

August 14, 2020

Re: Damage to mature trees and surrounding environment at Guadalupe St. 4 NE of 3rd St. Carmel-By-The-Sea 93921

Dear Forest and Beach Commissioners and the Staff:

We write in regards to the house demolition and subsequent damage to mature trees – and at least one protected trees – at Guadalupe St. 4 NE of 3rd St. Carmel-By-The-Sea (the “**Damaged Property**”), as well as negative impact to the surrounding environment caused by:

**J. Stepanek Construction Company (the “Contractor”)
3063 Larkin Road
Pebble Beach, CA 93953
Phone Number (831) 649-4633**

We are the home owners and full-time residents since 2002 adjacent to and immediately south of the demolition project at the above-referenced Damaged Property. After living in Carmel for more than two decades, we are very well aware of our surroundings and stewardship responsibilities in this community. In fact, we were attracted to our current home, in significant part, by the different type of mature trees surrounding our lot, which have provided us with shade, tranquility, and the lifestyle we have come to associate with Carmel-By-The-Sea.

As you know, maintaining the integrity of mature – and especially protected – trees is one of Carmel's fundamental rules that any Carmel licensed contractor out to know and follow. Further, as you know, the City of Carmel regulates the trimming and removal of trees, and even requires a permit to remove trees larger than 6 inches in stem and trunk diameter. Accordingly, as part of any approval process, a contractor doing work in the City of Carmel is given actual notice of such rules by virtue of signing documents affirming the contractor's understanding of such rules, and securing the contractor's commitment to abide by the same.

Nevertheless, despite our City rules and community standards, several trees with trunk sizes significantly larger than the threshold requiring approval from the City to modify have been uprooted or damaged at the Damaged Property without City approval. Moreover, one protected tree has already been irreparably harmed and removed from the Damaged Property. As full-time neighbors and concerned citizens, we believe this not only evidences carelessness and possible negligence on the Contractor's part, but also the Contractor's blatant disregard of City rules that cannot be tolerated or sanctioned as a “one-off” occurrence.

During the Contractor's demolition of the old structure on the Damaged Property, mindful of City rules regarding the protection of mature trees, we witnessed and were alarmed by the Contractor's use of certain heavy machinery near mature trees and the one protected tree that was eventually destroyed. Consequently, we provided photos of certain unprotected trees on the Damaged Property to

the City via the Friends of Carmel Forest (FOCF), including as we repeatedly stressed, the mature cypress tree that we share with the Damaged Property, which deserves protection and more care.

Unfortunately, however, as far as we know, the Forester neither responded to communications from the FOCF regarding our concerns, nor conducted a site visit during the remainder of the demolition and soil excavation process by heavy machinery on the Damaged Property. The apparent lack of attention to our concerns by the City officials, in our estimation, resulted in the loss so far of at least one protected tree on the Damaged Property (i.e., a mature oak tree) and potential damage to other mature trees.

In our further estimation, the constant presence of large, heavy equipment and large semi-trucks on the Damaged Property to excavate and haul soil was too aggressive for the mature trees on the Damaged Property as well as the root systems and integrity of trees on our property. Therefore, on August 4, 2020, having received no response from the Forester, we sent an email to the Public Works Department requesting immediate attention to this matter. Unfortunately, by August 6, 2020, as we waited for a material response to our concerns, the Contractor had already committed irreparable harm to the Damaged Property and our property, as evidenced by the photos enclosed below.

The photo immediately below ("**Photo 1**") evidences a lack of tree protection during demolition, but before the soil excavation. In particular, note the absence of any protection for the Cypress tree that straddles the Damaged Property and our property (in the back right side of the photo).



The next photo, immediately below ("**Photo 2**"), provides a closer view of the unprotected cypress tree that straddles the Damaged Property (pictured in Photo 2 below) and our property on the other side of the fence pictured. We are astounded, shocked and dismayed that the Contractor would blatantly jeopardize the integrity of this cypress tree, and consequently our well-being. Not only does this tall cypress tree afford the Damaged Property and our property magnanimity and habitat for raccoons and owls, but it also towers over our backyard setting and our dwelling.



We are now gravely concerned about the unjustified removal of soil around the mature cypress tree pictured above and an adjacent mature oak tree. As evidenced by the next photo immediately below ("**Photo 3**"), the Contractor's reckless excavation has unearthed about 14" away from the root systems of these mature trees, thereby jeopardizing the stability of the same trees and placing us in apprehension. We do not know if or when or where these trees may topple over, especially during significant storms and periods of increased soil saturation.



As we recall, a City ordinance requires that any tree larger than a certain size (almost certainly including the size of the cypress tree picture above in Photos 1, 2 and 3, as well as **“Photo 4”** immediately below) must be protected before any demolition, soil removal, and/or construction is approved. For reasons that we do not quite understand, neither the cypress tree of concern, nor the adjacent mature oak tree, were protected. Was the Contractor, who we understand is experienced and has completed many projects in Carmel, granted a special dispensation by the City from protecting the cypress tree and the neighboring oak tree? Was the Contractor permitted to erode the base of the cypress tree and the adjacent oak tree, which already lean between our property, as pictured below in Photo 4?



The next photo, immediately below ("**Photo 5**"), provides a closer view of the excessive soil excavation at the roots of the so-far unprotected cypress and the oak trees on our property border. A reflected in Photo 5, the amount of soil excavated is approximately 4.5 to 5.0 feet deep from the base of these two trees jeopardizing their long term stability.



Moreover, while our immediate concern is the stability of the mature cypress and oak trees on the border of our property, as discussed above, the Contractor has already destroyed at least one protected tree on the Damaged Property as result of his aggressive excavation, and has also placed multiple (unprotected) mature oak trees at risk on the north side of the Damaged Property, as reflected in the photo immediately below ("**Photo 6**"). We believe this pattern of recklessness and disregard for City ordinances creates a potentially unsafe environment for our other neighbors.



Additional Photos





Conclusion:

We believe the Contractor has neither adhered to City ordinances and procedures, nor provided adequate supervision to ensure adherence to the same. As a result, we are concerned about actual and foreseeable damages to mature trees and potentially injurious effects on the Damaged Property, our property, and neighboring lots.

We specifically request that the Forest and Beach Commission place hold on the Contractor's work on the Damaged Property until the Contractor has adequately remediated the damage to date to all protected and unprotected trees that deserve more care and concern, including the mature cypress and oak trees on the border of the Damaged Property and our property.

We also request that the Forest and Beach Commission address the following concerns when deliberating on this issue:

1. Why was the Contractor allowed to excavate so close to and around at least one protected tree on the east side of the Damaged Property, such that the protected tree eventually collapsed and was ultimately removed?
2. Because an excessive amount of base soil around the above-pictured cypress and oak trees on the south side of the Damaged Property (i.e., on our property border) has already been disturbed and hauled away, what happens – and ultimately who bears the responsibility – if either tree soon fall on our house and someone is hurt, or lives are lost?
3. How has the licensed Contractor's demolition and excavation on the Damaged Property avoided the scrutiny of or inspection by City officials charged with enforcing the City ordinances and rules that protect our mature trees and properties?
4. How do we improve the communication between the Planning, Public Works, and Forestry departments so that mature trees within construction zones receive protection?

We hope that the Commissioners and the staff find the Contractor, J. Stepanek Construction Company, responsible for remediating the harm outlined above, including the reduced integrity of the cypress and the oak trees that are now at increased risk of falling on our property and causing potential injury.

Thank your attention to this important matter and your service to our community.

Sincerely,

Mo and Fay Massoudi
PO Box 325
Guadalupe St. 3 NE of 3rd St.
Carmel-By-The-Sea 93921