



## City of Palm Springs, Office of Sustainability

**To:** Sustainability Commission

**From:** Lindsey-Paige McCloy, Director, Office of Sustainability

**Re:** October Updates to the Sustainability Commission

**Meeting Date:** 24 October 2023

The Office of Sustainability would like to provide this update on activities since the last Commission meeting to help speed discussion at the in-person meeting. The following items can be discussed in more depth at the meeting, if desired by the Commission.

### Upcoming Meetings and Events

- Next Council meeting topics: none scheduled
- Next Subcommittee meeting dates:
  - SSCOWR: TBD
  - Climate Action/Transportation: TBD
- Next Farmers' Market table: Saturday, November 18 (tentative)
- Next shredding and e-waste event: TBD
- Opportunities for Commissioner involvement:
  - LP is presenting to the UCR Climate Stewards class virtually on Saturday, November 11. If any commissioners would like to join to present on an aspect of our collective climate work, please reach out to LP

### Commission Administrative Matters

- Two members have resigned from our Commission – Dean Grubl and Paige Azarakhsh. We are awaiting guidance from the City Clerk's office on whether additional commissioners will be appointed. Since the Commission is, for now, a 9-member commission, the majority and quorum number is now 5, which means all subcommittees must have **four or fewer members**.
- Per the recently-signed AB557, as of January 1, 2024, all meetings must return to in-person unless a state of emergency is declared. Extremely limited provisions are available in the event a commissioner needs to participate in a meeting remotely. Please reach out to LP if you will need to explore a remote option.

### Updates on Ongoing Work

#### Water

City staff submitted a comment letter to the State's public comment process on the proposed regulation "Making Conservation a California Way of Life." You can find the comment letter appended to this memo. Staff worked to strike a balance between preparing to adopt the strict measures the regulation promulgates and making sure burdens would not be borne most heavily by our most vulnerable residents.

### **Turf Conversion**

The public turf conversion match has been approximately 35% committed. The team is also currently developing and advising turf removal projects at San Rafael in the Sunrise Norte assessment district (funded by Measure J) and at City Hall. Elsewhere in the city, Public Works and Parks are working on several projects to reduce non-functional turf in parks.

### **Waste**

The team is exploring options for meeting edible food recovery needs per SB1383, as is being discussed in SSCOWR. PSDS has held their fall bulky item cleanup week in October. The team is still working to schedule the next shredding event – providers are limited in the Valley. Finally, we are applying for 2 CalRecycle grants to support SB1383 compliance activities and general waste/recycling programming.

### **Foodware**

The team is working with the VillageFest team to reduce the use of styrofoam in use from VillageFest vendors and connecting them with our Sustainability Scholarship (up to \$750, reimbursable, for qualifying materials).

We have also received a few inquiries about the progress of our styrofoam enforcement. We have received seven official reports of styrofoam in use at an establishment or grocery store so far in 2023. Our process is as follows:

- Styrofoam use is reported to Code Compliance via their phone hotline or email.
- Code Compliance refers the complaint to us for an educational visit. We go to the business and remind them of the ordinance and provide scholarship paperwork. This kicks off a 60-day clock to use up all remaining styrofoam items.
- Code Compliance returns to make a follow-up visit after the 60 days have been completed.

So far, all *restaurants* where we've received reports have complied within the 60 days. The grocery store visited was granted an extension to sell the remaining stock of products.

Commissioners can assist by submitting official reports to the Code Compliance hotline including dates, times, and types of containers witnessed or received.

### **Batteries**

The team is ordering more battery recycling receptacles. We have collected approximately 40 pounds of batteries this month. The Animal Shelter has requested to

be removed from the list of battery drop-off sites due to their high volunteer staff and nature of their work.

## **Airport**

The team participated in the 3<sup>rd</sup> working group meeting for the Airport Master Plan. Many sustainability considerations, such as allocating parking, incorporating renewable energy generation, and building operations considerations, would be part of a design phase, but the team will develop a series of design criteria to embed in the RFP. Both current proposed space allocations include significantly expanded (though from a base of very little) space for transit and low-carbon transportation options. Separately, the Airport has recently contracted to install 80 EV charging stations.

## **EV Charging Stations**

We've spent pretty significant time on EV charger repair this quarter. Current status of the stations is as follows:

- Museum Station: 5 of 6 L2 chargers functioning, 2.5 of 4 DCFC functioning (one provides power but has a broken clip)
- City Hall Station: 1 of 2 DCFC functioning, 1 of 2 L2 functioning

The station manufacturer and our license agreement holder (3<sup>rd</sup> party who installs and maintains the stations) have dispatched 3 repair crews over the past month with a primary focus on the DCFC at the City Hall Station which appears to be broken in a very complex manner. This DCFC has been out of service for over 6 months.

New L2 chargers at the Convention Center and the parking lot behind the Village Green (downtown) have been commissioned.

We are applying for USDOT funding to repair the DCFC at the Museum that has faced the most challenges.

The Palm Springs Cultural Center has requested that we remove the L2 chargers in their parking lot due to impacts on their power bills.

Many private EV charging developers have approached the City to upgrade or install more EV chargers on City-owned lots. The team is exploring with Planning whether our existing frameworks for site access agreements need to be changed or standardized to facilitate easy installation and to provide benefit to the City.

## **Transportation**

The team is planning a transportation needs survey that will be reviewed at the next Climate Action Subcommittee meeting.

IE Commuter assisted us with compiling our annual employee transportation survey. It appears that we may miss our target for reducing employee impacts from commuting this year, so next year we will need to put more focus on rideshare, carpooling, transit, low-carbon vehicles, walking, biking, or rolling to work.

## **Urban Environment**

You will hear a lot about trees and shade today, so we'll save that for the presentation!

The team also participated in the selection committee for the Parks Master Plan consultants. More information on this process can be provided after the contracts with the consultant are finalized.

## **Community Garden**

Applications were opened for the 2023-2024 Garden Membership season at the beginning of October. We have added 5 new gardeners and 24 of the 32 plots are now occupied, a slight increase from the 2022-2023 season. There is still time to apply if anyone is interested!

## **Buildings and Energy Efficiency**

We welcomed Juliet Shane Agtang, a CivicSpark fellow sponsored by the Inland Regional Energy Network, on October 10! Juliet will be with our office until September 2024 and will introduce herself in the meeting. She'll be focusing on programs to improve energy efficiency in private buildings across Palm Springs.

The team also participated in orientations for the new Inland Regional Energy Network, a collaboration among CVAG, WRCOG, and SBCOG (Riverside and San Bernardino Counties) which will invest significant funding into energy efficiency and decarbonization work in our counties. IREN will focus on municipal building decarbonization (providing hands-on project prioritization and technical support), codes and standards (providing training on energy codes and helping to develop reach codes), and workforce development (placing CivicSpark fellows like Juliet and mapping workforce and education gaps). We will continue to update the Commission as the program develops.

## **Greenhouse Gas Inventory and Accounting**

Finally, the team is preparing to run an updated Greenhouse Gas Inventory. We have received proposals from Placeworks, the firm who completed our most recent inventory work and is working on the General Plan Update, to compile the most recent inventory we're able to based on data availability – usually there is a one- to two-year lag. We would like to complete an updated inventory before moving forward on carbon neutrality pathways analysis.

## **Key Goals for Next Month**

We're hoping to make significant progress on the following:

- Scheduling a shredding event : )
- Community outreach on the TreeCity plan
- Preparing project plans for understanding building energy efficiency needs
- Community outreach and project strategy for City turf conversion projects
- Understanding the potential of green bonds and green financing for future City projects
- Fixing at least 50% of our out-of-service EV charging equipment

- Eliminating 25% of the styrofoam used at VillageFest per month
- Signing up 15 more people for the low-income discount program for waste services
- Convening interagency group on fleet electrification
- Finalizing and issuing the transportation needs survey



## **Staff Memo to the Sustainability Commission**

Date: 24 October 2023

Subject: Tree Ordinances and Coding

From: Office of Sustainability

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### **Summary**

The Sustainability Department would like to initiate working towards the goal of the City of Palm Springs becoming recognized as a tree-friendly community via the Arbor Day Foundation's [Tree City USA](#) program as mentioned in the [2016 Sustainability Master Plan](#). This memo highlights the steps the city would need to take to make this happen.

### **Recommendation**

Create and update existing municipal and zoning code around landscaping requirements and tree preservation. Develop codes and ordinances that would regulate the planting, removal, maintenance, and replacement of trees from streets, parks, public spaces and, in certain cases, private spaces. This is in effort to establish and protect climate-friendly trees, climate-friendly landscapes, significant trees (ecologically, historically, etc.) and avoid trees detrimental to public health and safety (heat, shade, climate adaptation). Additionally, the department would like to establish, review, and update the current preferred species list based on certain specifications.

### **Background**

In the [2016 Sustainability Master Plan](#), the Department set the goals of expanding the urban forest by planting 5,000 new trees on public and private sites and becoming a [Tree City USA](#) community by 2020. The Master Plan highlighted 11 pathways through which we can achieve these goals:

1. Adopt tree protection ordinances that address tree replacement and removal.
2. Plant new climate appropriate trees in the nearly 1,200 vacant sites identified in the inventory of public trees. (2014 inventory)
3. Continually replace urban trees that have been removed or have died with appropriate, new landscaping or add shade canopy.
4. Establish a young tree maintenance program to properly care for newly planted trees.
5. Develop a tree planting and maintenance guide for residents and businesses based on the planting palette in the Urban Forest Management Report.
6. Encourage properly sited and selected shade trees in 100% of new construction to reduce heat islands and provide shade to offset air conditioning demand.
7. Identify areas suitable for urban forestry based on existing space and requirements on public areas.

8. Continue hosting an annual Arbor Day celebration.
9. Expanding the City's tree inventory to include trees on private property.
10. Hire a full-time arborist by 2020.
11. Become a [Tree City USA](#) community by 2020.

To be considered for the "[Tree City USA](#)" recognition, there are four standards a city must meet as established by the Arbor Day Foundation and the National Association of State Foresters. The standards are as follows:

- A Tree Board or Department
- A Public Tree Care Ordinance
- A Community Forestry Program with an Annual Budget of at Least \$2 Per Capita
- An Arbor Day Observance and Proclamation

Additionally, the State Water Board is considering a regulation that would require urban retail water suppliers to reach water conservation targets predetermined by the state starting in 2025. The current targeted cuts proposed by the State Water Board for the DWA-supplied region would require an enormous cut back in water use. Programs such as the Tree City USA recognition have been proposed by the SWRCB as an alternative compliance pathway for these targets, allowing for higher Landscape Efficiency Factors (LEF) for municipal regions with climate-ready landscapes and climate-ready trees.

### Staff Analysis

This effort is an initial start to expanding the city's urban forest and urban forestry program. Codifying tree planting, maintenance and removal practices as landscaping standards will set the foundation for the pursuing goals highlighted in the 2016 Sustainability Master Plan and protecting and preserving our natural resources.

The City of Palm Springs checks boxes for three of the four standards required by **Tree City USA** program. The current municipal and zoning code lacks concise wording for ordinances that would explicitly regulate the planting, preservation, and removal of trees to promote a healthy urban forestry system.

As mentioned in the previous section, the Tree City USA program requires four standards to be met to apply for the recognition. The City of Palm Springs currently meets 3 of the 4 standards mentioned:

1. **A Tree Board or Department:** Someone must be legally responsible for the care of all trees on city- or town-owned property. By delegating tree care decisions to a professional forester, arborist, city department, citizen-led tree board or some combination, city leaders determine who will perform necessary tree work. **(Completed)**
  - a. Public Works and West Coast Arborist currently manage and are responsible for trees on city owned property.
2. **A Public Tree Care Ordinance:**
  - a. The city has few clear ordinances on the guidance for planting, maintaining and/or roving trees from streets, parks, and other public spaces.
    - i. Example: *See Appendix A, See Appendix B*
3. **A Community Forestry Program with an Annual Budget of at Least \$2 Per Capita:**
  - a. Approve agreement no. 23b123 with West Coast Arborists, inc. For citywide tree trimming services: \$4,298,540.00 **(Completed)**

#### 4. An Arbor Day Observance and Proclamation:

- a. The city has hosted annual Arbor Day celebrations in the past. (April)  
(Completed)

The few codes governing trees that do currently exist pertain to minimum shading coverage for parking lots, minimum ground coverage for landscape designs, and selecting plants from the approved plant list, **the Lush and Efficient Landscape Guidelines**. To expand on the current code and create codes for landscaping standards and tree preservation, here are specificities that could be used in updating our ordinances:

- Limiting shade trees to those specified in an established list/table within the code. (e.g., **Permitted Shade Tree List**). Additionally, allowing alternate species to be approved if they are on another regional list such as **Lush and Efficient Landscape Guidelines**.
- Establish criteria for the protection of significant trees. (**Establish a word for trees of significance, e.g., Heritage Trees, Major Trees, Protected Trees, etc.**) Significance criteria based on things such as historical significance (history, location), age, DBH (diameter at breast height), canopy size and/or health impact (shade coverage/heat mitigation).
- Explicitly prohibiting tree topping or cutting back limbs to stubs within a tree's crown (reduces shade area and harmful for the trees health)
- Require permitting for the removal of trees.
- Surveying trees in new developments or those part of landscape alterations to ensure that "**Trees of Significance**" are not being removed / harmed. Requiring special approval from planning director/commission to do so, while also creating pathways to replacing those trees removed such as "In Lieu of Fees", donation bank or replacing with trees no less than 50% of the total Caliper than the removed tree.
- Dead or dying trees need to be replaced within a specified timeframe.
- Tree removal specifications based on size/age or species. (Size, rarity or cultural value)
- Requirement or recommendation of mulch to reduce surface evaporation rates.
- Clear ordinances around public vs private tree care.

There are varying degrees of staff impact that these ordinances could have. For instance, ordinances involving the selection of certain types of trees, designation of valuable trees, or overseeing the removal and replacement of trees would likely be enforced the Planning department, who already reviews landscape plans for new developments and alterations – though this would add additional work to their portfolio and may require development of additional expertise. Additionally, meeting some of these standards could incur extra cost on the City's current arborist contract if the work is out of the contract's current scope. For matters such as the removal of diseased trees as a threat to public health and safety, this would likely be enforced by a department such as Code Enforcement or even Public Works on City property.

To ensure that the codes created would have minimal negative impact on stakeholders and to ensure that there is a positive impact for community members, there will be future consultative meetings over the next quarter with entities such as the Sustainability Commission, the Planning Commission, the Planning Department, Public Works, Parks & Rec, Homeowners, Local Arborists, and any others who are interested the matter. These meetings will help us refine the potential codes to maximize benefit and minimize cost while also building support for the new initiative.



## **Conclusion**

As the City continues to experience summers with increased number of days above 110F and with proposed water cuts initiated by the state, the Sustainability department would like to push forward its pursuit of protecting the city's urban canopy and striving toward our shade goals. Updating and expanding our current code as it relates to tree and shade cover in pursuit of becoming a designated Tree City USA will help create a climate-ready Palm Springs.

## **Appendix A – Current City of Palm Springs Municipal Codes Referencing Trees**

### **8.60.060 Landscape design plan.**

A landscape design plan satisfying the design guidelines outlined in the landscape application shall be submitted as a part of the landscape document package. Guideline objectives are to ensure that future landscaping projects are designed and constructed to the highest level of aesthetic values and water efficiency, and to make wise water management viable and easy.

(c) Mulch. The use of soil-covering mulch or mineral groundcover with a minimum depth of three (3) inches shall be required to reduce soil surface evaporation around trees, shrubs and on non-irrigated areas. The use of boulders and cobble shall be considered to reduce the total vegetation area. To provide habitat for beneficial insects and other wildlife, up to 5 % of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such. (Ord. 1890 §§ 6—8, 2016; Ord. 1859 § 1, 2014; Ord. 1463 § 1, 1993)

### **8.60.070 Irrigation design plan.**

(11) Trees shall be placed on separate valves from shrubs, groundcover and turf. (Ord. 1890 § 9, 2016; Ord. 1859 § 1, 2014; Ord. 1463 § 1, 1993)

### **8.80.120 Definitions.**

As used in this Chapter, the following terms and phrases are defined as follows:

(4) Property Inadequately Maintained.

(i) Overgrown, diseased, dead, or decayed trees, weeds, or vegetation that: (1) are likely to harbor rats, pigeons, vermin, and other nuisances; or (2) substantially detract from the aesthetic and property values of neighboring properties; or (3) constitute a fire hazard or other condition that is dangerous to the public health, safety, or welfare; or (4) are likely to attract use as shelter by transients.

### **9.60.030 Standards of design and improvement.**

The following standards of design and improvement are hereby established for subdivisions within the city:

(14) Street trees may be required by the planning commission.

#### **9.60.040 On-site development.**

(c) On each lot of a residential single-family subdivision, where a final or parcel map is required, a minimum fifteen-gallon sized tree or equivalent appropriate landscaping may be required to be planted in the front setback area and provided with a permanent irrigation system. (Ord. 1125 § 2, 1981)

#### **11.44.060 Prohibited conduct generally.**

Within the limits of any city public park or recreation area, or in any city owned fountain, or in any fountain located in a public place in the city, no person shall:

(5) Cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property; or pluck, pull up, cut, take or remove any shrub, bush, plant or flower; or mark or write upon, paint or deface in any manner, any building, monument, fence, bench or other structure;

#### **11.72.170 Property maintenance.**

(4) Landscaping improvements shall be maintained in a healthy condition and complementary to neighboring buildings and properties. Such maintenance shall include, but not be limited to: lawns which are watered and trimmed to a uniform height, flowers and ground covers which are healthy and uniform in their appearance, and shrubs and trees which are trimmed and pruned to retain their health and adequate clearance over pedestrian and vehicular areas. Landscaping incorporating bare earth or gravel shall be kept free of weed growth. Plant materials designated on a landscape plan shall be retained in their natural shape unless otherwise denoted on the approved plan.

(c) Property on which overgrown, dead, diseased, or decayed trees, weeds or other vegetation that are likely to harbor rats, pigeons, vermin, and other nuisances, or constitute a fire hazard or other condition that is dangerous to, or otherwise poses a risk of harm to the public health, safety, or welfare, or constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to the use and enjoyment of nearby properties or reduces nearby property values is a public nuisance.

#### **14.16.260 Notification of beginning of work.**

Before beginning any work which is or includes excavation, construction of concrete sidewalks, curbs, gutters or driveway approaches, planting, trimming or removing trees, making, placing or

causing an obstruction in the traveled way, the permittee shall notify the director at least twenty-four hours prior to beginning such work. (Ord. 911 § 2, 1971: prior code § 7231)

## **Appendix B – Example Codes in Other Cities**

### **City of Indian Wells**

#### **8.16.040 Tree planting and care standards.**

(a) Standards. All planting and maintenance of public *trees* shall conform to the American National Standards Institute (ANSI) A-300 “Standards for *Tree Care Operations*” and shall follow all *tree care* Best Management Practices (BMPs) published by the International Society of Arboriculture.

(c) Preferred Species List. The Director shall maintain an official list of desirable *tree* species for planting on public property in two (2) size classes: ornamental (twenty (20) feet or less in height at maturity) and shade (greater than twenty (20) feet at maturity). *Trees* from this approved list may be planted without special permission; other species may be planted with written approval from the Director.

#### **8.16.050 Prohibition against harming public trees.**

(c) It shall be unlawful for any person to “top” any public *tree*. Trees severely damaged by storms or other causes, where best pruning practices are impractical may be exempted from this provision at the determination of the Director.

### **City of Corona**

#### **12.22.080 Heritage trees.**

(A) The city may recommend as a Heritage tree any tree on city or private property meeting certain criteria, as specified within the Urban Forest Management Plan and approved by the Council.

(C) In the Urban Forest Management Plan, the City Council may also impose reasonable conditions on the Heritage trees, such as:

- (1) A maintenance and care program for the purpose of preserving the health of Heritage trees.
- (2) Criteria governing the relocation and/or permanent removal of Heritage trees.
- (3) On-site or off-site replacement of removed Heritage trees, including a replacement ratio deemed reasonable by the City Council.
- (4) Other conditions deemed reasonable by the City Council.

### **City of Burbank**

#### **7-4-102: Jurisdiction and control:**

Except as otherwise provided in this article, the Department and the Director shall have exclusive jurisdiction and control over the planting, care and removal of trees, shrubs, and plants in the streets and on other property under the control of the City, and any work incidental thereto; and in exercising such control shall:

- A. Selection of Species: Determine the species of kinds of trees, shrubs, and plants that may be planted and the distance apart and exact location at which such trees shall be planted;
- B. Promotion of Street Tree Program: Encourage the planting, care and preservation of shade or ornamental trees in the streets, and elsewhere in the City;
- C. Inspection: Inspect all trees, shrubs, and plants in the public areas and streets or which, standing on any private property, overhang or project into the street, at such times and upon such occasions as may be deemed appropriate by the Department; and have charge of enforcing and carrying out the regulations prescribed in this Chapter; and

#### **7-4-103: Master street tree plan:**

The Director shall have the authority to formulate a Master Street Tree Plan, which shall specify the species, spacing and locations of trees to be planted on each of the streets or other public areas of the City. From and after the effective date of the Master Street Tree Plan, or any amendment thereof, all planting shall conform thereto. Trees shall be selected on the basis of their desirable characteristics of growth and beauty with reference to their root structure and adaptability to local climate, soil, and street conditions. The Director shall also have the authority to amend or add to the Master Street Tree Plan at any time that circumstances make it advisable. [Formerly numbered Section 28-3; renumbered by Ord. No. 3058, eff. 2/21/87; 2504.]

**7-4-108: Restricted removal of certain trees:**

The Director shall have the authority and responsibility to develop and maintain a restricted list of public *trees* in the City<sup>6</sup>. This list shall include landmark *trees*, *trees* of outstanding size and beauty, dedicated trees, etc. These trees shall be identified, mapped and recorded. Subsequent to this they shall be given all types of special treatment mutually approved by the Department and the Public Works Department to retain and protect them. [Formerly numbered Section 28-8; renumbered by Ord. No. 3058, eff. 2/21/87; 2504; amended by Ord. No. 23-3,990, eff. 3/31/23.]

**7-4-109: Treatment and removal of infected and infested trees:**

B. Private Property: It shall be the responsibility of any person having *trees*, shrubs, plants, grass or other vegetation growing on their property abutting public places to treat or remove any tree or plant so diseased or insect infected as to constitute a hazard to *trees* or plants in public places. The Director shall have the authority to require property owners to take such action as is necessary to control insects, scales, parasites, fungus, and other injurious pests or diseases that would cause serious injury to street trees and other plant material within the City. The Director shall notify the property owner in writing, describing the conditions and stating the control necessary for correction, and establishing a reasonable time within which the required steps shall be taken.