

**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 if 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.

Commission 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.

Commission 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.

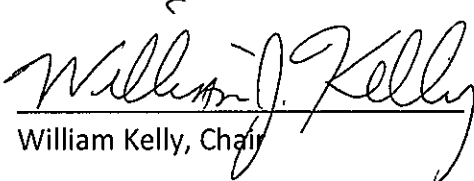
Commission Findley – Updated the commission that the RFP for the 2018 stables management went out.

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