

DRAFT MINUTES OF REGULAR MEETING**Beautification & Natural Resources Commission****DATE & TIME:** Tuesday, May 27, 2014, 4:00 p.m.**LOCATION:** Council Chambers**MEMBERS PRESENT:** Jean Anton (C), Mary Flaig (VC, acting S), Thom Akeman, Kelly Terry, Frances Grate**STAFF PRESENT:** Laurel O'Halloran, Daniel Gho**COUNCIL LIAISON:** Casey Lucius**AGENDA****1. Call to Order***Jean Anton (Chair) called the meeting to order at 4:00 p.m.***2. Roll Call**

Commissioners Anton, Flaig, Akeman, Terry and Grate present. Commissioners Mollring and Thomas absent.

3. Commissioners' Reports**Akeman:**Harbor Seals Complimented Dan Gho and thanked him for the lattice fencing. Record pupping season. Estimate 90 pups total, of which 16 were born in 5th St. cove. Doesn't think any pups were lost to human intrusion. Possibly lost one or two to high waves on Easter Sunday.Recreation Board Seeking help from BNRC on the issue of helium balloons. City permits for events prohibit helium balloons, but ban hasn't been enforced and isn't being followed. Most recent example: Good Old Days, helium balloons on Lighthouse Ave.

Rec Board considering placing the ban higher and in bold type on the permit forms, and request that permit issuers stress the prohibition when permit is issued. Also discussed adding a penalty to the ban, i.e. misdemeanor. No penalty now. Further discussion about types of balloons and locations to include. Ex. only helium? all balloons? near the shore? indoor? outdoor?

BNRC Suggestions: Frances Grate - include an explanation for the ban on the permit form.

Jean Anton - have permit recipients initial the line on the permit form indicating they know about and understand the prohibition.

Flaig, Anton:Follow-up - tree removal at 307 Wood St. City arborist, Al Weisfuss, sent photos taken of the tree's interior on the day it was removed. Findings support decision to remove tree. Jean Anton shared notes from telephone conversation with arborist Andrew Tope: "It was decayed." "It was an accident waiting to happen." "There was rot in the tree." "It had probably been topped at some point." "Not a good tree." "Al knows. He's tough." "It was a mess."

Frances Grate reiterated her opposition to the tree's removal, citing her 50 years experience with trees with similar problems.

Frances Grate: Agenda does not include opportunity to approve the agenda. Wishes to change item number 9. to an action item for the purpose of sending it to city council. Jean Anton requests guidance from staff. Daniel Gho advises that making it an action item by a vote of the commission today isn't possible. Action items require posting 48 hrs in advance for the benefit of the public. Frances Grate states that she requested, in advance, that it be an action item, both in her email to and phone conversation with Laurel O'Halloran. Laurel explains that she consulted her director who advised her to make it a discussion item and, depending on the outcome of today's discussion, include it as an action item on June's agenda. Frances - there is often too much discussion resulting in too little action. Frustrated with staff's explanation. Why wasn't it made an action item as she requested, and the public noticed appropriately?

4. Public Comment

Cosmo Bua - Sent a letter re item 7.C. [Tree Appeal fees] on April 22 agenda, which was continued for lack of time for public comment. Doesn't see it on today's agenda. Why not? The issue is not the fees themselves but how difficult it's become to preserve trees. Would like BNRC to discuss the fact that saving trees is a separate matter and should be more possible than it is now. Council doesn't care about preserving trees. There needs to be a different way to deal with tree removal as a component of development. Would like to be able to appeal tree destruction, not the development itself.

Sally Moore - Oak tree went down on 11th and Pine Sunday morning. Why no tree report with today's agenda?

Monterey Pine at 516 Eardley, CDD Permit 14-054. Why no follow-up? Does not know how to follow-up herself.

5. Council Liaison Report

Casey Lucius re BNRC's request to council that budget include an item for tree planting and tree care. She articulated our message at May 7 council meeting. Council chose not to discuss or act on it. Budget contains a \$62,000 urban greening grant for a tree inventory and tree planting. Speculates that council deems that to be sufficient.

6. Staff Report

Laurel O'Halloran - RainScapes update. Almost ready to launch. Information re rebates will be posted on city web site in Living Section. Pilar Chaves welcomes input and is willing to come to a BNRC meeting to answer questions.

Trees for PG Fund: Public Works is currently evaluating trees Downtown and in Washington Park for replacement, and working with Al Saxe from PG Unified School District, and Pebble Beach. They intend to use the remaining \$4,000 in the Trees for PG Fund. The RFP for the Urban Forest Management Plan is now posted on city web site.

Daniel Gho - Tree inventory RFP was posted today. Will be open to receive bids until July 11. Assessing the job will not be simple for potential bidders. Mr. Gho will keep the commission updated on the number of responses.

7. Public Acknowledgement

Jean Anton - Sally Moore for her work on the triangle in front of the Sally Griffin Senior Center. Daniel Gho reported that Public Works planted a Canary Island Pine there today. Sally Moore will water the tree. Jean Anton offered commission help if Sally tires of the effort or needs assistance.

Laurel O'Halloran - for Employee of the Quarter award

8. Approval of Minutes

A. April 22, 2014 Meeting Frances Grate made a motion to approve, seconded by Akeman. Minutes approved unanimously.

9. Reports - Information Only

A. Discussion to update the Tree Ordinance

Reference: Frances Grate Must aggressively work to save our urban canopy. Unlike PG, Carmel aggressively puts trees at the top of any development. The tree ordinance was made effective in November of 2012. Commission needs to address unintended consequences. 1) Many elements of the 300' zone around the Monarch Sanctuary have been ignored. Proposing that the restrictions on pruning or removal of trees within sanctuary zone be changed to **any time of the year**. Currently the restriction is limited to October through April. 2) Current ordinance states that a permit is needed for "All other trees on private property (except protected trees) regardless of species, twelve inches in diameter measured at 54" above native grade." Proposed change: Replace the words *12" in diameter* with the words *8" in diameter*. Cited the Acacia south of the sanctuary that was allowed to be removed. Removal created a wind tunnel.

Public Comment

Casey Lucius - A year since the ordinance was passed, so a good time to review. Ask city arborist to come to next meeting, especially if this is a voting item, to get his input on feasibility of changes. Council acknowledges that people have private property rights, and is concerned about the city's liability for health and safety.

Sally Moore - Ordinance on city web site has still not been updated. Requests that Laurel correct. Has checked the arborist's contract. Hasn't read all of it, but believes that, while it says the position is part-time, it does not say the hours are 8 a.m. to 12 p.m. It's reasonable to require him to shift his hours once a month to attend BNRC meetings. Requests that Laurel check on that.

Cosmo Bua - Proposed changes are modest, and shouldn't require much discussion. City arborist should be required to be at every meeting. Public can't get answers to critiques of tree report. Tremendous problem with enforcement. Commission needs to address penalties and enforcement. City itself doesn't follow its own policy. Cites Palm tree at Sea Breeze Motel as example of that.

Commission discussion

Jean Anton - Agrees that having a part-time arborist limits commission's ability to address issues. But, requiring him to attend BNRC meetings costs the city money.

Thom Akeman - Will look at Frances' recommendations. Feels strongly about Monarch Sanctuary issues. We are losing the windbreaks down there. Suspects the limitations on pruning and removal had more to do with the noise, than windbreaks. Many of the trees are old and there may be good reasons to remove them. Sees no problem with year-round restriction. We are losing the windbreaks. Not as concerned about size of the unprotected trees.

Re: Development and trees. The concern is that tree removals be reviewed by some panel. Since development issues are reviewed by the ARB, the Planning Commission, or both, there is a panel that looks at those tree removals.. The public has opportunities to argue that trees not be removed during the public hearings of those panels. Prior to implementing tree ordinance, there was no panel to review trees not involved in development. That's why issues involving those trees were brought to the BNRC.

Kelly Terry - Requests clarification of existing ordinance as it pertains to trees in the sanctuary.

Frances Grate - The 2 acre parcel that is the Monarch Sanctuary has lost a lot of its trees and there's no city record (no permits) for this. Evidence for this: photographs taken by a private citizen showing the loss of trees. Limiting pruning and removal year round will alert property owners to the problem. Would also like the city to send letters to property owners and realtors making them aware of the restrictions on tree removal and pruning in the zone around the sanctuary. Would like city to include information in the property files.

Jean Anton - Perhaps if commission votes to send the changes to city council, a letter could be composed and sent to property owners. Would serve as a reminder, and also notify them of the changes.

France Grate - Have been told in the past that such a letter would have to be approved by city attorney.

Jean Anton - Will make an appointment with city attorney and discuss.

Mary Flaig - Are property owners removing protected trees without permits?

Frances Grate - Non-protected trees, such as the Acacia, yes.

Mary Flaig - Supposedly property owners learn what is and isn't allowed when they request permits for trimming and removal.

Frances Grate - it's not working. Need to do more.

Laurel O'Halloran - Al Weisfuss suggests that tree permit application be updated to require everyone to apply for a permit, whether or not obtaining a permit is required. This would notify him of the intention to prune or remove, and give him an opportunity to make the applicant aware of the sanctuary and whether or not they're within the protected zone.

Frances Grate - Tree report could have a column where butterfly zone could be noted.

Dan Gho - Met with new owner of Butterfly Inn and reviewed the restrictions. Also, Al Weisfuss met with Dr. Stuart Weiss to look at sanctuary trees. There will be a report and we should have that soon. There are trees in the sanctuary with severe pitch canker. Concerned it will spread.

France Grate - Opinions differ on pitch canker.

Terry Kelly - What's the benefit of changing the ordinance from 12" to 8"?

Frances Grate - Hopefully fewer trees will be lost.

Jean Anton - Will make this an action item for next month.

10. Reports - Requiring Action**A. Meeting day change to the 3rd Tuesday of the month**

Reference: Laurel O'Halloran ARB now meets at 4:00 on 2nd Tuesday of the month, but would like to have the 2nd and 4th Tuesdays available.

Public Comment - none

Thom Akeman - motion to accept the request to move the BNRC to the third Tuesday of the month starting in June. Frances Grate seconded.. Motion approved unanimously.

11. Adjournment

Jean Anton - Action items for June agenda?

Frances Grate - Would like to find a better approach to tree canopy preservation. Suggestions?

Daniel Gho - Wait to see what the tree inventory reveals before spending money on possibly redundant assessments. Requests an action item for staff proposed changes to tree ordinance.

Kelly Terry - Are plastic bags in BNRC's perview? Casey Lucious: council is addressing and should be making a decision in June or July. Kelly disagrees with council's approach so far.

Thom Akeman *made a motion to adjourn the meeting; seconded by Frances. Unanimously approved.*

Chair adjourned the meeting at 5:00