

**REGULAR MEETING**  
**Thursday, October 13, 2022**

**TOUR OF INSPECTION 1:45 PM**

**TOUR OF INSPECTION**

Commissioners and Staff toured the following sites:

- Lobos Street 5 Northeast of Third Avenue
- Santa Fe Street 2 Southwest of Mountain View Avenue
- Junipero Street 6 Northeast of Eighth Avenue
- Ninth Avenue 2 Northeast of Lincoln Street
- Northwest corner of San Antonio Avenue and Ninth Avenue
- Carmelo Street 4 Northeast of Ocean Avenue

**MEETING 3:30 PM**

**CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE**

**PRESENT:** Berling, Brezoczky, Michie, Myers, Sours  
**ABSENT:** None  
**STAFF PRESENT:** Sara Davis, City Forester  
Robert Harary, P.E., Director of Public Works  
Yvette Oblander, Commission Secretary/Administrative Coordinator  
Marnie Waffle, Principal Planner  
Evan Kort, Associate Planner

**PUBLIC APPEARANCES**

None

**ANNOUNCEMENTS**

Director Harary made the following announcements:

- Welcomed new Commissioners, Kelly Brezoczky and Tamara Michie, to the Forest and Beach Commission. He suggested that since we have two new commissioners, and since the Chair and Vice Chair were recently voted in, that we continue with the current positions until next summer.
- All documentation regarding the Commission's recommendations for additional Scenic Pathway benches was turned over to the Planning Department. They will work with the Planning Commission to develop a draft of the revised bench policy, and we will then bring it back to the Forest and Beach Commission for review.
- Changes are in progress to the policy on COVID and CDC Guidelines for Monterey County and requirements for City meetings. Next month's agenda will reflect revised wording, but we will continue with the hybrid format.
- Shout out to Tom Ford, our new Administrative Analyst, for putting together all seven Staff Reports for the Public Hearings for this Agenda.

**EXTRAORDINARY BUSINESS**

**Item A:** PG&E Tree Removal Incidents, Vegetation Management Procedures, and Possible Mitigation

Director of Public Works Harary presented the Staff Report and sought input from the Commissioners about potential additional mitigation from PG&E for vegetation management impacts to the City, as suggested by the Coastal Commission. He stated that overall, we have an excellent working relationship with PG&E, but we had an uncommon glitch in late August.

Scott Carlton, PG&E Vegetation Program Manager, and Alexandra Baldwin, PG&E Senior Vegetation Program Manager, spoke about their Vegetation Management program, procedures, and why these trees had to be removed. They apologized about the lack of prior notification to the City and committed to doing better in the future.

Director Harary talked about mitigation measures already performed by PG&E, like cutting trees down to the stumps and cutting dead City trees near power lines at no cost to the City. He noted that PG&E also offered to participate in our next Arbor Day event. He noted that no decisions will be made today about additional mitigation, but we want to start the discussion should additional mitigation be appropriate. He also addressed questions of the Commission.

### **Public Comment**

No Public Comment

Commissioner Sours, Myers, Brezoczky commented on this item. The consensus was to require no additional mitigation, provided that PG&E follows established protocols for prior notifications for future tree work.

### **CONSENT AGENDA**

**Item 1:** Approve August 11, 2022 Meeting Minutes

After it was noted that new Commissioners Brezoczky and Michie were not at that meeting, Commissioner Sours moved to approve the August 11, 2022 Meeting Minutes, seconded by Commissioner Berling and carried by the following roll call vote:

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

### **PUBLIC HEARINGS**

**Item 2:** Release of a Stop Work Order at Ninth Avenue 2 Northeast of Lincoln Street  
(Building Permit #200384)

City Forester Davis presented the Staff Report regarding unauthorized tree root cutting, and recommended release of the Stop Work Order and require the Property Owner, Rosemary Montgomery Trust, to pay the City \$1,248 for the Stop Work Order Investigation fee and double the Tree Permit fee, plus \$2,700 for the depreciated value of the tree, and the \$525 assessment fee by the City's consulting arborist, totaling \$4,473. Forester Davis addressed questions of the Commission.

### **Public Comment**

No Public Comment

Chair Myers moved to follow the recommendation of the Forester, except to not double the tree permit fee because of the delay in addressing the Stop Work Order. Commissioner Berling made a friendly amendment, since the depreciation in

value is not certain, to reduce the depreciation cost to half of the \$2,700 assessment, in addition to the half of the tree permit fee. Chair Myers agreed to the amendment, seconded by Commissioner Brezoczky and carried by the following roll call vote:

*(Note, the revised total fee was reduced from \$4,473 to \$2,783.)*

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

**Item 3:** Release of a Stop Work Order at San Carlos Street 4 Southeast of Seventh Avenue (Building Permit #160305)

City Forester Davis presented the Staff Report regarding unauthorized tree root cutting, and recommended release of the Stop Work Order and require property owners, David Flint and Mary Herman, to pay the City \$1,248 for the Stop Work Order Investigation fee plus double the Tree Permit fee.

Justin Hastings, with Hastings Construction, representing the Applicant apologized for this incident and stated he trained his staff to prevent this from happening again. Mr. Hastings concurred with the Forester's recommendations and addressed questions of the Commission.

**Public Comment**

No Public Comment

Chair Myers motioned to accept the Forester's recommendation, seconded by Commissioner Berling and carried by the following roll call vote:

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

**Item 4:** Approve or deny the removal of one oak tree and one acacia tree at Junipero Street 6 Northeast of Eighth Avenue (Tree Permit Application 22-146)

City Forester Davis presented the Staff Report and recommended to deny the removal of one oak tree, approve the removal of one acacia tree, and require planting of two upper canopy trees, all at the Applicant's expense. She suggested that the roofline of the proposed development be redesigned by the Applicant to accommodate the oak tree, and addressed questions of the Commission.

Vince Bruno, the Applicant's contractor, commented on the trees impact on the building project and addressed questions of the Commission.

**Public Comment**

No Public Comment

Chair Myers motioned to approve the recommendation of the City Forester, seconded by Commissioner Michie and carried by the following roll call vote:

**AYES:** Michie, Myers, Sours  
**NOES:** Berling

**ABSENT:** None  
**ABSTAIN:** Brezoczky

**Item 5:** Approve or deny the removal of one large Monterey pine at Lobos Street 5 Northeast of Third Avenue (Tree Removal Application 22-121)

City Forester Davis presented the Staff Report and recommended to deny the removal of one large Monterey pine and require the Applicant to plant two additional upper canopy trees per the recommended Tree Density or pay the in-lieu fee of \$800 for each tree. Should the removal be approved, all costs will be at the Applicant's expense. Forester Davis addressed questions of the Commission.

Anthony Lombardo, Attorney for the Applicant, commented about his client's concerns regarding the safety of the tree and addressed questions of the Commission.

Joseph Bileci, consulting arborist, spoke on behalf on the Applicant. He highlighted his Risk Assessment Report which was included in the Commission packet, and stressed the dangers of the tree at this site. He also addressed questions of the Commission.

Applicant Chris Croudace commented on the fear of heavy branches falling down, especially in bad weather. He emphasized their willingness to plant new trees, and addressed questions of the Commission.

**Public Comment**

No Public Comment

Chair Myers motioned to approve the removal of the Monterey Pine and require the Applicant to plant two upper canopy trees per the recommended Tree Density or pay the in-lieu fee of \$800 for each tree. Seconded by Commissioner Michie and carried by the following roll call vote:

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

**Item 6:** Approve or deny the removal of 8 oak trees at Santa Fe Street 2 Southwest of Mountain View Avenue (Tree Permit Application 22-143)

City Forester Davis presented the staff report and recommended to approve the removal of 8 oak trees at the Applicant's expense, upon issuance of a Building Permit, and require the planting of 5 upper canopy trees spread between both parcels. Forester Davis addressed questions of the Commission.

Applicant Jeff Britton stated that he appreciated the Forester and Planner's time to solve the issues of the trees.

**Public Comment**

Kelly Francis – Submitted correspondence prior to the meeting, and read her letter into the record.  
Joseph – a neighbor, opposed removal of the trees

Evan Kort, Associate Planner, explained the process of preliminary development applications which may have significant tree impacts, and getting Forest and Beach Commission approval, or denial, of the trees prior to advancing the project to the Planning Commission. He noted that if the Application

for tree removal is denied by the Forest and Beach Commission, and/or the project is subsequently modified by the Planning Commission, the Application may have to return to the Forest and Beach Commission for consideration of a revised project configuration.

The Commissioners acknowledged opposition for tree removal by the neighbors, but noted that many of the trees are not in good condition and may pose a fire risk, that there are still many other trees remaining at the site, and that the Applicant is entitled to develop the property.

Commissioner Berling moved to approve the removal of the 8 oak trees at the Applicant's expense, upon issuance of a Building Permit, and require the planting of 5 upper canopy trees spread between both parcels. Seconded by Chair Myers and carried by the following roll call vote:

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

**Item 7:** Approve or deny the removal of two oak trees and one eucalyptus tree at Carmelo Street 4 Northeast of Ocean Avenue (Tree Removal Permit Application 22-129)

City Forester Davis presented the staff report and recommended to approve the removal of two oak trees and one eucalyptus tree, upon issuance of a Building Permit, and require the replanting of one upper canopy and one lower canopy tree, all at the Applicant's expense. She noted a correction from the staff report to recommend replanting one, rather than two, upper canopy trees, and addressed questions of the Commission.

Architect Erik Dyer spoke for the Applicant noting that the existing home is small, and they did not wish to design a second story to respect the privacy of the neighbors, leaving no other choice but to expand to the east where the subject trees are located. He supports the Forester's recommendations.

#### **Public Comment**

No Public Comment

Commissioner Berling moved to approve the removal of the two oak trees and one eucalyptus tree, at the Applicant's expense, upon issuance of a Building Permit, and require the planting of one upper and one lower canopy trees. Seconded by Commissioner Sours and carried by the following roll call vote:

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

**Item 8:** Determine the number of trees to be planted at the Northwest Corner of San Antonio Avenue and Ninth Avenue (DS 21-436)

City Forester Davis presented the staff report and recommended requiring the Applicant plant one upper canopy tree, preferably a Monterey cypress, and up to five lower canopy ornamental trees in front of the lot, and addressed questions of the Commission.

Scott Hall spoke on behalf of the Applicant and was supportive of the Forester's recommendations.

**Public Comment**

No Public Comment

Commissioner Sours moved to approve planting of one upper canopy tree, preferably a Monterey cypress, and up to five lower canopy ornamental trees in the front of the lot, at the Applicant's expense. Seconded by Commissioner Michie and carried by the following roll call vote:

**AYES:** Berling, Brezoczky, Michie, Myers, Sours

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**ORDERS OF BUSINESS**

**Item 9:** City Forester's Monthly Reports for August and September 2022

City Forester Davis presented the Forester's Monthly Reports for August and September 2022 which included:

- Rene Aldama was promoted to Senior Maintenance Worker in Forestry.
- As part of the Cal Fire grant, 108 new trees will be planted. The initial round of tree planting is planned to begin in October. Locations for 33 new trees have been marked to give adjacent property owners notice that a new tree will be planted.
- One addendum was issued during bidding of the on-call landscape maintenance contract. Only one bid proposal, submitted by Town & Country Gardening & Landscaping, was received at the September 20th Bid Opening. Council is expected to award this \$140,000 contract in October.
- Preparation of the On-Call Tree Care Services contract and bid documents are being finalized.
- Installed a new irrigation backflow system for the Harrison Memorial Library garden.
- Had our first local contractors use an air spade and hydro vac on projects in town.
- Refurbished a table in front of City Hall that originated from the Sequoia National Forest.

**Public Comment**

No Public Comment

**Item 10:** Public Works Director's Monthly Reports for August and September 2022

Public Works Director Harary presented the Public Works Department reports for August and September 2022 which included:

City Council actions related to Forestry, Parks and Beach issues:

- Adopted a resolution appointing Tamara Michie and Kelly Brezoczky to the Forest and Beach Commission for four-year terms.

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

- Selected Nikki Nedeff for biological services associated with projects in the Mission Trail Nature Preserve, and an Agreement is being prepared for three years of on-call services.
- Following City Council's approval of their Professional Services Agreement for the Urban Forest Management Plan, Davey Resources Group requested a number of modifications to the contractual terms. Some changes were approved by the City Attorney's office, but issues are ongoing.

Update on the Climate Committee:

- Reviewed proposals from a consulting team combining EMC Planning Group, Integral Consulting, and Haro Kasunich & Associates to perform Phases I and II of the Coastal Engineering Study and Beach Sand Survey Projects, as outlined in the adopted Climate Adaptation Plan. Phase I is funded at this time at \$175,000, and Phase II is anticipated by a \$ 100,000 non-competitive Coastal Commission Local Coastal Program Grant. The Committee recommended forwarding a Contract to Council for approval at the November meeting.

Update on Volunteer Organizations:

- The Carmel Cares Downtown Detail continued to make significant downtown beautification improvements by planting in the street bump outs, placing potted plants, improving tree wells, removing debris, landscaping around parking lots, and removing graffiti.
- Coordinated with the Green Cadre, a youth workforce training program sponsored by Monterey County. The workgroup is scheduled to support Carmel Cares around the City starting in late October. Projects will include installation of a post and a rail fencing along Forest Hill Park, invasive removals in the North Dunes Habitat Restoration Area, planting at the Forest Theater, and others.
- Installed railings at the back of restrooms at Forest Theater.

Miscellaneous Forest, Parks, Beach, and related Public Works items:

- Prepared for mid-September rains, and cleaned up minor storm damage afterwards. Over an inch and a half of rain was recorded.
- Removed the five firepits from the beach in mid-September.
- Replenished beach sand around boulders near the base of the Eighth and Ninth Avenue access stairs.
- Repainted both Forest hill Park restrooms after graffiti was sprayed nearly every weekend in September.
- Spreading fresh wood chips started in the Mission Trail Nature Preserve, along the Serra and Willow Trails.
- After decades of storing materials at the Carmel Middle School yard, relocated usable materials to the re-organized Rio Park site, recycled materials where appropriate, and discarded broken items.

**Public Comment**

Cindy Lloyd

**FUTURE AGENDA ITEMS**

- San Carlos Median Islands landscaping, between Eighth and Thirteenth Avenues
- Urban Forest Master Plan – Steering and/or Technical Advisory Committee representatives
- Earth Day planning

**ADJOURNMENT**

Respectfully submitted,

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Yvette Oblander, Administrative Coordinator, Commission Secretary  
Robert Harary, P.E., Director of Public Works

Approved by:

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JC Meyers, Chair