



CITY OF SOUTH PASADENA  
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION  
REGULAR MEETING AGENDA

TUESDAY, May 23, 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: March 28<sup>th</sup>, 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 Removal Request (Shimmin)** –Consideration of the approval of a tree removal permit at 1440 Indiana Avenue.
- 2) **Tree Ordinance** – Discuss updates to the City’s tree ordinance.
- 3) **Tree Removal Permit Hearings Policy (Kelly)** – consider suggested recommendations for applicants who seek tree removal permits at commission hearings.
- 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 Programs and Drought Update (Shimmin)** - City had a total water reduction of 17% for April 2017 versus the same month in 2013.
- 6) **Rescheduling of June 27<sup>th</sup> regular meeting** – Consider other possible dates for June meeting.

**INFORMATION ONLY (No Discussion Required) (15 minutes)**

- 6) **Update on Renewable Energy RFP (Shimmin)**
- 7) **Urban Forest Update (Shimmin)**
- 8) **Upcoming Events** – Mulch & Compost Giveaway Event, June 10<sup>th</sup>

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

**ADJOURNMENT** – Next Regular Meeting – June 27, 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 5-18-17, as required by Law.

Date: May 18, 2017                      Signature: [Signature]

Any disclosable public records related to this meeting distributed to the Commission fewer than 72 hours prior to the meeting shall be available for public inspection at the Public Works Office, 1414 Mission Street, Room #201, prior to the meeting. Copies of the agenda packet and any supplemental documents will be available at the meeting. Any documents distributed at the meeting will be made available following the meeting at the Public Works Office during normal business hours.

**CITY OF SOUTH PASADENA  
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION  
MINUTES – March 28, 2017**

**Roll Call** – The meeting was called to order at 7:00 p.m. Present were Commissioners: Chair William Kelly, Vice-Chair Al Benzoni, Kay Findley, Stephen Leider, Daniel Snowden-Ifft (arrived at 7:09pm), and Nancy Wilms (arrived at 7:05pm). Absent was Commissioner Noah Puni. Also present were Student Commissioner Hailey Bugg, Staff Liaison Jenna Shimmin. Council Liaison Dr. Schneider was absent.

**Minutes** – Minutes from February 28, 2017, were approved with minor edits (Leider, Benzoni 6-0).

**Public Comments and Suggestions** – None.

**BUSINESS ITEMS**

1. **Gray Water (Shimmin)** – Tabled until the next regular meeting.
2. **Cool Roofs (Benzoni)** – Tabled until the next regular meeting.
3. **Tree Ordinance (Shimmin)** – Commissioner Benzoni submitted a list of questions in March, and updates to the answers were discussed:
  - 1) Why do we have a heritage tree distinction? (reportedly no designation list exists) Is there truly a need? *Jenna to contact Building & Planning to find out what constitutes a heritage tree.*
  - 2) How many trees removal permits have been issued in last 12/24 months? *Kristine to have Leonna research this.*
  - 3) For tree trimming – how to define % of foliage? *To reference the ISA pruning standards.*
  - 4) Should there be a SP code definition regarding when a permit is needed for tree trimming? *Referenced in section 34.3 B and C, Violations.*
  - 5) Most private property tree removal permits should be approved by NREC, excepting in emergency situations or City. *Not in case of obviously dead tree, comment only.*
  - 6) We codified that all significant trees require a permit for removal to be consistent with the tree removal guidelines on SP website. *Staff will keep permit language consistent with guidelines on website.*
  - 7) Are we only concerned with “public view” or also adjacent neighbors? (34.7 b1) *NREC discussion concluded that it was also to include neighbors.*
  - 8) Should 24” box have some minimum caliper/height? *Kristine to check, perhaps ISA standard, but recommended not having a fixed standard as size varies by species.*
  - 9) Should the Construction tree replacement policy of one/6” diameter on website be codified? *It was agreed that Public Works would update the application language to reference the municipal code in order to maintain consistency.*
  - 10) How do we ensure independent non-conflicted arborist reports? How to practically implement? *It was suggested that staff obtain a second opinion, from an ISA certified arborist, when WCA’s opinion is in question.*

- 11) 34.2b - should we remove separate item referencing no construction or structure allowed within 6' of significant tree location of structure, as it would typically conflict with item a)? *Jenna to ask PW for explanation and see if better option exists, otherwise this may be removed.*
- 12) Recommend to start using version control on all city tree related documents. *Staff to add version number/date to bottom of document.*
- 13) Private Property Tree Trimming Application has two non-existent code references, see 2nd page of Tree Trimming application \_ 34.4 (d) & 3.10 (a) (b). *Will be corrected in code update.*
- 14) All tree related fees (permits & penalties) should go directly into the tree replacement and maintenance fund – can this be codified somehow? *Kristine to check and report back.*
- 15) What is status of new City permit system, what is the “going-live” date? Are tree permits planned to be part of this? Should they be? *A grant has been applied for in order to develop a City permit system. In the meantime PW is developing a system to track permits.*
- 16) What is the process for “Granting of Financial” hardship for tree removal/replacement? Where is this process/allowance specified? *Chair Kelly to work on draft language for consideration.*
- 17) What is the process for any concerned citizen(s) to resolve tree issues? This should be clearly defined. *Section 34.6 governs part of this issue; Jenna to look at making a special reporting email or online request form.*
- 18) What is the ramification (per code and/or policy) if a tree owner trims a tree back so as to effectively kill a tree? *The NREC agreed that the new “no harm” tree code under development would address this.*

There was further discussion amongst the commissioners that they understand there are some tree removal permits that won't need to come before them.

4. **Solar Building Ordinance (Kelly)** – Tabled until the next regular meeting.
5. **Tree Removal Request (Shimmin)** – Kristine Courdy, the Public Works Operation Manager, gave a brief background on the tree removal application for 1920 Edgewood Drive. She explained that the property owner submitted a request to remove two large Coastal Oak trees, providing an arborist's report showing they were improperly cabled together at some point. This has caused stress fractures in the branches, branches that are main stability branches and can't be removed without destabilizing the tree, causing a fall hazard. The report also states that the roots are damaging the foundation of the structure, as well as the sewer lines; and some large branches are hanging over a neighbor's property, causing safety concerns there as well. The Public Work's Department was going to approve the request; however a neighbor submitted a protest letter. This neighbor wasn't able to make the meeting, and so they have submitted a second letter asking the commission to move this item to the April meeting, or to at least consider their additional comments in the letter. Staff liaison, Jennifer Shimmin, advised the commission that it is at their discretion to move the item; however, the neighbor's letters provide substantial explanation of their comments. After some discussion, Chair Kelly found the consensus to be to hear the applicant tonight, and then decide if they wish to continue this item at the next meeting.

Present to represent the applicant was the property owner, Jeremy Ding. He stated that he has attempted to contact the objecting neighbor in order to explain to him what the arborist's findings were, but has gotten no response. Other neighbors he has interacted with have understood the circumstances, once explained. Mr. Ding also explained that his homeowner's insurance company has stated they can't guarantee renewal of his policy if the trees remain in their current condition.

Commissioner Wilms – Asked where the permit stands with Public Works. To which Ms. Courdy responded that they are waiting the decision of the commission before making a final ruling.

Vice-Chair Benzoni – Asked Mr. Ding to provide proof stating the homeowner's insurance company had an issue with the trees. Mr. Ding produced the email and showed it to the commission. The commissioner also asked about what aesthetics the trees provide to the property.

Public Comment – The next door neighbor, Steve Choi, whose house is underneath one of the trees, answered that while the tree is rather large and provides shade to both properties, he's had a long standing concern with the integrity of the tree that hangs over a large portion of his home.

Vice Chair Benzoni – Asked how the Mr. Ding knows there is sewer line damage, and if the branches could be trimmed back. Mr. Ding responded he had a hydro analysis done that showed the sewer line damage. Kristine Courdy responded that per the arborist, the branches in question can't be trimmed without stabilization issues.

Commissioner Findley – Noted that it is obvious that the roof was built around the tree, and that the branches are rather large and do appear to be improperly cabled causing a stress fracture. She asked if the tree branch is actually touching the home; to which Mr. Ding responded that it was, causing a rodent issue.

Commissioner Leider – Asked if these issues are new or long standing, and asked if the prior owner was aware of these issues. The neighbor, Mr. Choi, responded that these are long standing issues, and that the prior owner was elderly and wasn't able to maintain the property well for several years.

Chair Kelly – Asked why Public Works had given approval. Kristine Courdy responded that based on the arborist report the trees are causing damage and are a hazard if large branches are removed due to stability issues.

Public Comment- Mr. Ding mentioned that he has attempted to make contact with the protesting neighbor, but has been unsuccessful with talking to him.

Chair Kelly – asked how far from the property the tree trunk is, to which Mr. Ding responded that it was 4-5' away.

Student Commissioner Bugg – Asked who pointed out the stress fracture to the property owner, to which Mr. Ding responded that the arborist had, as no one had noticed it prior to the inspection.

Commissioner Snowden-Ifft – Stated that he feels the seriousness of tree limb issues should be taken into consideration. He stated that he's not sure how severe this stress fracture is, and that it would be a good idea to get a second opinion whether or not the branches can safely be removed or not. He hopes to see a way to mitigate the safety concerns while still saving the trees.

It was requested that the property owner get a second arborist's opinion, and then bring this item back at the April meeting.

- 6. Tree Removal Request (Shimmin)** – Kristine Courdy, the Public Works Operation Manager, gave a brief background on the tree removal application for 616 El Centro. She explained that the owner is remodeling the home, and an avocado tree is in the footprint of the addition. The designer of the remodel had an arborist come and assess the tree and found it to be diseased. Originally the City's arborist denied the removal. Upon further inspection the City's arborist agreed with the owner's arborist and approved the removal. A neighbor protested the removal, and so it was brought before the NREC. The designer and property owner are amenable to working with the neighboring properties regarding the planting plan and tree selection.

Commissioner Findley – Asked why the City's arborist denied the request initially. Ms. Courdy responded that the arborist thought it was just a general request, and did not know it was associated with the construction design. She also wasn't aware to check the roots for disease.

Public Comment – Neiel Norhem, the designer, stated that initially the removal request didn't include that it was because of construction, or that the disease was found during a root inspection. The City's arborist met with theirs and did a more extensive investigation to determine that the tree was in fact diseased.

Public Comment – Dr. Brad Steele, the property owner, added that the tree is a Florida Avocado that is near the end of its life expectancy.

Kristine Courdy stated that the planting plan is a condition of approval for the overall project.

A motion was made to approve the removal with the condition that the replacement be a native species (Benzoni, Leider 6-0).

## **INFORMATION ONLY**

- 7. Update on Renewable Energy Request for Proposals (Shimmin)** – Jenna Shimmin advised the commissioners that the renewable energy request for proposals (RFP) is currently open and that 15 agencies have requested it so far.
- 8. 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, Grid 8B (95% complete) eastern side of the City, War Memorial Park (50% complete), and has been completed in the area of Arroyo Park and Arroyo Drive. Grid pruning has been placed on hold due to storm damage. Removals and replacements have been ongoing throughout the City. To date 120 trees have been planted, and it is anticipated that an additional 25 trees will be planted by the end of April. Of these roughly 150 trees, South Pasadena Beautiful was able to donate 60 through a tree planting drive held over the last few months. She also stated that staff has been in contact with Metro rail staff regarding a tree branch that fell on the Gold Line tracks. As a result, all trees along the path through the City have been trimmed. Commissioner Benzoni – asked if the numerous trees lost along the Fair Oaks route will be replaced. Ms. Courdy responded that we aren't able to replace the trees as quickly as they're being

damaged, but are working as best they can to try and catch up. Commissioner Benzoni recommended looking into some sort of hardscape feature to protect the trees.

9. **Upcoming Events** – Watershed Restoration Program event - April 8th, California Friendly Landscape Class - April 11th, Local Business Earth Day Expo - April 18th, Reduce Waste Earth Day event - April 21st, General Plan Charrette – April 24th-28th, South Pasadena Garden Tour - April 30th

**Chair Communications-** No updates at this time.

**Commissioner Communications-**

Commissioner Benzoni: No updates at this time.

Commissioner Findley: Discussed the success of the recent general plan meetings. Mentioned that the rent stabilization issue is still under review.

Stables Subcommittee Update: A draft RFP has been developed, and there is a meeting on April 11<sup>th</sup> to finalize this document. Ron Hagen spoke very positively of what has been developed.

Commissioner Leider: No updates at this time.

Commissioner Snowden-Ifft: No updates at this time.

Commissioner Wilms: Discussed that one of the two tree removal permits heard today was more clear cut with better details and formatting, making it easier for the commission to come to a decision. Having more information and a more streamlined procedure would be helpful for decision making. It was also mentioned that the Hanscom property that the commission received public comment on recently will be coming before the NREC once the Council makes a determination on the historical significance of the property.

**Staff Liaison Communications-** Mrs. Shimmin advised the commission that the grant staff had recently applied for from the California Energy Commission regarding Climate Action Plan (CAP) development and implementation was denied. The grant staff stated that because the City is already using another grant to develop the CAP, that this grant wasn't a good fit at this time. They encouraged staff to reapply once the CAP is near completion or finalized.

**Adjournment** – Commissioner Benzoni motioned to adjourn the meeting at 9:50 p.m., Commissioner Leider seconded. Ayes: All, Nays: None.

**NEXT MEETING** – The next meeting of the Natural Resources and Environmental Commission will be held on April 25, 2017 at 7:00 p.m.

---

William Kelly, Chair

Date: May 23, 2017  
To: Natural Resources and Environmental Commission  
From: Public Works Department  
Subject: Tree Removal Application - 1440 Indiana Avenue

On April 5, 2013, Mr. and Mrs. Tsang submitted a tree removal application to remove 13 trees from the property located at 1440 Indiana Avenue. The purpose of the tree removal was to construct a new home for him and his family.

On May 7, 2013, a revised application was submitted for approval.

On May 14, 2013, the City's Arborist recommended removal of 5 trees and none were native. (No permit was required for the other 8 trees, due to side of diameter)

On May 23, 2013, the public notice was mailed for the removal of five trees - three (3) Pittosporums, one (1) Eucalyptus, and one (1) Palm tree. The City received 3 letters of opposition.

Staff requested the applicant to speak with his neighbors who opposed the tree removal.

July 2013, staff received written notification from the applicant that one of his neighbors has agreed to the removal.

March 24, 2014, the applicant was granted tentative approval subject to the following conditions: resident notification (condition completed), an approved Building Permit, and 12 replacement trees, as per tree ordinance.

On July 22, 2014 the applicant was issued a City Building permit and a tree removal permit #20417 was issued, with replacement trees to be planted on the property.

Applicant has substantially completed the house and need to finish the work for occupancy.

April 5, 2017, the applicant submitted a tree removal application for two trees – one Elm tree and one Oak tree.

On April 13, 2017, the City Arborist recommended removal of both trees.

On April 26, 2017, the public notice was mailed and the City received one letter (electronic) of opposition.

On May 16, 2017, the applicant submitted a tree removal application for one Pyracantha tree.

On May 18, 2017, the City Arborist recommended removal of the Pyracantha tree.

As the replacement trees have not been planted, staff required the applicant to post a deposit in an amount of \$3,900, prior to issuance of any future permit. Staff is ready to issue the permit to remove two (2) – one Chinese Elm and one (1) Pyracantha with seven (7) replacement trees with concurrence from the Natural Resources and Environmental Commission.





City of South Pasadena  
Public Works Department  
Engineering Division

1414 Mission Street, South Pasadena, CA 91030 (626) 403-7240

*Permit  
Ready  
When*

**Private Property Tree Removal/Replacement Permit Application**

Permit Fee: \$110.00

Inspection Fee: \$140.00

PERMIT # \_\_\_\_\_

JOB SITE: 1440 Indiana ave-

PROPERTY OWNER'S NAME Keith

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CONTRACTOR'S NAME: Gonzalo Maravilla

ADDRESS: 1018 Astelaine Ave- PHONE: 616-3274

CITY BUSINESS LICENSE NO. \_\_\_\_\_

**Trees 4" in diameter or greater are Mature Trees - Include all conditions warranting the removal  
Please Submit plan if more than three (3) trees are involved**

1. TYPE OF TREE: Elm tree SIZE OF TREE: 8±

LOCATION: North side of House

LIST OF REASONS FOR REQUESTING THIS TREE REMOVAL: Root damaged during  
Construction, uneven canopy

2. TYPE OF TREE: Coast live oak SIZE OF TREE: 6" or

LOCATION: Next to Eucalyptus

LIST OF REASONS FOR REQUESTING THIS TREE REMOVAL: Water meter next to the  
tree, future problems with utilities

3. TYPE OF TREE: \_\_\_\_\_ SIZE OF TREE: \_\_\_\_\_

LOCATION: \_\_\_\_\_

LIST OF REASONS FOR REQUESTING THIS TREE REMOVAL: \_\_\_\_\_

**Private Property Tree Removal/Replacement Permit Conditions**

- 1) Conditions must exist to warrant the removal of any mature tree. Healthy trees, which are not causing a hardship on a property owners. Shall not be approved for removal.
- 2) Tree removals will include complete removal of the stump and backfill of the hole.
- 3) For every tree approved for removal, multiple replacement trees must be planted anywhere on the owner's property or on City's property upon City's approval. For replacement tree(s) plating in the parkway, root will required to control the root system. The size of the replacement tree(s) is (are) based on the diameter of the trunk and the type/variety of the approved tree(s) for removal. The replacement tree(s) must be a minimum of 24" box size as specified by the Engineering Division.
- 4) Replacement trees must be planted within 90 days of the issuance date on the permit.
- 5) Prior to planting the replacement trees, a final inspection must be conducted by the City inspector to verify conformance with tree replacement requirements. Please call to schedule an appointment at (626) 403-7370, Monday through Friday 7:00a.m. – 3:00p.m.
- 6) A 100 foot radius map and mailing labels shall be required to provide public notice of the tree removal. Residents within 100 foot radius of the property shall be given 15 days to comment on the tree removal prior to issuance of the permit.

APPLICANTS SIGNATURE: *M. [Signature]* DATE: 4-05-17

<b>CITY USE ONLY</b>	
1) <input checked="" type="radio"/> APPROVED OR DENIED SIZE OF TREE: <u>14.5"</u> REPLACEMENT TREE SIZE: _____ QTY: <u>4</u> DUE DATE: _____ COMMENTS: <u>SUPPORT ROOTS CUT; UNEVEN CANOPY, HIGH RISK OF FAILURE.</u>	TYPE OF TREE <u>CHINESE ELM</u>
INSPECTED BY: <u>B. Mejia ISA WE 2355-A</u> DATE: <u>4-13-17</u>	
2) <input checked="" type="radio"/> APPROVED OR DENIED SIZE OF TREE: <u>9"</u> REPLACEMENT TREE SIZE: _____ QTY: _____ DUE DATE: _____ COMMENTS: <u>LEAN, UNBALANCED CANOPY, SUN SCALD ON TRUNK - CRACKING</u>	TYPE OF TREE <u>COAST LIVE OAK</u>
INSPECTED BY: <u>B. Mejia ISA WE 2355-A</u> DATE: <u>4-13-17</u>	
3) APPROVED OR DENIED SIZE OF TREE: _____ REPLACEMENT TREE SIZE: _____ QTY: _____ DUE DATE: _____ COMMENTS: _____	TYPE OF TREE _____
INSPECTED BY: _____ DATE: _____	

## Leaonna Dewitt

---

**From:** Paul Toor  
**Sent:** Tuesday, May 02, 2017 5:37 PM  
**To:** Leaonna Dewitt  
**Subject:** Fwd: Request records under FOIA?

Sent from my iPhone

Begin forwarded message:

**From:** <ezneimer@socal.rr.com>  
**Date:** May 2, 2017 at 5:25:06 PM PDT  
**To:** <amejia@southpasadenaca.gov>, <djimenez@southpasadenaca.gov>  
**Cc:** <nsanchez@southpasadenaca.gov>, <PToor@southpasadenaca.gov>  
**Subject:** Request records under FOIA?

Dear Anthony and Desiree,

As a resident at 1449 Indiana Avenue, I filed an opposition to the owner's request to remove several trees at this residence site at 1440 Indiana Avenue about 3 years ago before the house construction began. I brought the documents --- my letter with several photos of the trees that I did not want remove in person to Paul Toor's office. The city did now allow the builder to remove one mature oak tree and 4 other trees on the lot that I was most concerned about and did not obstruct the construction. In the original plan I thought the builder removed 27 trees. A few months ago two of the mature trees disappeared at the time that the neighbor sold the abutting house to a new owner. I had no proof who cut down the trees.

Last week I received notice from Public Works that the owner is requesting to remove the oak tree and 2 Chinese elder trees on the north of the property which were originally the subject trees of the owner's first request which was denied by the city. As I see it, the owner is requesting removal in two increments -- one from 3 years ago and now hoping that no one will notice.

In the courts of law we have a doctrine called RES JUDICATA that once an issue or cause of action has been litigated it cannot be litigated again. This has been decided by Director of Public Works, Paul Toor, before that the owner could not remove these remaining trees. Can Public Works issue a new permit to remove trees when they had issued a denial previously on the same trees involved? I would like this issue to be taken to Natural Resources and Environmental Commission before Director of Public Works Paul Toor issues a decision if he is leaning towards rescinding the previous denial and approve the request of the owner. I copied him on this email.

I misplaced my detailed letter to Paul Toor's office but I do have some of the original photos in my computer. Is there a way to retrieve my letter of opposition along with the photos that I submitted previously through FOIA?

The postmark was April 27th and I received it on April 29th Saturday and think I only have 11 days to respond from the postmark date (I don't have the notice in front of me) so I have very

few days left. Can this FOIA request be expedited?

Sorry for this long email. I look forward to hearing from you.

Many thanks,

Evelyn G. Zneimer  
City Clerk  
City of South Pasadena

Evelyn G. Zneimer, Esq.  
LAW OFFICES OF EVELYN G. ZNEIMER  
1930 Wilshire Blvd., Suite 910  
Los Angeles, CA 90057  
Tel (213) 484-2106  
Fax (213) 484-2037  
Email: [ezneimer@socal.rr.com](mailto:ezneimer@socal.rr.com)

**CONFIDENTIALITY NOTICE:** This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

May 7th, 2017

Dear Mr Toor,

My name is Keith Tsang and I am the owner of 1440 Indiana. I am writing in regard to my application for tree removal and the opposition letter in response.

In brief summary my application is for the removal of two trees, a oak and chinese elm. I have had both trees evaluated by an arborist who feels they are both compromised trees that will not do well in the near or long term. As I understand it, the city arborist agrees as well.

To go into further detail, I was informed by my arborist the oak was compromised by being in a poor location in terms of sun availability and damage and will only worsen with time. I understand and support the desire to protect the oak but I think our city would be better served with additional new specimens in better locations than one sun damaged specimen in a compromised location.

My bigger and more urgent concern is the chinese elm. I believe it to be a very significant safety issue. Branches fell during the recent heavy gusts of wind almost damaging their car. Also the trunk is tall enough that if it fell over it would damage my own house or the neighbor, let alone a nearby by person. Unfortunately the roots were damaged during construction. My contractor at the time tried to maintain distance and protect the roots but due to the small size of my lot and the proximity of the my building was unable to do so. I understand both my arborist and the city arborist feel the tree is significantly damaged. Please allow me remove the chinese elm as soon as possible to minimize the chances of the tree injuring someone or damaging personal property.

I am more than happy to consider any tree replacement request the city feels would be necessary to maintain South Pasadena's reputation as a tree friendly city. Please feel free to contact me by phone or email if you have any questions.

Thanks,  
Keith Tsang  
1440 Indiana  
keith.tsang@gmail.com  
914-329-0130

## Leonna Dewitt

---

**From:** ezneimer@socal.rr.com  
**Sent:** Thursday, May 11, 2017 12:17 PM  
**To:** Paul Toor  
**Cc:** Richard D. Schneider; Michael Cacciotti; Jennifer Shimmin; Leonna Dewitt; Teresa Highsmith; LDemerjian@southpasadenaCA.gov  
**Subject:** Tree Removal Application at 1440 Indiana Avenue - one oak tree and two Chinese Elm trees

Good morning Paul,

This email shall serve as a response from me as "Occupant" at 1449 Indiana Avenue per notice I received from Chesbro Tree Care on April 28, 2017. The postmark on the notice was April 27, 2017 and pursuant to South Pasadena Municipal Code Chapter 34.6, affected residents within 100 foot radius have the opportunity to comment for 15 days from the date of mailing which would be May 12, 2017. The notice however stated to make comments by Thursday, May 11, 2017 (underlined).

I sent you a photograph taken from my cellphone on Tuesday, May 9th, while I was standing by the street in front of 1440 Indiana Avenue. I was talking to the crew who were digging to remove the existing driveway. All the debris and excess poured cement were dumped onto the bases of the 100+ year old eucalyptus tree (not requested for removal at this time) and the oak tree just behind the eucalyptus tree located on the northwest corner of the property (requested for removal for the second time - the previous request in 2014 was denied). The request to remove the eucalyptus tree in 2014 was denied as well. Two Chinese Elm trees on the north side of 1440 are requested for removal (the first request in 2014 was denied). I don't have the original request by the owners in 2014 but I remembered that there were about 27 trees removed but only 15 or 18 trees were applied for removal from the city. Andy, superintendent of K.D. Construction joined my conversation with the other crew. I inquired why the owner applied for the removal of the two Chinese Elm trees. Andy replied that the previous contractor who was the uncle of the owner remove 90% of the trees' root system when they dug the foundation of the house (the north side). The roots going to the neighbor on the north side were untouched. Andy stated that this one Elm tree poses a liability to the owner because it could fall down on their own house or the neighbor's house. I asked Andy if I could talk to the general contractor/owner of K.D. Construction on Wednesday, May 10th.

Then yesterday afternoon, Wednesday, May 10th, someone knocked on my door and introduced himself as the owner of 1440 Indiana Avenue and he wanted to know why I was against the tree removal. His name is Keith (he did not give his last name but he said that he is an emergency doctor at Huntington Memorial Hospital and he just moved here from New York City but was born and grew up in Covina where his parents still reside). He said his wife's name is Helen and she is a corporate lawyer. I then asked to go to his property so I can view the trees that he wanted removed and he voluntarily gave me a tour of their almost finished house as well. His wife was not present. I then asked which trees were applied for removal. He pointed out the oak tree at the northwest corner of the property and one Chinese Elm tree on the north side of the house. Keith said that Terry Chesbro came out and told him that the Chinese Elm tree was dead because 90% of the root system was gone and that his former general contractor whom I met (the owner's uncle) removed 90% of the Elm trees' root system when he dug and laid the foundation of the house. At the moment this Elm tree is visibly healthy. Mr. Chesbro further recommended removal of the oak tree (this tree had been there since I moved in in February 1985 at 1449 Indiana Avenue) because the canopy is "uneven" and Mr. Chesbro stated according to

Keith that "it is better to have a new specimen instead of an old one." I don't know how an arborist can recommend removal of a mature oak tree due to uneven canopy (which could be trimmed pursuant to the tree trimming regulations of the city).

I asked Keith where is the second Chinese Elm tree and he replied that he made a mistake because the tree he desired removed located at the northeast corner of the property was a pittosporum (it did not look like an Elm tree at all because it has a different foliage and trunk characteristic). I am extremely familiar with this lot because Sam (my son) and the original owner's son, Cliff Hurff, used to play in this vacant lot (it was actually one lot located at 1442 Indiana Avenue but was subdivided by the new owner in 2014 and sold to the vacant lot to the current owner Keith and Helen). From what I remembered there was another Chinese Elm tree behind the number one existing and bigger Elm tree because we used to put up a hammock for the children (and adults) to use. However, the second Elm tree was nowhere located in the northeast corner of the property; the second Elm was right behind the first Elm tree. However, there is no second Elm tree now so I assumed that it was removed without obtaining a permit from the city. The current application is made "after-the fact" because the second Elm tree has already been removed. I politely asked why he wanted the Oak tree and pittosporum removed and Keith replied that he did not really care about the existing trees on his property -- he said that he has a landscape architect and he intends to plant the trees according to his plan for his property. THIS PITTOSPORUM IS IMPORTANT BECAUSE IT IS ONE OF THE DROUGHT RESISTANCE TREES FOR PURPOSES OF WATER CONSERVATION. SEE RESOLUTION NO.7360 SECTION 3 ADOPTED ON 7/2/2014. Does this mature pittosporum require a permit for removal? The owner has not applied for it if it requires a permit.

We were joined by Ken Hale the general contractor and his superintendent, Andy of K.D, Construction. We further discussed about the Oak tree which was there since I moved in in February 1985 when my house was finished. Keith said that he would not fight me on this Oak tree because "it's not obstructing his driveway - it just has an "uneven canopy", and that Terry Chesbro recommended to remove it to put a "fresh specimen" -- I don't know what he meant by fresh specimen. BUT IN THE END KEITH SAID THAT HE WOULD NOT REMOVE THE OAK TREE SO I SAID THAT IT MEANS HE IS WITHDRAWING HIS APPLICATION TO REMOVE THIS OAK TREE AND HE SAID YES.

Pursuant to South Pasadena Municipal Code 34.1 (j) and (k) both mature Chinese Elm trees and mature Oak trees are significant and protected. So this oak tree and one Chinese Elm tree are protected. The second Elm tree disappeared and nowhere to be found in the property. Removal of the second Chinese Elm tree without a permit is a violation of the code.

Pursuant to South Pasadena Municipal Code 34.2(a) and (b) it required the owners to apply for a permit before grading (for construction purposes) their driveway if it occurred within the dripline of a significant or heritage tree. The owners did not obtain a permit as I learned yesterday. The paving of the driveway abuts the 100+ year old eucalyptus and oak trees so the driveway is inches from the trees. So there is a violation of the code since no permit was taken.

Pursuant to South Pasadena Municipal Code 34.3(d) it states, "it is unlawful for any person to damage or cause to be damaged any heritage tree, mature oak tree, or mature native species tree located within the city." Here, the owners were on notice when the city denied removal of the oak tree and two Chinese Elm trees in 2014 when their application to remove these trees was denied. The owners had the duty to protect the integrity and health of these protected trees. No attempts were made by the owners to mitigate any damage that they caused to these trees (Chinese Elm trees) and the oak tree because by compacting the soil the owners suffocated the oak tree's exchange of gases such as oxygen and nitrogen (debris/dust on the leaves

and base of trunk) and source of essential nutrients (compromising the oak tree's root system). I don't know if the owners damaged the root system of this oak tree but debris, dust, excess cement pieces and sand bags are dumped on the bases of the eucalyptus and oak trees. I asked what the sand bags are for and the Ken (the general contractor) and Andy (the superintendent) both replied that the sand bags are there to prevent mud from going to the street. The owners blamed their first contractor for removing 90% of the root system of the two Chinese Elm trees but the owners are vicariously liable because they hired the contractor. Moreover, Helen - the wife is a lawyer and should have known that South Pasadena being a Tree City USA has a tree ordinance. The owners willfully and knowingly harmed these trees and are therefore liable in violation of this code.

**REHABILITATION OF DAMAGED PROTECTED TREES:** One way to rehabilitate a protected tree whose root system is compromised is to put mulch on the base and around the tree trunk areas and water/add essential nutrients to allow the roots to regenerate. This particular Chinese Elm tree by visual inspection is healthy and its foliage is healthy. There is a wooden fence separating the owners of 1440 Indiana Avenue and their next-door-neighbors to the north. However, I would defer to the city's arborist, Mr. Chesbro, and I would like to see his written report regarding the health of this one Chinese Elm tree and to see why it could not be saved. The second Elm tree that is on the application for removal has already been removed because there is no other Elm tree on this property. But as I stated above, there were two mature Chinese Elm trees because the former owners, Trudy and Jeff Hurff and I put a hammock between the two Elm trees for the kids (and adults) to use. The owner claimed that he made a mistake that he meant to remove the pittosporum not another Elm tree, but this pittosporum too, is protected because it is a drought-resistant mature tree.

**TREE REPLACEMENT:** The owners (Keith) stated to me that he has not replaced any of the trees removed since the inception of the construction in 2014.

**FINES AND OR PROSECUTION BY CITY ATTORNEY:** I copied our City Attorney, Terri Highsmith, for this particular issue. Section 34.12 states, "Any person violating any of the provisions of this Chapter [Chapter 34] is guilty of a misdemeanor, except, at the discretion of the city attorney, the violation may be charged and prosecuted as an infraction. Penalties shall be as set forth in Sections 1.7 and 1.7A of this code. Persons violating any of the provisions of this chapter shall also be subject to the administrative citation procedure set forth in Chapter 1A of this code. (Ord. No. 2126 sec. 11)."

Please consider all the facts stated above when making your decision. Thank you for your consideration in this matter.

Respectfully,

Evelyn G. Zneimer, Esq.  
City Clerk  
City of South Pasadena  
Email: EZneimer@southpasadenaCA.gov or ezneimer@socal.rr.com

Evelyn G. Zneimer, Esq.  
LAW OFFICES OF EVELYN G. ZNEIMER  
1930 Wilshire Blvd., Suite 910  
Los Angeles, CA 90057  
Tel (213) 484-2106  
Fax (213) 484-2037



Email: ezneimer@socal.rr.com

**CONFIDENTIALITY NOTICE:** This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

9:00AM

CITY OF SOUTH PASADENA  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION  
1414 Mission Street - South Pasadena - CA 91030 - (626) 403-7240  
CITY OF SOUTH PASADENA RECEIVED  
MAY 16 2017

PRIVATE PROPERTY TREE REMOVAL/REPLACEMENT PERMIT APPLICATION  
PUBLIC WORKS DEPT.

Please submit plan if more than three (3) trees are involved.

Permit Fee: \$110.00 plus PERMIT #: \_\_\_\_\_  
Inspection Fee: \$140.00

JOB SITE: 1440 Indiana

PROPERTY OWNER'S NAME: Keith Tsang

ADDRESS: 1440 Indiana South Pasadena, CA 91031 PHONE: 914 329 0130  
1001 Fremont Ave #1166

CONTRACTOR'S NAME: KD Construction

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

CITY BUSINESS LICENSE No: \_\_\_\_\_

1. Type/Variety of Tree: Pyracantha Size of Tree: \_\_\_\_\_  
(trees 4" in diameter or greater are Mature trees) (diameter of tree measured 4' from base of trunk)

Location: North east lot corner  
(specific location of tree on property i.e. front yard, side yard, etc.)

List Reasons for requesting this tree removal: Thorns, I have small children  
(include all conditions warranting the removal)

2. Type/Variety of Tree: \_\_\_\_\_ Size of Tree: \_\_\_\_\_  
(trees 4" in diameter or greater are Mature trees) (diameter of tree measured 4' from base of trunk)

Location: \_\_\_\_\_  
(specific location of tree on property i.e. front yard, side yard, etc.)

List Reasons for requesting this tree removal: \_\_\_\_\_  
(include all conditions warranting the removal)

3. Type/Variety of Tree: \_\_\_\_\_ Size of Tree: \_\_\_\_\_  
(trees 4" in diameter or greater are Mature trees) (diameter of tree measured 4' from base of trunk)

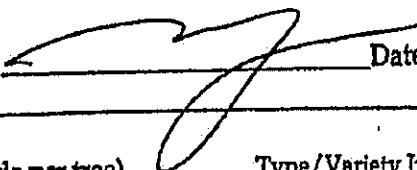
Location: \_\_\_\_\_  
(specific location of tree on property i.e. front yard, side yard, etc.)

List Reasons for requesting this tree removal: \_\_\_\_\_  
(include all conditions warranting the removal)

1440 Indiana

PRIVATE PROPERTY TREE REMOVAL/REPLACEMENT PERMIT CONDITIONS

- 1) Conditions must exist to warrant the removal of any mature tree. Healthy trees, which are not causing a hardship on the property owner, shall not be approved for removal.
- 2) Tree removals will include complete removal of the stump and backfill of the hole.
- 3) For every tree approved for removal, multiple replacement trees must be planted anywhere on the owner's property or on City's property upon City's approval. For replacement tree(s) planting in the parkway, root barriers will be required to control the root system. The size of the replacement tree(s) is(are) based on the diameter of the trunk and the type/variety of the approved tree(s) for removal. The replacement tree(s) must be a minimum of 24" box size or as specified by the Engineering Division.
- 4) Replacement trees must be planted within 90 days of the issuance date on the permit.
- 5) Prior to planting the replacement trees, a final inspection must be conducted by the City inspector to verify conformance with tree replacement requirements. Please call to schedule an appointment at (626) 403-7370, Monday through Friday from 7:00 a.m. to 3:30 p.m.
- 6) A 100-foot radius map and mailing labels shall be required to provide public notice of the tree removal. Residents within a 100-foot radius of the property shall be given 15-days to comment on the tree removal prior to issuance of the permit.

APPLICANT SIGNATURE:  Date: 5/16/17

City use only

1.  Approved or Denied (circle per tree) Type/Variety Inspected: RYALANTA

MULTI-STEMMED (7+4+4+8) 23" Size of Tree Replacement tree size: 24 Qty: 3 Due by: \_\_\_\_\_

OVERGROWN SHRUBS, DISEASED WITH CRACKED STEMS  
Comments: (PHOTOS AVAILABLE)

Inspected by: A. Mujica WE 2355 A Date: 5-17-17

2.  Approved or Denied (circle per tree) Type/Variety Inspected: \_\_\_\_\_

Size of Tree \_\_\_\_\_ Replacement tree size: \_\_\_\_\_ Qty: \_\_\_\_\_ Due by: \_\_\_\_\_

Comments: \_\_\_\_\_

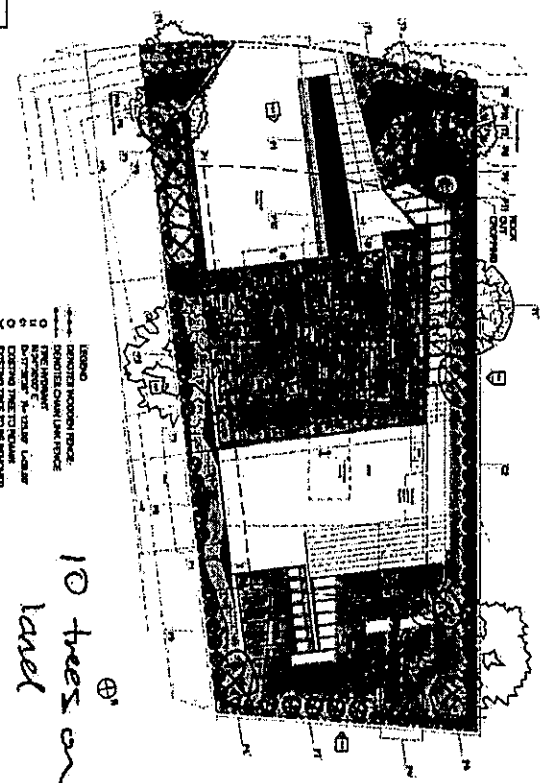
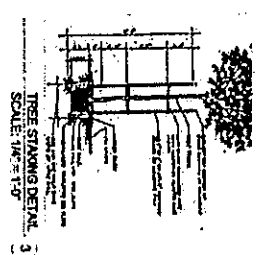
Inspected by: \_\_\_\_\_ Date: \_\_\_\_\_

3.  Approved or Denied (circle per tree) Type/Variety Inspected: \_\_\_\_\_

Size of Tree \_\_\_\_\_ Replacement tree size: \_\_\_\_\_ Qty: \_\_\_\_\_ Due by: \_\_\_\_\_

Comments: \_\_\_\_\_

LANDSCAPE CONTRACTOR SHALL VERIFY WITH THE ARCHITECT AND THE CITY OF SANTA ANA THAT ALL PLANTING AND CONSTRUCTION MATERIALS ARE APPROVED BY THE CITY OF SANTA ANA. ALL PLANTING AND CONSTRUCTION MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SANTA ANA'S LANDSCAPE MAINTENANCE MANUAL. ALL PLANTING AND CONSTRUCTION MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SANTA ANA'S LANDSCAPE MAINTENANCE MANUAL. ALL PLANTING AND CONSTRUCTION MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SANTA ANA'S LANDSCAPE MAINTENANCE MANUAL.



ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
01	BRASS				
02	BRASS				
03	BRASS				
04	BRASS				
05	BRASS				
06	BRASS				
07	BRASS				
08	BRASS				
09	BRASS				
10	BRASS				
11	BRASS				
12	BRASS				
13	BRASS				
14	BRASS				
15	BRASS				
16	BRASS				
17	BRASS				
18	BRASS				
19	BRASS				
20	BRASS				
21	BRASS				
22	BRASS				
23	BRASS				
24	BRASS				
25	BRASS				
26	BRASS				
27	BRASS				
28	BRASS				
29	BRASS				
30	BRASS				

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
01	BRASS				
02	BRASS				
03	BRASS				
04	BRASS				
05	BRASS				
06	BRASS				
07	BRASS				
08	BRASS				
09	BRASS				
10	BRASS				
11	BRASS				
12	BRASS				
13	BRASS				
14	BRASS				
15	BRASS				
16	BRASS				
17	BRASS				
18	BRASS				
19	BRASS				
20	BRASS				
21	BRASS				
22	BRASS				
23	BRASS				
24	BRASS				
25	BRASS				
26	BRASS				
27	BRASS				
28	BRASS				
29	BRASS				
30	BRASS				

H G F E D C B A

LANDSCAPE SCHEDULE 2

**Tsang Residence**  
 14800 Wilshire Blvd, Suite 1000  
 Beverly Hills, CA 90210  
 Phone: 310.277.1234

**GEL**  
 Griffin Knight  
 Landscape  
 1000 Wilshire Blvd, Suite 1000  
 Beverly Hills, CA 90210  
 Phone: 310.277.1234

**REVISIONS**

**DESIGN REVIEW SUBMISSION**

**Landscapes Plan**

DATE: 10/10/2020

**L10**

- 1) Why do we have a heritage tree distinction? (Reportedly no designation list exists) Is there truly a need? *Trees on a historical/significant property or that are of a historical/significant nature as deemed by the Cultural Heritage Committee.*
- 2) How many trees removal permits have been issued in last 12/24 months? *Kristine to have Leaonna research this. - ongoing*
- 3) For tree trimming – how to define % of foliage? *To reference the ISA pruning standards.*
- 4) Should there be a SP code definition regarding when a permit is needed for tree trimming? *Referenced in section 34.3 B and C, Violations.*
- 5) Most private property tree removal permits should be approved by NREC, excepting in emergency situations or City. *Not in case of obviously dead tree, comment only.*
- 6) We codified that all significant trees require a permit for removal to be consistent with the tree removal guidelines on SP website. *Staff will keep permit language consistent with guidelines on website.*
- 7) Are we only concerned with “public view” or also adjacent neighbors? (34.7 b1) *NREC discussion concluded that it was also to include neighbors.*
- 8) Should 24” box have some minimum caliper/height? *Kristine to check, perhaps ISA standard, but recommended not having a fixed standard as size varies by species.*
- 9) Should the Construction tree replacement policy of one/6” diameter on website be codified? *It was agreed that Public Works would update the application language to reference the municipal code in order to maintain consistency.*
- 10) How do we ensure independent non-conflicted arborist reports? How to practically implement? *It was suggested that staff obtain a second opinion, from an ISA certified arborist, when WCA’s opinion is in question.*
- 11) 34.2b - should we remove separate item referencing no construction or structure allowed within 6’ of significant tree location of structure, as it would typically conflict with item a)? *Per Building & Planning there are times when a variance is issued, for example when a fence is to be installed around a tree. Both sections are necessary. Also, there are times when things are hand dug and grading isn’t necessary.*
- 12) Recommend to start using version control on all city tree related documents. *Staff to add version number/date to bottom of document.*
- 13) Private Property Tree Trimming Application has two non-existent code references, see 2nd page of Tree Trimming application \_ 34.4 (d) & 3.10 (a) (b). *Will be corrected in code update.*
- 14) All tree related fees (permits & penalties) should go directly into the tree replacement and maintenance fund – can this be codified somehow? *Kristine to check and report back. – waiting on response*
- 15) What is status of new City permit system, what is the “going-live” date? Are tree permits planned to be part of this? Should they be? *A grant has been applied for in order to develop a City permit system. In the meantime PW is developing a system to track permits.*

16) What is the process for "Granting of Financial" hardship for tree removal/replacement? Where is this process/allowance specified? *Chair Kelly to work on draft language for consideration.*

17) What is the process for any concerned citizen(s) to resolve tree issues? This should be clearly defined. *Section 34.6 governs part of this issue; Jenna to look at making a special reporting email or online request form. – Need to work with Public Works to update their webpage.*

18) What is the ramification (per code and/or policy) if a tree owner trims a tree back so as to effectively kill a tree? *The NREC agreed that the new "no harm" tree code under development would address this.*

**NREC MEMORANDUM**

**Date:** April 10, 2017

**To:** NREC Commissioners  
Councilmember Richard Schneider  
Paul Toor  
Jenna Shimmin  
Kristine Courdy

**From:** Bill Kelly, NREC Chair

**RE:** NREC Tree Removal Permit Hearings

Please find attached my suggested recommendations for applicants who seek tree removal permits at Natural Resources & Environmental Commission hearings. It has been some time since the commission has dealt with these requests routinely and after recent meetings I believe that if applicants followed these guidelines it would speed the process and provide for more certain outcomes.

The chief goal of the guidelines is first to inform residents of what to expect and how to prepare. The second goal is to make sure the commission is presented the conclusions and supporting evidence needed to make a decision. Finally, the guidelines are intended to help applicants examine whether mitigation measures short of tree removal can be effective. It should be noted that often mitigation costs less than taking down a tree, while maintaining the aesthetic value to both the applicant and neighbors.

I would like to discuss and finalize such guidelines at our April meeting and put them into effect beginning with our May meeting. These guidelines would be provided to applicants seeking a tree removal permit.

I'd also like to reach an agreement with the staff that all tree removal permit applications and supporting or opposing materials be presented to the commission the Friday before the NREC meeting at which they will be heard. If reasonably sufficient materials are not presented by that time, cases then should be delayed a month short of an imminent hazard. It is difficult for volunteer commissioners to make decisions when materials are presented as late as the afternoon before a scheduled meeting.

### **Guidance for NREC Tree Removal Permit Hearings**

The Natural Resources & Environmental Commission will consider all tree removal requests referred to the commission by the 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) **Hearing Process:** NREC generally will seek to limit the length of any hearing to about 20 minutes. The chair first will call upon the applicant to present their case and allow five minutes for the presentation, followed by questions and answers from commissioners. The chair then will call upon anyone wishing to contest the tree removal and provide them with five minutes. If more than one contestant wants to speak, the chair will limit the time of each speaker. 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 decide upon your case or may delay a decision if questions remain about whether it meets the criteria for tree removal outlined in the ordinance.
- 2) **The Tree Ordinance:** An applicant should review the city tree ordinance and be prepared to present evidence demonstrating that their request meets the criteria outlined in the ordinance as grounds for a tree removal. The ordinance can be found on the City's website and is available at City Hall
- 3) **Arborist Report:** A written report from an International Society of Arborists certified arborist can be helpful, but may not be necessary. Please make sure that the report is more detailed than simple conclusions written on the application itself, but provides evidence that supports those conclusions (see Evidence below).
- 4) **Tree Removal Criteria:** Criteria for allowing a tree removal under the ordinance include that a tree is dead, dying, or diseased and is no longer viable or constitutes a threat to property or to other trees on account of such a condition. Removals also are 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. Trees also can be removed when they interfere with a structure and no reasonable measure, such as trimming branches or roots, is available to mitigate the interference. Trees can be removed when they create an undue hardship. Finally, trees may be removed for construction projects when they are in the way.
- 5) **Evidence:** Helpful evidence includes that the tree is diseased, with support for that conclusion that explains how that was determined, 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, be prepared to present evidence, including photos, a diagram to rough scale showing where the tree is located on the property in relation to the structure it's said to be interfering with, etc. In general, NREC interprets structures to constitute foundations directly supporting walls, eaves of homes, garages, carports, pools, sewer lines, etc., but not necessarily sidewalks, driveways, or patios. It should be noted that the commission will not necessarily grant a removal permit for interference if it can be mitigated without taking down the tree (See Mitigation below).
- 6) **Mitigation:** Be prepared to explain what mitigations of structural interference or of reasonable risk from a tree have been considered and why they not workable. Often such mitigations are less expensive than removing trees and the City itself commonly



mitigates, for instance, raised sidewalks by trimming tree roots. Also, it is common to trim trees to reduce mass that could cause problems in high winds and to clean small roots out of sewer lines that still have structure integrity.

- 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 can be planted on your own property and/or a neighbor's or you can pay the city to plant the requisite number of replacement trees. Also, any combination of these alternatives can suffice. Please note that the city has a limited water supply and generally favors planting native trees. In general, the commission favors replacing trees with others that will grow to a similar scale to eventually provide the same type of aesthetic and energy conservation benefits as any tree removed.

**NREC MEMORANDUM**

**Date:** April 20, 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.