

CITY OF PACIFIC GROVE
PLANNING COMMISSION

MINUTES

August 3, 2006
Tape 06-15
6:00 p.m.
Council Chambers, Pacific Grove City Hall

1. **ROLL CALL**

Roll Call

Present: Bob Davis, Steven MacDonald, Dan Miller, Eric Miller (Vice-Chair),
Craig Riddell (Chair), Gary Sprader

Absent: Linda Bailey

Staff: Jon Biggs

2. **MINUTES**

On a motion by Bob Davis-Dan Miller, the Commission voted 6-0 to
approve the following minutes:

**Minutes
Approved
with
correction**

- Minutes of the site review meeting of July 18, 2006 with the following correction:

“The following sites were visited by the named Commissioners (staff in attendance are noted in parenthesis):

420 Evergreen Road: Davis, MacDonald, Dan Miller, Eric Miller,
Riddell, Sprader (Garcia, Nelson)

1247 Surf Ave: MacDonald, Dan Miller, Eric Miller, Riddell,
Sprader”

- Minutes of the regular meeting of July 20, 2006.

3. **COMMENTS FROM THE PUBLIC**

None.

**Public
Comment**

4. **REQUESTS FOR CONTINUANCE OR WITHDRAWAL**

On a motion by Gary Sprader-Steven MacDonald, the Commission voted 6-0 to **continue item 4.A to the regular meeting of August 17, 2006** for the reason stated below.

**Requests for
continuance
or Withdrawal**

4.A A continued public hearing to consider Proposed Mitigated Negative Declaration and Mitigation Monitoring Program, Use Permit Appli-

**Proposed
Mit. Neg. Dec.;
UP 2830-04;**

cation No. 2830-04 and Tree Removal Permit Application No. CDD 5351

PROJECT ADDRESS: **1400 Pico Avenue**

APPLICANT: Eric Miller Architects; Ines Barcan, Project Principal

PROJECT DESCRIPTION: Construction of a new single-family dwelling, including detached living space remote from the main residence, on a site that is located in an environmentally sensitive area of the coastal zone. The proposed project includes the removal of 9 dead or dying Monterey pine trees, 1 willow tree, and 4 Monterey cypress trees from the site. (Staff: Sally Rideout) [Continued from June 8, 2006 and July 6, 2006]

REASON FOR CONTINUANCE: **Applicant has requested continuance to the regular meeting of August 17, 2006** to allow time for staff to review revisions yet to be submitted by the applicant.

**Tree Removal Permit
CDD 5351
Continued
To 8/17/06**

5. CONSENT AGENDA

None.

**Consent
Agenda**

6. REGULAR AGENDA

6.A REVIEW AND DISCUSSION ON THE CHANGES BEING RECOMMENDED BY THE BEAUTIFICATION AND NATURAL RESOURCES COMMITTEE TO THE TREE PRESERVATION AND PROTECTION ORDINANCE, CHAPTER 12.16 OF THE PACIFIC GROVE MUNICIPAL CODE.

**Discussion of
Proposed
Changes to
Tree
Ordinance
Section 12.16**

Thom Akeman, representing the Beautification and Natural Resources Committee, highlighted the changes to the Tree Ordinance being recommended by the Committee to City Council.

Commissioner Dan Miller asked if the ordinance should include a definition of what is a dead versus a dying unhealthy tree.

Speakers:

- David Dilworth, representing H.O.P.E. - Helping our Peninsula's Environment, expressed concerns about the number of approvals to be granted by an arborist, and suggested better notification of tree removal, i.e. flagging/netting, photos, and mapping of trees proposed for removal.

There being no further speakers, the Chairman closed the public hearing.

Commissioners Comments:

- Dan Miller:
 - Concerned about the number of trees being removed,
 - Oversight of the removal,
 - How are mistakes identified,
 - What is the noticing for removal - needs improvement,
 - Consistency of noticing requirements - sometimes hard to tell which trees are the subject trees,
 - Enforcement and follow-up on replanting requirements,
 - Noted importance as high as preservation of historic homes,
 - Suggested defining term “replacement tree.”

- Gary Sprader:
 - Proposed changes are fine but feels more is necessary,
 - Section concerning the removal/alteration/development should be looked at further,
 - Findings section needs to be beefed up,
 - Asked if it would be advantageous to change the regulations concerning tree removal related to development.

- Eric Miller:
 - Beautification and Natural Resources Committee has done a nice job.
 - Hopes new city arborist has a chance to review change.

- Steven MacDonald:
 - Things that the penalties and enforcement are an issue. Need to develop creative ideas to review this. Stronger fines warranted.
 - 40% rule should allow plenty of remaining room.

- Bob Davis:
 - Proposed changes represent well thought out revision of ordinance, but will fail without enforcement. There is no staff available to provide full enforcement of ordinance and expressed hope that it could be enforced.

- Craig Riddell:
 - Trees are an asset of the community, like the coastline and historic structures.
 - Problems started with the loss of a full-time arborist.
 - Housekeeping portions of proposed changes are great, but felt there were some major problems with the process, especially noticing of the tree permits.

- There are some simple noticing procedures that can be implemented, i.e. better noticing and community noticing, i.e. posting on the city's bulletin board and on the website.
- Plot map and netting to show trees to be removed.
- Bonding a good idea. If trees are being removed, applicant must fund bond.
- Recordkeeping needs to be updated. City needs to keep better records of trees removed and replantings.
- Likes idea of evaluating tree that is removed.
- Allow arborist to do what the ordinance requires, and fees should cover expense for arborist's time.

On a motion by Eric Miller-Gary Sprader, the Commission voted 6-0 to **recommend approval of the changes to the Tree Ordinance developed by the Beautification and Natural Resources Committee.**

On a motion by Eric Miller-Gary Sprader, the Commission voted 6-0 to **report to Council that the Planning Commission has some concerns with the tree ordinance and it will be reviewing its elements and developing recommendations for changes.**

7. CITY COUNCIL ACTIONS

- Staff reported.

**City
Council**

8. ARCHITECTURAL REVIEW BOARD ACTIONS

The July 11, 2006 minute were inadvertently included in the packet but the correct minutes were distributed at the meeting to allow the Commission an opportunity to review for possible call-ups.

- Received the Minutes of the July 25, 2006 site review meeting of the Architectural Review Board.
- Received the Minutes of the July 25, 2006 regular meeting of the Architectural Review Board.

ARB

9. HISTORIC RESOURCES COMMITTEE ACTIONS

- Received the Minutes of the July 12, 2006 site review meeting of the Historic Resources Committee.
- Received the Minutes of the July 12, 2006 regular meeting of the Historic Resources Committee.

HRC

10. CORRESPONDENCE

None.

**Corres-
pondence**

11. COMMITTEE REPORTS

Craig Riddell reported on policy review.

**Committee
Reports**

12. REPORTS OF COMMISSIONERS

Gary Sprader commented concerning criteria for staff reports and recommended changes.

**Commissioner
Reports**

13. REPORT OF COMMUNITY DEVELOPMENT DIRECTOR

Director Biggs reported.

**Director's
Report**

14. ADJOURNMENT:

There being no further business, the Chair adjourned the meeting at 8:00 p.m.

Jon Biggs, Secretary

JUDICIAL TIME LIMITS: This serves as written notice that Pacific Grove Municipal Code Section 1.20.010 incorporates Section 1094.6 of the Code of Civil Procedure of the State of California and provides a **ninety-day limitation for judicial review** of any final administrative decision by the council, or any board, commissioner, or officer of the city.

