



CITY OF PACIFIC GROVE

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URBAN FOREST ADVISORY COMMITTEE

Date & Time: Tuesday, January 10, 2012 – 4:00 p.m.
Location: City Hall, Council Chambers – 300 Forest Avenue, Pacific Grove, CA

MEETING NOTES:

1. Call to Order

Committee members present: Barbara Thomas, David Dilworth, Joe Bileci, Jr., Tom Moss

Absent: None

General Comments Received (Items not on the agenda)

The meeting was opened up to general comments and the following general comments were made by the public:

- When will comments be incorporated?
- Document will be changed as a result of consensus; we will confirm statements made by UFAC – if consensus is not agreed upon, the consultants will make a decision.
- However the fund comes out in discussion – how will the fund be spent? Currently we have a municipal code that states how current in-lieu fees have to be spent, with specific language to trees.
- Discussion on different kinds of pine trees – Torrey Pine is a good alternative to Monterey Pine in this area.

December 6, 2011 UFAC meeting notes were received.

Discussion of Draft Urban Forestry Standards:

Section 3.2.3: UFAC Comments

- Thought we agreed that this section was to be deleted- 3.2.3.

- 3.2.3: “Guide for Plant Appraisal” - We may find out that the fee amount we are asking for is too expensive. Maybe fees should be divided based on size of the tree, i.e. a small tree removal has a certain payment and medium and large tree removals have their own allotted payments (i.e. distinguished amount of in-lieu fees based on size).
- Is there a section on in-lieu fees in the new ordinance?
- This section does not refer to development, correct? (Correct - this section does not refer to development)
- If it is appropriate to remove a tree, let them remove a tree without fees. In section 3.1.2, a person can elect to remove a healthy tree. I don’t see why we should require having to buy in to a trust fund, shouldn’t have to if there is a small lot with no room for another tree.
- We have to require replacement of trees, otherwise we are going against our whole idea of canopy restoration.
- 3.2.3 - In regards to an in-lieu fee or planting in a public park, our discussion before was that we do not want to require a cop-out.
- We already have areas that are almost fully forested. The advantage of a trust fund is that staff can make decisions on the management of trees, i.e. if thinning needs to occur to make trees healthy, the trust fund would help to ensure that this could happen.
- Not hearing consensus that an in-lieu fee should be allowed.
- Think off-site planting is a cop-out.
- People should be able to remove trees without having to do anything if lot size is too small. – (Table 5-1 details replanting requirements)
- Section 3.2.3 on tree trust fund should be re-worded.
- The trust fund is a good idea. Off-site mitigation is biggest concern. People that want to have trees could get a tree directly from someone that needs to replace a tree – don’t like indirectness or time delay of fund – if direct mitigation of development, the whole thing would get paid off quicker.
- Replacement tree planting could occur off-site (on a private property), but don’t like idea of planting on public property if areas are already over-filled. Replacement tree planting needs to be followed up on.
- If there is just a fee that goes into the fund, the arborist can use the fund to help pay for trees for people that want a tree but may not be able to afford a tree.
- If City arborist makes any decision on the fund, want public notice.
- Disagreement - the arborist should have discretion on what the money should be used for. There shouldn’t have to be a notice for everything done.

Section 3.2.4: UFAC Comments

- First sentence should be made clearer – permit issuance, development project, final project inspection should all be defined. This should also be broken down into one sentence about development and one not associated with development.
- “Verification” obtained needs to be substantial. Possibly should be worded to “shall verify and document”
- Currently we require a photograph to ensure re-planting.
- Maybe there should be a security deposit requirement when issuing a permit.

- Like the second paragraph in section 3.2.4 – (locations of replacements with GIS mapping)
- Verification sounds great, but could be too much work. Support verification that trees have been planted, but maybe there needs to be incentive for verification.
- Verification twice a year is ridiculous (too much).
- Could modify the 6 month verification interval to a five year verification interval.
- How about verification at year 1 and year 5?
- Person could send in a photo at year 1 and year 5.
- No needs to be at year 10 also.

Public Comment (3.2.3 and 3.2.4):

- Opposed to using guide for replacement fee.
- We need to end up with a sum for fees involved with elective tree removal – should not be an outrageous sum.
- The monitoring section of the document is great, but there is a concern with how much one person can do, especially now when we have one part-time arborist.
- Current in-lieu fee was established based on the approximate costs for City staff to plant the tree and water is for the first 2 years.
- A lot of property changes ownership in this area – would new owners be required to keep permits that were taken out by previous tenants?
- Maybe some of the verification and monitoring could be supplemented by a volunteer program at the local PG schools (PG high school). Carmel currently has a tree giveaway program – maybe Pacific Grove could do something similar.
- I have not planted any pine trees, but since I moved here, about 50 pine trees have showed up in my backyard. Nature takes care of itself if you let it.
- It seems prohibitive to ask people to pay for a tree to be removed that they never planted in the first place.
- Planting when it is seasonally appropriate is important, especially when thinking about water rationing possibilities and the ability for survival.
- A set fee rather than using a formula for each tree removal case would be a fair distribution.
- Think we already decided that we were not going to use formulas – if a tree was cut down without a permit, however, then we would use the formula (i.e. greater cost if you don't get a permit)
- The penalty has to be something from an objective standard.
- Smaller trees sometimes have quicker establishment; bigger is not always better when it comes to trees.
- A lot of trees come up that were never planted. What have we decided? Can trees be removed or not if they were not planted in the first place?
- The document has tree protection defined by size and species.
- There is also now a set of tree canopy coverage goals instead of a 2 for 1 strategy.
- In regards to natural regeneration, if the property has already met the threshold for their size, then they can remove the trees without a problem (but have to meet the threshold in order to be able to do so).
- We need to come back to discussing which trees we are protecting. I thought that we had said that all trees were protected under the UFMP.

- Greatest objections heard about existing ordinance: not enough flexibility for removal and don't have defined well enough how we are keeping our canopy goals.
- In regards to dead trees – didn't see if they had to be replaced (section 3.2.1) – no replacement fee would be required now, but we are thinking of revising this to include a replacement fee.

(There is no section 3.2.5 in old draft)

Section 3.2.6 UFAC Comments

- We have about 70 vacant lots. This provision does not really apply to this city.
- When major work on a house, maybe this triggers street tree placement as a part of total development – the time to trigger street trees would be when sidewalks are being developed.
- Maybe move this section to the tree preservation and protection during development section (consensus on this was received)
- Maybe revise “in any new subdivision” with “associated with major development”

Section 3.2.7 UFAC Comments

- Find opportunities for trees to be put in along street-side – good idea
- Replacement costs don't need to be used as a guide for plant appraisal.
- Could have a quote for project cost.
- Second paragraph, first sentence should include “permit needs to be required”
- Planting and pruning in the same sentence needs to be clarified
- Assuming this is dealing with private property work on trees – don't agree that the City needs permission from itself to prune their own trees – need to clarify to mean right of way. Yet, this should not be confused with the fact that the City needs a permit to remove their own tree.
- Don't agree – if a tree is dead/dying, the City should not have to take out a permit to remove from the City.
- What happens when a private property owner is gone and 20 years have passed – when does a tree become a City tree?
- Maybe after 20 years?
- Is the property owner responsible for trees on sidewalks they had to plant – i.e. property owners pay for the trees, but City would care for them
- If the City requires planting from the property owner, then the City takes responsibility
- Private property – if they have to get a permit for a public tree, at some point the City will have to take responsibility
- 3.2.7 Paragraph 4 should have language change from “inimical” to “harmful”
- 3.2.7 paragraph 5 “planting” should be replaced with “placing”
- If we keep paragraph 5, it needs to be clearer
- Trying to regulate space in front of private property – does the current language cover concerns?
- Would suggest that paragraph 5 of 3.2.7 is not needed.

Public Comment (3.2.5 and 3.2.6):

- Would like to have trees called “street trees” instead of “public trees” if they are alongside a street – distinguish between the two
- Street tree plantings should be considered first by private property owners adjacent to the potential tree planting.
- The City is responsible for planting public trees in streets/sidewalks; private owners should not be responsible.
- If planting public trees is a real priority, we need to see clearer responsibility outlined
- Take out paragraph in section 3.2.7 that starts with “Any person intending to use material...”
- Paragraph starting with “private property owners may remove any dead, high risk...” – add “without a permit” at the end.
- Will trees be allowed to grow up and obstruct view shed along Ocean View Blvd.?
- The view shed is being discussed by the planning commission – City Council told this group to not discuss view sheds because they would be undertaken in the planning commission.
- Trees along view shed areas take patience, but can be visual assets.
- Public maintenance on public land should occur
- It could be frustrating if a private property owner wants to donate a tree to public space – they should be able to donate the tree without having to maintain it (it’s a gift to the City- the City would then need to maintain it)
- Consensus reached on no impermeable material to be used.
- The first priority needs to be the consensus of the private property owner if planting a public tree on their street.

Next Steps:

- As of this month, we are getting beyond the original project schedule. On February 1, 2012 we need to report our progress to City Council.
- The UFAC has been tasked with thinking about what the remainder of the review process should be and to make a recommendation to the City Council on how to proceed.
- Next meeting, we will have a list of proposed revisions – one list of consensus issues and one list of key issues to be re-visited (like table 5-1 and protected trees). We will also have a new version of the standards with underlines and strikeouts incorporated, as soon as possible (may not be at the next meeting, but will try to get it out ASAP).
- The UFAC is tasked with coming to the next meeting with an idea of how to proceed with this process, to review the written comments and meeting notes that have been received to date, and to create a list of their own comments. UFAC should also consider how many more meetings they are willing to have and how many they think need to happen to get through the document.
- The UFMP will be discussed at the NRC meeting on January 24, 2012 and the City Council meeting on February 1, 2012. These meetings are to provide a status

update of the UFMP and to get additional input from the NRC, Council, and public.

Adjournment

Meeting adjourned at 6:10 pm

UFAC Meeting January 10, 2012

Flip Chart Notes

Public Comment

- Use track changes or underline/strikeout for changes to the document. Confusing to have new version of documents (change to numbering of Chapter 5 in full UFMP draft)
- How will consensus changes to the document be made?
 - List of consensus recommendations
 - List of recommendations without consensus

UFAC review of Chapter 5, continued

- Section 5.3.2.3 – Appraised value of trees may not be most practical way to determine in-lieu fee, could be based on tree size.
- Appraised value is a good mechanism for enforcement fines
- In lieu fee should only be allowed as an exception
- If appropriate to remove a tree because it is dead, dying or undesirable, the site is too crowded, and the removal is unrelated to development, in lieu fee should not be required
- If a fundamental principle of the plan is to restore the canopy, if replacement is not required how are we going to achieve that goal? Recommend not allowing off-site mitigation (not consensus)
- Will want to work further on Table 5-1
- Rewrite Sections 3.2.3 and 3.2
- Don't want a mechanism to buy out of replacement requirement, replace in the same location. (Off site mitigation is) indirect and has a time delay.
- (Would need) a list of locations/receiver sites for off-site replacement
- If appropriate to remove and site is too crowded, unrelated to development, in lieu fees should not be required because the tree is dead, dying, or undesirable.
- Fundamental principle to restore canopy, if replacement is not required how are we going to achieve - don't allow off-site mitigation (not consensus)
- Will want to work further on Table 5-1
- Don't want a mechanism to buy out of requirement – replace in same location (indirect and time delay concern)
- List of locations/receiver sites for off-site replacement
- If at the discretion of the City arborist, require notice (not consensus)

- 3.2.4 – Clarify 1st sentence – distinguish between non-development tree removal and development related
- Clarify that verification includes documentation, e.g. photographs, site inspection
- Option – deposit for replacement tree to be refunded upon document showing tree planting
- Monitoring of replacement trees hard to implement, costly
- Option to have periodic check, but not every 6 months for 5 years
- Verify at 1 year and 5 year (and 10 years – not consensus)
- Opposed to using guide for appraisal value of in-lieu fee – should be reasonable and not penalize people who have planted a lot of trees
- Current in-lieu fee based on cost of city staff time, not appraised value fee needed to help get tree established
- Suggestion to use community volunteers (PG high community service) for verification
- Revisit table 5-1
- Trees re-establish and plant themselves, nature takes care of itself
- Unfair to require property owners to pay appraised value for trees they didn't plant – set fee more fair
- Best time to plant may not be immediate (within 60 days), seasonal variability (e.g. drought condition)
- Could be appropriate fine for illegal tree removal
- Consider section/ revision on reverse – unprotected trees
- 3.2.6 -- Revise “in any new subdivision” to “associated with major development” to section 5.4 (major: tbd – e.g. valuation of project)
- Not necessary to use guide for replacement cost for tree appraisals
- 3.2.7 – Revise to require a permit for public trees
- Unclear when a public tree planted by a private owner becomes a City tree
- Clarify private pruning of public trees
- Condition of development approval? Long-term maintenance responsibility should be specified
- Change “inimical” to “harmful”
- Distinguish “street trees” from “public trees” – recommended revision to reverse perspective from private property
- Only allow City to plant trees in public right-of-way and clear responsibility of City for public street trees (not consensus to disallow private planting but City is responsible for maintenance)
- Support for David Meyers' comment to not plant trees that interfere with Ocean View Blvd. view shed on ocean side.
- Wants to disallow impermeable surface covering in ROW landscape areas