



CITY OF PACIFIC GROVE
300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
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MINUTES OF REGULAR MEETING

PLANNING COMMISSION

DATE & TIME: THURSDAY, February 18, 2010 – 6:00 P.M.
LOCATION: CITY HALL, COUNCIL CHAMBERS – 300 FOREST AVENUE, PACIFIC GROVE

MEETING AGENDA:

- 1. The meeting was called to order at 6pm
2. Roll Call –
Planning Commission Members present: Linda Bailey (Vice-Chair), Bill Bluhm, Bob Davis, Bill Frederickson, Steven MacDonald, Craig Riddell (Chair)
Planning Commission Members absent: Eric Miller (excused)
3. Approval of Minutes
A. Minutes of the February 2, 2010 Site Review Meeting
B. Minutes of the February 4, 2010 Regular Meeting

On a motion by Bailey, seconded by Frederickson, the Planning Commission approved the minutes 6-0 with the following amendments:

- Page 4, paragraph, first full paragraph, changes to Commissioner Bailey’s comments as follows:
Commissioner Bailey stated that she agreed with staff that the standard variance findings could not be made for the project. She went on to state that the church had other options for providing meeting space, such as reconfiguring existing, underutilized space in the building or renting other space. Ms. Bailey stated that not approving the addition would represent an inconvenience for the church, but that this inconvenience did not rise to the level of a substantial burden as it has been defined so far by Congress and the Courts; that approving the variance could set a precedent allowing other churches to obtain similar variances; and that there were no established guidelines for determining whether denial of

a project would impose a substantial burden, thus justifying a variance, and that the City did have a compelling interest in regulating the size of buildings in its residential districts through a consistent application of the zoning code. Ms. Bailey also stated that the parking requirements had not been adequately evaluated, and that one way we do protect private views is by the height and floor area limits in our zoning code.

4. Oral Communications

None

5. Items to be Continued or Withdrawn:

None

6. **CONSENT AGENDA:**

None

7. **REGULAR AGENDA:**

A. Continued from the February 4, 2010 regular meeting, a public hearing to consider:

Subject:

**PER PLANNING COMMISSION REQUEST,
REVIEW OF PROPOSED AMENDMENTS TO THE
CITY OF PACIFIC GROVE TREE ORDINANCE,
CHAPTER 12.16 OF THE PACIFIC GROVE
MUNICIPAL CODE – TREE PRESERVATION AND
PROTECTION**

Staff reference:

Celia Perez-Martinez, Public Works Superintendent

Senior Planner Sarah Hardgrave introduced the item, clarifying that the the Planning Commission's input to the City Council did not have greater authority that the input from the Beautification and Natural Resources Committee (BNRC), and that the item had been brought at the request of the Planning Commission for an opportunity to make comments to the Council. Ms. Hardgrave provided a handout of the pertinent General Plan and Local Coastal Program Land Use Plan (LCP LUP) policies that relate to view protection.

Public Works Superintendent Celia Perez-Martinez provided an overview of the proposed draft Tree Protection ordinance amendments being recommended by the BNRC.

Public comment:

- Judy Webb, 165 Lighthouse Ave., requested the Council consider changing language prohibiting tree trimming or removal for the purpose of view protection under Section 12.16.200(c)(1).
- Thom Akeman informed the Planning Commission that the BNRC did not recommend any changes to the "Development" section of the ordinance and requested the PC's input on those regulations. He also noted that it would be a significant change to allow tree

- removal for view protection, and stated that there had been 90% compliance with the ordinance since last revised in 2007.
- Terry O'Connell, 1224 Funston Ave., expressed concern about the criminalization of tree removal and the excessive authority given to the City through the ordinance. He stated that view impacts are an issue, as is private property protection.
 - John [REDACTED] (?), 243 Lighthouse Ave., stated that he is concerned that trees are not allowed to be trimmed for the protection of views to the ocean and bay, and that view obstructions have a negative impact on property values.
 - Mary O'Connell requested that the criminal and punitive language in Section 12.16.180 be addressed, as well as the in-lieu fee.
 - Glenn Smith, 161 Lighthouse Ave., spoke to the loss of property value from views to the bay and ocean that are impacted by tree view obstruction, and the need for public tree trimming on Lighthouse Avenue.
 - Georgia Booth stated that amendments to the tree ordinance should consider human protection not just tree protection. She noted concern not just with view corridors, but also tree removal restrictions in high fire hazard zones. She requested that urban reforestation include input from foresters, not just arborists.
 - Sally Moore, 361 Spruce Ave., stated she had reviewed the tapes of the Planning Commissions comments on the Tree Protection ordinance in 2007, and that much of that input had not been incorporated, including having tree permit information on the website.
 - Dianne Schwartz stated she had problems with falling oaks and property damage, was concerned about ownership responsibilities across property lines, and that it should not be a crime to remove a tree if it poses a hazard to a structure.
 - Barbara Thomas, Egan Avenue, described her experience with the removal of two cypress trees and the requirement to replace the trees 2 to 1.
 - Bruce Cowan stated that he is in favor of trees in the proper places, that Monterey Pines pose a greater risk of falling than oaks, and that public safety is very important.
 - Jessica Bray, 435 Evergreen Ave., stated that she came to Pacific Grove because she loved the area, and is concerned about the power granted to the City in the ordinance.
 - Hal Laughlin stated that public safety was the main issue.

The Planning Commission deliberated on the matter.

Commissioner Frederickson stated this is clearly a contentious issue, and described his experience with trees being topped in his neighborhood without permission. He stated his concerns with loss of views and safety. The Planning Commission briefly discussed General Plan Land Use Policy 9, and how it relates to Figure 5 in the LCP LUP. It was suggested there is a need to define view corridors and that the Council should address the maintenance of views.

Commissioner MacDonald suggested the need for reasonableness and to strike a balance between trees and views of the ocean.

Commissioner Davis suggested that while view corridors in the Coastal Zone have been identified, the Council should address the concept of view corridors in other areas of the City, and that he believes public views and view corridors as related to the tree canopy should be addressed. He also suggested the proposed ordinance amendments should be analyzed for General Plan consistency. He further suggested that loss of trees has been a long standing concern in the community, and that the Council should take into consideration the historical tree cover and changes to the location of trees over time, giving the example that the Fairway Homes Tract used to be swamp/dunes with very few if any trees.

Commissioner Bluhm commented on his own experience with having two trees fall recently on his properties, one pine and one oak. He noted there are issues of who is responsible if trees fall on neighboring property. He also noted that over time, his neighbor's tree has blocked his view, and stated this is a tough issue.

Commissioner Bailey stated that she believes the BNRC's proposed revisions do liberalize the ordinance and that she thinks that's positive. She suggested the Council consider preparing a strategic plan for trees in Pacific Grove, in order to address values around views, light and air, and public safety. She suggested the City should allow property owners to pay for trimming of public trees if that had been a practice historically. The specific issues of concern she identified included the tone of criminalization in the ordinance, site coverage (wording/language unclear), views and property values, public safety, and the historic forest areas compared to the current urban forest areas.

Chair Riddell stated he agrees with the need for a reasonable balance on the issue of view protection, that he feels comfortable that the ordinance allows tree trimming or removal for safety, that he is concerned about the criminality issue, that he would support neighbors paying for trimming of public trees to protect views and safety, and that he agrees with the idea of developing a tree plan.

On a motion by Frederickson, seconded by MacDonald, the Planning Commission voted 6-0 to recommend to the City Council that Tree Protection ordinance amendments address:

- **View shed impacts;**
- **The criminalization tone of the penalty requirements;**
- **Public safety concerns;**
- **A process for public tree trimming;**
- **The potential conflict between coverage limitations and tree plantings;**
- **A tree plan for the City as a whole; and**
- **Creation of a tree fund for maintenance of trees that could be available to low income residents.**

8. City Council Actions

Sarah Hardgrave, Senior Planner, informed the Planning Commission that the City Council had formed an Ad-Hoc Committee to participate in permit streamlining efforts in the next few months, and that they will be taking up the proposal to merge the Architectural Review Board and Historic Resources Committee, as well as the Farmers' Market, at the next meeting on March 3, 2010.

9. Architectural Review Board Actions

- A. Minutes of the February 9, 2010 Architectural Review Board Site Review Meeting
- B. Minutes of the February 9, 2010 Architectural Review Board Regular Meeting

On a motion by Davis, seconded by Bailey, the Planning Commission voted 6-0 to accept the ARB minutes.

10. Historic Resource Committee Actions --
 - A. Minutes of the February 11, 2010 Historic Resources Committee Site Review Meeting
 - B. Minutes of the February 11, 2010 Historic Resources Committee Regular Meeting

On a motion by Bailey, seconded by Frederickson, the Planning Commission voted 6-0 to receive the ARB minutes.

11. Administrative Hearings

None

12. Site Plan Review Committee Actions

None

13. Correspondence

None

14. Committee Reports

None

15. Reports of Commissioners

None

16. Reports of the Community Development Department's Chief Planner

Sarah Hardgrave, Senior Planner, reported that the Lovers' Point Park improvement project had been approved by the California Coastal Commission and is now moving forward into the construction phase.

She also reported that the Planning Commission's decision on Variance Application No. 09-1729, 325 Central Avenue, had been appealed to the City Council. She asked the Planning Commission if they wished to provide the Council with a written statement about their decision, or appoint a Planning Commissioner to represent the presiding vote to the City Council at the appeal hearing. Chair Riddell appointed Commissioner Davis to represent the Planning Commission majority.

The meeting was adjourned at 8:20pm.