



Gateway
to the
San Gabriel Valley

CITY OF ALHAMBRA AGENDA

ENVIRONMENTAL SUSTAINABILITY COMMISSION SEPTEMBER 8, 2022

MISSION STATEMENT

The City of Alhambra is dedicated to responsive, creative leadership and quality services, ensuring desirable neighborhoods and a supportive business environment, while being sensitive to the diversity of our community.

CORONAVIRUS (COVID-19) ADVISORY NOTICE

Consistent with AB 361, **the Alhambra Environmental Sustainability Commission regular meeting will not be physically open to the public, although the public may participate by video conference or teleconference and all Commission members will participate via video conference or teleconference rather than in person.**

Watch and listen to the meeting via Zoom Webinar as follows:

Zoom Webinar direct link:

<https://cityofalhambra-org.zoom.us/j/89855782732?pwd=YjRQWHJGRDVISzdrCy9BdGQ5NjBxQT09>

Meeting ID: 898 5578 2732, Passcode: 331503

Or by **telephone** by dialing 888-475-4499 (Toll Free) or 833-548-0276 (Toll Free) or 833-548-0282 (Toll Free) or 877-853-5257 (Toll Free) or 1-669-900-9128 or 1-346-248-7799 or 1-253-215-8782 or 1-646-558-8656 or 1-301-715-8592 or 1-312-626-6799 and entering **Meeting ID: 898 5578 2732 and Passcode: 331503. Please Note:** All members of the public calling or logging into the meeting will be muted so that the meeting can proceed.

Addressing the Alhambra Environmental Sustainability Commission

Via Zoom or Telephone: "Raise your hand" - Members of the public may speak by using the "Raise Hand" function during the public comments portion, if on Zoom or telephone. Staff will unmute speakers participating via Zoom or telephone and announce your name when it is your time to speak.

Remarks are limited to 5 minutes; however, the presiding officer may either extend or reduce the maximum time to such period of time as the Commission may determine.



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**CITY OF ALHAMBRA
AGENDA
REGULAR MEETING
ALHAMBRA ENVIRONMENTAL SUSTAINABILITY COMMISSION**

City Hall, 111 South First Street
SEPTEMBER 8, 2022
6:00 p.m.

I. ROLL CALL

John Vuong, Kim Luu, Katie Chan, Karla Grijalva, Lisa Massaro

II. ENVIRONMENTAL SUSTAINABILITY MEETING MINUTES 7-14-2022

Commission Members will vote to approve 7-14-22 meeting minutes.

Recommended Action: Approve

III. PLASTIC WASTE REDUCTION REGULATIONS

Commission Members will discuss the proposed plastic waste reduction regulations.

Recommended Action: Review the proposed regulation and provide direction.

IV. SUSTAINABILITY PLAN

The City is currently awaiting funding through HUD to develop the Sustainability Plan. The funding agreement is expected to be approved in mid-October. The matching grant amount is \$680k which the City will provide in kind staff time for the match.

Recommended Action: Information only. No action required.

V. CLEAN POWER ALLIANCE UPDATE

Since February 2019, the City has joined the Clean Power Alliance which purchases clean power from renewable sources that is delivered by Southern California Edison (SCE). SCE continues to provide billing services and be responsible for resolving any issues with electric service.

Recommended Action: Information only. No action required

VI. GRANT OPPORTUNITIES

Commission members will discuss possible grant opportunities for the City.

Recommended Action: Discussion and provide direction.

VII. COMPOSTING ACTIVITIES

Commission members will review the various options for composting within the City and discuss potential opportunities to expand composting service.

Recommended Action: Discussion and provide direction.

VIII. CITY OF ALHAMBRA TREE ORDINANCE

Commission members will discuss the current tree ordinance (AMC 23.88) and provide information for updating the ordinance.

Recommended action: Review the current ordinance and provide direction.

IX. COMMISSION COMMUNICATION

Discussion from the Commission Members of any item not specified on the agenda. Items must pertain to the business of the Alhambra Environmental Sustainability Commission.

Recommended Action: Discussion only. No action required.

X. ADJOURNMENT

Adjournment to the next regular meeting on Thursday, November 10, 2022 at 6:00 p.m.

Copies of staff reports or other written documentation, if any, relating to each item of business described above are on file in the Alhambra City Hall, Public Works Department, 111 S. First Street, Alhambra California 91801 and are available for public inspection upon request during regular business hours of 7:00am to 5:30pm, Monday through Thursday.

Should any person have a question concerning any of the above agenda items prior to the meeting described herein, he or she may contact David Dolphin, Deputy Director of Utilities, either in person at the Utilities Department at Alhambra City Hall, 111 South First Street, or by calling via telephone at (626) 570-5067 during regular business hours.

Unofficial until adopted by the
Environmental Sustainability Commission

September 8, 2022
Action Item II
Approve

MINUTES
Environmental Sustainability Commission
Regular Meeting of July 14, 2022

The regular meeting of the Environmental Committee was called to order at 6:05 p.m. on July 14, 2022 through Zoom teleconferencing

I. Roll Call

Commission Members Present: Vuong, Chan, Grijalva

Commission Members Absent: Luu

Staff Present: David Dolphin – Commission Secretary
Latoya Waters – Environmental Compliance Specialist

Members of the Public

Jee-Show Yang, API Forward Movement
Sandy Lee, Smart Time Rebate
Chris Carandang, Paradigm Environmental

II. ELECTION OF OFFICERS

Commission Member Chan was nominated to chair the Environmental Sustainability Commission meetings and Commission Member Grijalva was nominated to Vice Chair. Both Commission Members received three votes and accepted the positions.

III. DISCUSSION OF COMMISSION DUTIES

Commissioner Vuong asked if the Commission has been assigned duties from the City Council. Commission duties were discussed as listed in the Alhambra Municipal Code Section 2.36.

Proposed Agenda items: Proposed Plastic Waste Reduction Regulations – Chan
Updates on the Clean Power Alliance & grant opportunities – Vuong
Updates on the Sustainability Plan – Grivalva
Composting – Vuong and Chan

Commissioner Vuong inquired about current grant opportunities and mentioned a previous grant opportunity for solar recycling in last year's agenda. The project was located on Main Street and at Almansor Park. Staff advised the Commission that the Parks and Recreation Department has secured grants for upgrades to some of the City's parks and the Utilities Department has applied for a WaterSmart Water Efficiency Grant to purchase smart water meters and two (2) Stormwater capture projects through the Safe Clean Water Program (presentation scheduled for this

meeting). Also, the City has a full time Grant Specialist who researches grant opportunities for the City and provides assistance for submitting applications. Staff also advised Commission members that water rebates were available through San Gabriel Valley Municipal Water District (SGVMWD) - listed on the City's website. This includes smart irrigation systems as well as energy efficient devices. Staff explained how the smart meters (Advanced Metering Infrastructure (AMI)) would save water by detecting leaks in a timely fashion. Staff advised the City has received a \$100K grant from SGVMWD to assist with funding for the WaterSmart Grant which is a 50/50 match grant. This grant would provide funding to purchase approximately 15% of the water meters needed to cover the entire City. The AMI meters are read in the office and doesn't require vehicles to be driven to collect meter reads subsequently saving gas and decreasing greenhouse gas emissions. The existing water meters will be replaced with new AMI meters.

Commissioner Vuong mentioned composting opportunities that were available last year and would like to investigate the availability this year. Commissioner Grijalva wanted to mention and clarify composting services are available through Republic Services. Republic provides residents with bins to place food scraps in and then they can discard the waste in the green bin on trash pickup day. Commissioner Chan would like to see a community composting hub in place to drop off and have an incentive to compost for residents, possibly at the Community Garden or park. Also, Commissioner Chan would like to see a second or third community garden in other areas of the City. Staff will locate the contact for the Community Garden. Commissioner Grijalva stated education is key and a good way to give information to the residents. In addition, partnerships with organizations, businesses and schools are necessary to find ways to decrease energy and water use. Commissioner Vuong discussed the need for more bike lanes and mentioned the 626 Golden Streets event on May 1st which took place in conjunction with the Eco Fair. Stormwater pollution prevention and water conservation materials were distributed at the Eco Fair. This was a great learning opportunity for residents.

IV. STORMWATER CAPTURE PROJECTS OVERVIEW

A PowerPoint presentation was given by David Dolphin, Deputy Director of Utilities. The presentation gave a brief overview of the current NPDES MS4 Permit and a detailed description of the two (2) Stormwater Capture Projects that the City plans to apply for funding through the Safe Clean Water Program (Measure W). The projects are located at Burke Heritage Park & Marengo Yard and Green Street Demonstration Project on Main Street between Fremont and Huntington Drive. The project goals are to improve water quality, increase water supply through stormwater capture and provide community enhancements to include green infrastructure.

Commissioner Chan asked if the Main Street project included solar panels for bus stops in the area. Staff advised solar panels were not incorporated in the plan. The City's technical consultant, Chris Carandang from Paradigm Environmental mentioned the project was geared toward the goals of the Safe Clean Water Program which focuses on improving water quality and augmenting water supply. There will be plenty of opportunities available during design to include additional features.

Commissioner Vuong inquired about the funding that was allocated to cities for the extension of the 710, which is not moving forward at this time, to use for bus stops on Main Street and Fremont Avenue. Staff mentioned there were previous plans to install a park at the end of the 710 but did not have any further information.

Commissioner Vuong also requested to have a bike lane installed for the project. Staff informed Commissioner Vuong the bike lane was not included because a bike lane did not exist on Fremont Avenue for a safe connection. Since Fremont Avenue is a major thoroughfare for the City, this would cause a safety hazard for cyclists. Staff advised there will be a potential to add the bike lane during design after the City develops the Bike and Pedestrian Plan.

Commissioner Grijalva asked if a transportation study was conducted and staff advised a study was not needed because there were no changes in the amount of traffic lanes or parking. A transportation study will probably take place during construction and design. Commissioner Grijalva was concerned about the parking being removed but staff confirmed the parking configuration on the south side of Main Street will be altered to 45 degree parking for two blocks and the number of parking spaces will remain the same.

V. PUBLIC COMMENTS

Sandy Lee - Resident of Alhambra- Owner of Smart Timer Rebate

Ms. Lee stated she wanted to serve as a resource for the Commission when making huge decisions involving sustainability and conservation since we are in a climate emergency. The solutions we reach for may not be the best. Most people are not using the green compost bins since they have not been properly educated on how to take out the food scraps. Ms. Lee end goal is to do home composting or convert compost sites at Farmer's Markets and our parks. Ms. Lee stated our parks are perfect examples where we can bring our waste and convert it into product which can be used right there at the site. The waste haulers are using greenhouse gases to haul away the trash like food scraps and we do not know what they are doing with it. Those things can be retained for our benefit.

Ms. Lee is interested in discussing stormwater capture products, hugelkultur and bioswales. She currently recruits students from Pasadena Unified School District to do green jobs at the Rose Bowl and the Brookside Country Club and would love to do the same thing for Alhambra High School to learn to be more sustainable and use those skills to benefit the City.

Jee-Show Yang – Resident of Alhambra - Senior Policy Coordinator – Asian Pacific Islander Forward Movement

Mr. Yang commented on the Burke Heritage Park and Marengo Yard Stormwater Capture Project and Green Street Demonstration Project on Main Street. Mr. Yang stated he would like to see more picnic tables and tree canopy and more amenities for

people to picnic at the park. Mr. Yang would like to push for more bike lanes for the Main Street project. Mr. Yang stated Main Street is the most dangerous street in Alhambra and Valley is the second in regards to pedestrian and bicycle collision accidents. People are going to bike regardless if infrastructure is in place. We should have infrastructure in place since LA has a bike lane at Huntington Drive that stops at Main Street. Mr. Yang also mentioned expanding sidewalks to give pedestrians more room to walk around since it is a high population density area and consider removing a traffic lane.

VI. COMMISSION COMMUNICATION

Staff advised the Commission that the City is currently under contract to develop a Bike and Pedestrian Plan.

VII. ADJOURNMENT

By unanimous consent, the meeting was adjourned at 6:57 PM to the next regular meeting of Thursday, September 8, 2022 at 6:00 PM.

Copies of staff reports or other written documentation, if any, relating to each item of business described above are on file in the Alhambra City Hall, Utilities Department, 111 S. First Street, Alhambra California 91801 and are available for public inspection upon request during regular business hours of 7:00 AM to 5:30 PM, Monday through Thursday.

City of Alhambra

Amended Chapter 6.13 ~~Disposable Foodware Items~~Plastics Waste Reduction Regulations

(Note: Alhambra Municipal Code section numbers included as “placeholders” for internal consistency.)

Sections:

[6.13.005 - Purpose](#)

[6.13.010 - Definitions](#)

[6.13.020 - ~~Limitation on the use of disposable foodware items~~Disposable Foodware Accessories Upon Request](#)

[6.13.025 - Polystyrene](#)

[6.13.030 - Single-Use Plastics](#)

[6.13.035 - Disposable Foodware Standards](#)

[6.13.040 - Disposable Cup Charge](#)

[6.13.045 - Reusable Foodware for Dining on Premises](#)

[6.13.050 - Single-Use Beverage Bottles](#)

[6.13.055 - Extensions and Exemptions](#)

[6.13.060 - Certification of Compliance](#)

[6.13.065 - Infraction](#)

6.13.005 - Purpose.

The City of Alhambra has long-been an environmental leader in addressing pollution issues. Plastic pollution, including single-use plastics and polystyrene, have raised environmental and health concerns related to water pollution, the welfare of marine life, and human health. These regulations reduce single-use waste; reduce greenhouse gas emissions; reduce the distribution of disposable single-use plastic; reduce polystyrene use and litter in the City; keep plastic waste from landfills; and reduce plastic litter threats to natural ecosystems and ocean wildlife, in order to protect the health of the City of Alhambra community and promote environmentally sustainable practices in the City.

6.13.010 - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Affected Retail Establishment" means any retail establishment located within or doing business within the geographical limits of the City.

"Aseptic Paper Packaging" means shelf-safe packaging that typically contains layers of paper, plastic, and aluminum.

"Beverage" means a consumable drink in a sealed box, bag, can, bottle, or other container of any size. Beverages include, but are not limited to, alcohol, coffee, energy drinks, milk, soy milk, nut milk, juice, soda, soft drinks, sports drinks, tea, yogurt drinks, water, carbonated water, and flavored water.

"Beverage Provider" means any business, organization, entity, group, or individual that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption. Beverage Provider also includes any organization, group or individual that regularly provides beverages to its members or the general public as a part of its activities or services.

"City" means the City of Alhambra.

"City Contractor" means any person that enters into an agreement with the City to furnish products or services to or for the City.

"City Facility" means any building, structure, property, park, open space, or vehicle, owned or leased by the City, its agents, agencies, or departments.

"City-Sponsored Event" means any event, activity or meeting organized or sponsored, in whole or in part, by the City or any department of the City.

"Compostable" means Disposable Foodware and Disposable Foodware Accessories that are accepted by the City of Alhambra municipal compost collection program and are free of all intentionally added Fluorinated Chemicals, as certified by the Biodegradable Product Institute (BPI) or other independent third party certifying organization or agency recognized by the City.

"Customer" means any person obtaining goods from an affected retail establishment, vendor or non-profit vendor.

~~"Disposable"~~ "Disposable Foodware" or "Disposables" means items designed to be used once or a limited number of times and then discarded, whether the item is non-recyclable, recyclable or compostable single-use disposable products used for serving, consuming or transporting Prepared Food or Raw Food or Beverages, including, but not limited to, plates, bowls, trays, cups or drink ware, or any container in or on which Prepared Food or Raw Food or Beverages are placed or packaged for consumption, and includes Disposable Foodware Accessories.

"Disposable Foodware Accessories" means single-use disposable products used for serving, consuming or transporting Prepared Food or Raw Food or Beverages, including, but not limited to, wrappers or wrapping, condiment containers, straws, lids, utensils, stirrers, lid plugs (splash sticks), for the consumption of Prepared Food or Raw Food or Beverages.

"Egg Carton" means a carton for raw eggs sold to consumers from a refrigerator case or similar appliance.

"Fluorinated Chemical" means a class of fluorinated organic compounds containing at least one fully fluorinated carbon atom, also known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS chemicals.

"Fluorinated Chemical Free" means an item (1) contains no intentionally added Fluorinated Chemicals beyond a City-determined acceptable threshold, as determined by the City, (2) is listed, described, or referenced as fluorinated chemical free on the City's website, and (3) is either certified by the Biodegradable Product Institute (BPI) or other third party as recognized by the City, or (4) is a napkin, stirrer, splash stick, cocktail stick, toothpick, or utensil made entirely of Natural Fiber, containing no intentionally added Fluorinated Chemicals.

~~"Food Service Establishment"~~ Food Provider" means any establishment, located or providing food within the City of Alhambra, which provides prepared and ready to consume food or beverages, for public consumption including but not limited to any eating and drinking service, takeout service, supermarket, delicatessen, restaurant, food vendor, sales outlet, shop, cafeteria, catering truck or vehicle, cart or other sidewalk or outdoor vendor or caterer which provides prepared and ready to consume food or beverages, for public consumption, whether open to the general public or limited to certain members of the public (i.e., company cafeteria for employees). means any person or establishment that provides or sells Prepared Food or Raw Food or Beverages within the City to the general public to be consumed on the premises or for take-away consumption. Food Provider or Beverage Provider includes but is not limited to: (1) a grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers' market, convenience store, or similar fixed place where Prepared Food or Raw Food or Beverages is available for sale on the premises or for take-away consumption; and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food Provider or Beverage Provider also includes any organization, group, or individual that regularly provides Prepared Food or Raw Food or Beverages to its members or the general public as a part of its activities or services.

~~"Foodware Item" means any item used or provided by Food Service Establishments to consume food or beverages, other than the containers holding the food or beverage. Foodware Items include, condiment cups and packets, straws, utensils (forks, spoons, sporks, knives, chopsticks), drink stirrers, beverage spill plugs, napkins, and other drink or food accoutrements.~~

"Meat and Fish Tray" means a tray for raw meat, fish, or poultry sold to consumers from a refrigerator case or similar retail appliance.

"Non-Profit Vendor" means a recognized tax exempt organization which provides goods as a part of its services.

"Person" means any person, business, corporation, or event organizer or promoter; public, non-profit or private entity, agency or institution; or partnership, association, or other organization or group, however organized.

"Plastic Beverage Bottle" means any formed or molded Beverage container comprised predominantly of plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the container body, and intended primarily as a single-service container.

"Plastic Beverage Straw" means a tube made predominantly of plastic derived from either petroleum or a biologically-based polymer, such as corn or other plant sources, used to transfer a beverage from its container to the mouth of the drinker. Plastic beverage straw includes compostable, petroleum-based or a biologically-based polymer straw, but does not include straws that are made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, glass, or metal.

"Plastic Stirrer" means a plastic device that is used to mix beverages and/or plug the opening of a beverage lid, and intended for only one-time use. Plastic stirrer includes compostable, petroleum-based, or a biologically-based polymer stirrers and lid plugs (splash sticks), but does not include stirrers that are made from non-plastic materials, including, but not limited to, paper, pasta, sugar cane, wood, glass, or metal.

"Plastic Utensil" means any plastic utensil, including, but not limited to, forks, spoons, sporks, knives, cutlery, and disposable flatware intended for only one-time use. Plastic utensils includes compostable, petroleum-based, or biologically-based polymer forms of utensils, but does not include forms of utensils that are made from non-plastic materials, including, but not limited to, paper, sugar cane, wood, glass, or metal.

"Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer, including, but not limited to, rigid polystyrene or expanded polystyrene, processed by any number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, expanded polystyrene molding, or extrusion-blow molding (extruded polystyrene), and clear or solid polystyrene (oriented polystyrene). The resin code for polystyrene is '6' or 'PS,' either alone or in combination with other letters. This definition applies to all Polystyrene Foodware, regardless of whether it exhibits a resin code.

"Polystyrene Cooler" means any cooler or ice chest made of polystyrene foam (expanded polystyrene), where such foam is not fully encased in another more durable material.

"Polystyrene Foodware" means Disposable Foodware that contains or utilizes polystyrene.

"Polystyrene Packing Material" means polystyrene material used to hold, cushion, or protect items packed in a container for shipping, transport, or storage, including shipping boxes and packing peanuts.

"Prepared Food" means ~~A~~any food or beverage prepared for consumption using any cooking, packaging, or food preparation technique, including but not limited to cooking, chopping, slicing, mixing,

freezing, squeezing, or brewing, and which requires no further preparation to be consumed. Prepared Food includes uncooked fruits or vegetables, "take-out" food, or food prepared to be consumed off the Food Service Establishment premises. Prepared Food does not include any uncooked meat, fish or poultry.

"Produce Tray" means any tray or carton for vegetable, fruit, or eggs sold to consumers from a refrigerator case or similar retail appliance.

"Raw Food" means any meat, fish, poultry, vegetable, fruit, or egg.

"Recyclable" means material that can be sorted, cleansed, and reconstituted using Alhambra's available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. Recycling does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Resin Code" means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling.

"Retail Establishment" means any commercial business facility that sells goods directly to the ultimate consumer including, but not limited to, grocery stores, pharmacies, liquor stores, "mini-marts," and retail stores and vendors selling clothing, food and personal items.

~~"Third-party App-based Delivery Platform" means any service that delivers food from a Food Service Establishment to a customer based upon orders submitted via telephone, website or app.~~

"Vendor" means any store, shop, restaurant, sales outlet, mobile food vendor, pushcart, or other commercial establishment located within or doing business within the City of Alhambra, which provides perishable or nonperishable goods.

6.13.020 - ~~Limitation on the use of Disposable Foodware Items~~ Disposable Foodware Accessories Upon Request

Effective June 1, 2022:

- A. ~~Food Service Establishments shall provide Disposable Foodware Items only upon customer request or at a self-serve station. This provision does not prohibit a Food Service Establishment from asking a customer if they would like Disposable Foodware Items with their order.~~ The City of Alhambra shall enforce in its entirety, California Public Resources Code Division 30, Part 3, Chapter 5.2, Sections 42270, 42271, 42272, and 42273 (AB 1276 "Single-use foodware accessories and standard condiments," as approved October 5, 2021, effective January 1, 2022).
- B. ~~Third-party App-based Delivery Platforms shall include an option during the ordering process to allow the customer to affirmatively request Disposable Foodware Items as a part of their delivery or takeout order.~~ Food Providers and Beverage Providers shall not provide self-serve/self-service Disposable Foodware Accessories dispensers, or provide or offer Disposable Foodware Accessories to a Dine-in Customer or Take-out Customer, except upon Customer Request.

6.13.025 - Prohibition of use, distribution, and sale of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays.

- A. No Food Provider or Beverage Provider shall distribute or sell any Polystyrene Foodware in conjunction with the sale of Prepared Food or Raw Food or Beverages at any location within the City.

- B. No person shall sell any Polystyrene Foodware or Polystyrene Cooler at any location within the City.
- C. No business or vendor in the City shall sell, distribute, or use Polystyrene Packing Material, including, but not limited to, foam peanuts, packing peanuts, foam popcorn, or packing noodles.
- D. No person may sell, offer for sale, or otherwise distribute for compensation within the City any Meat and Fish Trays, Produce Trays, or Egg Cartons made, in whole or in part, from Polystyrene, either as separate items or as part of the sale of meat, fish, poultry, vegetables, fruit, or eggs sold to consumers.
- E. Food Providers and Beverage Providers that distribute Prepared Food or Raw Food or Beverages in Disposable Foodware or Disposable Foodware Accessories shall: (1) distribute only disposables that exhibit a resin code other than 'No. 6' or 'PS'; and (2) maintain documentation about the composition of the Disposable Foodware or Disposable Foodware Accessories. Documentation may include information from the supplier, manufacturer, or bulk packaging for the disposables, and any other relevant information demonstrating that the disposable material is not polystyrene.
- F. No person shall distribute or sell Prepared Food or Raw Food or Beverages in any Polystyrene Foodware at City facilities that have been rented, leased or are otherwise being used with permission of the City. This subsection is limited to use of City facilities for which a Person has entered into an agreement with the City to rent, lease or otherwise occupy a City facility. All facility rental agreements for any City facility shall include a provision requiring contracting parties to assume responsibility for preventing the utilization and/or distribution of Polystyrene Foodware while using City facilities. The facility rental agreement shall indicate that a violating contractor's security deposit will be forfeited if the City Manager or his designee determines that Polystyrene Foodware was used in violation of the rental agreement.
- G. No person shall use or distribute Polystyrene Foodware at City-sponsored events, City-managed concessions and City meetings open to the public. This subsection shall apply to the function organizers, agents of the organizers, city contractors, food providers, beverage providers, and any other person that enters into an agreement with one or more of the function sponsors to sell or distribute Prepared Food or Raw Food or Beverages or otherwise provide a service related to the function.
- H. The City, its departments, and its city contractors, agents, and employees acting in their official capacity, shall not purchase or acquire Polystyrene Foodware, or distribute it for public use.

6.13.030 - Single-use plastic straws, stirrers, and utensils prohibition.

- A. Prohibition on single-use plastic. Food Providers and Beverage Providers shall not use or distribute plastic beverage straws, plastic stirrers or plastic utensils, whether for use on-site, to-go, or delivery. Disposable straws, stirrers, and utensils must be non-plastic, made from non-plastic materials, such as paper, pasta, sugar cane, or wood.
- B. Accommodations. Food Providers and Beverage Providers, as well as City facilities, City-managed concessions, City-sponsored events, and City-permitted events, may retain and dispense plastic straws as an accommodation to people with disabilities who request them to enjoy equal access to food and beverage services within the City of Alhambra.

6.13.035 - Disposable Foodware Standards.

Effective January 1, 2023:

- A. Disposable Foodware and Disposable Foodware Accessories must be accepted by City of Alhambra municipal compost collection programs and be free of all intentionally added fluorinated chemicals, as certified by the Biodegradable Product Institute (BPI) or other independent third party

certifying organization or agency recognized by the City, except that non-compostable foil wrappers that are accepted in the City of Alhambra recyclable collection program may be used for burritos, wraps, and other items that require foil to contain and form the food item.

- B. The City shall maintain on its website a list of suppliers that offer Disposable Foodware and Disposable Foodware Accessories that complies with these Disposable Foodware Standards.
- C. Food Providers and Beverage Providers may request an extension or exemption pursuant to Section 6.13.050 for specific Disposable Foodware or Disposable Foodware Accessories items.

6.13.040 - Disposable Cup Charge

Effective January 1, 2023:

- A. Food Providers and Beverage Providers shall charge customers twenty five cents (\$0.25) for every Disposable Cup provided.
 - 1. Income from the Disposable Cup charge shall be retained by Food Providers and Beverage Providers.
 - 2. All customers demonstrating, at the point of sale, a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children (WIC) pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and as amended, or an electronic benefit transfer card (EBT) issued pursuant to Section 10072 of the California Welfare and Institutions Code, shall be exempt from the Disposable Cup charge.
 - 3. Charges for Disposable Cups shall be identified separately on any post-sale receipt provided and, pre-sale, shall be clearly identified for the customer on media such as menus, ordering platforms and/or menu boards. Customers placing orders by telephone shall be informed verbally of Disposable Cup charges.

6.13.045 - Reusable Foodware for Dining on the Premises

Effective July 1, 2023:

- A. Prepared Food or Raw Food or Beverages served for consumption on the premises of Food Providers and Beverage Providers or shall only be served using Reusable Foodware, except that disposable paper food wrappers, sleeves and bags; foil wrappers; paper napkins; straws and paper tray- and plate-liners shall be allowed for dining on the premises, so long as they meet the Disposable Foodware Standards in Section 6.13.035.
- B. Notwithstanding the requirements at Section 6.13.045.A, Food Providers and Beverage Providers that do not have on-site or off-site dishwashing capacity or are unable to contract for services to wash, rinse and sanitize Reusable Foodware in compliance with the California State Health Code may request an extension or exemption pursuant to Section 6.13.055. To obtain an extension or exemption, the Prepared Food Vendor must demonstrate inability to comply due to insurmountable space constraints, undue financial hardship and/or other extraordinary, insurmountable circumstances.
- C. All Disposable Foodware and Disposable Foodware Accessories used on the premises by Food Providers and Beverage Providers that are operating under full or partial extension or exemption obtained pursuant to Section 6.13.055 shall conform to the Disposable Foodware Standards in Section 6.13.035.

6.13.050 - Single-Use Beverage Bottles.

Effective January 1, 2023:

- A. No City officer, official, employee, representative, contractor or agent, shall use, sell, distribute or otherwise provide any single-use Plastic Beverage Bottle or Aseptic Paper Packaging while acting on behalf of the City or while acting pursuant to a contract or agreement with the City.

Effective July 1, 2023:

- B. No Affected Retail Establishment shall use, sell, distribute or otherwise provide any Beverage in a single-use Plastic Beverage Bottle or Aseptic Paper Packaging within the City.

6.13.055 - Extensions and Exemptions.

- A. The following are exempt from the provisions of this chapter:
1. Food prepared or packaged outside of the City, provided such food is not altered, packaged or repackaged within the City limits. This exemption does not apply to raw produce, poultry, vegetables, fruit, fish, meat, or eggs.
 2. Coolers and ice chests, other than those defined as Polystyrene Coolers in this chapter.
 3. Food or beverages brought by individuals for personal consumption to City facilities, including, but not limited to, City parks, provided the City facility is being used for individual recreation or similar purposes and such facility use is not part of a larger organized event.
- B. The City Manager or his/her designee may provide extensions of time for compliance or exempt any person from the requirements of his chapter, as follows:
1. A request for an extension or claimed exemption shall be filed in writing with the City Manager or his/her designee and shall include documentation of the reason for the requested extension or exemption and any other information necessary for the City to make its decision. The City may require the applicant to provide additional information as necessary to make the required determinations.
 2. The City Manager or his/her designee may approve the extension or exemption for a maximum of one year, with or without conditions, upon finding that compliance would create an undue hardship. Undue hardship may include but not be limited to situations where:
 - a. There are no reasonable alternatives for reasons that are unique to the applicant; or
 - b. Compliance with the requirements of this chapter would deprive a person of a legally protected right. The extension or exemption may be extended for additional terms of up to one year each, upon a showing of the continuation of the legal right.
- C. The City Manager's written decision on the extension or exemption is effective within ten (10) days of the decision.
- D. Decisions of the City Manager may be appealed by the person applying for the extension or exemption to the City Council. Appeals shall be filed in writing with the City Clerk within ten (10) days of the decision and shall be accompanied by a fee set by resolution of the City Council. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing. The City Council shall make its decision within sixty (60) days of receiving the appeal.

E. To obtain an extension or exemption for a Disposable Foodware or Disposable Foodware Accessories item, the Food Provider or Beverage Provider must demonstrate that:

1. No Disposable Foodware or Disposable Foodware Accessories item exists with substantially similar size, performance and/or utility that conforms with the Disposable Foodware Standards in Section 6.13.035 or, if such an item exists, that costs of using such item would cause undue financial hardship, and;
2. The non-conforming Disposable Foodware or Disposable Foodware Accessories item to be used in lieu of a conforming item is recyclable or compostable in the City of Alhambra recyclable or compostable collection program.
3. Food Providers and Beverage Providers must provide documentation of good faith efforts to obtain a substantially similar compliant item at a non-prohibitive price.
4. Records of attempts to obtain a compliant item may include:
 - a. Emails, letters or other correspondence with vendors that furnish Disposable Foodware or Disposable Foodware Accessories, seeking the compliant item.
 - b. Responses from such Disposable Foodware or Disposable Foodware Accessories vendors including, where applicable, specifications and pricing for such item.
 - c. Specifications and pricing for the recyclable non-conforming item sought to be used, demonstrating its substantial superiority and/or affordability, and
 - d. Any other verifiable records which demonstrate a good faith effort to comply with Disposable Foodware Standards for such item.
5. Reasonable added cost for a conforming item as compared to a substantially similar recyclable non-conforming item shall not by itself constitute adequate grounds to support an extension or exemption for such item.

6.13.060 - Certification of Compliance.

All businesses that are subject to this chapter shall certify compliance with this chapter on the annual business license renewal application.

6.13.065 - Infraction.

In addition to any other applicable civil or criminal penalty, any person convicted of a violation of this chapter is guilty of an infraction, which is punishable pursuant to the penalty provisions set forth in Chapter 1.12 of this Code.

CHAPTER 23.88: TREE PRESERVATION

Section

- 23.88.010 Purpose and scope
- 23.88.020 Definitions
- 23.88.030 Permits and required protective measures
- 23.88.040 Enforcement and liability

§ 23.88.010 PURPOSE AND SCOPE.

(A) *Intent and purpose.* This Chapter is established to recognize oaks, and other California native and mature trees as significant aesthetic and ecological resources and to create favorable conditions for the preservation and propagation of plant heritage for the benefit of the current and future residents of the city. It is the intent of this chapter to maintain and enhance the public health, safety and welfare through the mitigation of soil erosion and air pollution. It is also the intent of this chapter to preserve and enhance property values through conserving and enhancing the distinctive and unique aesthetic character of many areas in the city.

(B) *Scope.*

(1) No protected trees as herein defined shall be removed or damaged except in conformance with the provisions of this chapter. The provisions of this chapter shall apply to all protected trees on all private property in all zoning districts, except in the rear and side yards of single family residential dwellings of R-1 and R-2 zoning districts, whether vacant, undeveloped, in the process of development or developed. Protected trees shall not be topped or trimmed except as allowed in the exceptions in division (B)(2) below. Pruning shall not be subject to a tree permit unless, in the opinion of the Community Development Director or designee, the work is so extensive as to constitute trimming, topping, or otherwise damage the tree.

(2) *Exceptions.* The following are exempt from the provisions of this chapter:

(a) *Combined permit.* A separate tree permit is not required when a tree removal is requested as part of an entitlement application. However, all other provisions of this chapter apply and must be considered by the Planning Commission as part of the combined development permit.

(b) *Emergency situation.* Cases of emergency where the Community Development Director or the Director of Public Works or their designees, or any member of a law enforcement agency or Fire Department, in the performance of his or her duties, determines that protected tree poses an imminent threat to the public safety, or general welfare.

(c) *Visual barriers.* Removal or relocation of protected trees necessary to obtain adequate line-of-sight distances for traffic safety as required by the Community Development Director or the Director of Public Works Services or their designees.

(d) *Public property and public utilities.* Removal or trimming of trees for the protection of any public property or public utility property that is undertaken by authority of the city, any other public agency having jurisdiction, or any public utility.

(e) *Routine trimming.* Normal and routine trimming or pruning which does not result in damage or death to a tree. Removal of deadwood is allowed without a permit.

(f) *Fruit trees.* Any fruit tree may be trimmed or removed without a permit.

(g) *Palm trees.* Any palm tree, except as listed as California native, may be trimmed or removed without a permit.

(Ord. 4737, passed 7-23-18)

§ 23.88.020 DEFINITIONS.

(A) *General.* This section provides definitions of the technical and other terms and phrases used in this chapter as a means of providing consistency in its interpretation. Where any definition in this section may conflict with definitions in other titles of the Alhambra Municipal Code, these definitions shall prevail for the purposes of this Code. If a word is not defined in this section or in other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.

(B) *Definition.*

CALIFORNIA NATIVE. Those trees listed, maintained and organized by California regions by the California Native Plant Society (CNPS) as follows:

<i>Species</i>	<i>Common Names</i>	<i>Plant Type</i>
<i>Species</i>	<i>Common Names</i>	<i>Plant Type</i>

<i>Abies concolor</i>	Balsam Fir	Tree
<i>Abies grandis</i>	Grand Fir	Tree
<i>Abies lasiocarpa</i>	Subalpine Fir	Tree
<i>Abies magnifica</i>	Balsam Fir	Tree
<i>Acer circinatum</i>	Vine Maple	Tree
<i>Acer macrophyllum</i>	Big Leaf Maple	Tree
<i>Acer negundo</i>	Box Elder	Tree
<i>Aesculus californica</i>	California Buckeye	Tree
<i>Alnus incana</i>	Gray Alder	Tree
<i>Alnus incana ssp. tenuifolia</i>	Mountain Alder	Tree
<i>Alnus rhombifolia</i>	White Alder	Tree
<i>Alnus rubra</i>	Red Alder	Tree
<i>Arbutus menziesii</i>	Madrone	Tree
<i>Betula occidentalis</i>	Water Birch	Tree
<i>Bursera microphylla</i>	Elephant Tree	Tree, Succulent
<i>Calocedrus decurrens</i>	Incense Cedar	Tree
<i>Ceanothus velutinus</i>	Tobacco Brush	Tree, Shrub
<i>Celtis reticulata</i>	Western Hackberry	Tree
<i>Chamaecyparis lawsoniana</i>	Port Orford Cedar	Tree
<i>Cornus sessilis</i>	Miner's Dogwood	Tree
<i>Cupressus arizonica</i>	Arizona Cypress	Tree
<i>Fraxinus dipetala</i>	California Ash	Tree
<i>Fraxinus latifolia</i>	Oregon Ash	Tree
<i>Fraxinus velutina</i>	Velvet Ash	Tree
<i>Hesperocyparis bakeri</i>	Baker's Cypress	Tree
<i>Hesperocyparis forbesii</i>	Tecate Cypress	Tree
<i>Hesperocyparis macnabiana</i>	Macnab's Cypress	Tree
<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Tree
<i>Hesperocyparis sargentii</i>	Sargent's Cypress	Tree
<i>Hesperocyparis stephensonii</i>	Arizona Cypress	Tree
<i>Juglans californica</i>	Southern California Black Walnut	Tree
<i>Juglans hindsii</i>	Northern California Black Walnut	Tree
<i>Juniperus californica</i>	California Juniper	Tree
<i>Juniperus communis</i>	Common Juniper	Tree, Shrub
<i>Lyonothamnus floribundus</i>	Island Ironwood	Tree
<i>Lyonothamnus floribundus ssp. aspleniifolius</i>	Santa Cruz Island Ironwood	Tree
<i>Malus fusca</i>	Oregon Crab Apple	Tree
<i>Olneya tesota</i>	Desert Ironwood	Tree
<i>Parkinsonia florida</i>	Blue Palo Verde	Tree
<i>Parkinsonia microphylla</i>	Yellow Palo Verde	Tree
<i>Picea sitchensis</i>	Sitka Spruce	Tree
<i>Pinus attenuata</i>	Knobcone Pine	Tree
<i>Pinus contorta</i>	Beach Pine	Tree
<i>Pinus contorta ssp. contorta</i>	Shore Pine	Tree
<i>Pinus coulteri</i>	Bull Pine	Tree
<i>Pinus edulis</i>	Twoneedle Pinyon	Tree
<i>Pinus flexilis</i>	White Pine	Tree
<i>Pinus jeffreyi</i>	Jeffrey Pine	Tree
<i>Pinus lambertiana</i>	Sugar Pine	Tree
<i>Pinus monophylla</i>	Oneneedle Pinyon Pine	Tree
<i>Pinus muricata</i>	Bull Pine	Tree
<i>Pinus ponderosa</i>	Bull Pine	Tree

<i>Pinus radiata</i>	Monterey Pine	Tree
<i>Pinus sabiniana</i>	Foothill Pine	Tree
<i>Pinus torreyana</i>	Torrey Pine	Tree
<i>Piatanus racemosa</i>	Western Sycamore	Tree
<i>Populus fremontii</i>	Fremont Cottonwood	Tree
<i>Populus tremuloides</i>	Quaking Aspen	Tree
<i>Populus trichocarpa</i>	Black Cottonwood	Tree
<i>Prosopis glandulosa</i>	Honey Mesquite	Tree
<i>Prosopis glandulosa</i> var. <i>torreyana</i>	Mesquite	Tree
<i>Prosopis pubescens</i>	Screwbean Mesquite	Tree
<i>Prunus andersonii</i>	Desert Peach	Tree, Shrub
<i>Prunus emarginata</i>	Bitter Cherry	Tree, Shrub
<i>Prunus fasciculata</i>	Desert Range Almond	Tree, Shrub
<i>Prunus ilicifolia</i>	Hollyleaf Cherry	Tree
<i>Prunus ilicifolia</i> ssp. <i>ilicifolia</i>	Hollyleaf Cherry	Tree
<i>Prunus ilicifolia</i> ssp. <i>lyonii</i>	Catalina Cherry	Tree, Shrub
<i>Prunus virginiana</i>	Chokecherry	Tree, Shrub
<i>Prunus virginiana</i> var. <i>demissa</i>	Western Chokecherry	Tree, Shrub
<i>Pseudotsuga macrocarpa</i>	Bigcone Douglas Fir	Tree
<i>Pseudotsuga menziesii</i>	Douglas Fir	Tree
<i>Psorothamnus spinosus</i>	Smoke Tree	Tree
<i>Quercus agrifolia</i>	Coast Live Oak	Tree
<i>Quercus berberidifolia</i>	Scrub Oak	Tree
<i>Quercus chrysolepis</i>	Canyon Live Oak	Tree
<i>Quercus cornelius-mulleri</i>	Muller Oak	Tree
<i>Quercus douglasii</i>	Blue Oak	Tree
<i>Quercus dumosa</i>	Nuttall's Scrub Oak	Tree, Shrub
<i>Quercus durata</i>	Leather Oak	Tree
<i>Quercus durata</i> var. <i>durata</i>	Leather Oak	Tree
<i>Quercus engelmannii</i>	Engelmann Oak	Tree
<i>Quercus garryana</i>	Garry's Oak	Tree
<i>Quercus garryana</i> var. <i>breweri</i>	Garry's Oak	Tree
<i>Quercus kelloggii</i>	Black Oak	Tree
<i>Quercus lobata</i>	Valley Oak	Tree
<i>Quercus parvula</i>	Santa Cruz Island Oak	Tree
<i>Quercus parvula</i> var. <i>shrevei</i>	Shreve Oak	Tree
<i>Quercus tomentella</i>	Island Oak	Tree
<i>Quercus vacciniifolia</i>	Huckleberry Oak	Tree
<i>Quercus wislizeni</i>	Interior Live Oak	Tree
<i>Salix exigua</i>	Sandbar Willow	Tree, Shrub
<i>Salix gooddingii</i>	Goodding's Black Willow	Tree
<i>Salix laevigata</i>	Red Willow	Tree
<i>Salix lasiandra</i>	Shining Willow	Tree, Shrub
<i>Salix lasiolepis</i>	Arroyo Willow	Tree, Shrub
<i>Salix scouleriana</i>	Scouler's Willow	Tree, Shrub
<i>Salix sitchensis</i>	Sitka Willow	Tree, Shrub
<i>Sequoia sempervirens</i>	Coast Redwood	Tree
<i>Sequoiadendron giganteum</i>	Sierra Redwood	Tree
<i>Thuja plicata</i>	Western Red Cedar	Tree
<i>Torreya californica</i>	California Torreya	Tree
<i>Tsuga heterophylla</i>	Western Hemlock	Tree
<i>Tsuga mertensiana</i>	Mountain Hemlock	Tree

Umbellularia californica	California Laurel	Tree
Washingtonia filifera	Fan Palm	Tree

DAMAGE. Any action undertaken which causes injury, death, or disfigurement to a protected tree. This includes, but is not limited to, cutting, poisoning, overwatering, topping, trimming, relocating or transplanting a protected tree.

DEVELOPMENT PERMIT. An application to use, alter, construct upon, or otherwise change the use of land or a structure.

MULTI-TRUNK. Any tree with multiple trunks attributed to a single tree. For purposes of determining the diameter of a multi-trunk tree, the diameter of each trunk shall be measured at a point four and one-half feet above the root crown, and the sum of the diameters shall be the diameter of the tree.

PROTECTED TREES. Includes the following:

(a) Quercus family trees (oaks) and California native trees taller than 15 feet, or with a trunk diameter larger than 12 inches in diameter, or 36 inches in circumference, measured at a point four and one-half feet above the root crown.

(b) Mature tree: A tree taller than 20 feet or with a trunk diameter larger 24 inches in diameter, or 75 inches in circumference, measured at a point four and one-half feet above the root crown.

PRUNING (also known as **LACING**). The removal of selected branches that are dead, a hazard to public or property, or are otherwise selected for removal while preserving the overall form of the tree. Pruning can be done to give a tree a more balanced appearance, to reduce the weight on one side of a tree in order to prevent the tree from toppling, or to remove branches that are at risk of breaking and injuring people or damaging property. Utilities may use pruning to selectively remove branches that interfere with overhead lines. **PRUNING** is distinct from topping or trimming a tree.

REMOVAL. The uprooting, cutting, or severing of the main trunk, of a protected tree.

ROOT CROWN. That portion of a protected tree trunk from which roots extend laterally into the ground.

TOPPING. The removal of the uppermost branches of a tree, or cutting the trunk, in order to reduce its height without regard to the overall form of the tree. Typically results in a horizontal cut across the trunk or a roughly spherical cut centered on the trunk.

TRIMMING. The alteration of the outward shape of a tree without regard to which branches are to be trimmed. Typically results in a geometric rather than natural shape. Hedges are trimmed to preserve a particular, frequently rectangular, shape. Topping a tree would be an extreme example of **TRIMMING**.

UNDEVELOPED PROPERTY. Land which is in its natural, original, or pristine state.

VACANT PROPERTY. Land on which no buildings or improvements have been erected or orchards planted but which may have been graded for drainage or other purposes.

(Ord. 4737, passed 7-23-18)

§ 23.08.030 PERMITS AND REQUIRED PROTECTIVE MEASURES.

(A) *Tree permit required.* A tree permit shall be obtained prior to the removal of any protected tree except as allowed in the exceptions in § 23.88.010(B).

(B) *Application and fees.*

(1) *Tree permit for the removal of a protected tree that is diseased and/or damaged by storm, fire or other natural disaster or otherwise determined to be dangerous by the City Manager, Community Development Director, police officer, firefighter or Code Enforcement Officer.*

(a) An application for a tree permit for the removal of a diseased or hazardous protected tree shall be made to the Community Development Department.

(b) There is no fee for a tree permit for the removal of a diseased or hazardous protected tree; however, the applicant must submit documentation supporting the condition of the tree to the Community Development Department, as deemed necessary by the Director.

(2) *Tree permit for the removal of healthy protected trees.*

(a) An application for a tree permit for the removal of a healthy protected tree shall be made to the Community Development Department. The content, form, instructions, procedures, and requirements of the application package deemed necessary and appropriate for the proper enforcement of this chapter shall be established by the Community Development Department. The application shall include, but not be limited to the following:

(b) An explanation as to why the tree's removal is necessary.

(c) An explanation as to why tree removal is more desirable than alternative project designs.

(d) An explanation of any mitigation measures.

(e) A fee per the city's fee schedule.

(C) *Action on application.*

(1) *Tree permit for the removal of diseased and hazardous protected trees.*

(a) Upon the receipt of an application to remove a diseased or hazardous protected tree, the Director or his or her designee shall have ten working days to approve, conditionally approve, or deny the application.

(b) If the Director or his or her designee denies such application, the decision may be appealed to the Planning Commission. Such appeal shall be processed pursuant to the appeal regulations. The fee for an appeal shall be the same as for an appeal of a Design Review Board decision.

(c) The privileges granted an applicant in this section shall become null and void if not utilized within six months from the date of the approval.

(2) *Tree permit for the removal of healthy protected trees.*

(a) The application for a tree permit for the removal of a healthy protected tree or trees shall be subject to the approval, conditional approval, or denial of the Director or his or her designee or the Planning Commission (on appeal) or City Council (on appeal).

(b) Notice shall be provided in compliance with Alhambra Municipal Code (Public Notices and Hearings) and shall be mailed to all owners of real property as shown on the latest assessment rolls of the city or of the county, located within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property may, in the judgment of the Director, be affected by the proposed project at least 14 days before the date of the Director's consideration and final decision as stated in the notice.

The mailed notice shall state that the Director will consider and decide whether to approve, conditionally approve, or deny the removal of a healthy protected tree application on a date specified in the notice.

The Director may defer action and refer the request to the planning Commission for consideration and final decision.

(c) The privileges granted an applicant in this section shall become null and void if not utilized within one year from the date of the approval or conditional approval.

(D) *Replacement tree conditions.*

(1) *Replacement tree conditions for the removal of diseased and/or hazardous protected trees.* No replacement tree shall be required.

(2) *Replacement tree conditions for the removal of healthy protected trees.*

(a) Quercus family (oaks) and California native trees: Two 24-inch box replacement oak or native trees shall be required for each ten-inch increment of the diameter of the existing tree, or portion thereof.

(b) Mature trees: One 24-inch box replacement similar or native trees shall be required for each ten-inch increment of the diameter of the existing tree, or portion thereof.

(c) The following options shall apply to the total number of required replacement trees:

A. A minimum of 50% replacement trees shall be planted on site. The remaining balance of required replacement trees may be planted off-site at locations approved by the Director.

B. A maximum of 50% required replacement trees may be substituted with an in-lieu fee payment. The value of each replacement tree, including the cost of installation, shall be established by a certified arborist and the funds shall be dedicated to an urban forestry program of the City of Alhambra.

(Ord. 4737, passed 7-23-18)

§ 23.88.040 ENFORCEMENT AND LIABILITY.

(A) *Enforcement.*

(1) The Community Development Department will monitor construction activities for compliance with the provisions of this chapter.

(2) Whenever a tree removal has occurred in conjunction with construction or work contrary to the provisions of this chapter, a Code Enforcement Officer shall issue a citation per tree removed without a permit and a city inspector shall issue a notice to the responsible party to "stop work" on the project on which the violation has occurred. No work shall be allowed until the citation has been paid and the violation has been rectified and approved by the Director.

(3) Whenever a tree removal has occurred, independent of a development project, contrary to the provision of this chapter, no building permits on the property associated with the violation shall be issued for a period of one year.

(4) Whenever a tree removal has occurred contrary to the provision of this chapter, the required number of replacement trees shall be double the standard provision.

(Ord. 4737, passed 7-23-18)