



**CITY OF SOUTH PASADENA
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION
SPECIAL MEETING AGENDA**

MONDAY, June 19, 2017 7:00 p.m.
AMEDEE O. "DICK" RICHARDS, JR. COUNCIL CHAMBERS
1424 Mission Street, South Pasadena, CA 91030

Commissioners: Al Benzoni, Hailey Bugg, Kay Findley, William Kelly, Stephen Leider,
Noah Puni, Daniel Snowden-Ifft and Nancy Wilms
City Council Liaison: Council Member Richard D Schneider, MD
Staff Liaison: Jennifer Shimmin

Roll Call

Approval of Minutes from Regular Meeting: April 25th and May 11th, 2017.

PUBLIC COMMENTS AND SUGGESTIONS

Time reserved for those in attendance who wish to address the Commission. All attendees should be aware that the Commission may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on a future agenda. Note: public input will also be taken during all agenda items.

BUSINESS ITEMS

- 1) **Tree Ordinance** – Discuss updates to the City’s tree ordinance.
- 2) **Tree Removal Permit Hearings Policy (Kelly)** – Consider suggested recommendations for applicants who seek tree removal permits at commission hearings.
- 3) **Greywater Ordinance (Benzoni)** – Consider suggested language for a greywater ordinance and making a recommendation to City Council for adoption.
- 4) **Solar Building Ordinance (Kelly)** – Discuss possible recommendation to require solar panels on new homes and buildings and when major remodels are done.
- 5) **Water Conservation Rebate Program Review (Shimmin)** – Review the proposed changes to the water conservation rebate program for FY 2017-18.
- 6) **Water Conservation Programs and Drought Update (Shimmin)** - City had a total water reduction of 15% for May 2017 versus the same month in 2013.

INFORMATION ONLY (No Discussion Required) (15 minutes)

- 7) **Update on Renewable Energy RFP (Shimmin)**
- 8) **Urban Forest Update (Shimmin)**
- 9) **Upcoming Events** – Household Hazardous Waste and E-waste event in Pasadena – July 15th

- CHAIR COMMUNICATIONS**
- COMMISSIONER COMMUNICATIONS**
- STAFF LIAISON COMMUNICATIONS**
- COUNCIL LIAISON COMMUNICATIONS**

ADJOURNMENT – Next Regular Meeting – July 25, 2017

STATE OF CALIFORNIA)
CITY OF SOUTH PASADENA)
COUNTY OF LOS ANGELES)

I declare under penalty of perjury, that I am an employee of the City of South Pasadena, and that I posted this Agenda on the bulletin board in the courtyard of the City Hall at 1414 Mission Street, South Pasadena on 6-16-17, as required by Law.

Date: June 16, 2017 Signature: [Handwritten Signature]

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

Roll Call – The meeting was informally called to order at 7:05 p.m., and with no quorum present, only non-actionable items were heard. Present were Commissioners: Chair William Kelly, Vice-Chair Al Benzoni, and Daniel Snowden-Ifft. Also present were, Council Liaison Dr. Schneider and Staff Liaison Jenna Shimmin. Absent were Commissioners Kay Findley, Stephen Leider, Noah Puni, and Nancy Wilms, as well as Student Commissioner Hailey Bugg.

BUSINESS ITEMS

5. **Water Conservation Programs and Drought Update (Shimmin)** – There was a 28% reduction for March 2017 versus the same month in 2013. This gives the City an accumulative reduction of 27.2% since June of 2015. Recently Upper District gave an update on the key well, and it found that while this rainy season was helpful, the basin is operating just within its safe yield. The basin will need 3-4 more years of the same rainfall to fully recover from the drought.

INFORMATION ONLY

6. **Update on Renewable Energy Request for Proposals (Shimmin)** – Jenna Shimmin advised the commissioners that the renewable energy request for proposals period has closed, and that 4 proposals were received from Climatec, Opterra, Siemens and Ameresco.
7. **Urban Forest Update** – Kristine Courdy provided an update that trimming is near completion in the following grids: Grid 9 (90% complete) south east side of City, War Memorial Park (70% complete), and has been completed in Grid 8B, eastern side of the City, and the area of Arroyo Park and Arroyo Drive.
Removals and replacements have been ongoing throughout the City. To date 150 trees have been planted. Of these 150 trees, South Pasadena Beautiful was able to donate 60 through a tree planting drive held over the last few months.
8. **Upcoming Events** –General Plan Charrette – April 24th-28th, Prescription Drug Drop off at SPPD – April 29th, South Pasadena Garden Tour - April 30th, and Water 101 at Upper District – May 16th.

Adjournment – The informal meeting adjourned at 7:23 p.m.

NEXT MEETING – The next meeting of the Natural Resources and Environmental Commission will be held on May 23, 2017 at 7:00 p.m.

William Kelly, Chair

**CITY OF SOUTH PASADENA
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION
SPECIAL MEETING MINUTES – May 11, 2017**

Roll Call – The meeting called to order at 7:30 p.m. Present were Commissioners: Chair William Kelly, Vice-Chair Al Benzoni, Kay Findley, Noah Puni, and Nancy Wilms. Absent were Commissioners Stephen Leider, and Daniel Snowden-Ifft. Also present was Staff Liaison Jenna Shimmin. Council Liaison Dr. Schneider, and Student Commissioner Hailey Bugg were absent.

PUBLIC COMMENTS – None.

BUSINESS ITEMS

1. **Tree Removal Request, follow up hearing for 1920 Edgewood Drive (Shimmin** – Jeremy Ding (property owner) briefly discussed the findings of his second arborist’s opinion, which essentially found the same as the original report. He also noted that it was determined that the branches weren’t growing correctly, which was causing some of the issues with the tree not being balanced if trimmed drastically. He also mentioned that he used Williams Sewer Line Inspectors have hydrojetting done, which found leaks in his sewer lines near the roots of the oak tree. From this inspection it was determined that extensive repairs would need to be done, and they would most likely damage the tree roots in a very detrimental way to the tree’s health.

It is of note that Tree#1 is closest to the house, and Tree#2 is the one with the substantial branch damage.

A motion was made to grant permission to remove Tree#1, as it is causing issues per municipal code section 34.7.1 (Benzoni, Wilms, Favor: 5, Against: 0).

A motioned was made to grant permission to remove Tree#2 as long as many replacement trees as possible are planted on the property in order to provide similar aesthetics to the neighborhood as exist with the current trees (Wilms, Puni, Favor: 5, Against: 0).

INFORMATION ONLY

2. **Upcoming Events** – Water 101 at Upper District – May 16th and a Renewable Energy Council Meeting – May 16th, Mulch & Compost Giveaway Event – June 10th.

Chair Communications – Appreciated being sent the LA Time article regarding the health of trees in our area.

Commission Communications –

Commission Findley – Mentioned that it would be best, going forward, to have the City’s arborist, as well as the resident’s arborist present at tree hearings. This way the commission can ask questions of the experts.

Commissioner Benzoni – Agreed to help review Chair Kelly’s draft tree removal procedures.

Adjournment – Commissioner Benzoni motioned to adjourn the meeting at 8:05 p.m., Commissioner Findley seconded. Ayes: All, Nays: None.

NEXT MEETING – The next meeting of the Natural Resources and Environmental Commission will be held on May 23, 2017 at 7:00 p.m.

William Kelly, Chair

NREC Tree Permit Issuance Discussion Subcommittee – Al Benzoni, Kay Findley, Stephen Leider

June 13, 2017

ARTICLE IVG. NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION (NREC)

2.56 Creation.

There is hereby created a natural resources and environmental commission. (Ord. No. 2187, § 2, 2009.)

2.57 Powers and duties.

The powers and duties of the natural resources and environmental commission shall be to:

- (a) Act in advisory capacity to the city council in all matters pertaining to energy, science and technology, and natural resources and the environment, and to cooperate with other governmental agencies and civic groups in the advancement of the planning, programming, use and conservation of energy and natural resources, as well as the preservation of the environment;
- (b) Formulate and propose policies on the use, reuse, recycling and preservation of natural resources, for approval by the city council;
- (c) Recommend the adoption of standards on organizations, personnel, areas and facilities, program and financial support;
- (d) Make periodic inventories of natural resources that exist or may be needed and interpret the needs of the public to the city council;
- (e) Aid in coordinating the regulation of use and reuse of natural resources with the programs or other governmental agencies and voluntary organizations;
- (f) Inform the public of the policies of the use, reuse, recycling and preservation of natural resources as directed by the city council;
- (g) Formulate, for recommendation to the city council, urban forestry management policies, including management of trees on public or private property;
- (h) Issue tree removal permits and tree trimming permits pursuant to Chapter 34 of this code. (Ord. No. 2187, § 2, 2009.)

CHAPTER 34

TREES AND SHRUBS*

Sections:

- 34.1 Definitions.
- 34.2 Protection during development activity. (Work done pursuant to a development proposal approved by the city.)
- 34.3 Violations.
- 34.4 Permit applications.

- 34.5 Tree plan.
- 34.6 Permit issuance or denial.
- 34.7 Criteria for approving tree removal permit.
- 34.7-5 Replacement trees.
- 34.8 Appeals.
- 34.9 Exemptions.
- 34.10 Obstruction.
- 34.11 Maintenance of trees on public property.
- 34.12 Penalties.

* 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. (SUGGESTED TO PLACE IN ALPHABETICAL ORDER)

As used in this chapter:

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

Add "Commission" means Natural Resources and Environmental Commission (NREC) ??

(b) "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.

(c) "Damage" means any action taken which causes injury, disfigurement or death of a tree.

This includes, but is not limited to, cutting, poisoning, overwatering, not watering, relocating or transplanting, suffocation from grade changes, excessive soil compaction, or trenching, excavating or paving within the dripline.

Add "Director" means Public Works Director ?

(d) "Dripline" means a series of points formed by the vertical dripping of water from the outermost branches and leaves of a tree.

(e) "Front yard" means that portion of private property as designated in the city zoning code.

(f) "Heritage tree" is a tree of historical value because of its association with a place, building, natural feature of the land, or an event of local, regional or national historic significance. It could be found on private or public property.

Please find list and add to Arbor Access DB

(g) "Mature tree" is any variety of tree that has a caliper of at least four inches.

(h) "Protection" means the safeguarding of trees through proper treatment.

- (i) "Removal" means uprooting, cutting or severing of the main trunk of a tree.
- (j) "Shrub" means a woody plant that is less than or equal to 16 feet tall and may be multi-stemmed.
- (k) "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 4" diameter.
- (l) "Significant tree" is a tree that has a caliper of one foot or more.
- (m) "Oak tree" shall mean species of tree of the genus Quercus.
- (n) "Native species tree" means any species of tree native to Southern California as defined by Resolution No. 7360 adopted by the city council.
- (o) "Intentional violation" means a violation of Chapter 34 (Trees and Shrubs) that is committed by any person or entity who has actual or presumed knowledge of the requirements of Chapter 34 or who has previously violated the provisions of Chapter 34. A commercial arborist/tree trimmer, a real estate developer, a general contractor, or anyone who has previously filed an application for a tree trimming or removal permit in the city shall be presumed to know the provisions of Chapter 34.
- (p) "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. (Ord. No. 1991, § 2; Ord. No. 2051, § 5; Ord. No. 2126, § 2; Ord. No. 2237, § 3, 2012.)

34.2 Protection during development activity. (Work done pursuant to a development proposal approved by the city.)

- (a) Trees shall not have physical damage to the bark or crown, where roots join the stem, during construction.
- (b) No grading shall occur within the dripline of a significant or heritage tree. All work conducted within the protected dripline area should be accomplished with hand tools only and all activity with this area should be kept to a minimum to minimize soil compaction. This area should not be subjected to flooding incidental to construction work or to disposal of construction debris, including but not limited to paint, plaster or chemical solutions.
- (c) Natural or preconstruction grade should be maintained for as great a distance from the trunk of each tree as construction permits. At no time during or after construction should soil be in contact with the trunk of any tree above natural grade.
- (d) No structure shall be located nor shall any construction requiring a permit occur within six feet of the trunk of a significant or heritage tree. (Ord. No. 1991, § 4; Ord. No. 2126,) and no building, structure, wall or impervious paving shall be located within the dripline of any oak tree.
- (e) Any required trenching should be routed to minimize root damage and cutting of roots should be avoided by placing pipes and cables below uncut roots whenever possible.
- (f) Pruning or trimming of oaks and other trees should be limited to the removal of dead wood and the correction of potentially hazardous conditions as evaluated by a qualified arborist and approved the director through the City's tree trimming permitting process. All pruning should be done in accordance with accepted pruning standards of ISA.
- (g) Irrigation is very important and construction/development interferes with normal tree care, and irrigation should be administered to replace the soil moisture lost due to site excavation. A tree should receive the amount of irrigation similar to its normal allocation.

Comment [AB1]: See Pasadena's for comparison. I have added a lot from that example. Please consider. KF

Comment [AB2]: From Arcadia's code http://file.lacounty.gov/SDSInter/acwm/216004_ArcadiaMC.pdf

34.3 Violations

(a) It is unlawful for any person to remove or transplant any ~~significant or mature~~ heritage tree, ~~a significant, or a mature heritage~~ native species tree (see list of Resolution No. 7360), ~~or a significant or a mature~~ Oak tree, ~~all other significant trees and protected shrubs~~ from any property within the city unless a tree removal permit is first obtained from the city.

(b) (CURRENT CODE)

It is unlawful for any person to trim or prune more than twenty percent of the live foliage or limbs of any significant or mature heritage tree located within the city within any twelve-month period, or cause the same to be done, without first obtaining a tree trimming permit from the city.

(b) (SUGGESTED CODE)

It is unlawful for any person to trim or prune more than twenty percent of the live foliage ~~and/or~~ limbs of any ~~significant or mature~~ heritage tree, ~~significant tree, that is not an oak or other native species tree as defined in Resolution No. 7360, or protected shrub~~ located within the city within any twelve-month period, or cause the same to be done, without first obtaining a tree trimming permit from the city.

(c) It is unlawful for any person to trim or prune more than ten percent of the live foliage ~~and/or~~ limbs of any ~~significant or mature~~ Oak or ~~a significant or mature~~ native species tree located within the city within any twelve-month period, or cause the same to be done, without first obtaining a tree trimming permit from the city. ~~Oak tree trimming is allowed only from July through September for the health of the tree.~~

Comment [AB3]: Do we make any comment about timing of Oak tree trimming here i.e. not being allowed during summertime? Added KF

(d) It is unlawful for any person to ~~harm by any means,~~ damage or cause to be damaged any ~~significant or mature~~ heritage tree, ~~significant or mature~~ Oak tree, ~~or significant or mature~~ native species tree, ~~or significant tree or protected shrub~~ located within the city.

Comment [AB4]: Match to Jan 26 2017 "no harm tree ordinance" brought to City Council item 21, on January 18, 2017

(e) It is unlawful to remove any tree ~~or protected shrub??~~ that is part of a watershed, wildlife habitat, and/or erosion control on hillsides without first obtaining a tree removal permit from the city.

(f) It is unlawful for any person to remove any tree or shrub from the parkway area between a sidewalk or private property line and street curb, without the written permission of the public works director or designee. (Ord. No. 1991, § 6; Ord. No. 2126, § 3; Ord. No. 2237, § 5, 2012.)

34.4 Permit applications

(a) Any person applying for a tree removal permit or tree trimming permit shall file with the public works director an application in writing on a form furnished by the director. Such application form 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 or trimmed;
- (3) A tree plan, ~~as in Section 34.5,~~ if the application is for a tree removal permit.
- (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 public works 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 one hundred-foot radius of the property upon which the trees are to be removed or trimmed.

(b) The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council. (Ord. No. 1991, § 8; Ord. No. 2051, §§ 1—4; Ord. No. 2126, § 4.)

34.5 Tree plan

A tree plan to be submitted with an application for a tree removal permit shall contain the following information:

- (a) The location of all existing trees on the property with all heritage trees, mature trees, native species trees, and oak trees, and significant trees identified. The tree (s) proposed for removal must be clearly identified.
- (b) The tree species and trunk caliper of all trees to be removed.
- (c) 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 letter report prepared and signed by an arborist certified by the International Society of Arboriculture (ISA).
- (d) A site specific tree proposed replacement plan drawing shall be submitted showing post removal all remaining trees post removal and all proposed plantings of replacement trees.
- (e) An arborist review of the tree plan may be required per the determination of the public works director or his/her designee or by the commission. The arborist shall be contracted and managed by the city and all fees incurred shall be the responsibility of the property owner. (Ord. No. 1991, § 10; Ord. No. 2126, § 5.)

34.6 Permit issuance or denial for tree removal

Upon receipt of the application, the director shall, if the application is for a tree removal permit, cause notice to be sent by first-class mail to property owners and tenants of property located within a one hundred-foot radius of the subject property. Such property owners shall be given fifteen calendar days from the date of mailing within which to comment on the application. All comments shall be made in writing to the director. Upon expiration of the fifteen-day period, or upon filing if for a tree trimming permit only, the application shall be reviewed by the director, who shall, after considering the application pursuant to the criteria set forth in Section 34.7 and any comments received by interested residents, approve, conditionally approve, or deny the application will present the director's recommendation to be considered to the NREC at a noticed public meeting. The NREC will then approve, conditionally approve, or deny the application or continue the hearing. The decision of the NREC shall be made in writing and provided to the applicant and to any interested persons who commented on the application. The director, in his or her sole discretion, may refer any application to the commission for consideration of the application. Should the application be referred to the commission, the commission shall make its decision after holding a noticed public meeting. The decision of the director or the commission NREC shall take effect fifteen days after the date of mailing of the decision to the applicant and any interested persons. (Ord. No. 1991, § 12; Ord. No. 2126, § 6.) . s

34.7 Criteria for approving tree removal permit.

- (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 itself, its excess foliage or its limbs poses a reasonable risk of injury or harm to any persons or property, or is interfering with an existing structure 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.

(3) Where a written determination has been made by an ISA certified arborist, after a visual inspection and scientific evaluation that the tree is so diseased or damaged that it is no longer viable or is a threat to property or to other trees.

Proposed Separation of the existing section into two sections

(4) The director or commission may waive the requirement for an arborist's statement when the director determines and documents that the tree can reasonably be determined to be dead by a lay person's visual inspection, or when, after conducting an inspection of the tree, the director determines that tree poses an obvious or imminent threat to life or property.

(5) For the removal of significant or mature trees, where the proposed replacement tree planting provides greater benefits than the existing tree's value, benefits or species.

(b) A tree removal permit may be issued that is conditional upon the replacement or transplanting of the tree(s) either on-site or off-site. Such replacement 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) based on consideration of the size and species of the established tree(s) proposed for removal, the significance the tree(s) proposed to be removed has on the landscaping as seen from neighboring properties and the public view, the size of the lot, and the number of existing trees on the lot.

Any tree removal will require complete removal or grinding of the stump and backfilling of any hole.

(2) Because of their size and/or significance, single tree(s) that have been removed may be required to be replaced with multiple trees, subject to review and approval by the director or his/her designee. If the subject property cannot accommodate multiple trees, alternative locations within the city (public right-of-way, park, etc.) may be designated or the fees paid will fund the future planting of city trees.

~~(3) An existing tree(s) on-site may be designated to serve as a replacement tree(s) upon commission approval.~~

(3) If replacement trees are required, the property owner must agree to accept the conditions of replacement by his or her signature on the application 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.

(5) Should the tree designated as a replacement located on owner's property not survive for a period of at least two years, further replacement shall be required.

(6) Where the permit allows the removal, replacement, or transplanting of tree(s), director or commission may, in their discretion, require the applicant to post a bond or surety to replace the tree(s) that do not survive a five-year period. 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 permit shall be valid for a period of one year. (Ord. No. 1991, § 14; amended during 4/04 supplement; Ord. No. 2126, § 7; Ord. No. 2188, § 1, 2009; Ord. No. 2191, § 1, 2009; Ord. No. 2237, § 2, 2012.)

Comment [AB5]: Replacement tree planting must occur within 90 days of permit issuance per condition #4 of Application. Perhaps this should have allowance for appropriate nearest planting season. This is not addressed. KF Leave alone and let Pub Works and resident decide if need be.

34.7-5 Replacement trees.

The number of replacement trees is determined by the size of the existing tree. One twenty-four-inch box replacement tree shall be required for each ten-inch increment of the diameter of the existing tree, or portion thereof, for significant trees; and two twenty-four-inch box native species replacement trees shall be required for each ten-inch increment of the diameter, or portion thereof, for Oak and native species trees and heritage trees. Specifically, a tree with a diameter of up to ten inches requires one replacement tree, a tree with a diameter between eleven and twenty inches requires two replacement trees, a tree with a diameter between twenty-one and thirty inches requires three replacement trees and so forth. (Ord. No. 2237, § 2, 2012.)

(Construction site replacement count are higher ?)

If your tree removal permit is approved, you will have to plant one 24" box tree (or 36" box tree) as a replacement for each increment of the diameter of the tree being removed, as follows:
The current policy is **one 24" box replacement tree for each 10 inch diameter**, or portion thereof for Significant trees, and one 36" box native species replacement tree for each 10 inch diameter, or portion thereof for Oak & Native species.

- up to 10 inches (one replacement)
- 11 - 20 inches (two replacements)
- 21 - 30 inches (three replacements)
- 31 - 40 inches (four replacements)
- Etc.

Policy on Replacement Trees on Construction Sites:

Non-native tree removal

One 24" box tree for each 6" in diameter, or portion thereof.

(Example: The removal of a 36" diameter significant tree would require the planting of 6 (six) 24" box replacement trees)

Native species removal

Two 24" box native trees for each 6" in diameter, or portion thereof.

34.8 Appeals

(These changes will apply if all tree removals come to the NREC , excepting those where the tree is obviously dead or may cause immediate harm, etc.)

(a) Tree Removal ~~The applicant or any interested party may appeal the decision of the director to the NREC natural resources commission by filing an appeal in writing submitted to the secretary of the commission within fifteen days after the date of decision of the NREC director.~~ Decisions of the NREC ~~commission~~ may be appealed to the city council by filing such appeal in writing submitted to the city clerk within fifteen 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. (Ord. No. 1991, § 16; Ord. No. 2126, § 8.)

(b) Tree Trimming ~~The applicant or any interested party may appeal the decision of the director to the NREC natural resources commission by filing an appeal in writing submitted to the secretary of the commission within fifteen 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 fifteen 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. (Ord. No. 1991, § 16; Ord. No. 2126, § 8.)

34.9 Exemptions.

(a) No permit is required for the removal or trimming or pruning of a tree damaged by a storm, fire, or other natural disaster and determined to be dangerous by the public works director, police chief, fire chief, or code enforcement officer.

- (b) No permit is required when the fire department has deemed the removal of the tree(s) is critical to providing an effective firebreak.
- (c) Public utility companies required to remove or trim trees, upon submittal of a letter to the public works director 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 or trimming or pruning of hedges. (Ord. No. 1991, § 17; Ord. No. 2126, § 9.)

34.10 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 seventy-five feet of the point of intersection of the centerlines of streets or within seventy-five feet of the point of intersection of the centerline of a street and a railroad right-of-way, that is more than thirty-six 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. (Ord. No. 1991, § 18; Ord. No. 2126, § 10.)

34.11 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. (Ord. No. 2051, § 6.)

34.12 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: the standard inspection fee; double the required tree removal permit fee; and planting double the number of replacement trees required pursuant to section 34.7-5.
- (b) Penalties for an intentional violation shall be as follows: the penalties described in subsection a of this section plus 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 International Society of Arboriculture (ISA) Guide for Plant Appraisal.
- (c) Penalties for an intentional violation in connection with development or anticipated future development on the property shall be as follows: the penalties described in subsections a and b plus the city manager may refer the violation to the city prosecutor for criminal charges. The city manager may also refer the violation 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~~ **ten** years from the date of the violation for the property upon which the violation occurred.

Comment [AB6]: City of LA uses 10 years

In determining whether 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 damage, removal, damage to the root system, and/or excessive trimming of trees within the buildable area of a property; oral or written admissions or repeated actions taken in spite of 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, 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 a survival guarantee pursuant to section 34.7(b)(6) and (7).

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.

Payment of any penalty and planting of replacement trees shall occur within sixty calendar days of the date the violator was directed to take such action, except the public works director shall have discretion to grant an extension for replacement tree planting upon the violator's showing of good cause. If the violator does not complete planting of replacement trees within the allotted time, the public works director may procure and plant the requisite replacement trees, and the violator shall be responsible for reimbursing the city for such additional costs within thirty days of the city's issuance of a billing statement.

If the costs are not recovered by the city in sixty 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.
- (d) 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. 2126, § 11; Ord. No. 2237, § 4, 2012.)

NREC MEMORANDUM

Date: June 19, 2017

To: NREC Commissioners
Councilmember Richard Schneider
Paul Toor
Kristine Courdy

From: Jenna Shimmin, Senior Management Analyst

RE: NREC Tree Removal Permit Hearings

Please find below my suggested edits and changes (incorporating edits from Commission Findley) to Chair Bill Kelly's recommendations for applicants who seek tree removal permits at Natural Resources & Environmental Commission hearings.

Guidance for NREC Tree Removal Permit Hearings

The Natural Resources & Environmental Commission (NREC or Commission) will consider all tree removal requests referred to the Commission by the City of South Pasadena Director of Public Works. As you prepare to present your application for a tree removal permit to the Commission, or to oppose such a request, please note the following guidelines:

- 1) **Tree Removal Ordinance:** Prior to requesting a permit for tree removal, applicants should review the City of South Pasadena tree ordinance as contained in Chapter 34 of the municipal code. Applicants should be prepared to provide evidence demonstrating that his/her tree removal request meets the criteria outlined in the ordinance. The ordinance can be found on the City's website and is available at City Hall.
- 2) **Tree Removal Criteria:** The criteria for approving a tree removal under the ordinance includes that a tree is dead, dying, or diseased and is no longer viable or constitutes a threat to property or to other trees. Removals will also be allowed where a tree itself, due to excess foliage and limbs, creates a reasonable risk of injury or harm to any persons or property that cannot be mitigated short of removal; as well as for trees that interfere with a structure and no reasonable measure, such as trimming branches or roots, is available to mitigate the interference. Finally, trees may be removed, where upon taking into account the size, shape, topography and existing trees upon the lot an undue hardship is created.
- 3) **Hearing Process:** The NREC will seek to limit the length of any hearing to approximately 20 minutes. The chair first will call upon the applicant to present his/her case, allotting five minutes for the presentation, including any supporting documentation (reports, photographs, etc.). This shall be followed by questions from the commissioners, to which the applicant is allowed to answer briefly. The chair then will call upon anyone wishing to contest the tree removal and provide that individual with five minutes to present information. Please note that these time allotments are guidelines and may be varied based upon the complexity of the case. After hearing from all parties, the

Commission may immediately decide upon the removal request, or may delay a decision if questions remain about whether the removal meets the criteria outlined in Chapter 34.

- 4) **Supporting Documentation:** Helpful evidence may include that a tree is diseased, with support for that conclusion that explains how that determination was made, outlining what type of disease it has, showing photos that display characteristics of the disease, etc. In cases where a tree is interfering with a structure, present evidence, including photos and a diagram, to rough scale, showing where the tree is located on the property in relation to the structure with which it is interfering. In general, the NREC interprets structures to constitute foundations directly supporting walls, eaves of homes, garages, carports, pools, sewer lines, etc., but not typically sidewalks, driveways or patios. In general, the Commission will necessarily grant a removal permit for interference if it can be mitigated without the removal of the tree.
- 5) **Arborist Report:** A written report from an International Society of Arborists certified arborist can be helpful during the presentation, but may not be necessary. Please ensure that such report provides detailed information supporting a conclusive need for removal.
- 6) **Mitigation:** Applicants should prepare to explain what mitigations of structural interference or of reasonable risk from a tree have been considered and why they are not workable. Often such mitigations are less expensive than complete tree removal.
- 7) **Tree Replacement Plan:** If your application is granted, be prepared to agree to a tree replacement plan based on the formula outlined in the ordinance. Trees may be planted on your own property and/or a neighbor's property. Applicants may also opt to pay the city to plant the requisite number of replacement trees on public land within the city limits. Any combination of these alternatives may suffice. In general, the Commission favors replacing a tree with a native, drought tolerant species, or other trees that will grow to a similar scale as the tree being removed. This will allow for the eventual return of similar aesthetics and energy conservation benefits as any tree removed.

Item No. 3

Jennifer Shimmin

From: Craig Melicher <craig.melicher@transtech.org>
Sent: Tuesday, February 21, 2017 2:45 PM
To: Jennifer Shimmin
Cc: Ayla Jefferson; Dennis Tarango; David Watkins; John Mayer
Subject: RE: Greywater Provisions
Attachments: grey_water_01.jpg; grey_water.jpg; greywater-installation2.jpg; grey_water_02.jpg

Hi Jenna,

I think the NREC should take the following steps or consider the following:

1. Define the goal of the Ordinance;
2. Decide whether South Pasadena should require that greywater systems be installed in a 'ready-to-use' state, or a partial system that could be used at some point in the future. (I have no recommendation one way or the other);
3. If the system is to be ready to use when the house is ready for occupancy, then some level of coordination is required with the landscape design. I haven't thoroughly researched this, but I'm assuming that any of the following conditions could exist or should be considered:
 - a. Plumbing fixtures could drain directly to landscape areas – in which case the landscape areas need to be able to accept the discharged greywater without creating a nuisance based on variable flow;
 - b. Some quantity of greywater could be stored for more controlled use. In addition to storage vessels, some type of pump will probably be required. The quantity of water stored would have to be decided along with permitted locations for the storage vessels. Would the City accept above-grade barrels that are visible from the street for example? Maybe above-grade barrels would be acceptable in the back- or side-yards only?
 - c. Where coordination with a landscape plan is required, who will review the design to make sure it is consistent with City requirements and the proposed greywater system. I'm also assuming that a fee will be required to recover the City's review costs.
4. Alternatively, the City could simply require that each permitted plumbing fixture be allowed to drain to the site, or collected in a common system, or a combination of both. If the entire system is not going to be installed, then each permitted plumbing fixture could simply be piped to an exterior location via some type of accessible 3-way valve, or the City could require that each plumbing fixture be collected into a common pipe that terminates on the exterior along with the required 3-way valve, or some combination of the two.
5. I think there are overlaps with Zoning issues that should also be explored with the Planning Division in addition to Building Division.
6. If partial systems are installed, I don't think that Health Department approval is required for an incomplete system. If a system is installed with stub-outs, verification of the final installation by the Building Department may be very difficult because of the likelihood that owners will complete the system without getting an appropriate permit from the City.

For clarification, I am picturing systems similar to the attached graphics or a system similar to the GreyFlow system (see video: <https://www.youtube.com/watch?v=lg-HEgDgnw>)

If the City wants to mandate a working system, then the draft ordinance I wrote could be used as a guide. If the NREC prefers, we can go back and work with the draft from Encinitas. Or if the NREC wants to do something completely different, I'm open.

Ayla, the Building Services Manager, reviewed my draft language and provided the significantly improved version below. She is also suggesting that we need a definition for 'Net Irrigable Landscape Area,' and I agree. Also, does there

even need to be greenery in the landscape? If someone wanted to discharge greywater beneath brick pavers rather than put the waste into the sewer system, would the City object? If someone builds a new house with pavers and DG and a couple of trees that require very little irrigation water, would the City object? Would this qualify as 'New Irrigable Landscape Area?'

9.51 Purpose

Greywater systems shall be installed in all new one- and two-family dwellings.

Exceptions:

- 1) Greywater systems shall not be required for individual lots that have a net irrigable landscape area of less than 200 square feet.
- 2) Greywater piping shall not be required from interior residential fixtures where the invert elevation of the greywater piping cannot terminate at least 6 inches above adjacent grade at an exterior wall without the use of a pump.
- 3) Use of greywater for irrigation of parkways in the public right of way shall be at the sole discretion of the Director of Public Works.

9.52 Installation requirements

Greywater systems shall be installed in full accordance with current Health Department requirements. Greywater systems shall be plumbed from all plumbing fixtures permitted to serve a greywater system to at least one discharge location on an exterior wall that is capable of supplying a landscape irrigation system with nonpotable water.

Landscape areas, where provided, shall be capable of accepting, storing and percolating not less than 60 gallons of discharged greywater in any single 24-hour period of time and not less than 30 gallons within any 90-minute period of time, or storage tanks with a capacity of not less than 100 gallons shall be provided. Where storage tanks are provided, pumps or other means shall be provided to discharge the greywater into landscape areas at a rate not greater than the actual capacity of the landscape area.

At no time shall greywater be permitted to flow beyond the defined boundary of the landscape area or across a property line.

9.53 Definitions

Net irrigable landscape area;

Craig Melicher
Vice President
Transtech Engineers, Inc.
(626) 217-3748



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NREC MEMORANDUM

Date: ~~April 20, 2017~~ June 19, 2017

To: NREC Commissioners
Councilmember Richard Schneider
Jenna Shimmin

From: Bill Kelly, NREC Chair

RE: Potential Recommendation for South Pasadena Solar Building Ordinance

California has set a goal of seeing that all new homes built beginning in 2020 are “zero net energy” structures that on a net balance use no more energy than they produce. The California Energy Commission is developing building standards for its 2019 update of Title 24 regulations, which establish energy efficiency requirements for new construction. The rationale behind the zero net energy concept is that while it will cost more to build homes, over their lifetime occupants will save money on a net basis by paying less for their energy utility bills.

Up and down the state, from the small Sonoma County city of Sebastopol to Santa Monica, an increasing number of cities have set energy efficiency standards for buildings that are stronger than current state requirements. These standards range from a relatively simple solar requirement in Sebastopol, to more complicated requirements in Santa Monica and San Francisco that specify overall efficiency levels met by using both rooftop solar systems and highly efficient design and construction features.

South Pasadena has the opportunity to help new home builders and owners who substantially remodel or expand their homes to save energy and dramatically lower utility bills by adopting a solar building ordinance similar to the one adopted in 2013 in Sebastopol. The Sebastopol ordinance requires solar systems on new residential and commercial buildings. It also requires solar systems on home remodels that either increase the square footage by 75 or more or involve demolition, remodeling, or repairing more than 75 percent of the existing structure. Additions and substantial remodels of commercial buildings also trigger the requirement for installing a solar system.

Since a new construction or major remodeling project generally is expensive and is financed and adding solar systems consists of only a fraction of the cost, solar can be rolled into a project with a small increase in monthly loan payments relative to the cost of electricity. As an example, at \$250 a square foot for construction costs, adding 1,125 square feet to an existing 1,500 square foot home would cost \$281,250. Adding a 5 kW solar system would add about \$16,600 to that total cost of construction, marking about a 6 percent increase in overall cost. Financed at 4% for 15 years, the monthly repayment for the project without a solar system would run \$2,080, while the payment with a solar system would run \$2,203, about \$123 more a month, which would be offset by a lower electric utility bill.

Accordingly, the commission should consider recommending that the city of South Pasadena join the growing number of cities that are requiring solar systems as part of new construction projects.

Sebastopol Ordinance:

Chapter 15.72

MANDATORY PHOTOVOLTAIC SYSTEM REQUIREMENTS

Sections:

15.72.010 Findings.

15.72.020 Purpose.

15.72.030 When required.

15.72.040 Size.

15.72.050 Exceptions.

15.72.060 Proof of compliance.

15.72.070 Effective date.

15.72.010 Findings.

A. Reduction of greenhouse gases is a stated goal of the City of Sebastopol. As a responsible environmental steward the City of Sebastopol is committed to policies and programs that conserve and use natural resources wisely.

B. Solar photovoltaic technology and equipment have become reasonably available.

C. Therefore, consistent with its authority as a municipal corporation and its responsibility to protect the public health, safety and welfare, the City hereby enacts requirements for new construction and specified additions to existing structures to increase energy conservation and reduce greenhouse gas emissions.

15.72.020 Purpose.

This chapter addresses installation of solar photovoltaic systems for all new commercial and residential building construction and specified additions to existing structures.

15.72.030 When required.

New commercial or residential buildings, and specific alterations, additions and remodels require the installation of a photovoltaic energy generation system. Any addition to an existing commercial building which increases the square footage by 1,800 square feet or greater and all commercial remodels, alterations or repairs that are made involving demolition, remodel or repair of more than 50 percent of the structure.

Any addition to an existing residential building which increases the square footage by 75 percent or greater and all residential remodels, alterations or repairs that are made involving demolition, remodel or repair of more than 75 percent of the structure.

At the time of submittal of a building permit application for a new commercial building or addition over 1,800 square feet or alterations, remodel or repairs over 50 percent or more of the structure or new residential building or residential addition, alteration, remodel or repairs of 75 percent or more of the structure, an applicant shall be required to submit plans and specifications for a solar photovoltaic system included in the submittal application.

Buildings and structures of an accessory character as defined in the California Building and Residential Code as Group U occupancies and residential buildings 840 square feet or less are not regulated by this chapter.

15.72.040 Size.

A. Minimum system size may be calculated by either of two methods, prescriptive or performance.

1. Prescriptive Method. The minimum system size utilizing the prescriptive method is two watts per square foot of conditioned building area including existing, remodeled and new conditioned space. Watts are calculated by using the nameplate rating of the photovoltaic system. There are no considerations for performance such as tilt, orientation shading or tariffs.

2. Performance Method. The system sizing requirement for the performance method shall be calculated using modeling software or other methods approved by the Building Official. The total building load including conditioned and unconditioned space is calculated in kilowatt hours. The photovoltaic system annual output is calculated by factoring in system orientation, tilt, shading, local weather conditions and equipment efficiency. The photovoltaic system must offset 75 percent of the electrical load of the building on an annual basis.

B. Incentives, to be determined by the Official, shall be instituted for installations which exceed the minimum size required.

C. Methods of electrical energy production through renewable sources other than photovoltaic systems shall be considered when calculating the total requirement for any specific project.

15.72.050 Exceptions.

The Building Official may exempt facilities from the provisions of this chapter, and impose reasonable conditions in lieu of full compliance herewith, if the Official determines that there are practical difficulties involved in carrying out the provisions of this chapter. Practical difficulties may be the result of the building site location, shading resulting from topography or other conditions. Reasonable conditions may include the use of alternate energy systems, exceeding mandatory energy compliance standards by 10 percent or other methods as determined. the Official may require that sufficient evidence or proof be submitted to substantiate any exception or acceptance of alternatives.

The City Council may establish an in-lieu fee as an acceptable alternative for full compliance.

The in-lieu fee shall be 90 percent of the permit valuation amount for a similar sized system and shall be based upon historical data collected by the Building Department for the previous 12 calendar months.

Owners of multiple properties may install a single photovoltaic system meeting the aggregate energy generation requirement for all owned properties which require compliance with this chapter.

Properties which have a previously installed photovoltaic system are required to increase the size of any existing system to meet the current minimum standards.

15.72.060 Proof of compliance.

Prior to the issuance of a certificate of occupancy for new construction or a final inspection for specified additions the owner of record or his agent shall certify in writing that the solar photovoltaic system is operational.

15.72.070 Effective date.

The ordinance codified in this chapter shall take effect 60 days after its passage, but shall not be applicable to complete applications for plan check filed with the Sebastopol Building and Safety Department as of the effective date of the ordinance codified in this chapter, except at the election of the applicant.

NREC MEMORANDUM

Date: June 19, 2017

To: NREC Commissioners

From: Jenna Shimmin, Senior Management Analyst

RE: Water Conservation Rebate Program Update

Background

In FY 2016-17, no funds were allocated for the residential rebate program. Going forward it is recommended to allocate \$15,000 for a residential rebate program, \$25,000 for a residential turf removal program, and \$25,000 for a commercial rebate program (as outlined below). The latter two being new programs and account for a \$50,000 increase to the Water Efficiency Fee Projects budget from FY 2016-17 Budget.

In prior fiscal years, \$40,000 has been allocated for supplementing additional Metropolitan Water District residential rebates, with nothing allocated for commercial rebates. On average, \$23,000 of these funds were expended each year.

Analysis

Currently, the City of South Pasadena (City) supplements an additional \$150 per ultra HE (high efficiency) toilet (\$190 total rebate) and \$165 per HE washing machine (\$250 total rebate), with a maximum of \$40,000 for Metropolitan Water District's residential rebate program. For the first time, in FY 2016-17, the City added \$4,000 in additional funds towards commercial ultra HE toilets. Over the last few years, residential participation has maintained a level less than the allotted \$40,000 (roughly \$23,000/year), coupled with an increase in demand for commercial ultra HE toilets, it is recommended to allocate \$23,000 towards the residential program and \$17,000 towards the commercial program FY 2017-18.

Proposed Management Services Department Environmental Programs Budget FY 2017-18				
Acct	Title & Detail	FY 16/17	Proposed	Difference
Water Efficiency/Utility Billing (500-3010-3012)				
8032	Water Efficiency Fee Projects	\$ 100,000.00	\$ 150,000.00	\$ 50,000.00
	Residential Water Audits	\$ 25,000.00	\$ 25,000.00	
	Met Additional Rebate Funding - Residential	\$ 40,000.00	\$ 23,000.00	
	Met Additional Rebate Funding - Commercial	\$ 4,000.00	\$ 17,000.00	
	Turf Removal Rebate Programs	\$ -	\$ 25,000.00	
	Residential Rebate Program	\$ -	\$ 15,000.00	
	Commercial Rebate Program	\$ -	\$ 25,000.00	
	Other (nonspecified residential rebates)	\$ 31,000.00	\$ -	

The Environmental Programs Division is requesting approval of the rebate program for Fiscal FY 2017-18 (new programs are noted in red in the charts below). The proposed program includes drought tolerant plants, drip conversion parts, and showerheads, as well as a turf rebate program.

Nearly all of the current rebate program participation is for HE toilets, with minimal requests for sprinkler rebates. Because Metropolitan Water District has expressed no intention of reopening their turf rebate program, and there has been significant interest from residents, it is beneficial for the City to implement a program of its own. However, Metropolitan Water District will continue providing its rebate program for HE washers, weather based irrigation controllers, soil moisture sensors, rain barrels, and cisterns.

All of the below rebates are in line with, or exceed the amounts offered by neighboring agencies.

Proposed Residential Rebate Program FY 17-18:

Residential	Device	City's Funding	Total Amount	Total Budget
	Turf Removal	\$1/sq.ft.	\$1/sq.ft.	\$25,000
	Drought Tolerant Plants	\$250	\$250	\$15,000
	Drip Conversion	\$150	\$150	
	Showerheads (<2.5GPM)	\$25	\$25	
	HE Toilets (1.28GPF)	\$100	\$100	
	Rotating Sprinkler Nozzle (>15)	\$2/each	\$2/each	
Total Residential			\$40,000	

Proposed Commercial Rebate Program FY 17-18:

Commercial	Device	MWD's Funding	City's Funding	Total Amount	Total Budget
	Premium HET (1.08)	\$40	\$150	\$190	\$10,000
	Turf Removal	\$0	\$1/sq.ft.	\$1/sq.ft.	\$7,500
	Drought Tolerant Plants	\$0	\$600	\$600	\$7,500
	Drip Conversion	\$0	\$250	\$250	
	HE Toilets (1.28GPF)	\$0	\$100	\$100	
	Rotating Sprinkler Nozzle (>15)	\$0	\$2/ea	\$2/ea	
Total Commercial				\$25,000	