listed below are the replacement tree requirements for permitted tree removals associated with development:

(1) For replacement of significant trees, one 24-inch box replacement tree shall be required for each six-inch increment of the caliper of the existing tree proposed for removal, or portion thereof. For example:

- i. One 24-inch box replacement tree shall be required for each tree removed with a caliper of less than six inches.
- ii. Two 24-inch box replacement trees shall be required for each tree removed with a caliper of between six and 12 inches.
- iii. Three 24-inch box replacement trees shall be required for each tree removed with a caliper of between 12 and 18 inches.
- iv. Four 24-inch box replacement trees shall be required for each tree removed with a caliper of between 18 and 24 inches; and so forth.

(2) For replacement of mature oak trees, mature native species trees, and heritage trees, two 24-inch box native species replacement trees shall be required for each six-inch increment of the diameter of the existing tree proposed for removal, or portion thereof. For example:

- i. Two 24-inch box native species replacement trees shall be required for each tree removed with a caliper of less than six inches.
- ii. Four 24-inch box native species replacement trees shall be required for each tree removed with a caliper of between six and 12 inches.
- iii. Six 24-inch box native species replacement trees shall be required for each tree removed with a caliper of between 12 and 18 inches.
- iv. Eight 24-inch box native species replacement trees shall be required for each tree removed with a caliper of between 18 and 24 inches; and so forth. (Ord. No. 2328, § 1 (part), 2019.)

34.13 Appeals of tree removal permit decisions.

(a) **Appealing Tree Removal Permit Applications Associated with Development.** Tree removal decisions associated with development are advisory to the planning review authority as a condition of approval of development. An applicant may appeal any development decision and its conditions of approval pursuant to the appeal process set forth in the zoning code.

(b) **Appealing Tree Removal Permit Applications Not Associated with Development.** The applicant or any interested party may appeal the decision of the director to the commission by filing an appeal in

writing submitted to the commission staff liaison within 15 calendar days after the date of decision of the director. Decisions of the commission may be appealed to the city council by filing such appeal in writing submitted to the city clerk within 15 calendar days after the date of decision of the commission. The appeal shall specifically identify the grounds upon which the appeal will be taken and summarize the facts and points of law in support of the appeal.

(c) If a tree removal is granted for a tree on the basis of imminent threat to life or property, the decision will be considered final and is not appealable.

(d) The applicant shall be responsible for all actual costs, including staff time, associated with any appeals. (Ord. No. 2328, § 1 (part), 2019.)

34.14 Exemptions.

(a) No permit is required for the removal or trimming of a tree damaged by storm, fire, or other natural disaster which has been determined by the director, police chief, fire chief, or code enforcement officer to be dangerous to life or property.

(b) No permit is required when the fire department has deemed the trimming or removal of the tree(s) is critical to providing an effective firebreak.

(c) Public utility companies required to trim or remove trees, upon submittal of a letter to the director or their designee outlining the specific trees along with reasons for removal or trimming, shall be exempt from the provisions of this chapter.

(d) The city and its contractors will not be required to obtain permits, but shall otherwise comply with this chapter.

(e) No permit is required for the removal of shrubs, other than protected shrubs.

(f) No permit is required for trimming of any tree other than those species and sizes specified in SPMC [34.5](#)(a). (Ord. No. 2328, § 1 (part), 2019.)

34.15 Obstruction.

(a) It is unlawful for any person, firm or corporation owning, leasing, occupying, having charge or control of any lot or premises in the city to keep or maintain thereon any tree, shrub or plant, or portion thereof, that interferes with or obstructs the free passage of pedestrians along or upon adjacent public sidewalks or of vehicles along or upon adjacent public rights-of-way.

(b) Every fence, sign, wall, hedge, tree, shrub or planting located within 75 feet of the point of intersection of the centerlines of streets or within 75 feet of the point of intersection of the centerline of a street and a railroad right-of-way that is more than 36 inches in height measured from the nearest adjacent public street level and that, in the opinion of the director, constitutes an obstruction to the clear view of motorists on the streets is declared to be a public nuisance; provided, however, that nothing in this section shall be deemed to apply to a wall, building or structure that has been or that may be constructed under a permit issued by the building department of the city.

(c) A violation of this section does not exempt a property owner from having to otherwise comply with the permit requirements of this chapter. (Ord. No. 2328, § 1 (part), 2019.)

34.16 Violations.

(a) It is unlawful for any person to harm by any means, damage or cause to be damaged any tree located within the city, or fail to comply with the standards of care described in SPMC [34.1\(y\)](#) for any tree located on their property or in an adjacent parkway.

(b) It is unlawful for any person to remove or transplant any protected tree from any property within the city unless a tree removal permit is first obtained from the city.

(c) It is unlawful for any person to trim more than 20 percent of the live foliage or limbs of any heritage tree located within the city within any 12-month period, or cause the same to be done, without first obtaining a tree trimming permit from the city.

(d) It is unlawful for any person to trim more than 10 percent of the live foliage or limbs of any mature oak tree or a mature native species tree located within the city within any 12-month period, or cause the same to be done, without first obtaining a tree trimming permit from the city.

(e) It is unlawful for any person to remove any tree from the parkway area between a sidewalk or private property line and street curb without first obtaining a tree removal permit from the city. (Ord. No. 2328, § 1 (part), 2019.)

34.17 Penalties.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor, except, at the discretion of the city prosecutor, the violation may be reduced to an infraction. Persons violating any of the provisions of this chapter shall be subject to the following:

(a) Penalties for any person who unintentionally violates the provisions of this chapter shall be as follows:

- (1) The standard inspection fee; and
- (2) Double the required tree removal or trimming permit fee; and
- (3) Planting double the number of replacement trees required pursuant to SPMC [34.12-5](#).

(b) Penalties for an intentional violation of this chapter not associated with development shall be as follows:

- (1) The penalties described in subsection (a) of this section; and
- (2) The payment of a tree replacement fee in an amount up to, but not to exceed double, the value of the destroyed, removed, or damaged tree. The city arborist shall determine the value of the destroyed, removed, or damaged tree by using the most recent edition of the ISA Guide for Plant Appraisal.

(c) Penalties for an intentional violation in connection with development or anticipated future development on the property shall be the penalties described in subsections (a) and (b) of this section and, in addition, the city manager may, in his or her discretion, refer the violation to the city prosecutor for criminal charges or to the planning commission for public hearing. The burden of proof shall be on the city to demonstrate that there is clear and convincing evidence to a reasonable certainty that there is an intentional violation. The planning commission, after considering all of the evidence, may impose the additional penalty of prohibiting the issuance of building or construction-related permits for a period up to five years from the date of the violation for the property upon which the violation occurred.

In determining whether a building permit may be issued with regard to the aforementioned prohibition, the planning commission shall consider whether the tree violation appears to be in furtherance of a development, as evidenced in the extent of tree damage, removal, damage to the root system, and/or excessive trimming of trees within the buildable area of a property; oral or written admissions; actions taken despite prior warnings; notices of violations; and the number and size of the damaged and/or removed trees.

Intentional violations in the context of development or anticipated development of property shall require the planning commission to determine whether restitution trees are to be planted on the property on which the violation occurred or on public land with costs paid to the city for tree selection, planting and maintenance, or a combination of both. The restitution trees shall be subject to either of the survival guarantees described in SPMC [34.11\(b\)\(5\)](#) or (6).

For purposes of this section, the violation shall be presumed to have occurred on the date the city has actual knowledge of the violation, and the violator shall have the burden of proving an earlier commencement date, if entitlement to an earlier date is claimed.

Notwithstanding the aforementioned prohibition, building or construction-related permits may be issued if, in the opinion of the director of planning and building, they are necessary for the preservation of public health, safety or welfare.

(d) Payment of any penalty and planting of replacement trees shall occur within 60 calendar days of the date the violator was directed to take such action by the director. If the violator does not complete planting of replacement trees within the allotted time, the director may procure and plant the requisite replacement trees, and the violator shall be responsible for reimbursing the city for such additional costs.

Reimbursement is due and payable within 30 calendar days of the city's issuance of a billing statement.

If payment of the penalty or reimbursement costs is not received by the city in 60 calendar days, the city manager can instruct that the outstanding obligation be collected in any of the following manners:

- (1) A civil action in the name of the city, in any court of competent jurisdiction; or
- (2) Use of a debt collection agency; or
- (3) A lien on the subject property.

(e) All penalties and additional costs related to a tree violation must be paid to the city prior to its issuance of building or construction-related permits unless, in the opinion of the director of planning and building, such permits are necessary for the preservation of public health, safety or welfare. (Ord. No. 2328, § 1 (part), 2019.)

ITEM 4

Approval of Minutes – Meeting of July 25, 2023



**CITY OF SOUTH PASADENA
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION**

**MINUTES
REGULAR MEETING
TUESDAY, JULY 25, 2023, AT 7:00 P.M.**

CALL TO ORDER:

The Meeting of the South Pasadena Natural Resources and Environmental Commission was called to order by Chair Siegel on Tuesday, July 25, 2023, at 7:02 P.M. in the City Council Chambers, 1424 Mission Street, South Pasadena, California.

ROLL CALL:

PRESENT

Chair	Michael Siegel
Commissioner	Amy Davis Jones
Commissioner	Casey Law
Commissioner	Richard Tom

ABSENT

Vice Chair	Ella Hushagen
Commissioner	Rona Bortz
Commissioner	Michelle Hammond

Melanis Stepanian, Management Assistant, announced a quorum.

CITY STAFF PRESENT:

Ted Gerber Public Works Director; Arpy Kasparian, Environmental Services & Sustainability Manager; Melanis Stepanian, Management Assistant were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

PLEDGE OF ALLEGIANCE

The Flag Salute was led by Chair Michael Siegel.

PUBLIC COMMENT

1. PUBLIC COMMENT – GENERAL (NON-AGENDA ITEMS)

In Person Comments:

Mieke Kramer spoke regarding a concern with tree removal practices on private property. Michael Ten raised a series of questions regarding the tree replacement policy in the City.

Zoom Comments:

Jim Kramer spoke on the tree located on his property and the concern with the development occurring at the neighbor's property.

PRESENTATIONS**2. FISCAL YEAR 2023-24 BUDGET**

Finance Director, John Downs shared an update on the Fiscal Year 2023-2024 budget summary for Public Works.

ACTION**3. PLASTICS TASK FORCE SELECTION****COMMISSION ACTION AND MOTION**

A motion was made by Chair Siegel, seconded by Commissioner Tom and approved by roll call vote to nominate Commissioner Hammond, Commissioner Jones, and Commissioner Bortz as the Plastic Task Force. The motion carried 4-0-3, by the following vote:

AYES: Siegel, Jones, Law, Tom
NOES: None.
ABSENT: Hushagen, Bortz, Hammond
ABSTAINED: None.

4. Approval of Minutes of June 27, 2023 NREC MeetingRecommendation

It is recommended that the Commission review and consider approval of the June 27, 2023, Meeting Minutes.

COMMISSION ACTION AND MOTION

A motion was made by Commissioner Tom, seconded by Commissioner Jones and approved by roll call vote to approve the June 27, 2023 NREC Meeting Minutes. The motion carried 4-0-3, by the following vote:

AYES: Siegel, Jones, Law, Tom
NOES: None.
ABSENT: Hushagen, Bortz, Hammond
ABSTAINED: None.

COMMUNICATIONS**5. CITY COUNCIL LIAISON COMMUNICATIONS**

Councilmember Cacciotti provided updates from the South Coast AQMD Governing Board.

6. COMMISSIONER COMMUNICATIONS

Commissioner Jones shared her concern with trimming trees during the warmer season. She suggested when the Commission reviews the ordinance to revisit the time of year when trees are pruned and recommends the City Arborist look into this issue.

Chair Siegel commented on processes for tree trimming throughout the City. He discussed the Athens trash collection and brought attention to the Materials Recovery Facility (MFR) which sorts the City's waste for items that can be recycled. He highlighted Public Works efforts with the 4th of July parade and celebrations.

Commissioner Tom had no comments.

Commissioner Law had no comments.

7. STAFF LIAISON COMMUNICATIONS

Arpy Kasparian discussed a Green Action Plan update from the Sustainability Division. She shared upcoming events with the Commission and members of the community. Arpy Kasparian highlighted the City's efforts related to the Athens waste collection negotiations and thanked the community for attending the Solid Waste Community Meeting.

Ted Gerber shared 2 upcoming projects: The Slow Streets Program and the 626 Golden Streets Arroyo Fest.

Melanis Stepanian commented that the Sustainability Division will be tabling at the South Pasadena Farmer's Market on Thursday evenings.

8. UPCOMING EVENTS

- ACE Hardware and STIHL Leaf Blower Demonstration – Farmer's Market, July 27
- LA County Smart Gardening Webinars - Various dates
(<https://www.ladpw.org/epd/sg/webinars.cfm>)
- MWD Turf Removal + CA Native Landscape Webinars - Various dates
(<https://greengardensgroup.com/turf-transformation/>)

ADJOURNMENT

There being no further matters, Chair Siegel adjourned the meeting of the Natural Resources and Environmental Commission at 8:46pm to the next Regular City Council meeting scheduled for August 22, 2023.

Respectfully submitted:

Arpy Kasparian
Staff Liaison, Environmental Services &
Sustainability Manager

APPROVED:

Michael Siegel
Chair

Approved at Commission: August 22, 2023

ITEM 8

Upcoming Events

TOO TOXIC TO TRASH



FREE Household Hazardous and Electronic Waste Drive-Thru Collection Event

Saturday, August 26 • 9 A.M. - 3 P.M.
 Los Angeles County Public Works
 Headquarters
 900 South Fremont Avenue
 Alhambra, CA 91803



CHEMICALS



- ◆ Carefully secure items in your trunk/pick-up bed. Hazardous waste must be in your trunk/pick-up bed with no other items.

PAINTS & SOLVENTS



- ◆ Waste should be in a sturdy box, preferably in their original containers. Be prepared to leave containers.
- ◆ No explosives, ammunition, radioactive materials controlled substances, trash, tires, or large appliances (like refrigerators, stoves and washing machines).

E-WASTE



- ◆ Sharps disposal will require exiting your vehicle in a designated location to deposit them in a bin.

SHARPS



- ◆ Open to Los Angeles County residents. No business waste accepted.
- ◆ Limit of 15 gallons or 125 pounds of hazardous waste per trip.



**LOS ANGELES COUNTY
 SANITATION DISTRICTS**
 Converting Waste Into Resources

Brought to you by Los Angeles County and presented by Los Angeles County Public Works and Los Angeles County Sanitation Districts, in cooperation with the cities of Alhambra, Arcadia, Commerce, El Monte, Los Angeles, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South El Monte, South Pasadena, and Temple City.

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2023

MUY TÓXICO PARA LA BASURA



Evento gratuito de recolección (drive-thru) de desechos electrónicos y tóxicos del hogar

Sábado 26 de agosto • 9 A.M. - 3 P.M.
Oficina Central de Obras Públicas del
Condado de Los Ángeles
900 South Fremont Avenue
Alhambra, CA 91803



QUÍMICOS



- ◆ Asegure los artículos en su cajuela cuidadosamente. Los desechos peligrosos deben estar en su cajuela sin otros artículos.

PINTURA Y
SOLVENTES



- ◆ Traiga los artículos en una caja resistente, preferiblemente en sus envases etiquetados originales. Prepárese para dejar los envases y las cajas.

DESECHOS
ELECTRÓNICOS



- ◆ No se permiten explosivos, municiones, materiales radioactivos, sustancias controladas, basura, llantas o grandes aparatos (como refrigeradores, estufas y lavadoras).

AGUJAS



- ◆ El desecho de objetos punzantes requerirá salir de su vehículo en un lugar designado para depositarlos en un contenedor.

- ◆ Disponible para los residentes del Condado de Los Ángeles. Desechos de negocios no serán aceptados.

- ◆ Límite de 15 galones o 125 libras de desechos tóxicos por viaje.



**LOS ANGELES COUNTY
SANITATION DISTRICTS**
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Patrocinado por el Condado de Los Ángeles, y presentado por Obras Públicas del Condado de Los Ángeles y los Distritos Sanitarios del Condado de Los Ángeles en cooperación con las ciudades de Alhambra, Arcadia, Commerce, El Monte, Los Angeles, Montebello, Monterey Park, Pasadena, Rosemead, San Gabriel, San Marino, South El Monte, South Pasadena, y Temple City.

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2023

FREE

FALL LANDSCAPING WORKSHOPS

Workshops are virtual except for 9/23, 10/14, & 11/9. For more info or to register, visit upperdistrict.org/water-smart-workshops

**TU 8/29 - 6PM
HUGELKULTR**

Horticulture practice for raised planting beds



**TU 9/12 - 6PM
GARDEN DESIGN**

Design a watershed-wise landscape for your home

IN-PERSON!

**SAT 9/23 - 9AM
GARDENING FOR SHADE & OTHER
LANDSCAPING CHALLENGES**

How to landscape a dry shade garden

**TU 10/10 - 6PM
GOOD-BYE GRASS**

Learn to replace your lawn with a waterwise landscape & apply for a rebate

IN-PERSON!

**SAT 10/14 - 9AM
LANDSCAPE TRANSFORMATION
ON A BUDGET**

Minimize costs for your landscaping project

**TU 10/24 - 6PM
RAINWATER HARVESTING**

Methods on how to capture rainwater for your landscape

IN-PERSON!

**TH 11/9 - 6PM
RESILIENT ALTERNATIVES TO REMOVING YOUR TURF**

Alternative groundcovers for replacing ornamental lawn areas

