



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

Sarah Berling, Kelly Brezoczky, Tamara Michie, JC
Myers

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

REGULAR MEETING Thursday, January 11, 2024

MEETING 2:30 PM

THIS MEETING WILL BE HELD IN PERSON AND VIA TELECONFERENCE. The public is welcome to attend the meeting in person or remotely via Zoom; however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may watch the Youtube Live Stream at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>, or use the link below to view or listen to the meeting via Zoom teleconference:

<https://ci-carmel-ca-us.zoom.us/j/84489963826> Webinar ID: 844 8996 3826 Passcode: 326391 Dial in: (253) 215-8782

HOW TO OFFER PUBLIC COMMENT: Public comment may be given in person at the meeting, or using the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to yculver@ci.carmel.ca.us. Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

Tour Time 1:30

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.** Northwest Corner of Lincoln Street and Santa Lucia Avenue
- B.** Monte Verde Street 3 North East of Ninth Avenue
- C.** North Dunes site - Ocean and San Antonio Avenues

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC APPEARANCES - Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. Hateful, violent, and threatening speech is impermissible public comment as it disrupts the conduct of the public meeting. This is a warning that if a member of the public attending this meeting remotely violates the Brown Act by failing to comply with these requirements of the Brown Act the meeting, then that speaker will be muted.

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.

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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. December 14, 2023 Meeting Minutes
2. Final Forest and Beach Commission Rules of Procedure

PUBLIC HEARINGS

3. Consider the pruning of two coast live oak trees in the public right-of-way at the Northwest Corner of Lincoln Street and Santa Lucia Avenue (Tree Permit Application 23-201)
4. Consider the release of a Stop Work Order at Monte Verde Street 3 Northeast of Ninth Avenue.

ORDERS OF BUSINESS

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

5. Consideration of the installation of a Split Rail Fence at North Dunes Habitat Restoration area at Ocean and San Antonio Avenues
6. City Forester's Report for December 2023
7. Public Works Director's Report for December 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

January 11, 2024
CONSENT AGENDA

TO: Forest and Beach Commissioners

SUBMITTED BY: Robert M. Harary, P.E., Director of Public Works

SUBJECT: December 14, 2023 Meeting Minutes

RECOMMENDATION:

Approve the December 14, 2023 Meeting Minutes.

BACKGROUND/SUMMARY:

FISCAL IMPACT:

ATTACHMENTS:

FBC Meeting Minutes December 14, 2023

**FOREST AND BEACH COMMISSION
REGULAR MEETING
Thursday, December 14, 2023**

Tour Time 3:00 PM

TOUR OF INSPECTION

A. Northwest Corner of Lincoln Street and Santa Lucia Avenue

MEETING TIME 3:30 PM

CALL TO ORDER AND ROLL CALL

PRESENT:	Berling, Brezoczky, Michie, Myers
ABSENT:	None
STAFF PRESENT:	Robert Harary, P.E., Director of Public Works Yvette Culver, Commission Secretary Mark Shervington-Bradley, Forestry Support

PLEDGE OF ALLEGIANCE

Chair Myers led the public in the Pledge of Allegiance.

PUBLIC COMMENT

Ramie Allard – Friends of Carmel Forest, requested a list of locations to plant trees
Dale Byrne

ANNOUNCEMENTS

Public Works Director Harary announced:

- Forestry's Administrative Analyst Tom Ford and his wife had a baby boy in late November.
- City Forester Ono had been out on medical leave. He came back to work in late November, but unfortunately, today he had to urgently return to the doctor and will not be at today's meeting.
- Jennifer Menke, a temporary employee, is helping us while Tom Ford is out on paternity leave.
- A thank you to JC Myers and the volleyball colleagues for a donation of \$1,200. We used that money to rent a skid steer for 2 days to level out the sand at the courts and restore sand up on the embankment at the foot of the Del Mar parking lot.
- The Mayor and Mayor Pro Tem interviewed five candidates for the vacant Forest and Beach Commissioner seat, and a tentative selection has been made. An announcement will be made at the next City Council meeting in January.
- Save the Date – Saturday, April 20, 2024, in Devendorf Park. We will celebrate Arbor Day, Earth Day, and Community Day.
- City Offices will be closed from Friday, December 22nd through Monday, January 1st.

CONSENT AGENDA

Item 1: November 9, 2023, Meeting Minutes

Commissioner Michie moved to approve the meeting minutes, seconded by Commissioner Berling and carried by the following roll call vote:

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

PUBLIC HEARINGS

Item 2: Consider the pruning of two coast live oak trees in the public right-of-way at the Northwest Corner of Lincoln Street and Santa Lucia Avenue (Tree Permit Application 23-201)

Chair Myers announced that the Commission was going to consider the application for pruning of two coast live oak trees in the public right-of-way at the corner of Lincoln Street and Santa Lucia. However, because the City Forester is not present today, this item should be continued to the next meeting. Director Harary stated that staff is still able to make a presentation on this item if the Commission prefers, but we agree that we do not have the technical expertise that our City Forester has for this matter.

Chair Myers opened the proposal to continue the Public Hearing for Public Comment.

PUBLIC COMMENT

Applicant Stephen Yu agreed to postpone this until the January meeting when the City Forester is present.

Written correspondence was also received prior to the meeting from Stephen Yu and Paul Boon.

Commissioner Brezoczky motioned to continue the Public Hearing on the application at Lincoln Street and Santa Lucia Avenue for the tree permit to the next meeting, seconded by Commissioner Michie and carried by the following roll call vote:

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

ORDERS OF BUSINESS

Item 3: Preliminary Results of the Urban Forest Master Plan Community Survey

Director Harary presented the Staff Report. At the September Special Meeting of the Forest and Beach Commission, combined with the Steering Committee, we finalized the questions for the Urban Forest Master Plan Community Survey. We launched the survey on September 27th, and it was posted for 47 days closing on November 13th. We had 358

responses, 318 online and 40 on paper. He noted that per Question 21, 81% of the respondents were residents who own property in the City, and 18% were either tenants or people who work in the City or live locally on the Monterey Peninsula.

Since we just received this raw data, staff has not yet had the opportunity to evaluate the content and analyze trends, but we wanted to provide this data to the Steering Committee in a timely manner. Preliminarily, some consistent themes from the survey included: public trees require more maintenance, concerns about dead or dangerous trees around power lines due to storms, and the need for more replacement trees. Also, 42% said that the City has about the right number of trees, while 36% expressed that the City already has too many trees, and 22% said that the City needs more trees. Mark Shurvinton-Bradley, forestry staff, described a few representative charts that were included in the Agenda Packet.

Director Harary also mentioned that this is the beginning of the process of interpreting the data and includes only information from the Community Survey. In addition to this document, and the upcoming Urban Forest Master Plan, there will be many discussion topics and policy decisions for the Commission regarding how to improve the urban forest for decades. Today's topic is meant for discussion and guidance only, as no decisions are needed at this meeting.

Commissioner Brezoczky suggested breaking out the data to show just the residents of Carmel-by-the-Sea, and the data should be tabbed to exclude people who are not residents. She offered to do the coding necessary to find out the breakdown of this information.

PUBLIC COMMENT

Dale Byrne

Item 4: Updated Forest and Beach Commission Rules of Procedure.

Mark Shurvinton-Bradley presented the Staff Report. He noted that all changes requested from the November meeting have been made and are shown in redline/strikeout format in the attachment to the agenda report. He also said that staff has since identified four additional changes that are shown in blue. Staff recommends that the Commission review and adopt these Updated Forest and Beach Commission Rules of Procedure and noted that these Rules of Procedure would take effect starting at the January 2024 meeting. Staff answered questions of the Commission.

PUBLIC COMMENT

None

Commissioner Brezoczky motioned that Forest and Beach Commission Rules of Procedure be revised consistent with the document provided by the department today with the exception of the following edits:

1A – Organization: the first sentence to remain the same as presently exists with no Revision, to read, *“The Forest and Beach Commission shall consist of five members, residents of Carmel-by-the-Sea, and appointed by the City Council.”* The second sentence in red shall be omitted.

The next revision would be on page 9, at 4a. Add the word “if” after the comma, so it would read, *“The application was incomplete, or if...”* and then continue as written.

Accept all other revisions in red as discussed at the last Commission meeting as well as all additions in blue on pages 7, 9 and 11 which are new suggestions by Staff.

Seconded by Chair Myers and carried by the following roll call vote:

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

Item 5: Proposed Forest and Beach Commission Meeting Dates for 2024

Commission Secretary Yvette Culver noted that the proposed meeting dates for 2024 was included in the agenda packet. She stated that as per the new Rules of Procedure, the meetings will begin at 2:30 pm, and the Tours of Inspection will begin at 1:30 or 2:00 pm, depending on the number of locations to be reviewed.

PUBLIC COMMENT

None

Commissioner Berling motioned to accept the proposed meeting dates for 2024., seconded by Commissioner Michie and carried by the following roll call vote:

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

Item 6: City Forester's Report for November 2023

Director Harary presented the Forester's Report for November 2023 on behalf of the City Forester.

- For the Urban Forest Master Plan, Davey Resource Group is 75% complete with the Recommended Species List, and 90% complete with the first draft of the Plan.
- Due to extraordinarily onerous requirements, re-work, and unclear/contradictory directions to seek grant reimbursement from CalFire for the UFMP, and since no funds have been reimbursed to date, staff requested to be relieved of further administering this grant.
- As requested by the Forest and Beach Commission, an overgrown Podocarpus tree was pruned on San Antonio, southwest of Second Avenue. The adjacent Loquats have also been looked at by the City Forester, but we are proceeding carefully with trimming so that they remain healthy.
- In the North Dunes Habitat Restoration Site, invasive acacia seedlings and saplings were removed.
- Unauthorized cactus plantings were removed in the Mission Trail Nature Preserve (MTNP) by the Friends of MTNP and staff.
- Fuel management weed whacking and tree pruning was performed in and around Rio Park yard by Forestry staff.

- First nursery order of large cypress trees was made with more pines, cypresses, and oaks coming for planting in the coming months.
- Most of the planned work issued via Task Orders to our three tree service contractors, Community Tree Service, Tope's Tree Service, and West Coast Arborist, has been completed to date. Some funds remain in reserve for initial storm recovery efforts, but all allocated funds will be expended well before the end of the Fiscal Year. Additional funding of \$200,00 for additional tree and stump removals will be requested as part of the Mid-Year Budget review process.
- To date in Fiscal Year 2023/24, contractors removed 59 trees, pruned 13 trees, and ground out 48 stumps.

PUBLIC COMMENT

Ramie Allard

Commissioners commented that we should place an article in the Pine Cone and post on the City website that summarizes the statistics of forestry issues in 2023. The article and/or website should include tips on proper tree planting and care, links to tree permits, etc.

Item 7: Public Works Director's Report for November 2023.

Director Harary presented the Public Works Report for November 2023.

City Council actions related to Forestry, Parks and Beach issues

- At the December 5th Council meeting, the proposed Beach Cleanup Guidelines and Policy presentation was postponed.

Forestry, Parks and Beach-related Capital Improvement issues

- For the MTNP Well and Tank/Pump House Removal Project, the well decommissioning permit was issued by the County Environmental Health Department, and the well was decommissioned by the Contractor, concluding the field work.
- For the MTNP 3 Drainage Project, after a year-long, tedious approval process, the California Department of Fish and Wildlife Service issued a Streambed Alteration Agreement. Now with all three regulatory agency permits in hand, we will finalize the bidding documents and go out for construction bids. The project is primarily funded by a \$187k State Parks Per Capita Grant.

Climate Action and Climate Adaptation Plan implementation

- The reformed Climate Committee met on November 16th for the first time since adoption of the Climate Action and Climate Adaptation Plans in August 2022, with Committee Chair Jeff Baron, and members Carrie Theis, Scott Lonergran, and Michael LePage. Environmental Programs Manager Mary Bilse is the staff liaison.
- The two technical reports produced under the Coastal Engineering Study, which were previously presented to the Forest and Beach Commission, were presented to the Climate Committee: Task 1, Shoreline Infrastructure Condition Assessment, and Task 2, Shoreline and Beach Change Analysis.
- Also, for the Coastal Engineering Study, staff met with consultants Integral and EMC to review preliminary findings of Tasks 3, Shoreline and Beach Erosion Exposure Modeling, and Task 4, Coastal Hazard and Sea Level Rise Vulnerability Assessment. These reports are tentatively scheduled to be presented to the Commission and Climate Committee in February.

Update on Volunteer Organizations

- The Friends of MTNP offered to pay for upgraded MTNP entry display signs, and sign fabrication is underway.

Miscellaneous Forestry, Parks, and Beach-related Public Works items

- Provided staffing, barricades, signage, and clean up for the Veteran's Day and Home crafter's events and installed year-end holiday decorations around Devendorf Park and lights along the Ocean Avenue median islands.
- As a unique Team Building Project on December 11th and 12th, the entire Public Works Department rebuilt the wooden footbridge in MTNP near the Eleventh Avenue entrance. The previously dusty/muddy road entrance and the adjacent park entry gate were also reconstructed.
- Received a 2024 Dodge Ram 1500 truck, and ordered an EV truck for Forestry, as a CIP project, to replace two very deteriorated forestry trucks. Also coordinated equipment repairs to the High Ranger and Chipper.
- The Traffic Safety Committee denied a request to convert the Santa Rita Street and Fourth Avenue intersection from a 2-way to 4-way stop control but requested that overgrown vegetation at the northwest and southwest corners of the intersection be pruned back for improved visibility. This work was promptly completed.
- Prepared material quantities and cost estimate for a new cedar post and rail fence along Ocean and San Antonio Avenues along the borders of the North Dunes Habitat Restoration site. Fence to be reviewed by the Forest and Beach Commission in January.

Director Harary also noted that two students from the Leadership Carmel Class of 2024 were in the audience, and that they may be presenting their legacy project to the Forest and Beach Commission at an upcoming meeting.

PUBLIC COMMENT

None

FUTURE AGENDA ITEMS

Parking spaces in front of each home
North Dunes border fence

ADJOURNMENT

Respectfully submitted,

Yvette Culver, Commission Secretary

Approved by:

JC Myers, Chair



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

January 11, 2024
CONSENT AGENDA

TO: Forest and Beach Commissioners

SUBMITTED BY: Robert M. Harary, P.E., Director of Public Works

SUBJECT: Final Forest and Beach Commission Rules of Procedure

RECOMMENDATION:

Receive the attached, final Updated Forest and Beach Commission Rules of Procedure which are now in effect.

BACKGROUND/SUMMARY:

The prior Forest and Beach Commission Rules of Procedure were adopted in December 2002.

At the November 2023 Commission meeting, the Director of Public Works facilitated a discussion about potential updates to the Rules of Procedure, including multiple changes suggested by staff. The Commission reviewed each page of the document, and requested additional changes be made. The Commission also directed staff to return in December with a revised draft for final review and adoption.

At the December 14, 2023 Commission meeting, staff presented updated Procedures incorporating the changes from the November meeting plus four additional changes recommended by staff. The Commission adopted a Motion summarized as follows:

- 1A - First sentence to read, *"The Forest and Beach Commission shall consist of five members, residents of Carmel-by-the-Sea, and appointed by the City Council."*
- 1A - The second sentence in red (in the draft) shall be omitted.
- On page 9, at 4 a to read, *"The application was incomplete, or if the Forest and Beach Commission requests that the application be considered by the Community Planning and Building Department and/or Planning Commission before making a final decision."*
- Accept all other revisions in red as discussed at the last meeting as well as all new suggestions by Staff shown in blue.

Attachment #1 is the final, clean version of the Rules of Procedure adopted by the Forest and Beach Commission at the December 14, 2023 meeting. These Rules of Procedure are now in effect.

ENVIRONMENTAL EVALUATION

This action does not constitute a project within the meaning of the California Environmental Quality Act under Public Resources Code Section 21065. It has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and, therefore, does not require environmental review.

FISCAL IMPACT:

There is no impact for this administrative matter.

ATTACHMENTS:

Attachment #1 - Final Forest and Beach Commission Rules of Procedure

CITY OF CARMEL-BY-THE-SEA

**FOREST AND BEACH COMMISSION RULES OF PROCEDURE
(Approved 12/14/2023)**

I. ORGANIZATION, OFFICERS, AND COMMITTEES

A. Organization

The Forest and Beach Commission shall consist of five members, residents of Carmel-by-the-Sea, and appointed by the City Council. The Forest and Beach Commission shall be organized and exercise such powers as prescribed by the City of Carmel-by-the-Sea Municipal Code.

B. Duties and Powers of the Forest and Beach Commission

The Forest and Beach Commission, of the City of Carmel-by-the-Sea, shall have the following power and responsibilities:

1. To develop, with the City Forester, a management plan for the urban forest, parks and beach to correlate such plans with the City's General Plan.
2. To consider and act on applications for tree-trimming and tree removal and on matters involving construction in which root-cutting or root crown coverage is involved.
3. To advise the City Council or other government instrumentalities of the City with respect to specific items of management and technical forestry and beach matters, including the introduction of new species into the urban forest or the elimination of existing species.
4. To provide publicity in regard to the problems of the urban forest, including public information program concerning care of forest resources, as well as cooperation with school programs on conservation and the like.
5. To encourage gifts, bequests and devises to be made to the City in furtherance of any present or future object or project associated with the Commission.
6. To review plans and submit comments to the Planning Commission as requested from time to time by the Department of Community Planning and Building

Forest and Beach Commission
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7. To advise the City Council or other government instrumentalities of the City on the preservation, enhancement, protection and care of the Camel-by-the-Sea beach and waterfront area.
8. Upon referral from the City Council, to review and recommend to the City Council possibly official positions on proposals in the City, the City's Sphere of Influence, or any wider area, which impact the natural environment of the area.

C. Officers

1. Selection

- a. A Chair and Vice-Chair shall be elected annually in May from among the Commission's membership at the beginning of the annual meeting to serve at the pleasure of the Commission. The annual meeting shall be scheduled for the same meeting at which any new, regular-term Commissioners are seated.
- b. The elections process commences with individual Commissioners nominating candidates until a motion is made, seconded and approved to close nominations. At the conclusion of any discussion, the roll is called alphabetically and each Commissioner votes for one of the nominated candidates until one is elected by simple majority. The newly elected or reelected Chair takes the Chair's seat and repeats this process for the Vice Chair.
- c. The Vice-Chair shall succeed the Chair if he/she vacated his/her office before his/her term is completed, the Vice-Chair to serve the un-expired term of the vacated office. A new Vice Chair shall be elected at the next regular meeting.
- d. In the absence of the Chair and Vice-Chair, any other member shall call the Commission to order, whereupon a Chair shall be elected from the members present to preside.
- e. The terms of office of the Chair and Vice-Chair shall not exceed two (2) consecutive terms.

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2. Responsibilities

The responsibilities and powers of the officers of the Forest and Beach Commission shall be as follows:

a. Chair

- i. Preside at all meetings of the Commission.
- ii. Call special meetings of the Commission.
- iii. Sign all documents of the Commission.
- iv. See that all actions of the Commission are properly taken.
- v. Assist staff in determining agenda items.
- vi. Appoint members for all standing and Ad Hoc Committees.
- vii. Act as parliamentarian, in consultation with the City Attorney.

b. Vice-Chair

During the absence, disability, or disqualification of the Chair the Vice-Chair shall exercise or perform all the duties and be subject to all responsibilities of the Chair.

c. Ad Hoc Committees and Sub-Committees

The Chair may appoint Ad Hoc Committees and Subcommittees to study matters coming before the Commission, provided such appointments and the purpose of such Committee are made a matter of record in the minutes of the Commission.

- i. Subcommittee appointments and a designated staff member are to be made by the Chair and City Forester respectively and announced at a regular Forest and Beach Commission meeting so that the appointments will be documented in the minutes.
- ii. Subcommittees established for a single, limited purpose and duration shall be considered Ad Hoc and therefore not subject to the Brown Act.

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- i. Subcommittees are to work with assigned staff and prepare subcommittee work products or review the research and draft text prepared by staff.
- ii. The first task of each subcommittee is to prepare a Scope of Work report for Commission approval which describes the issue to be addressed, the tasks and process to be used and the anticipated work products.
- iii. All subcommittee meetings are to be conducted at City Hall unless a larger venue is required (for public workshops, etc.) or when field trips are required.
- iv. Subcommittees shall make monthly oral progress reports to the full Commission at regular meetings.

II. CONDUCT OF MEETINGS

A. Rules of Order

Except as otherwise stated in these Rules of Procedure or Municipal Code, Roberts Rules of Order, Newly Revised shall be used as a guide to the conduct of the meetings of the Forest and Beach Commission, provided, however, that the failure of the Commission to conform to said rules of order shall not, in any instance, be deemed to invalidate the action taken.

- ### B. Individual meetings between Commissioners and applicants of pending requests outside the public meeting of the Forest and Beach Commission is discouraged.

C. Public Meetings

All meetings of the Forest and Beach Commission and committees of the Forest and Beach Commission shall be held in full compliance with the provisions of the Brown Act (California Government Code, Section 54954.2), the Municipal Code, and these Rules of Procedure

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D. Regular Meetings

1. Regular meetings shall be held on the second Thursday of each month in the Council Chambers of City Hall unless otherwise determined by the Commission. Public Hearings shall commence at 2:30 P.M. or as soon as thereafter as possible unless otherwise determined by the Commission. The Tour of Inspection shall be scheduled prior to the Public Hearings at a time determined to be necessary based on the length of the Tour.
2. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day or canceled by motion adopted by the Forest and Beach Commission.

E. Adjourned Meetings

In the event it is the wish of the Forest and Beach Commission to adjourn its meeting to a certain hour on another day, a specific date, time and place must be set by the Commission prior to the regular motion to adjourn.

F. Special Meetings

Special meetings for the purposes of conducting study sessions or workshops may be held at any time upon the call of the Chair or by a majority of the voting members of the Commission or upon request of the City Council following at least twenty-four hours notice to each Commission member and to the press. The time and place of the special meeting shall be determined by the convening authority.

H. Tours of Inspection

The Tour of Inspection shall include all project sites listed on the agenda. The Forest and Beach Commission may determine at the beginning of each meeting that one or more site visits listed on the agenda are not necessary. All Forest and Beach Commission members shall participate in the Tour of Inspection in order to be fully informed of the application site conditions.

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I. Agenda

1. An agenda for each meeting of the Commission shall be prepared by the City Forester and the Director of Public Works. The Chair, Vice-Chair, City Forester and Director of Public Works shall review the order of the agenda to ensure that those items of highest interest to the general public are placed at the front of the agenda. The number of applications to be considered on the agenda will be determined based on the nature and complexities of the projects, other priorities in the Forest and Beach Commissions work program and what can reasonably be considered in a three-and-one-half-hour meeting.
2. The agenda for all regularly scheduled meetings shall be posted seventy-two (72) hours in advance.
3. All agendas shall be posted at City Hall, in the Library, and at the Post Office and extra copies placed in the Forest, Parks and Beach bin at the Post Office.
4. The agenda for a special meeting shall be posted twenty-four (24) hours in advance and at the same locations as for regularly scheduled meetings.
5. Each agenda shall contain a brief description of the item to be discussed.
6. Any item may be placed on a future agenda when requested by one Forest and Beach Commissioner.

J. Order of Meeting

1. The order of items shall be based on the complexity and importance of the items. Generally, the order of business shall be as follows:
 - a. The Commission shall conduct a Tour of Inspection.
 - b. The Chair shall take the chair at the hour appointed for the meeting and call the meeting to order.
 - c. Members present and absent shall be recorded.
 - d. The Chair shall lead those present in the pledge of allegiance to the flag.

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- e. Public appearances. Comments from the audience will be received on any item not before the Forest and Beach Commission.
 - f. Extraordinary Business. Any special presentations, awards, resolutions of Appreciation or other matters of community interest shall be conducted.
 - g. The Commission shall hear and act upon those proposals scheduled for consideration on a Public Hearing/Tour of Inspection Regular Calendar.
 - h. The Commission shall then hear and act upon those proposal scheduled for consideration at a regular public hearing.
 - i. The Commission shall consider any items pulled from the Regular and Public Hearing Consent Calendars.
 - j. The Commission may recess for fifteen minutes. No recess shall occur except between scheduled agenda items.
 - k. All other applications not requiring public hearing shall then be heard. No action can be taken on items unless they appear on the agenda. (California Government Code, Section 54954.2).
 - l. Any matters of administration of the Commission, monthly subcommittee reports, determinations and appeals of administrative determinations shall be brought forward.
 - m. Adjournment. The Forest and Beach Commission will adjourn within three-and-one-half hours of the start time, unless by a majority vote the Commission elects to continue. All items not receiving action shall be continued to the next regular meeting or to a special meeting.
2. The following shall be the order of procedure for public hearings concerning tree removal-trimming applications matters:
- a. The Chair shall announce the subject of the public hearing as advertised.

If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date. If a continuation date cannot be determined, the motion shall be made to a date uncertain.

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- b. The staff shall be asked to present the substance of the application, staff or committee report and recommendation, and to answer questions of the Commission. Any letters received before the hearing are entered into the record.
- c. The Chair shall open the public hearing.
- d. Order of testimony. The order of testimony shall be as follows.

The Chair can establish shorter speaking times prior to each public hearing if the length of the Agenda or the number of speakers to be heard so warrants.

- i. Applicant's statement (3-5 minutes).
 - ii. Public input on the issue being heard (3 minutes per speaker).
 - iii. Applicant (3 minutes).
 - iv. Public hearing is closed.
- e. The Commission shall then deliberate and either determine the matter or continue to another date and time certain. The Commission may ask questions of the applicant without re-opening the hearing to all speakers. The public hearing must be reopened if a new issue is raised. If the public hearing is reopened, all interested parties shall be heard.
- f. If a motion is made and seconded that would alter a project or add new conditions not contained in the written staff report, the Chair shall allow the applicant to state for the record whether such change is accepted or opposed by the applicant prior to a vote being taken. The Commission may then approve or reject the motion.

3. Rules of Testimony

- a. Persons are not required to give their name or address, but it is helpful for speakers to state their name in order that the Secretary may identify them in the minutes of the meeting.

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- b. If there are numerous people in the audience who wish to participate on the issue, and it is known that all represent the same opinion, a spokesperson should be encouraged to speak for the entire group. The spokesperson will then have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
 - c. The Chair may limit the time of testimony to not more than three minutes on a particular issue by each individual.
 - d. No person or Commissioner shall address the Commission without first securing the permission of the Chair to do so.
 - e. All comments shall be addressed to the Commission as a whole. All questions shall be placed through the Chair.
 - f. The Chair may re-open the hearing for public testimony at any time for the purpose of obtaining new information. It is not necessary to reopen a public hearing to ask questions of the project applicant.
- 4. Items may be continued by the Forest and Beach Commission for the following reason:
 - a. The application was incomplete, or if the Forest and Beach Commission requests that the application be considered by the Community Planning and Building Department and/or the Planning Commission before making a final decision.
 - b. The applicant or their representative is absent from the meeting and did not authorize the Forest and Beach Commission to act in their absence.
 - c. The applicant could not appear at the meeting and has requested that the item be continued.
 - d. The application is revised by the applicant during the meeting.
 - e. The Forest and Beach Commission requires additional information during the meeting.
 - f. New information or issues come to light during the meeting that need further study.

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- g. The Forest and Beach Commission requests that the application be revised.

K. Voting

1. Voting Requirements

- a. A quorum shall consist three (3) members of the Commission, except when the Commission is acting on an appeal of an administrative decision when a quorum shall be four (4) members.
- b. The affirmative vote of a majority of the Commission present is necessary to take any action.
- c. When a member disqualifies him/herself from voting because of a potential conflict of interest, the Commissioner shall leave the voting area.
- d. Should the number of Commissioners abstaining for a conflict of interest together with absences for other reasons disrupt the quorum, the issue shall be continued to the next regular meeting. When the number of Commissioners abstaining solely for a conflict of interest disrupts the quorum and there exists no alternative source for decision, participation by a member with conflict shall be allowed pursuant to California Government Section 87100 et seq.

2. Disqualification from Voting

- a. A Commissioner shall disqualify him/herself from debate, discussion and voting on any matter before the Commission when there is an appearance of a conflict of interest. When a person disqualifies him/herself prior to the consideration of such matter by the Commission, the Commissioner shall state that he/she is disqualifying him/herself due to a conflict of interest, shall state the conflict, and then leave the voting area.
- b. If a Commissioner is in doubt as to whether or not a conflict of interest exists, the matter of conflict shall be referred to the City Attorney for his opinion.

The Secretary of the Commission shall record in the minutes the time when a Forest and Beach Commissioner steps down and when he/she returns to the podium.

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3. Abstentions

A Commissioner may be permitted to abstain from voting because of unpreparedness on an issue before the Commission. All votes of a member who disqualifies him/herself shall be recorded as an abstention. If a Commissioner participates in the proceedings on a matter and then abstains from voting, the vote shall be recorded as an affirmative vote on the motion.

4. Voting Order

The order of voting shall be alphabetical, with the exception of the Chair, who shall vote last.

5. Recording of Votes

The minutes of the Commission's proceedings shall show the vote of each member including whether they were absent or failed to vote on a matter considered.

III. APPLICATION PROCESSING

- A. All applications shall be submitted to the Public Works Forestry Division via intake at the Community Planning and Building Department, in compliance with the submittal requirements for each specific application. All evidence shall be submitted before the application is determined complete.
- B. Only one (1) application at a time shall be officially received and processed for a specific location.
- C. All applications will be reviewed by staff and will not be further processed until the application has been determined by the staff to be complete. The staff will be responsible for informing the applicant of the deficiencies in the application within fifteen (15) working days of receipt of the application.
- D. All staff reports and supporting information shall be reviewed and signed off by the originator of the report and the City Forester.
- E. When an application is determined to be complete, the application will be scheduled for Commission review.

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- F. Any information received after the Forest and Beach Commission agenda packet has been distributed may be the basis for continuation of the application
- G. Any application continued for a second time at the applicant's request shall not be continued again but will be re-noticed and advertised for a future Forest and Beach Commission hearing.

IV. APPEALS AND RECONSIDERATION

- A. Any appeal to the City Council from a decision of the Forest and Beach Commission must be made by filing a notice of appeal within five (5) working days with the City Clerk.
- B. Any Commission member who voted on the prevailing side of a decision may request within five (5) working days of the decision that the matter be reconsidered. The question of whether the action should be considered will be placed on the next Forest and Beach Commission meeting.
- C. Any applicant may request that a Forest and Beach Commission decision be reconsidered by the Commission. Requests for reconsideration must be made in writing within five (5) working days of the Commission's action and state the specific error or omission committed by the Commission in the decision, or provide additional, relevant information not considered by the Commission.

V. REVIEW AND AMENDMENTS PROCEDURE

- A. These Rules of Procedure shall be reviewed every 3-5 years.
- B. These Rules of Procedure may be amended or suspended at any meeting of the Forest and Beach Commission by a majority of the members.



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

January 11, 2024
PUBLIC HEARINGS

TO: Forest and Beach Commissioners

SUBMITTED BY: Mark Shurvinton Bradley

SUBJECT: Consider the pruning of two coast live oak trees in the public right-of-way at the Northwest Corner of Lincoln Street and Santa Lucia Avenue (Tree Permit Application 23-201)

RECOMMENDATION:

Deny the pruning of two coast live oak trees. Should this Application be approved, all tree work must be done by a licensed tree service company under the supervision of the City Forester. Any approved tree work will be at the Applicant's expense.

BACKGROUND/SUMMARY:

Stephen Yu submitted Tree Permit Application 23-201 (**Attachment 1**) to prune two coast live oak trees located in the public right-of-way to enhance the views of the Applicant. The Applicant is located on Lincoln Street, 2 Northwest of Santa Lucia Avenue (see **Attachment 2** for the site map). This Application was denied by the City Forester in August 2023, and is now being appealed to the Forest and Beach Commission. While this Application was originally included on the Meeting Agenda for the December 14, 2023 Forest and Beach Commission meeting, the Commission voted to delay the Public Hearing to the January 11, 2024 meeting.

In 2021, the Applicant submitted a tree trimming permit application which requested permission to thin out the canopies of the same two oaks and top oak tree #1 by 1-2 feet at his expense. The previous City Forester approved pruning of both trees, but denied the topping of oak tree #1. The administrative decision for tree #1 was then appealed and heard by the Commission in October of 2021. At the time, the Commission motioned that a report be generated at the Applicant's expense, in conjunction with the City Forester, to address the trimming of oak tree #1 with the Applicant's selected arborist. To staff's knowledge, the previous City Forester oversaw the pruning of oak tree #1 in 2021, which included canopy reduction to decrease the height of the tree.

The most recent Permit Application requested permission to reduce the canopies of both oak trees, and to trim the existing viewshed in the canopy of oak tree #2 (see **Attachment 3** for photos). When the current City Forester conducted his assessment, he determined that both coast live oak trees are healthy and do not require pruning at this time. Per the City Forester, coast live oak trees should not be pruned more than once every 3-5 years, as more frequent pruning can be detrimental to the long-term health of the tree.

The City Forester noted that when tree #2 was pruned in 2021, a significant number of interior branches were removed from the tree's canopy. While the intent may have been to create a line of sight through the canopy, per ANSI A300 Best Management Practices, the 'Lion-tail' style that was used to prune tree #2 is considered an unacceptable pruning practice. Lion-tailing concentrates growth at the ends of the branches, which damages the tree and greatly increases the chances of future limb failure. Further pruning the canopy and enhancing the view through oak tree #2 will not benefit the tree's long-term health, and may actually be detrimental to both the health of the tree and public safety. Based on the City's records, the previous City Forester approved thinning of the canopy of tree #2, but not the lion-tail pruning that is currently present.

Documentation provided by the Applicant in 2021 and referenced in the recent appeal included a development agreement between the previous property owners of the northwest corner of Santa Lucia Avenue and Lincoln Street and Lincoln Street 2 northwest of Santa Lucia Avenue to ensure that no alteration would be made to the southern structure to obstruct the view of the ocean from the northern structure. The City is not a party to this agreement, and after reviewing the document in October of 2021, the City Attorney confirmed that there does not appear to be any references to tree height or the City right-of-way in the development agreement.

Per Carmel Municipal Code Section 17.48.020, "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." The trees in question are not located within a significant public view.

The City Forester recommends that the Commission not take the 2021 approval into account when ruling on Permit Application 23-201, as approving this Application would solidify a precedent that directly contradicted Carmel's Municipal Code. Additionally, the previously approval resulted in pruning that may have increased the chances of future limb failure.

The Applicant was notified of their opportunity to speak at the Public Hearing.

ENVIRONMENTAL EVALUATION:

This action does not constitute a project within the meaning of the California Environmental Quality Act under Public Resources Code Section 21065. It has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and, therefore, does not require environmental review.

FISCAL IMPACT:

The Applicant has paid the \$1800 Forest and Beach Commission Appeal fee. Permit application 23-201 had no associated fees, as the trees are located on City property. Should the tree(s) be approved for pruning, all costs will be at the Applicant's expense.

ATTACHMENTS:

Attachment #1 - Tree Permit Application 23-201

Attachment #2 - Site Map

Attachment #3- Photos

Additional Correspondence

Additional Correspondence -Yu email



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

Attachment 1

Date Received: 06-09-2023
FEE: \$ Attachment 1
RECEIPT #: _____
Permit #: TR 23-201

APPLICATION FOR PERMIT TO REMOVE OR PRUNE TREE NO CONSTRUCTION

Location of property: Lincoln St ONW Santa Lucia Ave (Oak on NW corner & Oak 100 feet west)

BLOCK: 145 LOT: _____ APN: City right-of-way next to 010-173-029

Name of Property Owner: City of Carmel Name of Applicant/Contractor: Applicant: Stephen Yu Contractor: Iverson's Tree Service

Mailing Address: Applicant: 225 The Crossroads Blvd #319 Mailing Address: Contractor: PO Box 3658

Carmel, CA 93923 (resides @ Lincoln 2 NW Santa Lucia) Carmel, CA 93921

Email: stereyu@pacbell.net Email: itsofficeemail@gmail.com

Phone #: 650-450-1800 Phone #: 831-625-5743

WHO WILL REMOVE/PRUNE TREE(S): Iverson's Tree Service

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

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

Number, size and species of limb(s) to be removed: City oak on NW corner: trim existing window & reduce crown
City oak 100 feet west of corner: Reduce crown

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

Reason for removal or pruning: Trees have grown since the last City approved pruning in Oct 2021. Sara Davis approved pruning of corner oak + oversaw pruning of other oak after pruning was approved by the Forest + Beach Commission

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: _____

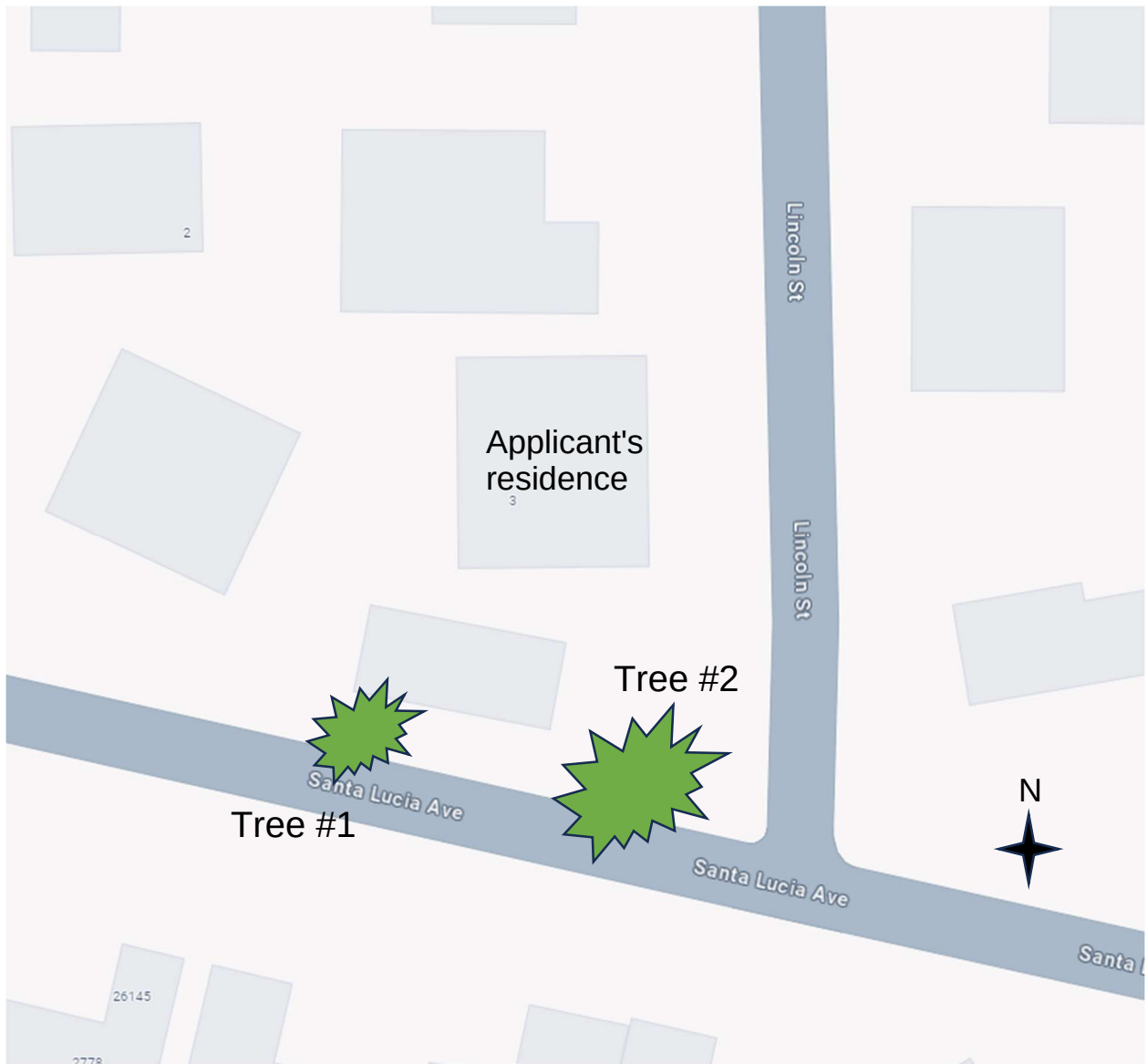
A SITE PLAN MUST ACCOMPANY THIS APPLICATION AND **SHOW** THE FOLLOWING: See other side of sheet

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: Stephen Yu Date: 6/9/2023

Agent for Owners: _____ Date: _____

Attachment 2



Attachment 3



Coast live oak tree #1, submitted by the Applicant in 2021. This image shows oak tree #1 before any pruning was approved.



Coast live oak tree #1- submitted by the Applicant in 2023. The proposed crown reduction would be to reduce the tree's overall height for view enhancement.



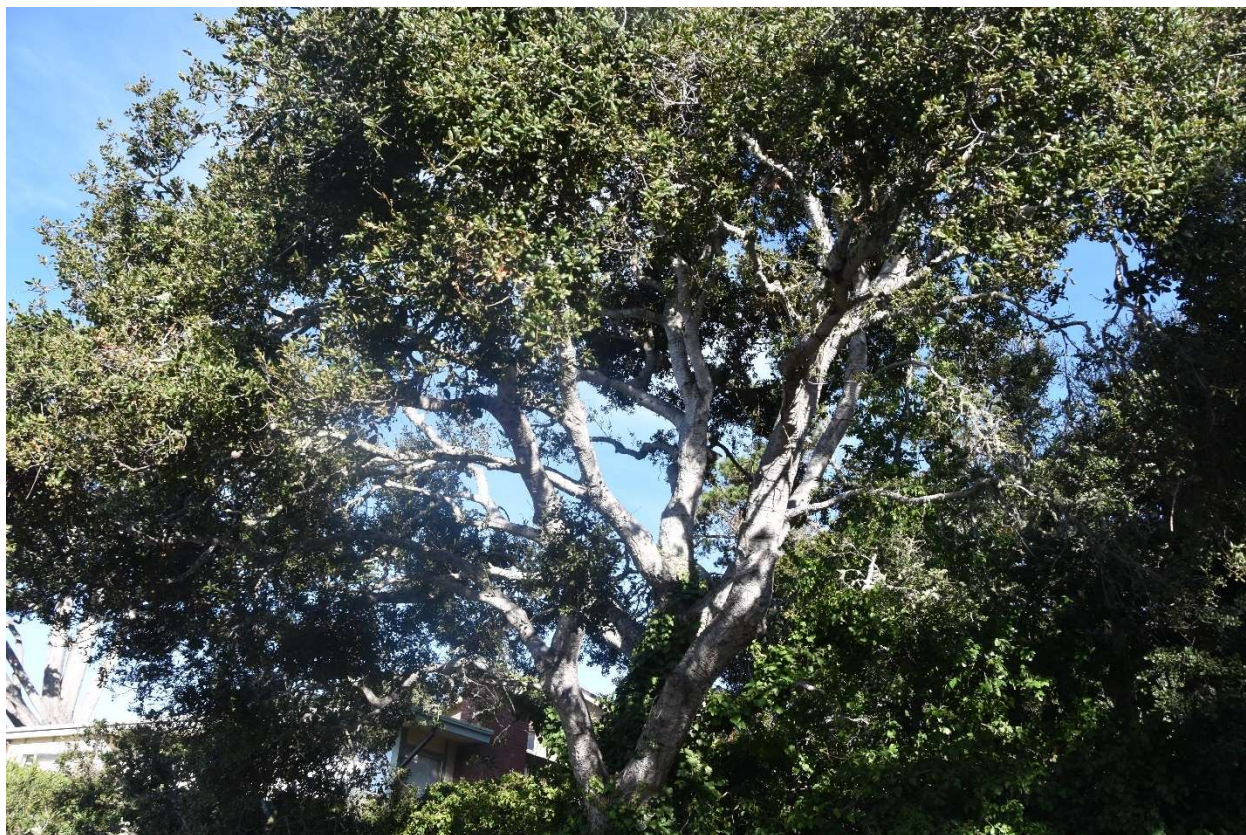
Coast live oak tree #1- taken by the City Forester on 12/08/2023. The top of the oak tree has grown since 2021. Pruning this off would only serve to enhance the views of the Applicant.



Coast live oak tree #2, submitted by the Applicant in 2021. The viewshed does not appear to have been trimmed into the tree before the 2021 permit approval.



Coast live oak tree #2- submitted by the Applicant in 2023, requested trimming of existing viewshed and crown reduction.



Oak tree #2, taken by the City Forester on 12/08/2023. The interior of the tree's canopy was previously thinned out in a 'Lion tail' style, which is considered an unacceptable pruning practice per ANSI A300 Best Management Practices for Tree Pruning.



Oak tree #2, taken by the City Forester on 12/08/2023. A stub was left behind when the existing viewshed was pruned into the tree, which is considered an unacceptable pruning practice per ANSI A300 Best Management Practices.

December 12, 2023

CARMEL FOREST AND BEACH COMMISSION

I own a house at the Northwest corner of Lincoln Street and Santa Lucia Avenue in Carmel-by-the-Sea (Hedgehog Cottage). It is the closest residence to the trees my neighbor, Mr. Stephen Yu is seeking to have trimmed. I approve of what he is proposing and support his application.

Prior to the trimming in 2021, the subject trees were seriously overgrown. Visibility for vehicles and pedestrians was obstructed. From my balcony, I could hear trucks hitting the overhanging branches, occasionally breaking them off and obstructing traffic on Santa Lucia Avenue. As far as I know, this lack of proper care for the city trees would have continued had it not been for Mr. Yu's previous application. In my opinion, periodic simple maintenance by caring professionals is very preferable to letting things get out of hand.

I would, finally, like to point out the inconsistency which would be displayed by emphatically limiting the roof height of my residence for 60 years to protect Mr. Yu's view while not allowing him to discretely trim a tree to protect his view...

Sincerely,

Paul Boon

PO box 4496, Carmel-by-the-Sea, CA 93921

paulboon@msn.com

Hello,

Thank you again for your consideration of my permit application and appeal to the Forest and Beach Commission (FBC). I would like to submit to the FBC a few supplemental points in response to the Staff Report (Report) contained in the December 11, 2023 Agenda Packet for the December 14, 2023 FBC meeting.

1. The Report characterizes my permit application as a request to enhance my view. I respectfully assert that the proposed trimming would not be to enhance the view, but rather to partially reverse the encroachment by the City trees and degradation of my view. The City trees used to be below the roofline of my southern neighbor, and have grown over the years. The 2021 trimming only partially addressed the encroachment. Since 2021, the trees have vigorously grown, and as the Report notes, they are healthy. I am seeking only minor trimming to go back to the way it was after the 2021 trimming, not to enhance.

2. The Report states that the City Forester had initially approved some trimming of those trees in my 2021 permit application and that some of the work done in 2021 was not in accordance with Best Practices. In actuality, the Forester had approved trimming other trees that are on my property and recommended rejection of my application with respect to the City trees. The FBC granted my application for the City trees, but as a condition required that Iverson's work be supervised and approved in advance by the Forester. As would be expected, because the Forester had recommended against approval, Iverson's needed to be careful to ensure that it complied with the Forester's supervision so it didn't harm the trees or risk giving reason to be removed from the list of City approved vendors. I am not directly privy to the conversations that Iverson's had with Sara Davis or the records she left behind, but it is my understanding from Iverson's that all work was done in consultation with and approval of the Forester. From my perspective, the Lion-tailing was a compromise from what I had been seeking and was approved by the Forester. I am not seeking more lion-tailing per se but rather minor reduction of the height and thickness of the canopy back to the way it was after the trimming in 2021.

3. As recognized by members of the FBC in 2021, the view is a key driver of my property's value. As the FBC can see from the photos included in the Report and will see at its site visit, only very minor trimming will be needed to a few small branches. Iverson's will not do any trimming that they believe could harm the health of the tree. Left unchecked, however, my view and attendant property value will be degraded by the City's encroachment. In 2021, it was noted by the FBC and a member of the public attending the meeting that periodic trimming would be required to avoid the ongoing City encroachment, to which I indicated that I understood and was prepared to bear the expense. I seek only to revert the view back to what was done in 2021 after the heavy rains and vigorous growth since then, at no expense to the City. The Report recommends rejecting approval to not solidify precedent that contradicts the Municipal Code. Approval of my application does not solidify negative precedent. In fact, approval

avoids setting a precedent of the Commission being inconsistent with its prior actions upon which an applicant has relied and incurred expense.

I intend to attend the FBC site visit and meeting on December 14, and in the meantime am available to answer any questions or provide any further information needed. Thank you again for your consideration.

Regards,
Stephen Yu



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

January 11, 2024
PUBLIC HEARINGS

TO: Forest and Beach Commissioners

SUBMITTED BY: Mark Shurvinton Bradley

SUBJECT: Consider the release of a Stop Work Order at Monte Verde Street 3 Northeast of Ninth Avenue.

RECOMMENDATION:

Allow the release of the Stop Work Order issued on October 9, 2023, and require the Property Owner to pay the City \$620 for the Stop Work Order investigation fee, \$1,330 for double the Tree Removal Permit fees, \$1,529 for the cost of the City's consulting arborist, and \$5,660.92 for the depreciated value of the trees after the pruning, totaling \$9,139.92.

BACKGROUND/SUMMARY:

On October 9, 2023, Forestry Staff noticed multiple City trees actively being pruned outside of Monte Verde Street, 3 Northeast of Ninth Avenue (see **Attachment 1** for a map of the area). The City Forester was called to the site, where he found Central Coast Landscaping pruning two City-owned holly oak trees and one City-owned coast live oak tree without a Tree Pruning Permit. The Contractor was hired by the Property Owner of the adjacent property, Ruth Gupta. At the time of the incident, the City Forester noted that the trees appeared to have been significantly over-pruned by Central Coast Landscaping. Due to the damage sustained from over-pruning, the two holly oaks and one coast live oak will not be long-term assets to Carmel's urban forest.

The City Forester issued a Stop Work Order for violation of Carmel Municipal Code (CMC) section 17.48.050.B (**Attachment 2**), which requires a Tree Permit to prune any tree located in the public right-of-way. It was later discovered that Central Coast Landscaping does not have an active Carmel Business License, which is in violation of CMC 5.04.020. According to the City's records, the company has not had an active Carmel business license since June of 2020. Central Coast Landscaping does have an active C27 (Landscaping) California Contractor's License (#946454).

At the request of the City Forester, an independent Consulting Arborist conducted an assessment and determined that all three trees are currently in poor condition (**Attachment 3**). The Consulting Arborist noted that the holly oaks and coast live oak have been "extensively pruned with numerous heading cuts and flush cuts throughout the canopy" and "recent mechanical damage is present on the underside of branches

overhanging the street” on the coast live oak. At the time of inspection, very little foliage was left in the canopy of the trees. Based on the Consulting Arborist’s valuation, the combined reproduction cost for the three trees is \$5,660.92.

At the time of writing this Staff Report, the City has not received a tree permit application from either the Property Owner or the Contractor for the pruning performed on the two holly oaks and one coast live oak in October 2023. Depending on the outcome of this Public Hearing, City Staff will notify the California State Contractor’s License Board and/or the City Attorney’s office to potentially pursue further action against Central Coast Landscaping. However, the Property Owner is ultimately responsible for both the damage to the City’s trees and the payment of any fines.

The Property Owner and Central Coast Landscaping were notified of their opportunity to speak at the Public Hearing.

ENVIRONMENTAL EVALUATION:

This action does not constitute a project within the meaning of the California Environmental Quality Act under Public Resources Code Section 21065. It has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and, therefore, does not require environmental review.

FISCAL IMPACT:

- Per the City Fee Schedule effective September 9, 2023, a Stop Work Investigation is \$620
- Per the City Fee Schedule effective September 9, 2023, a Stop Work Investigation requires double the \$665 Tree Removal Permit fee (\$1,330)
- The fee for the independent Consulting Arborist’s assessment and report was \$1,529
- The change in appraisal value of the three trees was \$5,660.92.

The Grand Total due to the City is \$9,139.92.

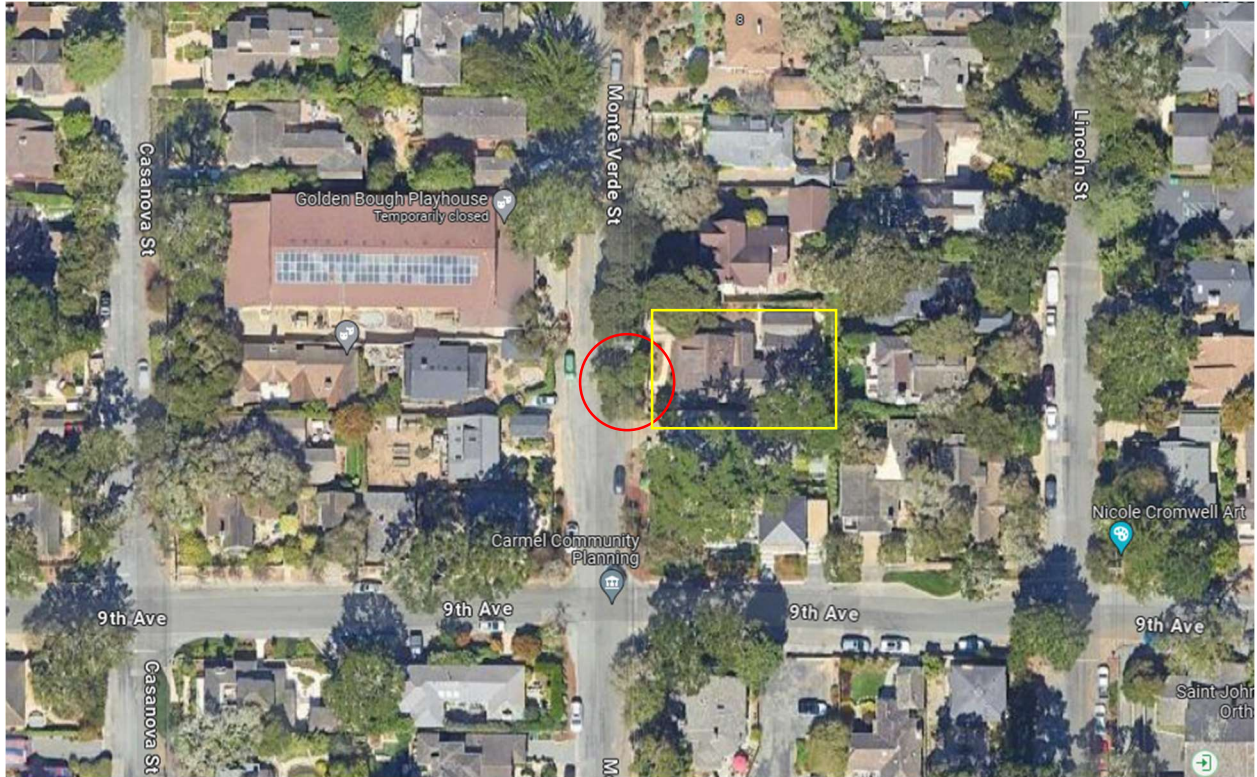
ATTACHMENTS:

Attachment 1- Location Map

Attachment 2- Carmel Municipal Code Sections 17.48.050.B and 5.04.020

Attachment 3- West Coast Arborist Report and Tree Valuation for the City, with photos, dated 11/16/2023

Attachment 1



The yellow box indicates the approximate location of the property at Monte Verde Street, 3 Northeast of Ninth Avenue. The red circle shows the location of the three over-pruned City trees.

Attachment 2

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).

5.04.020 License Required.

It is unlawful for any person, whether as principal or agent, clerk or employee, either for himself or for any other person, or for any body, corporation, or otherwise, to commence or carry on any kind of lawful business, trade, calling, profession or occupation within the City without having first applied for and procured a license from the City to do so or without complying with any and all regulations of such business, trade, calling, profession or occupation contained in this title. (Ord. 96-12 § 1, 1996).

Attachment 3

City of Carmel Monte Verde 3 Northwest of 9th Appraisal of Two Holly Oaks and One Coast Live Oak

SUBMITTED TO:

Justin Ono
City of Carmel

PREPARED BY:

Leonardo Tuchman
Plant Health Care Arborist



ISA Certified Arborist WE-12453A
ASCA Registered Consulting Arborist #771
ISA Tree Risk Assessment Qualified
California DPR QAL #146294

NOVEMBER 16TH, 2023



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Summary

West Coast Arborist Inc. (WCA) was contacted by the City of Carmel regarding the assessment and appraisal of two holly oaks (*Quercus ilex*) and one coast live oak (*Quercus agrifolia*). The trees were located in front of the 3rd home on the east side of Monte Verde Street north of 9th Street in Carmel, CA.

Introduction

Background and History

The request made by Justin Ono via email on October 19th, 2023 was used to create West Coast Arborist, Inc. (WCA) Proforma #86374 to give the City the cost for this assignment.

The City of Carmel requested the appraisal be conducted due to recent pruning that was performed on the subject trees. These trees had extensive pruning conducted on them that has impacted the value they bring to the surrounding area. As such, this appraisal was asked to be conducted in order to determine the current value of the trees.

Assignment

The assignment per the Scope of Work provided by Justin Ono is a tree appraisal value of the subject trees. The deliverable is this report which is a summary of the appraisal with images.

Limits of the Assignment

The assignment, being a visual inspection of the subject trees, was limited to that which could be observed from the ground. Only exposed or easily exposed parts above ground level were inspected.

Subsurface soil conditions and tree parts below ground were not disturbed or observed. No testing of soil or plant tissue for fertility or nutrient deficiency was requested. The report is not intended to be legal advice and does not represent legal advice as such.

An additional limit to this assignment is that only the trees and their immediate surroundings within and around the dripline of the trees were visually observed as part of the observations in that section of this report.



Purpose and Use of the Report

The purpose of this report is to provide City of Carmel staff with my professional evaluation and appraised value of the trees based on Council of Tree and Landscape Appraisers 10th Edition Guide for Plant Appraisal.

Observations

To provide City of Carmel with information to make decisions about the trees I offer these observations.

Site Description

The site is a planting area between the street and the front yard of a residential home.

Tree Condition

Holly oak #1 is in poor condition with a 20-inch trunk diameter (Photo 1). It has multiple major attachments growing from the same point on the trunk at 4-feet (Photo 2). It has been extensively pruned with numerous heading cuts and flush cuts throughout the canopy and little foliage is present in the canopy (Photo 3). The foliage that is still present is healthy and dense. Epicormic growth is present at the base of the tree and on the trunk. The tree is growing directly beneath communication and power lines and is crowded by a telephone pole growing approximately 1-foot away from the base of the tree (Photo 4). An underground utility box is also present approximately 4-feet from the base of the tree.

Coast live oak #2 is in poor condition with an 11-inch trunk diameter (Photo 5). It has been extensively pruned with numerous heading cuts and flush cuts throughout the canopy and little foliage is present in the canopy (Photo 6). The foliage that is still present is healthy and dense and primarily overhangs the street. Recent mechanical damage is present on the underside of branches overhanging the street, likely from being scraped by a vehicle (Photo 7). The tree is growing directly beneath communication and power lines. The subject tree previously had a codominant leader attached to it at the base, however this was removed (Photo 8). Decay is present where the previous leader was removed.

Holly oak #3 is in poor condition with a 7-inch trunk diameter (Photo 9). It is codominant at 5-feet with included bark present at the branch attachment (Photo 10). It has been extensively pruned with numerous heading and flush cuts throughout the canopy and little foliage is present in the canopy. The top of the tree in particular was severely pruned. The foliage that remains is sparse with twig dieback in this area (Photo 11). The root collar is partially buried with soil

(Photo 12). An asphalt slab is present approximately 3-feet from the base of the tree in the growing area.

Site Condition

The subject trees are growing in an approximately 12-foot-wide planting area surrounding by hardscape and asphalt from the nearby street, driveway, and property. The trees are growing relatively close together, providing protection from the wind to each other. The growing area is exposed soil with a few small shrubs growing beneath the tree canopies.

Appraisal Methodology

The approach taken for appraising the subject trees was the cost approach. Because they are bigger than the largest commonly available transplantable tree, I deemed it appropriate to use an extrapolation formula to appraise the cost of procuring them. One of the reproduction cost method techniques provided in *The Guide for Plant Appraisal 10th Edition* is the Trunk Formula Technique of appraisal, abbreviated here:

Trunk Formula Technique's theory is to scale up the cost of the largest commonly available nursery tree relative to the total cross-sectional area of the tree trunk. The unit cost per square inch of nursery stock is calculated for the Largest Commonly Available Nursery Tree (LCANT), and it is multiplied by the cross-sectional area of the subject tree being appraised. This is the basic reproduction cost of the tree. It represents the cost to reproduce a defect-free copy of the tree with one of the same size and species.

After calculating the basic cost of the tree, depreciating factors may be introduced. Since hand-selected nursery stock is, in theory, the best quality, the basic cost may be adjusted downward by a Condition rating to reflect any defects in health, structure, and form. The Condition rating is a subjective rating between 0% and 100% as determined by the appraising arborist. Guidance is given as a framework for general ratings in Table 4.1 of the *Guide for Plant Appraisal 10th Edition, Second Printing* (CTLA 2019, p. 44). Functional Limitations reflect the features of the tree/site interaction that restrict or constrain growth or function due to poor placement or size. External Limitations reflect restrictions to the tree involving legal, biological, or environmental conditions external to the property (CTLA 2019, p. 9). Functional Limitations and External Limitations are also subjective ratings ranging between 0% and 100% as determined by the appraising arborist.

The final appraised Trunk Formula Technique Reproduction Cost of the tree is the product of the total cross-sectional area, the unit cost of trunk area, and the three depreciating factors: Condition, Functional Limitations, and External Limitations. Finally, any associated additional

costs can be added to the results to arrive at the depreciated replacement cost using the Trunk Formula Technique.

Trunk Area – The diameter of trunks is conventionally taken at 4.5 feet above natural grade (some exceptions). If the subject tree has multiple trunks, the diameter of each individual trunk is measured. The cross-sectional area (A) is calculated by the formula $A = \pi/4 d^2$. Then the cross-sectional area of each trunk is added together to arrive at the total trunk cross-sectional area. Trees #2 and 3 had single trunks that were measured at 4.5 feet above natural grade. Tree #1 had multiple attachments at 4-feet on the tree trunk, as such, the trunk diameter was measured just below this attachment.

Unit Cost – This is the theoretical cost of producing one square inch of trunk cross-sectional area. It is the basis for extrapolation in the Trunk Formula Technique of appraisal. It's calculated by determining the size and median wholesale nursery price of the LCANT followed by dividing the median price by the cross-sectional area of the LCANT (See a-d below for unit cost details).

- a) Determining the size of the LCANT - The Guide for Plant Appraisal 10th (pg. 146) provides data supporting a conclusion that the LCANT for the West Coast is a 24" box which is the size selected for this appraisal report.
- b) Obtaining Wholesale Nursery Prices of the LCANT – Several reputable local nurseries were queried to obtain median tree prices.
- c) Calculate the Trunk Cross-Sectional Area of the LCANT – In the western U.S., trees are sold by container size, not trunk size. The caliper sizes of the nursery stock trees were obtained from the above-mentioned nurseries in order to obtain a median nursery tree diameter.
- d) Divide the Median Price by the Cross-sectional Area – I divide the median LCANT price by the cross-sectional area of the LCANT to calculate the unit cost for each tree which is expressed as dollars per square inch of cross-sectional area.

Condition Rating – This has three subcomponents: health, structure, and form. Health rates the attributes that limit the ability of the tree to undergo the processes of photosynthesis, including attributes of the vascular system, leaf density, wound closure, insect infestation, and abiotic disorders. Structure is the tree's ability to support itself from falling or breaking apart. Form describes the tree's habit, shape, or silhouette as it develops from the interaction between the tree's genetics, site, and management. The three subcomponents are subjectively rated on a scale from 0% to 100% by the appraising arborist. Since some attributes hold greater relevance in determining the condition of a tree than other attributes, the arborist is given further discretion to assign a relative weighting of importance to each of these three factors. One example is if a tree had excellent form and structure (100%) but was dead (0% health) then a 67% average of the three would indicate the tree was in good condition even though it was dead. The process of computing the overall condition rating should be thoughtful and credible, not arbitrary and mechanical.

The condition of all subject trees is poor in large part due to the severe pruning they have undergone recently. The majority of foliage was removed from all canopies reducing the trees'

ability to photosynthesize. Furthermore, the pruning conducted is not conducive for long term good structure or form for the subject trees.

Functional Limitations - Functional limitations reflect the restriction on tree growth or intended use in the landscape based on the interactions of site and species. The wrong tree for the site, fruit, excess shading, failure pattern, thorns, water incompatibilities, utilities, and root conflicts are all examples of functional limitations.

Function limitations for the subject trees include the limited growing space the trees have due to growing in a planting strip between the street and the subject property. Trees #1 and 3 are growing closer to nearby driveways as well, increasing the amount of hardscape in their growing area. Additionally, tree #1 is growing in close proximity to a telephone pole, utility box, and another large tree, further limiting the tree's ability to grow. The subject trees are also growing beneath powerlines that will come into conflict with the trees as they become larger.

External Limitations –External limitations are the restrictions on tree growth or intended use with respect to attributes outside of the control of the property owner. Known fatal pests, drought restrictions, invasive species status, and utility easement conflict are all examples of external limitations.

The subject trees are growing below the powerlines and the property owners do not have control on when or how they are pruned for powerline clearance.

Additional Costs – Basic or depreciated costs may be added to the appraisal to account for associated costs such as tree removal, LCANT installation, site preparation, irrigation, structural pruning, pest management, and/or otherwise restoring the tree landscape to pre-damage conditions.

Appraisal Charts of the Subject Trees

Holly oak #1

Species	<i>Quercus ilex</i> (Holly oak)
Trunk Diameter (inches)	20"
Trunk Area in Square Inches (A x A x 0.7854)	314.15 in
Unit Tree Cost (Based on local pricing)	101.65 / sq in
Basic Tree Cost (B x C)	<u>\$31,933.34</u>
Health Rating	20%
Structure Rating	25%
Form Rating	15%
Condition Rating (Average of E,F,&G)	20%
Functional Limitations Rating	60%
External Limitations Rating	75%
Depreciated Cost (D x H x I x J)	<u>\$2,874.00</u>
Additional Cost #1 Removal & Stump Grinding @ \$55 per inch DSH	<u>\$1,100.00</u>
Additional Cost #2	<u>\$0.00</u>
Additional Cost #3	<u>\$0.00</u>
Final Appraised Cost Solution (K+L+M+N Rounded to nearest \$100 if over \$5,000 or nearest \$10 if less)	<u>\$3,974.00</u>

Scientific Name	Container Size	Nursery Price 1 and Caliper Size	Nursery Price 2 and Caliper size	Nursery Price 3 and Caliper Size	Median Price per unit (wholesale)	Median Caliper Size	Unit Cost by Trunk Area (\$/in squared)
<i>Quercus ilex</i>	24" box	\$95 and 1.25"	\$133.90 and 1.5"	\$195 and 1.25"	\$141.30	1.33"	\$101.65

Coast live oak #2

Species	<i>Quercus agrifolia</i> (Coast live oak)
Trunk Diameter (inches)	11"
Trunk Area in Square Inches (A x A x 0.7854)	95.03 in
Unit Tree Cost (Based on local pricing)	36.15 / sq in
Basic Tree Cost (B x C)	<u>\$3,435.33</u>
Health Rating	20%
Structure Rating	20%
Form Rating	15%
Condition Rating (Average of E,F,&G)	<u>18%</u>
Functional Limitations Rating	<u>75%</u>
External Limitations Rating	<u>75%</u>
Depreciated Cost (D x H x I x J)	<u>\$347.82</u>
Additional Cost #1 Removal & Stump Grinding @ \$55 per inch DSH	<u>\$605.00</u>
Additional Cost #2	<u>\$0.00</u>
Additional Cost #3	<u>\$0.00</u>
Final Appraised Cost Solution (K+L+M+N Rounded to nearest \$100 if over \$5,000 or nearest \$10 if less)	<u>\$952.82</u>

Scientific Name	Container Size	Nursery Price 1 and Caliper Size	Nursery Price 2 and Caliper size	Nursery Price 3 and Caliper Size	Median Price per unit (wholesale)	Median Caliper Size	Unit Cost by Trunk Area (\$/in squared)
<i>Quercus agrifolia</i>	24" box	\$205.00 and 2.875"	\$133.90 and 2.5"	\$160.00 and 1.875"	\$166.30	2.42"	\$36.15

Holly oak #3

Species	<i>Quercus ilex</i> (Holly oak)
Trunk Diameter (inches)	7"
Trunk Area in Square Inches (A x A x 0.7854)	38.48 in.
Unit Tree Cost (Based on local pricing)	101.65 / sq in
Basic Tree Cost (B x C)	\$3,911.49
Health Rating	10%
Structure Rating	20%
Form Rating	20%
Condition Rating (Average of E,F,&G)	17%
Functional Limitations Rating	70%
External Limitations Rating	75%
Depreciated Cost (D x H x I x J)	\$349.10
Additional Cost #1 Removal & Stump Grinding @ \$55 per inch DSH	\$385.00
Additional Cost #2	\$0.00
Additional Cost #3	\$0.00
Final Appraised Cost Solution (K+L+M+N Rounded to nearest \$100 if over \$5,000 or nearest \$10 if less)	\$734.10

Scientific Name	Container Size	Nursery Price 1 and Caliper Size	Nursery Price 2 and Caliper size	Nursery Price 3 and Caliper Size	Median Price per unit (wholesale)	Median Caliper Size	Unit Cost by Trunk Area (\$/in squared)
<i>Quercus ilex</i>	24" box	\$95 and 1.25"	\$133.90 and 1.5"	\$195 and 1.25"	\$141.30	1.33"	\$101.65

Appraisal Overview

This appraisal is an independent, objective, and unbiased opinion on the value of the subject trees. Trees provide numerous valuable benefits that generally increase with size/age. These include increased real estate values, conserving energy, removing atmospheric contaminants, moderating stormwater runoff, sequestering carbon, wildlife habitat, improving physical/ mental aspects of human health, and increasing social capital. The reproduction cost estimate for each tree is \$3,974.00 for tree #1, \$952.82 for tree #2, and \$734.10 for tree #3. The total cost estimate for all three trees combined is \$5,660.92. Refer to the Appraisal Methodology and Chart on previous pages for more details.

Glossary

Table 1: Tree Condition Rating

Rating Category	Health	Structure	Form
Excellent	High vigor and nearly perfect health with little or no twig dieback, discoloration, or defoliation.	Nearly ideal and free of defects.	Nearly ideal for species. Generally symmetric. Consistent with the intended use.
Good	Vigor is normal for the species. No significant damage due to disease or pests. Any twig dieback, definition, or discoloration is minor	Well-developed structure. Defects are minor and can be corrected.	Minor asymmetries/deviations from species norm. Mostly consistent with the intended use. Function and aesthetics are not compromised.
Fair	Reduced vigor. Damage due to insects or disease may be significant and associated with defoliation but is not likely to be fatal. Twig dieback, defoliation, discoloration, and/or dead branches may comprise up to 50% of the crown.	A single defect of a significant nature or multiple moderate defects. Defects are not practical to correct or would require multiple treatments over several years.	Major asymmetries/deviations from species norm and/or intended use. Function and/or aesthetics are compromised.
Poor	Unhealthy and declining in appearance. Poor vigor. Low foliage density and poor foliage color are present. Potentially fatal pest infestation. Extensive twig and/or branch dieback.	A single serious defect or multiple significant defects. Recent change in orientation. Observed structural problems cannot be corrected. Failure may occur at any time.	Large asymmetric/abnormal. Detracts from intended use and/or aesthetics to a significant degree.
Very Poor	Poor vigor. Appears to be dying and in the last stages of life. Little live foliage.	Single or multiple severe defects. Failure is probable or imminent.	Visually unappealing. Provides little or no function in the landscape.

Bibliography

Council of Tree and Landscape Appraisers. Guide for Plant Appraisal, 10th Edition 2018 CTLA

Western Chapter of the International Society of Arboriculture Species Classification Book. A Regional Supplement to the CTLA Guide for Plant Appraisal. 2004 by WC-IS

Appendix A Map



The subject trees are numbers on the above map.

Appendix B Images



Photo 1: Holly oak #1 growing on the north side of the planting area. It is near an asphalt driveway, telephone pole, and utility box.



Photo 2: Multiple attachments growing from the same point on the tree trunk at 4-feet.



Photo 3: Numerous flush cuts and heading cuts were performed throughout the tree canopy. Little foliage remains in the canopy.



Photo 4: A telephone pole growing within 1-foot of the base of the tree.



Photo 5: Coast live oak #2 growing in the planting area overhanging the street.



Photo 6: Heading cuts were performed throughout the canopy of the tree, leaving it with few branches and little foliage.



Photo 7: Mechanical damage on the underside of a limb overhanging the street.



Photo 8: Decay present in the codominant attachment where a previous leader was removed.



Photo 9: Holly oak #3 growing in the planting area, the top of the tree has been severely pruned.



Photo 10: Included bark is present at multiple branch attachments pictured above.



Photo 11: Foliage remaining in the canopy is sparse with twig dieback present.



Photo 12: I exposed the tree's root collar by pushing back soil around the tree base, revealing the buried area.

Appendix C Assumptions and Limiting Conditions

1. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the Consultant can neither guarantee nor be responsible for the accuracy of information provided by others. Standard of Care has been met with regards to this project within reasonable and normal conditions.
2. The Consultant will not be required to give testimony or to attend court due to this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
3. Loss or alteration of any part of this report invalidates the entire report.
4. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written consent of the Consultant.
5. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a stipulated result, a specified value, the occurrence of a subsequent event, nor upon any finding to be reported.
6. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, or coring, unless otherwise stated. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the tree(s) or property in question may not arise in the future.
7. Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. It is highly recommended that you follow the arborist recommendations; however, you may choose to accept or disregard the recommendations and/or seek additional advice.
8. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specific period.
9. Any recommendations and/or performed treatments (including, but not limited to, pruning or removal) of trees may involve considerations beyond the scope of the arborist's services, such as property boundaries, property ownership, site lines, disputes between neighbors, and any other related issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist can then be expected to consider and reasonably rely on the completeness and accuracy of the information provided.
10. The author has no personal interest or bias with respect to the subject matter of this report or the parties involved. He/she has inspected the subject tree(s) and to the best of their knowledge and belief, all statements and information presented in the report are true and correct.



Appendix D Certificate of Performance

I, Leonardo Tuchman certify that:

- I have personally inspected the trees referred to in this report and have stated my findings accurately. The extent of the assessment is stated in the attached report and the Limits of the Assignment.
- I have no current or prospective interest in the tree or the property that are the subject of this report and have no personal interest or bias with respect to the parties involved.
- The analysis, opinions, and conclusions stated herein are my own and are based on current scientific procedures and facts.
- My analysis opinions, and conclusions were developed, and this report has been prepared according to commonly accepted arboricultural practices.
- No one provided significant professional assistance to me, except as indicated within the report.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a member of good standing of the International Society of Arboriculture. I have been involved in the field of municipal arboriculture in a full-time capacity for a period of more than five years.

Respectfully,

Leonardo Tuchman

Leonardo Tuchman
ISA Certified Arborist WE-12453A
ASCA Registered Consulting Arborist #771
ISA Tree Risk Assessment Qualified
California DPR QAL #146294
Plant Health Care Arborist
West Coast Arborists Inc.



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

January 11, 2024
ORDERS OF BUSINESS

TO:	Forest and Beach Commissioners
SUBMITTED BY:	Mary Bilse, Environmental Programs Manager
SUBJECT:	Consideration of the installation of a Split Rail Fence at North Dunes Habitat Restoration area at Ocean and San Antonio Avenues

RECOMMENDATION:

Approve the installation of a three-rail, split rail wood fence to define the boundary of the North Dunes Habitat Restoration area adjacent to Ocean and San Antonio Avenues.

BACKGROUND/SUMMARY:

In 1995, the City of Carmel-by-the-Sea designated the North and Del Mar Dunes as an Environmentally Sensitive Habitat Area (ESHA) following a report by Jones and Stokes entitled, "*Final Results of the Environmentally Sensitive Habitat Area Study Conducted for the City of Carmel*". ESHAs are defined in the City's Local Coastal Program/Land Use Plan (CDP/LUP) and in the California Coastal Act of 1976 as "*any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments.*"

The installation of an attractive, permanent, and durable perimeter wood fence would preserve the North Dunes Habitat Restoration area ESHA from trampling by people and dogs. The fence would also guide people to the designated trail entrances.

A post and cable fence are currently located on the boundary of the North Dunes Habitat Restoration area along Ocean and San Antonio Avenues. However, the post and cable fence require a lot of maintenance due to people and dogs climbing over and under it, and then trampling onto the sensitive habitat. To facilitate protection of the North Dunes Habitat Restoration area, the post and cable fence will be replaced with a permanent, three-rail, split rail cedar wood fence.

The location of the proposed split rail fence is depicted in **Attachment 1**. The fence would be located adjacent to the sidewalk at the Del Mar parking lot, extend 550 feet along Ocean Avenue, and terminate at the sidewalk leading to the public restroom with a wide opening to trail and volleyball court access. There would be two intermediate openings at designated trail entrances.

The fence along San Antonio would be located adjacent to the unpaved parking area and extend 350 feet from the corner of Ocean Avenue to the stone wall. This fence would also include two openings for trail access. The split rail wood fence would be constructed of the same materials as was recently installed by

Public Works along Mission Street at Forest Hill Park (see photographs below).





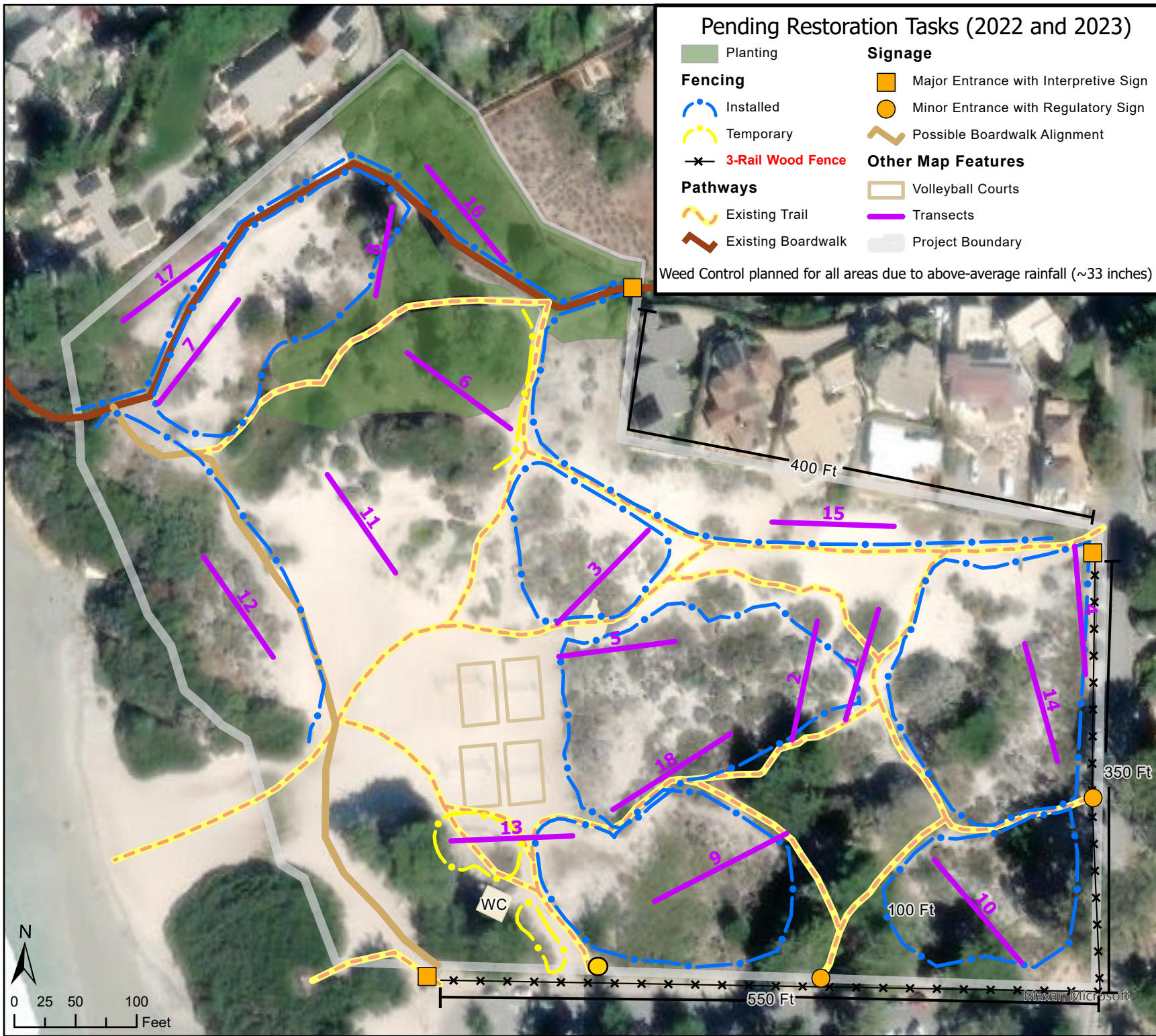
The Planning Department reviewed the proposed fence and requested the Forest and Beach Commission to review and approve the fence prior to issuing the permit. The proposed fence would be installed by Public Works within the new few months.

FISCAL IMPACT:

The estimated cost for materials is \$4,000. There is sufficient funding in the Public Works operating department.

ATTACHMENTS:

Attachment #1 - Location of Split Rail Fence



City of Carmel: North Dunes

2022 Report - Figure 2

Pending Restoration Tasks 2023 and 2024

Native Solutions

Joey Dorrell-Canepa
joeydorrellcanepa@gmail.com

Lynn Overtree, GIS Specialist
lovertree@sbcglobal.net

April 2023



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

January 11, 2024
ORDERS OF BUSINESS

TO: Forest and Beach Commissioners

SUBMITTED BY: Justin Ono, City Forester

SUBJECT: City Forester's Report for December 2023

RECOMMENDATION:

Receive the City Forester's Report for December 2023.

BACKGROUND/SUMMARY:

Environmental Evaluation

This action does not constitute a project within the meaning of the California Environmental Quality Act under Public Resources Code Section 21065. It has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and, therefore, does not require environmental review.

FISCAL IMPACT:

ATTACHMENTS:

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



CITY OF CARMEL-BY-THE-SEA

Monthly Report

City Forester's Report

TO: Forest and Beach Commissioners

FROM: Justin Ono, City Forester

SUBJECT: December 2023 Forester's Report

Forestry, Parks, and Beach Highlights:

- As shown in the following table, compared to 2022, last year, 2023, resulted in a significant increase in the number of City tree removals, permit applications received and processed, and private trees removed and replanted. We also began to track the number of City stumps removed and the number of communications (calls, visitors, emails) received as well as resolved. 2023 was also notable for the significant winter storms and tree damage in January and March, and a change in the City Forester.

Forestry Metric	2023	2022
City trees removed	261	135
City stumps removed	59	N/A
City trees pruned	287	675
City trees planted	57	45
Tree permit applications received	376	180
Tree permits applications resolved	336	155
Private trees removed	340	149
Private trees required to be replanted	236	85
Private trees replanting percentage	68.8%	57.1%
Number of communications tickets received	2,161	N/A
Number of communications tickets resolved	2,120 (98%)	934 (6 months)

- Forestry goals for 2024 include: completing the Urban Forest Master Plan, including public outreach, significantly reducing the backlog of stump removals, implementing a more robust tree planting program, continuing to streamline contracting task orders for tree and landscaping services, and expanding on professional training of forestry staff to include getting another certified arborist on staff.
- Status of Davey Resource Group (DRG) development of the Urban Forest Master Plan (UFMP):
 - The draft results of the Community Survey (358 respondents) were presented to the Forest and Beach Commission in December.
 - DRG is finalizing the last few technical reports.
 - The first draft of the UFMP was expected in December, but is now anticipated for January. Following review by staff, the draft UFMP will be presented to the Forest and Beach Commission and the Steering Committee.
- A \$20,000 task order was issued to West Coast Arborists to remove a portion of the large pile of tree logs that accumulated in the Rio Park material storage site. Apparently, some of the logs were illegally dumped off the side of Irish Canyon Road in the City of Monterey. The Monterey City Forester contacted us, and we traced the logs to this task order. The Contractor promptly resolved the matter.

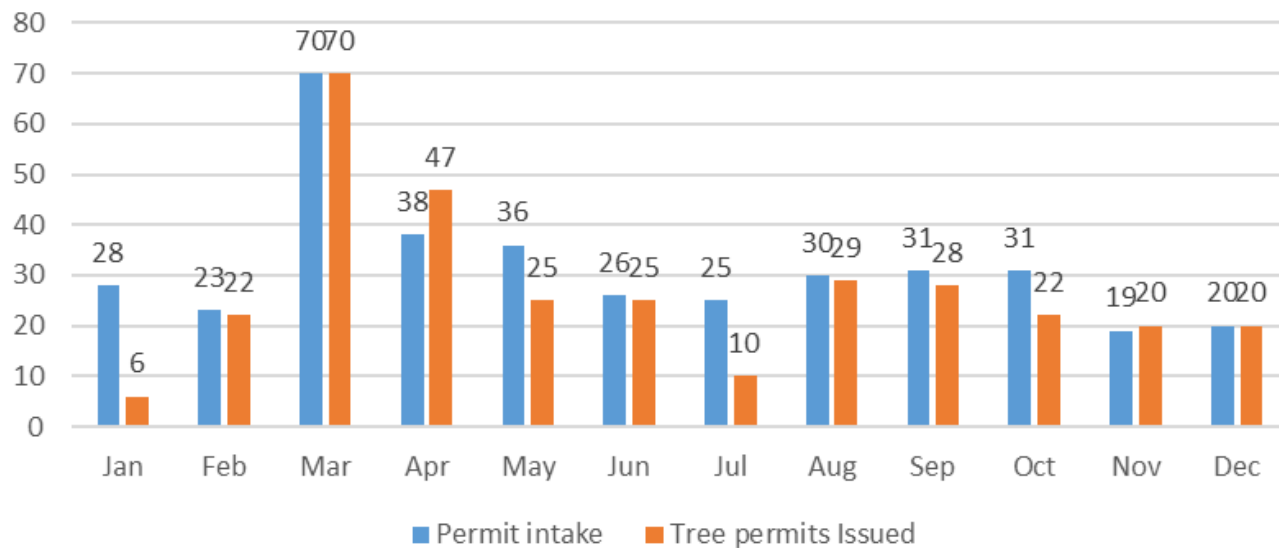
- As requested by the Traffic Safety Committee, the overgrowth of vegetation at the northwest and southwest corners of Santa Rita Street and Fourth Avenue were pruned to improve driver visibility.
- Landscape maintenance work across the City continues to be fully engaged by contractor Town & Country.

Permit Information

2023 Permitted removals, pruning, and required planting

	Tree permits received	Tree permits Issued	Total Prunings	Total Removals	Removal of Upper	Removal of Lower	Required to Plant Upper	Required to Plant Lower	No room for new tree	Meets Density Rec.	Total Number of Trees Required
January	28	6	0	10	3	7	5	1	0	2	6
February	23	22	1	24	15	9	15	10	0	0	25
March	70	70	21	71	47	24	32	14	1	7	46
April	38	47	16	53	49	4	32	3	2	2	35
May	36	25	9	26	20	6	18	4	4	7	22
June	26	25	14	26	17	9	16	6	0	4	22
July	25	10	7	7	5	2	3	2	0	2	5
August	30	29	5	24	12	20	8	12	2	6	20
September	31	28	6	22	14	9	12	8	0	7	20
October	30	22	1	18	15	22	13	10	0	2	23
November	19	20	7	12	7	10	5	0	0	8	5
December	20	13	6	7	11	3	5	2	0	0	7
2023 Totals	376	317	93	300	215	125	164	72	9	47	236

2023 Permits Intake vs. Issued

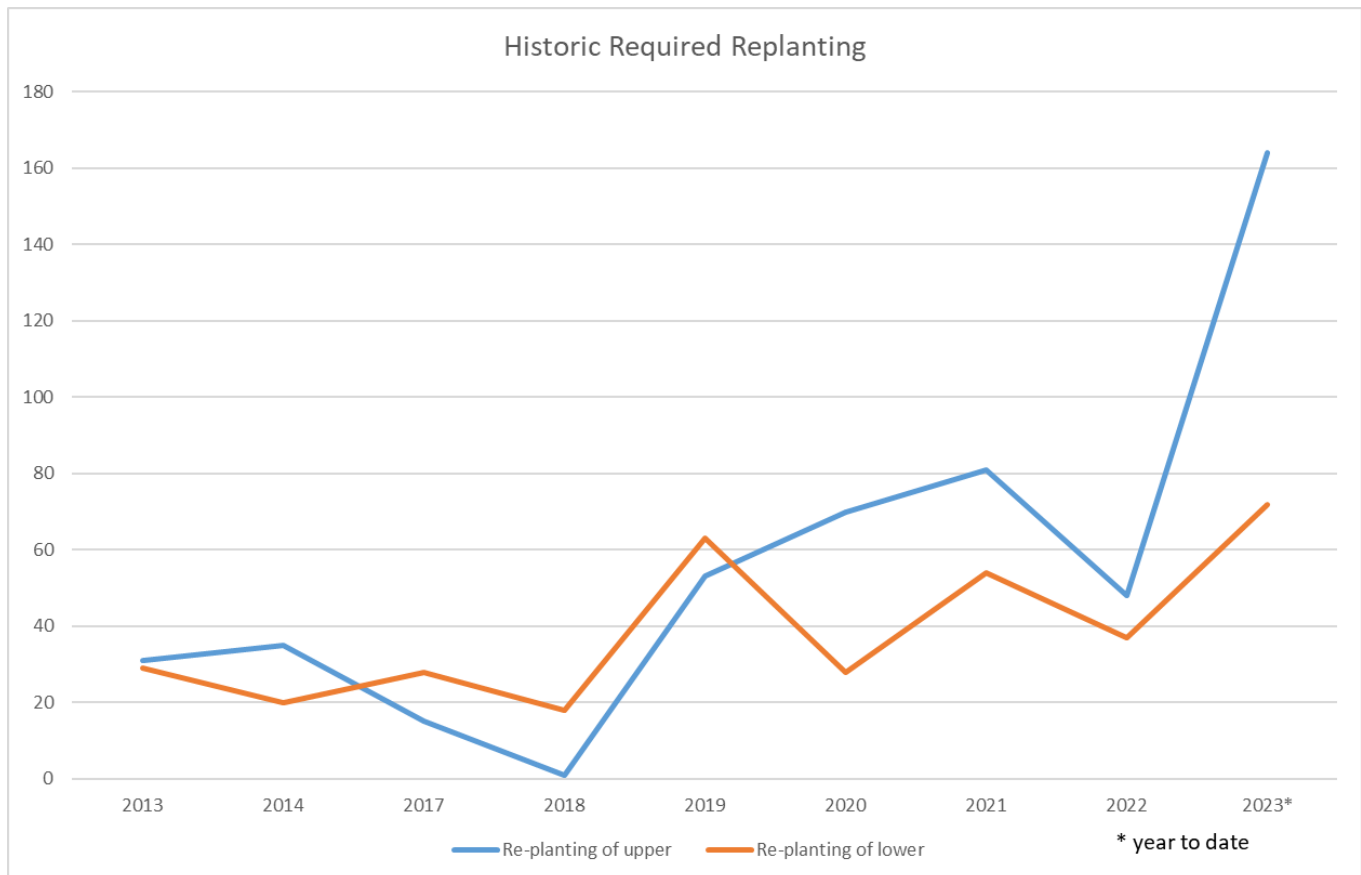


Historic permitted removals and required planting

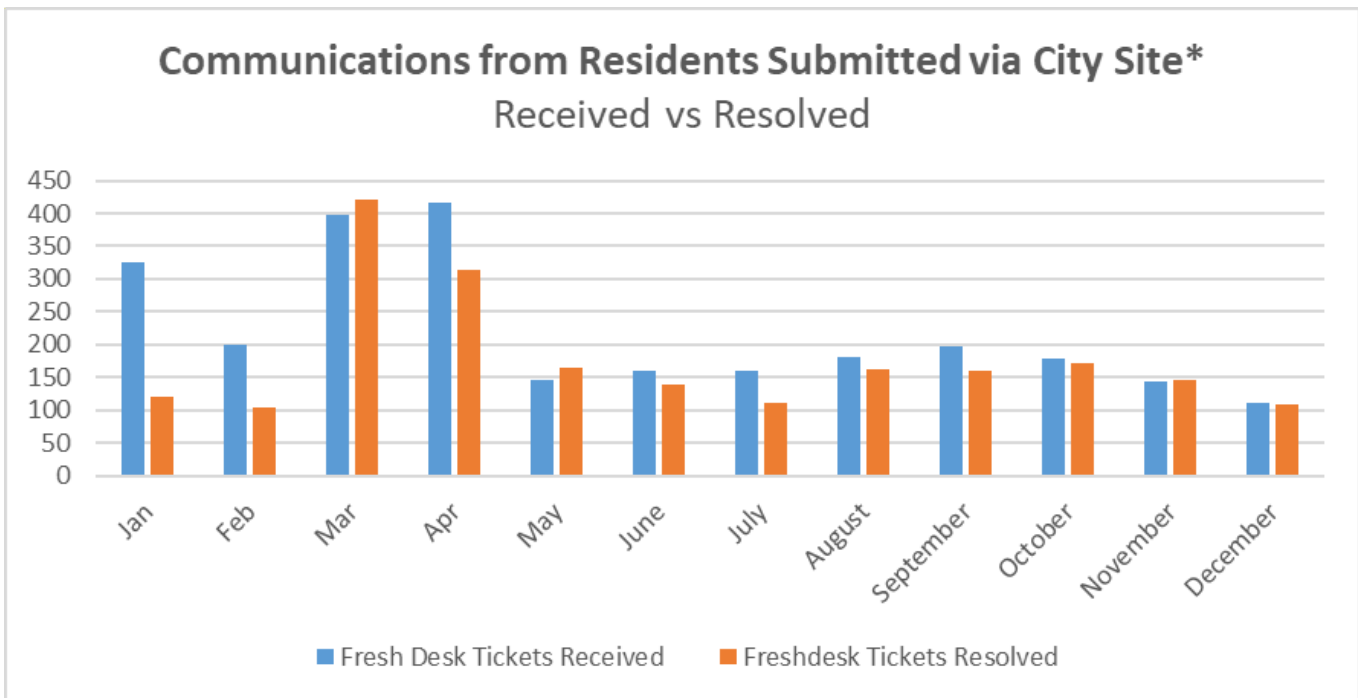
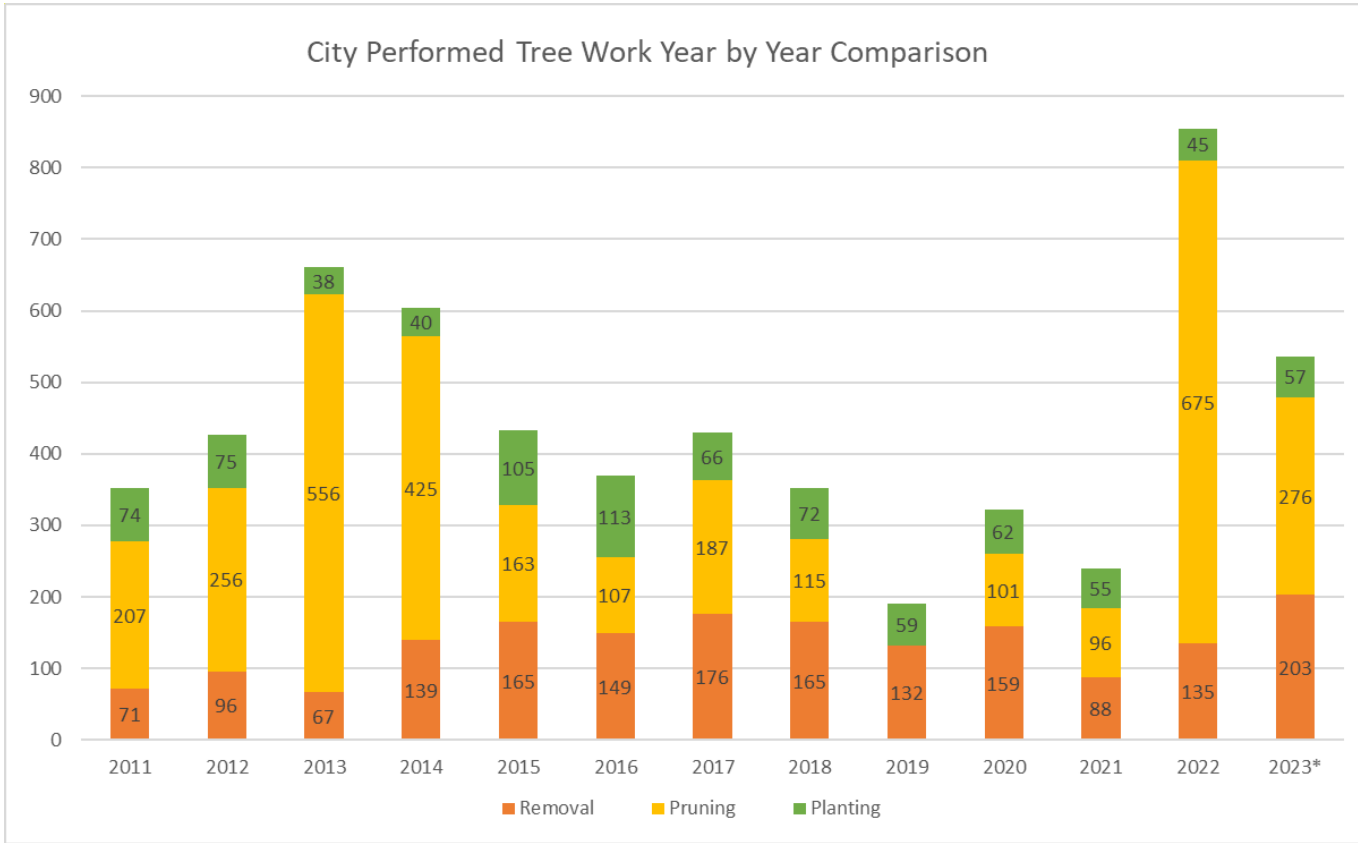
	Re-planting of upper	Re-planting of lower
2013	31	29
2014	35	20
2017	15	28
2018	1	18
2019	53	63
2020	70	28
2021	81	54
2022	48	37
2023*	164	72

Historic permitted removals and required planting

Year	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	324	211	113	223	164	72	68.83%	336



City Forestry, Parks, and Beach Activities



*Numbers only represent correspondences received via the City's website and do not include live calls, coicemails, drop-in visitors, and emails sent directly to employees from residents, nor return calls and emails from staff.



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

January 11, 2024
ORDERS OF BUSINESS

TO: Forest and Beach Commissioners

SUBMITTED BY: Robert M. Harary, P.E., Director of Public Works

SUBJECT: Public Works Director's Report for December 2023.

RECOMMENDATION:

Receive the Public Works Director's Report for December 2023.

BACKGROUND/SUMMARY:

The Public Works Director's Report for December 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 Committee meetings and Climate Action and Climate Adaptation Plan implementation
- D. Update on Volunteer Organizations
- E. Miscellaneous Forestry, Parks, and Beach-related Public Works items

Environmental Evaluation

This action does not constitute a project within the meaning of the California Environmental Quality Act under Public Resources Code Section 21065. It has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and, therefore, does not require environmental review.

FISCAL IMPACT:

None.

ATTACHMENTS:

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



CITY OF CARMEL-BY-THE-SEA

Public Works Department

December 2023 Monthly Report

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert M. Harary, P.E., Director of Public Works
SUBMITTED ON:	January 3, 2023
APPROVED BY:	Chip Rerig, City Administrator

City Council Special Meeting of December 4, 2023

- Adopted Ordinance 2023-007, amending Title 17, Zoning, by repealing and replacing Chapter 17.42, Stormwater Quality and Utility, and Chapter 17.43, Water Quality Protection. This completes one of Council's top 16 Strategic Priorities.

City Council Meeting of December 5, 2023

- Postponed a presentation regarding guidelines and introduction of a new Beach Cleanup Policy.
- The Public Works Director presented findings of the 2023 Storm Drain Master Plan Update report, and identified top priority drainage capacity and repair projects to focus on over the next few years.
- Approved a request by Monterey Salinas Transit and recommendations by the Traffic Safety Committee to eliminate two parking spaces each at bus stop locations at Junipero Street and Fourth Avenue, and at San Carlos Street at Tenth Avenue, to improve safety.

Forest and Beach Commission Meeting of December 14, 2023

- Announcements included:
 - Thanked JC Meyers and volleyball colleagues for a \$1,200 donation which was used to rent a skid-steer to level off sand around the volleyball courts and to push sand up the bluff west of the Del Mar parking lot.
 - Local realtor Jenn Menke is providing part-time, temporary support for the Forestry Division during paternity leave of the Administrative Analyst.
 - Save the Date – On Saturday, April 20, 2024, we will celebrate annual Arbor Day, the second Earth Day, and Community Day in a consolidated event in Devendorf Park.
- Due to the absence of the City Forester, postponed a Public Hearing regarding pruning of two, City-owned, coast live oak trees, located at the northwest corner of Lincoln Street and Santa Lucia Avenue, to the January 2024 meeting.
- Introduced the raw data compiling the 358 responses received from the Community Survey for the upcoming Urban Forest Master Plan (UFMP). Discussion with the Commission and Steering Committee was held to consider interpreting and prioritizing the significant data received, and how the data will be incorporated into the UFMP.
- Reviewed the revised Rules of Procedure for the Forest and Beach Commission which included changes requested by the Commission at the November meeting, as well as prior and additional recommendations by staff. Approved the Rules with just two final edits remaining.
- Adopted the meeting dates for 2024. As per the revised Rules of Procedure, meetings will begin at 2:30 p m, rather than 3:30 pm, with tours of inspection preceding the meetings.
- The Director presented the Forester's and Public Works Department Reports for November 2023.

Administration

- Developed a list of the top 16 Public Works Highlights for 2023. Key accomplishments included: hiring Project Manager Javier Hernandez, Environmental Programs Manager Mary Bilse, and City Forester Justin Ono, acquiring the electric street sweeper, supporting Leadership Carmel's legacy nature play project at Forest Hill Park, completing the tree inventory and technical reports for the Urban Forest Master Plan, initiating stump grinding in house, and remodeling the Police Dispatch Room.
- As a unique team building project, the entire Public Works Department reconstructed the wooden footbridge at the Eleventh Avenue entrance into the Mission Trail Nature Preserve (MTNP). The muddy entrance road and entry gate were also reconstructed.
- Notified Council of the extraordinarily onerous requirements to administer the \$150,000 CalFire reimbursement grant which was awarded for the UFMP project. Will reach out to State Senator Laird for assistance.
- Compiled preliminary requests for Mid-Year Budget adjustments.

Carmel Cares and Other Volunteer Groups

- Carmel Cares stained the wood benches in the Forest Theater.
- Submitted a list of donations of labor and materials for acceptance by the City Council at the February 2024 meeting.
- "Median Minders" volunteers continued to improve medians across the Village.
- "Downtown Detail" volunteers cleaned and improved the downtown area.
- The Friends of Mission Trails Nature Preserve upgraded the Martin Road entrance into the Preserve by adding wood chips to the trailhead and landing, and clearing the trailhead. They also regraded the Doolittle Trail to repair an uneven switchback, trimmed and shaped Cypress trees, and removed a stump near the Lester Rowntree Native Plant Garden. The project cost was split evenly between the Friends and the City at \$4,500 each.

Environmental Programs

- For the Coastal Engineering Study, provided additional information to the California Coastal Commission associated with finalizing the Agreement for a \$500,000 Local Coastal Programs Grant.
- Met with the Friends of MTNP to coordinate new entry maps displays, placement of additional clean up after your pet signs, and to plan for a new Laiolo footbridge and trail realignment.
- Prepared a staff report for the Forest and Beach Commission meeting in January for their consideration and approval of a new, three-rail, post and rail cedar fence along Ocean and San Antonio Avenues along the borders of the North Dunes Habitat site.
- Prepared and submitted the annual Hazardous Materials Report for the Corporation Yard to Monterey County Department of Environmental Health.
- Authorized a \$6,000 task order to on-call environmental consultant, Denise Duffy & Associates, to process CEQA Notices of Exemptions for two of the four storm drainage improvement projects currently in final design.
- Completed a two-year Professional Services Agreement (PSA) with Applied Marine Science to continue to provide water quality testing and reporting.
- Started to coordinate with vendors for the second annual Earth Day, to be held in conjunction with Arbor Day and Community Day, in April 2024.
- Purchased an electric bicycle to reduce our carbon footprint.

Facility Maintenance

- Met with janitorial services contractor, PureServe, to evaluate performance and develop mutually-beneficial process improvements for both PureServe and City staff.
- For the Sunset Center Carpenter Hall Heater System Replacement, investigated the possibility of repairing, rather than replacing, the heating system, and determining the life span of a refurbished system versus installing a new system.
- Purchased a new refrigerator for the Carmel Fire Station and removed the old refrigerator. Also repaired the ice maker in a second refrigerator.
- Contractor repaired the steel fire doors between the Public Works Garage and basement offices.

- Ordered new steel doors to replace deteriorated doors at the Devendorf and First Murphy Park restrooms.
- Checked sumps during storms, and coordinated with a hydro-jet vendor to clear clogged drains.
- Replaced a backflow device at Vista Lobos Park.
- Removed critters that got under City Hall.

Project Management for the Capital Improvement Program

4 Leaf Projects:

- For the Police Building Renovation Project, met with Council Ad Hoc Committee on December 6th and 20th to discuss preliminary alternatives. Preliminary alternatives include building a new Police Station on a new site, such as Vista Lobos, and renovating the existing Police-Public Works building for greatest and best use, including, potentially, mixed use with affordable housing and/or with other City departments. The building condition assessment, Police needs space program, and these preliminary alternatives will be presented at a Council Study Session on January 8th.

Ausonio, Inc. Projects:

- For the Sunset Center North Wing and Harrison Memorial Library Exterior/Interior Painting Project, five bids were received at the December 5th. Bid Opening, but only one bid, submitted by Color New Co. was responsive. Prepared staff report and resolution for Council to award the bid, with a contingency, of \$392,150 at their January 9, 2024 meeting.
- For the Sunset Center Portico Design Project, Amendment No. 2 to the PSA was prepared with 10 Over Study to develop two portico concept designs, including structural connections, lighting concepts, and a demolition plan for a fixed fee of \$29,500. Prepared staff report and resolution for Council to approve the Amendment at their January 9, 2024 meeting.
- Bidding documents were approved, and the Park Branch Library Dumbwaiter Decommissioning project was advertised for bids. A pre-bid meeting was held with three contractors, and an Addendum was issued. Bids will be opened on January 11th.
- For the Sunset Center Retaining Walls Repair Project and San Antonio Walkway Repair Project, Second to Fourth Avenues, negotiations were completed, and a PSA with ZFA Structural Engineers is being finalized for structural engineering and construction support services.

Wallace Group Projects:

- For the FY 2022/23 Concrete Streets Repair Project, Wallace Group provided review comments on the 95% complete design plans, technical specifications, and cost estimates prepared by BKF Engineers. Final design documents are anticipated by late February, although bidding may be delayed until additional funding is available.
- For the FY 2023/24 City-wide Paving Project, Wallace began design work as field surveying was completed and utility maps were collected.

Additional Capital Projects:

- For the \$1.14M, FY 2021/22 City-wide Paving Project, contractor Monterey Peninsula Engineering submitted technical submittals that were reviewed and approved by staff. Also met with MPE to discuss traffic control concerns and development of the construction schedule. Street improvements and paving along Junipero and Santa Fe Streets to begin in January.
- For the MTNP 3 Drainage Project, the design plans, specifications, and bidding contract documents were finalized. Advertising for construction bids is anticipated by mid-January.
- For the Electrical Panels Projects, Advanced Design Consultants (ADC) submitted final technical reports for the City Hall, Fire Station, and Vista Lobos buildings and electric panel in the Ocean Avenue median near Junipero Street. All four panels provide adequate capacity. The panels at City Hall and Fire Station require remedial repairs, but the panels for the Vista Lobos building and Ocean Avenue median warrant complete reconstruction.
- For the PG&E Rule 20A underground utility program, met with the Ad Hoc Committee on December 13th to plan for a site visit at the two proposed underground project locations – Del Mar parking lot

and along the MTNP Willow Trail which feeds homes along Ridgewood Road. Will also meet with owners of these properties to gauge interest in an undergrounding project.

- Met with Wave Broadband to discuss their concerns with Council's request to install their fiber optic lines underground. Wave requested to present their findings at the February Council meeting.

Street Maintenance

- Provided staffing, barricades, signage, and clean up for the Tree and Menorah Lighting event held at Devendorf Park and along Ocean Avenue on December 1st.
- During and following several storm events throughout December, cleared out storm drains, picked up fallen branches, and filled in potholes. We recorded 2.26 inches of rain over the last week of December. No flooding nor significant erosion problems were reported.
- However, strong waves pounded the shoreline for several days following the Christmas holiday. In concert with the Monterey County emergency operations and the City's Police Department, all beach access stairs were temporarily closed.
- The waves also heavily damaged beach access stairs at Tenth Avenue, Twelfth Avenue, and at Martin Way. Damage included broken handrails and wooden railings, missing treads, drop offs at the bottoms, etc. These stairs will be closed until further notice.
- The beach access equipment ramp between Eighth and Ninth Avenues was washed out in the storms last March. The sand was coming back since then, although not enough to re-establish the ramp. Unfortunately, the strong waves in late December again washed out the sand leaving a 10-foot drop off. Caution tape and delineators are in place.
- Installed ten dual trash/recycling, ribbon-style containers to replace deteriorated, trash-only squirrel cans.
- Rented a skid-steer to level off the sand around the volleyball courts on pushed sand up the bluff west of the Del Mar parking lot.
- Performed the Annual Sidewalk Survey, noting all sidewalk areas needing repairs.
- At two MST bus stops, eliminated two parking spaces each at Junipero Street and Fourth Avenue, and on San Carlos Street and Tenth Avenue, as approved by the City Council. Painted the curbs red at these locations.
- Sold the Go-4 parking vehicle at public auction for \$1,950.
- Performed smog checks for many City vehicles.

Forestry, Parks, and Beach (Forester's Report)

- See separate Forester's Report