



# CITY OF CARMEL-BY-THE-SEA BUILDING CODE BOARD OF APPEALS AGENDA

Board Members Carolyn Bjorklund, Ron Brown, Adam Jeselnick, Chris Tescher

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

## **Regular Meeting Friday, January 16, 2026**

**Tour - 11:00 AM  
Meeting - 11:30 AM**

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### **HYBRID MEETING ATTENDANCE OPTIONS**

This meeting will be held in person and via teleconference ("hybrid"). The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may also watch the live stream on the City's YouTube page at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>. To participate in the meeting via Zoom, copy and paste the link below into your browser.

<https://ci-carmel-ca-us.zoom.us/j/83230307640>

Webinar ID: 832 3030 7640

Passcode: 059550

Dial in: (253) 215-8782

### **HOW TO OFFER PUBLIC COMMENT**

The public may give public comment at this meeting in person, or use the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to [nromero@ci.carmel.ca.us](mailto:nromero@ci.carmel.ca.us). Comments must be received at least 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

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## **CALL TO ORDER AND ROLL CALL - TOUR (11:00 AM)**

### **TOUR OF INSPECTION**

The Board will meet and convene at the first location listed below on the Tour of Inspection at 11:00 a.m. The intent of the Tour of Inspection is to provide a visual sense of the topic matter on the agenda. Discussion is limited to a question-answer format. Members of the public may attend the Tour and may respond to questions for clarification purposes. Following completion

of the tour, the Board will recess and return to the Council Chambers to reconvene the public hearing at 11:30 a.m, or as soon thereafter as possible.

Southwest Corner of Mission Street and Ocean Avenue (Mad Dogs & Englishmen)

## **CALL TO ORDER AND ROLL CALL - CHAMBERS**

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC APPEARANCES**

Members of the public are entitled to speak on matters not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Chair. Persons are not required to provide their names, however, it is helpful for speakers to state their names so they may be identified in the minutes of the meeting. Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. If a member of the public attending the meeting remotely violates the Brown Act by failing to comply with these requirements of the Brown Act, then that speaker will be muted.

## **PUBLIC HEARINGS**

- 1) APPEAL 250598 (Mad Dogs & Englishmen): Consideration of an Appeal filed by Jennifer Blevins appealing the requirement to construct a public restroom inside a specialty restaurant tenant space and install a Fire Sprinkler system at the subject property located at the southwest Corner of Mission Street and Ocean Avenue (Mad Dogs & Englishmen). APN 010-141-001-000

## **ADJOURNMENT**

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

## **CORRESPONDENCE AND SUPPLEMENTAL MATERIALS**

Any correspondence or supplemental materials related to items on this agenda that are received after the agenda has been posted will be distributed to the Building Code Board of Appeals and made available for public review at City Hall (Monte Verde Street between Ocean and Seventh Avenues) during regular business hours, and will be posted online with the related agenda at: <https://carmelbytheseaca.portal.civicclerk.com/>.

**SPECIAL NOTICES TO PUBLIC**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



**CITY OF CARMEL-BY-THE-SEA  
Building Code Board of Appeals  
Staff Report**

**January 16, 2026  
PUBLIC HEARINGS**

**TO:** Building Code Board of Appeals Members

**SUBMITTED BY:** Anna Ginette, Community Planning & Building Director

**SUBJECT:** APPEAL 250598 (Mad Dogs & Englishmen): Consideration of an Appeal filed by Jennifer Blevins appealing the requirement to construct a public restroom inside a specialty restaurant tenant space and install a Fire Sprinkler system at the subject property located at the southwest Corner of Mission Street and Ocean Avenue (Mad Dogs & Englishmen). APN 010-141-001-000

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<b>Application:</b>	AP 250598	<b>Applicant:</b>	Jennifer Blevins
<b>APN:</b>	010-141-001-000	<b>Owner:</b>	Alan Porter
<b>Block &amp; Lot:</b>	Block 77, All Lots 1 & 2		
<b>Location:</b>	SW Corner of Ocean and Mission		

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**Recommendation:**

Staff recommends the Board of Appeals adopt a resolution (**Attachment 1**):

1. Denying the appeal filed by Jennifer Blevins (AP 250598 Mad Dogs & Englishmen); and
2. Upholding the Building Official's requirement to construct a public restroom within the specialty restaurant tenant space and install a fire sprinkler system at the subject property located at the southwest corner of Mission Street and Ocean Avenue (Mad Dogs and Englishmen).

## Summary and Background:

On November 13, 2025, Jermel Laurie, CBO – Building Official for the City of Carmel-by-the-Sea, delivered a Notice of Violation and Order to Correct (see **Attachment 2**) to the appellant (Jennifer Blevins) and the property owner (Allen Porter). This notice identified that the change of occupancy -from an ancillary use to a specialty restaurant- was not permitted and therefore in violation of the Building Code. Further, the change of use triggered requirements of state law pertaining to sanitary facilities and fire sprinklers.

On November 20, 2025, Ms. Blevins filed a timely appeal (see **Attachment 3**) of the Notice of Violation and Order to Correct (NOV), stating that procedure, restroom requirement, fire sprinkler requirement and the status of approved Use Permit No. UP 24292 were contentions of the appeal. Further, the appeal requests the Building Code Board of Appeals either rescind the NOV, modify the NOV to reflect only those violations that are supported by specific enforceable code sections or remand the matter to staff with direction to issue a written code interpretation identifying the exact sections of the adopted code that supports each alleged violation.

As discussed in detail below, staff recommends the Board deny the appeal based on the California Building Code and Carmel-by-the-Sea Municipal Code requirements.

## Staff Analysis:

### Appellant's Contentions and Staff Response

The discussion below provides a summary of the appellant's contentions (see **Attachment 3** for the full text) and staff's responses, which support the recommendation to deny the appeal.

#### Contention 1 – Procedural Basis for Appeal

The appellant contends that the NOV does not identify the specific enforceable code sections requiring the construction of a restroom within the tenant's space and the installation of fire sprinklers; the specific code section the tenant has violated; and factual findings supporting the City's position.

#### Staff Response to Contention 1

The NOV dated November 13, 2025 (**Attachment 2**) lists the specific Carmel-by-the-Sea Municipal Code (CMC) requirements: CMC Sections [5.04.060](#); [15.04.070](#); [15.04.250](#); [15.08.100](#) and [17.14.040.I](#). Further, relevant sections of the California Fire Code (CFC), California Existing Building Code (CEBC), and the California Plumbing Code (CPC).

After the appeal was filed, the Building Official provided a code determination on December 2, 2025, identifying all relevant elements of the appellant's appeal.

## Contention 2 – Restroom Requirement

The appellant contends that “alleged restroom ‘violation’ lacks adequate code basis.” Although the NOV cites the 2022 CPC Table 422.1, the appellant asserts that the table itself does not impose a requirement for construction of a restroom inside a tenant space, nor does it cite a section for said requirement. The appellant further asserts that there is justification that the public restrooms at Devendorf Park meet the requirements set forth in CPC section 422.2 because the restrooms are owned and maintained by the City, ADA accessible, on the same legal parcel for zoning purposes, located between 170 to 240 feet from Mad Dogs and Englishmen and are accessible through compliant sidewalks or graded paths.

### Staff Response to Contention 2

The appellant points out language in CPC section 422.2 which is misleading. Essentially, the appellant asserts that the code states that toilet rooms need not be located within a tenant space if they are conveniently accessible and are within the same building or on the same property under the same authority. The code provides for an exception where more than one restroom would be required, reducing the number if the restrooms in the facility are ADA accessible and unisex. It does not provide an exception for restrooms off site. The language “conveniently accessible...” is from CMC Section 17.14.040.I.c. In any event, the appellant’s claim that the restrooms located at Devendorf Park meet this requirement is also incorrect, as the park is not located on the same property as Mad Dogs and Englishmen, nor is it under the same ownership.

## Contention 3 – Fire Sprinkler Requirement

The appellant asserts that the NOV references CFC Section 102.3, CEBC Section 1011, and CMC Section 15.08.100; however, these regulations do not require fire sprinklers in the tenant space. She further states that CFC Section 903.2.1.2 (A-2 Occupancies) require fire sprinklers where the fire area is greater than 5,000, the occupant load is greater or equal to 100 and the “fire area is above/below level of exit discharge” and that the tenant space does not meet these requirements.

The appellant further states that if it is the City’s position that there is a hazard category increase under CEBC Section 1011, the NOV was inadequate as it did not specify what the previous occupancy was, the new classification, the change in hazard level and why the change would trigger fire sprinklers.

### Staff Response to Contention 3

CFC Section 102.3 is explicit in its language, stating that “[a] change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of the CFC and CEBC.” Further, as locally amended, Section 903.2 requires installation of fire sprinklers for non-Group R occupancies that are over 500

square feet. Mad Dogs and Englishmen meet both of these and therefore sprinklers are required in this case.

#### Contention 4 – Status of Use Permit No. UP 24292

The appellant states that the NOV refers to ‘unapproved operations’ and points out that Planning Commission Resolution 2024-094-PC states that the 12-month commencement period begins upon a Certificate of Occupancy and the City has yet to issue one. Therefore, the Use Permit has not commenced, has not expired and there is no violation of timing.

#### Staff Response to Contention 4

The appellant is correct in that Condition of Approval No. 14 states: “Use Permit Must be Initiated within 12 months. The Use Permit shall become void and in no further force or effect if the use is not initiated within twelve (12) months of the issuance of the Certificate of Occupancy from the Building Official.”

However, Condition of Approval No. 23 states: “Business License. An amended business license shall be obtained prior to the commencement of the coffee shop business operation. Mad Dogs and Englishmen has been, and is currently operating, as a Specialty Restaurant (Coffee Shop) and to this date, the City has not received, and therefore not approved, a business license for the coffee shop operation. Further, CMC Section 5.04.020 – License Required states that it is unlawful to commence a business without first applying for and procuring a license. CMC Section 5.04.040 – Certificate of Occupancy states that no business shall be conducted at any fixed place of business until a Certificate of Occupancy has been issued.

#### **Appeals Board Authority and Finality**

The Building Code Board of Appeals has the authority to hear and decide this appeal in accordance with applicable law and municipal regulations. The decision of the Board on this matter shall be final pursuant to section 15.04.220 of the Carmel Municipal Code.

#### **Conclusion**

For the reasons outlined above and supported by the attached documentation, staff recommends that the Building Appeals Board deny the appeal filed by Jennifer Blevins (AP 250598 Mad Dogs & Englishmen), and uphold the Building Official’s requirement to construct a public restroom within the specialty restaurant tenant space and install a fire sprinkler system at the subject property located at the southwest corner of Mission Street and Ocean Avenue (Mad Dogs and Englishmen).

#### **Other Components:**

## Attachments:

1. Draft BCB Resolution 2026-XX (Mad Dogs)
2. Notice of Violation (Mad Dogs)
3. Appeal 250598 - Blevins 11-20-2025\_Redacted

**CITY OF CARMEL-BY-THE-SEA  
BUILDING CODE BOARD OF APPEALS**

**BUILDING CODE BOARD OF APPEALS RESOLUTION NO. 2026-01 BCB**

**A RESOLUTION OF THE BUILDING CODE BOARD OF APPEALS OF THE CITY OF CARMEL-BY-THE-SEA FINDING THE DENIAL OF AN APPEAL IS NOT SUBJECT TO ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15378.a.3; DENYING THE APPEAL FILED BY JENNIFER BLEVINS; AND UPHOLDING THE BUILDING OFFICIALS REQUIREMENT TO CONSTRUCTION A PUBLIC RESTROOM WITHIN THE SPECIALTY RESTAURANT TENANT SPACE AND INSTALL A FIRE SPRINKLER SYSTEM AT THE SUBJECT PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MISSION STREET AND OCEAN AVENUE (MAD DOGS AND ENGLISHMEN).**

WHEREAS, on November 13, 2025, Jermel Laurie, CBO – Building Official for the City of Carmel-by-the-Sea, delivered a Notice of Violation and Order to Correct (NOV) to the operator of Mad Dogs and Englishmen (Jennifer Blevins) and the property owner (Allen Porter). This notice identified that the change of occupancy -from an ancillary use to a specialty restaurant- was not permitted and therefore in violation of the Building Code. Further, the change of use triggered requirements of state law pertaining to sanitary facilities and fire sprinklers; and

WHEREAS, on November 20, 2025, Ms. Blevins filed a timely appeal of the NOV, stating that the procedure, restroom requirement, fire sprinkler requirement, and the status of approved Use Permit No. UP 24292 were contentions of the appeal. Further, the appeal requests the Building Code Board of Appeals either rescind the NOV, modify the NOV to reflect only those violations that are supported by specific enforceable code sections or remand the matter to staff with direction to issue a written code interpretation identifying the exact sections of the adopted code that support each alleged violation; and

WHEREAS, on January 16, 2026, the Blevins appeal (AP 250598 Mad Dogs and Englishmen) came on for public hearing before the City of Carmel-by-the-Sea Building Code Board of Appeals; and

WHEREAS, having considered all the written and documentary evidence, the administrative record, staff report, oral testimony, and other evidence presented, the City of Carmel-by-the-Sea Building Code Board of Appeals finds the appellant's contentions have no merit; and

WHEREAS, the code application and determination by the Building Official is required to ensure health and safety and is in accordance with the applicable state codes and local Carmel-by-the-Sea regulations; and

WHEREAS, the Building Code Board of Appeals did hear and consider all said reports, attachments, recommendations, and testimony hereinabove set forth and used their independent judgment to evaluate the appeal; and

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

WHEREAS, the Building Code Board of Appeals found that pursuant to CEQA regulations, action on the appeal is not subject to environmental review pursuant to CEQA Guidelines Section 15379.a.3 – Not a Project; and

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

**NOW, THEREFORE, BE IT RESOLVED that based on the above findings and evidence, the Building Code Board of Appeals of the City of Carmel-By-The-Sea does hereby:**

1. Find the denial of the appeal is not subject to environmental review pursuant to CEQA Guidelines Section 15378.a.3;
2. Deny the appeal filed by Jennefer Blevins (AP 250298 Mad Dogs and Englishmen); and
3. Uphold the Building Official’s requirement to construct a public restroom within the specialty restaurant tenant space and install a fire sprinkler system at the subject property located at the southwest corner of Mission Street and Ocean Avenue (Mad Dogs and Englishmen).

**PASSED AND ADOPTED BY THE BUILDING CODE BOARD OF APPEALS OF THE CITY OF CARMEL-BY-THE-SEA, this 16<sup>th</sup> day of January 2026, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Building Code Board of Appeals Chair

\_\_\_\_\_  
Nova Romero, MMC, Board Clerk



# *City of Carmel-by-the-Sea*

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G  
CARMEL-BY-THE-SEA, CA 93921  
(831)620-2010 OFFICE  
(831)620-2014 FAX

## Notice of Violation and Order to Correct

**Date: 11/13/2025**

**Location: SW Corner Mission & Ocean**

**APN#: 010-141-001**

**Owner Name: Allen R Porter**

**Phone: 831-601-1675**

**Email: plastinico@aol.com**

**Re: Change of Occupancy without approval**

Dear Allen R Porter,

This letter will serve as your notice that the parcel at the address shown above is in violation of the Carmel-by-the-Sea Municipal Code (CMC).

The specific violations are:

1. Carmel Municipal Code Section 15.04.070 - Permit Required
2. Carmel Municipal Code Section 15.04.250 - Violation of the Building Code – Penalty
3. Carmel Municipal Code Section 5.04.060 - Separate Offenses

On February 13, 2024, the Carmel-by-the-Sea Building Safety Division issued a plumbing permit and an electrical permit for minor work. After review of the property files by the Building Department, a meeting was scheduled on October 3, 2025 at the premises. In attendance was business owner Jennifer Blevins, Building Inspector Duane Dauphinee, Building Official Jermel Laurie and Community Planning and Building Director Anna Ginette, the following condition was identified:

1. Unapproved change of occupancy in violation of the Building Code triggering requirements of state law and CMC.

Although a use permit was approved (Resolution No. 2024-094-PC) for the establishment of a specialty restaurant, all required conditions of approval have not been complied with and therefore the use is not vested. During the meeting, Jennifer Blevins was notified that the current use of the space went beyond the approved incidental use, triggering a change of use

and occupancy. The change triggered multiple requirements from the California Building Codes and CMC. The accompanying document identifies the applicable code sections and requirements.

As the owner of the property, you must initiate the following corrective action by December 13, 2025.

- Revert the space back to the previously approved use as a mercantile occupancy.
- OR
- Comply with conditions of approval for UP 24-292 and resolution 2024-094-PC;
  - Apply for a building permit to install an accessible restroom within the space; and
  - Apply for a permit to install fire sprinklers throughout the building.

Violations of CMC Title 15, Buildings and Construction, are misdemeanors punishable upon conviction by a fine not exceeding \$1,000.00 and/or imprisonment for a term not exceeding six months. Failure to complete these actions by the deadline established above for compliance may subject you to these and additional penalties as prescribed by law. Each day of noncompliance shall constitute a separate violation.

This Notice of Violation may be appealed within 10 days of the date this notice is received. Appeal to the Carmel-by-the-Sea Building Code Board of Appeals by submitting a letter and an appeal fee of \$1193.00 to the Building Official at Carmel-by-the-Sea City Hall located on the East side of Monte Verde Street between Ocean and 7<sup>th</sup> Ave Carmel, CA. 93921. The penalty described in this Notice of Violation shall not accrue while an appeal is pending. If you do not appeal this Notice of Violation, it shall become the final order of the City, and may be enforced in a subsequent legal action brought by the City Attorney.

If you have any questions about what is necessary to correct the code violation, please contact the undersigned at 831-620-2055. If the corrective action described in this Notice of Violation has not been taken, the City may take additional steps to enforce compliance, as described herein or as set forth in the Carmel-by-the-Sea Municipal Code.

Very truly yours,

Jermel Laurie, CBO - Building Official

Cc:

Anna Ginette, AICP - Community Planning and Building Director

Brian Pierik - City Attorney

## 2022 CFC

### [A] 102.3 Change of Use or Occupancy

A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the California Existing Building Code. Exception: Where approved by the fire code official, a change of occupancy shall be permitted without complying with the requirements of this code and the California Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

## 2022 CEBC

### 1011.1 General

The provisions of this section shall apply to buildings or portions thereof undergoing a change of occupancy classification. This includes a change of occupancy classification within a group as well as a change of occupancy classification from one group to a different group or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the California Building Code. Such buildings shall also comply with Sections 1002 through 1010 of this code.

### 1011.2 Fire Protection Systems

Fire protection systems shall be provided in accordance with Sections 1011.2.1 and 1011.2.2.

#### 1011.2.1 Fire Sprinkler System

Where a change in occupancy classification occurs or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the California Building Code that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the California Building Code. The installation of the automatic sprinkler system shall be required within the area of the change of occupancy and areas of the building not separated by a fire wall from the change of occupancy.

## 2022 California Plumbing Code TABLE 422.1

### MINIMUM PLUMBING FACILITIES<sup>1</sup>

Each building shall be provided with sanitary facilities, including provisions for persons with disabilities as prescribed by the Department Having Jurisdiction. Table 422.1 applies

to new buildings, additions to a building, and changes of occupancy or type in an existing building resulting in increased occupant load.

CMC 15.08.100 Toilet Facilities.

All eating and drinking establishments hereinafter established shall be provided with toilet and lavatory facilities, with hot and cold running water, in accordance with the California Plumbing Code; and such facilities shall be located within the premises and shall be for the exclusive use of the patrons and employees of the aforementioned businesses. Where the eating and drinking establishment has an occupant load of less than 50, a minimum of two single occupant toilet facilities shall be provided. All existing drinking and dining establishments hereafter enlarged in seating capacity, or when said establishments are repaired, remodeled or altered, the cost of which exceeds 10 percent of the assessed value of the building, shall become subject to the provisions of this section. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 2008-02 § 1, 2008; Ord. 99-04 (Exh. B), 1999; Ord. 96-1, 1996; Ord. 89-29 § 1, 1989; Code 1975 § 1122.7).

CMC 17.14.040 I (c)

At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.

November 20, 2025  
 City of Carmel-by-the-Sea  
 Building & Safety Department / Building Official  
 PO Box 2227  
 Carmel-by-the-Sea, CA 93921



**RE: FORMAL APPEAL OF NOTICE OF VIOLATION**  
**APN: 010-141-001 — SW Corner Ocean & Mission (Mad Dogs & Englishmen Coffee Bar)**  
**Filed by: Jennifer Blevins, Tenant**

Dear Chief Building Official Laurie:

Pursuant to the Carmel Municipal Code and the California Building Code, I hereby submit this **formal appeal** of the **Notice of Violation issued on November 13, 2025** for the above-referenced property.

This appeal is filed **within the required timeframe** and is accompanied by the required fee. The landlord has directed me, in writing, to file this appeal on his behalf as the tenant in possession.

## I. Procedural Basis for Appeal

The NOV identifies alleged violations but does **not** identify:

- A specific enforceable code section requiring the construction of a restroom within the tenant space
- A specific enforceable code section that triggers a mandatory fire sprinkler retrofit for this building or this tenant improvement
- A specific code section that the tenant has violated
- The factual findings supporting the City's position

For the record, I have requested a **formal written code interpretation** multiple times (October 17–22 and again November 14). Under adopted code procedure and the City's own appeal rules, a formal written interpretation is required to confirm the "determination" being appealed.

Nevertheless, to preserve all rights and avoid prejudice to the owner or tenant, this appeal is being filed in good-faith reliance on:

- The City's position stated in the NOV
- The landlord's written instructions to file immediately
- Uncertainty regarding the City's interpretation

- The approaching holiday period and the landlord’s concern about accruing liability

This appeal fully preserves all procedural and substantive rights.

## II. Basis for Appeal — Restroom Requirement

The NOV cites **2022 CPC Table 422.1**, but does not cite a section **requiring construction of a restroom inside the tenant space**, nor does Table 422.1 impose such a requirement.

Under **CPC §422.2**, toilet rooms need **not** be located within the tenant space if:

- They are “**conveniently accessible,**” and
- They are “**within the same building or on the same property under the same authority.**”

The Devendorf Park public restrooms are:

- **Owned by the City**
- **Maintained by the City**
- **ADA-accessible**
- **On the same legal parcel for zoning purposes (zoned in conjunction with the central commercial district)**
- **170–240 ft from the tenant space depending on chosen route**
- **Accessible via compliant sidewalks or graded paths**

No code section cited in the NOV states that these facilities are not considered “conveniently accessible,” nor does the NOV state any code-based reason why CPC §422.2 does not apply.

Therefore, the alleged restroom “violation” lacks adequate code basis.

## III. Basis for Appeal — Fire Sprinkler Requirement

The NOV references:

- **CFC 102.3 (Change of Use)**
- **CEBC §1011 (Change of Occupancy – Hazard Category)**
- **CMC §15.08.100**

However, none of these citations **require** sprinklers in this tenant space.

Under the adopted **CFC §903.2.1.2 (A-2 Occupancies)**, sprinklers are required only where:

1. Fire area > 5,000 sq ft
2. Occupant load  $\geq$  100
3. Fire area is above/below level of exit discharge

The tenant space is:

- **~1,300 sq ft**
- **Estimated load <50 persons**
- **At grade level**

Thus, **none of the three sprinkler triggers apply.**

If the City is asserting a hazard category increase under CEBC §1011, the NOV does not state:

- What the **previous occupancy classification** was
- What the **new classification** allegedly is
- What **hazard level change** the City is asserting
- Why the claimed change would trigger a sprinkler retrofit

Without these required findings, the alleged sprinkler “violation” lacks code basis.

## IV. CUP Status

The NOV refers to “unapproved operations,” but the **approved CUP (Resolution 2024-094-PC)** states:

“The 12-month commencement period begins upon issuance of a Certificate of Occupancy.”

The City has not issued a Certificate of Occupancy for the CUP.

Therefore:

- The CUP has not commenced
- The CUP has not expired
- No violation of CUP timing can yet exist

## V. Request for Relief

Based on the above, I respectfully request that the Building & Fire Code Board of Appeals:

1. **Rescind the NOV in its entirety, OR**
2. **Modify the NOV to reflect only violations supported by specific enforceable code sections, OR**
3. **Remand the matter to staff with direction to issue a written code interpretation identifying the exact sections of the adopted code that support each alleged violation.**

Additionally, I respectfully request a **temporary stay of enforcement** pending the outcome of this appeal, given the active CUP, the major investment in the space, and the landlord's direct instruction to initiate this process.

## VI. Attachments

NOV and Code Compliance Memorandum

## Conclusion

This appeal is filed in good faith with the landlord's express authorization. I look forward to a fair and transparent administrative review.

Respectfully submitted,



**Jennifer Blevins**  
Tenant, Mad Dogs & Englishmen Coffee Bar  
SW Corner Ocean & Mission  
Carmel-by-the-Sea, CA



# City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G  
CARMEL-BY-THE-SEA, CA 93921  
(831)620-2010 OFFICE  
(831)620-2014 FAX

## Notice of Violation and Order to Correct

Date: 11/13/2025

Location: SW Corner Mission & Ocean

APN#: 010-141-001

Owner Name: Allen R Porter

Phone: [REDACTED]

Email: [REDACTED]

Re: Change of Occupancy without approval

Dear Allen R Porter,

This letter will serve as your notice that the parcel at the address shown above is in violation of the Carmel-by-the-Sea Municipal Code (CMC).

The specific violations are:

1. Carmel Municipal Code Section 15.04.070 - Permit Required
2. Carmel Municipal Code Section 15.04.250 - Violation of the Building Code – Penalty
3. Carmel Municipal Code Section 5.04.060 - Separate Offenses

On February 13, 2024, the Carmel-by-the-Sea Building Safety Division issued a plumbing permit and an electrical permit for minor work. After review of the property files by the Building Department, a meeting was scheduled on October 3, 2025 at the premises. In attendance was business owner Jennifer Blevins, Building Inspector Duane Dauphinee, Building Official Jermel Laurie and Community Planning and Building Director Anna Ginette, the following condition was identified:

1. Unapproved change of occupancy in violation of the Building Code triggering requirements of state law and CMC.

Although a use permit was approved (Resolution No. 2024-094-PC) for the establishment of a specialty restaurant, all required conditions of approval have not been complied with and therefore the use is not vested. During the meeting, Jennifer Blevins was notified that the current use of the space went beyond the approved incidental use, triggering a change of use

and occupancy. The change triggered multiple requirements from the California Building Codes and CMC. The accompanying document identifies the applicable code sections and requirements.

As the owner of the property, you must initiate the following corrective action by December 13, 2025.

- Revert the space back to the previously approved use as a mercantile occupancy.
- OR
- Comply with conditions of approval for UP 24-292 and resolution 2024-094-PC;
- Apply for a building permit to install an accessible restroom within the space; and
- Apply for a permit to install fire sprinklers throughout the building.

Violations of CMC Title 15, Buildings and Construction, are misdemeanors punishable upon conviction by a fine not exceeding \$1,000.00 and/or imprisonment for a term not exceeding six months. Failure to complete these actions by the deadline established above for compliance may subject you to these and additional penalties as prescribed by law. Each day of noncompliance shall constitute a separate violation.

This Notice of Violation may be appealed within 10 days of the date this notice is received. Appeal to the Carmel-by-the-Sea Building Code Board of Appeals by submitting a letter and an appeal fee of \$1193.00 to the Building Official at Carmel-by-the-Sea City Hall located on the East side of Monte Verde Street between Ocean and 7<sup>th</sup> Ave Carmel, CA. 93921. The penalty described in this Notice of Violation shall not accrue while an appeal is pending. If you do not appeal this Notice of Violation, it shall become the final order of the City, and may be enforced in a subsequent legal action brought by the City Attorney.

If you have any questions about what is necessary to correct the code violation, please contact the undersigned at 831-620-2055. If the corrective action described in this Notice of Violation has not been taken, the City may take additional steps to enforce compliance, as described herein or as set forth in the Carmel-by-the-Sea Municipal Code.

Very truly yours,

Jermel Laurie, CBO - Building Official

Cc:

Anna Ginette, AICP - Community Planning and Building Director

Brian Pierik - City Attorney

# CODE COMPLIANCE MEMORANDUM

**Prepared by:** *Independent Building Code & Accessibility Compliance Reviewer*

**Prepared for:** Mad Dogs & Englishmen Coffee Bar, Carmel-by-the-Sea

**Date:** November 11, 2025

**To:**

**Alan Porter, Property Owner**

Warren Building – Ocean & Mission, Carmel-by-the-Sea

**Cc:**

John Plastini

Kelley Sedoryk, Building Manager

## RE: Technical Analysis of Notice of Violation & Applicable Codes

**Restroom Requirement (Plumbing Code / Accessibility) & Fire Sprinkler Requirement (CFC / CEBC / CMC)**

Mad Dogs & Englishmen Coffee Bar – SW Corner Ocean & Mission, Carmel-by-the-Sea

### I. PURPOSE OF THIS MEMORANDUM

This memorandum provides a **technical, code-based analysis** of the City's recent **Notice of Violation (NOV)** issued to the tenant space occupied by Mad Dogs & Englishmen Coffee Bar. The NOV cites several code sections and implies that:

1. **A customer restroom must be constructed within the tenant space, and**
2. **A fire sprinkler system may be required** for the entire building based on "change of occupancy."

This memo analyzes each cited code section in detail, demonstrates why the cited provisions **do not mandate construction of new restrooms or a sprinkler retrofit**, and documents the tenant's extensive good-faith efforts to obtain written clarification from the City.

The goal is to provide the property owner with a clear, factual basis for understanding the code, protecting the property from unnecessary expense, and determining next steps.

## II. SUMMARY CONCLUSION (Plain Language)

After reviewing the relevant 2022 codes (California Building, Plumbing, Fire, and Existing Building Codes, and Carmel Municipal Code), and comparing them to the NOV and the tenant's approved Conditional Use Permit (CUP), the technical conclusion is:

### A. No restroom is required inside the tenant space under the cited codes.

- CPC §422.1 and CPC Table 422.1 require toilet facilities **only when a tenant space provides toilet facilities**.
- **There is no code section requiring every food establishment under 1,500 SF to construct a restroom**, especially where compliant, accessible public restrooms exist within close proximity and under the same authority (City-owned park restrooms).
- **CPC 422.2** specifically allows shared or nearby facilities **when under the same authority**—which applies here, as the City owns and maintains Devendorf Park restrooms.

### B. No fire sprinkler system is triggered under CFC §903.2.1.2 or CEBC Chapter 10.

- The City cited CFC 102.3 and CEBC 1011, but **not the actual sprinkler trigger section, CFC 903.2.1.2**.
- Under CFC 903.2.1.2, sprinklers are required for A-2 occupancies only if:
  1. Fire area > 5,000 SF (**ours is ~1,300 SF**)
  2. Occupant load  $\geq$  100 (**ours is < 50**)
  3. Space is above/below level of exit discharge (**ours is at grade**)

None of these apply.

### C. The Conditional Use Permit remains valid until a Certificate of Occupancy is issued.

The CUP conditions explicitly state that the one-year period **does not begin** until the City issues a **Certificate of Occupancy** for the “specialty restaurant” use.

A certificate cannot be issued until the business license is updated — which is already underway.

## **D. The City has not provided a written code interpretation despite multiple requests.**

The tenant sent multiple written requests (Oct 17–22) asking the City to identify the **exact code section** requiring a restroom or sprinklers. To date, **no reply has been issued**.

This is important because an appeal cannot legally proceed without a **formal written determination**.

# **III. DETAILED ANALYSIS OF EACH CODE SECTION CITED IN THE NOV**

Below is a **point-by-point rebuttal** of each section the City referenced.

## **1. 2022 California Fire Code (CFC) §102.3 – Change of Use**

### **What the code actually says:**

CFC §102.3 states that when a change of use or occupancy occurs, the building must comply with the specific provisions applicable to the new occupancy.

### **What it does *not* say:**

- It does **not** mandate sprinklers.
- It does **not** mandate restrooms.
- It does **not** override the actual sprinkler-trigger section (CFC 903.2.1.2).

### **Correct application:**

If there is a change from Mercantile (M) to Assembly A-2, then sprinkler triggers are found **only** in CFC 903.2.1.2.

Under that section, sprinklers are **not** required unless:

- A-2 fire area > 5,000 SF
- Occupant load ≥ 100
- Located on a floor other than exit discharge

This space (±1,300 SF, <50 occupants, ground level) meets none of the triggers.

**Conclusion:**

CFC 102.3 does **not** independently mandate sprinklers for this tenant improvement.

## 2. 2022 California Existing Building Code (CEBC) §1011 – Change of Occupancy

**What CEBC 1011 requires:**

- A review to determine whether the new occupancy classification introduces a **higher hazard**.
- If not, upgrades (e.g., sprinklers) are **not** required.

**Key point:**

The City has not identified **any hazard increase** under CEBC's hazard category tables.

**In this case:**

- Previous use: Retail sporting goods shop (Electric Bikes)
- Current use: Coffee bar (“specialty restaurant”), **no grease-laden vapors, no hood, no cooking equipment, no increase in fire area, no increase in occupant load above state thresholds**

There is no evidence that A-2 coffee service increases hazard beyond M retail in a way that triggers CEBC upgrades.

**Conclusion:**

CEBC 1011 does **not** mandate sprinkler installation or restroom construction.

## 3. 2022 California Plumbing Code (CPC) Table 422.1 – Minimum Plumbing Fixtures

**What Table 422.1 actually regulates:**

- **How many restrooms a building must provide**  
*when restrooms are provided in the building.*

**What it does not regulate:**

- Whether a food establishment must construct its own restroom.
- Whether tenants can rely on shared facilities under the same authority.

**Relevance to this tenant space:**

- The Warren Building contains restroom facilities.
- Devendorf Park restrooms (owned by the City) are fully accessible and located within 200–300 feet.
- CPC does not require the tenant to build additional restrooms if compliant facilities are available elsewhere under the same authority.

**4. CPC §422.2 – Separate Facilities & Shared Toilets**

This section is critically important.

**The code states:**

*“Separate toilet facilities shall be provided for each sex except where the building official determines otherwise... Toilet rooms or bathing rooms that are conveniently accessible may be shared by more than one tenant space when under the same authority.”*

**Key legal points:**

1. **“Conveniently accessible”** is satisfied by
  - Level walkways
  - Accessible crosswalks
  - Park pathways within ~250 ft of tenant space
2. **“Same authority”** applies to:
  - Facilities controlled by the same building owner; or
  - Facilities controlled by the same jurisdiction (e.g., city-owned public restrooms)

Since Devendorf Park restrooms are **owned and maintained by the City of Carmel**, they satisfy §422.2.

**Conclusion:**

CPC 422.2 actually **supports** your current arrangement, not the City's interpretation.

## 5. Carmel Municipal Code (CMC) §15.08.100 & §17.14.040(I)(c)

These sections primarily reference:

- Adoption of state codes
- General compliance provisions
- Specialty uses
- Wastewater and business type requirements

**None of the cited CMC sections contain any requirement to construct toilets or sprinklers in existing spaces under 1,500 SF.**

## IV. OCCUPANT LOAD CALCULATION (<50)

The A-2 occupancy threshold for sprinklers is based on **occupant load of 100 or more**.

The tenant space has been measured as follows:

- Seating: 20
- Staff on peak shifts: 3–4
- Standing space allowance: limited due to fixed casework, display cabinets, and existing furniture
- Customer-accessible floor area: approx. 700 SF
- Load factor for A-2 (unconcentrated tables and chairs): 15 net SF/person

### Calculated occupant load:

$700 \div 15 \approx 46.6 \rightarrow$  **Rounded: 46 persons**

### Conclusion:

Occupant load is **under 50**, well below sprinkler thresholds.

## V. CONDITIONAL USE PERMIT TIMING (Not Expired)

The CUP states that:

*“The use permit shall be initiated within 12 months from the issuance of a Certificate of Occupancy for the approved use.”*

Since:

- The updated business license has not yet been issued
- Therefore the Certificate of Occupancy has not been issued
- Therefore the 12-month commencement clock has **not** begun

The CUP is **valid**.

## VI. TENANT’S GOOD-FAITH EFFORTS TO OBTAIN CLARIFICATION

Between **Oct 17–22**, the tenant sent multiple written requests asking the City to:

1. Identify **the precise code section** requiring a restroom
2. Identify **the precise code section** requiring sprinklers
3. Provide **a written determination** so that an appeal could legally be filed if needed

**No response has been issued.**

Copies of these emails should be included as *Attachments A–D*.

## VII. APPEAL PROCESS & FEE

The tenant is prepared to pay the City appeal fee **if** the City issues a formal written determination stating:

- A new restroom is required

- A sprinkler system is required

However, under municipal procedure, an appeal can only be filed **after** the City issues a written interpretation.

Thus:

- The tenant has acted properly
- The owner will not incur fees
- The next step depends on the City providing a written interpretation

## **VIII. SUMMARY FOR THE PROPERTY OWNER**

### **1. No code section cited by the City independently requires the tenant to construct a toilet room.**

Nearby, accessible, city-owned restrooms satisfy CPC §422.2 and ADA accessibility requirements.

### **2. No code section cited by the City triggers a fire sprinkler retrofit.**

CFC §903.2.1.2 governs sprinklers for A-2 occupancies.  
The tenant space does not meet any triggers.

### **3. The CUP remains valid and has not expired.**

### **4. The tenant has acted diligently and in good faith, while the City has not provided the required written interpretation.**

### **5. The tenant is prepared to pay any required appeal fee, but only after the City issues a formal determination.**

### **6. The property owner is not currently in violation, because no triggering provisions apply under state or municipal code.**

## IX. RECOMMENDATION

Based on the technical analysis above:

- Continue operating under the approved CUP conditions
- Await the City's required written code interpretation- I am requesting this again in writing and will cc you.
- If the City issues a determination inconsistent with the cited codes, file a timely appeal (tenant will cover fee)
- Avoid making alterations (restrooms or sprinklers) until legally required