



CITY OF SOUTH PASADENA  
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION  
MEETING AGENDA

TUESDAY, July 25, 2017 7:00 p.m.  
SOUTH PASADENA SENIOR CENTER  
1102 Oxley Street, South Pasadena, CA 91030

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

Roll Call

Approval of Minutes from Regular Meeting: May 23<sup>rd</sup> and June 19<sup>th</sup>, 2017.

**PUBLIC COMMENTS AND SUGGESTIONS**

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

**BUSINESS ITEMS**

- 1) **Tree Removal Permit Hearing: 517 Fremont Lane (Shimmin)** – Consider a tree removal permit appeal for 517 Fremont Ln.
- 2) **Tree Removal Permit Hearing: 1746 Hanscom Drive (Shimmin)** – Consider a tree removal permit for 1746 Hanscom Drive.
- 3) **Tree Ordinance** – Discuss updates to the City’s tree ordinance.
- 4) **Tree Removal Permit Hearings Policy (Kelly)** – Consider suggested recommendations for applicants who seek tree removal permits at commission hearings.
- 5) **Water Conservation Rebate Program Review (Shimmin)** – Review the proposed changes to the water conservation rebate program for FY 2017-18.
- 6) **August meeting postponement or cancellation (Shimmin)** – Discuss either changing the date or cancelling the regular August meeting.

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

- ~~7) Update on Renewable Energy RFP (Shimmin)~~
- 8) **Urban Forest Update (Shimmin)**
- 9) **Upcoming Events** – National Night Out – August 1<sup>st</sup>; Household Hazardous Waste and E-waste event in South Pasadena – August 26<sup>th</sup>; Clean Air Car Show and Green Living Expo – September 10<sup>th</sup>

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

**ADJOURNMENT** – Next Regular Meeting – August 22, 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 7-21-17, as required by Law.

Date: July 21, 2017                      Signature: [Signature]

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

**CITY OF SOUTH PASADENA  
NATURAL RESOURCES AND ENVIRONMENTAL COMMISSION  
MINUTES – May 23, 2017**

**Roll Call** – The meeting called to order at 7:00 p.m. Present were Commissioners: Chair William Kelly, Vice-Chair Al Benzoni, Kay Findley, Stephen Leider, and Noah Puni (arrived 7:28 p.m., left at 9:11 p.m.). Absent were Commissioners Daniel Snowden-Ifft and Nancy Wilms. Also present was Staff Liaison Jenna Shimmin. Council Liaison Dr. Schneider and Student Commissioner Hailey Bugg were absent.

**Minutes** – Minutes for March 28<sup>th</sup>, 2017 were approved with no corrections (Puni, Leider; Ayes: All, Nays: 0).

**PUBLIC COMMENTS** – Janet Ferguson: Resident on Hanscom, whose neighbor has doing construction on the property adjacent to hers. Thought the tree removal permit request would be on our agenda this meeting, and was surprised to see that it wasn't. Ms. Ferguson gave a brief background of the ongoing situation with trees on the neighboring property. She states that there were over 30 trees when the property was purchased, and now only a few remain, however the owner was only approved to remove a few dead trees. She believes that the owner is intentionally damaging the trees, and provided pictures of the purported intentional damage. She stated that this item has gone before various boards and the council, with the outcome being that it needs to come before the NREC. Would like to have the city's arborist come out and look at the trees to verify the state they are currently in.

The commission has asked staff to speak with Public Works regarding this property.

**BUSINESS ITEMS**

1. **Tree Removal Request (Shimmin)** – A tree removal request was submitted for two trees on behalf of the owner of 1440 Indiana Ave, Mr. Keith Tsang. The application states that the first contractor hired caused damage to the root system of one of the trees (Chinese Elm), and the other (Pyracantha) is a safety concern. The city's arborist determined that the damaged tree needed to be removed, and that the other is a shrub and not a tree (but that it can be removed). A letter of opposition was received, as well as 2 letters of support.

Keith Tsang (owner): Advised the commission that the first contractor he hired damaged the root system during construction, against his direction. Both his and the city's arborist determined that it needed to be removed due to a high risk of failure.

Chair Kelley asked how it was determined that 90% of the roots had been removed; if the tree is leaning at all; if the branches look alive or are dried and brown; and asked when the last time the tree was trimmed.

Mr. Tsang: Responded that in correspondence regarding the permit, but wasn't in the arborist's report; the tree is not currently leaning; he believes the branches to be brown; and that he tree was trimmed around 2 years ago.

Commissioner Findley mentioned that it is difficult to respond when neither the city's arborist nor the owner's arborist are present to ask questions of. She stated that if trees are removed illegally or damaged intentionally than someone should be held accountable.

Mr. Tsang responded that this is the first permit he has submitted regarding the Chinese Elm. He also stated that no other trees have been removed, and that he is being required to replace extra trees since the root damage was the cause of negligence.

Chair Kelly confirmed that the owner wasn't asking to remove the oak tree; why he wished to remove the Pyracantha; and where it is located.

Mr. Tsang responded that he was not asking to remove the oak; and that the Pyracantha, located in his backyard, has poisonous berries and thorns that could harm his young children.

Evelyn Zneimer (neighbor at 1449 Indiana Ave. with opposition) stated that the first permit requests came in June 2013, and the owner has incrementally applied again and again over the next 4 years. She stated that if he was denied, he would simply reapply. She claims there used to be 2 elms on the property and now there is only one. She went to the property on May 10<sup>th</sup> to see the trees and speak with the owner, and the elm appeared to be healthy at that time. Her argument is that if the elm had been properly trimmed it wouldn't have caused any issues. She believes that we need to protect our tree canopy as not only does it provide benefits to humans, but is also a habitat for animals that we should protect. She states that she has pictures of the property proving that there were more trees on it than have been approved for removal.

Commissioner Benzoni asked where the neighbor would like to see the replacement trees planted, and if she'd have any other conditions should it be approved?

Ms. Zneimer stated that she would like to see tree saved of possible. But, if it must be removed the replacements should go on the property, in or near the same spot, if possible. She would also like to see the same species, and if the tree were to die in a given period (say 2 years) the owner would need to replace it.

Commissioner Findley advised the commission that she looked up Pyracantha and she's not sure if it's even under the purview of the NREC as it appears to be a shrub, and not a tree. She also stated she found where the 90% root damage was mentioned in Ms. Zneimer's letter as something she was told during her conversation with the contractor.

Commissioner Benzoni asked if the owner has looked into, or attempted any measures to mitigate the damage and try to save the tree.

Mr. Tsang state that he has looked into other options because removal is quite costly. He does like the tree, and wishes it could be salvaged, but that he hasn't been able to find a way to do so.

Commissioner Benzoni stated that he doesn't believe the Pyracantha is a tree, and is not in the purview of the NREC.

A motion was passed to have the city's arborist provide input as to whether it is a tree or shrub before the NREC makes a determination (Benzoni, Puni; Ayes: 4, Nays: 1).

A motion was made by Commissioner Puni to approve the removal of the Chinese Elm, with no second.

A motion was made by Chair Kelly to deny the request to remove the Chinese Elm because it looks healthy and can be trimmed despite root damage, with no second. Commissioner Benzoni suggested approving the request if the owner agreed to the penalty for intentional damage of replacing two times the value of the tree (per 34.12b).

A motion was passed stating that the tree must remain, with removal only being granted if the applicant agreed to pay twice the replacement value of the tree pursuant to section 34.12b of the SPMC (Kelly, Findley; Ayes: All, Nays: None).

2. **Tree Ordinance** – Staff needs to provide number of permits per item #2, and list of heritage trees (possible to start a new category in Arbor Access). Item #3 to reference ANSI standards, as they are publically available. Need to verify if any other ISA references are really references to other associations. The subcommittee will meet before the next meeting to provide input.
3. **Tree Removal Permit Hearings Policy (Kelly)** – Chair Kelly explained that he drafted tree removal permit and hearing procedures/rules to help provide guidance to applicants so that the NREC can better make decisions. They are meant to streamline the process for both applicants and the commission.

Commissioner Benzoni stated that he found it useful, and that it should be used as a reference guide governed by applicable sections of the code. For item #4, the wording at the end should be reworded to something like "in the building footprint".

Commissioner Findley stated that she appreciates the effort but there needs to be some rewording. Specifically to the section regarding Undue Hardship (unreasonable hardship, 34.7a (2)), and the responsibility of the applicant and public works.

Jenna Shimmin, staff liaison, stated that ideally this would be an internal policy whereby Public Works staff is held to the same standard as the applicant because they have to verify procedures are followed.

Commissioner Puni remarked that it was his understanding that originally all tree removal permit requests went to the NREC first, and now they all go through the Planning Commission.

Chair Kelly stated that during the recession there was little to no construction done and so there were nearly no permits heard by the NREC, and slowly they stopped and changed to review only by the Planning Commission.

Commissioner Leider stated that what is unreasonable or reasonable regarding overhanging limbs/branches should be better defined. He doesn't like to hear that we aren't able to do anything to help, and then damage is done to our trees and the city's tree canopy.

Both commissioners Findley and Benzoni agreed that there should be some sort of procedure for when someone calls in to complain about or report tree issues.

Chair Kelly asked that the commissioners submit their markups to the procedures by June 6<sup>th</sup>.

Public Comment: Jeremy Ding stated that he likes the procedures, but has a few suggestions. He feels that when a government entity puts out suggestions some take them as the requirement. The cost of some of these suggestions should be taken into consideration when finalizing the document (especially the cost of having an arborist attend the meeting). These procedures work well for questionable trees being contested, not necessarily for obviously dead trees. It should also be taken into account what the neighbor's objection is.

Commissioner Benzoni added that he would like to see objectors state what their suggestions are, what their idea of mitigation or a solution would be.

4. **Solar Building Ordinance (Kelly)** – Tabled until a later date.
5. **Water Conservation Programs and Drought Update (Shimmin)** – Jenna Shimmin updated the commission that there was a 17% reduction in water use for April 2017 versus 2013 usage.
6. **Rescheduling of June 27<sup>th</sup> regular meeting** – The staff liaison suggested moving the meeting as she will be out of town for the next regularly scheduled meeting. A discussion regarding dates occurred, with a motion passing to move the next meeting date to June 19<sup>th</sup> (Puni, Benzoni; Ayes: All, Nays: None).

#### **INFORMATION ONLY**

7. **Update on Renewable Energy RFP (Shimmin)** - Interviews are slated to be held with all four respondents to the RFP. The interview panel will be made up of four people, 3 city staff and one member of the REC.
6. **Urban Forest Update (Shimmin)** – Jenna Shimmin provided an update that trimming is near completion in the following grid: Grid 9 (90% complete) south east side of City, and has been completed in Grid 8B, eastern side of the City, War Memorial Park, and the area of Arroyo Park and Arroyo Drive.  
Removals are ongoing throughout the City, with replacements resuming in fall 2017. To date 175 trees have been planted.
8. **Upcoming Events - Mulch & Compost Giveaway Event** – June 10<sup>th</sup>.

**Chair Communications** – Advised the commission that the Renewable Energy Council met and approved a recommendation to ask the City Council to support the city joining the LA County Community Choice Energy JPA, with significant outreach effort. Residents would be automatically opted in, and would need to opt out, which they should be made well aware of.

#### **Commission Communications –**

Commission Leader – Stated that France adopted a ban on plastic cups and plates, this gives the city something to strive for.

Commission Findley – Updated the commission that the RFP for the 2018 stables management went out.

Commissioner Benzoni – Advised the commission that he’s spoken with students at SPHS regarding the artificial turf that recently went in on their field, and that most don’t like it either for the heat it gives off or for how rough it feels against their skin when they make contact.

**Council Communications** – Dr. Schneider stated that he felt having the city’s arborist at the meetings would help with disputes and decision making. He also gave the commission a brief updated on the Hanscom property, stating that the owner took plans to the Design Review Board. These plans were approved with a requirement that if any trees are to be removed the request must come before the NREC for approval. Then the plans would come back before the Design Review Board and the Planning Commission for final approval.

**Adjournment** – Commissioner Benzoni motioned to adjourn the meeting at 9:18 p.m., Commissioner Leider seconded. Ayes: All, Nays: None(Commissioner Puni absent).

**NEXT MEETING** – The next meeting of the Natural Resources and Environmental Commission will be held on June 19, 2017 at 7:00 p.m.

---

William Kelly, Chair

Item No. 1

**City of South Pasadena**

# Memo

Date: July 25, 2017  
To: Natural Resources and Environmental Commission  
From: Leaonna DeWitt, Public Works Assistant  
Subject: Tree Removal Application – 517 Fremont Lane

On May 9, 2017 Mr. Graham submitted a tree removal application to remove four (4) trees from the property located at 517 Fremont Lane. The purpose of the tree removal was to remove any risk of injury/threat to life and property and exterior landscaping.

On May 11, 2017, the City's Arborist recommended removal of two (2) trees and none were native.

On May 16, 2017, the public notice was mailed for the removal of four trees - one (1) Aleppo Pine, one (1) Fan Palm, one (1) Coast Live Oak and one (1) Snailseed. The City received no letters of opposition.

Due to the high risk of failure, permit# 21898 was issued for the removal of the Aleppo Pine and the Snailseed, which requires a total of six (6) replacement trees.

On July 12, 2017, the applicant submitted a letter of appeal to remove the Fan Palm and the Coast Live Oak to construct a retaining wall and add landscaping.

If the Commission concurs with the applicant then appropriate number of replacement trees will be required per South Pasadena Municipal Code.

7:30

CITY OF SOUTH PASADENA  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

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

CITY OF SOUTH PASADENA  
RECEIVED  
MAY 09 2017  
PUBLIC WORKS DEPT.

PRIVATE PROPERTY TREE REMOVAL/REPLACEMENT PERMIT APPLICATION

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

Permit Fee: \$110.00, plus  
Inspection Fee: \$140.00

PERMIT #: 21898

JOB SITE: \_\_\_\_\_

PROPERTY OWNER'S NAME: Jahmy Abraham

ADDRESS: 517 Fremont Lane PHONE: 818 859 8529

CONTRACTOR'S NAME: \_\_\_\_\_

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

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

1. Type/Variety of Tree: Pine Size of Tree: 48"  
(trees 4" in diameter or greater are Mature trees) (diameter of tree measured 4' from base of trunk)

Location: Back yard - near master bedroom - 9' from house  
(specific location of tree on property i.e. front yard, side yard, etc.)

List Reasons for requesting this tree removal: Tree creating risk of injury/threat to life + property. Tree leaning + ground support unstable.  
(include all conditions warranting the removal)

2. Type/Variety of Tree: Palm Size of Tree: 17-5"  
(trees 4" in diameter or greater are Mature trees) (diameter of tree measured 4' from base of trunk)

Location: Side yard - near side deck + side door - 9' from deck - 12' from side door/house  
(specific location of tree on property i.e. front yard, side yard, etc.)

List Reasons for requesting this tree removal: Tree and branches causing risk of injury/threat to life + property.  
(include all conditions warranting the removal)

3. Type/Variety of Tree: Oak?/unknown Size of Tree: 21.6"  
(trees 4" in diameter or greater are Mature trees) (diameter of tree measured 4' from base of trunk)

Location: Side yard - near side deck + side door + window - 12 ft from house  
(specific location of tree on property i.e. front yard, side yard, etc.)

List Reasons for requesting this tree removal: Tree encroaching  
(include all conditions warranting the removal)

CITY OF SOUTH PASADENA  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION

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

CITY OF SOUTH PASADENA  
RECEIVED

MAY 09 2017

PUBLIC WORKS DEPT

PRIVATE PROPERTY TREE REMOVAL/REPLACEMENT PERMIT APPLICATION

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

Permit Fee: \$110.00, plus  
Inspection Fee: \$ 140.00

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

JOB SITE: \_\_\_\_\_

PROPERTY OWNER'S NAME: Jalmy Arabian

ADDRESS: 517 Fremont Lane PHONE: 818 859 8529

CONTRACTOR'S NAME: \_\_\_\_\_

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

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

# 4. Type/Variety of Tree: Oak?/unknown Size of Tree: 19"  
(trees 4" in diameter or greater are Mature trees) (diameter of tree measured 4' from base of trunk)

Location: Side yard 10' from front staircase, 30 ft from house, 1' from fence  
(specific location of tree on property i.e. front yard, side yard, etc.)

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

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

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

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

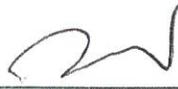
3. Type/Variety of Tree: \_\_\_\_\_ Size of Tree: \_\_\_\_\_  
(trees 4" in diameter or greater are Mature trees) (diameter of tree measured 4' from base of trunk)

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

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

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

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

APPLICANTS SIGNATURE:  DATE: \_\_\_\_\_

SPECIES PROFILE		CITY USE ONLY	
1) <input checked="" type="radio"/> APPROVED	OR DENIED	- HIGH % OF ROOT FAILURE - FULL TREE FAILURE LIKELY	TYPE OF TREE <u>ALEPPO PINE</u> <i>JL</i>
SIZE OF TREE: <u>38"</u>	REPLACEMENT TREE SIZE: <u>24"</u>	QTY: <u>4</u>	DUE DATE: <u>9/2/2017</u>
COMMENTS: <u>100 feet tall, LEANING TOWARD FREMONT, ON TOP OF A SLOPE, LIMITED ROOT ZONE DIE BACK OF LOWER CANOPY, POTENTIAL THREAT TO EDISON LINES, VEHICLE PEDESTRIANS, ADJACENT HOMES. MEDIUM TO HIGH RISK OF TOPPLING OVER.</u>			
INSPECTED BY: <u>R. Nijja WE 2355 A</u>		DATE: <u>MAY 11, 2017</u>	
2) APPROVED	<input checked="" type="radio"/> DENIED	TYPE OF TREE <u>FAN PALM</u> <i>Washingtonia robusta</i>	
SIZE OF TREE: <u>14"</u>	REPLACEMENT TREE SIZE: _____	QTY: _____	DUE DATE: _____
COMMENTS: <u>HEALTHY TREE, DENIED PENDING SITE DEVELOPMENT PLAN SUBMITTAL &amp; APPROVAL</u>			
INSPECTED BY: <u>R. Nijja</u>		DATE: <u>5-11-17</u>	
3) APPROVED	<input checked="" type="radio"/> DENIED	TYPE OF TREE <u>COAST LIVE OAK</u> <i>Quercus agrifolia</i>	
SIZE OF TREE: <u>19"</u>	REPLACEMENT TREE SIZE: _____	QTY: _____	DUE DATE: _____
COMMENTS: <u>HEALTHY, NO RISK TO PERSONS OR PROPERTY, DENIED - PENDING SITE DEVELOPMENT PLAN SUBMITTAL &amp; APPROVAL</u>			
INSPECTED BY: <u>R. Nijja</u>		DATE: <u>5-11-17</u> & APPROVAL	

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

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

APPLICANTS SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

	<u>CITY USE ONLY</u>	
<p>PHOTOS AVAILABLE IF REQUESTED</p> <p>1) <u>APPROVED</u> OR DENIED</p> <p>SIZE OF TREE: <u>19"</u> REPLACEMENT TREE SIZE: <u>24"</u> QTY: <u>2</u> DUE DATE: <u>9/2/2017</u></p> <p>COMMENTS: <u>DELAYED LATERAL BRANCHES; LEAKING; TERMITES; RISK TO PERSONS &amp; PROPERTY.</u></p> <p>INSPECTED BY: <u>B. Mejia WE 2355A</u> DATE: <u>5-11-17</u></p>	<p><u>COCULUS LAMIFOLIUS</u></p> <p>TYPE OF TREE <u>SNAILSEED</u> <i>fw</i></p>	
<p>2) APPROVED OR DENIED</p> <p>SIZE OF TREE: _____ REPLACEMENT TREE SIZE: _____ QTY: _____ DUE DATE: _____</p> <p>COMMENTS: _____</p> <p>INSPECTED BY: _____ DATE: _____</p>	<p>TYPE OF TREE _____</p>	
<p>3) APPROVED OR DENIED</p> <p>SIZE OF TREE: _____ REPLACEMENT TREE SIZE: _____ QTY: _____ DUE DATE: _____</p> <p>COMMENTS: _____</p> <p>INSPECTED BY: _____ DATE: _____</p>	<p>TYPE OF TREE _____</p>	

July 12, 2017

Paul Toor  
Director of Public Works  
1414 Mission Street  
South Pasadena, CA 91030

RE: Tree Removal Application - 517 Fremont Lane

Dear Mr. Toor,

We write to appeal your decision to deny our tree removal application. We purchased our home in lovely South Pasadena just before Christmas (2016) and are looking forward to renovating our sideyard, which contains the tree(s) in question. The denial of our tree removal request has delayed our sideyard renovation project, which may substantially impair our project and cause damages and irreparable harm. We therefore respectfully request that you reconsider and reverse your prior decision to deny our application concerning the tree(s) in question for the following reasons.

First, notwithstanding the City's arborist's finding and recommendation concerning the oak tree and palm tree, these two trees present a safety and/or nuisance hazard to our property (and our neighbors' property, as explained below), and hinder our reasonable renovation plans. The proximity of the palm tree to the oak tree (a few feet away) and of both trees to our deck and house (approximately 10 feet) complicates our renovation project, which includes the construction of a six foot retaining wall between where the trees and the house meet, the plans for which were submitted to the City.

Second, we intend to add dozens of privacy trees to our property in place of the removed tree(s). As you will see from the enclosed proposal for addition of trees to our property, we intend to add at least 30 mature privacy trees to our property in the very short term future (within the next six months or so). This includes, but is not limited to, 3 (three) 24" box Lagerstroemia indica- crape myrtle trees, 1 (one) 24" box Tabebuia impetiginosa- pink trumpet tree, and 28 (twenty-eight) 15 gallon Ficus nitida (columnar)- Indian laurel trees. Moreover, we are actively exploring whether to add several mature Italian Cypress trees to the property as well. In addition, if necessary, we'd also be willing to have one or more native trees, including an oak tree, planted elsewhere in South Pasadena on City property.

Third, our neighbors have complained about both trees--but particularly the palm tree, which leans toward their property, and its prawns, which frequently fall causing risk of serious harm to their roof (and ours) and--more importantly--to the safety and well-being of our family and theirs (they have two small children). As you are aware, as the owners of the property on which the palm tree exists, we could potentially be held liable for damage caused by the palm tree to third parties. We are taking steps to limit that liability, and more importantly to prevent any physical harm to our family or theirs, by submitting our application for City approval to remove this tree--which is a danger to health and safety.

We appreciate your consideration of this matter and ask that you expeditiously approve our narrow request to remove these two trees. If you have any questions, please do not hesitate to contact us at 818-859-8529 or jahmy516@yahoo.com.

Respectfully submitted



Jahmy Graham, Esq. and Nzinga Graham, M.D.

Enclosures: (1) Tree Removal Proposal by Canterbury Landscaping, Inc.; and (2) Pictures.



June 23<sup>rd</sup>, 2017

TREE ADDITION PROPOSAL

GRAHAM RESIDENCE

*517 Fremont Lane*

*South Pasadena*

3	24" box	Lagerstroemia indica- crape myrtle
1	24" box	Tabebuia impetiginosa- pink trumpet tree
28	15 gallon	Ficus nitida (columner)- Indian laurel

Submitted by:

Ken Bilheimer  
Canterbury Landscaping









Item No. 2

**City of South Pasadena**

# Memo

Date: July 25, 2017  
To: Natural Resources and Environmental Commission  
From: Leaonna DeWitt, Public Works Assistant  
Subject: Tree Removal Application – 1746 Hanscom

On June 13, 2017 the applicant submitted an application for two dead Queensland Pittosporum trees to be removed from his property. The arborist has recommended removal of both trees, which were confirmed dead.

If the Commission concurs with the applicant five (5) replacement trees will be required per South Pasadena Municipal Code.

Attachment: Tree Permit Application



**City of South Pasadena  
Public Works Department  
Engineering Division**

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

CITY OF SOUTH PASADENA  
RECEIVED

JUN 13 2017

PUBLIC WORKS DEPT.

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

**Permit Fee: \$110.00**

**Inspection Fee: \$140.00**

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

JOB SITE: 1746 Hanscom

PROPERTY OWNER'S NAME Peter Balchhari

ADDRESS: 1746 Hanscom PHONE: (313) 828-4597

CONTRACTOR'S NAME: \_\_\_\_\_

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

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

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

1. TYPE OF TREE: Fruit tree SIZE OF TREE: 14"

LOCATION: Front of House

LIST OF REASONS FOR REQUESTING THIS TREE REMOVAL: Dead

2. TYPE OF TREE: Fruit tree SIZE OF TREE: 14"

LOCATION: Front House

LIST OF REASONS FOR REQUESTING THIS TREE REMOVAL: Dead

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

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

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

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

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

APPLICANTS SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

<u>CITY USE ONLY</u>	
1) <u>APPROVED</u> OR DENIED	TYPE OF TREE <u>QUEENSLAND</u>
SIZE OF TREE: <u>12.5</u> REPLACEMENT TREE SIZE: <u>24"</u> QTY: <u>2</u> DUE DATE: <u>DITTOSPORUM</u>	
COMMENTS: <u>DEAD; WAS DEAD ON MY ORIGINAL INSPECTION</u>	
INSPECTED BY: <u>P. Mejia ISA WE2355A</u>	DATE: <u>JUNE 22, 2017</u>
2) <u>APPROVED</u> OR DENIED	TYPE OF TREE <u>QUEENSLAND</u>
SIZE OF TREE: <u>5" + 9"</u> REPLACEMENT TREE SIZE: <u>24"</u> QTY: <u>3</u> DUE DATE: <u>DITTOSPORUM</u>	
COMMENTS: <u>DOUBLE STEMMED; WAS IN DECLINE @ TIME OF PAST INSPECTIONS</u>	
INSPECTED BY: <u>P. Mejia WE 2355-A</u>	DATE: <u>JUNE 22, 2017</u>
3) APPROVED OR DENIED	TYPE OF TREE _____
SIZE OF TREE: _____ REPLACEMENT TREE SIZE: _____ QTY: _____ DUE DATE: _____	
COMMENTS: _____	
INSPECTED BY: _____	DATE: _____

Item No. 3

Item No. 1

(Comments from Nancy Wilms NW)

June 13, 2017

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

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

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

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

**34.1 Definitions. (SUGGESTED TO PLACE IN ALPHABETICAL ORDER)**

As used in this chapter:

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

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

(b) "Deadwood" means limbs, branches or a portion of a tree void of green leaves during a season of the year when green leaves should be present.

(c) "Damage" means any action taken which causes injury, disfigurement or death of a tree. This includes, but is not limited to, cutting, poisoning, overwatering, not watering, relocating or transplanting, suffocation from grade changes, excessive soil compaction, or trenching, excavating or paving within the dripline.

**Add "Director" means Public Works Director ?**

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

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

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

**Please find list and add to Arbor Access DB**

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

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

(i) "Removal" means uprooting, cutting or severing of the main trunk of a tree.

(j) "Shrub" means a woody plant that is less than or equal to 16 feet tall and may be multi-stemmed.

(k) "Protected Shrub" means a woody plant that is over 16 feet in height which has one or more trunk(s) equal to or greater than 4" diameter.

(l) "Significant tree" is a tree that has a caliper of one foot or more.

(m) "Oak tree" shall mean species of tree of the genus Quercus.

(n) "Native species tree" means any species of tree native to Southern California as defined by Resolution No. 7360 adopted by the city council.

(o) "Intentional violation" means a violation of Chapter 34 (Trees and Shrubs) that is committed by any person or entity who has actual or presumed knowledge of the requirements of Chapter 34 or who has previously violated the provisions of Chapter 34. A commercial arborist/tree trimmer, a real estate developer, a general contractor, or anyone who has previously filed an application for a tree trimming or removal permit in the city shall be presumed to know the provisions of Chapter 34.

(p) "Real estate developer" means a person or entity that is engaged in the business of constructing or rehabilitating commercial or residential structures within the city for sale or lease to third parties. (Ord. No. 1991, § 2; Ord. No. 2051, § 5; Ord. No. 2126, § 2; Ord. No. 2237, § 3, 2012.)

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

(a) Trees shall not have physical damage to the bark or crown, where roots join the stem, during resulting from construction.

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

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

(c) Natural or preconstruction grade should be maintained for as great a distance from the trunk of each tree as construction permits. At no time during or after construction should soil be in contact with the trunk of any tree above natural grade.

(d) No structure shall be located nor shall any construction requiring a permit occur within six feet of the trunk of a significant or heritage tree. (Ord. No. 1991, § 4; Ord. No. 2126,) and no building, structure, wall or impervious paving shall be located within the dripline of any oak tree.

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

(e) Any required trenching should be routed to minimize root damage and cutting of roots should be avoided by placing pipes and cables below uncut roots whenever possible.

(f) Pruning or trimming of oaks and other trees should be limited to the removal of dead wood and the correction of potentially hazardous conditions as evaluated by a qualified arborist and approved the Director through the City's tree trimming permitting process. All pruning should be done in accordance with accepted pruning standards of ISA.

Comment [NW3]: Assuming this is a defined term, need global change for consistency.

(g) Irrigation is very important; ~~should~~ and construction/development interferes with normal tree care, ~~and~~ irrigation should be administered to replace the soil moisture lost due to site excavation. A tree should receive the amount of irrigation ~~similar to its normal allocation needed to thrive~~.

Comment [NW4]: Not sure what this means. My language a suggestion only—might not be what you are driving at.

34.3 Violations

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

(b) (CURRENT CODE)

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

(b) (SUGGESTED CODE)

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

Comment [NW5]: Need to clarify intent as discussed at the meeting and make sure that (b) and (c) are in sync and don't leave any unintended gaps

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

Comment [AB6]: Do we make any comment about timing of Oak tree trimming here i.e. not being allowed during summertime? Added KF

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

Comment [AB7]: Match to Jan 26 2017 "no harm tree ordinance" brought to City Council item 21, on January 18, 2017

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

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

Comment [NW8]: Same comment as before to do global change assuming "Director" is defined term.

34.4 Permit applications

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

- (1) The name and residence or business address of the applicant;
- (2) The location or description of the property on which the proposed trees are to be removed or trimmed;
- (3) A tree plan, as in Section 34.5, if the application is for a tree removal permit.
- (4) The name and state contractor's license number of the person who will perform the work. Permits shall only be issued to persons possessing a C-27 or C-61 (D-49) state contracting license;
- (5) Additional information as the public works director may require. This information may include, but is not limited to, a list obtained from the county assessor of the names of the owners of all parcels within a one hundred-foot radius of the property upon which the trees are to be removed or trimmed.

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

### 34.5 Tree plan

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

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

### 34.6 Permit issuance or denial **for tree removal**

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

### 34.7 Criteria for approving tree removal permit.

- (a) Subject to the imposition of conditions pursuant to subsection (b) of this section, a tree removal permit may be issued in any one of the following instances:
  - (1) Where the tree itself, its excess foliage or its limbs poses a reasonable risk of injury or harm to any persons or property, or is interfering with **an existing** structure or building, and there is no feasible and reasonable alternative to mitigate the interference.
  - (2) Where, upon taking into account the size, shape, ~~and topography and of~~ existing trees upon the lot, the denial of the permit would create an unreasonable hardship on the property owner.

**Comment [NW9]:** 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 ~~scientific~~ evaluation that the tree is so diseased or damaged that it is no longer viable or is a threat to property ~~or to other trees.~~

**Comment [NW10]:** Just seems odd to me. Not sure arborists make "scientific" evaluations.

**Proposed Separation of the existing section into two sections**

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

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

(b) A tree removal permit may be issued that is conditional upon the replacement or transplanting of the tree(s) either on-site or off-site. Such replacement shall be subject to the following provisions:

(1) Designation by the director or the commission of the number, size, species and location of replacement tree(s) based on consideration of the size and species of the established tree(s) proposed for removal, the significance the tree(s) proposed to be removed has on the landscaping as seen **from neighboring properties and the public view**, the size of the lot, and the number of existing trees on the lot.

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

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

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

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

(4) When the work designated in the permit is completed, the applicant shall contact the public works department for an inspection of the work.

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

(6) Where the permit allows the removal, replacement, or transplanting of tree(s), director or commission may, in their discretion, require the applicant to post a bond or surety to replace the tree(s) that do not survive a five-year period. The amount of the bond or surety shall be in accordance with the "Guide for Plant Appraisal" (ISA publication, most recent edition).

(7) Unless otherwise stated in the conditions of approval, the permit shall be valid for a period of **one year.** (Ord. No. 1991, § 14; amended during 4/04 supplement; Ord. No. 2126, § 7; Ord. No. 2188, § 1, 2009; Ord. No. 2191, § 1, 2009; Ord. No. 2237, § 2, 2012.)

**Comment [AB11]:** Replacement tree planting must occur within 90 days of permit issuance per condition #4 of Application. Perhaps this should have allowance for appropriate nearest planting season. This is not addressed. KF Leave alone and let Pub Works and resident decide if need be.

**34.7-5 Replacement trees.**

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

(Construction site replacement count are higher ?)

Comment [NW12]: Confused by this but I believe this was discussed at our meeting

If your tree removal permit is approved, you will have to plant one 24" box tree (or 36" box tree) as a replacement for each increment of the diameter of the tree being removed, as follows:

The current policy is one 24" box replacement tree for each 10 inch diameter, or portion thereof for Significant trees; and one 36" box native species replacement tree for each 10 inch diameter, or portion thereof for Oak & Native species.

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

Policy on Replacement Trees on Construction Sites:

Non-native tree removal

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

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

Native species removal

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

34.8 Appeals

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

(a) Tree Removal ~~The applicant or any interested party may appeal the decision of the director to the NREC natural resources commission by filing an appeal in writing submitted to the secretary of the commission within fifteen days after the date of decision of the NREC director.~~ Decisions of the NREC ~~commission~~ may be appealed to the city council by filing such appeal in writing submitted to the city clerk within fifteen days after the date of decision of the commission. The appeal shall specifically identify the grounds upon which the appeal will be taken and summarize the facts and points of law in support of the appeal. (Ord. No. 1991, § 16; Ord. No. 2126, § 8.)

(b) Tree Trimming ~~The applicant or any interested party may appeal the decision of the director to the NREC natural resources commission~~ by filing an appeal in writing submitted to the secretary of the commission within fifteen days after the date of decision of the director. Decisions of the commission may be appealed to the city council by filing such appeal in writing submitted to the city clerk within fifteen days after the date of decision of the commission. The appeal shall specifically identify the grounds upon which the appeal will be taken and summarize the facts and points of law in support of the appeal. (Ord. No. 1991, § 16; Ord. No. 2126, § 8.)

34.9 Exemptions.

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

- (b) No permit is required when the fire department has deemed the removal of the tree(s) is critical to providing an effective firebreak.
- (c) Public utility companies required to remove or trim trees, upon submittal of a letter to the public works director outlining the specific trees along with reasons for removal or trimming, shall be exempt from the provisions of this chapter.
- (d) The city and its contractors will not be required to obtain permits, but shall otherwise comply with this chapter.
- (e) No permit is required for the removal or trimming or pruning of hedges. (Ord. No. 1991, § 17; Ord. No. 2126, § 9.)

**34.10 Obstruction.**

- (a) It is unlawful for any person, firm or corporation owning, leasing, occupying, having charge or control of any lot or premises in the city, to keep or maintain thereon any tree, shrub or plant, or portion thereof, that interferes with or obstructs the free passage of pedestrians along or upon adjacent public sidewalks or of vehicles along or upon adjacent public rights-of-way.
- (b) Every fence, sign, wall, hedge, tree, shrub or planting located within seventy-five feet of the point of intersection of the centerlines of streets or within seventy-five feet of the point of intersection of the centerline of a street and a railroad right-of-way, that is more than thirty-six inches in height measured from the nearest adjacent public street level and that, in the opinion of the director constitutes an obstruction to the clear view of motorists on the streets is declared to be a public nuisance; provided, however, that nothing in this section shall be deemed to apply to a wall, building or structure that has been or that may be constructed under a permit issued by the building department of the city. (Ord. No. 1991, § 18; Ord. No. 2126, § 10.)

**34.11 Maintenance of trees on public property.**

The public works department shall be responsible for the maintenance of trees on public property including but not limited to public rights-of-way and public parks. The public works department shall prepare and implement the annual work plan for the maintenance of trees on public property. (Ord. No. 2051, § 6.)

**34.12 Penalties.**

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

**Comment [NW13]:** Do we have a city prosecutor?

- (a) Penalties for any person who unintentionally violates the provisions of this chapter shall be as follows: the standard inspection fee; double the required tree removal permit fee; and planting double the number of replacement trees required pursuant to section 34.7-5.
- (b) Penalties for an intentional violation shall be as follows: the penalties described in subsection a of this section plus payment of a tree replacement fee in an amount up to, but not to exceed double the value of the destroyed, removed, or damaged tree. The city arborist shall determine the value of the destroyed, removed, or damaged tree by using the most recent edition of the International Society of Arboriculture (ISA) Guide for Plant Appraisal.
- (c) Penalties for an intentional violation in connection with development or anticipated future development on the property shall be as follows: the penalties described in subsections a and b plus the city manager may refer the violation to the city prosecutor for criminal charges. The city manager may also refer the violation to the planning commission for public hearing. The burden of proof shall be on the city to demonstrate that there is clear and convincing evidence to a

Item No. 1

reasonable certainty that there is an intentional violation. The planning commission, after considering all of the evidence, may impose the additional penalty of prohibiting the issuance of building or construction-related permits for a period up to five ten years from the date of the violation for the property upon which the violation occurred.

**Comment [NW14]:** Do we intend to make this burden of proof such a challenge for the City? This is a very difficult standard to achieve. Maybe change to "preponderance of the evidence" instead of "clear and convincing"?

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

**Comment [AB15]:** City of LA uses 10 years

Intentional violations in the context of development or anticipated development of property shall require the planning commission to determine whether restitution trees are to be planted on the property on which the violation occurred, public land with costs paid to the city for tree selection, planting and maintenance, or a combination of both. The restitution trees shall be subject to a survival guarantee pursuant to section 34.7(b)(6) and (7).

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

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

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

If the costs are not recovered by the city in sixty calendar days, the city manager can instruct that the outstanding obligation be collected in any of the following manners:

- (1) A civil action in the name of the city, in any court of competent jurisdiction; or
- (2) Use of a debt collection agency; or
- (3) A lien on the subject property.
- (d) All penalties and additional costs related to a tree violation must be paid to the city prior to its issuance of building or construction-related permits unless, in the opinion of the director of planning and building, such permits are necessary for the preservation of public health, safety or welfare. (Ord. No. 2126, § 11; Ord. No. 2237, § 4, 2012.)

## NREC MEMORANDUM

**Date:** July 21, 2017

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

**From:** Jenna Shimmin, Senior Management Analyst

**RE:** NREC Tree Removal Permit Hearings

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

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

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

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

minutes to present information. Please note that these time allotments are guidelines and may be varied based upon the complexity of the case. After hearing from all parties, the Commission may immediately decide upon the removal request, or may delay a decision if questions remain about whether the removal meets the criteria outlined in Chapter 34.

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

*Item No. 4*

**City of South Pasadena**

# Memo

**Date:** January 28, 2010  
**To:** Richard L. Adams II, City Attorney  
**CC:** Matt Sweeney, Director of Public Works  
**From:** David Watkins, AICP, Director of Planning and Building  
**Re:** Tree Removals and the CEQA Process

---

As previously discussed with staff, the City's existing procedures for construction projects, where trees are impacted by the project, are in conflict with the requirements of CEQA. Based on these discussions, I suggest that the following changes be made (Section 1 of this memo). Applicable amendments to the Municipal Code would be required. I have also noted some related matters that still need to be addressed.

Procedures for tree removals that do not involve a development project should also be aligned with CEQA requirements (Section 2).

The purposes of these changes are to:

1. Ensure the City complies with the requirements of CEQA; in particular, avoiding segmentation of projects in terms of CEQA.
2. Provide clarity and a reasonable degree of certainty for project applicants.
3. Streamline projects where possible (in terms of time, number of hearings, number of submittals, etc.) but only to the degree that CEQA compliance allows.
4. Ensure that the City's tradition of public involvement and transparency is maintained.
5. Balance property owners' rights with the City's tree protection regulations.

## 1. Trees affected by construction projects.

- a. The tree ordinance should be amended to allow for impacts on trees from proposed construction. The existing ordinance deals with existing conditions (e.g. tree roots lifting an existing foundation, tree limbs impacting an existing structure's roof, etc.). A proposed project may be able to be changed to avoid any impact. Or there is the obvious alternative of no project.
- b. The tree ordinance should provide clear criteria (for all the bases upon which a tree removal can be considered) against which the removal application will be made.
- c. Public Works staff should be trained so as to be able to provide guidance to applicants as to whether or not a proposed tree removal meets the criteria for approval. Staff are obviously not making the decision; rather, they need to be able to provide general advice to applicants whether to proceed with a proposal or whether to change it. (Planning currently provides such general advice for projects that require variances or Conditional Use Permits.)
- d. The City's CEQA determination (Categorical Exemption, Negative Declaration, Mitigated Negative Declaration, EIR), as prepared by Planning, will include details of any trees to be removed as part of the project.
  - i. Public Works will review the project as part of the City's review of the application prior to deeming it complete, and provide Planning with a written determination as to whether or not any trees are to be removed and/or will be otherwise adversely affected by the project.
  - ii. In the case of tree removals, the Director of PW will provide a memo to Planning indicating whether or not the proposed tree removal meets the listed criteria for approval. (It would be generally expected that projects with proposed tree removals that don't meet the criteria for removal would be altered to avoid such impact.)
  - iii. The PW Director's memo will be used in the Initial Study, with any required mitigations (e.g. a requirement for the planting of replacement trees) and/or imposed conditions being cited in the Initial Study.
  - iv. Planning's review of other cities' CEQA approach to tree removals is that a finding of "no impact" can be made if the tree

removal does not conflict with the City's adopted tree ordinance. Such a finding would allow for a Negative Declaration. (If the removal is in conflict, it would be hoped that the project would not proceed to the Planning approval phase. Per 1(c), applicants should be given guidance on this matter.)

- v. The City should also consider trees that are not to be removed to facilitate the proposed project but which may be otherwise impacted (e.g. significant limb pruning or canopy removal, impact on root systems due to proximity of construction activity/foundations, etc.). If this issue is not addressed, it may become the basis for challenging the CEQA determination for a project. The tree ordinance should address this, which would then be considered as for 1 (d) (iv).
- e. The public noticing for the applicable Planning hearing (Design Review Board, Cultural Heritage Commission, Planning Commission) will include a statement about any affected trees. Interested parties can make comments about trees (and any other aspect of the project) at the applicable public hearing. The notice will also include the CEQA determination for the project.
  - i. This public hearing notification is sent to a 300' radius of the project site (and area-wide in the SW Monterey Hills area). This is greater than the current 100" radius used by PW. PC notices are also published in the newspaper.
  - ii. We need to consider the impact of any comments made about trees (given that the DRB and CHC have no purview over trees). Due to the enhanced public notification, there may be greater participation (regarding tree removals) than is currently the case. DRB and CHC projects do not have associated staff reports; however, the PW Director's memo for just the tree removal aspect could be provided.
  - iii. Most projects subject to DRB or CHC are Categorical Exempt from CEQA. Some tree removals (non-heritage trees) may also qualify for this exemption, but others may not. The DRB cannot certify a Negative Declaration—this would also need to be addressed.
    - As the project (i.e. the construction) is the activity causing the impact (the tree removal), the overall CEQA determination would thus become a Neg Dec/Mitigated Neg Dec/EIR rather than the existing situation where the two elements (construction and tree removal) are treated separately in terms of CEQA (with the construction

element of most construction projects Categorically Exempt and no CEQA determination being made for the tree removal). This approach avoids segmentation of the CEQA process. Planning will thus have many more projects that are subject to a ND or MND than is currently the case.

- Projects that are not Categorically Exempt incur an additional \$435.00 fee for a CEQA initial study and \$55.00 for the Negative Declaration. These fees would increase the cost of DRB and CHC applications (although these fees should be charged for tree removals anyway—see Section 2 of this memo).
  - See also discussion re California Dept. of Fish and Game fees in Section 2.
  - This raises the issue of which body would approve a tree removal. See below re Planning Commission. For the DRB/CHC, such approvals could remain with the Director of PW, and would occur after the project approval.
  - All projects that are Categorically Exempt (both in terms of trees and the development project) should be identified as such in any public noticing. This is currently not done.
- iv. The City Attorney has suggested that the Planning Commission be the decision-making body for tree removals for projects that require Planning Commission approval (typically hillside homes and multi-family developments). The Commission's decision would be based on the Director of PW's opinion. Having the PC make this decision has these advantages:
- "One-stop-shopping" The applicant is saved the delay of waiting for the PW Director's decision. This is consistent with the recent streamlining of approval processes.
  - Greater transparency. The public have more opportunity to participate in the decision-making process (noticing is enhanced from the current practice).
  - "Holistic approach" The decision-making body considers trees as part of the overall project (including overall design aspects) rather than as a separate part of the project.

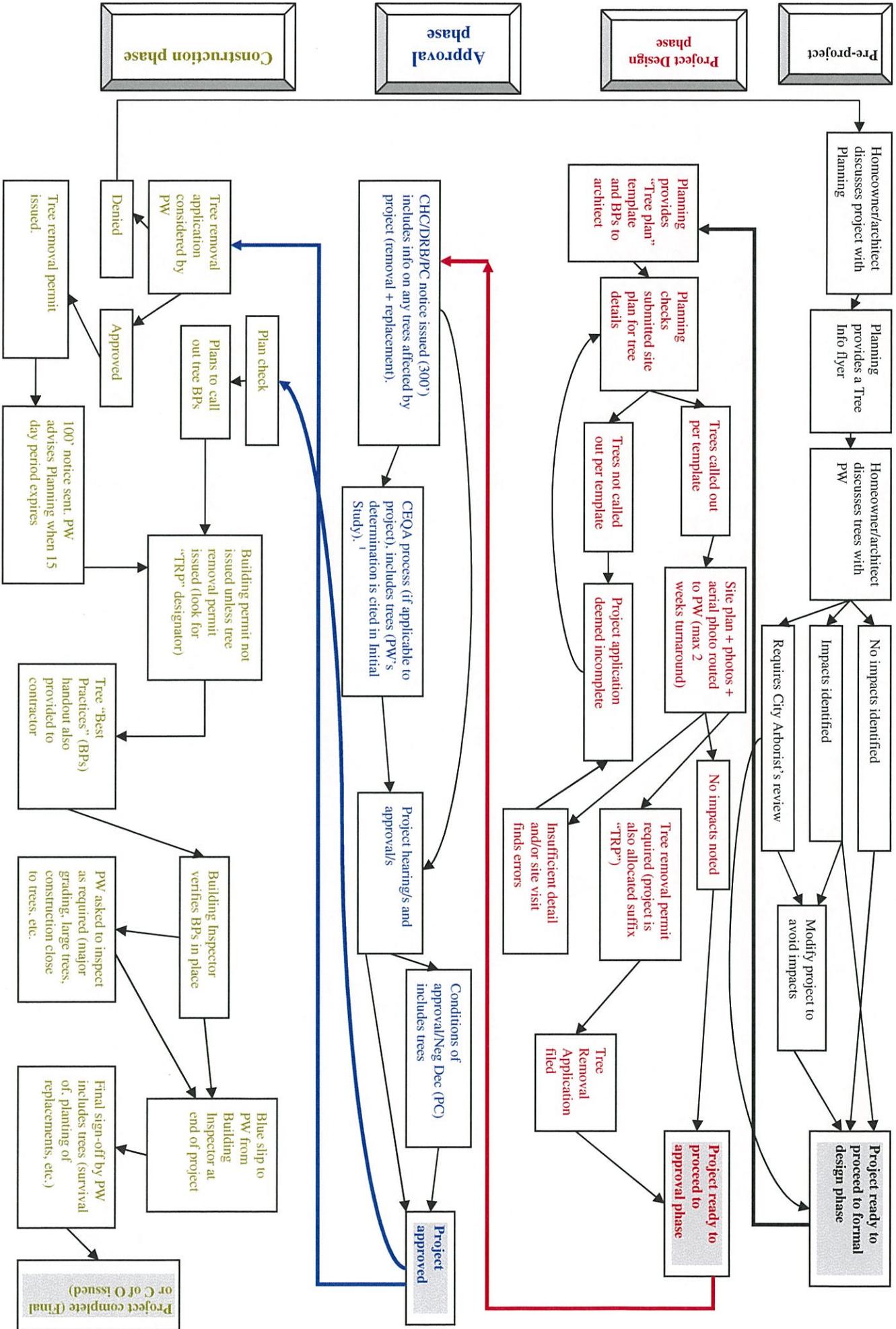
posed by changing the existing system whereby the tree removal is dealt with prior to the Planning approval.

**2. Tree removals for non-construction reasons.**

- a. The existing practices should remain in place.
- b. A CEQA determination should be made for each tree removal application.
  - i. See above re fees for non-exempt projects
  - ii. Negative Declaration projects would likely incur substantial California Department of Fish and Game fees (approximately \$2000) were the City to file a Notice of Determination (NOD) for these. These fees are paid by the applicant. Not filing a NOD extends the statute of limitations for a CEQA challenge.

**CITY PROCESS FOR DEVELOPMENT PROJECTS WHERE TREES ARE AFFECTED** (updated 12-7-09)

Item No. 4



<sup>1</sup> PW provides a write up for the Initial Study which describes the existing tree onsite, and trees to be removed and if they are subject to the tree ordinance. If not, "no impact" for CEQA. If are, write up lists mitigation (replacement trees), which will be noted as a "potential impact" for CEQA, with mitigations noted in conditions of approval. Unmitigated impact requires an EIR.

## NREC MEMORANDUM

**Date:** July 21, 2017

**To:** NREC Commissioners

**From:** Jenna Shimmin, Senior Management Analyst

**RE:** Water Conservation Rebate Program Update

### Background

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

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

### Analysis

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

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

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

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

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

Proposed Residential Rebate Program FY 17-18:

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

Proposed Commercial Rebate Program FY 17-18:

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

Item No. 9

Reporting Month	REPORTED Total Monthly Potable Water Production Month	REPORTED Total Monthly Potable Water Production 2013	REPORTED Monthly CI	REPORTED Units	Total Population Served	R-GPCD	CALCULATED Total Monthly Potable Water Production Reporting Month	CALCULATED Total Monthly Potable Water Production 2013 Gallons	CALCULATED Units	CALCULATED R-GPCD Reporting Month	% Residential Use	Conservation Standard	CALCULATED Achieved Reduction	Difference	Cumulative from June 2015	Difference
Jun-15	297.27	422.03	20.49	AF	25,899	93	96,805,854	137,519,078	Gallons	93.5	75	28%	-29,562%	1.56%	-29.6%	1.56%
Jul-15	309.86	455.61	37.91	AF	25,899	106	100,968,323	148,461,169	Gallons	105.6	84	28%	-31,990%	3.99%	-30.8%	2.78%
Aug-15	331	471	21.25	AF	25,899	98	107,856,822	153,476,022	Gallons	98.1	73	28%	-29,724%	1.72%	-30.4%	2.43%
Sep-15	301	461	42.65	AF	25,899	109	98,081,280	150,217,508	Gallons	108.8	86.15	28%	-34,707%	6.71%	-31.5%	3.50%
Oct-15	281	413	25.6	AF	25,899	92.2	91,564,251	134,576,839	Gallons	92.1	80.25	28%	-31,961%	3.96%	-31.6%	3.59%
Nov-15	274	347	40.7	AF	25,899	104.8	89,283,291	113,070,445	Gallons	104.6	91	28%	-21,037%	-6.96%	-29.8%	1.83%
Dec-15	258	317	18.8	AF	25,899	86.6	84,069,668	103,294,502	Gallons	86.0	82.17	28%	-18,612%	-9.39%	-28.2%	0.23%
Jan-16	225	288	39.39	AF	25,899	94.3	73,316,571	93,845,211	Gallons	74.9	82	28%	-21,815%	-6.13%	-27.4%	-0.57%
Feb-16	232	287	6.7	AF	26,174	55.25	72,990,720	93,519,360	Gallons	55.5	55.77	28%	-21,951%	-6.05%	-26.8%	-1.18%
Mar-16	249	343	42.3	AF	26,174	101	81,137,005	111,767,039	Gallons	82.0	82	26%	-27,405%	1.41%	-26.9%	0.88%
Apr-16	266	375	7.8	AF	26,174	57.24	86,676,480	122,194,285	Gallons	57.4	52	26%	-29,067%	3.07%	-27.1%	1.08%
May-16	287	395	39	AF	26,174	83.56	93,519,360	128,711,314	Gallons	83.0	72	26%	-27,342%	1.34%	-27.1%	1.10%
Jun-16	304.4	422	17.91	AF	26,174	95.8	99,189,174	137,509,302	Gallons	96.0	76	26%	-27,867%	1.87%	-27.2%	1.16%
Jul-16	343	456	42.11	AF	26,174	97.69	111,767,039	148,589,251	Gallons	97.8	71	26%	-24,781%	-1.22%	-27.0%	0.99%
Aug-16	331	470	21.77	AF	26,174	118.14	107,856,822	153,150,171	Gallons	118.3	89	26%	-29,574%	3.57%	-27.2%	1.16%
Sep-16	331.2	461	47.36	AF	26,174	115	107,921,993	150,217,508	Gallons	115.5	84	26%	-28,156%	2.16%	-27.2%	1.23%
Oct-16	315	413	18.38	AF	26,174	96.17	102,643,200	134,576,839	Gallons	96.1	76	26%	-23,730%	-2.27%	-27.0%	1.02%
Nov-16	276	347	52.9	AF	26,174	89,934,994	89,934,994	113,070,445	Gallons	114.5	100	26%	-20,460%	-5.54%	-26.7%	0.66%
Dec-16	249	317	15.48	AF	26,174	77.4	81,137,005	103,294,502	Gallons	77.0	77	26%	-21,450%	-4.55%	-26.4%	0.38%
Jan-17	192	288	21.31	AF	26,174	82.7	62,563,474	93,845,211	Gallons	77.1	100	0%	-33,330%	33.33%	-26.7%	26.73%
Feb-17	179	287	40.27	AF	26,174	60.2	58,327,405	93,519,360	Gallons	60.5	76	0%	-37,630%	37.63%	-27.1%	27.13%
Mar-17	248	343	18.21	AF	26,174	75.3	80,811,154	111,767,039	Gallons	75.7	76	0%	-27,697%	27.70%	-26.9%	26.92%
Apr-17	309.7	375	53.02	AF	26,174	57.7	100,916,187	122,194,285	Gallons	57.8	45	0%	-17,410%	17.41%	-26.3%	26.30%
May-17	335	395	29.18	AF	26,174	116	109,160,228	128,711,314	Gallons	115.7	86	0%	-15,189%	15.19%	-25.3%	25.33%
Jun-17				AF	26,174				Gallons			0%	-21,000%	21.00%	-24.8%	24.78%
Jul-17				AF	26,174				Gallons			0%	0.000%	0.00%	-23.7%	23.73%
Aug-17				AF	26,174				Gallons			0%	0.000%	0.00%	-22.8%	22.80%
Sep-17				AF	26,174				Gallons			0%	0.000%	0.00%	-21.7%	21.70%
Oct-17				AF	26,174				Gallons			0%	0.000%	0.00%	-20.6%	20.60%
Nov-17				AF	26,174				Gallons			0%	0.000%	0.00%	-19.2%	19.23%
Dec-17				AF	26,174				Gallons			0%	0.000%	0.00%	-17.8%	17.78%
Jan-18				AF	26,174				Gallons			0%	0.000%	0.00%	-16.4%	16.41%