CITY OF CARMEL-BY-THE-SEA
FOREST AND BEACH COMMISSION

Sarah Berling, Kelly Brezoczky, Tamara Michie, JC Myers, Brian Sours

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

REGULAR MEETING
Thursday, February 9, 2023

VIDEO

THIS MEETING IS VIA TELECONFERENCE AND IN-PERSON AT CITY HALL

Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body.

To that end, this meeting will be held via teleconference and in-person in the City Council Chambers at City Hall located on Monte Verde Street between Ocean and Seventh Avenue. To participate via teleconference click the following link to attend via Zoom (or copy and paste link in your browser): https://ci-carmel-ca-us.zoom.us/j/86736863314 Meeting ID: 867 3686 3314 Passcode: 647840 Dial: +1 720 707 2699

The COVID-19 Community Level for Monterey County as of the date of this agenda posting on February 6, 2023 is LOW. Per Urgency Ordinance 2022-006, wearing a face mask to attend a meeting of a legislative body inside a City facility is optional when the community level is low. Seating will be limited and available on a first come first served basis.

Tour Time 3:00 PM

TOUR OF INSPECTION

Prior to calling the meeting to order, the Board/Commission will conduct an on-site tour of inspection of the properties listed on the agenda and the public is welcome to join. After the tour is complete, the Board/Commission will begin the meeting in the City Council Chambers no earlier than the time noted on the agenda.

A. North San Antonio Avenue 2 Southwest of Second Avenue

MEETING 3:30 PM

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC APPEARANCES

Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Commission. Matters not appearing on Commission's agenda will not receive action at this meeting but may be referred to staff for a future meeting. Persons are not required to give their names, but it is helpful for speakers to state their names so that they may be identified in the minutes of the meeting.

ANNOUNCEMENTS

CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Commission or the public may ask that any items be considered individually for purposes of Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. Approve the January 12, 2023 Meeting Minutes
2. Public Comments received after the meeting

PUBLIC HEARINGS

3. Consideration of TR 23-017 (Purcell and Tutelian) for pruning in the City right-of-way fronting North San Antonio Avenue 2 SW of Second Avenue (APN 010-421-001).

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

4. Receive a presentation from Leadership Carmel regarding their proposed Legacy Projects at Devendorf Park and/or Forest Hill Park.
5. City Forester's Monthly Report for January 2023
6. Public Works Director's Monthly Report for January 2023

FUTURE AGENDA ITEMS

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage http://www.ci.carmel.ca.us in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the Forest & Beach Commission regarding any item on this agenda, received after the posting of the agenda will be available at the Public Works Department located on the east side of Junipero Street between Fourth and Fifth Avenues during normal business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this

meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).

CITY OF CARMEL-BY-THE-SEA
FOREST AND BEACH COMMISSION
Staff Report

February 9, 2023
CONSENT AGENDA

TO:	Forest and Beach Commissioners
SUBMITTED BY:	Yvette Oblander, Administrative Coordinator
SUBJECT:	Approve the January 12, 2023 Meeting Minutes

RECOMMENDATION:

Approve the January 12, 2023 Meeting Minutes.

BACKGROUND/SUMMARY:

FISCAL IMPACT:

ATTACHMENTS:

FBC Meeting Minutes January 12, 2023

REGULAR MEETING MINUTES
Thursday, January 12, 2023

MEETING 3:30 PM
Tour Time 3:00 PM

TOUR OF INSPECTION

Commissioners and Staff toured the following site:

- Vizcaino Avenue, 11 Southeast of Mountain View Avenue

CALL TO ORDER AND ROLL CALL

PRESENT:	Berling, Brezoczky, Michie, Sours
ABSENT:	Myers
STAFF PRESENT:	Sara Davis, City Forester
	Tom Ford, Administrative Analyst
	Robert Harary, P.E., Director of Public Works
	Nova Romero, City Clerk
	Yvette Oblander, Commission Secretary/Administrative Coordinator
	Rob Culver, Public Works Superintendent

PUBLIC APPEARANCES

Michael McWalters
Shirley Moon
Dale Byrne
Cindy Lloyd

Written Correspondence (attached to Minutes):
Pamela Sheppard
Maria Sutherland – Friends of Carmel Forest
Steven Hillyard – Pertaining to Public Hearing Item 2

ANNOUNCEMENTS

Director Harary announced:

- City staff who live north of the Salinas River, including our IT personnel, are working remotely today due to the possibility of the Salinas River flooding and closing the highways to the peninsula. Because of these last-minute circumstances, and in order to video-record this meeting, staff asked the Commissioners to attend this meeting via Zoom. Co-Chair Berling and Director Harary attended the meeting in person in the Council Chambers so that anyone from the public that showed up for Public Comments were also available via Zoom.
- Initial storm damage updates will be discussed during the Forester's and the Director's Monthly Reports. We are just starting to assess the storm damage, and we still have strong, ongoing storms in the forecast.

- We received 2 letters of correspondence from the public that were provided to the Commissioners, but for items that are not on this Agenda. They will be included for the record under Public Appearances in the Minutes. One letter of correspondence was received pertaining to the Public Hearing item.

CONSENT AGENDA

Item 1: Approve December 8, 2023 Meeting Minutes

Commissioner Michie moved to approve the December 15, 2022 Meeting Minutes, seconded by Commissioner Brezoczwky and carried by the following vote:

AYES: Berling, Brezoczky, Michie, Sours
NOES: None
ABSENT: Myers
ABSTAIN: None

PUBLIC HEARINGS

Item 2: Approve or deny the removal of two Monterey pines on private property at Vizcaino Avenue 11 Southeast of Mountain View Avenue (Tree Permit Application 22-173)

City Forester Davis presented the Staff Report and recommended to approve the removal of two Monterey pines and require the replanting of two upper canopy trees on private property, all at the Applicant's expense. Forester Davis addressed questions of the Commission.

Applicant and property owner Gail Lehman noted that the Tree Risk Assessment Report performed by her consulting arborist concluded that both trees are at a high risk of falling. She said that if the trees come down, they will fall on her studio, and she will not have a place to work. She also stated that she supports replanting two trees, but suggested she be allowed to plant ornamental, rather than upper canopy trees.

Public Comment

Dale Byrne
Maria Sutherland

Co-Chair Berling motioned to approve the removal of both trees and allow the family to decide if they would like to plant two ornamental trees instead of upper canopy trees or pay the $800 in lieu fee for each tree not replanted. Seconded by Commissioner Michie and followed by the following vote:

AYES: Berling, Brezoczky, Michie, Sours
NOES: None
ABSENT: Myers
ABSTAIN: None

ORDERS OF BUSINESS

Item 3. Receive a presentation regarding Public Works Department highlights for 2022

Director Harary gave a presentation of the Public Works Department Overview for 2022. The purpose of this presentation was to provide Commissioners, and members of the public, with an overview of the five operating divisions in Public Works, namely Environmental Programs, Facilities Maintenance, Forestry, Parks and Beach, Project Management, and Street Maintenance, and how each division supports the quality, conditions, operations, and sustainability of the urban forest, parks, open spaces, and beaches in Carmel. The presentation also summarized challenges the department faced in 2022 as well as a brief overview of the condition of the City's vital infrastructure.

Director Harary also addressed questions of the Commission. This was an informational presentation report only, and no action was required by the Commission.

Public Comment
Dale Byrne

Item 4: City Forester's Monthly Report for December 2022

City Forester Davis presented the Forester's Report for December 2022 which included:

- Planted 11 new trees, including: dogwoods, cedar, ponderosa pine, sequoia, and redwood.
- Davey Resource Group, the consultant hired to prepare the Urban Forest Master Plan, met with Public Works staff and finalized inventory data specifications. A formal kick-off meeting with the Project Team has been scheduled for 1/11/2023.
- The application for the Urban Forest Master Plan Steering Committee was completed and will be advertised beginning on 1/13/2023. Closing date for applications is 1/31/2023.
- Landscape maintenance contractor Town & Country was issued 6 Task Orders in December. Worked with the contractor to streamline the Task Order process and task completion.
- Bid documents were completed for the On-Call Tree Care Services Contract and have been advertised. The Pre-Bid Meeting is scheduled for 1/10/2023, and the Bid Opening will be held on 1/31/2023.
- Met with the Planning Director to resolve concerns for an upcoming ordinance for landscaping in the public right-of-way and discuss qualifications for a landscape architectural consultant.
- Removed rocks below the swings at Forest Hill Park.
- In 2022, for private trees, 180 applications were processed, 168 removals were authorized, and 90 trees were required to be replanted. For public trees, 675 trees were pruned, 135 were removed, and 45 were planted.
- Preliminary estimates for the storm damage include 38 City trees down and 14 private trees down.

Public Comment
Maria Sutherland

Item 5: Public Works Director's Monthly Report for December 2022

Director Harary presented the Public Works Department report for December which included:

Forestry, Parks, and Beach-related Capital Improvement issues:

- For the MTNP well abandonment and pump house and water tank removal project, PG&E removed the unused electric meter and aerial cabling. The power pole will also be removed with the Project.
- For the MTNP's 3 Drainage Improvements Project, the construction plans are complete, technical specifications were checked, and bidding documents are being assembled. The Project will be advertised for bids once the regulatory permits, now all in progress, are approved.

Note: At this point in time, the internet connection to the Director and Co-Chair's laptop in the Council Chambers failed. The rest of the meeting was facilitated by remaining Commissioners and Commission Secretary. The following items were included in the written report, but not stated on the video recording:

Update on the Climate Committee

- Continued to coordinate with EMC, Integral Consultants, and Haro Kashunich for preliminary tasks associated with the Coastal Engineering Study – a key Climate Adaptation Project. The consultants visited the beach during the storms to see firsthand the impacts of the high tide impacts and sand erosion.

Update on Volunteer Organizations

- Carmel Cares continued to obtain quotes for lumber and hardware for the Scenic Pathway Guardrail Repair Project. Plans prepared for the Project by Carmel Cares were approved by staff.
- They obtained a contractor quote to install an ADA-compliant pathway from a parking space to a proposed picnic table area for Phase 2 improvements at Forest Theater. Due to the high cost, alternative locations are being considered.
- Carmel Cares requested the City provide pink, rather than dark green, Mutt Mitts so that they are more visible with the expectation that more pet owners would clean up after their pets. However, the estimated cost for the pink (or other brightly-colored) two-ply Mutt Mitts would be $62k, more than twice the current cost of $24k for the single-ply green products.

Miscellaneous Forest, Parks, Beach and related Public Works items

- Public Works divisions supported the Holiday Celebration at Devendorf Park on December 2nd.
- In December, several storms dumped 4.3 inches of rain, resulting in power outages, removing approximately 5 down City trees and numerous limbs, coordinating with residents for removing 5 private trees, repairing fallen traffic signs, placing sand bags, clearing storm drains, and setting barricades. A sinkhole damaged a portion of split rail fencing along the Fourth Avenue Pathway toward the beach access stairs.
- Repaired vandalism damage, notably in park restrooms, ranging from a hanging toilet replacement to smoke detector protection cages.
- Made repairs to the boardwalk landing at the Fourth Avenue beach access stairs.
- Welded a beach access stairs handrail.
- Removed large and mid-sized logs from Carmel Beach.
- Excavated several new tree squares for upcoming tree plantings, and patched concrete over tree squares where trees are not viable for replanting.
- Regraded, and placed and compacted decomposed granite along the Serra Trail near the south end of MTNP. Unfortunately, the new road surfacing did not fully hold up to the strong rains we had in late December. Sand bags were placed until permanent drainage improvements are constructed in 2023.

Public Comment

Dale Byne– Stated that Carmel Cares would pay the cost for pink Mutt Mitts and provide them along the shoreline.

FUTURE AGENDA ITEMS

- None

ADJOURNMENT

Respectfully submitted,

_____
Yvette Oblander, Commission Secretary/Administrative Coordinator

Approved by:

_____
Sarah Berling, Co-Chair

CITY OF CARMEL-BY-THE-SEA
FOREST AND BEACH COMMISSION
Staff Report

February 9, 2023
CONSENT AGENDA

TO:	Forest and Beach Commissioners
SUBMITTED BY:	Yvette Oblander, Administrative Coordinator - Commission Clerk
SUBJECT:	Public Comments received after the meeting

RECOMMENDATION:

BACKGROUND/SUMMARY:

During the Forest & Beach Commission meeting there was a technical issue and the Zoom feed was cut off. Due to this, members of the Commission, staff, and public who were viewing the meeting via Zoom were unable to hear all of the public comments.

Those members of the public who commented on items emailed their comments to City staff. These emailed comments are attached.

FISCAL IMPACT:

ATTACHMENTS:

Public Comment - Email Correspondence
Public Comment - Email Correspondence
Public Comment - Email Correspondence

Attachment 1

RECEIVED
JAN 04 2023
City of Carmel-by-the-Sea
Planning & Building Dept.

Steven A. Hillyard
PO Box 6475
Carmel-by-the-Sea, California 93921

January 4, 2023

Forest and Beach Commission
City of Carmel-by-the-Sea
PO Box CC
Carmel-by-the-Sea, California 93921

Re: Application for a permit to remove two pine trees at 11 Southeast of Mountain View on Vizcaino APN: 010-052-015-000

Chair and Commissioners:

I write in support of Gail Lehman's application for a tree-removal permit relating to her Vizcaino Avenue property. I own the property southwest of and abutting Ms. Lehman's property. (2NE of Flanders on Vizcaino APN: 010-052-010-555) My property is improved with a one story, single-family dwelling and associated fences and landscaping.

Ms. Lehman has made available to me the report by Certified Master Arborist, Justin Ono dated November 22, 2022 (Arborist Report). My comments are limited to the condition and risks presented by the tree identified in the report as #1097, the 49-inch diameter Monterey pine.

As the report notes, tree #1097 leans toward my property, and it is tall enough to impact the structures and landscaping on my lot should it fall in that direction. Its size, including its dense canopy, suggests that this impact could substantially damage those structures, as well as one coastal oak and two madrone trees located in the southern portion of my lot. Also, a couple occupies my property on a continuous basis, meaning that the threat presented by tree #1097 also constitutes a threat to this family.

The Arborist Report clearly states that the deteriorating health of tree #1097's gives it a "high likelihood of failure" and the significant threat posed by this tree make it a "high-risk" to the surrounding properties. The Arborist Report fully supports these conclusions with objective tests including resistance drilling which show significant decay at the base of tree. The report goes on to recommend that the tree be removed while it is still safe to do so. Mr. Justin Ono, the report's author, appears well qualified to make these findings and recommendations, and I urge you to adopt them.

The well documented risk that tree #1097 presents to the structures, landscaping and persons located nearby, including those on my property, compels me to strongly urge you to approve the permit application and allow Ms. Lehman to remove it.

Best regards,

Copy to: Ms. Gail Lehman

Carmel-by-the-Sea

Jessica Juico <jjuico@ci.carmel.ca.us>

Re: Forest & Beach Meeting - Public Works Report Comment

1 message

Yvette Oblander <yoblander@ci.carmel.ca.us> Fri, Jan 13, 2023 at 7:30 AM
To: Maria Sutherland <maria@mariasutherland.com>
Cc: Sara Davis <sdavis@ci.carmel.ca.us>, Robert Harary <rharary@ci.carmel.ca.us>
Bcc: jjuico@ci.carmel.ca.us

Maria,

Thank you for sending this information. I will enter this under Public Comments for last night's Forest and Beach Meeting.

Yvette Oblander
Administrative Coordinator
City of Carmel-by-the-Sea
P.O. Box CC, Carmel-by-the-Sea, CA 93921
(831) 620-2072
yoblander@cbts.us

On Thu, Jan 12, 2023 at 5:18 PM Maria Sutherland <maria@mariasutherland.com> wrote:

> Hi Yvette,
>
> I would encourage tree replacements be strictly required and monitored. It is one area that we can make a difference in the forest density at a low cost.
>
> It would also be good to confirm that replacement fees (for instance, $800 per upper canopy tree) is adequate and is going to replanting efforts. It seems the replacement value of a large tree would be much more.
>
> Thank you,
>
> Maria Sutherland
> Friends of Carmel Forest

Attachment 3

Carmel-by-the-Sea

Yvette Oblander <yoblander@ci.carmel.ca.us>

Fwd: Request for Removal of Tree in City Right of Way

2 messages

Nova Romero <nromero@ci.carmel.ca.us> Tue, Jan 10, 2023 at 10:29 AM
To: Yvette Oblander <yoblander@ci.carmel.ca.us>
Cc: Sara Davis <sdavis@ci.carmel.ca.us>, Tom Ford <tford@ci.carmel.ca.us>, Robert Harary <rharary@ci.carmel.ca.us>

Hi Yvette,

Please see the correspondence below from Pamela Sheppard. Please forward to the Forest and Beach Commissioners.

Thank you,

Nova Romero, MMC
City Clerk
City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921
(831) 620-2016
nromero@cbts.us

---------- Forwarded message ---------
From: **Nova Romero** <nromero@ci.carmel.ca.us>
Date: Tue, Jan 10, 2023 at 10:27 AM
Subject: Re: Request for Removal of Tree in City Right of Way
To: Pamela Sheppard <shepcv@icloud.com>
Cc: Sara Davis <sdavis@ci.carmel.ca.us>, Manager at Horizon Inn & Ocean View Lodge <manager@horizoninncarmel.com>, <vvanderburgh@socal.rr.com>

Good morning Pamela,

I am confirming I received your email and will forward it to Yvette, the Clerk for the Forest and Beach Commission, and the Public Works Director Bob Harary to send to the F&B Commissioners.

Thank you,

Nova Romero, MMC
City Clerk
City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921
(831) 620-2016
nromero@cbts.us

On Tue, Jan 10, 2023 at 10:19 AM Pamela Sheppard <shepcv@icloud.com> wrote:

> Good Morning Nova,
>
> Per Sara Davis, I would appreciate it if you could forward this correspondence to the Beach and Forest Commission. I understand they meet on the second Thursday of every month at 3:30pm. Unfortunately, I have a Visit Carmel Board Meeting that I am already committed to but I am anxious to have my concerns addressed at this meeting.
>
> Thank you for your assistance in this matter.

Attachment 3

Sincerely,
Pamela Sheppard
Owner, Horizon Inn and Ocean View Lodge

To the CBTS Beach and Forest Commission

- Sarah Berling
- Kelly Brezoczky
- Tamara Michie
- JC Myers
- Brian Sours

Below is a series of email exchanges with attached images of a Monterey Pine in the City right of way at the NWC of 3rd Ave and Junipero Street. Back in August of 2022, I requested the City forester remove this tree due to the severe lean that has the pine in the direct path of a main utility pole and the corner of my office building. This part of the hotel also houses a guest suite and all of our tech support.

As you can see from the various photos the asphalt is compromised around the base of the tree due to the shifting root ball. 3rd Ave is a main thoroughfare to downtown and is a popular parking area for guests and residents and employees working in the downtown area due to the fact that it is in an unmetered zone. The homeowner, Vince Vanderburgh, who residence shares the sidewalk with this pine has been monitoring its movement. Just since December the base of this tree has moved 1" which means at the canopy of this pine the lean has increased by several feet. I have guests and employees moving about this location on a daily basis. This is the main access for crossing Junipero for residents, staff and guests. We are all concerned for our safety and for the ramifications if this tree were to fall.

I respectfully request that you take a second look at this particular pine and in light of the recent storms remove it out of an abundance of caution.

Thank you,

Pamela Sheppard
Owner, Horizon Inn and Ocean View Lodge
831-594-4448

Begin forwarded message:

From: Pamela Sheppard <shepcv@icloud.com>
Subject: Fwd: Request for Removal of Tree in City Right of Way
Date: January 4, 2023 at 2:35:43 PM PST
To: Sara Davis <sdavis@ci.carmel.ca.us>

Sara,

This tree that I emailed you about previously…it will be a miracle if it does not fall in this storm!!

This is NOT A GOOD SCENARIO!

Pam

Attachment 3

Sent from my iPhone

Begin forwarded message:

From: Sara Davis <sdavis@ci.carmel.ca.us>
Date: August 5, 2022 at 12:18:23 PM PDT
To: Pamela Sheppard <shepcv@icloud.com>
Subject: Re: Request for Removal of Tree in City Right of Way

I have looked at that tree several times. The tree is growing at an angle in response to other trees blocking the sunlight to the north. There is no new cracking to the asphalt or the nearby wall that would indicate the tree is leaning. We will continue to monitor the tree on a regular basis.

However, if you would like the tree to be removed now, the matter would need to go before the Forest and Beach Commission.

Sara Davis
City Forester
Carmel-by-the-Sea
ISA RM-7105A
831-620-2073

Pronouns - she, her

On Thu, Jul 21, 2022 at 3:52 PM Pamela Sheppard <shepcv@icloud.com> wrote:

> Dear Sara,
>
> Attached are photos taken today. This Pine Tree, located in the City Right of Way on 3rd Street behind the Horizon Inn, is now precariously leaning into the street in the direct line of electrical lines, pedestrians and vehicles. Two weeks ago this same tree was virtually straight. We are concerned about the accelerated movement and the multiple hazardous risks posed: pedestrians, vehicles and electrical lines. With the busy summer season in full swing, we feel this is a situation that needs immediate consideration.
>
> I would appreciate hearing from the City at your earliest convenience.
>
> Many thanks,
> Pam Sheppard,
> Owner of the Horizon Inn
> 831-594-4448

Sent from my iPhone

Yvette Oblander <yoblander@ci.carmel.ca.us> Tue, Jan 10, 2023 at 4:23 PM
To: JC Myers <jc_myers@outlook.com>, tamara.michie@outlook.com, SARAH BERLING <smb55@aol.com>, Kelly Brezoczky <kellybrezoczky@gmail.com>, Sours Sours <sours1@sbcglobal.net>
Cc: Robert Harary <rharary@ci.carmel.ca.us>, Tom Ford <tford@ci.carmel.ca.us>, Sara Davis <sdavis@ci.carmel.ca.us>

Good Afternoon,

Please see the correspondence below from Pamela Shepard who asked that we pass along to the Commission. Attachment 3

FYI - This is not a topic on this month's Forest and Beach Agenda.

Thanks,

Yvette Oblander
Administrative Coordinator
City of Carmel-by-the-Sea
P.O. Box CC, Carmel-by-the-Sea, CA 93921
(831) 620-2072
yoblander@cbts.us

[Quoted text hidden]

CITY OF CARMEL-BY-THE-SEA
FOREST AND BEACH COMMISSION
Staff Report

February 9, 2023
PUBLIC HEARINGS

TO:	Forest and Beach Commissioners
SUBMITTED BY:	Robert M. Harary, P.E., Director of Public Works
SUBJECT:	Consideration of TR 23-017 (Purcell and Tutelian) for pruning in the City right-of-way fronting North San Antonio Avenue 2 SW of Second Avenue (APN 010-421-001).

RECOMMENDATION:

Consider TR 23-107 for pruning in the public right-of-way fronting North San Antonio Avenue 2 SW of Second Avenue in the Single-Family Residential District, APN 010-421-001.

BACKGROUND/SUMMARY:

Executive Summary:
The project is pruning in the City right-of-way fronting North San Antonio Avenue 2 SW of Second Avenue (APN 010-421-001), owned by Kathleen Correia and Stephen Evans.

The pruning is part of a larger landscaping effort involving replacement and infill planting approved under Landscape Plan Check (LD 22-177, Purcell). The project co-applicants are Philip and Anne Purcell, who own the property at North San Antonio Avenue 3 SE of Second Avenue (APN 010-242-020), and Michelle Tutelian, owner of North San Antonio Avenue 4 SW of Second Avenue (APN 010-242-038). The Purcell and Tutelian properties are located east of the project site, across North San Antonio Avenue. The co-applicants are represented by landscape architect Joni L. Janeck of Joni L. Janecki & Associates, and attorneys Cody J. Phillips and Anthony Lombardo of Anthony Lombardo & Associates.

The Planning Department issued a Notice of Approval for Landscape Plan Check (LD 22-177) on September 13, 2022. The landscape plan prepared by landscape architect Joni L. Janecki, dated February 8, 2022, proposed the removal of two (2) *Brugmansia* (Angel's Trumpet); *Eucalyptus*; three (3) *Eriobotrya Deflexa* (Bronze Loquat); and one (1) *Podocarpus*. Proposed replacement plantings included: five (5) 15-gallon *Dodonaea Viscosa 'Purpurea'* (Purple Hopseed Bush); four (4) five-gallon *Adenanthos Sericeus* (Woolly Bush); five (5) five-gallon *Ceanothus Griseus Horizontalis* (Yankee Point Ceanothus); and three (3) 24"-box spreading, multi-trunk, low-branching *Eriobotrya Deflexa* (Bronze Loquat).

Attorney Mark O'Connor filed an Appeal (APP 22-305) on behalf of Kathleen Correia and Stephen Evans on September 22, 2022. As stated on the appeal form, the appellants objected to the *"removal of established, healthy, drought-resistant trees and loss of homeowner privacy protection from public walkway and pedestrian traffic."* The Planning Commission denied the appeal (APP 22-305) on November 9, 2022, with the understanding that the LD 22-177 approval was limited to the *design* of the proposed

landscape, and the proposed tree removals would be considered by the Forest & Beach Commission. In response to the appellants' concerns, the co-applicants revised the project plans to prune rather than remove plantings and submitted a pruning application (TR 23-107) for consideration by the Forest and Beach Commission. Application TR 23-017 is included as Attachment #1, and plans and photographs are included as Attachment #2.

Background/Summary:
The project location is the public right-of-way fronting North San Antonio Avenue 2 SW of Second Avenue. In 2010, the City installed a decomposed granite pedestrian walkway in the public right-of-way along the west block face of North San Antonio Avenue between Second and Fourth Avenues. The City also installed a fence adjacent to the walkway and preserved trees and vegetation in the remaining portion of the right-of-way, west of the fence. Among the preserved trees fronting 4 North San Antonio Avenue were four City-planted (4) *Cupressus Macrocarpa* (Monterey Cypress) trees.

On August 15, 2019, City Administrator Chip Rerig was contacted by Anthony Lombardo & Associates with a request for height reduction of trees in the City right-of-way fronting 4 North San Antonio Avenue. On December 2, 2019, Rerig, and Brian Pierick, City Attorney, met with Anthony Lombardo, who represents Philip and Anne Purcell and Michelle Tutelian, at the project site to discuss pruning or removal of the Cypress trees. On February 4, 2020, Rerig informed Lombardo that the matter would be taken to the Forest and Beach Commission.

The Forest and Beach Commission discussed the Cypress trees at their March 12, 2020 meeting, and specifically referenced relevant Sections of Carmel-by-the-Sea Municipal Code (CMC):

> **CMC 12.28.020 Policy Statement**
> It is not the policy of the City to approve requests for tree trimming or tree removal in order to improve the view of any person, including the applicant.
>
> **CMC 17.48.020 Statement of Intent**
> Where tree removal is approved at the request of a property owner or occupant, another tree should be planted in a suitable location, whenever good forestry practice so dictates. It is further intended that City approval of requests for tree trimming or tree removal should be based on protecting public safety and preserving the health of the tree. The City does not trim or remove trees in order to improve the view of any person, including the applicant, except to preserve a significant public view identified in the General Plan/Land Use Plan.
>
> **CMC 17.12.050 Preservation of Public Viewshed**
> The significant coastal view across Block 37, Lots 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 20, 21, 22, and 24 within this district shall be preserved for public benefit. All site improvements or buildings approved within the R-4 district shall be studied by the Planning Commission for their effect on this viewshed. Existing views from the intersection of Torres Street and Third Avenue and from Lots 3, 5, and 7 in Block 37 zoned as district P-Z and shown on the following illustration (Figure II-7) shall be preserved. No structure shall be approved for construction and no vegetation shall be planted or maintained within the viewshed at a height that exceeds the 350-foot contour elevation as referenced on the topographic survey dated June 1983 by Clayton B. Neill Jr. (W.O. #6415).
>
> **CMC 17.48.050 Required Permits**
> B. Trees on Public Property. Any person desiring to remove or prune any portion of a tree or shrub, except Genista, growing in or upon any public street, way, park, or place within the City, or any person desiring to cut any wood, foliage, or roots from any tree on private property when more than one-half of the basal cross-sectional area of such tree is on City property, shall file an application for a permit

> consistent with CMC 17.48.060, Permit Applications. If, in the opinion of the City Forester, the tree or trees should be removed because of disease, infestation, or clear and present danger to persons or property, the trees shall be removed at City's expense. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

The Forest and Beach Commission was receptive to the idea of pruning the trees, which by that time had grown into a solid hedge over ten feet in height. The Commission specified that the trees should not be pruned solely to improve the westward view shed of the properties on the east side of North San Antonio Avenue, and directed all parties involved (the neighbors on the east and west sides of the street) to work out a compromise. The Commission instructed the City Forester to determine an appropriate height for the trees and agreed that the City would carry out necessary trimming. With the onset of the Covid-19 pandemic, the matter was put on hold at the direction of the City Administrator.

On September 4, 2020, Philip and Anne Purcell and Michelle Tutelian met onsite with their landscape architect, Joni L. Janecki, City Forester Sara Davis, and Kathleen Correia and Stephen Evans. The group discussed the removal of the four overgrown Cypress trees and appropriate new landscaping in the public right-of-way fronting the Correia/Evans property, which would be paid for and maintained by the Purcells and Ms. Tutelian. The onsite meeting concluded with the group in agreement that any new landscaping installed must afford comparable screening to the Cypress trees and would not result in diminished privacy to the Correia/Evans property. Landscape architect Joni L. Janecki took minutes of the meeting and emailed them to Sara Davis along with diagrams for the removal of the four Cypress trees on September 17, 2020 and again on September 25, 2020. On November 2, 2021, Antony Lombardo, attorney for the Purcells and Ms. Tutelian, emailed Davis to say all involved parties had *"come to an agreement on the replacement planting plan."*

Joni Janecki & Associates applied for a Tree Removal permit for the Cypress trees on November 9, 2020; Anthony Lombardo was listed as the Agent, and the City was listed as the owner. The City Forester issued Tree Removal Permit #20-151 on December 15, 2020 (Attachment #3). The permit stated: *"Your permit for tree removal/pruning has been issued to you by the City of Carmel-by-the-Sea with the condition that a tree(s) be planted as a replacement. It is the intent of the City of Carmel-by-the-Sea to fully implement its reforestation policy as outlined in the City of Carmel-by-the-Sea's Municipal Code (Chapter 12.28.180 and Chapter 17)."* Thereafter, the four Cypress trees were removed and work begun on a replacement planting plan.

On April 19, 2021, Joni L. Janecki sent an email to Sara Davis which stated:

> *"With the removal of the cypress completed, I wanted to send you the plans for how I would suggest we replant the city's sloping portion of the planting area between the sidewalk and the property line below. This plan is based on the collective input received during our neighbor meeting. A couple of updates since that meeting include replacing the tree form loquat with lower, multi-branch, spreading form bronze loquat to provide a better low-level and denser screen between the sidewalk and the house below and removal of the podocarpus that is growing into the utility lines/pole."*

On June 15, 2021, Davis reviewed Janecki's proposed landscape plan and emailed Lombardo the following statement: *"This looks fine. Do the neighbors like it?"* On July 30, 2021, Janecki sent an email to Kathleen Correia which stated: *"At Sara's suggestion I am reaching out to you to find a time to go over ideas for the next phase of work on the street edge planting area. I did leave a couple voice messages in hopes that we could find a time to meet there and walk through the next steps. If this sounds good to you, please send a few options and we can zero in on a day and time."*

On November 3, 2021, Lombardo emailed Davis to say: *"This plan has been agreed to by all of the neighbors. Let us know if it's acceptable to the City and we can discuss next steps."* On January 19, 2022, Davis responded: *"The plant selection looks fine to me."* Subsequent emails were exchanged between Lombardo, Davis, Public Works Director Bob Harary, and City Permit Technician Sullivan Carey-Lang to confirm whether an encroachment permit or Landscape Plan Check was needed; Carey-Lang confirmed that a Landscape Plan Check would be required by the City's Planning Department.

On May 23, 2022, attorney Cody J. Phillips of Anthony Lombardo & Associates submitted a Landscape Plan Check application (LD 22-177) to the City on behalf of co-applicants Philip and Anne Purcell and Michelle Tutelian for replacement and infill planting and right to maintain/trim landscaping in the public right-of-way fronting North San Antonio Avenue 2 SW of Second Avenue. Philip and Anne Purcell own the property at North San Antonio Avenue 3 SE of Second Avenue, APN 010-242-020, and Michelle Tutelian owns North San Antonio Avenue 4 SW of Second Avenue, APN 010-242-038. The Purcell and Tutelian properties are located east of the project site. The landscape plan prepared by landscape architect Joni L. Janecki, dated February 8, 2022, proposed the removal of two (2) *Brugmansia* (Angel's Trumpet); *Eucalyptus*; three (3) *Eriobotrya Deflexa* (Bronze Loquat); and one (1) *Podocarpus*, which is growing into the utility pole. The proposed project included new plantings: five (5) 15-gallon *Dodonaea Viscosa 'Purpurea'* (Purple Hopseed Bush); four (4) five-gallon *Adenanthos Sericeus* (Woolly Bush); five (5) five-gallon *Ceanothus Griseus Horizontalis* (Yankee Point Ceanothus); and three (3) 24"-box spreading, multi-trunk, low-branching *Eriobotrya Deflexa* (Bronze Loquat). The plans specified temporary irrigation to newly installed plants until the plants are established, and drainage control as necessary.

Forester Davis reviewed the proposed landscape plan associated with LD 22-177 on May 25, 2022 and had no comments for the co-applicants. The Planning Department subsequently issued a Notice of Approval for Landscape Plan Check 22-177 on June 7, 2022 (Attachment #4), and mailed postcard approval notices to property owners within a 100-foot radius. No appeals were received at that time. The co-applicants signed the Conditions of Approval; however, because the Notice of Approval was not posted onsite by the applicants as required, a Notice of Authorized Work was not issued at that time. A revised Notice of Approval for LD 22-177 (Attachment #7) was issued on September 13, 2022 and postcard notices were mailed a second time to property owners within a 100-foot radius. The revised Notice of Approval more clearly specified there were two applicants jointly submitting the application (co-applicants Philip and Anne Purcell and Michelle Tutelian) and explicitly identified the project location as the public right-of-way. The Notice of Approval was posted at the project site for the duration of the ten-day appeal period.

Attorney Mark O'Connor filed an appeal on behalf of Kathleen Correia and Stephen Evans, property owners of North San Antonio Avenue 2 SW of Second Avenue, on September 22, 2022, within the ten-day appeal period. In their appeal application (APP 22-305), (Attachment #5). The appellants objected to the *"removal of established, healthy, drought-resistant trees and loss of homeowner privacy protection from public walkway and pedestrian traffic."* The Planning Commission denied the appeal (APP 22-305) on November 9, 2022, with the understanding that the LD 22-177 approval was limited to the *design* of the proposed landscape, and the proposed tree removals would be considered by the Forest & Beach Commission.

Following the Planning Commission hearing, the co-applicants revised their project plans to respond to the appellant's concerns and submitted a pruning application (TR 23-107) for consideration by the Forest and Beach Commission. The Planning Commission Resolution is attached as Attachment #6. The plans submitted with TR 23-107 include the following changes from the plans approved under LD 22-177: prune and maintain to a 10' height (rather than remove and replace) the existing *Eriobotrya deflexa* (Bronze Loquat) and the existing *Podocarpus* that is growing into the utility pole. An addendum to the TR 23-107 application form further specifies:

Podocarpus: Prune approximately three 4" diameter branches back to side branches, as well as several smaller branches. All reduction cuts will be made according to ISA pruning standards. Since no thinning cuts will be made, the canopy density will remain the same.

Eriobotrya: Prune approximately four 4" diameter branches back to side branches, as well as several smaller branches. Since Eriobotryas have long internodes (side branches are further apart) and so as not to leave stub-cuts, part of the canopy may be just below a 10-foot height after pruning. All pruning will be done according to ISA pruning standards.

CMC Section 12.28.060 requires the proposed pruning to be approved under a tree trimming permit.

CMC 12.28.060 Permit for Cutting Trees and Shrubs on Public Property
A. Any person desiring to remove or prune any portion of a tree or shrub, except genista, growing in or upon any public street, way, park, or place within the City, or any person desiring to cut any wood, foliage, or roots from any tree on private property when more than one-half of the basal cross-sectional area of such tree is on City property, shall apply therefor to the Director of Forest, Parks and Beach on forms provided by her/him. There shall be a fee for this permit process as established from time to time by resolution of the City Council. If, in the opinion of the Director of Forest, Parks and Beach, the tree or trees should be removed because of disease, infestation, or clear and present danger to persons or property, she/he shall cause the tree or trees to be removed. In all other cases, the Director of Forest, Parks and Beach shall:

1. Place the application on an agenda of the Forest and Beach Commission, which shall act as provided for in Chapter 2.32 CMC; and

2. Notify the applicant of the time and date of the meeting at which the application shall be considered; and

3. Give notice of the action of the Forest and Beach Commission to the applicant.

CEQA
This project is statutorily exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, pursuant to Section 15301 (Class 1) – Existing Facilities. Class 1 exemptions include minor alterations to existing landscapes. The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Attachment #1 - TR 23-017 Application and Addendum
Attachment #2 - TR 23-017 Plans and Photographs
Attachment #3 - TR 20-151 Permit
Attachment #4 - LD 22-177 Notice of Approval
Attachment #5 - APP 22-305 Appeal Form
Attachment #6 - Resolution 2022-043-PC

Attachment #7 - LD 22-177 Revised Notice of Approval

City of Carmel-by-the-Sea
City Hall
PO Box CC
Carmel, CA 93921 Phone:
(831) 620-2010

Date Received: _____
FEE: $ _____
RECEIPT #: _____
Permit #: _____

APPLICATION FOR PERMIT TO REMOVE OR PRUNE TREE NO CONSTRUCTION

Location of property: 4 North San Antonio Avenue

BLOCK: _____ LOT: _____ APN: Near 010-421-001

(Applicants)
Name of Property Owner: Philip & Anne Purcell/ Michelle Tutelian

Agent/
Name of Applicant/Contractor: ~~XXXXXXXX~~ JONI L. JANECKI & ASSOCIATES, INC/Cody J. Phillips
Anthony Lombardo & Assoc.

Mailing Address: 6300 N. Sagewood Dr./ 7695 N. Pleasant Ave

Park City, UT 84098/ Fresno, CA 93711

Mailing Address: 515 Swift St. /144 W. Gabilan Street

Santa Cruz, CA 95060 /Salinas, CA 93901

Email: phil@continv.com/ mtutelian@me.com

Email: amhallal@jlja.com /cody@alombardolaw.com

Phone #: 847-494-1909

Phone #: 831-423-6040 /(831) 751-2330

WHO WILL REMOVE/PRUNE TREE(S): Owners/owners' contractor

PLEASE NOTE IF TREE(S) ARE ON CITY OR PRIVATE PROPERTY

Number, size and species of **tree(s)** to be removed: N/A

Number, size and species of **limb(s)** to be removed: Please see attached addendum.

Number, size and species of **root(s)** to be removed: N/A

Reason for removal or pruning: Shrubs in ROW are overgrown, unkempt, and unmaintained; moreover, they have grown up into the utility pole.

You will be notified in writing the date and time that your request is scheduled for a hearing. If you or your representative is unable to attend the hearing your application will be tabled. You may reschedule by contacting the Secretary to the Forest and Beach Commission at (831) 620-2070. You may waive your right to speak at the hearing and authorize the Forest Beach Commission to act on your absence by signing on the following line: _____ Date: _____

A SITE PLAN MUST ACCOMPANY THIS APPLICATION AND **SHOW** THE FOLLOWING:

1. Location, size and species of ALL trees on the lot.
2. Location and species of tree(s) /limb(s) to be removed or pruned
3. Footprint of the structure
4. Location of areas for tree replanting- The City has adopted Design Review Guidelines which include a minimum tree density per lot. Please review the attached Policy and indicate on the site plan where you intend to plant trees necessary to comply with which guideline.

- Any decision of the Forest and Beach Commission is based on information submitted with this application.
- **PLEASE BE ACCURATE.**
- **NO WORK IS PERMITTED** until your permit has been issued to you. The permit must be posted on the job site when work is being performed.

Owner's Signature: Philip J. Purcell Date: 1/19/23

Agent for Owners: _____ Date: 1/20/23

INCOMPLETE APPLICATIONS WILL BE RETURNED

City of Carmel-by-the-Sea
City Hall
PO Box CC
Carmel, CA 93921 Phone:
(831) 620-2010

Date Received: _____
FEE: $ ~~Attachment 1~~
RECEIPT #: _____
Permit #: _____

APPLICATION FOR PERMIT TO REMOVE OR PRUNE TREE NO CONSTRUCTION

Location of property: 4 North San Antonio Avenue

BLOCK: _____ LOT: _____ APN: Near 010-421-001

(Applicants)
Name of Property Owner: Philip & Anne Purcell/ Michelle Tutelian

Agent
Name of ~~Applicant/Contractor~~: JONI L. JANECKI & ASSOCIATES, INC/Cody J. Phillips
Anthony Lombardo & Associates

Mailing Address: 6300 N. Sagewood Dr./ 7695 N. Pleasant Ave
Park City, UT 84098/ Fresno, CA 93711

Mailing Address: 515 Swift St. /144 W. Gabilan Street
Santa Cruz, CA 95060 /Salinas, CA 93901

Email: phil@continv.com/ mtutelian@me.com

Email: amhallal@jlja.com /cody@alombardolaw.com

Phone #: _____

Phone #: 831-423-6040 /(831) 751-2330

WHO WILL REMOVE/PRUNE TREE(S): Owners/owners' contractor

PLEASE NOTE IF TREE(S) ARE ON CITY OR PRIVATE PROPERTY

Number, size and species of **tree(s)** to be removed: N/A

Number, size and species of **limb(s)** to be removed: Please see attached addendum.

Number, size and species of **root(s)** to be removed: N/A

Reason for removal or pruning: Shrubs in ROW are overgrown, unkempt, and unmaintained; moreover, they have grown up into the utility pole.

You will be notified in writing the date and time that your request is scheduled for a hearing. If you or your representative is unable to attend the hearing your application will be tabled. You may reschedule by contacting the Secretary to the Forest and Beach Commission at (831) 620-2070. You may waive your right to speak at the hearing and authorize the Forest Beach Commission to act on your absence by signing on the following line: _____ Date: _____

A SITE PLAN MUST ACCOMPANY THIS APPLICATION AND **SHOW** THE FOLLOWING:

1. Location, size and species of ALL trees on the lot.
2. Location and species of tree(s) /limb(s) to be removed or pruned
3. Footprint of the structure
4. Location of areas for tree replanting- The City has adopted Design Review Guidelines which include a minimum tree density per lot. Please review the attached Policy and indicate on the site plan where you intend to plant trees necessary to comply with which guideline.

- Any decision of the Forest and Beach Commission is based on information submitted with this application.
- **PLEASE BE ACCURATE.**
- **NO WORK IS PERMITTED** until your permit has been issued to you. The permit must be posted on the job site when work is being performed.

Owner's Signature: Michelle Tutelian Date: 1-19-2023

Agent for Owners: SEE SIGNATURE ON 1ST PAGE Date: _____

INCOMPLETE APPLICATIONS WILL BE RETURNED

CARMEL-BY-THE-SEA

POLICY C91-05

TREE DENSITY PER LOT

RESPONISIBLE PARTY:

This policy will be utilized by the Forest and Beach Commission to determine replacement plantings when a tree is proposed for removal. Planning staff and Forest, Parks, and Beach staff shall utilize the policy to determine new planting in conjunction with new houses and substantial alterations. Staff shall forward a recommendation to the Planning Commission based on this policy.

PURPOSE:

To protect conserve and enhance the unique natural beauty and irreplaceable natural resources of Carmel-by-the-Sea. To ensure the future of urban forest by the preservation and planting of native/indigenous trees on private property while considering the diverse vegetation existing within the community. The City recognizes these differences and will consider them when applying this policy. The City also recognizes that this policy is individual site constraints and opportunities.

POLICY/ PROCEDURE:

To implement General Plan (G-6-1), "To protect, conserve, and enhance the unique natural beauty and irreplaceable natural resources of Carmel and its sphere of influence; to conserve Carmel and its sphere of influence; to conserve Carmel's available water sources; and to protect scenic routes and corridors". The recommended replacement trees and plantings are:

LOT SIZE (SQUARE FEET)	UPPER CANOPY TREES	LOWER CANOPY TREES
Up to 4,000	3	1
4,001-6,000	4	3
6,001 to 8,000	5	4
Over 8,000	As determined by the Forest & Beach Commission	As determined by the Forest & Beach Commission

UPPER CANOPY TREES: Monterey pine, Monterey Cypress, Coast Redwoods, Douglas Fir, Bishop Pine.

LOWER CANOPY TREES: Coast live oak, liquid-amber, London plane, sycamore, fern-leaf, Catalina ironwood.

Also see "Approved Tree List for Carmel's Urban Forest"

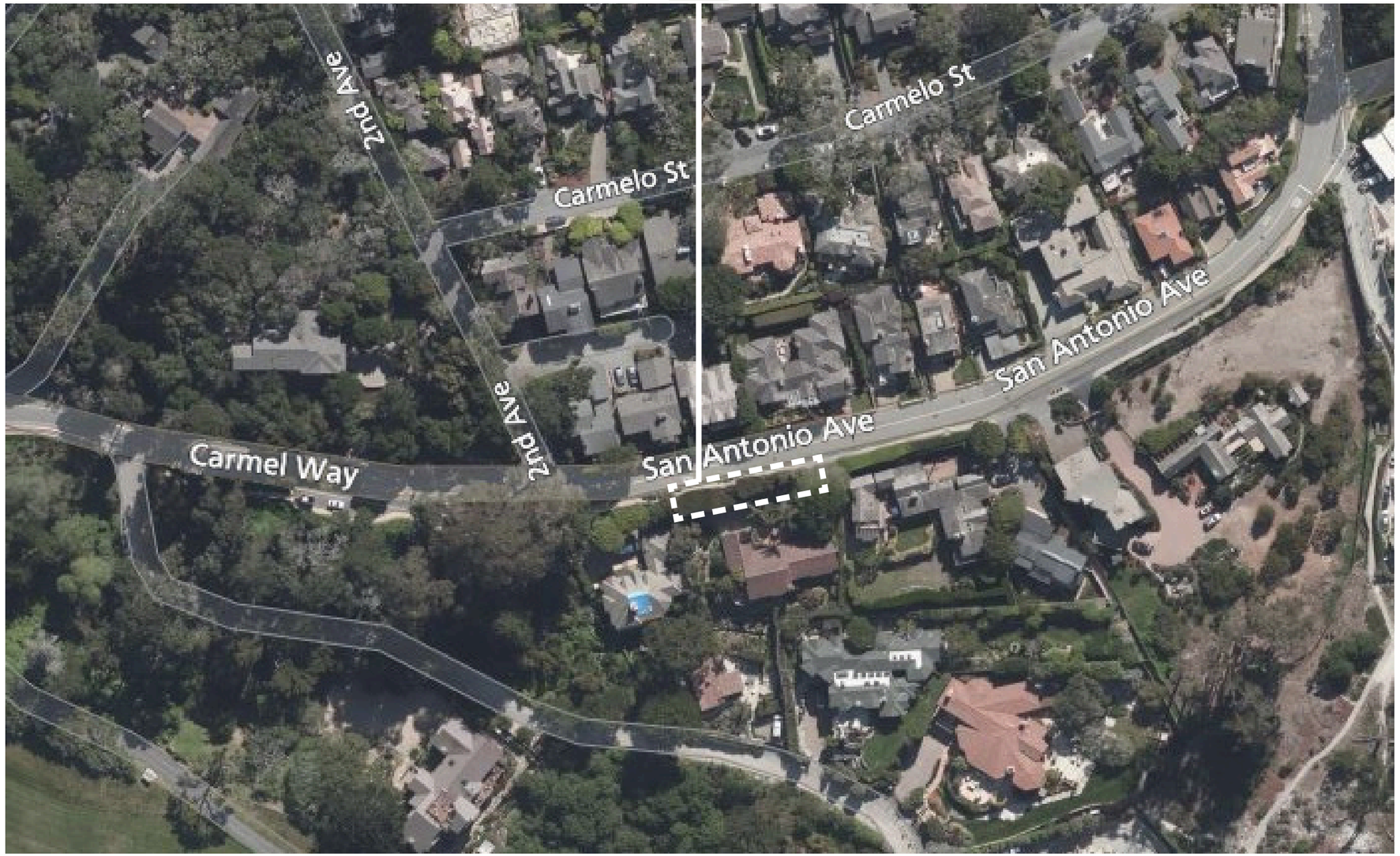
Addendum – Application for Permit to Remove or Prune Tree No Construction
January 20, 2023

Number, size, and species of limb(s) to be removed: As required to maintain *Podocarpus* and *Eriobotrya deflexa* in public right-of-way (ROW) at 10-foot height.

Podocarpus: Prune approximately three 4" diameter branches back to side branches, as well as several smaller branches. All reduction cuts will be made according to ISA pruning standards. Since no thinning cuts will be made, the canopy density will remain the same.

Eriobotrya: Prune approximately four 4" diameter branches back to side branches, as well as several smaller branches. Since *Eriobotryas* have long internodes (side branches are further apart) and so as not to leave stub-cuts, part of the canopy may be just below a 10-foot height after pruning. All pruning will be done according to ISA pruning standards.

1



KEY NOTES

1. APPROXIMATE PROJECT AREA

NOT TO SCALE

JONI L. JANECKI & ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

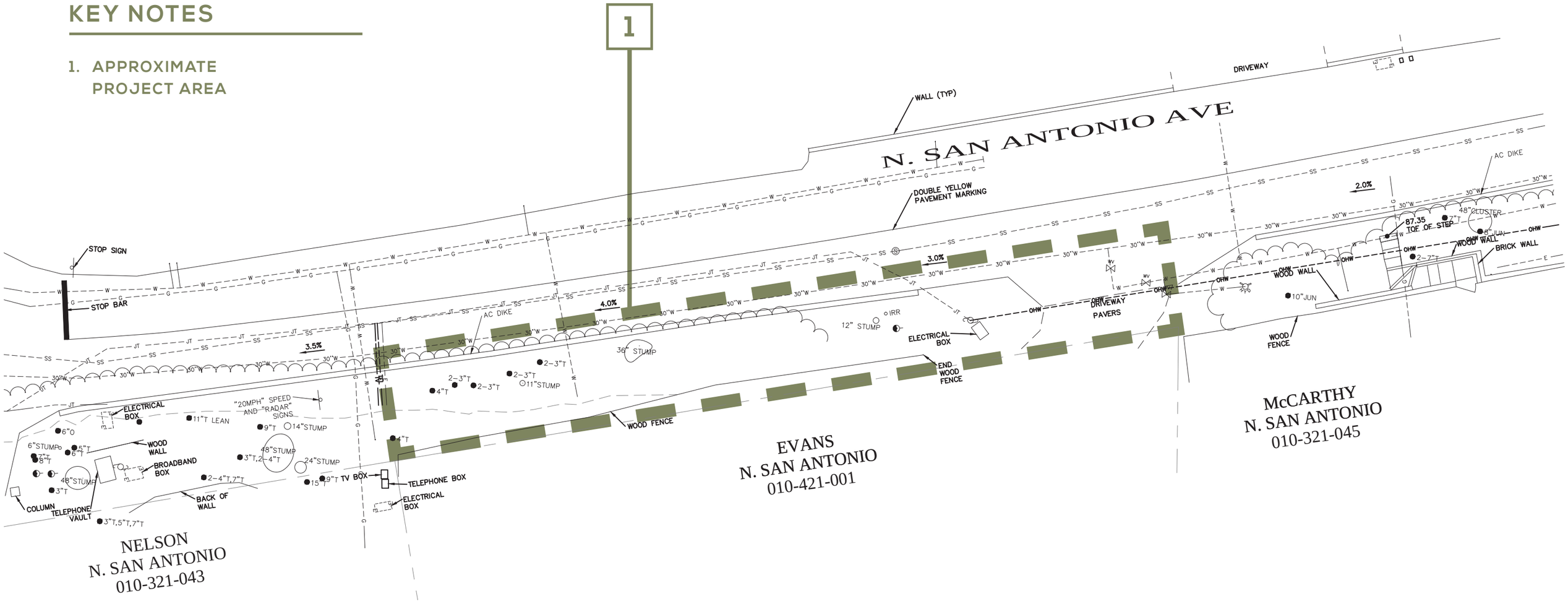
REPLACEMENT AND INFILL PLANTING

4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

KEY NOTES

1. APPROXIMATE PROJECT AREA



JONI L. JANECKI & ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

0 8′ 16′ 32′

SCALE: 1/16″ = 1′-0″

TOPOGRAPHIC SURVEY

4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

JONI L. JANECKI & ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

EXISTING CONDITIONS

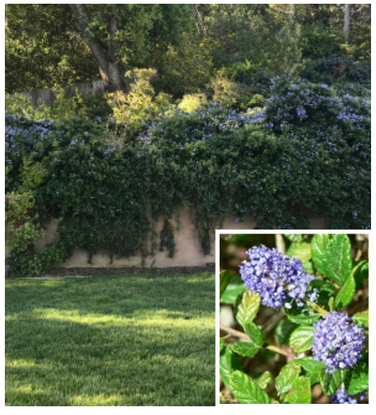
4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

NEW PLANT IMAGES

ADENANTHOS SERICEUS
(WOOLLY BUSH)

DODONAEA VISCOSA 'PURPUREA'
(PURPLE HOPSEED BUSH)



CEANOTHUS GRISEUS HORIZONTALIS
(YANKEE POINT CEANOTHUS)

JONI L. JANECKI
& ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

REMOVE ALL *BRUGMANSIA* SPP. (ANGEL'S TRUMPET)

PRUNE ALL *EUCALYPTUS* SPP.

1 PRUNE EXISTING *ERIOBOTRYA DEFLEXA* (BRONZE LOQUAT) AND MAINTAIN TO 10-FOOT HEIGHT

PLANT NEW *DODONAEA VISCOSA* 'PURPUREA' (PURPLE HOPSEED BUSH)

PLANT *ADENANTHOS SERICEUS* (WOOLLY BUSH)

1 PRUNE *PODOCARPUS* SPP. THAT IS GROWING INTO UTILITY/PG&E POLE AND MAINTAIN TO 10-FOOT HEIGHT

1 PRUNE EXISTING AND MAINTAIN TO 10-FOOT HEIGHT

PLANT NEW *CEANOTHUS GRISEUS HORIZONTALIS* (YANKEE POINT CEANOTHUS) TO INFILL GAPS ALONG PICKET FENCE

PLANT NEW *DODONAEA VISCOSA* 'PURPUREA' (PURPLE HOPSEED BUSH)

1 CHANGE "REMOVE AND REPLACE" TO "PRUNE AND MAINTAIN TO 10-FOOT HEIGHT"

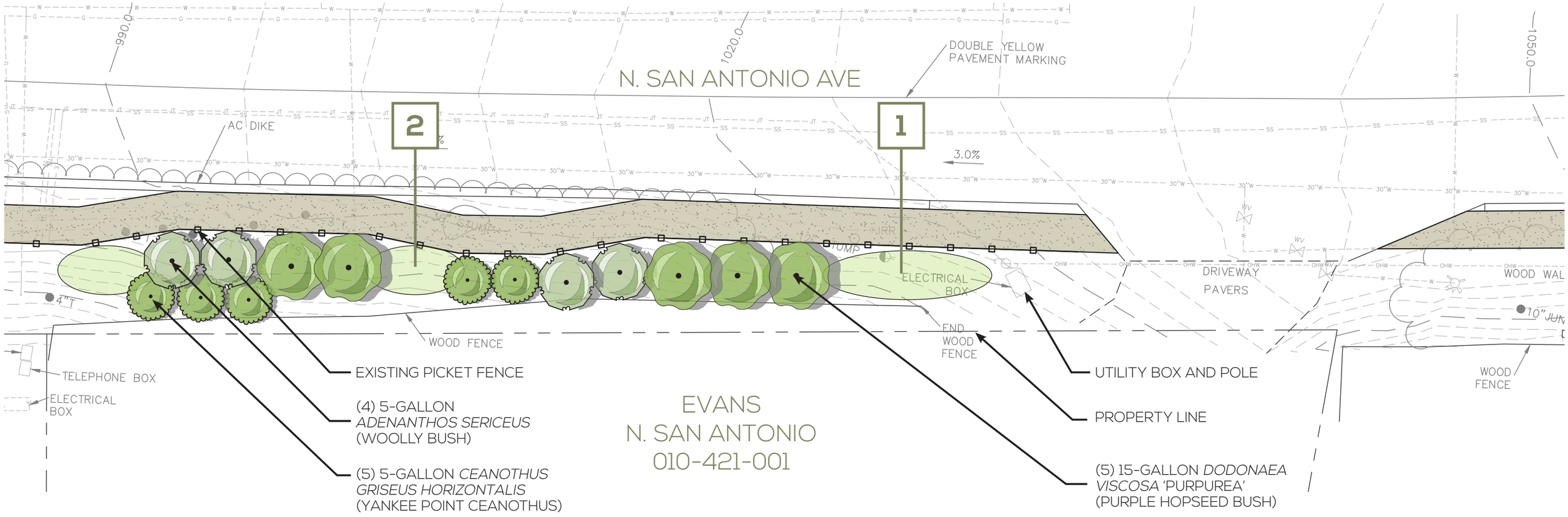
PLANT IMAGES & INFILL DIAGRAMS

4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

KEY NOTES

1. REMOVE (2) *BRUGMANSIA* SPP. (ANGEL'S TRUMPET)
2. PRUNE EXISTING *PODOCARPUS* SPP. AND *ERIOBOTRYA DEFLEXA* (BRONZE LOQUAT) TREES AND MAINTAIN TO 10-FOOT HEIGHT
3. CONTRACTOR TO PROVIDE TEMPORARY IRRIGATION OR WATERING TO NEWLY INSTALLED PLANTS UNTIL PLANTS ARE ESTABLISHED
4. CONTRACTOR TO NOTIFY USA DIG (CALL 811) 48 HOURS PRIOR TO DIGGING
5. CONTRACTOR TO NOTIFY PUBLIC WORKS DEPARTMENT (831-620-2074) 48 HOURS PRIOR TO START OF WORK
6. CONTRACTOR TO INSTALL NECESSARY MEASURES TO CONTROL DRAINAGE DURING AND AFTER CONSTRUCTION
7. CONTRACTOR TO PROTECT ALL TREES AND PLANTS DURING CONSTRUCTION: HAND DIG WITHIN 10 FEET OF TREES; NOTIFY FORESTER OF ROOTS 2" OR MORE IN DIAMETER THAT NEED TO BE CUT
8. ALL TREE PRUNING TO MEET CITY OF CARMEL PRUNING STANDARDS



EVANS
N. SAN ANTONIO
010-421-001

JONI L. JANECKI & ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

1 CHANGE "REMOVE AND REPLACE" TO "PRUNE AND MAINTAIN TO 10-FOOT HEIGHT"

REPLANTING & INFILL PLAN

4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

Attachment 3

TREE REMOVAL/PRUNING PERMIT AND POSTING NOTICE

CITY OF CARMEL-BY-THE-SEA
P.O. Box CC
Carmel, CA
Ph: (831) 620-2070/FAX: 831-624-2132

Permit # 20151 Receipt # 0

Tree Tag # _____

☐ Construction ☐ No Construction

Exact Location of property: City frontage adjacent and immediately north of 4 North San Antonio, APN 010-421-001

Block: _____ APN: _____

Name of Property Owner: _____

Agent for Owner: Anthony Lombardo, Anthony Lombardo & Associates

Mailing Address: _____

Mailing Address: [redacted]

Email: sdavis@ci.carmel.ca.us

Email: [redacted]

Phone #: (831) 620-2073

Phone #: [redacted]

Approved for removal or pruning: _____

Standard Conditions/Requirements:

1. **ALL Permits must be obtained before any tree is removed or pruned, i.e. Building, Demolition, Coastal Commission, etc.**
2. **The City Forester must be contacted no less than 2 working days but no more than 1 week before tree work commences.**
3. **All tree work must be done by a tree service company currently licensed by the City of Carmel-by-the-Sea.**
4. **This permit MUST be displayed on site in a publicly-accessible location prior to the commencement of work (including staging).**
5. **All tree(s) required to be planted, shall be installed within 30 days after tree removal.**
6. **All replacement trees must be maintained in a healthy condition for a minimum of 5 years. Inspections will be performed annually.**
7. **I will return the attached page indicating where and when the replacement trees were planted within 30 days tree removal, when replanting is required by the City.**

Replant: Yes upper / lower canopy trees // Species: _____ // _____ gal. / box

Additional Comments: _____

ISSUANCE OF A PERMIT BASED UPON PLANS AND SPECIFICATIONS ATTACHED HERETO SHALL NOT PREVENT THE BUILDING OFFICIAL OR THE CITY FORESTER FOM THEREAFTER REQUIRING THE CORRECTION OF ERRORS IN SAID PLANS AND PERMIT WHEN IN VIOLATION OF ANY CODE AND/OR ORDINANCE. ANY DEVIATIONS AND/OR CHANGE IN THESE PLANS SHALL BE APPROVED BY THE CITY FORESTER OR FOREST AND BEACH COMMISSION.

I understand and agree to comply to with the above stated conditions.

Property Owner or Authorized Agent's Signature _____ Date: _____

Print name _____ as ☐ Property Owner ☐ Authorized Agent (check one}

Permit #: 20151 Approved By: _____ Date: _____

DATE PERMIT ISSUED/PICKED UP: 11/09/2020 Permit #: 2015 Attachment 3

Your permit for tree removal/pruning has been issued to you by the City of Carmel-by-the-Sea with the condition that a tree(s) be planted as a replacement. It is the intent of the City of Carmel-by-the-Sea to fully implement its reforestation policy as outlined in the City of Carmel-by-the-Sea's Municipal Code (Chapter 12.28.180 and Chapter 17).

Tree replacement is vital to the health and continuance of your urban forest and is one of the conditions that have been agreed to by your signature on the tree removal permit.

Please sign this form and return it to the City with:

- **sketch showing the location and species of the replacement planting(s).**
- **A photographof the replacement planting(s).**

This form and supporting documentation must be submitted within thirty (30) days from the date of tree removal. The form may be dropped off to the Community Planning and Building Counter or the Public Works Counter. Alternatively, the mailing address is:

City of Carmel-by-the-Sea
Forest, Parks, and Beach Department
Post Office Box "SS"
Carmel, CA 93921

Ph: (831) 620-2070
Fax: (831) 624-2132

Random inspection will be conducted to confirm replanting requirements are met. If the replanting requirements are not satisfied, appropriate action will result. This action may lead to an issuance of a citation by the City, including fines or other legal action in compliance with Carmel Municipal Code Sections 1.16.010.A and 12.28.185.

Thank you for your cooperation.

Property Owner or Authorized Agent Signature: _____

Please Print Name: _____

Mailing Address: _____

Location of Property: _____

Location of replacement tree(s): _____

Provide a simple sketch of the tree location below or on a separate sheet.

NOTICE OF APPROVAL

The Department of Community Planning & Building of the City of Carmel-by-the-Sea has approved a Project pursuant to the City's Municipal Code. Persons interested in the project may review additional materials available at the Department of Community Planning & Building located at City Hall on Monte Verde Street between Ocean and 7th Avenues, phone number 831-620-2010.

The decision to approve this project may be appealed within 10 days from the date of this by filing a written appeal with the Department of Community Planning & Building.

Planning Case #: Landscape Plan Check/Inspection 22177

Property Owner Name: CITY OF CARMEL (Right of Way)

Case Planner: Katherine Wallace (831) 620-2032, kwallace@ci.carmel.ca.us

Date Posted: **09/13/2022**

Date Approved: 09/13/2022

Project Location: Right of way fronting 4 North San Antonio APN 010-241-001

Applicant: Cody J. Phillips, agent, on behalf of co-applicants Philip and Anne Purcell and Michelle Tutelian. The Purcell property is located at San Antonio Avenue 3 SE of 2nd Avenue, APN 010-242-020, and the Tutelian property is located at San Antonio Avenue 4 SE of 2nd Avenue, APN 010-242-038.

Project Description: Replacement and infill planting and right to maintain/trim landscape in the public right of way at 4 North San Antonio Avenue, APN 010-241-001, as depicted in the plans prepared by Joni L. Janecki & Associates dated February 8, 2022, unless modified by the Conditions of Approval.

Can this project be appealed to the Coastal Commission? *Yes* ☐ *No* ☑

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	**Authorization.** This approval of Landscape Plan Check (LD 22-177) authorizes replacement and infill planting and right to maintain/trim landscape in the public right of way at 4 North San Antonio Avenue in the Single-Family Residential (R-1) District as depicted in the plans prepared by Joni L. Janecki & Associates dated February 8, 2022, unless modified by the conditions of approval contained herein.	✓
2.	**Codes and Ordinances.** The project shall be completed in conformance with all requirements of the R-1 zoning district.	✓
3.	**Permit Validity.** This approval shall be valid for a period of one year from the date of action.	✓
4.	**Modifications.** The applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to submit the change in writing, with revised plans, within 2 weeks of the City being notified. A cease work order may be issued any time at the discretion of the Director of Community Planning and Building until: a) either the City Forester or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review.	✓
5.	**Indemnification.** The applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	✓
6.	**USA North 811.** Prior to any excavation or digging, the applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on site until the applicant has obtained a Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)	✓
	Landscape Conditions	
7.	**Landscape Plan.** All new landscaping shall be installed as proposed on the landscape plan submitted to the Community Planning & Building Department, in compliance	✓

	with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions.	
8.	Tree Removal. Trees and vegetation on the site shall only be removed as depicted on plans prepared by Joni L. Janecki & Associates dated February 8, 2022, approved by the City Forester; all remaining trees shall be protected during construction by methods approved by the City Forester.	✓
9.	Significant Trees. For trees not approved for removal by the City Forester, any tree roots larger than two inches (2") require the City Forester to be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Six inches (6") of mulch shall be evenly spread across the dripline of all trees.	✓
10.	Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures. ● Prior to grading, excavation, or construction, clearly tag or mark all trees to be preserved. ● Excavation within 6 feet of a tree trunk is not permitted. ● No attachments or wires of any kind, other than those of a protective nature shall be attached to any tree. ● Per Municipal Code Chapter 17.48.110 no material may be stored within the dripline of a protected tree to include the drip lines of trees on neighboring parcels. ● Tree Protection Zone -- The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line. ● The Structural Root Zone -- Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots.	✓

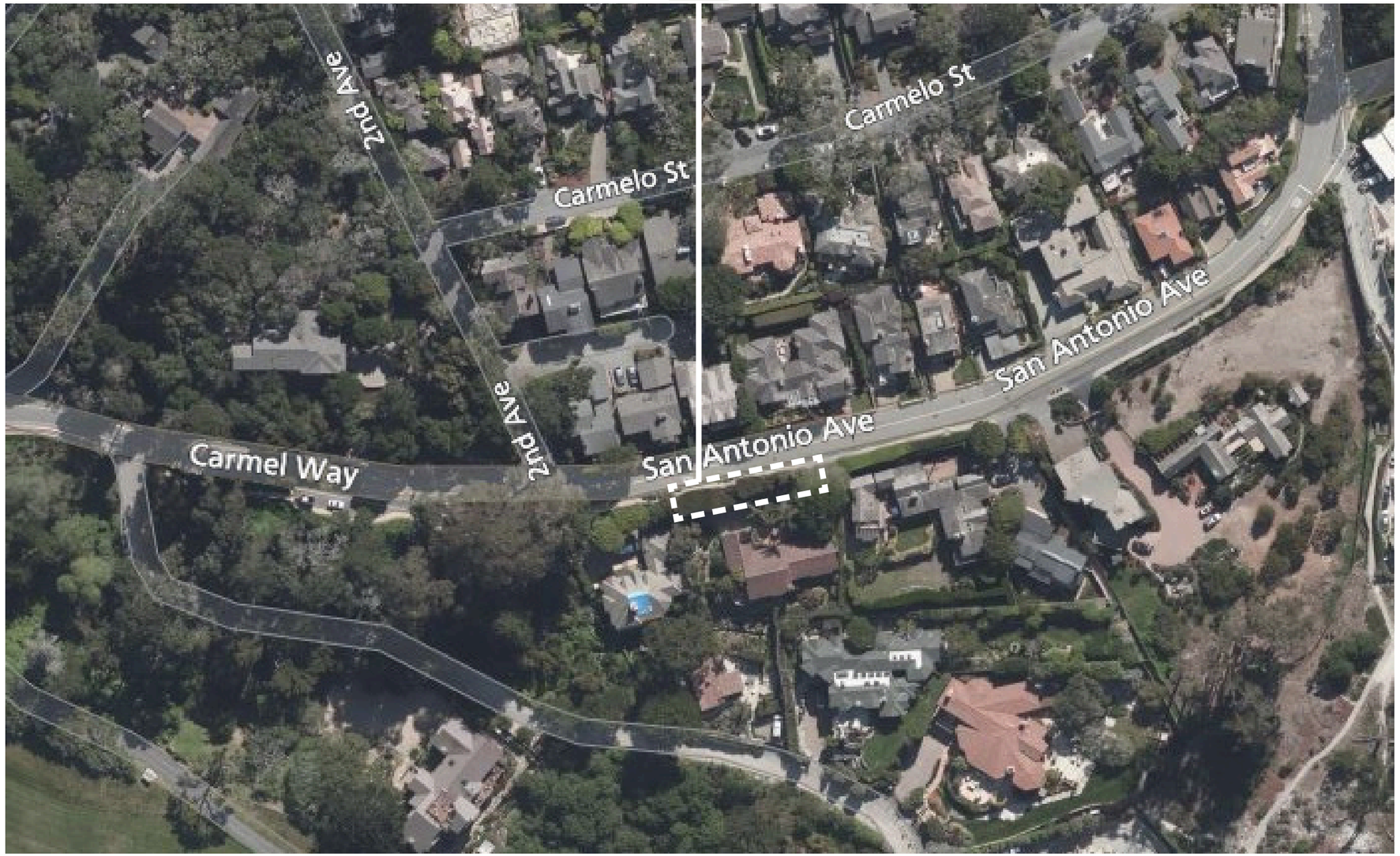
	● If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. If roots larger than 2 inches in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed and mitigation measures have been put in place.	
	SPECIAL CONDITIONS	
11.	Notice of Authorized Work. A building permit is not required for landscape installation; however, the applicants shall obtain a Notice of Authorized Work after the 10-day posting period, after the Conditions of Approval have been signed and returned to the Community Planning and Building Department, and prior to commencing work.	✓

Acknowledgement and acceptance of conditions of approval:

_____	_____	_____
Applicant Signature	Printed Name	Date
_____	_____	_____
Applicant Signature	Printed Name	Date

Once signed, please return kwallace@ci.carmel.ca.us

1



NOT TO SCALE

KEY NOTES

1. APPROXIMATE PROJECT AREA

CARMEL-BY-THE-SEA
PLANNING DIVISION
APPROVED

Permit #: LD 22-177 (Purcell)
Date Approved: 06/07/2022 & 09/13/2022
Planner: K. Wallace

JONI L. JANECKI & ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

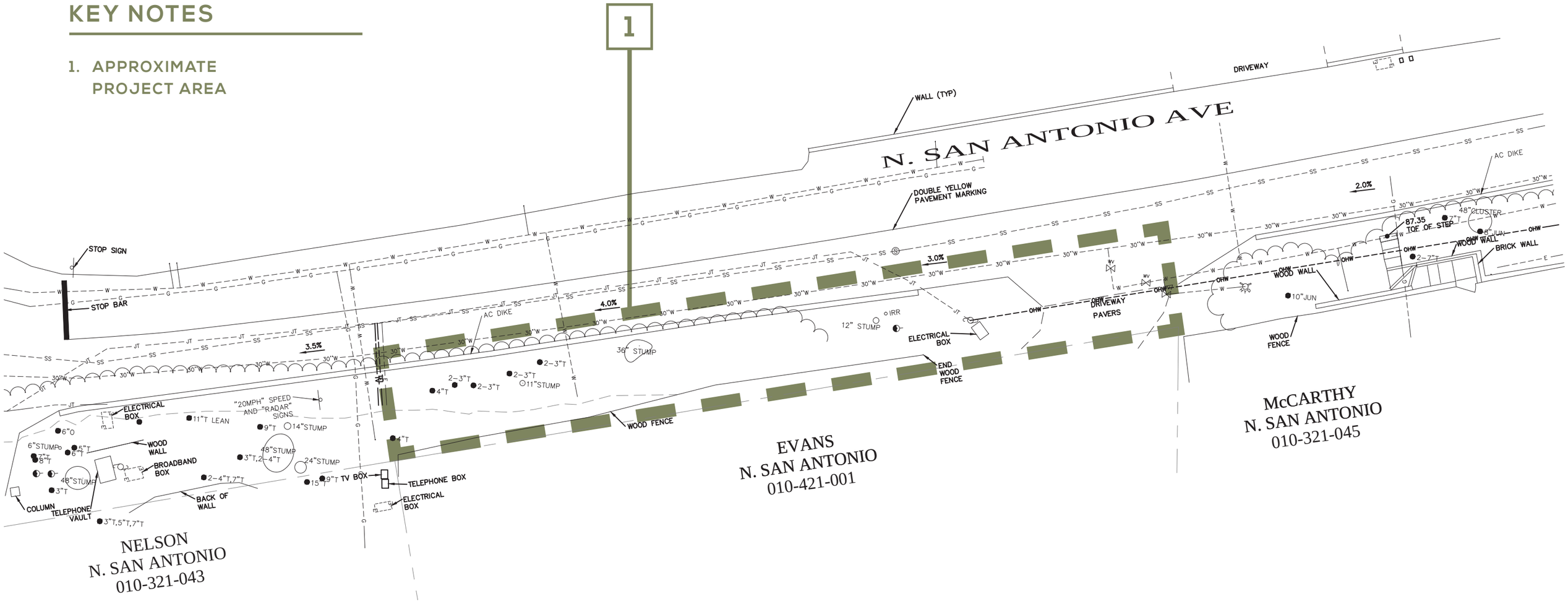
REPLACEMENT AND INFILL PLANTING

4 NORTH SAN ANTONIO AVENUE

FEBRUARY 8, 2022

KEY NOTES

1. APPROXIMATE PROJECT AREA



JONI L. JANECKI & ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

0 8′ 16′ 32′

SCALE: 1/16″ = 1′-0″

TOPOGRAPHIC SURVEY

4 NORTH SAN ANTONIO AVENUE

FEBRUARY 8, 2022

JONI L. JANECKI & ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

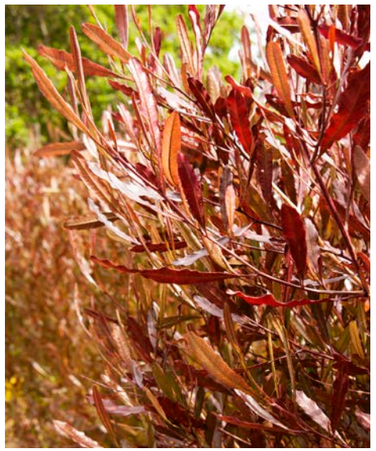
EXISTING CONDITIONS

4 NORTH SAN ANTONIO AVENUE

FEBRUARY 8, 2022

NEW PLANT IMAGES

ADENANTHOS SERICEUS
(WOOLLY BUSH)



DODONAEA VISCOSA 'PURPUREA'
(PURPLE HOPSEED BUSH)

CEANOTHUS GRISEUS HORIZONTALIS
(YANKEE POINT CEANOTHUS)

ERIOBOTRYA DEFLEXA (BRONZE LOQUAT)

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

REMOVE ALL *BRUGMANSIA* SPP. (ANGEL'S TRUMPET)

REMOVE ALL *EUCALYPTUS* SPP.

REMOVE EXISTING AND REPLACE WITH NEW MULTI-TRUNK, LOW-BRANCHING *ERIOBOTRYA DEFLEXA* (BRONZE LOQUAT)

PLANT NEW *DODONAEA VISCOSA* 'PURPUREA' (PURPLE HOPSEED BUSH)

PLANT *ADENANTHOS SERICEUS* (WOOLLY BUSH)

REMOVE *PODOCARPUS* SPP. THAT IS GROWING INTO UTILITY/PG&E POLE; REPLANT WITH *CEANOTHUS GRISEUS HORIZONTALIS* (YANKEE POINT CEANOTHUS)

REMOVE EXISTING AND REPLACE WITH NEW MULTI-TRUNK, LOW-BRANCHING *ERIOBOTRYA DEFLEXA*

PLANT NEW *CEANOTHUS GRISEUS HORIZONTALIS* (YANKEE POINT CEANOTHUS) TO TRAIL OVER PICKET FENCE

PLANT NEW *DODONAEA VISCOSA* 'PURPUREA' (PURPLE HOPSEED BUSH)

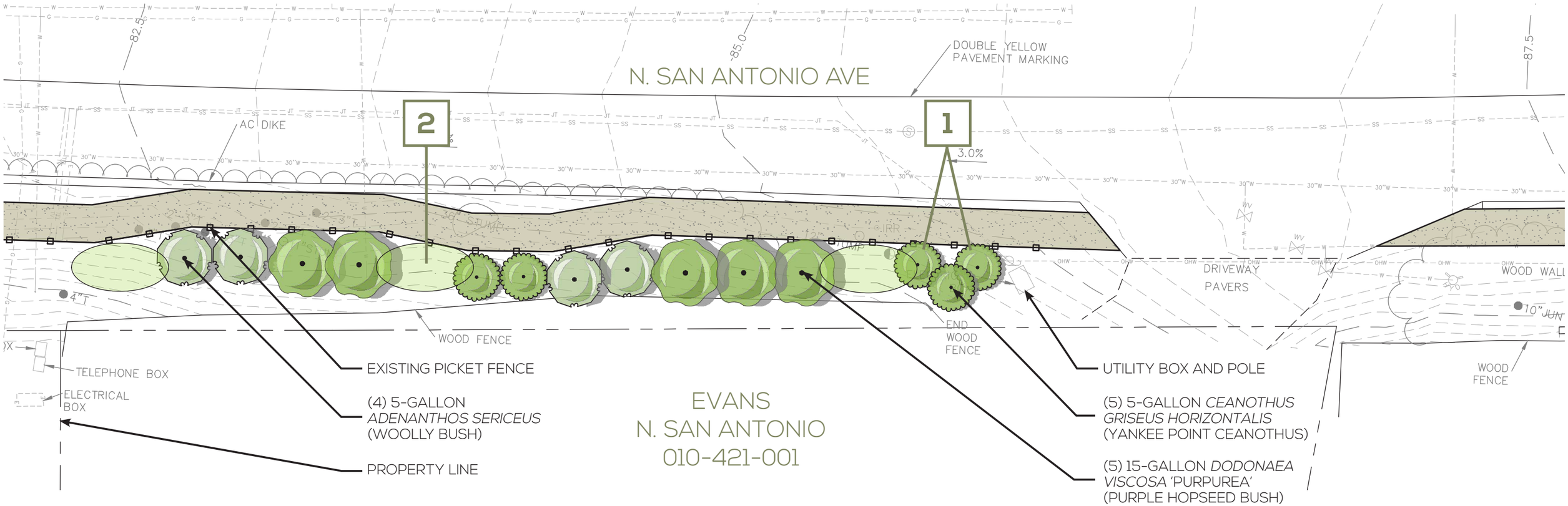
PLANT IMAGES & INFILL DIAGRAMS

4 NORTH SAN ANTONIO AVENUE

FEBRUARY 8, 2022

KEY NOTES

1. REMOVE (2) *BRUGMANSIA* SPP. (ANGEL'S TRUMPET) AND (1) *PODOCARPUS* SPP.
2. REMOVE EXISTING (3) *ERIOBOTRYA DEFLEXA* (BRONZE LOQUAT) TREES; REPLACE WITH (3) SPREADING, LOW-BRANCHING, MULTI-TRUNK *ERIOBOTRYA DEFLEXA*
3. CONTRACTOR TO PROVIDE TEMPORARY IRRIGATION OR WATERING TO NEWLY INSTALLED PLANTS UNTIL PLANTS ARE ESTABLISHED
4. CONTRACTOR TO NOTIFY USA DIG (CALL 811) 48 HOURS PRIOR TO DIGGING
5. CONTRACTOR TO NOTIFY PUBLIC WORKS DEPARTMENT (831-620-2074) 48 HOURS PRIOR TO START OF WORK
6. CONTRACTOR TO INSTALL NECESSARY MEASURES TO CONTROL DRAINAGE DURING AND AFTER CONSTRUCTION.
7. CONTRACTOR TO PROTECT ALL TREES AND PLANTS DURING CONSTRUCTION: HAND DIG WITHIN 10 FEET OF TREES; NOTIFY FORESTER OF ROOTS 2" OR MORE THAT NEED TO BE CUT



EVANS
N. SAN ANTONIO
010-421-001

0 5' 10' 20'
SCALE: 1"=10-0"

JONI L. JANECKI & ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
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California Landscape Architect License 3163

REPLANTING & INFILL PLAN

4 NORTH SAN ANTONIO AVENUE

FEBRUARY 8, 2022

City of Carmel-By-The-Sea

Attachment 5

SEP 22 2022

Office of the City Clerk

CITY OF CARMEL-BY-THE-SEA APPEAL FORM

*Appeals to a Board or Commission must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 calendar days following the date of action** and paying the required filing fee as established by City Council resolution.*

*Appeals to the City Council must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 working days following the date of action** and paying the required filing fee as established by City Council resolution.*

Kathleen Correia and Stephen Evans

Name of Appellant

[redacted]

Mailing Address of Appellant

[redacted]

Phone Number [redacted] Email address

Send correspondence to the following party (if different than Appellant):

Mark A. O'Connor

Name

[redacted]

Mailing Address

[redacted]

Phone Number [redacted] Email address

Planning & Building

Commission, Board, Official or Department whose action is being appealed

Physical location of property involved (street location or address): Right of way fronting 4 North San Antonio

010-241-001

Lot Block APN

Date of decision being appealed: 9/13/2022

Specific action or decision being appealed: Removal of established, healthy, drought-resistant trees and loss of homeowner privacy protection from public walkway and pedestrian traffic.

Grounds for appeal (attach additional pages if necessary): Landscape Plan Check/Inspection 22177 seeks to create a viewshed for its applicant at the expense of homeowner appellants' privacy. Plans should immediately restore the privacy that has been promised and ensure that privacy is maintained. Removing mature trees in the City of Carmel and installing ground cover along a public thoroughfare does not. Details attached.

Kathleen Correia and Stephen Evans by Mark O'Connor

Signature of Appellant

Reference Chapter 17.54 of the Carmel-by-the-Sea Municipal Code "Appeals"

revised 1/2020

ATTACHMENT TO APPEAL OF Landscape Plan Check/Inspection 22177

APPELLANTS: Kathleen Correia and Stephen Evans

PROPERTY INVOLVED: Right of way fronting 4 North San Antonio, City of Carmel, APN 010-241-001

GROUNDS FOR APPEAL DETAIL:

Appellants Kathleen Correia and Stephen Evans are and have been Carmel homeowners since the nineties. Their home is located on the western/ocean side of North San Antonio.

In 2010, the City first installed a pedestrian walkway on North San Antonio bordering private homes to the west such as the home owned by Kathleen and Stephen. The walkway created new pedestrian traffic and risked intrusions into rights of privacy and other private property rights of the ocean side property owners. The City recognized the need to preserve these property rights and to protect the homeowners from intrusions into their privacy/security by installing a fence and preserving trees and other vegetation. Over a decade earlier, the City asked Kathleen and Stephen to plant and maintain the Cypress trees that existed at the time and to keep them pruned below the height of a power pole in the area. Kathleen and Stephen graciously complied and did so without expense to the City.

In 2020, neighbors to the east approached the City in efforts to create a view shed to accommodate their more recent inland property purchases. The homes they purchased did not have the ocean views they desired and they hoped some clear cutting and tree removal would create the value added that did not come with their purchases. Kathleen and Stephen raised concerns that this process would deprive them of the necessary privacy, make their secluded yard open to the pedestrian traffic and cost them the peaceful enjoyment the City had previously recognized. The City, City Forester Sara Davis and landscape architect Joni Janecki assured Kathleen and Stephen that they would not lose any of their privacy and that immediately upon removal of the Cypress trees all protection would be restored with new trees affording comparable screening. Thereafter, the Cypress trees were removed. Unfortunately, the privacy and protection promised did not materialize. The City Forester declined to respond to inquiries or return the repeated calls made for information.

Now, the applicant seeks to destroy more property rights, create further intrusions into personal privacy, and destroy more trees. Rather than making any attempt to restore the protection that was promised, the applicant proposes to remove three (3) loquat trees and one (1) Podocarpus tree. All of these trees are healthy, nonobtrusive and drought resistant. Their height is no more than the height of the Cypress trees that existed through 2020. If the current growth of these trees is excessive, the remedy would be a pruning. Cutting them down entirely is contrary to the nature of this community and the mission of this City: "the City intends to foster a vibrant and healthy mixed-species, urbanized forest. Where tree removal is approved at the request of a property owner or occupant, another tree should be planted in a suitable location, whenever good forestry practice so dictates. It is further intended that City approval

of requests for tree trimming or tree removal should be based on protecting public safety and preserving the health of the tree. The City does not trim or remove trees in order to improve the view of any person, including the applicant." Carmel Municipal Code Chapter 17.48.020.

Replacing the mature trees during this drought with identical immature trees that require more water, installation of an irrigation system, and more maintenance (while providing none of the protection needed) or even low level ceanothus to replace a mature tree as the applicant proposes highlights the impropriety of the current plan. The plan has no irrigation or provision for the water and other care required by new plants. We respectfully request the City reject the plan proposed by the applicant. Consideration needs to be given to the public health and safety of the community as a whole with submission of a new landscaping proposal that includes beautification of the area, health of the existing mature plants and trees, and maintenance of the historical privacy protection.

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2022-043-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA DENYING THE APPEAL MADE BY MARK O'CONNOR ON BEHALF OF KATHLEEN CORREIA AND STEPHEN EVANS (APP 22-305 - PURCELL) AND UPHOLDING THE APPROVAL OF LANDSCAPE PLAN CHECK APPLICATION LD 22-177 (PURCELL) FOR REPLACEMENT AND INFILL PLANTING AND RIGHT TO MAINTAIN/TRIM LANDSCAPING IN THE PUBLIC RIGHT-OF-WAY FRONTING 4 NORTH SAN ANTONIO AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT (APN 010-421-001)

WHEREAS, Attorney Cody J. Phillips submitted Landscape Plan Check application LD 22-177 (Purcell) on behalf of Philip and Anne Purcell, property owners of North San Antonio Avenue 3 SE of 2nd Avenue, APN 010-242-020, and Michelle Tutelian, property owner of North San Antonio Avenue 4 SW of 2nd Avenue, APN 010-242-038; and

WHEREAS, on September 22, 2022, attorney Mark A. O'Connor submitted APP 22-305 (Purcell) described herein as "Appeal", on behalf of Kathleen Correia and Stephen Evans ("Appellants"), the property owners of 4 North San Antonio Avenue, APN 010-421-001; and

WHEREAS, the Appellants are requesting the Planning Commission grant their appeal and deny Landscape Plan Check application LD 22-177 for replacement and infill planting and right to maintain/trim landscaping in the public right-of-way fronting 4 North San Antonio Avenue; and

WHEREAS, a notice of the public hearing was published on October 28, 2022, in compliance with state law (California Government Code 65091), posted at the project site and hand-delivered by the Appellants' attorney to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on November 9, 2022, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the project, including without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Commission at the hearing date including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony hereinabove set forth and used their independent judgment to evaluate the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA"), together with State Guidelines (14 California Code Regulations §§ 15000, et seq., the "CEQA Guidelines") and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, pursuant to CEQA regulations, the Application is statutorily exempt under Section 15270 (Projects Which Are Disapproved); and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby DENY the Appeal APP 22-305 (Purcell) and uphold the approval of Landscape Plan Check application LD 22-177 (Purcell) for replacement and infill planting and right to maintain/trim landscaping in the public right-of-way fronting 4 North San Antonio Avenue in the Single-Family Residential (R-1) District (APN 010-421-001), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	**Authorization.** This approval of Landscape Plan Check (LD 22-177) authorizes replacement and infill planting and right to maintain/trim landscape in the public right of way at 4 North San Antonio Avenue in the Single-Family Residential (R-1) District as depicted in the plans prepared by Joni L. Janecki & Associates dated February 8, 2022, unless modified by the conditions of approval contained herein.	✓
2.	**Codes and Ordinances.** The project shall be completed in conformance with all requirements of the R-1 zoning district.	✓
3.	**Permit Validity.** This approval shall be valid for a period of one year from the date of action.	✓
4.	**Modifications.** The applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to submit the change in writing, with revised plans, within 2 weeks of the City being notified. A cease work order may be issued any time at the discretion of the Director of Community Planning and Building until: a) either the City Forester or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review.	✓
5.	**Indemnification.** The applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and	✓

	assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	
6.	USA North 811. Prior to any excavation or digging, the applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on site until the applicant has obtained a Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)	✓
	Landscape Conditions	
7.	Landscape Plan. All new landscaping shall be installed as proposed on the landscape plan submitted to the Community Planning & Building Department, in compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions.	✓
8.	Tree Removal. Trees and vegetation on the site shall only be removed as depicted on plans prepared by Joni L. Janecki & Associates dated February 8, 2022, approved by the City Forester; all remaining trees shall be protected during construction by methods approved by the City Forester.	✓
9.	Significant Trees. For trees not approved for removal by the City Forester, any tree roots larger than two inches (2") require the City Forester to be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Six inches (6") of mulch shall be evenly spread across the dripline of all trees.	✓
10.	Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures. ● Prior to grading, excavation, or construction, clearly tag or mark all trees to be preserved. ● Excavation within 6 feet of a tree trunk is not permitted. ● No attachments or wires of any kind, other than those of a protective nature shall be attached to any tree.	✓

	• Per Municipal Code Chapter 17.48.110 no material may be stored within the dripline of a protected tree to include the drip lines of trees on neighboring parcels. • Tree Protection Zone -- The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line. • The Structural Root Zone -- Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots. • If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. If roots larger than 2 inches in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed and mitigation measures have been put in place.	
SPECIAL CONDITIONS		
11.	**Notice of Authorized Work.** A building permit is not required for landscape installation; however, the applicants shall obtain a Notice of Authorized Work after the 10-day posting period, after the Conditions of Approval have been signed and returned to the Community Planning and Building Department, and prior to commencing work.	✓
12.	**Obtain Tree Removal Permit.** Prior to removal of any trees shown on the approved landscaping plan, the applicants shall obtain a Tree Removal Permit for the proposed removal of two (2) *Brugmansia* (Angel's Trumpet); three (3) *Eriobotrya Deflexa* (Bronze Loquat); one (1) *Podocarpus;* and any *Eucalyptus* in the project area.	✓

Acknowledgement and acceptance of conditions of approval:

_____	_____	_____
Applicant Signature	Printed Name	Date
_____	_____	_____
Applicant Signature	Printed Name	Date

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of November 2022, by the following vote:

AYES: ALLEN, BOLTON, DELVES, LOCKE, LEPAGE

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:	ATTEST:
_____	_____
Michael LePage Chair	Leah Young Planning Commission Secretary

Attachment 7

NOTICE OF APPROVAL

The Department of Community Planning & Building of the City of Carmel-by-the-Sea has approved a Project pursuant to the City's Municipal Code. Persons interested in the project may review additional materials available at the Department of Community Planning & Building located at City Hall on Monte Verde Street between Ocean and 7th Avenues, phone number 831-620-2010.

The decision to approve this project may be appealed within 10 days from the date of this by filing a written appeal with the Department of Community Planning & Building.

Planning Case #: Landscape Plan Check/Inspection 22177

Owner Name: CITY OF CARMEL (RIGHT-OF-WAY)

Case Planner: Katherine Wallace

Date Posted: 12/22/2022

Date Approved: 12/22/2022

Project Location: City right-of-way fronting North San Antonio 2 SW of 2nd Avenue

APN #: City right-of-way fronting 010-421-001-000

Agent/Applicant: Cody J. Phillips, agent, on behalf of co-applicants Philip and Anne Purcell and Michelle Tutelian. The Purcell property is located at San Antonio Avenue 3 SE of 2nd Avenue, APN 010-242-020, and the Tutelian property is located at San Antonio Avenue 4 SE of 2nd Avenue, APN 010-242-038.

Project Description: Replacement and infill planting and right to maintain/trim landscape in the public right of way fronting North San Antonio Avenue 2 SW of 2nd Avenue (APN 010-421-001) as depicted in the plans prepared by Joni L. Janecki & Associates dated November 30, 2022, unless modified by the Conditions of Approval.

Can this project be appealed to the Coastal Commission? *Yes* ☐ *No* ☑

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	**Authorization.** This revised approval of Landscape Plan Check (LD 22-177, Purcell and Tutelian) authorizes replacement and infill planting and right to maintain/trim landscape in the public right of way at North San Antonio Avenue 2 SW of 2nd Avenue in the Single-Family Residential (R-1) District as depicted in the plans prepared by Joni L. Janecki & Associates dated November 30, 2022, unless modified by the conditions of approval contained herein.	✓
2.	**Codes and Ordinances.** The project shall be completed in conformance with all requirements of the R-1 zoning district.	✓
3.	**Permit Validity.** This approval shall be valid for a period of one year from the date of action.	✓
4.	**Modifications.** The applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to submit the change in writing, with revised plans, within 2 weeks of the City being notified. A cease work order may be issued any time at the discretion of the Director of Community Planning and Building until: a) either the City Forester or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review.	✓
5.	**Indemnification.** The applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	✓
6.	**USA North 811.** Prior to any excavation or digging, the applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on site until the applicant has obtained a Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)	✓
Landscape Conditions		

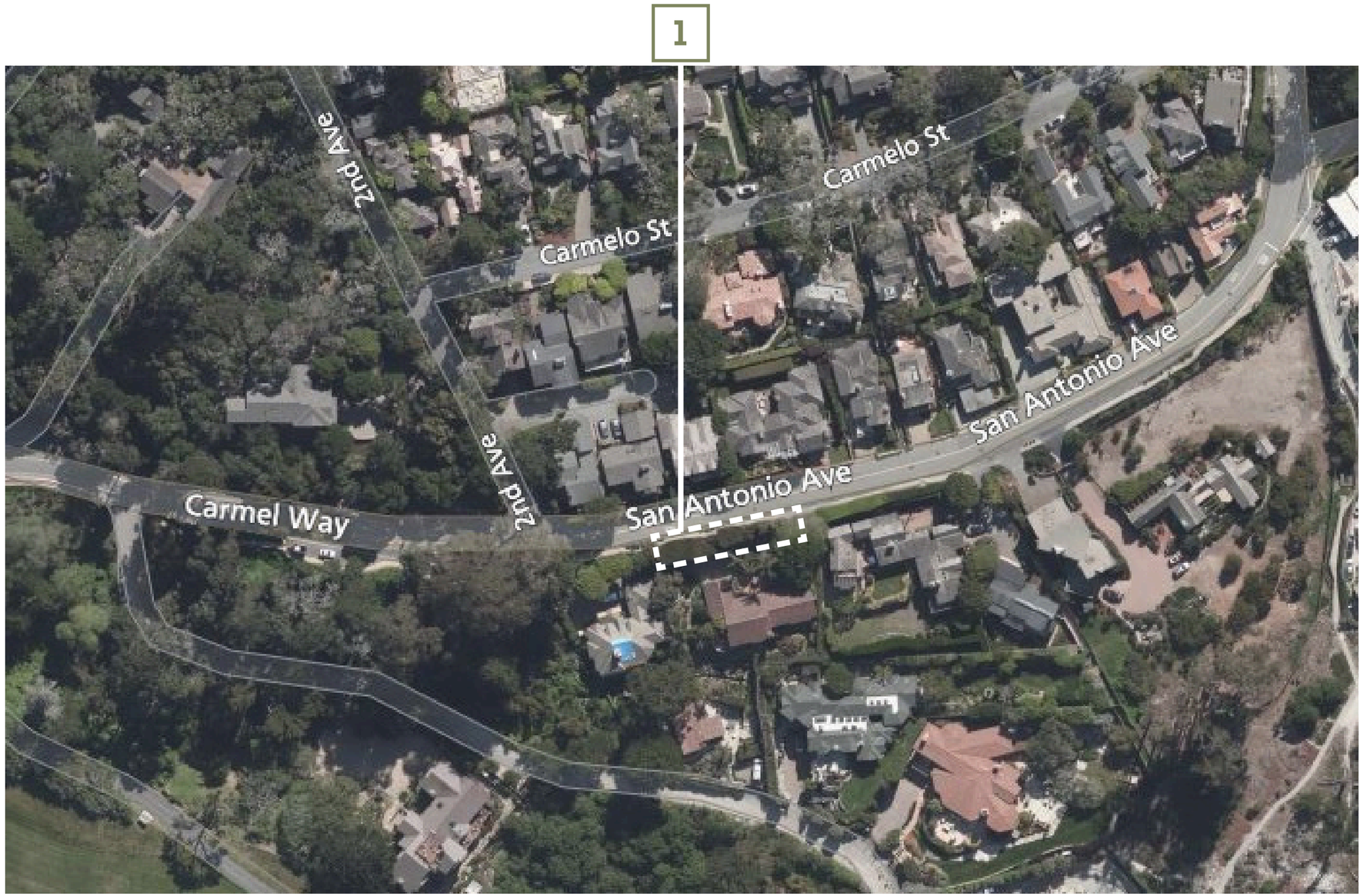
7.	Landscape Plan. All new landscaping shall be installed as proposed on the landscape plan submitted to the Community Planning & Building Department, in compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions.	✓
8.	Tree Removal. Trees and vegetation on the site shall only be removed as depicted on plans prepared by Joni L. Janecki & Associates dated November 30, 2022, approved by the City Forester; all remaining trees shall be preserved.	✓
9.	Significant Trees. For trees not approved for removal by the City Forester, any tree roots larger than two inches (2") require the City Forester to be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Six inches (6") of mulch shall be evenly spread across the dripline of all trees.	✓
10.	Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures. ● Prior to grading, excavation, or construction, clearly tag or mark all trees to be preserved. ● Excavation within 6 feet of a tree trunk is not permitted. ● No attachments or wires of any kind, other than those of a protective nature shall be attached to any tree. ● Per Municipal Code Chapter 17.48.110 no material may be stored within the dripline of a protected tree to include the drip lines of trees on neighboring parcels. ● Tree Protection Zone -- The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line. ● The Structural Root Zone -- Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that	✓

	does not sever roots. ● If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. If roots larger than 2 inches in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed and mitigation measures have been put in place.	
	SPECIAL CONDITIONS	
11.	Notice of Authorized Work. A building permit is not required for landscape installation; however, the applicants shall obtain a Notice of Authorized Work after the 10-day posting period, after the Conditions of Approval have been signed and returned to the Community Planning and Building Department, and prior to commencing work.	✓

Acknowledgement and acceptance of conditions of approval:

_____	_____	_____
Applicant Signature	Printed Name	Date
_____	_____	_____
Applicant Signature	Printed Name	Date

Once signed, please return kwallace@ci.carmel.ca.us



KEY NOTES

1. APPROXIMATE PROJECT AREA

NOT TO SCALE

JONI L. JANECKI & ASSOCIATES

JONI L. JANECKI & ASSOCIATES, INC.
515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

CARMEL-BY-THE-SEA
PLANNING DIVISION
APPROVED

Permit #: LD 22-177 (Purcell and Tutelian)
Date Approved (Revised): 12/22/2022
Planner: K. Wallace

City right-of-way fronting
North San Antonio 2 SW of 2nd

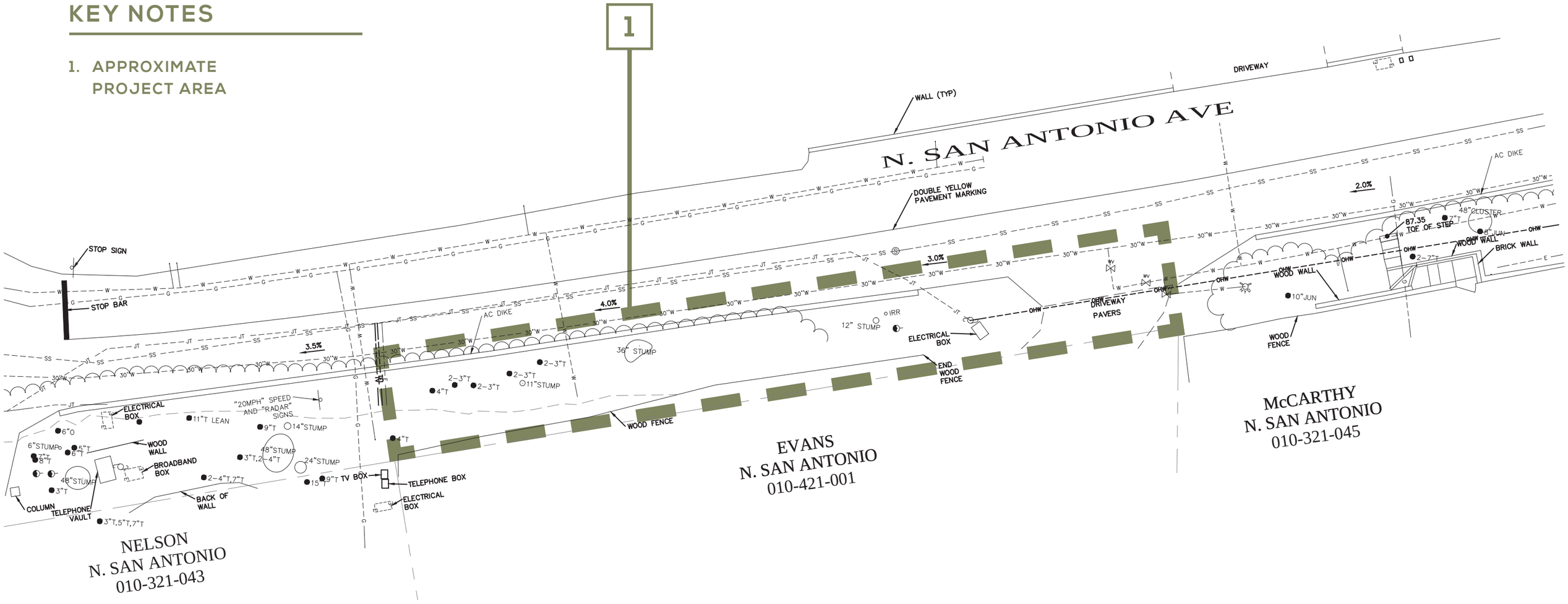
REPLACEMENT AND INFILL PLANTING

4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

KEY NOTES

1. APPROXIMATE PROJECT AREA



JONI L. JANECKI & ASSOCIATES

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515 SWIFT ST. SANTA CRUZ, CA 95060
EMAIL JLJ@JLJA.COM | WWW.JLJA.COM
California Landscape Architect License 3163

0 8′ 16′ 32′

SCALE: 1/16″ = 1′-0″

TOPOGRAPHIC SURVEY

4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

JONI L. JANECKI & ASSOCIATES

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EXISTING CONDITIONS

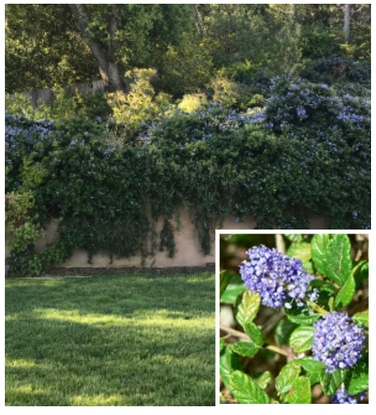
4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

NEW PLANT IMAGES

ADENANTHOS SERICEUS
(WOOLLY BUSH)

DODONAEA VISCOSA 'PURPUREA'
(PURPLE HOPSEED BUSH)



CEANOTHUS GRISEUS HORIZONTALIS
(YANKEE POINT CEANOTHUS)

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REMOVE ALL *BRUGMANSIA* SPP. (ANGEL'S TRUMPET)

PRUNE ALL *EUCALYPTUS* SPP.

1 PRUNE EXISTING *ERIOBOTRYA DEFLEXA* (BRONZE LOQUAT) AND MAINTAIN TO 10-FOOT HEIGHT

PLANT NEW *DODONAEA VISCOSA* 'PURPUREA' (PURPLE HOPSEED BUSH)

1 PRUNE *PODOCARPUS* SPP. THAT IS GROWING INTO UTILITY/PG&E POLE AND MAINTAIN TO 10-FOOT HEIGHT

1 PRUNE EXISTING AND MAINTAIN TO 10-FOOT HEIGHT

PLANT NEW *CEANOTHUS GRISEUS HORIZONTALIS* (YANKEE POINT CEANOTHUS) TO INFILL GAPS ALONG PICKET FENCE

PLANT NEW *DODONAEA VISCOSA* 'PURPUREA' (PURPLE HOPSEED BUSH)

PLANT *ADENANTHOS SERICEUS* (WOOLLY BUSH)

1 CHANGE "REMOVE AND REPLACE" TO "PRUNE AND MAINTAIN TO 10-FOOT HEIGHT"

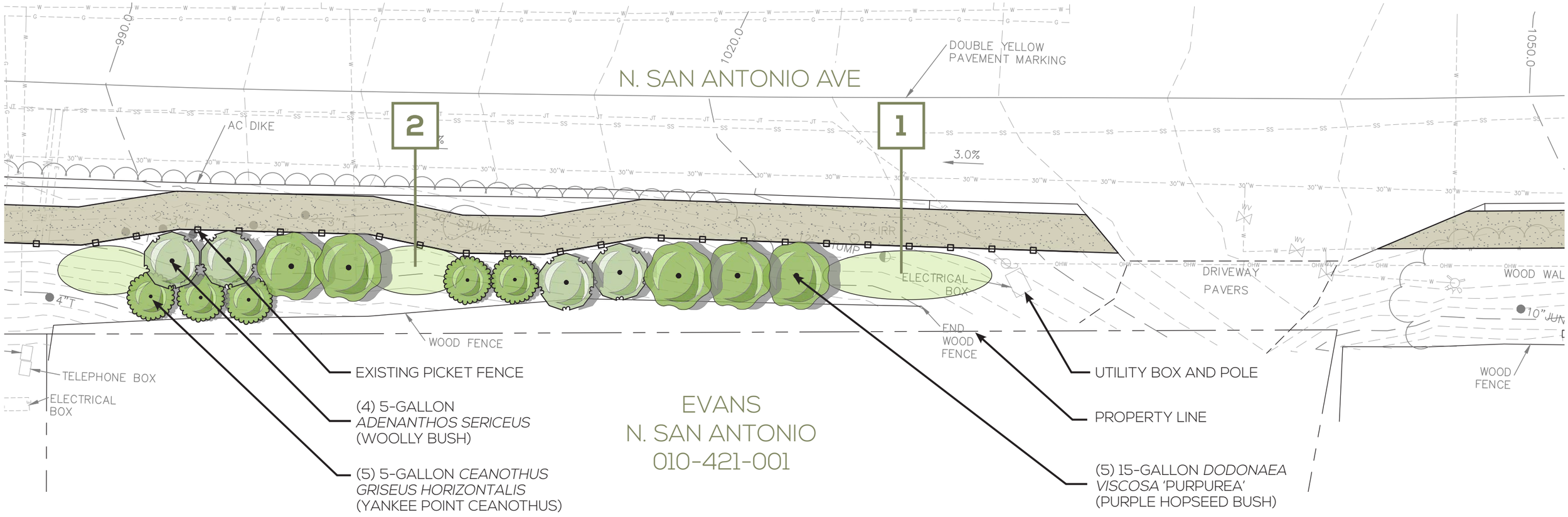
PLANT IMAGES & INFILL DIAGRAMS

4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

KEY NOTES

1. REMOVE (2) *BRUGMANSIA* SPP. (ANGEL'S TRUMPET)
2. PRUNE EXISTING *PODOCARPUS* SPP. AND *ERIOBOTRYA DEFLEXA* (BRONZE LOQUAT) TREES AND MAINTAIN TO 10-FOOT HEIGHT
3. CONTRACTOR TO PROVIDE TEMPORARY IRRIGATION OR WATERING TO NEWLY INSTALLED PLANTS UNTIL PLANTS ARE ESTABLISHED
4. CONTRACTOR TO NOTIFY USA DIG (CALL 811) 48 HOURS PRIOR TO DIGGING
5. CONTRACTOR TO NOTIFY PUBLIC WORKS DEPARTMENT (831-620-2074) 48 HOURS PRIOR TO START OF WORK
6. CONTRACTOR TO INSTALL NECESSARY MEASURES TO CONTROL DRAINAGE DURING AND AFTER CONSTRUCTION
7. CONTRACTOR TO PROTECT ALL TREES AND PLANTS DURING CONSTRUCTION: HAND DIG WITHIN 10 FEET OF TREES; NOTIFY FORESTER OF ROOTS 2" OR MORE IN DIAMETER THAT NEED TO BE CUT
8. ALL TREE PRUNING TO MEET CITY OF CARMEL PRUNING STANDARDS



EVANS
N. SAN ANTONIO
010-421-001

JONI L. JANECKI & ASSOCIATES

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1 CHANGE "REMOVE AND REPLACE" TO "PRUNE AND MAINTAIN TO 10-FOOT HEIGHT"

REPLANTING & INFILL PLAN

4 NORTH SAN ANTONIO AVENUE

NOVEMBER 30, 2022

CITY OF CARMEL-BY-THE-SEA
FOREST AND BEACH COMMISSION
Staff Report

February 9, 2023
ORDERS OF BUSINESS

TO:	Forest and Beach Commissioners
SUBMITTED BY:	Thomas C. Ford, Administrative Analyst
SUBJECT:	Receive a presentation from Leadership Carmel regarding their proposed Legacy Projects at Devendorf Park and/or Forest Hill Park.

RECOMMENDATION:

Receive a presentation from Leadership Carmel, and approve or deny Leadership Carmel's proposed Legacy Projects at Devendorf Park and/or Forest Hill Park, or direct staff to work with Leadership Carmel to make modifications to the plans. If approved, installation of these projects would also be contingent upon the City's administrative reviews and permit approvals.

BACKGROUND/SUMMARY:

Members of the Leadership Carmel Class of 2023 have prepared a presentation consisting of two proposed projects in City parks. Site plans and descriptions of the proposed projects, to be located in Devendorf Park and/or in Forest Hill Park, are included as Attachments #1 and #2, respectively.

Leadership Carmel, a program sponsored by the Carmel Chamber of Commerce Foundation, is a *"9-month personal and professional development program designed to provide a solid development framework to inspire and serve current and future local leaders and influencers working in, living in, or just enjoying the Carmel-by-the-Sea and surrounding communities."* For the last two years, Leadership Carmel legacy projects included large painted Hearts displayed around the City and sold for charitable purposes.

Emily Garay, a City Administrative Analyst and Leadership Carmel participant, and Leadership Carmel member Elizabeth O'Malley, will present their proposed Legacy Projects to the Commission at the February 9th meeting.

The Commission may:

- Approve the project(s) as presented, or any portions of the proposed projects
- Deny the project(s), or any portions of the proposed projects
- Request modifications to the proposed projects

- Request the Applicant to return for subsequent review if significant modifications are desired

If approved by the Commission, the Applicant would be required to apply for an encroachment permit, submit plans subject to Planning, Building, and Public Works reviews, and follow City standards for installation.

FISCAL IMPACT:

There is no direct cost to the City for these proposed projects as all costs would be borne by the Applicant.

The estimated cost for the materials in the proposed project at Forest Hill Park total $32,600, plus the cost of any installation contractor, if necessary. The estimated cost for the proposed project at Devendorf Park is still to be determined.

ATTACHMENTS:

Attachment #1 - Devendorf Beautification Project
Attachment #2 - Forest Hill Park Project

Devendorf Park Beautification Project

by CCC Leadership Class of 2023

Project Goal:

Devendorf Park has several war memorials. The overall goal is to clean up the memorials to make them less obstructed and add native, drought-friendly plants/flowers as well as improve the walking paths to tie the memorials together. Finally, there is room for a potential Holocaust memorial (see ideas below).

Current Monuments:

WWII: Clear around, remove box hedges, plant appropriate flowers and color (poppies for WWII). Memorial is in good shape and is in a good location, just not featured.

Flower/Plant Suggestion:

Poppies

Korean War: The cement walkway that should pass in front of the memorial is unfinished and is a mud pit when it rains. It is also obscured by shade and trees. It could be moved (there is a good spot not far away), and landscaping rearranged/replaced to feature the memorial (including hibiscus for Korean War).

Flower/Plant Suggestion:

Hibiscus

Myosotis scorpioides - True Forget-Me-Nots

911 Memorial: Landscaping to feature the memorial more (native plants).

Flower/Plant Suggestion:

Giant Chain Fern – Woodwardia Fimbriata

California Peony - Paeonia Californica

Sword Fern –Polystichum munitum

Foxtail Fern – Asparagus Fern

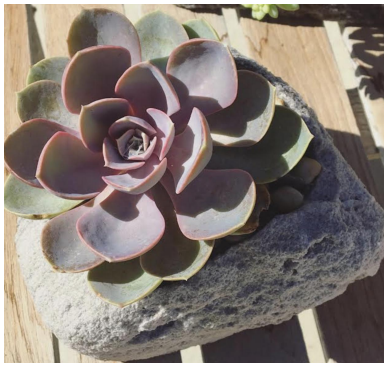
Vietnam Memorial: In good shape, but obscured by box hedges and is not featured in its surroundings. Oddly, it also does not say what it is anywhere, just that it is for "Carmel's servicemen whose blood was shed" -- only the years covered indicate that this is the Vietnam period. Clear around it, remove box hedges, replant to feature the memorial (daisies for Vietnam).

Flower/Plant Suggestion:

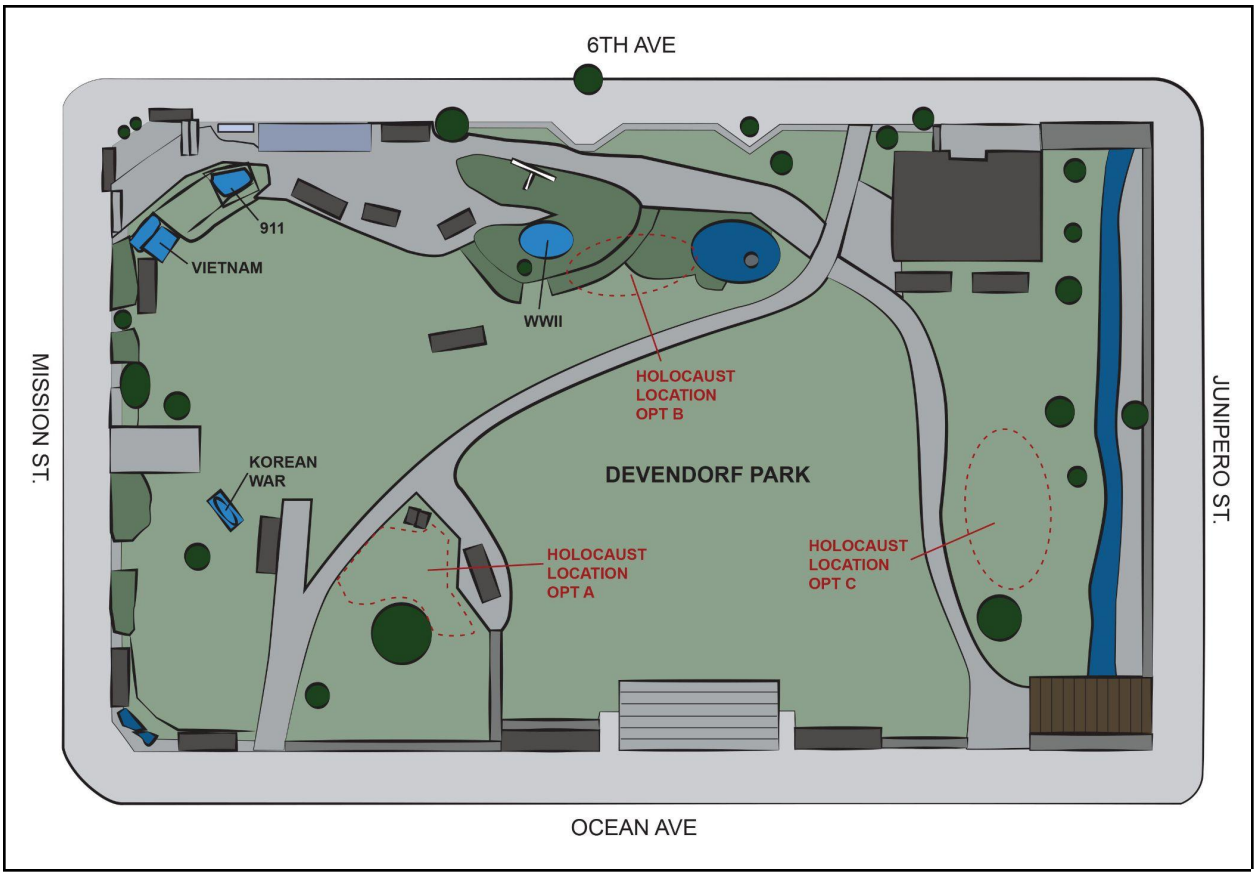
Daisies

Additional Holocaust Memorial

International Holocaust Remembrance Day is celebrated on January 27, the 27th day of Nisan of the Hebrew calendar as **Holocaust and Ghetto Revolt Remembrance Day**, in memory of the millions of people who were systematically enslaved and killed during the Holocaust. Other nations also have declared this date a day of remembrance.
We would like to seek approval to add a memorial in recognition of this using open space alongside the lawn area that will not impede on any existing memorials (e.g., the SW corner of Ocean and Mission Street or to the SE corner just right of the entrance on Ocean Ave). Using 18 (symbolic number meaning “life”) large rocks with succulents.



Examples but larger scale.


6TH AVE
911
VIETNAM
WWII
HOLOCAUST
LOCATION
OPT B
MISSION ST.
KOREAN
WAR
DEVENDORF PARK
HOLOCAUST
LOCATION
OPT A
HOLOCAUST
LOCATION
OPT C
JUNIPERO ST.
OCEAN AVE

Leadership Carmel
Forest Hill Park - Nature Play Improvements Proposed
January 20, 2023

Background
Forest Hill Park is located at the corner of Camino Del Monte and Junipero Avenue and it's a popular destination for persons of all ages in the City of Carmel-by-the-Sea. The park offers the only designated play area in the City with playground structures for the enjoyment of locals and visitors. The park features the main playground, restrooms, a basketball court, and horseshoe pit. It's a park frequented by locals when the little ones need to burn off some energy and becomes a popular destination when children are out of school or grandchildren visit for the summer and holidays.

The City upkeeps and maintains the park for the enjoyment of locals and visitors alike. Previous park improvements were made possible through a partnership between the City of Carmel-by-the-Sea and the Monterey Peninsula Regional Park District in 2014. Leadership Carmel proposes to bring the next set of improvements to Forest Hill Park in the form of an inclusive "nature play" space in the park.

As Carmel-by-the-Sea has long been known for its natural scenery and artistic roots, its rich artistic history and unique character was central to Leadership Carmel as it developed its vision for the proposed improvement. Some of the most vivid and sense-based memories a lot of us hold are those where we freely ran outside, climbed a tree, felt the bark under our hands, and smelled the fresh dirt raised by the tree's roots. Memories like these that last a lifetime are memories that should be accessible to every child, to every person, that wants to connect with nature. To improve the proposed space in Forest Hill Park, Leadership Carmel seeks to echo the unique and long appreciated description of "a village in a forest" with the incorporation of a nature play space in the park.

What is nature play?
Natural play spaces provide engagement for all 5 senses, sense of place, and sense of wonder. The space can be one for quiet contemplation, creative and dramatic play, fine motor engagement, balance, agility, gross motor, and cognitive engagement.

Natural play spaces cost the same or less than traditional play spaces to purchase, install, and maintain. Over a 20 year time frame, natural play spaces are significantly less expensive to maintain and replace as they do not require complete demolition and replacement every 12 to 15 years.

Nature Play Improvement Proposal
In collaboration with the City's Public Works Department and City Forester, Leadership Carmel aims to fund the project through private donations and fundraising efforts as a nonprofit group under the Carmel Chamber of Commerce Foundation. The goal is to create natural play structures that provide an immersive, sensory experience with nature. We will drop in additional natural play structures and fill in the holes in the field area to create a smooth surface for running, to amplify the experience of nature for people of all ages and abilities.

Material
We can supplement purchased items/materials with wood material repurposed and sourced from the City's stockpile of collected wood. By repurposing the wood, we can reincorporate fallen or cut down Cypress and/or Oak trees into the village's character and enhance the play experience at the park.

Purchased materials would be from Bienenstock Natural Playgrounds, Trassig, or a comparable company.

Installation

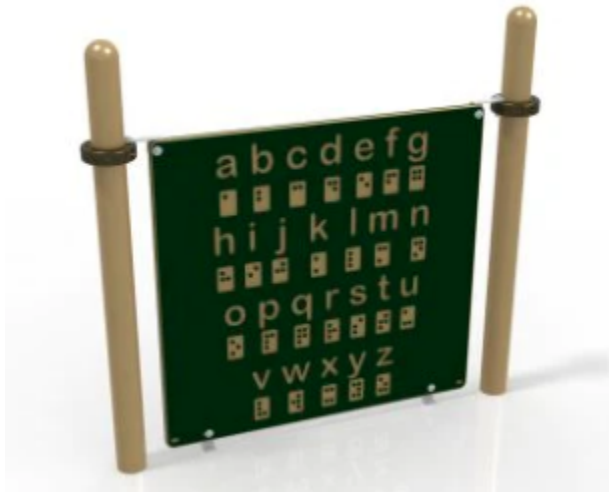
A community volunteer effort with guidance and direction from the City's Public Works Department would be the plan for installation, with installation contracted to professional installers when/if needed to meet ASTM standards.

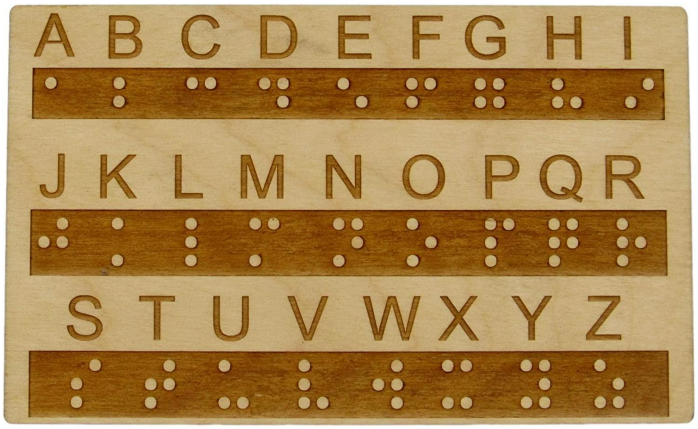
Nature Play Enhancements

1. Log tunnel
2. Chalk board
3. Five-piece log cluster
4. Hardwood Stump Seats
5. Stump Activity Table
6. Wooden braille alphabet panel
7. "Fallen logs"

Continued below

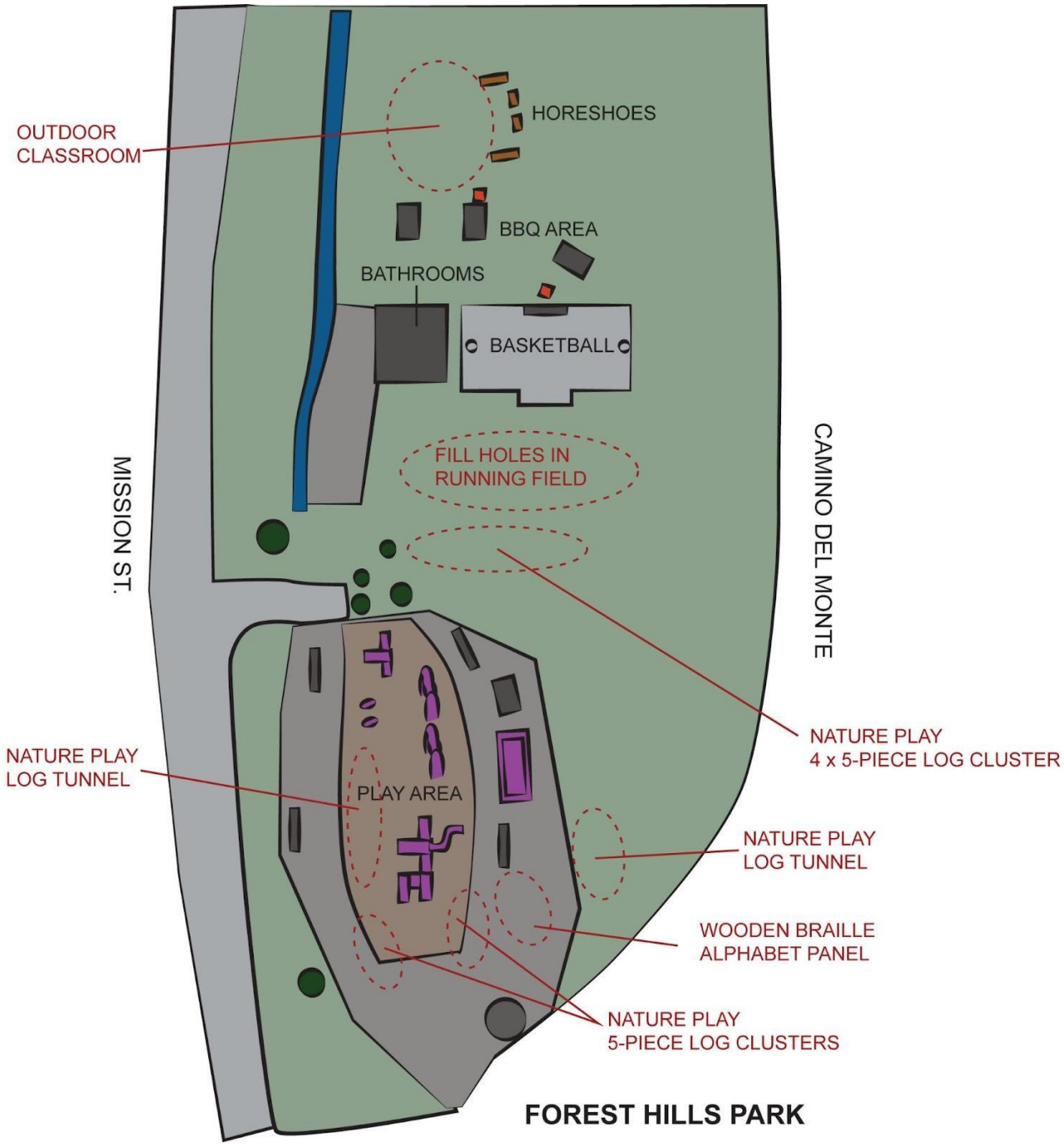
Visual Representations and Estimated Cost Material	
	Log Tunnels (2) **$17,401**Nature's Instruments
	Outdoor Chalkboard $2,093 Nature's Instruments
	5 Piece Log Cluster $5,807 Nature's Instruments

	Hardwood Stump Seats $2,966 Nature's Instruments
	Stump Activity Table $3,837 Nature's Instruments
	**Braille Alphabet Panel $450.00** Trassig Attached to wooden stump/panel

	**Custom Wood Braille Panel** Attached to wooden stump/panel **$450-500.00**
	Estimated Cost: $32,604

Map and Placement Below

Placement Locations – Forest Hill Park



CITY OF CARMEL-BY-THE-SEA
FOREST AND BEACH COMMISSION
Staff Report

February 9, 2023
ORDERS OF BUSINESS

TO:	Forest and Beach Commissioners
SUBMITTED BY:	Sara Davis, City Forester
SUBJECT:	City Forester's Monthly Report for January 2023

RECOMMENDATION:

Receive the City Forester's Monthly Report for January 2023.

BACKGROUND/SUMMARY:

N/A

FISCAL IMPACT:

None.

ATTACHMENTS:

Attachment #1 - City Forester's Report for January 2023

CITY OF CARMEL-BY-THE-SEA
Monthly Report

City Forester's Report

TO:	Forest and Beach Commissioners
FROM:	Sara Davis, City Forester
SUBJECT:	Forester's Report for January, 2023

Forestry, Parks, and Beach Highlights

- Forty (40) trees completely failed during the storm, and 44 trees had large broken limbs. Twenty (20) of the 88 incidents required the assistance of PG&E.
- Storm Recovery work included hiring John Ley's Tree Service and Tope's Tree Service for emergency tree removals and tree debris hauling. New Purchase Orders, valued up to $90,000, will be requested for Council approval at their February 7th meeting.
- Davey Resource Group, the consultant who is preparing the Urban Forest Master Plan, is beginning to collect inventory data.
- Due to the storms, the application process for additional Steering Committee members to supplement the Forest and Beach Commission for oversight of the Urban Forest Master Plan project, has been delayed.
- The On-Call Tree Care Services Contract was advertised for bids. Due to the storms, the Pre-Bid Meeting was re-scheduled from January 10th and held on the 24th. The Bid Opening is scheduled for February 14th. These contracts will include the option for the City to retain a qualified consulting arborist, via a Task Order Process, as well as to perform tree planting, watering, pruning, removal, and stump grinding services.
- City Forester, Sara Davis, has accepted the position of Community Forester for the City of San Jose. February 15th is her last day with Carmel. Justin Ono of Ono Consulting may been retained to provide arborist services until the on-call tree contracts are awarded and a task order is issued for a consulting arborist, or the next Forester is hired. The position will be posted by the City imminently and advertised extensively.
- Coordinated with Leadership Carmel regarding their proposed project(s) in Devendorf and/or Forest Hill Parks, which will be presented at the February 9th Forest & Beach Commission meeting.
- Received a quote for $6,650 for replacement of rusted components of the playground structure at Forest Hill Park.

. Private and Development Activities

2023 Permitted removals and required planting

	Removals	Plant Upper	Plant Lower	No room for new tree	Meets Density Recommendation	Total Number of Trees Required
January	1	1				
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
2022 totals	1	1	0	0	0	0

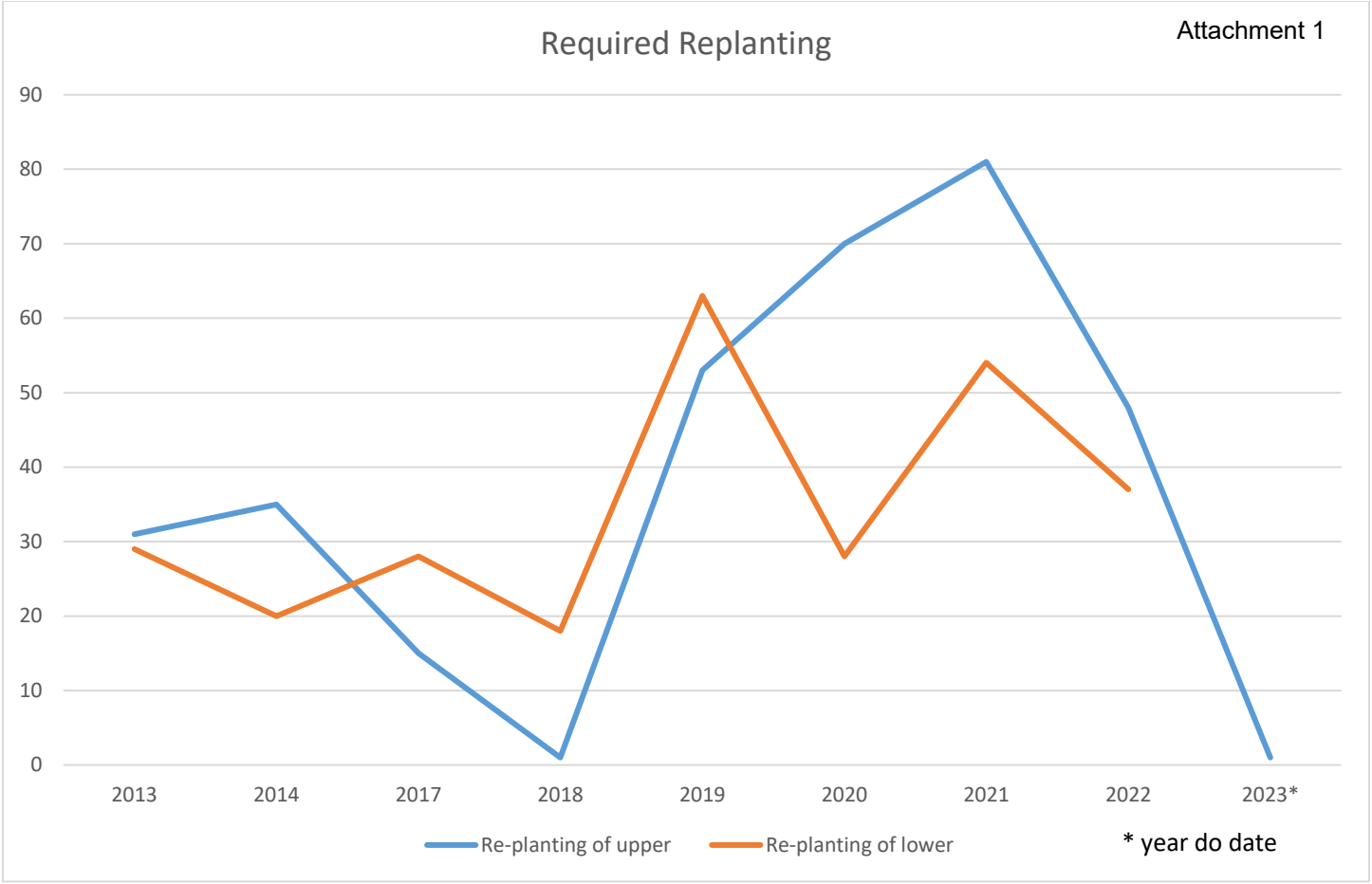
Historic permitted removals and required planting

	Removal permits	Removal of upper	Removal of lower	Replanting Required	Replanting of upper	Replanting of lower	Replanting %
2012	96			20			20.83%
2013	123	60	63	59	31	29	47.97%
2014	145	64	81	49	35	20	33.79%
2016	90			37			41.11%
2017	119	50	69	43	15	28	36.13%
2018	77	37	60	20	1	18	20.62%
2019	170	107	63	116	53	63	68.24%
2020	98	57	41	93	67	26	94.90%

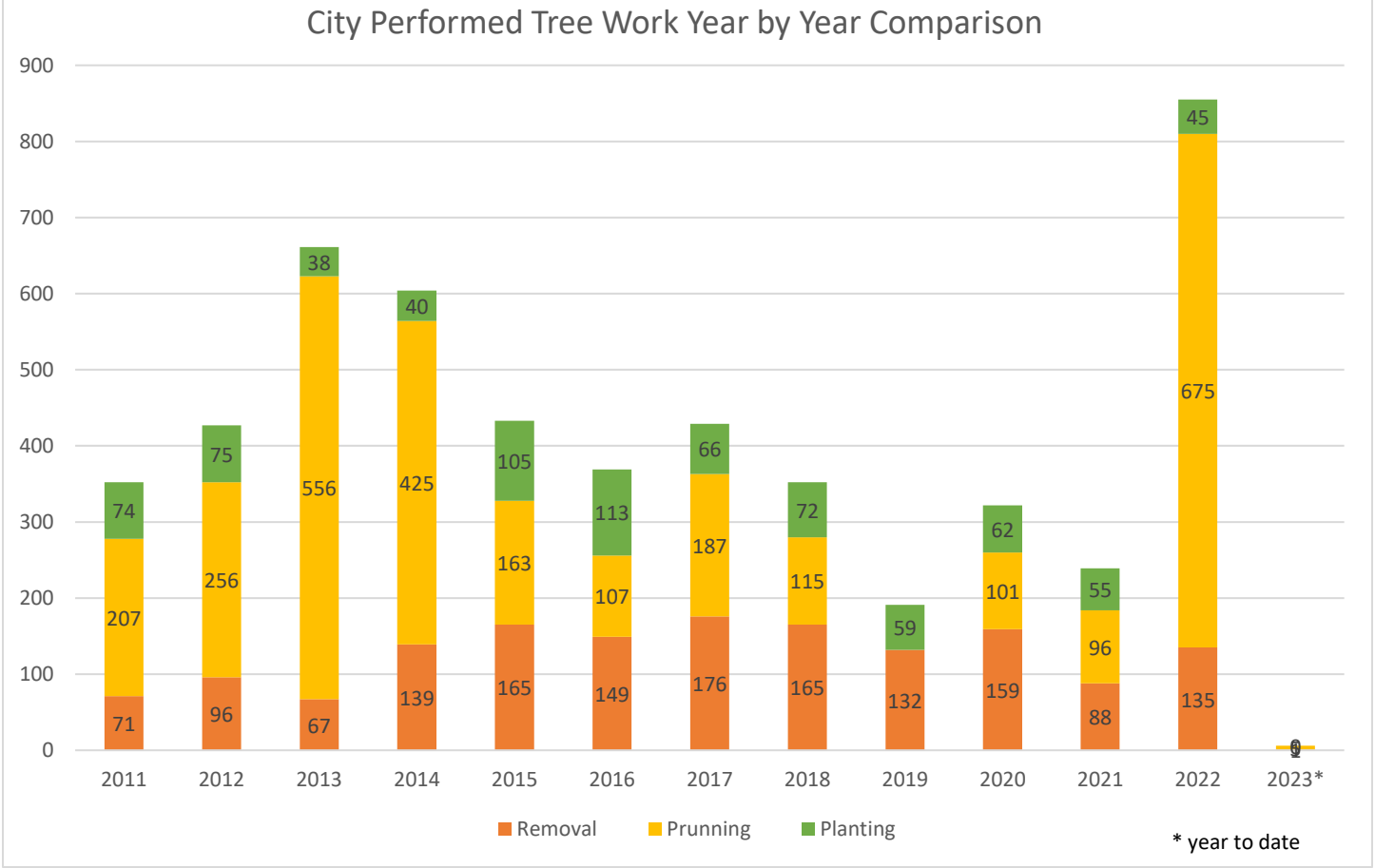
	Permitted removals	Removal of upper	Removal of lower	Replanting Required	Replanting of upper	Replanting of lower	Replanting %	Applications processed
2021	204	81	123	135	81	54	66.18%	213
2022	149	82	67	85	48	37	57.05%	155
2023*	1	1		1	1			28

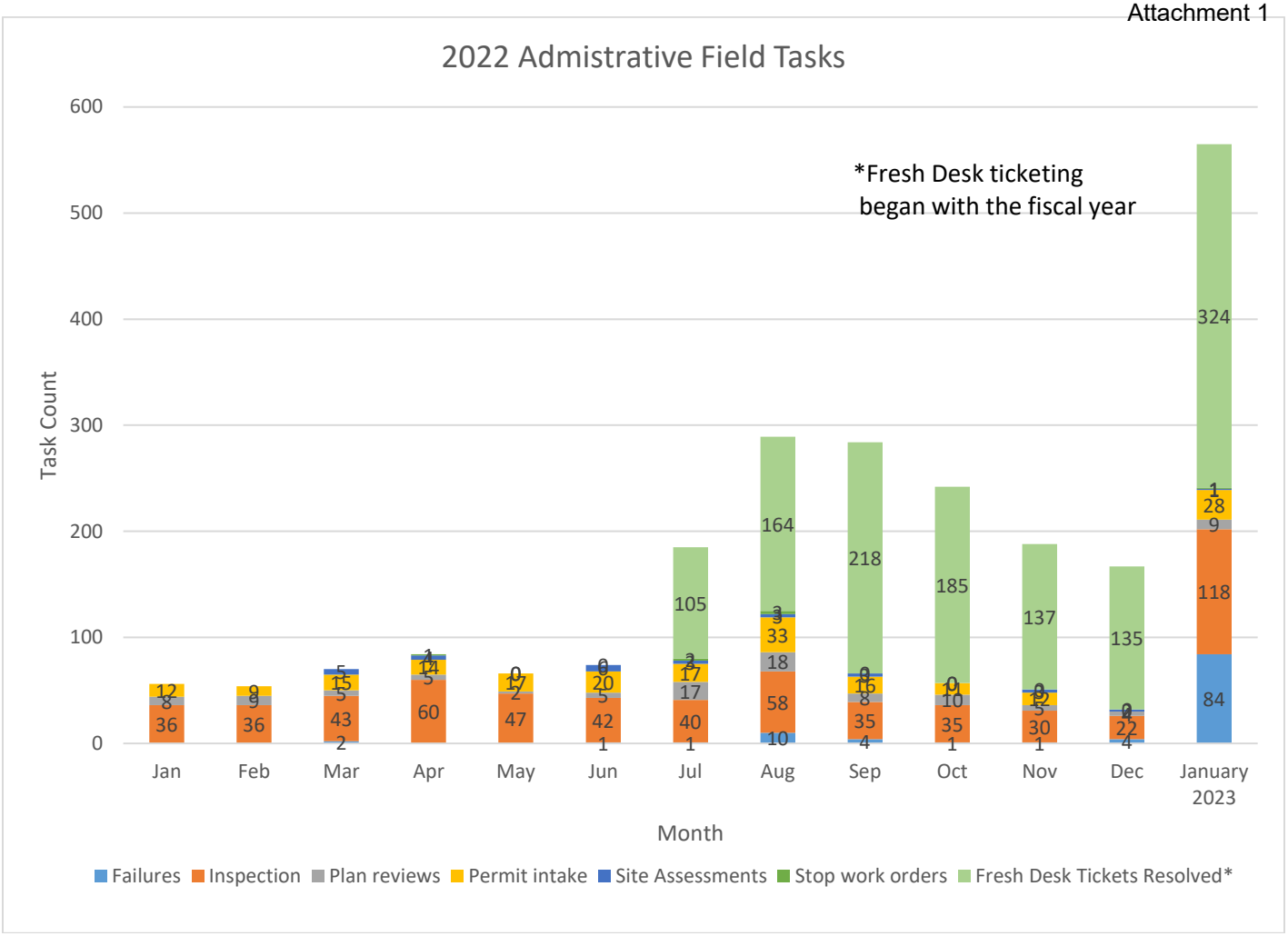
*year to date

Attachment 1



City Forestry, Parks, and Beach Activities




2022 Admistrative Field Tasks
*Fresh Desk ticketing began with the fiscal year
Task Count
Month
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
January 2023
Failures
Inspection
Plan reviews
Permit intake
Site Assessments
Stop work orders
Fresh Desk Tickets Resolved*

CITY OF CARMEL-BY-THE-SEA
FOREST AND BEACH COMMISSION
Staff Report

February 9, 2023
ORDERS OF BUSINESS

TO:	Forest and Beach Commissioners
SUBMITTED BY:	Robert M. Harary, P.E., Director of Public Works
SUBJECT:	Public Works Director's Monthly Report for January 2023

RECOMMENDATION:

Receive the Public Works Director's Monthly Report for January 2023.

BACKGROUND/SUMMARY:

The Public Works Director's Monthly Report for January 2023 will include:
A. City Council actions related to Forestry, Parks, and Beach issues.
B. Forestry, Parks, and Beach-related Capital Improvement Projects
C. Climate Action and Climate Adaptation Plan implementation
D. Update on Volunteer Organizations
E. Miscellaneous Forest, Parks, Beach, and related Public Works items

FISCAL IMPACT:

None.

ATTACHMENTS:

Attachment #1 - Public Works Director's Report for January 2023

CITY OF CARMEL-BY-THE-SEA

Monthly Report
Public Works Department
January 2023

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert M. Harary, P.E., Director of Public Works
SUBMITTED ON:	February 1, 2023
APPROVED BY:	Chip Rerig, City Administrator

City Council Meeting of January 10, 2023

- Adopted Resolution 2023-002, awarding a Professional Services Agreement to Jayson Architecture to prepare the Libraries Master Plan for a fee not-to-exceed $55,000.
- Adopted Resolution 2023-004, awarding a Professional Services Agreement to BKF Engineers for the Concrete Streets Repair Project, with the modification to remove the proposed bicycle pathway along Ocean Avenue, between Monte Verde and San Carlos, and reduce the fee accordingly.
- Denied the Rotary Club of Carmel's request to install up to two, wooden Rotary International signs at the entrances of the City on Carpenter Street and Rio Road.

Forest and Beach Commission Meeting of January 12, 2023

- Approved removal of two dying Monterey pines at Vizcaino Avenue, 11 southeast of Eleventh Avenue, and required replanting of two trees or pay the in-lieu fee of $800 per tree.
- The Public Works Director presented highlights of the Public Works Department activities in 2022, emphasizing how all five operating divisions of the department support the quality, conditions, and sustainability of the urban forest, parks, beach, and open spaces.
- Presented the Forester's reports for December 2022. Report included final data for 2022 as follows: Private trees: approved removal of 168, required replanting of 90, and processed 180 permits. Public trees: pruned 675, removed 135, and planted 45.

City Council Workshop for Strategic Planning of January 31, 2023

- Supported Council discussions regarding: fire risk reduction strategies, forest management plan update, stormwater ordinance update, oversight of volunteer groups, beautification efforts, facilities master planning, undergrounding utilities, and the Scout House project.

Administration

- Accepted the resignations of Environmental Compliance Manager Agnes Martelet, effective February 7th, and City Forester Sara Davis, effective February 15th.
- Project Manager candidate cleared the background check and is scheduled to start on February 16th.
- Coordinated storm response and recovery operations during the atmospheric river storm event lasting nearly 17 days. Began to compile documentation for state disaster relief funds.
- Updated the Council Strategic Priorities spreadsheet for the January 31st Workshop.
- Presented the San Carlos Median Islands, Bike Route, and Paving Project at the 2nd Public Workshop at Sunset Center on January 26th.
- Posted a new webpage with links to 27 different volunteer organizations that provide a broad range of community, environmental, and/or social services that enhance the well-being of our residents.

Public Works Department Report – January 2023

- Requested additional requirements for the Operations and Maintenance Agreement, prepared by the City Attorney's office, for the upcoming Request for Proposal (RFP) for the Scout House, particularly as it relates to the renovation portion of the proposed services.
- Prepared proposed Mid-Year Budget adjustments for the Public Works operating budget.

Carmel Cares

- Held the first "Summit" meeting where the combined Carmel Cares and Public Works team reviewed the City's active capital improvement projects and key Public Works activities, and Carmel Cares' ongoing task list and proposed projects. Will seek opportunities for Carmel Cares to provide certain professional services during staff vacancies and to increase efforts on facility-oriented projects.
- Staff met with new Carmel Cares Communications Director, David O'Neil, to review opportunities for messaging their partnership with Public Works with the goal of attracting more volunteers and donations supporting City projects.
- Following the storms, continued to maintain the Scenic Pathway, Forest Theater grounds, and various landscaped medians, and the Downtown Detail continued to make downtown beautification improvements.
- Carmel Cares purchased and stocked pink Mutt Mitts along the Scenic Pathway with the expectation that more pet owners will pick up after their pets with the brightly-colored Mutt Mitts.

Environmental Programs

- Received minor comments from the California Water Quality Control Board regarding proposed, updated Stormwater Ordinances CMC Sections 17.42, Stormwater Quality, and 17.43, Water Quality Protection. Comments still pending from the Coastal Commission.
- Continued to coordinate with EMC, Integral Consultants, and Haro Kashunich for preliminary tasks associated with the Coastal Engineering Study – a key Climate Adaptation Project.
- Met with PG&E to initiate the design by both PG&E and an electrical engineering consultant to be retained by the City, for EV charging stations along the southern row of the Vista Lobos Parking Lot.
- Prepared staff reports for the February 8th Planning Commission meeting for Coastal Development Permits for the MTNP 3 Drainage Projects and MTNP Well Abandonment and Tank Removal Projects.
- Executed a $5,000 CalRecycle Grant
- Trained Library staff on stormwater quality regulations.
- Began planning for Earth Day to be held in April.

Facility Maintenance

- For Storm Recovery: investigated 19 roof leaks, repaired four, contracted to repair most, and in the process of obtaining quotes for the most-costly leaks. Will also need to replace tiles on the Harrison Memorial Library (HML) roof. Also, pressure-washed out several clogged drains.
- Immediately upon receipt of a Corrections Notice by the Building Official, retained an electrical contractor to reconstruct the electrical switches in the back of the Garage with a new, waterproof switches. Also met with a structural engineer to evaluate the condition of the combined Police/Public Works building and recommend repairs to maintain the structural integrity of the facility.
- Under the Central California Energy Watch program, coordinated with a PG&E contractor to replace four old, gas-fired water heaters with energy-efficient, electric heat pump water heaters, at no cost to the City, in City Hall, Fire Station, HML, and Public Works.
- Investigated and repaired broken pipes causing a leak under the kitchenette in the Park Branch Library. Also coordinated with a disaster mitigation vendor to replace wet drywall and ensure no mold.
- Packed up, moved out old furniture, and began preparations for paneling removal, drywall replacement, and painting to renovate the Public Works front office prior to delivery of refurbished furniture to match existing lobby furniture and house one additional employee in the front office.
- Removed holiday decorations in Devendorf Park and along Ocean Avenue.
- Coordinated with a plumber to video a broken drain pipe in the Vista Lobos parking lot.

Public Works Department Report – January 2023

Forest Theater

Quarterly Report for October 1 through December 31, 2022 is summarized as follows:

Thirty-four (34) performances were held for nine (9) productions: Pacific Repertory Theatre (Pac Rep): The School for Lies, Pac Rep: Remembering Olympia, Carmel Rotary, Music in the Forest (Stephen Vagnini), Carmel Library Foundation: Bohemian Soul, Pac Rep: Celebrating the Beatles, Pac Rep: Rudolph, School of Dramatic Arts fall semester, and Pac Rep: A Christmas Carol.

The total combined attendance at these events was 5,009. Pac Rep will provide $2,888 as revenue to the City for ticket user fees. The next performance will be on March 31st.

Project Management for Capital Improvement Program

Wallace Group Projects:

- For the Concrete Streets Repair Project, revised the Professional Services Agreement with BKF Engineers, to eliminate the previously-proposed bike pathway along Ocean Avenue, reducing the fee by $25,000. Held a design kickoff meeting with BKF.
- For the MTNP well abandonment and water tank removal project, supported environmental review documentation, completed 90% level plans and specifications, and will support the Coastal Development Permit application to the Planning Commission in February.
- The results of the Storm Drain Master Plan Update, by Schaaf & Wheeler Consulting Engineers, will be presented to staff on February 1st. Neill Engineers began work on drainage repair plans.

Ausonio, Inc. Projects:

- For the City Hall Retaining Wall Repair Project, the project's structural design was significantly revised, based on the required geotechnical evaluation, and back checked. The building plan check process was approved, and the project will be ready to advertise for bids in early February.
- The first Facility Condition Assessment Report, prepared by Bureau Veritas for City Hall, was submitted for review. Key recommendations include replacing the fire alarm panel and both sets of front doors, and updating lighting controls.
- For the combined City Hall Roof Replacement, HML Exterior/Interior Painting and Generator, Sunset Center Exterior Painting, and Cottage Windows Repairs Projects, Amendment No. 1 was prepared to the $24,999 Professional Services Agreement with Ten Over Studios for on-call architectural services. The $78,900 Amendment covers design plans through construction support services. While work commenced under the original Agreement authorization, the Amendment is scheduled for approval at the February 7th Council meeting.

4 Leaf Projects:

- For the Police Building Project, the Project Team met several times with the Ad Hoc Committee comprised of Mayor Potter and Councilmember Baron. The Team toured the Police/Public Works facility and noted safety and code concerns and Police operational deficiencies. A recommendation from the Ad Hoc Committee to the full Council, scheduled for February 7th, is anticipated to recommend issuing an RFP to hire an architectural firm, with police building expertise, to perform an evaluation of the issues and provide cost estimates.

Additional CIP Projects:

- For the ADA Upgrades Project, Year 5, quotes were received and approved for fabrication and installation of ADA-compliant railings in front of the HML library and in Piccadilly Park. This work complements other ADA upgrades performed this fiscal year including an ADA fountain in the Park Branch Library, restoring the ADA call button at HML, and lowering the emergency phone in Forest Hill Park.

Public Works Department Report – January 2023

- Executed a $24,999 Professional Services Agreement with Haro Kashunich and Associates for on-call, as-needed geotechnical engineering services.

Street Maintenance

- During and following the storms, Street Maintenance crews:
  - Supported Police, Fire, and PG&E crews with barricades and street closures, sometimes 24/7
  - Provided detour signs during a one-day shutdown of Highway 1, south of Carpenter
  - Closed down the beach access stairs and posted warning signs along the beachfront
  - Closed off the MTNP, and later reopened it to pedestrians only
  - Closed down the pathway on the west side of San Antonio, north of Fourth Avenue
  - Placed and maintained a pile of sand and sandbags at Vista Lobos parking lot
  - Cleared out drainage inlets on an ongoing basis
  - Restored the Serra Trail, including placing rock gabions
  - Repaired fallen traffic signs and damaged fencing
  - Repaired a sinkhole which damaged a portion of split rail fencing along the Fourth Avenue Pathway
- Prepared a staff report for the February 7th City Council meeting to declare six (6) City vehicles as surplus and authorize their sale at a public auction with an estimated total value of $27,000.
- Posted signage for the Pebble Beach AT&T Pro Am Tournament.

Forestry Parks and Beach Report (Forester's Report)

- Forty (40) trees completely failed during the storm, and 44 trees had large broken limbs. Twenty (20) of the 88 incidents required the assistance of PG&E.
- Storm Recovery work included hiring John Ley's Tree Service and Tope's Tree Service for emergency tree removals and tree debris hauling. New Purchase Orders, valued up to $90,000, will be requested for Council approval at their February 7th meeting.
- Davey Resource Group, the consultant who is preparing the Urban Forest Master Plan, is beginning to collect inventory data.
- Due to the storms, the application process has been delayed for additional Steering Committee members to supplement the Forest and Beach Commission for oversight of the Urban Forest Master Plan development.
- The On-Call Tree Care Services Contract was advertised for bids. Due to the storms, the Pre-Bid Meeting was re-scheduled from January 10th and held on the 24th. The Bid Opening is scheduled for February 14th. These contracts include the option for the City to retain a qualified consulting arborist, via a Task Order Process, as well as to perform tree planting, watering, pruning, removal, and stump grinding services.
- Justin Ono of Ono Consulting may be retained to provide arborist services until the on-call tree contracts are awarded and a task order is issued for a consulting arborist, or the next Forester is hired. The position will be posted by the City imminently and advertised extensively.
- Coordinated with Leadership Carmel regarding their proposed project(s) in Devendorf and/or Forest Hill Parks, which will be presented at the February 9th Forest & Beach Commission meeting.
- Received a quote for $6,650 for replacement of rusted components of the playground structure at Forest Hill Park.

Private and Development Activities

2023 Permitted Removals and Required Planting

	Removals	Plant Upper	Plant Lower	No room for New Tree	Meets Density Recommendation	Total Number of Trees Required
January	**1**	**1**	**0**	**0**	**0**	**0**
February						
March						
April						
May						
June						
July						
August						
September						
October						
November						
December						
2023 Totals	1	1	0	0	0	0

Historic Permitted Removals and Required Planting

	Removal permits	Removal of upper	Removal of lower	Replanting Required	Replanting of upper	Replanting of lower	Replanting %
2012	96			20			20.83%
2013	123	60	63	59	31	29	47.97%
2014	145	64	81	49	35	20	33.79%
2016	90			37			41.11%
2017	119	50	69	43	15	28	36.13%
2018	77	37	60	20	1	18	20.62%
2019	170	107	63	116	53	63	68.24%
2020	98	57	41	93	67	26	94.90%

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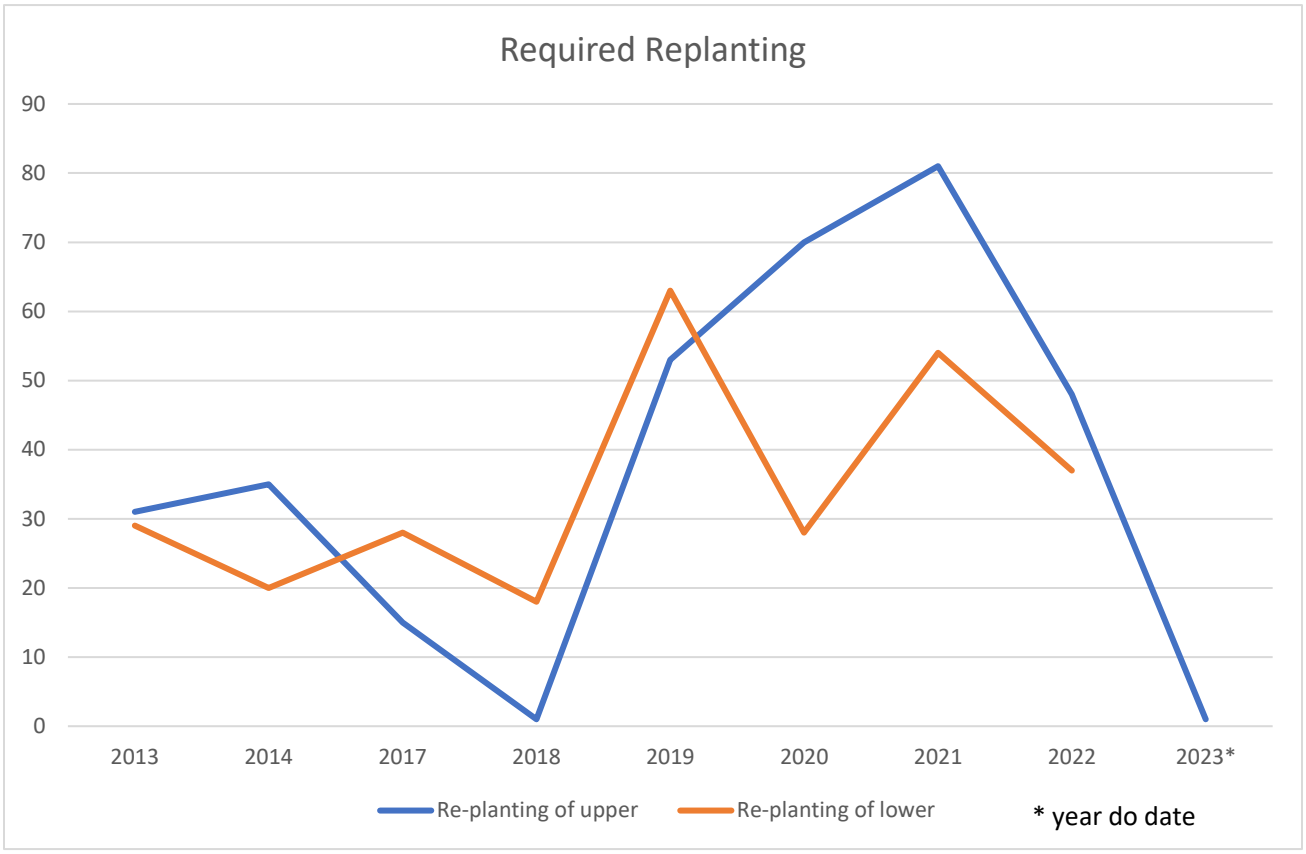
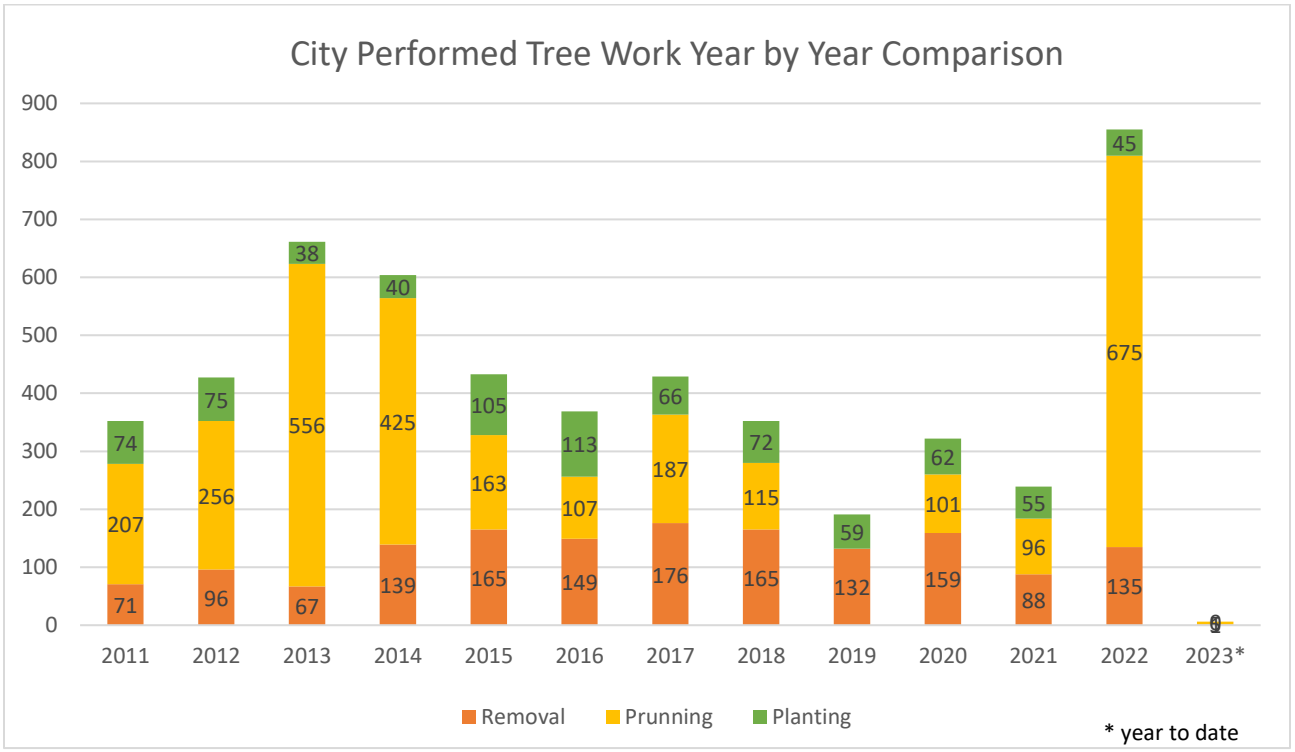
Public Works Department Report – January 2023



City Forestry, Parks, and Beach Activities



Public Works Department Report – January 2023

Attachment 1