

**CITY OF SOUTH PASADENA
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION
MINUTES – July 25, 2017**

Roll Call – The meeting called to order at 7:02 p.m. Present were Commissioners: Chair William Kelly, Vice-Chair Al Benzoni (arrived 7:04pm), Kay Findley, Stephen Leider (arrived 7:08pm), Daniel Snowden-Ifft, and Nancy Wilms, as well as Student Commissioner Hailey Bugg. Absent was Commissioner Noah Puni. Also present were Council Liaison Dr. Schneider, and Staff Liaison Jenna Shimmin.

Minutes – Minutes for May 23rd, 2017 were approved with no corrections (Findley, Kelly; Ayes: All, Nays: 0). Approval of the minutes for June 19th, 2017 was tabled until the next meeting; commissioners were directed to send corrections to staff.

PUBLIC COMMENTS – none.

BUSINESS ITEMS

1. **Tree Removal Permit Hearing: 517 Fremont Lane** – Public Works approved removal of two trees on the property, but denied the request to remove a palm and oak tree on the property. Jahmy Graham (property owner) is appealing the decision as he believes the two trees present a health and safety risk to his property. He explained that he feels this is especially true for the palm tree for his and neighboring properties. He is also asking the NREC to reconsider the denial as a practical consideration for his desire to improve the property by installing a retaining wall on the slope behind his home.

Commissioner Benzoni stated that the plot plan makes it difficult to place the trees on the property. He stated that he understands the owner's concerns, and inquired about the tree replacement plan. He also stated that he would be in support of the removal of the palm tree, but not the oak tree. Mr. Graham replied that he has submitted the plot plan, and it should be on file. He also stated that he submitted the tree replacement plan, which shows 32 new trees being planted on the property, as a screen. He is also considering planting at least a dozen mature cypress trees. He plans to go above and beyond the requirements of the code.

Commissioner Snowden-Ifft asked if the tree removal plan was for all four trees, or just these two. He also asked how the oak impacts the retaining wall's construction. Mr. Graham replied that replacement plan was for all four trees. He allowed his contractor to respond regarding the retaining wall. The contractor explained that the oak is a potential safety hazard being on the hillside. If dirt slides off in a storm, it would expose the roots of both trees. He also explained that with the age of the trees, their roots could damage the wall. The owner stated that he would be willing to plant an oak (or other native species) somewhere in the city to help offset the removal.

Chair Kelly asked where the retaining wall would go, and if the footing of the wall would be below the ground level of the oak's roots. The contractor responded that the wall would be a few feet behind both trees, about 24-30 inches below the lowest grade. He stated that the oak's roots are a

concern. Chair Kelly then asked if the branches over hang the property. The contractor responded that they overhang this and several neighboring properties.

Commissioner Findley asked if it was possible to see the plans. She also asked what exactly are they looking to do or achieve on the property. The contractor showed the commission the plans with the wall installed where the two trees currently stand. He also showed the commission images of the footing of the deck and the base of the slope showing there is nothing holding it back. The contractor then explained that during the inspection of the home the inspector stated that the slope wasn't a structural issue at this time, but would be in the future. The owner is looking to install a retaining wall now in order to prevent any future issues.

Commissioner Wilms asked what the inspecting arborist's notes regarding "denied pending site development plan submittal and approval" mean. Staff answered that this means that if Planning were to find a structural reason that the wall had to be installed, the arborist would support that removal. However, since there is no immediate safety requirement, the removal was denied.

Commissioner Leider asked if there were any alternative designs that don't cut in the trees or tree roots, because from his professional experience there are usually alternatives. The owner responded that it would be impractical to go around the trees. Mr. Graham explained that the intent is to provide long term integrity to the property. If the wall doesn't span the length of the house, it would not provide that. The contractor added that the trees would eventually (sooner, rather than later) damage the wall.

Commissioner Benzoni stated that the replacement requirements may not be met by the current replacement plan, and advised the owner he would need to look at the ordinance or speak with Public Works for guidance in regards to the 24" box requirement.

Commissioner Wilms stated that she has seen numerous issues with palms and understands the reasoning for removing this tree, but would like to see an alternative for the oak. Commissioner Leider agree with her.

Commissioner Findley stated that she feels there is no reason to remove either tree.

A motion was made to approve removal of the palm tree, but deny removal of the oak tree. The motion also required the replacement plan to align properly with the ordinance (Benzoni, Leider; Ayes: 5, Nays: 1).

- 2. Tree Removal Permit Hearing: 1746 Hanscom Drive** – Staff explained that Peter Bakhtiari, property owner, has requested to remove two Queensland Pittosporum trees at 1746 Hanscom Drive, which is a currently vacant property. Per the City's arborist report, the trees were dead upon inspection once the permit request was submitted, a condition that she also noted during a prior inspection earlier this year.

Public Comment – Janet Ferguson, who resides at a neighboring property, stated that earlier this year when the owner purchased this property, all the trees on the property were alive. She believes that allowing permits to remove dead trees promotes the owner to kill the trees on his property,

which she believes he's done. She states that no notices were sent out, as she thought was required. She also handed out photos of the property with living trees and a map showing the location of the trees. She feels that this behavior isn't acceptable and that the aesthetics of the hillside should be maintained.

Peter Bakhtiari, the property owner, stated that he has met with various commissioners, and has followed all rules and guidelines of the City. He states that the property has been mainly vacant for 30 years with little to no maintenance. He feels he's being held accountable for the prior lack of maintenance to the property, especially with no other neighbors protesting the trees or development.

Commissioner Benzoni asked how many trees have been removed via permit for this property (1746), and also when the City arborist's last inspection was. The owner responded that he believes 4 trees have been removed. Staff responded that there have been several inspections over the last year. The commissioner then asked if a tree replacement plant was on file, to which the owner responded that there was.

Commissioner Benzoni inquired as to the status of the pine trees on the neighboring property (1750) that appear to be in ill health. The owner responded that Southern California Edison has stated the trees are diseased and will be removed by them. The applicant stated he has installed a sprinkler system at the property to water the remaining landscape and trees.

Commissioner Findley asked the owner about the state of the trees at the time of his purchase, specifically inquiring if there were green leaves on the branches or not. The owner responded that some of the tree was green, but other parts were brown with no leaves.

Chair Kelly stated that the discussion needed to return to the property at question on the permit, 1746 Hanscom.

A motion was made to approve the removal of the two trees as requested (Findley, Wilms; Ayes: All, Nays: 0).

Staff were directed to provide historical information regarding a property which would be helpful to the commission when making decisions. This can mean a more detailed memo, but ideally would mean someone familiar with the property's history would be in attendance at commission meetings.

3. **Tree Ordinance** – Commissioner Benzoni reminded that commission of the changes at the last meeting.

The commission discussed various updates to the tree ordinance, including:

- Rewriting sections 34.2(g), 34.3(b) and 34.3(c), the later of which needs to have the percent of foliage allowed to be trimmed without a permit.
- The months of the year that oak tree trimming is allowed should be removed as the months are adjusted based on the climate and weather that year.

- Language should be added regarding all permits going to the NREC that are appealed or contested.
- Language should be added to allow tree replacements in the next planting season.

Commissioner Snowden-Ifft stated that in regards to section 34.2(d) he spoke with a biologist who says that oak trees will do better if nothing is in their drip line. Some cities have language regarding this while others don't address it. He doesn't think that a complete restriction should remain as he's not sure what problem this aims to fix. Also, the language of what area under the tree is meant is unclear because as tree ages the drip line grows. He also pointed out that per the language, City trees currently violate this section.

Commissioners Leider, Snowden-Ifft and Benzoni discussed allowing language with some wiggle room as far as what is allowed beneath the drip line of an oak tree. Commissioner Snowden-Ifft stated that the City of Calabasas has language allowing trenching which requires a permit for all trench work. He would like to see language that is flexible enough to allow things like small concrete pads, but that wouldn't allow structures. Chair Kelly suggested adding a sentence regarding limited exceptions being allowed, possibly with director approval.

Staff liaison, Jenna Shimmin, advised the commission of the ISA language for a shrub and the commission agreed that the language of 34.2(j) and (k) was fine.

Public Comment – Janet Ferguson, resident of Hanscom Drive, stated that currently the NREC doesn't see projects with tree removal requests until the end, the Design Review Board gets the initial say. This doesn't help with tree replacement in the neighborhood. She feels that having NREC review at the end of the process will further deteriorate the tree canopy. She thought there would be some sort of amendment to the ordinance language regarding all building permits not being issued for 10 years if the tree ordinance were to be violated.

Commissioner Benzoni stated that regarding section 34.12(c) language would be added stating that no building permits would be issued for violators for up to 10 years, as it allows for discretion related to the violation.

Staff to work with the subcommittee to prepare a final draft of the language.

4. **Tree Removal Permit Hearings Policy** – Item #1 on the guidance form was discussed and staff needs to determine if it should use "his/her" and "applicants" or the singular of the word. Item #2 on the guidance form was reviewed and staff was directed to rewrite the sentence in the third line that begins "Removals will also be allowed...", as well as the last sentence of the item. Item #7 on the guidance form was reviewed, and it was decided that the language of this section should reflect that of the corresponding section of the ordinance. It was also determined that language regarding paying for replacement trees should be added. Staff was directed to obtain the "Best Practices" handout and "Tree Plan Template" referenced in documents provided by Planning and Building regarding the process for development projects where trees are affected.

5. **Water Conservation Rebate Program Review** – Jenna Shimmin advised the commission that with the new fiscal year the Council had approved an increase to the water conservation rebate budget. This will allow for rebates for items such as showerheads (\$25/per), drip irrigation conversion (\$150/max), drought tolerant plants (\$250/max), as well as turf removal (\$1/sq. ft.). Staff was also directed by the City Council to provide financial assistance for toilet removal under the program, in addition to the rebate for purchasing high efficiency toilets. Staff advised the commission that rebate applications were under development and would be on the City's website once they were completed and approved.
6. **August meeting postponement or cancellation** – Jenna Shimmin advised the commission that she would be out of town at a conference the date of the next regular meeting. Staff was asked to see if the next meeting could be held on August 29th or 30th instead.

INFORMATION ONLY

~~7. Update on Renewable Energy RFP~~

8. **Urban Forest Update** – Jenna Shimmin provided an update that for FY2016/7 Grid 9, Grid 8B, Arroyo Park, Arroyo Drive, War Memorial Park and service request trimming was done throughout the City. In total 3,053 trees were trimmed. In total 175 trees were planted throughout the City, with over 60 of them being donated through a tree planting drive hosted by South Pasadena Beautiful for Arbor Day 2017.
For FY2017/18 Grid 5, which includes 1,171 trees located in the south west side of the City, will be the first grid completed. Staff is currently in the process of planning the remaining grid pruning, tree removals and replacements. Service request trimmings will continue to be done on an as needed basis throughout the City.
9. **Upcoming Events** – National Night Out – August 1st; Household Hazardous Waste and E-waste event in South Pasadena – August 26th; and Clean Air Car Show and Green Living Expo – September 10th

Chair Communications – None at this time.

Commission Communications –

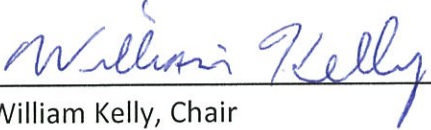
Commission Wilms – Advised the commission that she has attended two meetings for the water and sewer rate study group, and there are lots of capital improvement projects in the works. She also explained that the proposed water rate increases would be staggered over the next several years (9%, 7%, 6%, 6%, 6%). She noted the San Juan Capistrano ruling has made tiered rates more difficult to implement and defend.
She also stated that wastewater rates would be decreasing, which will help offset some of the increase to customers' bills. Under the new structure commercial customers would be charged more fairly.

Staff Liaison Communications – Staff reviewed the spreadsheet detailing the water use reductions that was included in the agenda packet, mislabeled as an accompaniment to Item No. 9.

Council Liaison Communications – Dr. Schneider expressed his pleasure in seeing the tree ordinance being updated.

Adjournment – Commissioner Benzoni motioned to adjourn the meeting at 9:40 p.m., Chair Kelly seconded. Ayes: All, Nays: None.

NEXT MEETING – The next meeting of the Natural Resources and Environmental Commission will be held on August 29, 2017 at 7:00 p.m.



William Kelly, Chair