



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

**TUESDAY September 26, 2017 7:00 p.m.
AMEDEE O. "DICK" RICHARDS, JR. COUNCIL CHAMBERS
1424 Mission Street, South Pasadena, CA 91030**

Commissioners: Al Benzoni, 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 Special Meeting: August 30, 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 Permit Hearing: 1446 Oak Crest Ave. (Shimmin)** - Consider a tree removal permit for 1446 Oak Crest Avenue, follow up from August meeting.
- 2) **Tree Ordinance** – Consider finalized language regarding updates to the City’s tree ordinance and make a recommendation for City Council approval.
- 3) **Tree Removal Hearing Discussion (Findley)** – Discuss how the commission uses the ordinance to approve permit requests.
- 4) **Trees & Climate Change (Kelly)** – Review how trees are being affected by climate change and begin to discuss ways to address the challenges to the City’s tree canopy.
- 5) **Water Conservation Programs and Drought Update (Shimmin)** - City had a total water use reduction of 21% for August 2017 versus the same month in 2013.
- 6) **October Meeting Date Change** – Consider possible alternative dates for an October meeting due to staff scheduling conflict.

INFORMATION ONLY (No Discussion Required) (15 minutes)

- 7) **Urban Forest Update (Shimmin)**
- 8) **AB 1530 (Kelly)** – Expands the purpose of the California Urban Forestry Act of 1978.
- 9) **Upcoming Events** – Water and Sewer Rate Community Meeting – September 28th; Our Resilient Community General Plan Update Community Meeting – October 10th; Dumpster Day – October 14th; Upper District Waterfest – October 14th

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

ADJOURNMENT – Next Regular Meeting – October 24, 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 9-21-17, as required by Law.

Date: September 21, 2017 Signature: [Handwritten 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 – August 30, 2017**

Roll Call – The meeting called to order at 7:23 p.m. Present were Commissioners: Chair William Kelly, Vice-Chair Al Benzoni, Kay Findley, Stephen Leider, Daniel Snowden-Ifft, and Nancy Wilms. Absent was Commissioner Noah Puni. Also present were Council Liaison Dr. Schneider, and Staff Liaison Jenna Shimmin.

Minutes – Minutes for June 19th, 2017 were approved with no corrections (Benzoni, Leider; Ayes: All, Nays: 0). Approval of the minutes for July 25th, 2017 were approved with non-substantive changes (Benzoni, Leider; Ayes: All, Nays: 0).

PUBLIC COMMENTS – Stephanie Payne-Campbell – South Pasadena Beautiful board member and resident, stated that she feels there is a disconnect with the NREC's work and South Pasadena Beautiful's work, as they have shifted to a sustainability focus. SP Beautiful has held several lectures, and are holding their fall landscape workshop at the upcoming Clean Air Car Show, which will include talks on tree disease, proper tree care and watering, as well as becoming a zero waste household. She also discussed the recent tour that city staff and SP Beautiful board members took in Claremont with community group Sustainable Claremont and the City of Claremont. This meeting and tour were regarding Claremont's citizen volunteer efforts to educate property owners on tree watering specifically drought stricken trees. Ms. Payne-Campbell invited the commissioners to a meeting with city staff and SP Beautiful to start a similar program here in South Pasadena (meeting TBD).

Marshall Dostal – local business owner that converts restaurant grease into biodiesel fuel, as well as cleaning supplies and soap. Asked the NREC to assist him with getting the word out to local businesses that his services exist.

BUSINESS ITEMS

1. **Tree Removal Permit Hearing: 1446 Oak Crest Avenue** – Staff explained that Karineh Minassian, the owner of 1446 Oak Crest Avenue, is requesting to remove four trees, a Canary Island Pine, a Queensland Umbrella, a Shamal Ash, and a European Olive. The city's arborist inspected the trees and approved removal of all but the Canary Pine, stating it was in good health.

Karineh Minassian stated that the Pine tree is damaging her property and is a safety concern. Provided a structural engineers report stating the Pine is damaging the foundation and concrete stem wall of the garage area of the structure.

Commissioner Wilms asked if the owner is planning on remodeling the property in the area of the tree removal. The owner responded that she plans on repairing the damaged areas and remodeling the inside of the home.

Commissioner Findley asked if the tree had been trimmed recently and if that would help with the issue at all. The owner responded that she wasn't sure as it is the roots that are damaging the slab, she isn't sure how trimming the tree would fix that issue.

Chair Kelly asked if the cracks and damage to the slab extend into the garage. The owner responded that she wasn't sure, as the property isn't currently occupied.

Commissioner Benzoni suggested trimming the roots back instead of removing the tree altogether, and questioned the need for removal if there are ways to mitigate the issue. The owner pointed out that none of her neighbors have protested the removal, and would rather feel safe in her home than try a method she's not sure will resolve the issue. The owner added that because neither arborist (hers or the city's) recommended any alternatives, she assumed there were none.

Commissioner Findley asked if the owner discussed reducing the size of the tree. The owner advised that her arborist explained this isn't the time of year to be trimming the tree, and that since he recommended removal she didn't ask about alternatives.

Chair Kelly stated that the commission doesn't have an arborist's report or similar in front of them that substantiates the claim of imminent hazard. He explained that the next issue is whether there is a way to mitigate the structural damage so that removal isn't necessary.

Commissioner Snowden-Ifft explained that he doesn't believe the slab would actually need to be removed in order to trim the roots and make repairs since it is above the grade of the tree.

There was discussion about whether to approve if no mitigation was available, and to deny if there is no reasonable mitigation available and the city's arborist agrees with that assertion.

Commissioner Findley made a motion to deny the request to remove the healthy Pine tree.

Ayes – Commissioner Findley, and Commissioner Leider

Nays – Commissioner Benzoni, Commissioner Snowden-Ifft, Commissioner Wilms, and Chair Kelly

Chair Kelly made a motion to table this item and request that the owner obtain an arborist's report stating whether or not there is reasonable mitigation available (e.g. root trimming) to prevent the removal of the tree, and have the city's arborist review this report to see if they agree with the findings. The commission will reconsider the item once this has been provided.

Ayes – Commissioner Findley, Commissioner Benzoni, Commissioner Leider, Commissioner Snowden-Ifft, Commissioner Wilms, and Chair Kelly

Nays – none

- 2. Tree Removal Permit Hearing: 629 Alta Vista Circle** – Staff explained that William Luong, the owner of 629 Alta Vista Circle, is requesting to remove two trees, a Fern Pine and a Chinese Elm, as they are located in the area of a proposed garage and driveway associated with a home expansion project. The City's arborist found that both trees were healthy.

Sandy Luong (property owner and wife of William Luong, the applicant) stated that the project has tentative approval from the Design Review Board (DRB) and Public Works. She explained that the DRB approved the architectural design, however they requested that the driveway face East instead of North, which means that the driveway design had to be changed so that the new driveway cut through an existing courtyard, requiring the removal of these two trees. Their plan is to plant four replacement trees on the property.

Chair Kelly asked if the house is on a corner lot, meaning the driveway now comes in from a different street. He also asked why the DRB required this change. The owner responded that it is on a corner lot, and the DRB required the change because of the building code. She stated there were months of discussion with the DRB architect, and this is the design they came up with.

Commissioner Findley asked where they originally wanted to put the driveway, and where exactly the new driveway and garage will go. The owner responded that originally they wanted to place the new garage in front of the old one, but per the code this wasn't possible. She also explained that the new garage and driveway will go off to the side of an existing courtyard.

Chair Kelly asked the owner which design she would prefer, if she had a choice. The owner responded that she would prefer the original design with the new garage in front of the old one. Chair Kelly then offered to discuss the issue with the DRB architect in an effort to prevent the removal with an alternative design.

Commissioner Benzoni asked the owner what her tree replacement plan was. The owner responded that they will plant four drought tolerant trees, possibly olive trees, but they are open to suggestions.

A motion was made to have the NREC chair work with the DRB and Planning Department to attempt to return the design to one that doesn't require the removal of the trees. If it is not possible to prevent the removal of the trees, the removal is approved with the understanding that four replacement trees will be planted on the property (Wilms, Leider; Ayes: All, Nays: 0).

- 3. Tree Removal Permit Hearing: 245 Fair Oaks Avenue** – Staff explained that Chris Crolle, on behalf of 245 ZNE, LLC, applied for a tree removal permit at 245 Fair Oaks Avenue. The original request was to remove sixteen trees from the property due to new construction. The city's arborist originally approved the removal of nine trees. An additional seven trees no longer exist from the original request dated in 2008, either because of weather or because they have been removed by the Metro Transit Authority (MTA).

Ron Novitch, one of the developers for the property explained that they are building a zero net energy building, and have been partnering with Southern California Edison on this keynote project. The original plans for this project began in 2008, and approval was given at that time. Since then the site design has changed, a windstorm has knocked over several trees, and MTA has removed several others. He advised the commission that on page AD1.01 of the plans there was a tree removal plan.

Commissioner Findley asked on page AS100 which were new and which were existing structures. She also asked which structures were being torn down. The developer pointed them out on the plans.

Commissioner Benzoni asked what consideration was given to preserve the existing trees. The developer responded that they considered transplanting them to a different location on the property, but that no consideration was given to redesign to avoid removal. The commissioner then asked if tree #5 was being removed to install the parking lot. The developer responded that it was being removed because it has been damaged and is no longer in good condition due to fire damage.

Commissioner Benzoni raised concern about putting oak trees so close together, as outlined in the tree replacement plan. The developer responded that trees thrive when planted in groups; however their expert did advise against planting oaks close together, and so they were going to plant other natives in groups instead.

Commissioner Findley asked if staff (Kristine Courdy) had discussed the types of trees for replacement, and the timeline with the contractor. Ms. Courdy responded that they hadn't yet, but that the developers won't get their certificate of occupancy without following the tree removal requirements. Meaning they would need to install all replacements within a certain amount of time in order to be in compliance.

Commissioner Wilms asked the developer how many trees exactly they are requesting to remove. The developer responded that in 2008 they requested to remove 16 trees, however 7 of those trees no longer exist and so they are currently asking to remove 9 trees.

Commissioner Benzoni asked if there were any alternatives to removing the trees in the parking lot area. The developer responded that because MTA doesn't allow buildings within a certain distance of their infrastructure, there is no alternative place to put the parking spots.

Public Comment: Stephanie Payne-Campbell – stated that oaks can withstand fires, and that shouldn't be sufficient reason to grant removal.

Commissioner Benzoni stated that he was not in favor of removing tree #5. He asked the contractor what was being done in a triangle of space on the plans, and inquired whether that could be used for the parking spaces the tree removal would provide. The developer explained that the space on the lot is constrained, and they need to meet certain parking requirements (43 spaces). There isn't enough room in the triangle for parking, however they had hoped to move the oak tree there. Commissioner Benzoni asked if they'd be willing to plant an oak tree in this triangle area, to which the developer responded that they would be willing to do.

Commissioner Leider requested that they plant a different species of tree near the pedestrian areas, some sort of non-fruit bearing tree. The developer responded that they were open to choosing another tree from the City's list. Their landscape plan is open to changes and will wait to finalize it until after they've had a discussion with the Public Works staff.

A motion was made to approve the removal of the nine trees as requested with the correct replacement count per the City's ordinance. There were three conditions of approval made, the first being that a 48 inch box oak be planted in the triangle area (would count as 2 replacement trees); the second being that evergreen native trees that don't bear fruit be planted over the pedestrian areas; and the third that the property isn't overcrowded with trees once tree replacement begins (Benzoni, Leider; Ayes: All, Nays: 0).

4. **Tree Removal Hearing: 407 El Centro** – Kristine Courdy explained that there has been ongoing issues with a carob tree located in front of 407 El Centro. There have been several service requests on this tree, and the city's arborist has found that there are substantial issues and the tree should be removed. The arborist found that the crown is thinning, there is foliar discoloration, there are numerous cavities in the main trunk, and there is the presence of root and trunk fungus rot. She noted that there have been ongoing issues with carob trees throughout the city.

Public Comment: Jim Tavares – neighbor to this address, stated that he is concerned with how the tree removal was handled. He explained that the notice was put up one week and one day before removal, and that the notices faced the street. He also explained that there is a bee hive in the tree making it even more difficult to read the notice. He doesn't feel that the bees are enough of a reason to remove the tree. He feels that the tree isn't in that poor of health and doesn't seem to be an imminent threat.

Public Comment: John Biesek – resident who grew up near the tree in question. Stated that he noticed the tree does have some decay, structural issues, and the bees. He has an arborist who has a second opinion on the tree.

Public Comment: Tina Debon – resident who has lived at the property for a long time and states that she enjoys carob trees. She explained that there have been issues with this tree for years, and believes it poses a safety risk.

Public Comment: Stephanie Payne-Campbell – resident who lives nearby. Stated that she believes the tree to be in poor health and should be removed. The carob trees in the area have been having long standing issues, and a new species should be planted in that area.

Commissioner Benzoni asked staff what the replacement species would be. Ms. Courdy responded that they have been planting oaks, but would work with the owner if there was a specific species they'd like planted.

A motion was made to approve the removal of the tree as requested (Benzoni, Leider; Ayes: All, Nays: 0).

5. **Tree Ordinance** – It was agreed that this item would be tabled until the September meeting. Commissioner Wilms to provide input to the Tree Ordinance Subcommittee. All others should forward comments to staff who will forward to the subcommittee.

Public Comment: Janet Ferguson – stated that she feels the NREC should be put back in the original order of a project review, so there is simultaneous review done with the DRB review of conceptual designs.

6. **Tree Removal Permit Hearing Discussion** – It was agreed that this item would be tabled until the September meeting in order to be held in conjunction with the final tree ordinance review.
7. **Commission Annual Report Review** – The commission reviewed the draft annual report provided by Chair Kelly and staff. Commissioner Benzoni asked that all references to greywater be changed to the correct spelling of graywater (with an A).

A motion was made to approve the report with the recommended spelling changes (Wilms, Leider; Ayes: All, Nays: 0).

8. **Water Conservation Programs and Drought Update** – Jenna Shimmin updated the commission that there was a 16% reduction in water use for July 2017 versus 2013 usage. She explained that this was a good amount, versus what some neighboring cities are seeing.

INFORMATION ONLY

9. **Urban Forest Update** – Kristine Courdy introduced the city's new Parks Supervisor, David Niznik. She described his extensive background and advised the commission that he is working in obtaining his ISA certified arborist's license.

Ms. Courdy also explained that Public Works is updating the landscape maintenance RFP and tree maintenance RFP. They are expected to go out to bid in September, and should be awarded in December. Because they are in the middle of that process, and the summer season there isn't a lot of tree trimming activity happening in the city at this time.

10. **Upcoming Events** – Air Car Show and Green Living Expo (Garfield Park) – September 10th; Wet & Wonderful, Celebrating Our Precious Water (Descanso Garden) – September 23rd.

Chair Communications – Requested that an item be added to next month's agenda for a Climate Adaptation Plan.

Commission Communications –

Commission Wilms – Advised the commission that the rate subcommittee met again and they gave extensive comments to staff on the proposed rates. The subcommittee members stressed that the notice needs to be easily understood and the proposed rate changes well explained. She discussed how the San Juan Capistrano decision has changed the requirements for having tiered rates.

Commissioner Snowden-Ifft – Stated that residents are frustrated by the delays in tree removal hearings and feels it would be beneficial to have an arborist at meetings in order to help answer questions.

Commissioner Findley – Added to Commissioner Snowden-Ifft's comments, stating that the NREC needs to be involved in the decision making process when it comes to building plans with

tree removals. Kristine Courdy stated that it would be helpful if developers were given the plan check list earlier on in the process, so they're aware they'll need to apply for a tree removal permit in order to get full approval.

Commissioner Benzoni – stated that once the tree and graywater ordinances are finalized he would like to see a cool roofs ordinance come before the commission and ensure that it is being enforced. He has seen asphalt being installed, which increases the temperature in surrounding areas, and would like to see that addressed.

Staff Liaison Communications – Advised commission of Claremont tour, and invited the commissioners to participate at the City's booth at the Clean Air Car Show.

Council Liaison Communications – Dr. Schneider advised the commission of his participation in the tour with Claremont. He will research more the language used in their publications and applications. He explained that in Claremont's ordinance there is language that states residents can't deny the planting of a tree in their parkway, and that they are responsible for watering it. If they don't, they can be cited and fined. He also explained that when applicants are presenting for their tree removal, we aren't always going to be able to change their minds on the need for removal. We need to provide reassurances, and be sure to assign decisions and tasks to arborists because residents aren't always qualified to answer.

Adjournment – Commissioner Benzoni motioned to adjourn the meeting at 10:37 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 September 24, 2017 at 7:00 p.m.

William Kelly, Chair

Item No. 1



McKinley & Associates (818) 240-1358

Arborist Report

1446 Oak Crest Avenue
South Pasadena, California

Prepared for:

Ms. Karineh Minassian
Arroyo Crest LLC
222 Foothill Blvd., Suite E223
La Cañada Flintridge, CA 91011

Prepared by:

William R. McKinley, Consulting Arborist
American Society of Consulting Arborists
Certified Arborist #WE-4578A
International Society of Arboriculture
1734 Del Valle Avenue
Glendale, CA 91208

Arborists and Environmental Consultants



June 17, 2017

Ms. Karineh Minassian
Arroyo Crest LLC
222 Foothill Blvd., Suite E223
La Cañada Flintridge, CA 91011

Dear Ms. Minassian:

Recently you contacted me regarding concerns over the several significant trees located near your recently purchased single family home located at 1446 Oak Crest Avenue, South Pasadena. I was asked to inspect the trees on the property and to document the size, species and condition of the trees. The following report summarizes my findings:

Background

On Tuesday, June 13, 2017 we arranged to meet at the subject property at 1446 Oak Crest Avenue, South Pasadena where you explained that there were four significant trees in the back yard near your house which were damaging your house and other nearby structures. Further concerns were raised that these trees were creating an imminent threat to life and property and that retaining them would constitute an undue hardship. One of these trees is an Olive which I was told you are allergic to such trees. The Tree/Site Inspection Section describes my observations concerning the subject trees.

Tree/Site Inspection

Tree #1 is a Pinus canariensis or Canary Island Pine. The tree measures 25 inches in diameter at 4 feet above the soil grade. The tree has a drip line, which measures roughly 11 feet from the tree's trunk. The spread of the tree is approximately 22 feet. The height of the tree is estimated to be roughly 60 feet tall. The tree is located in the back yard of the house at 1446 Oak Crest Avenue, South Pasadena. The tree is located 9 feet south of the northeast corner of the house. The tree's trunk has grown up against a block wall which is attached to the house. It is situated in a 3 foot wide raised planter bed. The tree's crown has been pruned and raised and grows over the roof of the house. It appears balanced and symmetrical. Pine needles fall and cover the roof of the house. The Pine needles also fall and cover the concrete walk, patio and back yard. The crown is crowded by other nearby trees. The growth and expansion of the tree's trunk and roots has caused the house wall and planter wall to be cracked and damaged. The foliage size and color appears normal. The crown density is normal. The tree appears to be in average health and condition. Rating: C

Tree/Site Inspection-Continued

Tree #2 is a Schefflera actinophylla or Queensland Umbrella Tree. It measures 3, 4, 5 and 9 inches in diameter at 4 feet above the soil grade. The tree has a drip line, which measures roughly 12 feet from the tree's trunk. The spread of the tree is approximately 20 feet. The height of the tree is estimated to be roughly 30 feet tall. The tree is located in the back yard 5 feet south of Tree #1. It is situated in a 3 feet wide raised planter bed attached to the house. The trunk has expanded and grown to the point where it is now less than 12 inches from the house. It has multiple stems, narrow crotches and weak structure. The crown has been pruned and raised to a point where it now grows south over the roof of the house. The exterior house wall is cracked and the wall west of the trunk is also cracked. The tree leans slightly east toward the back yard. The crown is unbalanced and asymmetrical. It is crowded by the nearby Canary Island Pine. The foliage size and color appears normal. The crown density is fair. The tree appears to be in slightly below average health and condition. Rating: C-

Tree #3 is a Fraxinus uhdei or Shamel Ash. It measures 12, 15 and 15 inches in diameter at 4 feet above the soil grade. The tree has a drip line, which measures roughly 17 feet from the tree's trunk. The spread of the tree is approximately 34 feet. The height of the tree is estimated to be roughly 50 feet tall. The tree is located in the back yard 6 feet east of the house and 17 feet south of Tree #2. It is situated inside a concrete patio. The root zone is covered by concrete. The nearby exterior house wall is cracked as a result of root growth and root expansion. The concrete patio is also cracked and lifted. A large surface root was observed growing toward the house. This single-trunk tree forms 3 stems at a point 3 feet above the ground. Bark tissue is exfoliating and missing. The tree's crown has been pruned and raised. The tree has narrow crotches, included bark tissue and weak structure. There is poor wound closure and this has resulted in small cavities and decay at tree pruning sites. Die-back of stems and branches is visible in the upper crown of the tree. Major stems are dead and termite damage and wood decay is visible. This tree has weak structure and is a potential hazard to the house and persons near the tree from stem and limb breakage. The crown appears balanced with minor asymmetry. The foliage size and color appears normal however the crown density is sparse. The tree is in very poor health and condition. Rating: D-

Tree #4 is an Olea europaea or Olive. It measures 8, 11 and 11 inches in diameter at 4 feet above the soil grade. The tree has a drip line, which measures roughly 10 feet from the tree's trunk. The spread of the tree is approximately 19 feet. The height of the tree is estimated to be roughly 25 feet tall. The tree is located in the back yard 17 feet east of the house and 18 feet southeast of Tree #3. It is situated in a raised tree planter box which measures 6 feet by 7 feet. There is no visible irrigation or landscape near the tree. There is suckering or epicormic sprouting taking place at the base and in the tree's crown. The



Tree/Site Inspection-Continued

Tree's crown has been pruned and raised. There have been multiple pruning events. The crown has been headed at the terminals. There is a 3 foot long canoe shaped wound with decay on the west growing stem. A 2 foot long wound was observed on the north growing stem. There is also a 4 foot long canoe shaped wound on the east growing stem. Additional wounds with decay were observed on multiple stems and limbs throughout the tree's crown. The substantial wood decay occurring on the tree's stems and limbs makes the tree structurally weak. The tree's roots have grown and expanded to the point that they have destroyed the tree planter box that surrounds the tree trunk. It is a fruiting Olive and fruit drop over nearby patio hardscape is both a nuisance and a potential slipping hazard. The tree's crown appears balanced with minor asymmetry. The foliage size and color appears normal. The crown density is normal. The tree appears to be in poor health and condition. Rating: D

General Observations

The subject property is situated in a single-family home residential neighborhood in the City of South Pasadena. The nearby properties in the neighborhood vary in their appearance and general maintenance. Some homes appear to have been recently remodeled and appear modern with attractive landscapes. Other homes like the subject property have declined over the years and the trees and landscapes are in need of a major make-over or renovation.

The City of South Pasadena's tree ordinance specifies that significant trees which are 12 inches in diameter or larger require a permit in order to remove them from a property. Mature native trees which are 4 inches in diameter or greater also require a tree removal permit. The following protected trees will require removal:

- Tree #1 Pinus canariensis; Canary Island Pine; 25 inch diameter
- Tree #2 Schefflera actinophylla; Queensland Umbrella Tree; 3,4,5,9 inch diameter
- Tree #3 Fraxinus uhdei; Shamel Ash; 12,15,15 inch diameter
- Tree #4 Olea europaea; Olive; 8,11,11 inch diameter

Tree #1 Canary Island Pine is encroaching upon a structure, namely the house and is damaging the house wall. The tree is within three diameters of the structure which is too close. The Pine needles falling constantly and accumulating over the roof of the house are a serious concern for fire by the local fire department. The fallen needles accumulating in the back yard also present a slipping hazard. Tree #2 Queensland Umbrella Tree is also cracking the structure and is less than three diameters of the structure or house. The location of the tree in relation to the nearby house is extremely poor and the damage to

General Observations-Continued

the house will only continue to get worse over time. Tree #3 Shamel Ash has large invasive surface roots which are clearly cracking and damaging the exterior house wall and foundation area. The tree is diseased and dying. The visible wood decay, termite damage and crown die-back have weakened the structural integrity of the tree creating a hazardous condition whereby stems and branches will begin to fall on the house and persons in the area. Tree #4 Olive has extensive wounds and wood decay and weak structure. It has destroyed the nearby tree planter. This tree is also hazardous to the nearby house and persons in the vicinity. The allergic reaction due to the presence of the Olive tree creates an undue hardship. The only solution to resolve the problems associated with these 4 trees is to completely remove them from the property. These trees meet the criteria found in Section 34.7 of the City of South Pasadena's Tree Ordinance. The first step in the tree removal process requires that the private property owner fill-out a Private Property Tree Removal/Replacement Permit Application. This application must be accompanied with a copy of this Arborist Report. The City requires that you pay a \$110.00 Permit Fee and a \$140.00 Inspection Fee at the time of submittal.

Recommendation

Tree #1 and Tree #2 are clearly too close to the house and nearby structures. The cracking is clearly visible. Tree #1 is creating a fire hazard. Tree #3 is diseased and it is dying. Significant decay and termite damage is visible in the stems and limbs as well as general die-back throughout the upper crown. The roots of this tree are clearly damaging the house and nearby structures. The tree is at risk of dropping large limbs on the house and persons in the area and is hazardous. Tree #4 also has significant wood decay in the stems and branches making it structurally weak in a risk of dropping large limbs on the house and nearby persons. It has also destroyed the tree planter which surrounded the trunk. The allergic reaction caused by this tree's presence also creates an undue hardship by its presence. It is my professional opinion that these 4 significant trees should be permitted to be removed. They no longer serve as assets to the property but are in fact a liability. They are damaging the house and nearby structures and are creating a fire hazard and in several cases they are diseased and are in danger of damaging the nearby house as well as persons in the vicinity.

Summary/Conclusion

In conclusion, it is my professional opinion that the 4 significant trees which are the subject of this report are poorly located in relation to the house and in most cases they are directly damaging the house and nearby structures. The trees are mostly in below average to poor condition. Several of the trees are clearly diseased and decayed and pose a risk of breakage and falling. In addition to the general root damage being caused by these trees the allergic reaction caused by the presence of the one tree near the house creates an undue hardship for the property owner.

Limitations

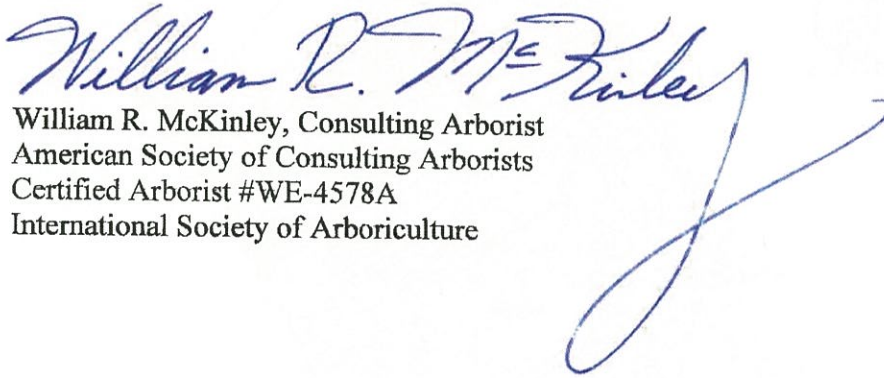
Information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection. The inspection was limited to visual examination of accessible areas. Arboriculture is not an exact science and there is much that is still to be learned about trees. The observations and recommendations provided in this report reflect the latest research, knowledge and training available through university and professional research. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the trees or property in question may not arise in the future.



McKinley & Associates (818) 240-1358

I sincerely hope you find this information useful in assisting you in securing permission from the City of South Pasadena to remove these protected trees from the property. Thank you for the opportunity to serve you and your environmental and horticultural needs. If you have any further questions, please feel free to contact me during the day on my business cell phone at (818) 426-2432 or my home office phone at (818) 240-1358.

Yours truly,

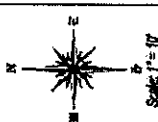


William R. McKinley, Consulting Arborist
American Society of Consulting Arborists
Certified Arborist #WE-4578A
International Society of Arboriculture

Arborists and Environmental Consultants

Page 6

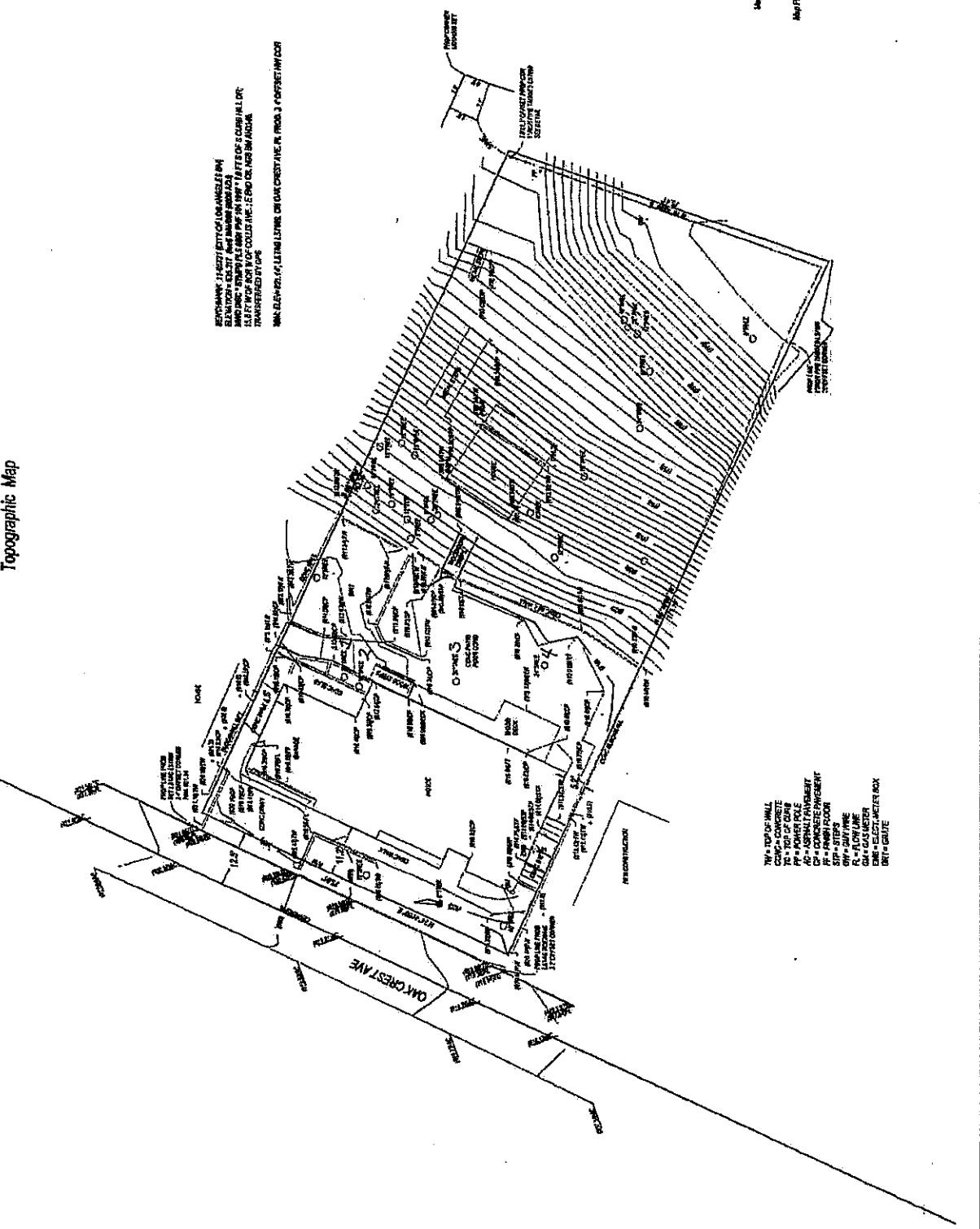
Topographic Map



BELOWGANG: FACETS BOTTOM CORNER (IN)
 ELEVATION: 50.0 FT AND ABOVE (FROM A.D.)
 ANOTHER: INTERPOLATED AND SHOWN (FROM A.D.)
 INTERPOLATED: INTERPOLATED: ELEVATION: 50.0 FT AND ABOVE
 TRANSFERRED BY CP

WALL ELEVATION: 44.0 FT AND ABOVE (FROM A.D.) (CORRECTION FOR)

Map Prepared For: Air Mission
 Air Force
 Los Angeles, CA 90033
 Map Prepared By: M... (Name partially obscured)
 HONOLULU, HAWAII
 2008
 8th AUG 2017



- TH - TOP OF WALL
- CONP - CONCRETE
- TS - TOP OF CURB
- PP - POWER POLE
- CP - CONCRETE CURB
- CF - CONCRETE FLOOR
- SP - STEPS
- FL - FLOW LINE
- GM - GAS MASTER
- EM - ELECT. METER BOX
- GR - GROUT











McKinley & Associates (818) 240-1358

Arborist Letter

September 18, 2017

Ms. Karineh Minassian
Arroyo Crest LLC
222 Foothill Blvd., Suite E223
La Cañada Flintridge, CA 91011

Dear Ms. Minassian:

Recently you informed me that the City of South Pasadena has questioned the necessity for the removal of the 25 inch diameter Canary Island Pine tree identified in the Arborist Report dated June 17, 2017 as Tree #1. I would like to take this opportunity to point out certain facts pertaining to this tree.

The Canary Island Pine identified as Tree #1 is located just 9 feet south of the northeast corner of the existing house on the property located at 1446 Oak Crest Avenue, South Pasadena. The tree's trunk has grown up against a block wall which is attached to the house. The tree is situated in a small 3 foot wide planter bed. The tree's trunk and roots have caused the house wall and planter wall to be cracked and damaged. The old, fallen Pine needles cover the house roof and nearby concrete walk and patio areas.

The tree's roots are clearly growing under the nearby house foundation. The only way to mitigate the damage caused by the tree's roots would be to prune and remove the roots and install a root barrier to prevent the roots from growing back under the foundation. In order to install this root barrier it would require the removal of the planter wall as well as trenching and excavating just outside the foundation to a depth of at least 3 feet. The excavation and root pruning would take place at a distance roughly 3 times the trunk diameter as measured at 4.5 feet above the ground or D.B.H. This is the absolute minimum distance allowed for root pruning on one side of a tree.

Most Arborists tend to feel uncomfortable with this encroachment standard. Root pruning at 5 to 7 times the trunk diameter is generally considered to be a more reasonable root pruning and encroachment standard by most Arborists. Excavating and cutting roots on a Canary Island Pine estimated to be approximately 60 feet tall at a distance of only 3 times the trunk diameter appears to be a risky operation. The Pine needle debris on the roof presents a potential fire hazard. The Pine needle debris on the nearby patio and walkway areas presents a potential slip and fall hazard. This tree is simply located too close to the existing house and it is damaging the roof and house foundation.

Pruning and cutting the roots back away from the house foundation would in my expert opinion make the tree unstable and would most likely cause it to fail and fall over. The only reasonable course of action in this case is the complete removal of the tree including the roots and stump.

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Please share this information with the City of South Pasadena so that further consideration can be made toward removing this tree. If you have questions, please feel free to contact me on my business cell phone at (818) 426-2432 or you may call my office (818) 240-1358.

Sincerely,

William R. McKinley

William R. McKinley, Consulting Arborist
American Society of Consulting Arborists
Certified Arborist #WE-4578A
International Society of Arboriculture

Arborists and Environmental Consultants

LAW OFFICES OF KARINEH MINASSIAN
2222 Foothill Boulevard, Suite E223
La Cañada Flintridge, CA 91011

(818) 861-0565 phone * (818) 239-0567 fax

September 20, 2017

Paul Toor, P.E.
Public Works Director
City of South Pasadena Public Works
825 Mission Street
South Pasadena CA 91030

Re: NREC hearing for tree removal permit for
1446 Oak Crest Ave., South Pasadena CA

Dear Mr. Toor:

Thank you for taking the time to speak with me today regarding my property referenced above. Let me take this opportunity to summarize our conversation. Please forward my letter to the NREC Commissioners so as to clarify their concerns prior to the hearing on September 26.

Apparently, there has been an inquiry raised about my tree removal permit application wherein I am asking the NREC to approve removal of the Canary Island Pine which is damaging my house. During the NREC hearing last month, Commissioner Wilms asked me if I am planning to do any work to the house, and I confirmed that we would be doing work to the house before occupying it.

I have submitted an application to the Planning Department for development of my property to include a room addition where the subject pine tree is situated. However, and this is very important, the pine tree needs to be removed whether or not I do any additions to the house. The tree is simply dangerous and threatening the foundation, concrete stem wall and concrete slab, as has been noted by both my Arborist and my Engineer. As I stated at the NREC hearing, I would not feel safe letting my daughter sleep in the room right next to the pine tree even if I was planning to just paint the walls and move in. The tree is extremely precarious and experts have found that it's causing damage to my hillside property. Therefore, the room addition was not mentioned in the original application to your department because I assumed that the mere fact that the tree is doing structural damage to my property should be sufficient for the permit to be granted.

Paul Toor, P.E.
September 20, 2017
Page Two

If the room addition and the application before the Planning Department needs to be included in this tree removal permit, then I can send the information regarding that addition for the NREC to review. However, I believe that the tree's dangerous condition is sufficient grounds for the NREC to make a finding to approve the removal irrespective of the planned addition for the reasons stated below.

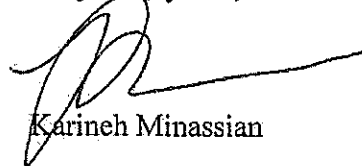
I have taken the NREC's directions and asked my arborist to analyze whether root trimming would be a viable option to mitigate the damage the tree is doing to my property, and he has unequivocally stated that he would NOT recommend trimming roots because it would make the tree unstable and likely to fail and fall, likely on my house:

“Pruning and cutting the roots back away from the house foundation would in my expert opinion make the tree unstable and would most likely cause it to fail and fall over.” (William McKinley letter dated 9/18/17, at page 2.)

I believe as property owners in the City of South Pasadena we have a right to have peace of mind knowing that a tree could not simply land on my daughter's room at any time 70 mph Santa Ana winds are in effect. Please note, this large pine tree is in the north-east corner of my property, where the winds are the most dangerous.

Thank you for your time and for allowing me the opportunity to explain further the circumstances surrounding my property.

Very truly yours,



Karineh Minassian

Enclosure

Item No 2a

Comments and
mark up

Draft Chapter 34 Trees and Shrubs

Nancy W., Kay F. suggested edits Sept 4 17 kf 9-4

ARTICLE IV. 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 Tree and Protected Shrubs Health, Trimming and Removal – Violations.
- 34.3 Protection in Anticipation of and During Development Activity.
- 34.4 Tree and Protected Shrub Permit Applications.
- 34.5 Tree Removal and Replacement Plans.

Draft Chapter 34 Trees and Shrubs

34.6 Permit Issuance and Denial of Tree Removal Permit Applications.

34.7 Criteria for Approving Tree Removal Permits.

34.7-5 Replacement Tree Requirements.

34.8 Appeals of Tree Trimming and Removal of Permit Decisions.

34.9 Exemptions for Trimming and Removal of Trees.

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.

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 multi-trunked trees, "caliper" is the sum of each trunk measured at four feet above the grade.

(b) "Commission" means Natural Resources and Environmental Commission (NREC)

(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.

(d) "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.

(e) "Development activity" means property development or construction occurring from City approved permitted activity as well as development not requiring a permit.

(f) "Director" means Public Works Director

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

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

(i) "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 - Jenna Action Item

(j) "Intentional violation" means a violation of Chapter 34 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

Draft Chapter 34 Trees and Shrubs

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.

- (k) "Mature tree" is any variety of tree that has a caliper of at least four inches.
- (l) "Native species tree" means any species of tree native to Southern California as defined by Resolution No. 7360 adopted by the city council.
- (m) "Oak tree" shall mean species of tree of the genus Quercus.
- (n) "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.
- (o) "Protection" means the safeguarding of trees through proper treatment.
- (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.)
- (q) "Removal" means uprooting, cutting or severing of the main trunk of a tree.
- (r) "Shrub" means a woody plant that is less than or equal to 16 feet tall and may be multi-stemmed.
- (s) "Significant tree" is a tree that has a caliper of one foot or more.

Commented [AB1]: Should we define "ISA" in this section ?
No. Not something we are defining. Just spell out when first used.kf

34.2 Tree and Protected Shrubs Health, Trimming and Removal – Violations.

- (a) It is unlawful for any person to harm by any means, damage or cause to be damaged or to die any heritage tree, mature oak tree, mature native species tree, significant tree or protected shrub located within the city.
- (b) It is unlawful for any person to remove or transplant any heritage tree, a mature native species tree (see list in Resolution No. 7360), a mature oak tree, or any other significant trees and/or protected shrubs from any property within the city unless a tree removal permit is first obtained from the city.
- (c) It is unlawful for any person to trim or prune more than ten percent of the live foliage and/or limbs of any mature oak or a mature 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.
- (d) Excluding a mature oak or mature native species tree which are governed by 34.2(c), it is unlawful for any person to trim or prune more than twenty percent of the live foliage and/or limbs of any heritage tree, significant tree 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.
- (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, see section 31.48 (b)(4).)

Commented [K2]: Remove capitalization of Oak throughout

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34.3 Protection in Anticipation of and During Development Activity.

- (a) Irrigation of trees is important and construction/development must not interfere with normal tree care. Irrigation should be administered to replace any soil moisture lost due to site excavation and a tree should continue to receive the amount of irrigation needed to thrive.
- (b) Trees shall not have physical damage to the limbs, bark or crown, or where roots join the stem, at any time before or during development or construction.
- (c) No grading shall occur within the dripline of a significant or heritage tree. All work conducted within the protected dripline area should be accomplished only with hand tools and all activity within this area should be kept to a minimum to minimize soil compaction. This area should not be subjected to flooding incidental to construction work or to disposal of construction debris, including but not limited to paint, plaster or chemical solutions.
- (d) Natural or preconstruction grade should be maintained 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.
- (e) 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 constructed within the dripline of any oak tree. Limited exceptions may be allowed and documented on the permit by the Director.
- (f) Any required trenching should be routed to minimize root damage and cutting of roots should be avoided by placing pipes and cables above or below uncut roots.
- (g) Pruning or trimming of oak trees 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 by the Director through the City's tree trimming permitting process. All pruning should be done in accordance with accepted pruning standards of International Association of Arboriculture (ISA).

Commented [AB5]: From Arcadia's code http://file.lacounty.gov/SDSInter/acwm/216004_ArcadiaMC.pdf 7/25/2017 changes per mtg

Commented [NW6]: Assuming this is a defined term, need global change for consistency.-/ added to Definitions

Commented [K7]: First usage, written out.

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~~ Removal and Replacement Plans.

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

(a) A drawing of the property which shows the location and species of all existing trees on the property with all heritage, native species, oak, mature and significant trees individually identified. The tree (s) proposed for removal must be clearly indicated on the plan.

Commented [ABB]: Ask others to review this
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(b) The tree species and trunk caliper of all trees to be removed must be identified.

(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 report prepared and signed by an arborist certified by the International Society of Arboriculture (ISA).

Commented [K9]: Do we just have ISA here as explained above?
Commented [K10]: Language change

(d) A second drawing of the property ~~post~~ after approved tree removal which shows all existing/remaining trees and all proposed 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 ~~T~~ree ~~R~~emoval ~~P~~ermit Applications.

Upon receipt of the application, the Director shall 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, the application shall be reviewed by the Director after considering the application pursuant to the criteria set forth in Section 34.7 and all comments received from interested parties. The Director may refer any application to the Commission for consideration. If the comments received do not contest the application, the Director may approve, conditionally approve, or deny the application. The decision of the Director shall take effect fifteen days after the date of mailing of the decision to the applicant and any interested parties. (Ord. No. 1991, § 12; Ord. No. 2126, § 6.)

Commented [AB11]: Jenna - please double check these ordinances

If any of the comments contest the tree removal, the Director shall refer the application to the NREC to be heard at a noticed public meeting. The applicant and contesting parties shall be notified of the hearing date. The NREC will then approve, conditionally approve, 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 parties who commented on the application. The decision of the NREC shall take effect fifteen calendar days after the date of mailing of the decision to the applicant and any interested parties. (Ord. No. 1991, § 12; Ord. No. 2126, § 6.)

34.7 Criteria for ~~A~~pproving ~~T~~ree ~~R~~emoval ~~P~~ermit Applications.

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

(1) Where the tree itself, its excess foliage or its limbs poses an ~~reasonable~~ high or ~~imminent~~ 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.

Commented [AB12]: what is reasonable ? Imminent is clearer as an immediate risk. kf
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Commented [AB13]: need to discuss/define "reasonable" Impossible to define adequately. kf

Draft Chapter 34 Trees and Shrubs

(2) Where, upon taking into account the size, shape, and topography of existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner.

Commented [NW14]: Trying to go for more clarity without changing intent of language.

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

Commented [AB15]: New entitlements of use does not constitute an "unreasonable" hardship. Is there such a thing as reasonable hardship? / Action Item – discuss at NREC meeting

(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 the tree poses an obvious or imminent threat to life or property.

(5) For the removal of 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: the 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.

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

(3) Because of their size and/or significance, single trees 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.

(4) 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.

(5) When the work designated in the permit is completed, the applicant shall contact the Public Works Department for an inspection of the work.

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

(7) Where the permit allows the removal, replacement, or transplanting of tree(s), the Director or Commission may, in its 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).

(8) Unless otherwise stated in the conditions of approval, the permit shall be valid for a period of one year with planting of new trees on applicant's property to occur during the next planting season as determined by ISA and local climate conditions. (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.)

34.7-5 Replacement trees.

The number of replacement trees is determined by the size of the existing tree(s) requested to be removed.

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, native species and heritage trees. For example a 15" diameter oak tree requires four native replacement trees.

For significant trees other than oak, native species and heritage trees, one twenty-four-inch box replacement tree (shall be required for each ten-inch increment of the diameter, or portion thereof of the existing tree. For example a 15" diameter tree would require two replacement (preferably native) trees. (Ord. No. 2237, § 2, 2012.)

Commented [AB16]: Discussion point - Is everyone OK with changing the construction tree replacement (in application package presently) requirement to be the same as all other - using 10" increment of diameter vs 6" ?

34.8 Appeals of Tree Trimming and Removal Permit Decisions.

(a) Tree Removal -The applicant or any interested party may appeal the decision of the Director to the NREC by filing an appeal in writing submitted to the secretary of the Commission within fifteen days after the date of decision of the Director. The applicant or any interested party may appeal the decision of the Commission 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 by filing an appeal in writing submitted to the secretary of the Commission within fifteen days after the date of decision of the Director. The applicant or any interested party may appeal the decision of the Commission 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 ~~T~~rees on ~~P~~ublic ~~P~~roperty.

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.)

The adjoining property owner is required to provide sufficient moisture for trees and shrubs in the parkway, the area between the curb and the sidewalk, to remain healthy. (Reference Sec. 31.48, (a) – (d) Landscaping Standards – Parkway Improvements.)

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 or trimming 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 and the corresponding planting fee. 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 by a~~ preponderance of the evidence 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 ten years from the date of the violation for the property upon which the violation occurred.

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 tree damage, removal, damage to the root system, and/or excessive trimming of trees within the buildable area of a property; oral or written admissions 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,

Commented [AB17]: Others please comment. I think this is covered in tree replacement fee.kf

Draft Chapter 34 Trees and Shrubs

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 (climate permitting) 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.

Commented [AB18]: Climate permitting added

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.)

Item No. 2b

Comments only
-no markups

Draft Chapter 34 Trees and Shrubs

Nancy W., Kay F. suggested edits Sept 4 17 kf 9-4 _CLEAN DRAFT

ARTICLE IV. 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 Tree and Protected Shrubs Health, Trimming and Removal – Violations.
- 34.3 Protection in Anticipation of and During Development Activity.
- 34.4 Tree and Protected Shrub Permit Applications.
- 34.5 Tree Removal and Replacement Plans.

Draft Chapter 34 Trees and Shrubs

34.6 Permit Issuance and Denial of Tree Removal Permit Applications.

34.7 Criteria for Approving Tree Removal Permits.

34.7-5 Replacement Tree Requirements.

34.8 Appeals of Tree Trimming and Removal Permit Decisions.

34.9 Exemptions for Trimming and Removal of Trees.

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.

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 multi-trunked trees, "caliper" is the sum of each trunk measured at four feet above the grade.

(b) "Commission" means Natural Resources and Environmental Commission (NREC)

(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.

(d) "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.

(e) "Development activity" means property development or construction occurring from City approved permitted activity as well as development not requiring a permit.

(f) "Director" means Public Works Director

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

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

(i) "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 - Jenna Action Item

(j) "Intentional violation" means a violation of Chapter 34 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

Draft Chapter 34 Trees and Shrubs

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.

- (k) "Mature tree" is any variety of tree that has a caliper of at least four inches.
- (l) "Native species tree" means any species of tree native to Southern California as defined by Resolution No. 7360 adopted by the city council.
- (m) "Oak tree" shall mean species of tree of the genus *Quercus*.
- (n) "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.
- (o) "Protection" means the safeguarding of trees through proper treatment.
- (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.)
- (q) "Removal" means uprooting, cutting or severing of the main trunk of a tree.
- (r) "Shrub" means a woody plant that is less than or equal to 16 feet tall and may be multi-stemmed.
- (s) "Significant tree" is a tree that has a caliper of one foot or more.

34.2 Tree and Protected Shrubs Health, Trimming and Removal – Violations.

- (a) It is unlawful for any person to harm by any means, damage or cause to be damaged or to die any heritage tree, mature oak tree, mature native species tree, significant tree or protected shrub located within the city.
- (b) It is unlawful for any person to remove or transplant any heritage tree, a mature native species tree, a mature oak tree, significant trees or protected shrubs from any property within the city unless a tree removal permit is first obtained from the city.
- (c) It is unlawful for any person to trim or prune more than ten percent of the live foliage and/or limbs of any mature oak or a 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.
- (d) Excluding a mature oak or mature native species tree which are governed by 34.2(c), it is unlawful for any person to trim or prune more than twenty percent of the live foliage and/or limbs of any heritage tree, significant tree 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.
- (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, an 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, ~~see section 31.48 (b)(4)~~)

Commented [AB1]: Do we need to insert "public" No. Not included in the parkway sec.31.48kf

Commented [K2]: Appears redundant. Just goes back and forth.

34.3 Protection in Anticipation of and During Development Activity.

- (a) Irrigation of trees is important and construction/development must not interfere with normal tree care. Irrigation should be administered to replace any soil moisture lost due to site excavation and a tree should continue to receive the amount of irrigation needed to thrive.
- (b) Trees shall not have physical damage to the limbs, bark or crown, or where roots join the stem, at any time before or during development or construction.
- (c) No grading shall occur within the dripline of a significant or heritage tree. All work conducted within the protected dripline area should be accomplished only with hand tools and all activity within this area should be kept to a minimum to minimize soil compaction. This area should not be subjected to flooding incidental to construction work or to disposal of construction debris, including but not limited to paint, plaster or chemical solutions.
- (d) Natural or preconstruction grade should be maintained 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.
- (e) 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 constructed within the dripline of any oak tree. Limited exceptions may be allowed and documented on the permit by the Director.
- (f) Any required trenching should be routed to minimize root damage and cutting of roots should be avoided by placing pipes and cables above or below uncut roots.
- (g) Pruning or trimming of oak trees 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 by the Director through the City's tree trimming permitting process. All pruning should be done in accordance with accepted pruning standards of International Association of Arboriculture (ISA.)

Commented [AB3]: From Arcadia's code
http://file.lacounty.gov/SDSinter/acwm/216004_ArcadiaMC.pdf
7/25/2017 changes per mtg

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 Removal and Replacement Plans.

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

- (a) A drawing of the property which shows the location and species of all existing trees on the property with all heritage, native species, oak, mature and significant trees individually identified. The tree (s) proposed for removal must be clearly indicated on the plan.
- (b) The tree species and trunk caliper of all trees to be removed must be identified.
- (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 report prepared and signed by an arborist certified by ISA.
- (d) A second drawing of the property after approved tree removal which shows all existing/remaining trees and all proposed 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 Permit Applications

Upon receipt of the application, the Director shall 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, the application shall be reviewed by the Director after considering the application pursuant to the criteria set forth in Section 34.7 and all comments received from interested parties. The Director may refer any application to the Commission for consideration. If the comments received do not contest the application, the Director may approve, conditionally approve, or deny the application. The decision of the Director shall take effect fifteen days after the date of mailing of the decision to the applicant and any interested parties. (Ord. No. 1991, § 12; Ord. No. 2126, § 6.)

If any of the comments contest the tree removal, the Director shall refer the application to the NREC to be heard at a noticed public meeting. The applicant and contesting parties shall be notified of the hearing date. The NREC will then approve, conditionally approve, 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 parties who commented on the application. The decision of the NREC shall take effect fifteen calendar days after the date of mailing of the decision to the applicant and any interested parties. (Ord. No. 1991, § 12; Ord. No. 2126, § 6.)

Commented [AB4]: Jenna - please double check these ordinances

34.7 Criteria for Approving Tree Removal Permit Applications

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

- (1) Where the tree itself, its excess foliage or its limbs pose an imminent 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.

Commented [AB5]: need to discuss/define "reasonable" Impossible to define adequately. Kf / Is imminent the best modifier ?

Draft Chapter 34 Trees and Shrubs

(2) Where, upon taking into account the size, shape, and topography of existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner.

Commented [NW6]: Trying to go for more clarity without changing intent of language.

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

Commented [AB7]: New entitlements of use do not constitute an "unreasonable" hardship. Is there such a thing as reasonable hardship? / Action Item – discuss at NREC meeting

(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 the tree poses an obvious or imminent threat to life or property.

(5) For the removal of 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: the 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.

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

(3) Because of their size and/or significance, single trees 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.

(4) 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.

(5) When the work designated in the permit is completed, the applicant shall contact the Public Works Department for an inspection of the work.

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

(7) Where the permit allows the removal, replacement, or transplanting of tree(s), the Director or Commission may, in its 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).

(8) Unless otherwise stated in the conditions of approval, the permit shall be valid for a period of one year with planting of new trees on applicant's property to occur during the next planting season as determined by ISA and local climate conditions. (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.)

34.7-5 Replacement trees.

The number of replacement trees is determined by the size of the existing tree(s) requested to be removed.

Draft Chapter 34 Trees and Shrubs

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, native species and heritage trees. For example a 15" diameter oak tree requires four native replacement trees.

For significant trees other than oak, native species and heritage trees, one twenty-four-inch box replacement tree (shall be required for each ten-inch increment of the diameter, or portion thereof of the existing tree. For example a 15" diameter tree would require two replacement (preferably native) trees. (Ord. No. 2237, § 2, 2012.)

Commented [A88]: Discussion point - Is everyone OK with changing the construction tree replacement (in application package presently) requirement to be the same as all other - using 10" increment of diameter vs 6" ?

34.8 Appeals of Tree Trimming and Removal Permit Decisions

(a) Tree Removal -The applicant or any interested party may appeal the decision of the Director to the NREC by filing an appeal in writing submitted to the secretary of the Commission within fifteen days after the date of decision of the Director. The applicant or any interested party may appeal the decision of the Commission 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 by filing an appeal in writing submitted to the secretary of the Commission within fifteen days after the date of decision of the Director. The applicant or any interested party may appeal the decision of the Commission 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.)

The adjoining property owner is required to provide sufficient moisture for trees and shrubs in the parkway, the area between the curb and the sidewalk, to remain healthy. (Reference Sec. 31.48, (a) – (d) Landscaping Standards – Parkway Improvements.)

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 or trimming 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 and the corresponding planting fee. ~~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.~~

Commented [AB9]: Others please comment. I think this is covered in tree replacement fee.kf

(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, in addition 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 by a preponderance of the evidence 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 ten years from the date of the violation for the property upon which the violation occurred.

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 tree damage, removal, damage to the root system, and/or excessive trimming of trees within the buildable area of a property; oral or written admissions 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,

Draft Chapter 34 Trees and Shrubs

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 (climate permitting) 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.

Commented [AB10]: Climate permitting added

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.)

Trees & Climate Change

With a dry winter forecast, city wells at historically low levels, and water rates poised to rise again, South Pasadena needs to develop an action plan for maintaining and replanting its tree canopy that takes into account the growing impacts of climate change. Days when temperatures rise above 95 degrees are expected to more than double in the San Gabriel Valley, from 32 to 74 over the next 20 years. This will make it more difficult to maintain adequate soil moisture for new trees planted to replace dying trees. It will require more watering than in the past to maintain the health of existing trees.

At the same time, without efforts to convert dark roofs, street pavement, and other hard surfaces to whiter materials that increase reflectivity, or albedo, the urban heat island effect will compound future temperature increases. Converting landscape to drought tolerant varieties that require less water also can reduce soil moisture and evaporative cooling, which compounds loss of soil moisture. Landscapes featuring cactus and stone, not only do this, but also act as heat sinks, similar to asphalt.

Meanwhile, pests and diseases have become endemic in the area and are killing many species of mature trees at an increasing rate, particularly Western Sycamores, Liquid Ambers, Crepe Myrtles, and Olives, according to plant pathologist Jerry Turney with the Los Angeles County, who recently spoke in South Pasadena a South Pasadena Beautiful event. Trees that are not sufficiently watered and subjected to high temperatures attract pests, such as the shot hole borer (<http://ucanr.edu/sites/pshb/overview/Hosts/>), because they produce more carbohydrates. They also lose the ability to repel boring pests when they dry out. At the same time, a warming climate increases the period during which pests are active, allowing them to prey upon more trees compared to when temperatures were cooler.

The impact of these climate change-related challenges to trees in South Pasadena is heightened by the growing age of the canopy. In essence, aging, coupled with the closely interrelated challenges of climate change, pests, and water constraints (both in terms of cost and quantity) have created a perfect storm for the city's canopy, as well as the region's. In response, scientists are rethinking how to preserve the canopy in both wild lands and urban settings and are beginning to come up with information suggesting that some of trees that have thrived in the past may not be able to thrive in the future. Indeed, one groundbreaking study aimed at developing a list of climate ready trees for replacing dying trees involves many trees that are not on South Pasadena's list of native & drought tolerant trees. Researchers in the study have included only two trees on the city's list in naming what they believe are twelve climate ready trees for the future in inland portions of Southern California, such as South Pasadena.

South Pasadena's Changing Climate

The Mediterranean climate that's dominated South Pasadena has become warmer over the last 100 years and can be expected to become even warmer in the coming century irrespective of efforts to cut greenhouse gas emissions. In essence, in the constant tug-of-war between marine and desert influence, desert air is winning as time goes by. According to Jet Propulsion Laboratory climatologist Bill Patzert, the average temperature in Los Angeles today is 6 degrees

Fahrenheit higher than 100 years ago. It's expected to get even hotter by mid-century. In fact, a UCLA Institute of the Environment projection (<http://newsroom.ucla.edu/releases/climate-change-in-la-235493>) shows that the average temperature will rise another 4 degrees in the San Gabriel Valley by mid-century. The projection also shows a consistent increase in the number of days over 95 degrees between valley areas of Los Angeles County and the Mojave Desert over the mountains to the north (<https://www.ioes.ucla.edu/publication/a-hybrid-dynamical-statistical-downscaling-technique-part-ii-end-of-century-warming-projections-predict-a-new-climate-state-in-the-los-angeles-region/>). The desert influence was particularly notable this summer with almost continual monsoon flow across the metropolitan region, a phenomenon seen on occasion here, but normally in summer mostly on the inland side of the mountains that ring greater Los Angeles. That is why some tree scientists are studying whether desert tree species may be the best choice for renewing the canopy in Southern California.

Desert Trees

Climate Ready Trees for California Communities, a 20-year study being run by the U.S. Forest Service and University of California at Davis, marks a groundbreaking effort to identify the trees mostly likely to thrive in urban settings in Southern California. To frame the study, a panel of experts assembled by researchers evaluated 50 species and recommended 12 species for inland California areas (see attachment A). Two of the trees, the Desert Willow and the Desert Museum Palo Verde, are on South Pasadena's list of suggested trees. The other ten are not on the list. They are the Mulga, Ghost Gum, Palo Blanco, Tecate Cypress, Island Oak, Netleaf Hackberry, Maverick Mesquite, Escarpment Oak, Rosewood, and Red Push Pistache. In the project, researchers have planted these trees at locations in Southern California and are monitoring how they establish themselves and fare in today's warmer climate. Results that are expected to lead to tree planting policy recommendations are expected to emerge in a couple years.

A City Conundrum

The challenges climate change presents to the city's canopy are now widely evident. And while the best policy responses have not yet fully crystallized, it's safe to say that maintaining adequate soil moisture to sustain existing trees and insuring that newly planted trees thrive is the lowest common denominator. However, achieving this is likely to be difficult among in the face of contradictory policies, namely:

- Consistent with state direction, the city has directed, until recently, residents and businesses to conserve water at a time when trees have needed more water. Many of the conservation measures have effectively become permanent, particularly landscape changes.
- Now that conservation requirements have been eased, the city is preparing to increase water rates by some 50 percent after an increase over the last decade of 100 percent. This is likely to trigger further curtailment of landscape irrigation by residents on fixed incomes and budget conscious residents, landlords, and businesses.
- More parkways trees will have to be planted to maintain the canopy as die-off has accelerated with the drought and spread of pests and disease. These trees will require

regular watering until they are established, perhaps even more water than well-established drought-tolerant trees.

- More households are converting their landscape to drought tolerant landscaping, a policy recommended by water agencies, which have offered monetary incentives for replanting yards. This results in less application of water.
- The city's recommended tree list includes species being decimated by pests, now endemic, and lacks many trees that experts believe may be the most durable in the climate that's forecast for the area.
- The city lacks the resources and needed incentives to effectively engage the residents to value and properly care for the tree canopy amid rapidly changing circumstances.

Toward Preserving the Canopy

While uncertainty remains about the exact impact of climate change on trees in Southern California, the city should pursue a variety of no regrets measures until scientists can provide more definitive policy prescriptions.

The first step should be for the city to adopt a resolution declaring its recognition that climate change and the urban heat island effect are threats to the canopy, which require proactive steps. This resolution should also declare that maintaining and replenishing the canopy is a key strategy for sequestering carbon emitted to the atmosphere, for instance from energy used to pump well-water. It should cite numerous state laws, regulations, policies, and goals that require and encourage carbon emissions reductions and carbon sequestration through improved conservation, forestry, and land management practices. It should go on to note that the city is committed to developing the needed capacity to maintain and replenish its canopy.

Another important step should be for the city to update its list of native and drought tolerant trees to remove those that are now prone to pests and to add additional species, including desert species being studied as climate ready trees. While it would be premature to begin planting desert trees on a wholesale basis, the city should begin planting some and encouraging residents to consider planting them as they are seen as likely to thrive in the coming decades.

Finally, the city should hold a summit meeting with residents, experts, and city commissioners, staff, and council members in the coming months with the goal of engaging residents regarding the importance of the tree canopy and how to maintain it. A key focus of the meeting should be on how to develop the capacity and innovations needed to deal with the challenges, including, but not limited to:

- Educating the public about the current challenges to the canopy;
- Increasing citizen engagement in valuing and caring for trees;
- Fostering volunteer efforts to plant and care for new parkway trees; and
- Developing sources of needed funding, including grants and fees.

Resources:

<http://www.streettreeseminar.com/pdf/2016/ClimateReadyTreesforCACommunitites-Downer.pdf>

http://ecoadapt.org/data/documents/EcoAdapt_SoCaIVASynthesis_OakWoodlands_FINAL2017.pdf

<http://ecoadapt.org/>

<https://www.fs.usda.gov/ccrc/topics/urban-forests-and-climate-change>

https://www.fs.fed.us/psw/publications/mcpherson/psw_2013_mcpherson002.pdf

<http://selectree.calpoly.edu/>

<http://ucanr.edu/sites/pshb/>

<http://ucanr.edu/sites/WUCOLS/>

Attachment A (page down to view):

Climate-Ready Trees for Southern California Inland Empire Communities – A 20-Year Evaluation

Urban forests provide many societal and ecological benefits to cities and their inhabitants such as carbon storage, reduced heat islands and energy use, improved air quality and human health, and water quality protection. Although there are an estimated 9.1 million street trees in California (about one for every four residents) street tree density has declined by 30% since 1988 because cities added more streets than trees. Los Angeles lost 667 acres of tree canopy each year from 2005 to 2009. Sadly, California cities have the lowest tree canopy per capita (108 yd² per capita) in the U.S.

Although street tree species composition is diverse at the state level, overreliance on certain species and genera at the city level poses a threat of catastrophic loss from pests, drought, storms and other stressors. The health and longevity of urban forests in California cities are at risk. Abiotic disorders such as drought, heat stress due to climate change, and root damage resulting from soil compaction can lead to stressed trees predisposed to disease and insect damage. The increased use of saline recycled water adversely impacts the health of sensitive trees. There is an increased probability of extreme weather events that could increase the number of tree failures as well. The tolerance of urban trees to these stressors varies considerably among species and the perpetuation of our urban forests depends on their resilience to climate induced stress.

The goal of this study is to evaluate the survival and growth of seldom used but promising trees in the Southern California Inland Empire. Trees have been selected for testing because of their apparent resilience to stressors such as heat, drought, high winds, salinity and pests. Also, they are attractive, require minimum maintenance and will pose little hazard to people or infrastructure. Long-term field testing (20 years) at a University of California Experiment Station plot in Riverside, and in 4 parks in the Los Angeles area will allow for direct comparisons of growth and longevity under a range of site conditions. Results will help urban foresters, landscape architects, planners and local tree planters select trees for planting that can improve the stability and long term success of future urban forests.

Twelve types of trees have been selected for testing, with 144 trees planted. Four individuals of each type (48 trees), were planted in the UC Experiment Station reference plot, where trees have similar soil, irrigation, and maintenance. Two individuals of each type were planted in each of 4 parks, where their performance will be observed under a variety of growing conditions. (Please see the attached map for site locations). Each tree will be measured and photographed annually for the first five years, and biannually thereafter. Soil samples have been collected and analyzed from each park and the reference plots. A web site for the project contains regular updates on tree growth and performance. By shifting the palette of planted trees to those proven to perform best when exposed to climate stressors, this study is helping create urban forests that are more resilient. Healthier and more extensive urban forests will benefit our children and our children's children. For more information visit:

<http://climatereadytrees.ucdavis.edu/>

This study is possible because of support provided by a host of partners including:



Park tree plantings are conducted with staff from the Los Angeles Beautification Team, City Plants, Los Angeles Recreation and Parks Department and local volunteers.

For additional information on the study contact: Drs. Greg McPherson (gmcpherson@fs.fed.us), Natalie van Doorn (nvandoor@fs.fed.us), Alison Berry (amberry@ucdavis.edu), Jim Downer (ajdowner@ucanr.edu), Janet Hartin (jshartin@ucanr.edu), and Darren Haver (dlhaver@ucanr.edu).

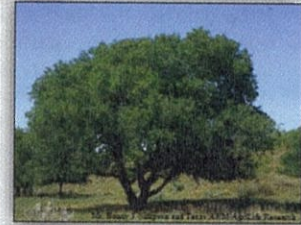
Mulga (*Acacia aneura*)

Mulga is native to arid Western Australia and tolerates hot and dry conditions. It can grow in sandy, loam, or clay soil types. This versatile and hardy tree produces ascending thornless branches and grows 15 to 20 feet in height. The leaves are evergreen and the tree has yellow, showy flowers in the spring.



Netleaf Hackberry (*Celtis reticulata*)

The netleaf hackberry is native to riparian areas in the Southwest. A deciduous tree, it reaches heights of 25 to 35 feet with a spreading or weeping canopy. The ovate leaves are medium green and turn yellow in the fall. The flowers mature into red drupes that attract birds. The netleaf hackberry is drought tolerant and able to thrive in a variety of soil types.



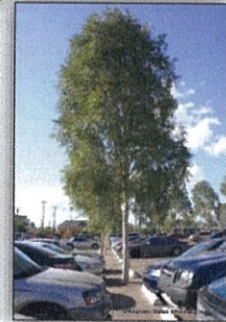
Desert Willow (*Chilopsis linearis* 'Bubba')

The desert willow is native to California and the Southwest. It is a small flowering desert tree that can reach a height of 15 feet. The cultivar Bubba is upright in form and has profuse, long-lasting blooms. Leaves are linear blue green and turn golden in the fall. The showy flowers are pink and white. The desert willow is very drought and heat tolerant.



Ghost Gum (*Corymbia papuana*)

The ghost gum is native to Australia and is a smaller eucalyptus, reaching 66 feet. The trunk is smooth and snow white. It has gray green evergreen leaves that are tinged purple by frost. White flowers bloom in the summer. It tolerates drought but can be used in well-irrigated landscapes.



Rosewood (*Dalbergia sissoo*)

The Rosewood is native to Northern India and has evergreen foliage that can be damaged by frost, but tends to recover quickly in the spring. It reaches heights of 30 to 50 feet with a 40 foot canopy spread. Rosewood tolerates periods of drought and can grow in sandy, clay, and loam soil types. Its roots host nitrogen-fixing bacteria. The flowers are inconspicuous.



Palo Blanco (*Mariosousa willardiana*)

Native to Sonora Mexico, Palo Blanco thrives in full sun and tolerates great heat. It prefers good drainage and can tolerate thin rocky soil. This tree has a weeping branching habit and grows 10 to 20 feet high, spreading 5 to 10 feet. Palo Blanco is a moderate grower that has thornless branches, peeling silvery white bark, and creamy white flower catkins that are present in spring.



Tecate Cypress (*Hesperocyparis forbesii*)

Native to the coastal mountains of Southern California the tecate cypress is a fast growing, low branching evergreen tree that grows 10 to 25 feet tall and 20 feet wide. Growth rate slows after it reaches 15 feet. The bark of this tree is cherry red when young and dark brown when older.



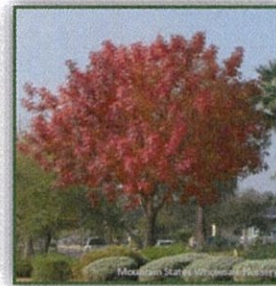
Desert Museum Palo Verde (*Parkinsonia x 'Desert Museum'*)

Desert museum palo verde is a three way cross between *Parkinsonia microphylla*, *P. florida*, and *P. aculeate*. This tree is thornless, fast-growing to about 30 feet high and wide, and upright. Plant in full sun and well-drained soil, it will produce masses of yellow flowers from March through May. Saplings can be frost sensitive.



Red Push Pistache (*Pistacia 'Red Push'*)

The 'Red Push' is a hybrid between *P. atlantica* and *P. integerrima*. This long-lived deciduous tree has a moderate growth rate, and will reach 25 to 40 feet tall and develop a broad spreading form, 20 to 40 feet wide. The pinnately compound leaves first emerge with a red tint, mature to a medium green color, and then provide another color display in the fall. 'Red Push' is cold and drought tolerant, requires full sun, and can adapt to a variety of soils.



Maverick Mesquite (*Prosopis glandulosa 'Maverick'*)

Maverick is an upright-growing, thornless cultivar of the honey mesquite tree, which is native to the southwestern United States. This deciduous tree can quickly reach a height of 30 feet tall and 30 to 35 feet wide. The tree is cold hardy, drought tolerant, and adaptable to a range of soil types. The smooth gray bark provides contrast to the bright green foliage.



Escarpment Live Oak (*Quercus fusiformis*)

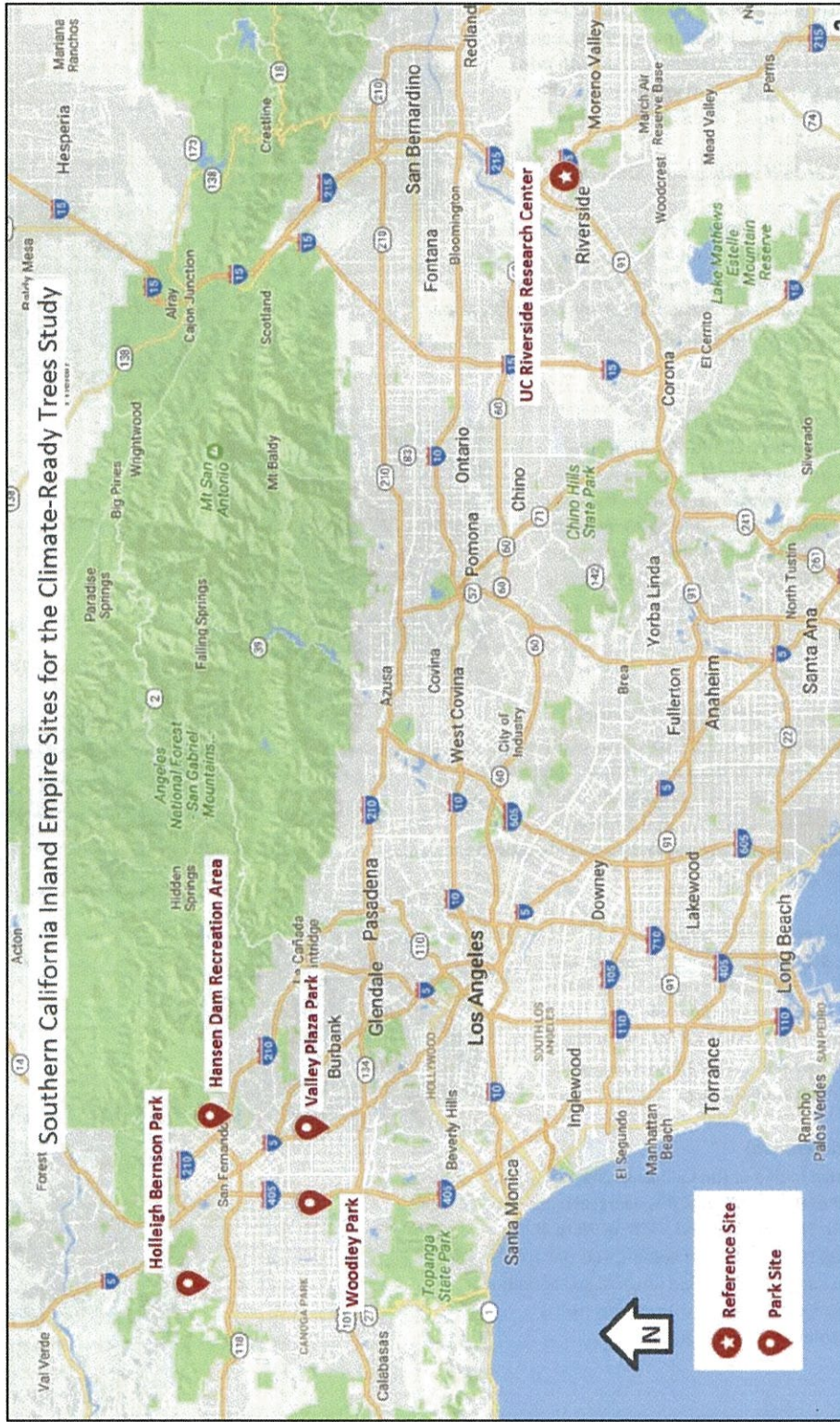
The escarpment live oak is native to west Texas, is cold hardy, drought tolerant, and requires full sun. Typically evergreen, it can be deciduous in colder climates. This live oak is a slow grower that can reach 50 feet in height and width. The escarpment live oak can tolerate a wide range of soils but prefers good drainage.



Island Oak (*Quercus tomentella*)

The island oak is native to five of the California Channel Islands and Guadalupe Island off of Baja California. It is evergreen and fast growing to a height of 20 to 50 feet and width of 25 to 40 feet, growth rate can be up to 24 inches per season. This oak refers deep, moist soils but can tolerate a wide range of soil conditions and soil types including clay, loam, and sand. This tree is considered drought tolerant and cold hardy.





Item No. 8

Assembly Bill No. 1530

Passed the Assembly September 14, 2017

Chief Clerk of the Assembly

Passed the Senate September 14, 2017

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2017, at _____ o'clock _____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 4799.07, 4799.08, 4799.09, 4799.10, 4799.11, and 4799.12 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 1530, Gonzalez Fletcher. Urban forestry.

The California Urban Forestry Act of 1978 has as a stated purpose the promotion of the use of urban forest resources for purposes of increasing integrated projects with multiple benefits in urban communities.

This bill would provide that the purpose of the act is also to promote policies and incentives that advance improved maintenance of urban forest canopy to optimize multiple benefits, among other purposes.

The act authorizes the Department of Forestry and Fire Prevention to implement a program in urban forestry to encourage better tree management and planting in urban areas, as provided.

This bill would require the department to implement this program, establish local or regional targets for urban tree canopy, and develop or update regulations as necessary, as provided.

The act requires the department to provide technical assistance to urban areas with respect to certain actions, including planning for regional, county, and local land use analysis projects related to urban forestry.

The bill would also, among other things, require the department to provide technical assistance to urban areas with respect to the improvement and enhancement of local water capture for urban forest maintenance, and would define "urban forest maintenance" and "local water" for these purposes.

The act authorizes the director of the department to make grants to provide assistance for projects and to waive the cost sharing requirement for projects that are in disadvantaged and severely disadvantaged communities. The act defines disadvantaged community and severely disadvantaged community for these purposes.

This bill would redefine a disadvantaged community as one that is identified as such pursuant to the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act. The bill would delete the definition of severely disadvantaged community and instead use low-income community as that term is used in the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act. The bill would authorize the director to authorize advance payments from a grant awarded to a nonprofit organization that is located in or providing service to disadvantaged or low-income communities, as provided.

The act authorizes certain types of assistance, including funding for development of urban tree plans that include coordination of local agency efforts and citizen involvement.

This bill would also authorize assistance for funding for improved urban forest maintenance, and projects that respond to events that impact urban forest health, as provided, and funding for planning and technical assistance for eligible applicants assisting disadvantaged communities.

The people of the State of California do enact as follows:

SECTION 1. Section 4799.07 of the Public Resources Code is amended to read:

4799.07. The Legislature finds and declares that:

(a) Trees are a vital resource in the urban environment and as an important psychological link with nature for the urban dweller.

(b) Trees are a valuable economic asset in our cities. They help maintain or increase property values, attract business and new residents in urban areas, and support job creation and business growth.

(c) Trees play an important role in energy conservation by modifying temperature extremes with shade and humidity, and by influencing wind direction and velocity. This role is particularly important in reducing the amount of energy consumed in heating and cooling buildings and homes, and potentially in producing a local fuel and energy source.

(d) Trees directly reduce air pollution by removing airborne particulates from the atmosphere and helping to purify the air.

(e) Trees help reduce noise, provide habitat for songbirds and other wildlife, reduce surface runoff and protect urban water

resources, and enhance the aesthetic quality of life in urban communities.

(f) Trees planted in urban settings play a significant role in meeting the state's greenhouse gas emission reduction targets by sequestering carbon as well as reducing energy consumption.

(g) Maximizing the benefits of trees through multiple-objective projects that provide environmental services can provide cost-effective solutions to the needs of urban communities and local agencies, including, but not limited to, increased water supply, clean air and water, reduced energy use, flood and stormwater management, recreation, and urban revitalization.

(h) Growing conditions in urban areas for trees and associated plants have worsened so that many of California's urban communities are now losing more trees than are replaced.

SEC. 2. Section 4799.08 of the Public Resources Code is amended to read:

4799.08. (a) The purpose of this chapter is to:

(1) Promote the use of urban forest resources for purposes of increasing integrated projects with multiple benefits in urban communities, including, but not limited to, the following:

(A) Expanded urban forest canopy.

(B) Community greening.

(C) Increased carbon sequestration.

(D) Reduced energy consumption.

(E) Reduction of impacts of the urban heat island effect.

(F) Improved management of stormwater and dry weather runoff.

(G) Improved local water capture and efficient use of water for urban forest maintenance.

(H) Climate adaptation, with an emphasis on disadvantaged communities.

(2) Stop the decline of our urban forest resources, facilitate the planting of trees in urban communities, and improve the quality of the environment in urban areas through the establishment and improved management of urban forest resources.

(3) Facilitate the creation of permanent jobs in tree maintenance and related urban forestry activities in neighborhood, local, and regional urban areas to enable workforce training for young women and men in disadvantaged communities.

(4) Optimize the potential of tree and vegetative cover in reducing energy consumption and producing fuel and other products.

(5) Encourage the coordination of state and local agency activities in urban forestry and related programs and encourage maximum community participation in their development and implementation.

(6) Assist the Department of Agriculture to prevent the introduction and spread within this state of known and potentially damaging or devastating invasive pests and diseases.

(7) Reduce or eliminate tree loss resulting from invasive pests and diseases.

(8) Promote policies and incentives for implementing entities that advance improved maintenance of urban forest canopy to optimize multiple benefits.

(b) In implementing this chapter, the department shall consult with the State Water Resources Control Board to identify additional opportunities to improve water resources management through urban forestry projects.

SEC. 3. Section 4799.09 of the Public Resources Code is amended to read:

4799.09. As used in this chapter the following terms have the following meanings:

(a) "Disadvantaged community" means a community identified as a disadvantaged community pursuant to Section 39711 of the Health and Safety Code.

(b) "Local water" means rainwater, stormwater, recycled water, and urban runoff captured by urban forest sites through curb cuts, cisterns, tree wells, and other best management practices that offset reliance on potable water use.

(c) "Low-income community" means a community as defined in Section 39713 of the Health and Safety Code.

(d) "Urban area" means an urban place, as that term is defined by the United States Department of Commerce, of 2,500 or more persons.

(e) "Urban forest" means those native or introduced trees and related vegetation in the urban and near-urban areas, including, but not limited to, urban watersheds, soils and related habitats, street trees, park trees, residential trees, natural riparian habitats, and trees on other private and public properties.

(f) "Urban forest maintenance" means those activities that reduce tree mortality, ensure optimal tree health, preserve carbon sequestration and climate resilience benefits, and improve the full functionality of the urban forest. This includes, but is not limited to, mulching, watering, and proper pruning practices.

(g) "Urban forestry" means the cultivation and management of native or introduced trees and related vegetation in urban areas for their present and potential contribution to the economic, physiological, sociological, and ecological well-being of urban society.

SEC. 4. Section 4799.10 of the Public Resources Code is amended to read:

4799.10. (a) (1) The department shall implement a program in urban forestry to encourage better tree management and planting in urban areas to increase integrated, multiple benefit projects by assisting urban areas with innovative solutions to problems, including reductions in the emissions of greenhouse gases, mitigation of public health impacts of poor air and water quality, mitigation of urban heat island effect, improved capture of stormwater and dry weather runoff, addressing water shortages, lack of green space, lack of urban parks that are accessible to pedestrians, vandalism, and insufficient tree maintenance, and to otherwise accomplish the purposes of this chapter.

(2) The department shall encourage demonstration projects that maximize the benefits of urban forests in conjunction with state and local agency programs to improve carbon sequestration, water conservation, energy conservation, stormwater capture and reuse, urban forest maintenance, urban parks and river parkways, school construction and improvements, school greening or sun-safe schoolyards, air quality, water quality, flood management, urban revitalization, solid waste prevention, and other projects.

(3) The department shall establish local or regional targets for urban tree canopy, with emphasis on disadvantaged communities that tend to be most vulnerable to urban heat island effect. These targets shall include urban forest diversity, tree species' adaptability to anticipated climate change impacts, and other relevant factors.

(4) The department shall assume the primary responsibility in carrying out the intent of this chapter in cooperation with statewide and regional urban forestry organizations or associations and arboricultural organizations or associations, other private and

public entities or persons, and appropriate local, state, and federal agencies, including, but not limited to, the Department of Water Resources, the California Environmental Protection Agency, the Department of Fish and Game, the Department of Food and Agriculture, regional water quality control boards, regional and local air districts, the University of California Cooperative Extension, the Department of Parks and Recreation, the Department of Transportation, resource conservation districts, and the United States Forest Service.

(b) (1) The department shall be the agent of the state and shall have full power to cooperate with those agencies of the federal government that have powers and duties concerning urban forestry and shall perform all things necessary to secure the benefits of federal urban forestry programs.

(2) To facilitate implementation of this chapter, the director may enter into agreements and contracts with a public or private organization including a local agency that has urban forestry-related jurisdictional responsibilities and an established and operating urban forestry program. The director shall consult with those agencies when carrying out this chapter in their respective areas.

(c) The director shall take all feasible steps to prevent or retard the introduction, establishment, and spread of known or potentially damaging or devastating pests and diseases. Any agreement shall ensure that the department will not need additional funds to participate in the program.

(d) The department and the Department of Food and Agriculture shall cooperate in setting quarantine boundary lines and in enforcing the provisions relating to quarantine and pest abatement contained in Division 4 (commencing with Section 5001) of the Food and Agricultural Code when a quarantine is established to prevent the spread of introduced pests and diseases affecting the state's urban forests.

(e) Whenever it is feasible to do so, the department may utilize inmates and wards assigned to conservation camps or the California Conservation Corps or certified Community Conservation Corps in implementing this chapter.

(f) The department may utilize available recipients of CalWORKs or the General Assistance Program, who are participating in state or county work experience programs for carrying out the purposes of this chapter. The participation of

registrants for the welfare-to-work program under the CalWORKs program, under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, shall be consistent with their participant contract requirements. A person being utilized by the department pursuant to this subdivision shall not be placed in the same crew as persons utilized pursuant to subdivision (e).

(g) The department shall develop or update regulations as necessary to implement the requirements of this section.

SEC. 5. Section 4799.11 of the Public Resources Code is amended to read:

4799.11. (a) The department shall provide technical assistance to urban areas with respect to all of the following:

(1) Planning for regional, county, and local land use analysis projects related to urban forestry.

(2) Preparation of urban tree plans and the selection of trees in landscaping and reforestation efforts.

(3) Development and coordination of training programs for neighborhood and local agency tree planting and maintenance crews.

(4) Advice and guidance to cities, counties, districts, and regional entities, homeowner neighborhood groups, and nonprofit organizations on tree disease, insect problems, tree planting, maintenance, and best practices and metrics as developed by the department, for maintaining urban forest health.

(5) The role of forest ecology in planning for the future of urban areas, including climate change and greenhouse gas emission reductions, carbon sequestration, air quality, watershed problems, and energy conservation.

(6) Improvement and enhancement of local water capture for urban forest maintenance.

(7) Retention of native trees and riparian habitats.

(8) Any other matter relating to the purposes of this chapter.

(b) The department and other state agencies are also authorized to assist local tree maintenance and green waste utilization programs by making equipment available on loan where feasible and not detrimental to department or other state agency operations. That equipment may be used only to support regional or local urban forestry efforts consistent with this chapter, including by

nonprofit organizations involved in urban tree care or urban green waste utilization efforts.

SEC. 6. Section 4799.12 of the Public Resources Code is amended to read:

4799.12. The director, with advice from other appropriate state agencies and interested parties, may make grants to provide assistance of 25 to 90 percent of costs for projects meeting guidelines established by the board upon recommendation by the director. The director may waive the cost sharing requirement for projects that are in disadvantaged and low-income communities. Grants may be made to cities, counties, districts, and nonprofit organizations. The director may also waive the cost sharing requirement if the funding source for a grant prohibits cost sharing requirements. The director may authorize advance payments from a grant awarded to a nonprofit organization that is located in or providing service to disadvantaged or low-income communities. The advance shall not exceed 25 percent of the total grant award. Contributions required as a condition of grants made pursuant to this section may be made in the form of material, services, or equipment, or funds. Authorized assistance may include, but is not limited to, any of the following needs:

(a) Funding for development of urban tree plans that include coordination of local agency efforts and community involvement.

(b) Funding for development of urban tree plans that include coordination of multiple jurisdictions, multiple agency efforts, and community involvement.

(c) Funding for development of urban forest master plans or similar plans designed to provide comprehensive protection, maintenance, and management of the urban forest.

(d) Provision of seedling and tree stock.

(e) Tree planting projects.

(f) Funding and other assistance to local agencies and nonprofit organizations for partnerships as follows:

(1) Energy saving urban forest programs.

(2) Developing projects or programs that use urban forests for water conservation, improving water quality, improved water management, or stormwater capture.

(3) Developing projects or programs that use urban forests for air quality improvement, reduction in greenhouse gas emissions, or reduction of urban heat island effect.

(4) Developing community education and engagement programs on the benefits and proper care of trees.

(g) Funding for the development of training and educational materials on the benefits of the urban forest.

(h) Funding for the development of training and educational materials on proper care and maintenance of trees and the urban forest, including young and mature tree care.

(i) Funding and other assistance, based on criteria developed by the department, for management of urban forests to ensure their survival and ability to optimize the benefits that urban forests provide the community and the environment.

(j) Funding and other assistance for demonstration projects in urban forestry with special attention given to projects or programs assisting the state in meeting the requirements of the Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), improving energy and water conservation, capturing and filtering urban stormwater and dry weather runoff, improving water quality, utilizing local water, reducing the urban heat island effect, improving air quality, and wood and fiber utilization projects, including, but not limited to, biofuel and bioenergy.

(k) Funding for improved urban forest maintenance and projects that respond to events that impact urban forest health, including drought, storms, pests, and disease.

(l) Funding for planning and technical assistance for eligible applicants assisting disadvantaged communities.

(m) Other categories of projects recommended by the director and approved by the board.