

**CITY OF CARMEL-BY-THE-SEA
FOREST AND BEACH COMMISSION
MEETING AGENDA
Thursday, 9 October 2014
Tour of Inspection – 2:30 p.m.
Regular Meeting – 3:30 p.m.**

City Hall, Council Chambers
East side of Monte Verde St. between Ocean & 7th Avenues
Carmel, California

CALL TO ORDER AND ROLL CALL

COMMISSION MEMBERS: DAVID REFUERZO – VICE-CHAIR
 KAREN FERLITO
 KATHY BANG
 MICHAEL CARTER
 JEFF BARON

TOUR OF INSPECTION

Shortly after 3:00 p.m. the Commission will leave the Council Chambers for an on-site Tour of Inspection of all properties listed on this agenda. The Tour may also include projects previously approved by the City and not on this agenda. Prior to the beginning of the Tour of Inspection, the Commission may eliminate one or more on-site visits. The public is welcome to follow the Commission on its tour of the determined sites. The Commission will return to the Council Chambers at **3:30 p.m.** or as soon thereafter as possible.

1. Camino Real St., 6 houses northwest of Ocean Ave.
2. Lincoln St., 2 houses southwest of 2nd Ave.
3. Santa Fe St., 4 houses northeast of 2nd Ave.

ROLL CALL

PLEDGE OF ALLEGIANCE

EXTRORDINARY BUSINESS - ELECTIONS

APPEARANCES

Thank you for attending the meeting. Anyone wishing to address the Commission on matters not on the agenda, but within the jurisdiction of the Commission, may do so now. Please state the matter on which you wish to speak. Matters not appearing on the Commission's agenda will not receive action at this meeting but may be referred to staff for a future meeting. Presentations will be limited to three minutes, or as established by the Commission. 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.

CONSENT AGENDA

1. Consideration of the minutes for the 11 September 2014 regular meeting.

APPLICATIONS/PUBLIC HEARINGS

IF YOU CHALLENGE THE NATURE OF THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE FOREST AND BEACH COMMISSION, OR PRIOR TO DELIBERATION OF THE ITEMS ON THE TOUR OF INSPECTION/PUBLIC HEARING.

2. Consideration of an application to remove one 60" diameter Monterey pine on private property the applicant considers to be unsafe and a danger to her property as well as her neighboring properties. Page 8.
3. Consideration of an application to prune a 6" diameter limb from a 12" diameter coast live oak on public property to allow parking further off of the street and to reduce the number of accidental scrapes with the tree. Page 28.
4. Consideration of an application to remove a coast redwood (72" diameter) on private property due to damage to a house and foundation as well as being a health and safety hazard. Page 33.

VIII. ORDERS OF BUSINESS

5. Consideration of changing the time of the November meeting. No page.
6. Receive and discuss a report from the ad hoc Arbor Day Event Committee. No page.
7. Receive and discuss a report from the ad hoc Beach Fires Committee. Page 48.
8. Consideration of 2015 Key Initiatives. Page 82.
9. Consideration of a request for the City Council to assign a beach pathway committee. Page 96.

IX. REPORTS FROM STAFF AND COMMISSIONERS

10. Forester's report Page 97.
 - A. September data.
 - B. Project updates.
 - C. Parks activities.
 - D. Beach activities.
11. Public Services Director comments. No page.
 - A. Project Status.
 - B. Budget update
 - C. Planning Commission activities update.
 - D. Update of Council Items.
 - E. Future Agenda Items.

X. ADJOURNMENT

Any writings or documents provided to a majority of the Forest and Beach Commission regarding any item on this agenda will be made available for public inspection in the Planning and Building Department located at City Hall, on Monte Verde between Ocean and 7th Avenues during normal business hours.

If there is not a special meeting, the next regular meeting of the Forest and Beach Commission will be:

13 November 2014

Tour of Inspection – as required

3:30 p.m. - Regular Agenda

The City of Carmel-by-the-Sea does not discriminate against persons with disabilities. The City of Carmel-by-the-Sea Telecommunication's Device for the Deaf /Speech Impaired (TDD) number is 1-800-735-2929.

AFFIDAVIT OF POSTING

I, Mike Branson, City Forester, for the City of Carmel-by-the-Sea, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Carmel-by-the-Sea City Hall bulletin board, posted at the Harrison Memorial Library on Ocean and Lincoln Avenues and the Carmel Post Office and distributed to members of the media on October 6, 2014.

Dated this 6th, day of October 2014 at the hour of 2:20 p.m.



Mike Branson
City Forester

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

REGULAR MEETING MINUTES
Thursday, September 11, 2014
Tour of Inspection 3:00 p.m.
Regular Meeting 3:30 p.m.

CALL TO ORDER AND ROLL CALL FOR TOUR OF INSPECTION

PRESENT: Commission Members: Ferlito, Refuerzo, Bang, Carter, Baron
ABSENT: Commission members: None
STAFF PRESENT: Mike Branson, City Forester

TOUR OF INSPECTION

The Commission toured the following site:

1. Santa Fe St., 4 southwest of 8th Ave.

CALL TO ORDER AND ROLL CALL FOR THE REGULAR MEETING

The meeting was called to order at 3:40 p.m.

PRESENT: Karen Ferlito
David Refuerzo – Vice- Chair
Michael Carter
Kathy Bang
Jeff Baron

ABSENT: None

STAFF PRESENT: Mike Branson, City Forester
Sharon Friedrichsen, Public Services Director

PLEDGE OF ALLEGIANCE

Members of the audience joined the Commission in a moment of silence in memory of the 9/11 event and in the Pledge of Allegiance.

APPEARANCES

Barbara Livingston, representing the Carmel Residents Association, presented the Commission with a copy of the latest CRA newsletter that contains several sections of the Carmel 2016 Committee report from 1991 and an analysis of those sections by current community members.

①

She also requested that the Commission ask the City Council to fund removing stumps and planting new trees prior to the City centennial in 2016.

CONSENT AGENDA

1. Consideration of the minutes for the 28 August 2014 regular meeting.

Commissioner Ferlito identified a couple of typographical errors.

It was moved by BANG to approve the minutes for the 28 August 2014 regular meeting, with the typographic corrections; seconded by FERLITO.

The motion carried by the following vote:

| | |
|----------|---------------------------------|
| AYES: | Ferlito, Refuerzo, Carter, Bang |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | Baron |

APPLICATIONS / PUBLIC HEARINGS

2. Consideration of an application to remove one Monterey pine (40" diameter) on private property due to the age of the tree and safety concerns. The site is located on Santa Fe St., 4 houses southwest of 8th Ave. The applicant is Andrea Spungen.

Forester Branson presented his staff report and answered questions from the Commission.

Public comment opened at 3:55 p.m.

Matt Raggio, representing the applicant, asked about liability if the tree fails. He also expressed that the applicant is trying to anticipate future problems and asked what happens in the future if problems arise.

Public comment closed at 4:00 p.m.

Forester Branson provided guidance on both questions.

After further discussion of the tree and the condition of the remaining trees, Commissioner BANG made a motion to follow the Forester's recommendation to retain the tree; seconded by FERLITO.

The motion carried by the following vote:

| | |
|----------|--|
| AYES: | Ferlito, Refuerzo, Carter, Bang, Baron |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | None |

ORDERS OF BUSINESS

3. Receive and discuss a report from the ad hoc Beach Fires Committee.

Commissioner Bang reported on the activities of the ad hoc Committee. She informed the Commission on the details of the ad hoc committee's meetings with Scott McKenzie of CarmelNatur to receive his input on the analysis of the beach fire issues and that Commissioner Carter had completed a web search of fire rules from other coastal states around the country. Meeting with a representative from the Monterey Bay Unified Air Pollution Control District is scheduled for next week and meeting with a California Coastal Commission representative is still pending.

Commissioner Carter reviewed the data he assimilated on beach fire rules.

Commissioner Baron asked if portable fires, such as charcoal or gas grills, will be allowed and if the air quality has been, or will be, measured.

Commissioner Bang answered that allowing other types of fires still needs to be determined and hopefully the meeting with the Air District will provide some guidance on measuring air quality.

Commissioner Baron asked how permits are issued in other states.

Commissioner Carter responded that permits vary. They are issued online, by fire departments, police departments, and some require deposits. There is no uniformity in how they are issued.

Commissioner Refuerzo asked if the Pebble Beach Co. had been contacted regarding their beach fire policy and procedures.

Commissioner Bang responded they had not, but will check with the Pebble Beach Co.

Public comments opened at 4:22 p.m.

Maggie Eaton of Sustainable Carmel commented on Scott McKenzie's analysis report and suggested looking at two themes: 1) traditions and 2) good clean fun for youth and families. She thought that the current situation would be a problem for the individuals who first started beach fires for recreation and clean fun is only clean if everything is picked up from the beach. She thanked the ad hoc committee for their work so far.

Scott McKenzie thanked the ad hoc committee for meeting with him. He asked if we could preserve beach fires and have a clean beach, would we keep fires – yes. He suggested language for a defined problem statement. He also thought it would be a good thing to know the average amount of particulates that are released by an average fire.

Public comment closed 4:31 p.m.

Commissioner Ferlito wanted to know how much the City has spent on enforcement and cleanup to date. She also has noticed several volunteers helping with cleanup on the beach. She thought that perhaps the Committee should look at a fee for fire program as well as a non-fee program.

Commissioner Bang mentioned the question of fees will be one of the discussion points with the Coastal Commission.

Commissioner Ferlito pointed out that the current programs are subject to budget fluctuations while a fee system would not. She also noticed that many beaches do not allow alcohol or do not allow minors to get permits. Barbara Livingston said she was supportive of the report and likes the action the Commission is taking.

Commissioner Baron did not agree that the cost of beach fires should be born only by those that make them.

Commissioner Carter pointed out that traditions can change. Smoking for example used to be allowed almost everywhere, but today there are few places where smoking is allowed.

No further discussion.

4. Consideration of disbanding the ad hoc Beach Committee.

Vice Chair Refuerzo provided some background on the ad hoc Beach Committee.

Commissioner Ferlito asked if Commissioners should pass on their observations directly to staff.

Forester Branson agreed with that approach, particularly for items that need immediate attention.

Commissioner Ferlito asked if shoreline assessments will be completed this year.

Forester Branson noted that he structural assessment of the stairs will be starting very soon and other items are still pending.

Director Friedrichsen noted that the stairs and accessibility are the first priority and staff are looking for a consultant to inspect the seawalls and revetments.

Commissioner Ferlito wants to know when they will be done.

Forester Branson suggested an agenda item to discuss the assessment issues.

Commissioner Bang asked for an agenda item for the next meeting to review an outline of the shoreline assessment plans for the year. She also noted that the ad hoc Beach Committee should be disbanded.

Public comment opened 4:51 p.m.

Greg D'Ambrosio noted that the Shoreline Plan has an assessment document within it and twice a year assessments of the easy to observe items should be done. Structural items that require an engineer should also be completed. He also thought the City should revise its service contracts.

Scott McKenzie advocated for measuring various aspects of the beach to quantify improvements and to compare to future years.

Public comments closed 4:57 p.m.

Commissioner BANG made a motion to disband the ad hoc Beach Committee; seconded by CARTER.

The motion carried by the following vote:

| | |
|----------|--|
| AYES: | Ferlito, Refuerzo, Carter, Bang, Baron |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | None |

5. Discussion of the 2014 Arbor Day event and consideration of appointing an ad hoc committee.

Forester Branson reported he discussed with Steve Brooks from the Friends of Carmel Forest about combining an event with the FOCF October tree survey meeting. It was decided to keep the events as separate items.

Commissioner Ferlito suggested Dr. Lee Klinger as a guest speaker and perhaps the County Agricultural Commissioner's office to speak on sudden oak death. She recommended forming an ad hoc committee.

Vice-Chair Refuerzo thought an ad hoc committee would be helpful.

Commissioner Bang suggested an event on the City birthday on October 31st.

Forester Branson noted that the FOCF and perhaps other organizations would help with dispersing notices of the event.

Commissioner Ferlito worried about the short time to plan for the event. She pointed out that Dr. Klinger is available, but others may not be.

Commissioner Bang wondered if the ad hoc Committee could work on next year's event as well.

Forester Branson pointed out that, despite the short time left in the year, some event would be held this year to fulfill the Tree City USA requirement.

Vice-Chair Refuerzo suggested a tree giveaway.

Commissioner Ferlito noted that the FOCF will have their tree giveaway on November 8th. She offered to be on the ad hoc Committee.

Vice-Chair Refuerzo asked if Commissioner Baron would be on an ad hoc Committee.

Commissioner Baron answered affirmatively.

Vice-Chair Refuerzo appointed Commissioners Ferlito and Baron to an ad hoc Committee to plan a 2014 Arbor Day event.

REPORTS FROM STAFF AND COMMISSIONERS

6. Forester's report

Forester Branson presented his reports and answered questions from the Commission. He also reported on the number of special event permits issued to AquaTerra over the last year. Flyers for the FOCF tree survey meeting were passed out to the Commission.

Director Friedrichsen reported on the sign consultant activities and reviewed the process for getting consultants under contract.

Vice-Chair Refuerzo suggested a continuing item for review of shoreline assessments and beach issues.

Commissioner Carter asked about sand profiles.

Forester Branson addressed his question.

7. Public Services Director's comments.

Director Friedrichsen reported that the City Council received an update from Cal Am on the drought and using the City's Del Mar water. The Council also discussed the events of "car week" and the policies and practices for large events in the City.

Commissioner Ferlito asked when the review of the Mission Trail Nature Preserve Master Plan will be on an agenda and what is the best way to form a beach pathway committee.

Director Friedrichsen suggested an agenda item to discuss a pathway committee.

Forester Branson reported a new contract to remove 25 dead trees has been issued.

Vice-Chair Refuerzo asked about the status of working with the California Conservation Corps.

Director Friedrichsen addressed his question.

Vice-Chair Refuerzo asked about changing the November meeting time due to a scheduling conflict.

Director Friedrichsen suggested discussing this to the October meeting.

ADJOURNMENT

There being no further business, Vice-Chairperson REFUERZO adjourned the meeting at 6:11 p.m.

Approved,

Respectfully submitted,

David Refuerzo, Vice- Chairperson

Mike Branson, City Forester

MEMORANDUM

TO: Members of the Forest and Beach Commission

FROM: Mike Branson, City Forester

DATE: 3 October 2014

SUBJECT: Tree Removal (Private)
Block: GG Lot: 13 & ½ of 11 A.P.N #: 010-252-008
W/ Camino Real St., 4 north of Ocean Ave.
Applicant/Owner: Linda Yellich

Site Condition:

This site is a 6,000 sq. ft. lot with a single-family home and attached garage. The lot slopes downward to the west from Camino Real St. The tree is located near the north property line about 10 feet from the side of the applicants house and about 8 feet from the home to the north. The canopy of the tree covers a large portion of the applicant's lot and the lot to the north.

Size and species of trees(s) requested for removal/pruning:

Remove one Monterey pine – 60" dbh.

Health and condition of tree requested for removal:

The Monterey pine is a large mature tree and appears to be in good overall health. The tree has a large spreading canopy comprised of many large limbs. There are several dead limbs within the canopy but the bulk of the limbs appear to be in good vigor and condition. The root collar has several large buttressing roots for support of the tree. No significant insect, disease or other structural problems were observed.

Recently, a limb broke from the tree and fell onto the home to the north. I was unable to inspect the portion that fell to determine a possible cause for the failure.

Previous requests and decisions:

None.

Reason for request - Description of Project:

The applicant considers the tree to be unsafe and a danger to her property as well as her neighboring properties. A recent limb failure which damaged a fence and the chimney of the home to the north has precipitated the application to remove the tree.

8

The importance of the tree(s) to the urban forest in the area:

The tree contributes to the upper canopy of the urban forest this neighborhood.

Size and species of tree(s) that are to be preserved:

Mayten - 4" dbh

Impacts construction may have on trees that are to be preserved and suggested mitigation:

N/A

Options:

1. Approve the application.
2. Do not approve the application.
3. Postpone consideration.

Staff Recommendations:

Option #2. Do not approve the application. The tree appears to be in good condition and health. The recent and past limb failures are unfortunate, but do not merit removal of the entire tree at the current time. The tree appears to have the potential to be a viable tree for some time.

I recommend that the tree be pruned to remove the dead limbs the tree and to reduce the weight of the some of the large limbs that extend over the two properties that lie beneath the tree. The tree should be monitored for any changes in its vigor and condition.

If the tree is allowed to be removed, I recommend planting two upper canopy trees on the property.

CITY OF CARMEL-BY-THE-SEA
P.O. Box "SS"
Carmel, CA 93921
Ph: (831) 620-2070/FAX: 831-624-2132

Date Received 9-3-14
Application Fee: 32.51
Receipt # 58591

APPLICATION FOR PERMIT TO REMOVE OR PRUNE TREES
NO CONSTRUCTION

Location of property: Camino Real 4 N.W. Ocean Ave
Block: North 1/2 of lot 11 + all of lot 13 in block GG Lot: AP# 010 252 008 000

Name of Property Owner: Linda Yellich Name of Applicant/Contractor: Karen

Mailing Address PO Box 3365 Mailing Address: _____
Carmel Ca 93921

Phone # (831) 626-6606 ^{night} 831 970-4344 ^{day} Phone #: 320 9996

WHO WILL BE REMOVING/PRUNING THE TREE(S): Mike Iverson Tree Service
City Business License #: 17619 (Call)

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

Number, size and species of tree(s) to be removed: 1 huge Monterey Pine 175" diameter

Number, size and species of limbs/roots to be removed: _____

Reason for removal or pruning: This huge tree creates an unsafe + dangerous peril to my neighbors + myself. A huge branch fell, creating fear/anxiety and damage to property + adjacent home, breaking fence and causing chimney to fall from roof of neighbors home.

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 and Beach Commission to act on your request in your absence by signing on the following line:

Date: _____

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

1. Location, size and species of ALL trees on the lot.
2. Location and species of tree(s)/limb(s) to be removed or pruned
3. Footprint of the structure.
4. Location of areas for tree replanting - The City has adopted Design Review Guidelines which include a minimum tree density per lot. Please review the attached Policy and indicate on the site plan where you intend to plant trees necessary to comply with this 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 you have picked up your permit for tree work - The Permit must be posted on the job site when work is being performed.

Owner's Signature Linda Yellich Date: 9/2/14
Agent for Owners: _____ Date: _____

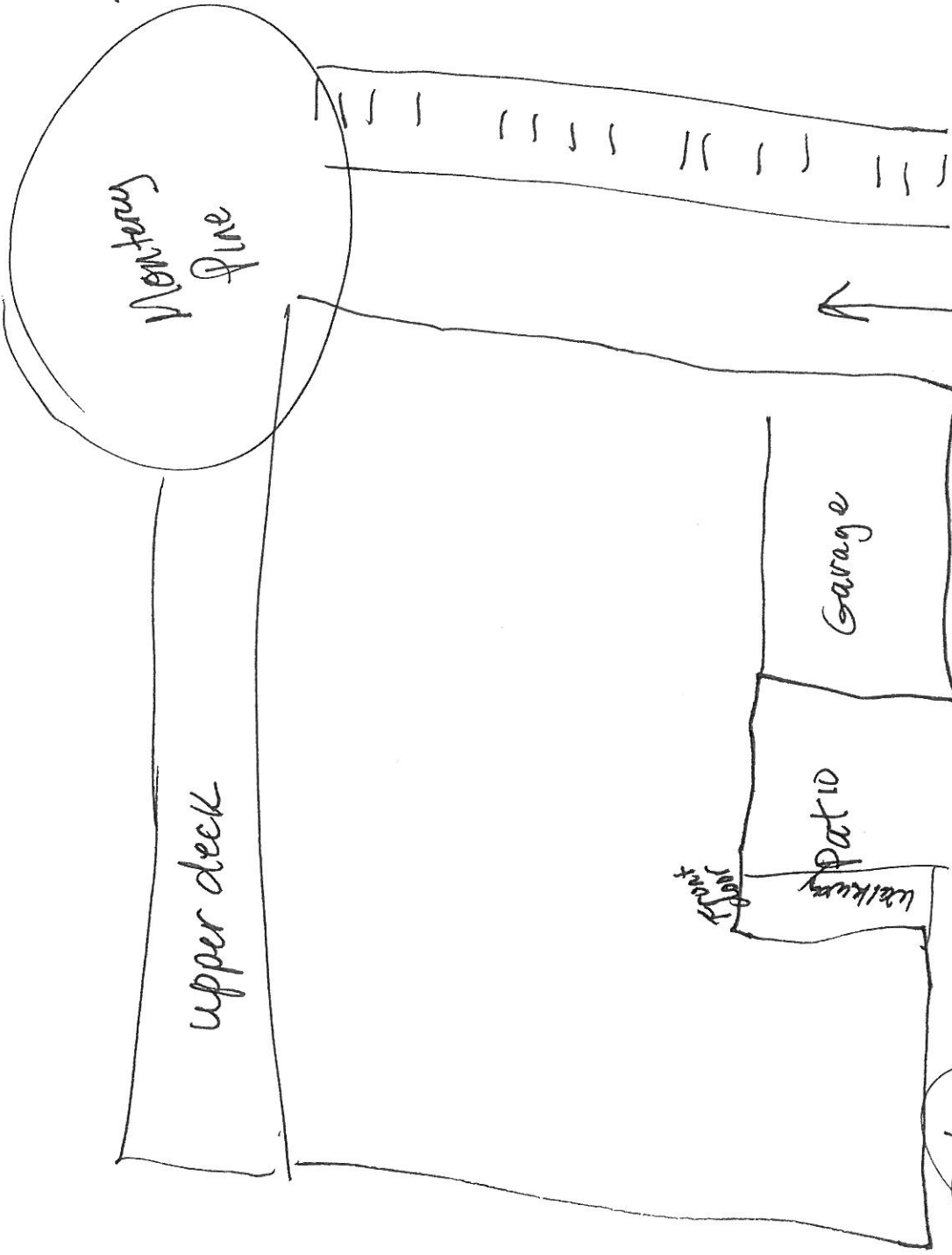
INCOMPLETE APPLICATION WILL BE RETURNED

10

RECEIVED

SEP 3 2014

City of Carmel-by-the-Sea
Planning & Building Dept.



Camino Real
 4 N.W. Ocean Ave
 Carmel, Ca

11

816 252 008 000

CG/13

Yellich

Mike Branson

From: Karen Sharp [karensharp@yahoo.com]
Sent: Tuesday, September 30, 2014 12:47 PM
To: Mike Branson; Sharon Friedrichsen; Jason Stilwell; Don Freeman
Cc: Linda Yellich; Cora Mae Duke
Subject: Monterey Pine Tree located at the residence of Mrs. Linda Yellich on 4 NW Camino Real Ocean

Please share this with the Forest and Beach Commission members at their meeting to determine if this Monterey Pine tree should be removed.

On August 30, 2014, at about 9:30PM my husband David and I had just returned home when we heard a frightening cracking sound and a very loud crash followed by the sound of falling bricks or stones. We rushed outside to see what was going on in our neighborhood. What we saw was a large broken branch from the huge Monterey pine tree located at Linda Yellich's home that had fallen. When the fire department and police arrived with bright lights to illuminate the damage better, we could see the size of the huge branch. It had fallen from the Monterey Pine tree on Mrs. Yellich's property on to the chimney, roof and garden of Mrs. Cora Mae (Corky) Duke's home. Fortunately Mrs. Duke, who is a full time resident, was not home at the time. The next morning we were better able to see the extensive damage to the roof, the chimney, the South fence, the front gate and the garden.

This is not the first large branch from this Monterey pine tree that has done damage to Mrs. Duke's home and the fence that separates her home from Mrs. Yellich's home. Several years ago I was in my front garden when I heard a loud cracking noise. I was looking across the street and saw a very large branch crash onto Mrs. Duke's front gate and the fence between the two houses. Fortunately there were no cars parked nearby, no one was in Mrs. Duke's home or garden and there were no pedestrians on the street at the time.

We have an unusual Carmel-by-the-Sea neighborhood in that there are many full time residents. They reside on the North, West and East sides of Mrs Yellich's home. Plus there are families that come most weekends and holidays on the South and East sides. All of those homes are in jeopardy of being damaged and the residents are vulnerable should this tree or any of its major branches fall. The tree or limbs falling without obvious cause is an alarming situation.

The full time residents who appear to be at the greatest risk from this tree are as follows:
Mrs. Carolina Bane-directly West of Mrs. Yellich's home.
Mrs. Duke-directly North of Mrs. Yellich's home.
Ms. Susanne Weber-North of Mrs Duke,
Mr. John and Mrs. Pam Warner-North of Susanne Weber.
Dr. David and Mrs. Karen Sharp-Camino Real 5NE Ocean East of Mrs. Yellich 's home.
Judge Julie Culver-Camino Real 4 NE Ocean East of Mrs. Yellich's home.
A Home bound gentleman, Pete Brian, in his late 90's lives South of Judge Culver.
Mr. Carl Iverson stores and works on his vintage Porsche in Mrs. Duke's garage.
We are all within striking range of the tree should it fall or its branches break.

There are part time residents who are frequently here as well that would be affected by this tree.
Dr. Craig and Mrs. Mariko Creasman-North East of Mrs. Yellich and next to our home. They were at their home and observed the damage of Mrs. Duke's home on August 30, 2014.
Dr. John & Mrs. Rose Mary Merchant-South of Mrs. Yellich
Mr. Bob Deal and his family of four-South of Merchants

I am very concerned that this tree appears to be at the end of its life. As a resident who has now observed two major breaks of large limbs, it looks dangerous. I ask that you as members of the Forest and Beach Commission please carefully consider the life of residents who live in the area of potential danger and recommend this tree be removed.

Thank you for carefully considering the removal of this tree. I appreciate your time spent keeping our Forest and Beach healthy and safe.

Sincerely,

Karen Sharp

--

Karen Sharp - karencsharp@yahoo.com

Mike Branson

From: Knowna Phish [knownafish@gmail.com]
Sent: Thursday, October 02, 2014 10:58 AM
To: Mike Branson
Subject: Trees at 6th NE Ocean Ave. - Carmelo

To: Carmel-by-the-Sea Forest and Beach Committee

From: Marjorie Kitselman, Nona Fish

Date: Oct. 2, 2014

Re: 6th NE Ocean Ave.- Carmelo Property

Dear Forest and Beach Committee:

We understand that the property that is located just one street up the hill and slightly to the south of our house has a tall and large Monterey Pine growing in her backyard. Linda Yelch is the owner. Apparently, a few weeks ago, a branch broke off and caused some damage to her neighbor's property. The neighbors have called us and want our support on chopping down the pine tree as well as cutting limbs and branches growing over to her side of the fence, but stem from other trees planted on our side of the fence line.

We would like to have this in writing that we would NOT like the pine tree to be cut at all. And we especially DO NOT WANT to cut branches or limbs from the trees growing on our side of the property. We understand that there may be circumstances whereas the tree(s) is diseased or rotting, but that is another matter.

We live out of town and Carmel is our second home. It is also an investment. By cutting any branches off of our trees would GREATLY diminish the little privacy that the house has on being the neighbor "down the hill." We'd also lose a lot of shade. By removing any branch or tree would allow the neighbors higher than us able to have an unobstructed view right through to the master bedroom and bathroom, kitchen, dining room and any windowed area on the back side of our house. Not only do we not want to lose the trees because they are what give us as much privacy as possible, but they give us shade from the glares of the sun. The trees are a few of the favored points about this house that is valued and appealing to this property.

We also understand the reasons why a permit is necessary in Carmel and that careful consideration is given to retain the "beauty and charm" of what makes Carmel-by-the-Sea. The fact that the city is still among the trees and forest and not the other way around, the residents have continuously agreed to not infiltrate public street lights into residential areas and a plethora of other unique city codes that make this city what it is -- a unique place to live. These are also the SAME reasons why Carmel-by-the-Sea is where many other coastal cities do not make the grade.

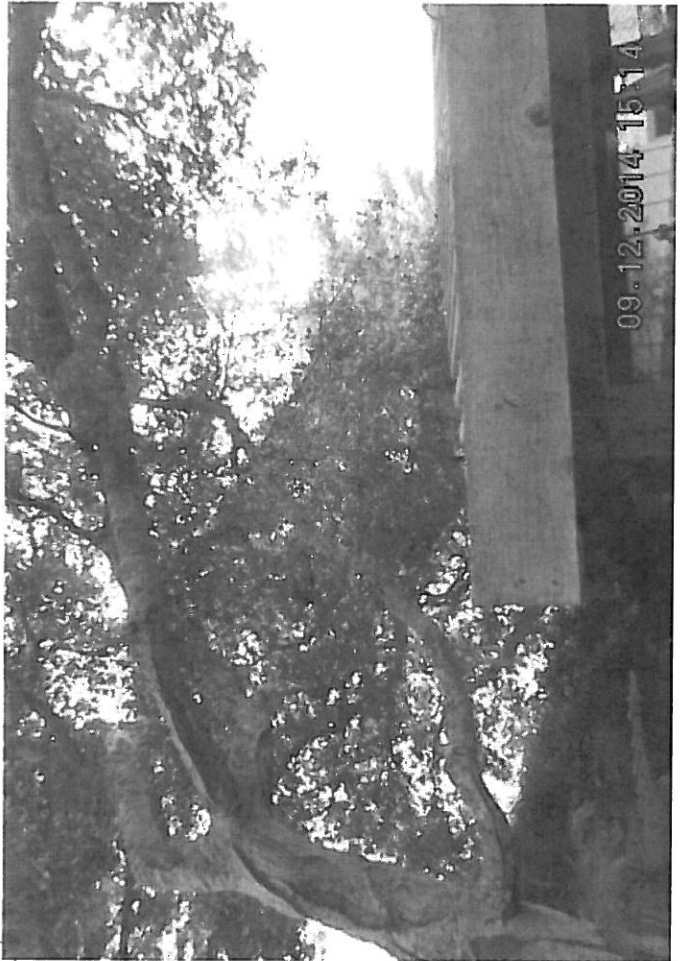
Please do not remove the tree or branches that would strip our house of privacy, shade and diminish our property in any way.

Sincerely,

Nona Fish & Marjorie Kitselman, owner







Dear Mike,

In addition to my letter of petition to remove the pine tree located in the back yard of my property at Camino Real 4 NW of Ocean Ave there are 7 additional letters enclosed to support of the removal of the tree. Additional letters will be presented at the October 9, 2014 meeting.

The following is a list of residents who have provided letters of support for this tree removal.

Karen and David Sharp

Cora Mae Duke

Julie Culver

Michelle Yellich

Ruth Massero

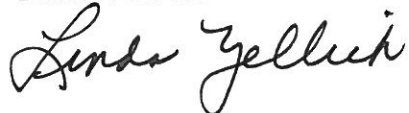
Marian and Bob Gould

Michael Iverson (Iverson Tree Service)

We are all looking forward to a resolution for this serious problem when we meet on October 9, 2014. Thank you in advance for your consideration.

Respectfully,

Linda Yellich

A handwritten signature in cursive script that reads "Linda Yellich".

Linda C. Yellich
Camino Real 4 NW of Ocean Ave.
Carmel, California 93921

September 28, 2014

Dear Carmel Forest and Beach Commission,

As the owner of the property located at Camino Real 4 NW of Ocean Ave, I am requesting authorization to remove the large, dangerous Monterey Pine tree located in the back yard of my property.

This pine tree presents a clear and present danger to life and property and my neighbors and I are living in a state of constant fear because of it.

For the past 16 years I have tended and cared for the tree, keeping it trimmed and enjoying the beauty of it in our urban forest. However, everything changed on the night of August 30, 2014. As dinner guests were leaving my home around 9:30 P.M., we heard a horrendous cracking and popping sound that struck fear and panic in our hearts. We had no idea what was going on, but knew the sound was coming from the pine tree. It was pitch black and impossible to ascertain what was happening, but we knew it was a dangerous situation that required immediate action. As I scrambled to evacuate my houseguests, frantically call my immediate neighbors to warn them, and contact the fire department for assistance, I was in a state of panic. We had no idea of where to run for safety and we all feared that the entire tree was coming down. As the fire department arrived and shone a spotlight on the tree, a huge 30 ft limb broke free from the tree, crashing down and destroying my neighbor's chimney, damaging her roof and taking down our fence. The scariest part was that the huge branch just missed going through her bedroom window by less than 2 feet. It was a horrible event to witness. This was a warm night, no wind and no reason for this to happen except that the tree is old and past it's useful life. The branch that broke and fell looked healthy and viable and gave no visible sign of having problems.

This experience has left me in a state of continual fear, I can no longer feel safe in my beautiful home and I fear for the safety of my dear neighbors. I cannot be expected to live under these conditions.

As documented in the Journal of Arboriculture 20 (6) Nov., 1994, in the article "Patterns of Structural Failure in Monterey Pines" by Edberg, Berry and Costello, it is clear that the failure profile of the Monterey Pine tree is significantly greater than for other species, especially in relation to the greater frequency of branch failure. My tree is particularly at risk because of the advanced age, excessive height and large number of heavy pinecones located on the tapering branches.

I sincerely hope that the Beach and Forest Commission take into account the seriousness of this request and allow for the removal of this once healthy and beautiful tree whose useful life has passed. What remains now is the probability of damage to life and property and a neighborhood of extremely concerned residents who expect that the Carmel Forest and Beach Commission will honor the right of all citizens of our city to live in peace and safety.

Respectfully,

Linda Gellich

Monterey Pine Tree located at the residence of Mrs. Linda Yellich on 4 NW Camino Real Ocean**From :** Karen Sharp <karenssharp@yahoo.com>

Tue, Sep 30, 2014 12:46 PM

Subject : Monterey Pine Tree located at the residence of Mrs. Linda Yellich on 4 NW Camino Real Ocean**To :** Mike Branson <mbranson@ci.carmel.ca.us>, Sharon Friedrichsen <sfriedrichsen@ci.carmel.ca.us>, Jason Stilwell <jstilwell@ci.carmel.ca.us>, Don Freeman <cityatty@ix.netcom.com>**Cc :** Linda Yellich <lindayellich@comcast.net>, Cora Mae Duke <corkyduke102@aol.com>**Reply To :** Karen Sharp <karenssharp@yahoo.com>

Please share this with the Forest and Beach Commission members at their meeting to determine if this Monterey Pine tree should be removed.

On August 30, 2014, at about 9:30PM my husband David and I had just returned home when we heard a frightening cracking sound and a very loud crash followed by the sound of falling bricks or stones. We rushed outside to see what was going on in our neighborhood. What we saw was a large broken branch from the huge Monterey pine tree located at Linda Yellich's home that had fallen. When the fire department and police arrived with bright lights to illuminate the damage better, we could see the size of the huge branch. It had fallen from the Monterey Pine tree on Mrs. Yellich's property on to the chimney, roof and garden of Mrs. Cora Mae (Corky) Duke's home. Fortunately Mrs. Duke, who is a full time resident, was not home at the time. The next morning we were better able to see the extensive damage to the roof, the chimney, the South fence, the front gate and the garden.

This is not the first large branch from this Monterey pine tree that has done damage to Mrs. Duke's home and the fence that separates her home from Mrs. Yellich's home. Several years ago I was in my front garden when I heard a loud cracking noise. I was looking across the street and saw a very large branch crash onto Mrs. Duke's front gate and the fence between the two houses. Fortunately there were no cars parked nearby, no one was in Mrs. Duke's home or garden and there were no pedestrians on the street at the time.

We have an unusual Carmel-by-the-Sea neighborhood in that there are many full time residents. They reside on the North, West and East sides of Mrs Yellich's home. Plus there are families that come most weekends and holidays on the South and East sides. All of those homes are in jeopardy of being damaged and the residents are vulnerable should this tree or any of its major branches fall. The tree or limbs falling without obvious cause is an alarming situation.

The full time residents who appear to be at the greatest risk from this tree are as follows:

Mrs. Carolina Bane-directly West of Mrs. Yellich's home.

Mrs. Duke-directly North of Mrs. Yellich's home.

Ms. Susanne Weber-North of Mrs Duke,

Mr. John and Mrs. Pam Warner-North of Susanne Weber.

Dr. David and Mrs. Karen Sharp-Camino Real 5NE Ocean East of Mrs. Yellich 's home.

Judge Julie Culver-Camino Real 4 NE Ocean East of Mrs. Yellich's home.

A Home bound gentleman, Pete Brian, in his late 90's lives South of Judge Culver.

Mr. Carl Iverson stores and works on his vintage Porsche in Mrs. Duke's garage.

We are all within striking range of the tree should it fall or its branches break.

There are part time residents who are frequently here as well that would be affected by this tree.

Dr. Craig and Mrs. Mariko Creasman-North East of Mrs. Yellich and next to our home. They were at their home and observed the damage of Mrs. Duke's home on August 30, 2014.

Dr. John & Mrs. Rose Mary Merchant-South of Mrs. Yellich

Mr. Bob Deal and his family of four-South of Merchants

I am very concerned that this tree appears to be at the end of its life. As a resident who has now observed two major breaks of large limbs, it looks dangerous. I ask that you as members of the Forest and Beach Commission please carefully consider the life of residents who live in the area of potential danger and recommend this tree be removed.

Thank you for carefully considering the removal of this tree. I appreciate your time spent keeping our Forest and Beach healthy and safe.

Sincerely,

Karen Sharp

--

Karen Sharp - karensharp@yahoo.com

Julie R. Culver
P.O. Box 2576 – Camino Real 4 N/E Ocean
Carmel, California 93921

September 29, 2014

Dear Forest and Beach Commissioners and Mike Branson:

I am a resident of Carmel-by-the-Sea and a neighbor of Linda Yellich, who lives directly across the street from me. As a 14 year resident of Carmel, and a former member of the Planning Commission, I appreciate the “town within a forest” nature of our community. The native trees in our community are one of the special characteristics that make Carmel, Carmel.

As one who appreciates the trees in our community, I am also vividly aware that we need to care for the trees as they begin to age and reach the end of their lives. The tremendous Monterey Pine that is in the rear yard of Linda Yellich, has reached the stage of decline, and needs care and attention. At this stage, that care and attention will require removal of the tree.

Linda has paid wonderful care for this Monterey Pine since she has lived on Camino Real, first by having it beautifully trimmed, and for the past 15 years, maintaining it. Her attention to the tree has allowed it to live gracefully for these past few years.

Unfortunately, the tree has now reached the end of its life. This has become apparent as I have watched its upper canopy from my second floor balcony and seen its progression to a mass of sticks and twigs, dropping pine cones and limbs onto Linda’s home and her next door neighbor’s home. Most recently, I was leaving her home late one evening and heard a dramatic popping sound. The unusual sound was not immediately recognizable. When I realized the sound was coming from the tree, I yelled for Linda to come outside her home, worrying that the entire tree was falling. It was with great alarm that we heard the loud “crack” coming from the tree. It was after calling for emergency assistance that the 30 foot limb finally came crashing down, demolishing the neighbors chimney and the fence between the two homes. This event happened in August of this year on a completely calm evening.

The tree is dead or dying and is a hazard to the neighborhood and the neighbors. We were fortunate that the 85+ year old neighbor was not home the evening the limb came crashing onto the roof, demolishing the chimney and almost breaking the second story window of her home. This Monterey Pine is in need of removal from our town.

Thank you for your consideration and attention you pay to our community.

Kind regards,

23

Beach and Forest Commission
PO Box CC
Carmel, CA 93921

RE: Request for Permit to remove hazardous tree at Yellich Residence - Camino Real 4NW of Ocean

To whom it may concern,

I am writing this letter in support of my mother, Linda Yellich's request for a permit to remove the hazardous Pine tree on her residential property located at Camino Real 4 NW of Ocean Ave in Carmel-by-the-Sea.

I support the request to remove this tree as it has presented itself as a serious danger and hazard to any members of the public and any property located in its vicinity. Recently, a large branch fell and caused severe damage to the property fence and to the neighboring property's roof and chimney. Thankfully, there was only property damage and this unprovoked branch fall did not hurt my family or neighbors.

The tree has lived over 100 years. The recent "widow maker" limb fall occurred under perfectly fine weather conditions. There was no rain or wind that would have aided in the cause of the destructive and potentially deadly branch fall. I feel that the potential for another damaging limb break is critically high, especially should we encounter any winter storms as the tree would certainly be affected even more. I fear for the safety of my mother, our family, our home, and for the safety of any of our house guests, friends and neighbors.

I hope you will grant Linda Yellich the tree removal permit, so all of us living with loved ones near this death tree may finally sleep soundly at night.

Respectfully



Michelle Yellich
PO Box 3365
Carmel, CA 93921

Pine tree removal needed

From : Ruth Massaro <ruthmassaro@att.net>

Thu, Sep 25, 2014 04:03 PM

Subject : Pine tree removal needed

To : Lindayellich@comcast.net

Dear Forest and Beach Commissioners,

I am writing in support of the removal of the large old pine tree on Camino Real on the property of Ms. Linda Yellich. This large aging tree has become a threat to many homes in the area (including mine). This tree has been an ongoing hazard, and it is not getting any younger, healthier or safer!

I want to be clear that it is not at all a case of this tree affecting my "ocean view," --it is "behind" me, as I live on Carmelo. I love these magnificent trees, and would miss seeing this one, however the safety of scores of residents must come first.

Please consider removal of the tree, for all of our safety.

Thank you,

Ruth Massaro
Carmelo 4NE of Ocean
ruthmassaro@att.net

25

"The Tree"

From : Marian Gould <mhgould@icloud.com>

Fri, Sep 26, 2014 01:03 PM

Subject : "The Tree"**To :** lindayellich@comcast.net

To the Forest and Beach Commission:

There is a huge tree on the south side of Camino Real midway between 4th & Ocean on the Yellich property.

Some years ago, for safety reasons, Linda Yellich and the neighborhood had agreed that "The Tree" needed to come down. It is so tall that many of the of the neighbors on Carmelo Street could also be affected and they have joined in. Permission was refused by the City.

With the recent failure of a large limb, which demolished a neighbors chimney, a new investigation of the safety problem of "The Tree" needs to be started. This should be done before the high winds and hopeful rains start. Great damage to nearby homes and possible loss of life is realistically very possible.

Respectfully,

Bob and Marian Gould

Tree Assessment

From : Itscvca <itscvca@aol.com>

Mon, Sep 29, 2014 12:43 PM

Subject : Tree Assessment

To : lindayellich@comcast.net

September 29, 2014

To: The Forest and Beach Commission

From: Iverson's Tree Service

Re: Large Pine tree on Camino Real 4 NW of Ocean Ave

It is my opinion after observing a large Pine tree at the Yellich residence, that the tree is a hazard and should be removed. The tree has become too large for its urban setting. Branches are starting to break off. It has already lost limbs which have damaged the property. I feel that the tree is coming to the end of its life cycle anyway. It has been and will become a hazard to humans and the structures surrounding it.

Sincerely,

Michael Iverson

Iverson's Tree Service

625-5743

(27)

MEMORANDUM

TO: Members of the Forest and Beach Commission

FROM: Mike Branson, City Forester

DATE: 2 October 2014

SUBJECT: Tree Removal (Public)
Block: 31 Lot: 3 A.P.N #: 010-221-002
W/ Lincoln St., 2 south of 2nd Ave.
Applicant/Owner: Fred Rossi / City of Carmel

Site Condition:

The oak tree has three main stems and is located in the unpaved portion of the Lincoln St. right-of-way between the fence of the applicant's property and the paved street surface. There is approximately 7 feet between the tree and the paved portion of the right-of-way. The limb in question extends slightly eastward for about 3 feet before turning vertical. A couple of vehicle touches are visible on the vertical portion of the limb.

Size and species of trees(s) requested for removal/pruning:

Remove one 6" diameter limb from a 12" diameter coast live oak on public property..

Health and condition of tree requested for removal:

The coast live oak is a medium aged tree and appears to be in good health. No significant insect, disease or other structural problems were observed.

Previous requests and decisions:

None.

Reason for request - Description of Project:

The applicants would like to allow parking further off of the street and to reduce the number of accidental scrapes with the tree.

The importance of the tree(s) to the urban forest in the area:

The tree contributes to the lower canopy of the urban forest this neighborhood.

Size and species of tree(s) that are to be preserved:

N/A

Impacts construction may have on trees that are to be preserved and suggested mitigation:

N/A

Options:

1. Approve the application.
2. Do not approve the application.
3. Postpone consideration.

Staff Recommendations:

Option #2. Do not approve the application. The tree appears to be in good condition and health. The pruning requested exceeds what the city pruning standards recommend and leaving a branch stub as identified on the application is not an accepted practice. The requested pruning does not appear to significantly achieve the stated goals of the application.

CITY OF CARMEL-BY-THE-SEA
P.O. Box "SS"
Carmel, CA 93921
Ph: (831) 620-2070/FAX: 831-624-2132

Date Received 8/15/14
Application Fee: \$ 325
Receipt # _____

APPLICATION FOR PERMIT TO REMOVE OR PRUNE TREES
NO CONSTRUCTION

Location of property: Lincoln 2 SW 2nd (La Dolce Vita)
Block: 31 Lot: 3 010221002

Name of Property Owner: Fred Rossi Name of Applicant/Contractor: Same

Mailing Address 50 Inverrary Ln Mailing Address: Same
Alamo, CA 94507

Phone #: 925-980-1086 Phone #: Same

WHO WILL BE REMOVING/PRUNING THE TREE(S): Nicolas Rojas Gardening Service
City Business License #: _____

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

Number, size and species of tree(s) to be removed: _____

Number, size and species of limbs/roots to be removed: 5" to 6" DIA Branch from
OAK TREE. Branch starts about 4' from ground and points to street.

Reason for removal or pruning: Removing the branch will allow parking with fewer
accidental scraps. It will also allow deeper parking from the street.

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 and Beach Commission to act on your request in your absence by signing on the following line:

Fred Rossi Date: 8-12-2012

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

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

RECEIVED

AUG 15 2014

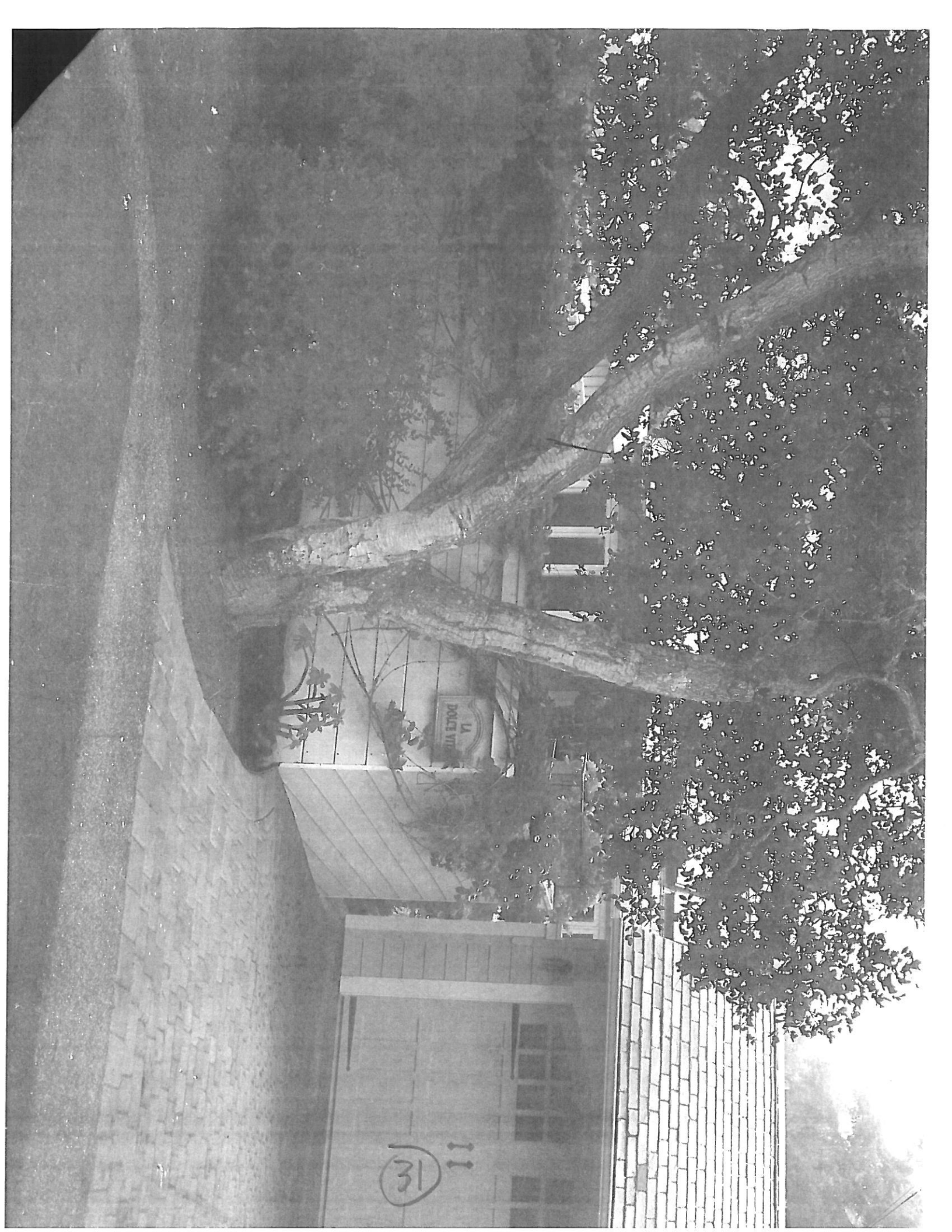
City of Carmel-by-the-Sea
Planning & Building Dept.

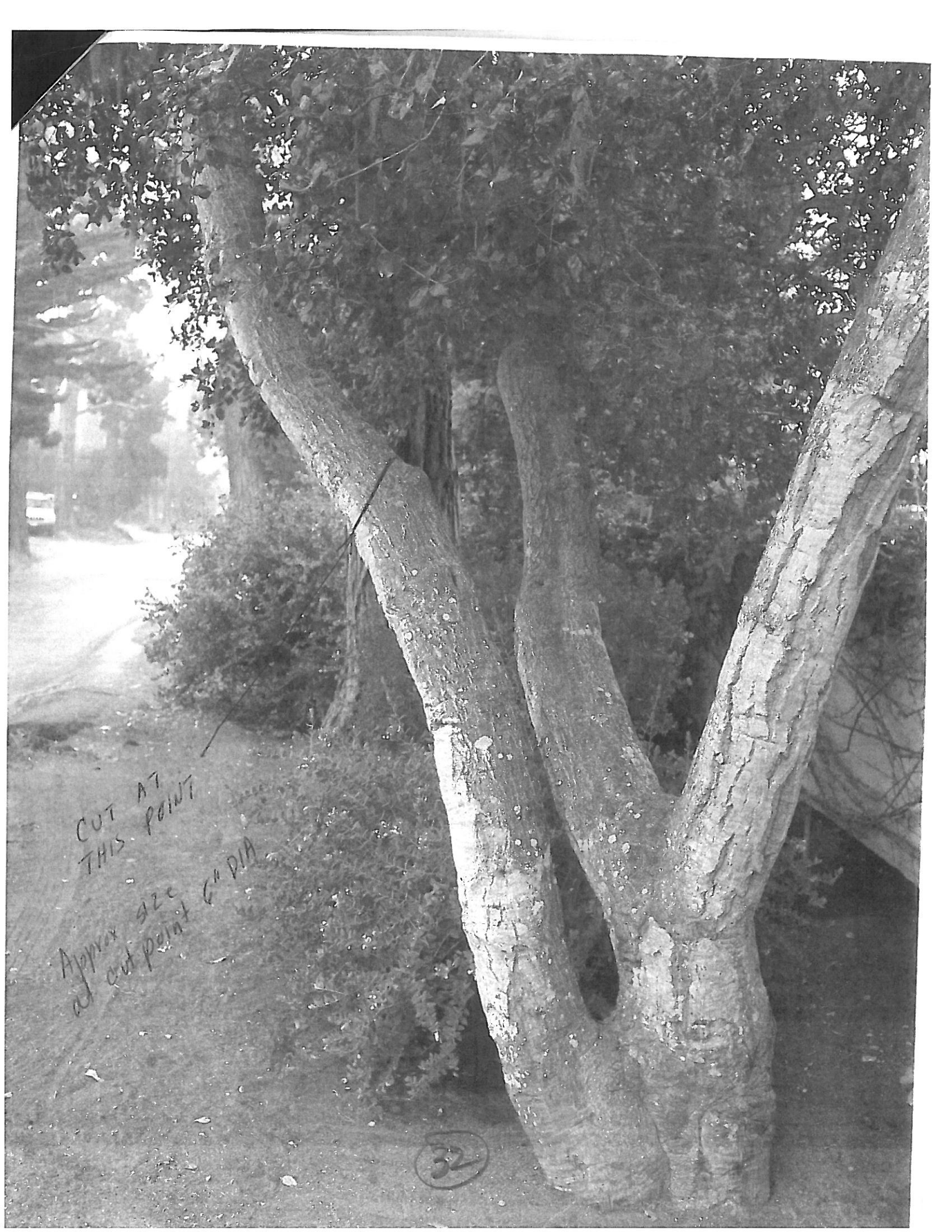
- Any decision of the Forest and Beach Commission is based on information submitted with this application. PLEASE BE ACCURATE.
- NO WORK IS PERMITTED until you have picked up your permit for tree work - The Permit must be posted on the job site when work is being performed.

Owner's Signature Fred Rossi Date: 8-12-2014
Agent for Owners: _____ Date: _____

INCOMPLETE APPLICATION WILL BE RETURNED

(30)





CUT AT
THIS POINT

Approx 920
at cut point 6" DIA

32

MEMORANDUM

TO: Members of the Forest and Beach Commission

FROM: Mike Branson, City Forester

DATE: 3 October 2014

SUBJECT: Tree Removal (Private)
Block: 24 Lot: 10 & 12
E/ Santa Fe St., 4 & 5 houses north of 2nd Ave.
Applicants/Owners: Michael Kamm & San Carlos Agency / Michael Kamm and
Cliff, Debbie, Taylor, and Deborah Mar

Site Condition:

This site is two 4,000 sq. ft. lots with single-family homes and a detached guest unit on the southern lot. Both lots are fairly level. The tree in question is located along the property line between the two homes with a portion of the trunk on each property. The basal swelling of the tree is in contact and pressing on the wall and foundation of the house on the southern lot and extends several feet out beyond the trunk into the northern lot. The canopy of the tree covers a large portion of both lots.

Size and species of trees(s) requested for removal/pruning:

Remove one coast redwood – 72” dbh.

Health and condition of tree requested for removal:

The coast redwood is a large mature tree and appears to be in good overall health. The main trunk divides into three 36” diameter, co-dominant stems about 20 feet above ground level. At the base of the tree there is a basal swelling or buttressing, that rises three feet above ground level and extends 4-6 feet outward from the main trunk. Basal swelling is common on coast redwood trees and is not a defect. The tree has a large spreading canopy divided among the three stems. No significant insect, disease or other structural problems were observed.

Previous requests and decisions:

None.

Reason for request - Description of Project:

The applicants are concerned about the current and future damage to the home on the southern lot and potential for damage to the northern property.

The importance of the tree(s) to the urban forest in the area:

The tree contributes to the upper canopy of the urban forest this neighborhood.

Size and species of tree(s) that are to be preserved:

Monterey pine - 36" dbh (southern lot)

Black acacia - 16" and 7" dbh (northern lot)

Impacts construction may have on trees that are to be preserved and suggested mitigation:

N/A

Options:

1. Approve the application.
2. Do not approve the application.
3. Postpone consideration.

Staff Recommendations:

Option #1. Approve the application. Although the tree appears to be in good condition and health, the current level of damage to the southern property and potential future damage for both properties can only be alleviated by removing the tree or rebuilding a new home on the southern lot.

I recommend planting one new upper canopy on both lots and one new lower canopy tree on the southern lot.

CITY OF CARMEL-BY-THE-SEA

P.O. Box "SS"
Carmel, CA 93921
Ph: (831) 620-2070/FAX: 831-624-2132

Date Received _____
Application Fee: \$ _____
Receipt # _____

Received ~~SEP~~ Sept. 2 2014
MOB

**APPLICATION FOR PERMIT TO REMOVE OR PRUNE TREES
NO CONSTRUCTION**

Location of property: SANTA FE 4 NE OF 2ND ST.
Block: _____ Lot: _____

Name of Property Owner: MICHAELA KAMM Name of Applicant/Contractor: MICHAEL A. KAMM

Mailing Address 2757 PRADERA RD Mailing Address: 2757 PRADERA RD
CARMEL, CA 93923 CARMEL, CA 93923

Phone #: 831-574-3024 Phone #: 831-574-3024

WHO WILL BE REMOVING/PRUNING THE TREE(S): MIKE LOPEZ TREE SRV OR TBD
City Business License #: _____

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

Number, size and species of tree(s) to be removed: (1), 60 FT, REDWOOD

Number, size and species of limbs/roots to be removed: MULTIPLE FROM REDWOOD TREE ONLY.

Reason for removal or pruning: GROWING INTO OUR HOUSE AND FOUNDATION ON THE NE SIDE OF HOUSE AND IS A HEALTH AND SAFETY HAZARD.

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 and Beach Commission to act on your request in your absence by signing on the following line:

M. Kamm Date: 7/27/14

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

1. Location, size and species of ALL trees on the lot.
2. Location and species of tree(s)/limb(s) to be removed or pruned
3. Footprint of the structure.
4. Location of areas for tree replanting - The City has adopted Design Review Guidelines which include a minimum tree density per lot. Please review the attached Policy and indicate on the site plan where you intend to plant trees necessary to comply with this 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 you have picked up your permit for tree work - The Permit must be posted on the job site when work is being performed.

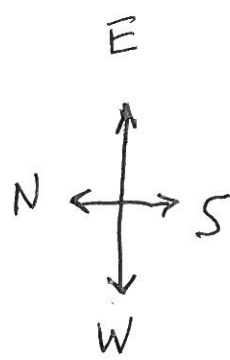
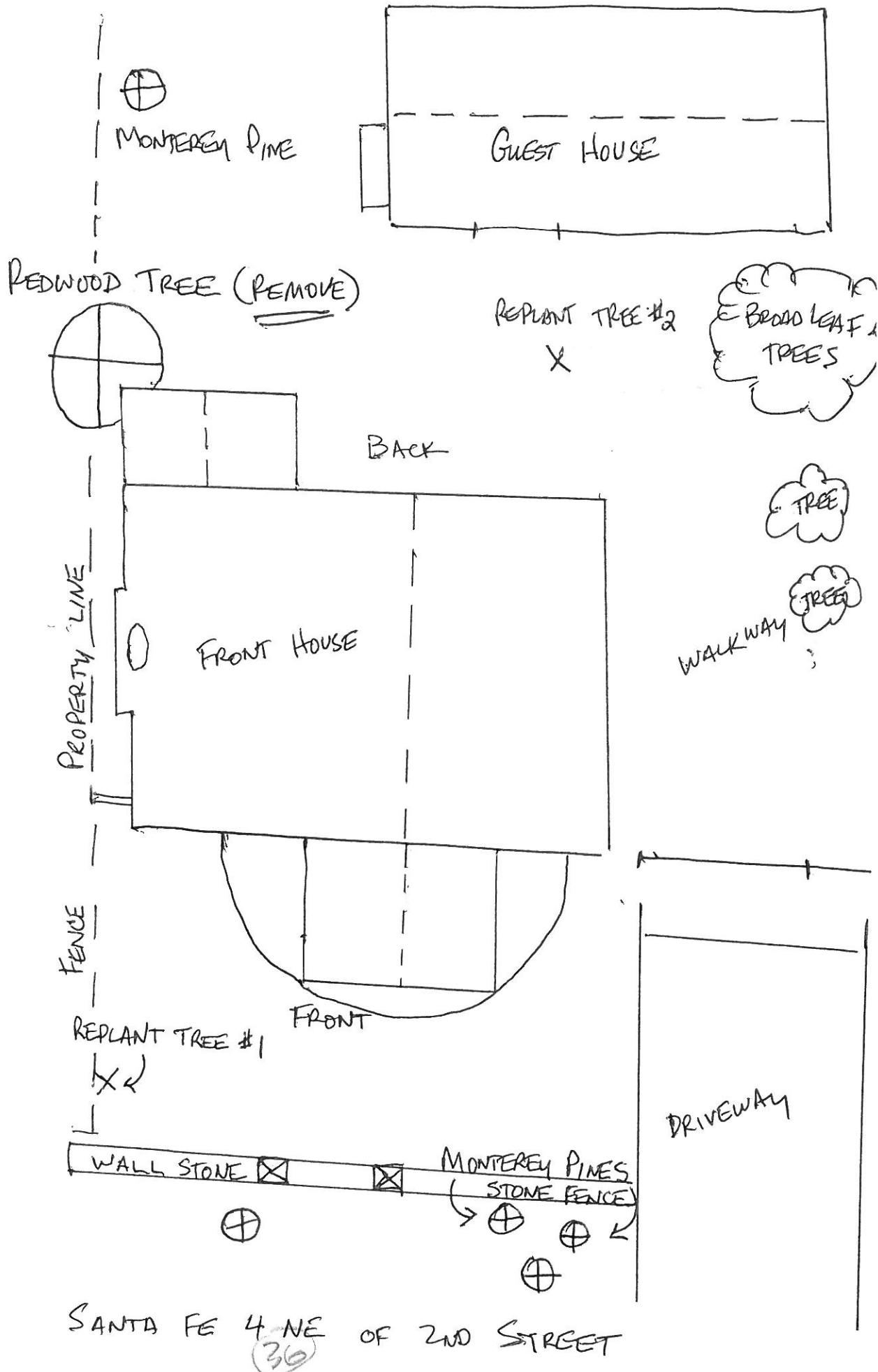
Owner's Signature Michael A. Kamm Date: 7/27/14
Agent for Owners: _____ Date: _____

INCOMPLETE APPLICATION WILL BE RETURNED

35

ITE

PLAN



SANTA FE 4 NE OF 2ND STREET
 (36)

CITY OF CARMEL-BY-THE-SEA
P.O. Box "SS"
Carmel, CA 93921
Ph: (831) 620-2070/FAX: 831-624-2132

Date Received 9/11/14
Application Fee 3251
Receipt # 58692

APPLICATION FOR PERMIT TO REMOVE OR PRUNE TREES
NO CONSTRUCTION

Location of property: SANTA FE S NE 2ND ST
Block: 24 Lot: 10

Taylor, Deborah
Name of Property Owner: CLIFF & DEBBIE MAR Name of Applicant/Contractor: SAN CARLOS AGENCY

Mailing Address P.O. BOX 370 Mailing Address: P.O. BOX 22123
MANTECA, CA 95336-1126 CARMEL, CA 93922

Phone #: _____ Phone #: 831-624-3846

WHO WILL BE REMOVING/PRUNING THE TREE(S): _____
City Business License #: _____

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

Number, size and species of tree(s) to be removed: One (1) large redwood tree on property line.

Number, size and species of limbs/roots to be removed: _____

Reason for removal or pruning: Tree is damaging neighbor's property.

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 and Beach Commission to act on your request in your absence by signing on the following line:
Date: _____

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

1. Location, size and species of ALL trees on the lot.
2. Location and species of tree(s)/limb(s) to be removed or pruned
3. Footprint of the structure.
4. Location of areas for tree replanting - The City has adopted Design Review Guidelines which include a minimum tree density per lot. Please review the attached Policy and indicate on the site plan where you intend to plant trees necessary to comply with this 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 you have picked up your permit for tree work - The Permit must be posted on the job site when work is being performed.

Owner's Signature _____ Date: _____
Agent for Owners: Mark O'Neil Date: 9/2/14

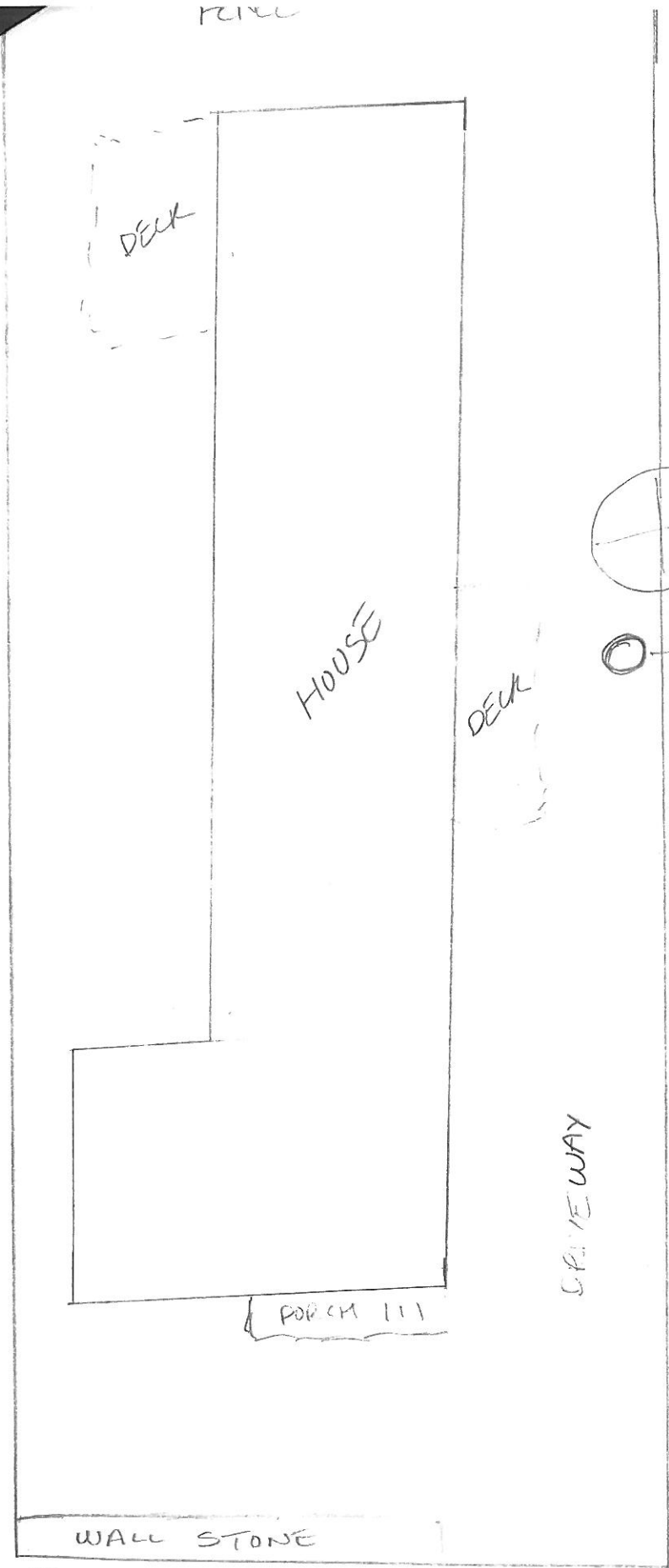
INCOMPLETE APPLICATION WILL BE RETURNED

SEP 11 2014

City of Carmel-by-the-Sea
Planning & Building Dept.

mail

(37)



100'

FENCE

FENCE

DECK

HOUSE

DECK

DRIVEWAY

PORCH III

WALL STONE

40'

REDWOOD CITY

PITTLIS POPULI TREE

MONTEREY PINE

38

24/10

010-07.8-015

EXHIBIT A

From: ~~Mark C...~~
Subject: Photo of tree
Date: July 25, 2014 at 5:11 PM
To: Michael Kamm inkamm5@aol.com

SANTA FE 4NE 2nd



EXHIBIT A

(39)

EXHIBIT B



EXHIBIT B

(40)

EXHIBIT C

SANTA FE 4 NE 2nd



EXHIBIT C

(41)

EXHIBIT D

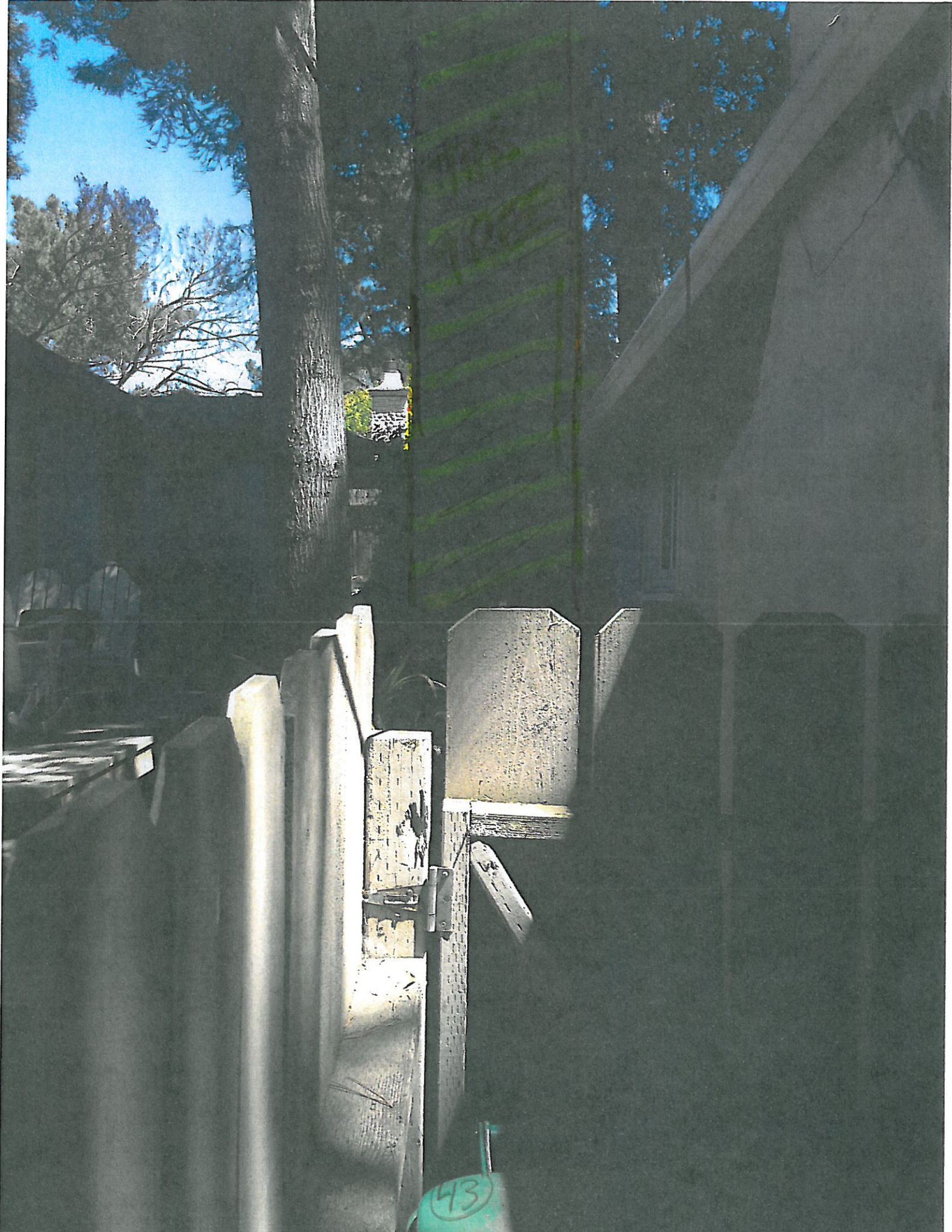
SANTA FE 4 NE OF 2nd



EXHIBIT D

Respectfully,

(42)



43



Monterey Bay Engineers, Inc.

Civil Engineering • Land Surveying

Steve C. Wilson, RCE 25,136 / PLS 5,207
Brian M. Wilson, PLS 7,771
Benjamin C. Wilson, RCE 72,928
Timothy D. Martin, PLS 8,670

607 Charles Ave. Suite B, Seaside, Ca 93955
Phone (831) 899-7899 Fax (831) 899-7879
Email : mbayengr@mbay.net
Website : mbeinc.com

August 13, 2014

Mr. Michael Kamm
2757 Pradera Road
Carmel, CA 93923

Re: Inspection of existing house and site conditions
Santa Fe 4 NE of Second, Carmel
Lot 14, Block 15, Carmel City, Assessor's Parcel 011-027-013

Dear Mr. Kamm:

On August 6, 2014 I met with Sharon Swallow from Sotheby's International Realty to inspect the existing conditions of the house, especially as related to an existing Redwood Tree at the northeast corner of the house. I also looked at the foundation, cripple walls, and floor girders as related to the effects the Redwood tree has had on the structure.

The Redwood Tree has three large stems growing from a single root and trunk. The crown of root has been growing against the foundation and exterior wall of the house for many years. The house was constructed in 1929, and the tree certainly existed then. The growth of the Redwood Tree has displaced the house to the west (toward Santa Fe Street) approximately 3-inches. This movement has caused the cripple studs between the floor framing and foundation, and the posts supporting the floor girders to be out of plumb.

I am aware that you intend to add some anchor bolts and lateral bracing to the cripple walls of the house. It is apparent that the Redwood Tree must be removed before any bracing of the cripple walls and foundation could be reasonably accomplished. The Redwood Tree will continue to expand and further damage the house, even if the seismic retrofitting is completed. It is my recommendation that the Redwood Tree be completely removed prior to attempting any repairs to the foundation and structures supporting the floor.

Contact me should there be any questions or need for additional information.

Sincerely yours,


Steven C. Wilson



August 31, 2014

Michael & Karen Kamm
Santa Fe 4 NE of 2nd St. c/o
2757 Pradera Rd
Carmel, CA 93923

Mike Branson
City Forrester
City of Carmel-by-the-Sea
P.O. Box SS
Carmel, CA 93921

Dear Mr Branson:

We have previously submitted the application for Permit to Remove a Tree no construction. I also want to submit a copy of the letter we sent to our neighbor which thoroughly outlines our evidence based reasons that the Giant Redwood growing into our house on Santa Fe street needs to be removed. This letter, in addition to the pictures already submitted, represents the most complete argument that we could submit to the City for the removal of the Redwood tree. The tree has grown into our house and foundation and now is a threat to our health and safety if allowed to continue to grow.

We now hope the City takes the proper and reasonable action to allow us to remove the tree and take our house out of harms way. Swift action would be greatly appreciated as we would like to remove the tree prior to this winter's rains.

Sincerely,

Michael and Karen Kamm

Michael and Karen Kamm

Dated: August 31, 2014

(45)

Dated: August 21, 2014

Michael & Karen Kamm
Santa Fe 4 NE of 2nd c/o
2757 Pradera Rd
Carmel, CA 93923
ph (831)-233-2176

Clifford & Debbie Mar
Santa Fe 5 NE of 2nd c/o
Mark
San Carlos Agency
26358 Carmel Rancho Ln #5
Carmel, CA 93923
ph (831)-624-3846

Dear Neighbors:

Hello, we are the property owners directly next door to your property on Santa Fe in Carmel. We are writing this letter to inform you of a critical issue regarding the redwood tree that grows in the middle of our shared property line. Having received the advice of multiple professionals we are advised that a trimming of the tree will not fix the issue of the trunk growing into our house (See Exhibits A,B,C and D). Also, the continued growth of roots into our house foundation has caused damage and in the future will cause damage to both of our properties. The tree needs to be cut down and removed. On July 23, 2014 we had a home inspection completed by American Inspection Service. It was recommended due to the size of the tree and its significant root system that we consult an Arborist who could make suggestions on trimming or possible removal of the tree. We then contacted Monterey Bay Engineers and their Structural Engineer, Steve Wilson who confirmed that growth of the trunk has pushed the structure of our house out of alignment and the continued growth and expansion of the roots has moved the foundation and will continue to cause movement. As you already know the root system of a large redwood covers a perimeter area around the tree and is most certainly affecting your driveway and possibly the foundation.

Who owns the tree? Under California Civil Code 834, if the trunk of a tree stands partly on the land of two adjoining landowners, then both landowners own the tree.¹

"Tree Roots: although adjoining landowners have almost an unfettered right to trim encroaching limbs, branches and foliage, that is not the case with tree roots. If roots encroach under adjacent property, the property owner can sever the roots, but only if the roots are causing damage and only if done reasonably (perhaps by a professional). Then, the owner of the encroaching tree can be held liable for the actual out-of-pocket expenses incurred as a direct result of the tree's encroaching roots."²

The City of Carmel-By-The-Sea has a specific application permit process to remove trees. I spoke with Carmel City Forrester Mike Branson and explained the trees growth

Dated: August 21, 2014

into our house. He was very encouraging that a permit could be granted after the application is investigated based on the evidence. But, because we are both owners of the tree approval needs to be made on both parties submitting an application for the tree removal. I have sought appraisals from several local reputable Tree Removal companies that have the expertise and equipment that can remove the tree and trunk without causing any property damages.(licensed and insured). I will include copies of the tree and tree stump removal estimates. We especially need your approval as most of the equipment including a crane will require use of your driveway for at least 3-4 days.

We want you to know that we have researched this issue thoroughly and looked at all possible methods to solve the problem and save the tree. The tree and root system has cause significant damage to our respective properties and homes. To prevent further damage to both our properties we believe that now is the time to take steps to protect our properties. We want to remain good neighbors now and many years in the future. We are asking for the following items:

Item I; Application for Tree Removal to Carmel-By-The Sea. Signed and dated with application fee of \$32.51. Mail in to the City of Carmel.

Item II; Neighbors Agreement accepting 50% ownership of the tree and corresponding associated costs and liability for removal of the tree and tree stump. Signed and dated by you or your authorized Agent/representative.

Finally, time is of the essence to agree and move forward with the permit process. If we do not hear from you or your representatives by Friday at 5pm on Sept. 5, 2014 we will consider that as a negative response and will consider alternative legal remedies to protect our property. California State Law allows for treble damages as well as Attorney costs.

Sincerely,

Michael and Karen Kamm
Dated: August 21, 2014

1,2 Tsimberg,Dimitry, Go For Law.com, Neighbor Disputes- Fences and Trees. 2014.

47