



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Councilmembers Jeff Baron,
Alissandra Dramov, Karen Ferlito, and Bobby
Richards
Contact: 831.620.2000 www.ci.carmel.ca.us

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

REGULAR MEETING Tuesday, October 3, 2023

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/89400239018> Meeting ID: 894 0023 9018 Passcode:
981017 Dial in: (253) 215-8782**

HOW TO OFFER PUBLIC COMMENT

The public may give public comment at this meeting in person, or using the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to cityclerk@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.

OPEN SESSION 4:30 PM

Tour Time - 3:00 p.m.

TOUR OF INSPECTION

Prior to calling the meeting to order, the Board/Commission will conduct an on-site tour of inspection of the properties listed on the agenda and the public is welcome to join. After the tour is complete, the Board/Commission will begin the meeting in the City Council Chambers no earlier than the time noted on the agenda.

- A.** MA 23-116 (Esperanza Carmel, LLC) - 26336 Scenic Road in the Single-Family Residential (R-1) District. APN 009-423-001.
- B.** MA 23-146 (Lopez 5 NW, LLC) - Lopez Avenue 5 northwest of 4th Avenue in the Single-Family Residential (R-1) District. APN 010-232-028.

- C. MA 23-117 (Griffin) - 3rd Avenue 2 northwest of Junipero Street in the Single-Family Residential (R-1) District. APN 010-108-007.
- D. MA 23-103 (Cypress Inn) - northeast corner of Lincoln Street and 7th Avenue in the Residential-Commercial (R-C) District. APN 010-147-008.

OPEN SESSION - 4:30 PM

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

- A. Carmel High School Report Out
- B. Recognition of the Volunteers in Police Service (VIPS)
- C. Thank you to the Petoskey Harbor Springs Community Foundation for the \$7,500 donation to Police Department

PUBLIC APPEARANCES

Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Chair. Matters not appearing on the agenda will not receive action at this meeting and may be referred to staff. Persons are not required to provide their names, and it is helpful for speakers to state their names so they may be identified in the minutes of the meeting.

ANNOUNCEMENTS

- A. City Administrator Announcements
- B. City Attorney Announcements
- C. Councilmember Announcements

ORDERS OF BUSINESS

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

1. Receive a Presentation by Wave Astound Broadband to introduce a new Fiber Optic Project and authorize issuance of an Encroachment Permit with Special Conditions of Approval
2. Receive an after action report for Car Week 2023 and provide staff with direction
3. Receive a report on the outcome of the August 30, 2023, City Council Priorities Workshop and provide direction to staff regarding the projects on the list. Direction to staff may include adjusting the priority level, scheduling discussion for a future meeting, or whether to add, remove, or change items on the list.

PUBLIC HEARINGS

4. **DR 23-140 (Esperanza Carmel Commercial - JB Pastor Building):** Consideration of a resolution overturning the July 2023 decision of the Historic Resources Board (Reso. 2023-009-HRB) and issuing a Determination of Consistency with the Secretary of the Interior's Standards, with new findings and conditions, for the

construction of a mixed-use building with subterranean garage on a portion of the Northern California Savings & Loan Complex site located at Dolores Street 2 Southeast of 7th Avenue in the Service Commercial (SC) Zoning District. APNs 010-145-012, 010-145-023, 010-145-024

5. **MA 23-116 (Esperanza Carmel, LLC):** Consideration of a Mills Act Contract application MA 23-116 (Esperanza Carmel LLC) for the historic "Mrs. Clinton Walker House" located at 26336 Scenic Road in the Single-Family Residential (R-1) District. APN 009-423-001.
6. **MA 23-146 (Lopez 5 NW, LLC):** Consideration of a Mills Act Contract application MA 23-146 (Lopez 5 NW, LLC) for the historic "Cosmas House" located on Lopez Avenue 5 northwest of 4th Avenue in the Single-Family Residential (R-1) District. APN 010-232-028.
7. **MA 23-117 (Griffin):** Consideration of a Mills Act Contract application MA 23-117 (Griffin) for the historic "Agnes Shorting House" located on 3rd Avenue 2 northwest of Junipero Avenue in the Single-Family Residential (R-1) District. APN 010-108-007.
8. **MA 23-103 (Cypress Inn):** Consideration of a Mills Act Contract application MA 23-103 (Cypress Inn) for the historic "La Ribera Hotel" located on the northeast corner of Lincoln Street and 7th Avenue in the Residential-Commercial (R-C) District. APN 010-147-008.

FUTURE AGENDA ITEMS

ADJOURNMENT

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

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

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



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

October 3, 2023
EXTRAORDINARY BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jeff Watkins, Acting Police Chief

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Recognition of the Volunteers in Police Service (VIPS)

RECOMMENDATION:

Recognition of the Volunteers in Police Service (VIPS)

BACKGROUND/SUMMARY:

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Attachment 1) VIPS Recognition List
Attachment 2) VIPS, Lee Whitney Recognition

Volunteers In Police Service (VIPS)						
Carmel-by-the-Sea Police Department						
		Start	Years of			
Call Sign	Name	Date	Service			
Queen 1	Lee Whitney	2006	17			
Queen 2	Jim Dallas	2015	8			
Queen 3	Bob Gotch	2015	8			
Queen 4	Joanne Noto	2016	7	500 hr Pin to be awarded		
Queen 5	Deanna Dickman	2017	6	Co-Coordinator VIPS Program		
Queen 6	Diana Wahler	2017	6	Co-Coordinator VIPS Program		
Queen 7	Carolyn Profeta	2022	1	100 hr Pin to be awarded		
Queen 8	Paul Falworth	2022	1			
Queen 9	David O'Neil	2023	New VIP			
Special Projects/Events 2022/23						
Document Retention Project		115 hours				
Women's U.S. Open (Carmel)		63 hours	(Lee worked 28 of these hours)			
Car Week		113 hours				
By the end of October 2023:						
Over 5,000 hours by this group of volunteers						

VIPS Recognition
and
VIPS Volunteer of the Year Award to Lee Whitney

VIPS = Volunteers in Police Service

VIPS is a National program established in 2002 under President George W. Bush after 911 to encourage the use of volunteers in communities. It is managed by the International Association of Chiefs of Police and the U.S. Department of Justice.

The Carmel-by-the-Sea VIPS program was started in 2006 under Chief George Rawson who wanted the VIPS to be City ambassadors, as well as extra eyes and ears to support the Police Department. The VIPS program has been supported by every Chief since that time. It initially began with 7 VIPS. By 2008 it was down to only 1 VIPS – Lee Whitney. She worked alone for a year before other VIPS were added.

Lee Whitney was the first VIPS and was given the call sign Victor 1, which was changed to Queen 1 in 2007. Lee has been a VIPS for 17 years and has fully earned the title of Queen 1. She has trained many of the VIPS and is known for her great sense of humor when dealing with the public and managing challenging traffic situations. Besides being a VIPS, Lee has served on various Boards, including American Red Cross, Carmel Host Lions Club, Meals on Wheels and CERV as President. She has won multiple awards such as Lion of The Year, Woman of the Year Monterey Peninsula and the Melvin Jones Humanitarian Award. She has been the Hole Captain at the AT&T Golf Tournament since 1998 and a Team Leader for the Big Sur Marathon. Lee is a force of nature and seems to have endless energy. She worked every shift of traffic control for the City during the Women's U.S. Open for a total of 28 hours in 3 days. She worked 19 hours in 2 days during our City Car Week Events. Not surprisingly, Lee Whitney has been chosen by her peers to be recognized as the 2023 winner of the Donald Baumann Volunteer Service Award.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

October 3, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a Presentation by Wave Astound Broadband to introduce a new Fiber Optic Project and authorize issuance of an Encroachment Permit with Special Conditions of Approval

RECOMMENDATION:

Receive a Presentation by Wave Astound Broadband to introduce a new Fiber Optic Project and authorize issuance of an Encroachment Permit with Special Conditions of Approval.

BACKGROUND/SUMMARY:

Public Works and Community Planning & Building have been meeting with representatives of Wave Astound Broadband (Wave) off and on since 2017 to review Wave's proposed fiber optic project (Project). This Project has gone through multiple iterations over the years, and Wave and staff have recently reached consensus on the preferred alignment and measures to minimize impacts to the public during installation of this unique Project. Staff has also approved the construction plans, traffic control plans, and arborist report.

The bulk of the Project consists of installing continuous fiber optic cables attached to existing PG&E power poles in the northern and central portions of the City, and installing a segment of fiber optic conduit below San Carlos Street as detailed below.

As shown in the Project Location Map in **Attachment 1**, the overhead route begins in the County off of the Highway 1 Carpenter Street exit, and heads south along Carpenter Street into the City limits to the intersection with Ocean Avenue. The alignment turns west along Ocean Avenue to the intersection with Torres Street, and then turns south along Torres Street to the intersection of Eighth Avenue. At this point, the Project extends west along Eighth Avenue to the intersection with Cassanova Street. Finally, the alignment turns north along Cassanova Street until it veers northwest along Palou Avenue to a terminus pole near Second Avenue.

In conjunction with the overhead cables, a 2-inch conduit will be installed via boring, extending along San Carlos Street from Ocean Avenue to approximately 100-feet south of Seventh Avenue.

Additionally, Wave will install up to nine support anchors and guy wires to reinforce certain existing power

poles. Each guy wire location has been found acceptable to Community Planning and Public Works staff.

Wave also submitted an Arborist Report documenting all trees in the easterly half of the Project. While the aerial fiber cables will be installed through existing tree crowns, no trees will be removed, and utility pruning, which is expected to be minimal, will only be performed by a Certified Arborist with utility line clearance certification, paid for by Wave, and under the direction of the City Forester. Based on the Arborist Report, the minimal impacts to existing trees, and required, continuous oversight by an Arborist, a report for the westerly portion of the project was excused.

As part of the Encroachment Permit process, staff developed 38 Special Conditions of Approval, as shown in **Attachment 2**. These Special Conditions were tailored to minimize disruption to residents along the alignment, protect or restore City and other facilities that may inadvertently be damaged, and provide a safe environment during construction.

Per the Special Conditions of Approval for the Encroachment Permit, Wave shall:

- Execute a Hold Harmless Agreement
- Provide increased general liability insurance limits
- Display a 24/7 hotline phone number for public concerns
- Provide ongoing coordination with Police, Fire, MST, GreenWaste, etc.
- Conform to approved traffic control plans
- Place parking notices 72-hours in advance
- Provide updated construction schedules on a weekly basis
- Coordinate and shutdown, if necessary, during City special events
- Provide a Certified Arborist with line clearance certification during all aerial fiber installations, and consult with City Forester for utility pruning
- Provide an archaeological monitor for underground work in archaeologically-sensitive zones
- For the San Carlos Street underground boring, protect City storm drains, CAWD sewer facilities, and Cal Am water lines, provide an independent testing laboratory for backfill, and restore the concrete street
- Reconstruct any damaged streets, sidewalk, sign, pavement markings, etc. to the City's satisfaction
- Reconstruct any damage to private property

At this time, construction is anticipated to begin by the end of the year and be completed within three months, pending weather conditions. Wave will provide construction management over their contractors, and Public Works will lead the oversight during construction and help resolve problems as they arise. The Directors of Public Works and Public Safety have the authority to immediately shut down the Project if serious problems or safety issues arise.

At the October 3, 2023 Council meeting, staff will introduce Mr. John Mosher, Senior Construction Manager at Wave, who will provide the presentation. The presentation will briefly describe the purpose of the Project, anticipated construction impacts, and mitigation measures.

Wave and City staff welcome comments from the public and City Council regarding this Project. Based on comments received, staff will finalize the Special Conditions of Approval for the Encroachment Permit to further minimize adverse impacts. Council is also requested to authorize the issuance of the Encroachment Permit.

ENVIRONMENTAL REVIEW

The City finds that this Project is exempt from CEQA in accordance with Section 15303 (Class 3) of the CEQA Statutes for new construction and conversion of small structures. A Notice of Exemption will be filed by the City upon Project approval by the City Council.

FISCAL IMPACT:

Based on the combined length of the aerial cables and underground conduit, this Encroachment Permit fee is \$25,155, of which Wave has previously paid \$19,306.

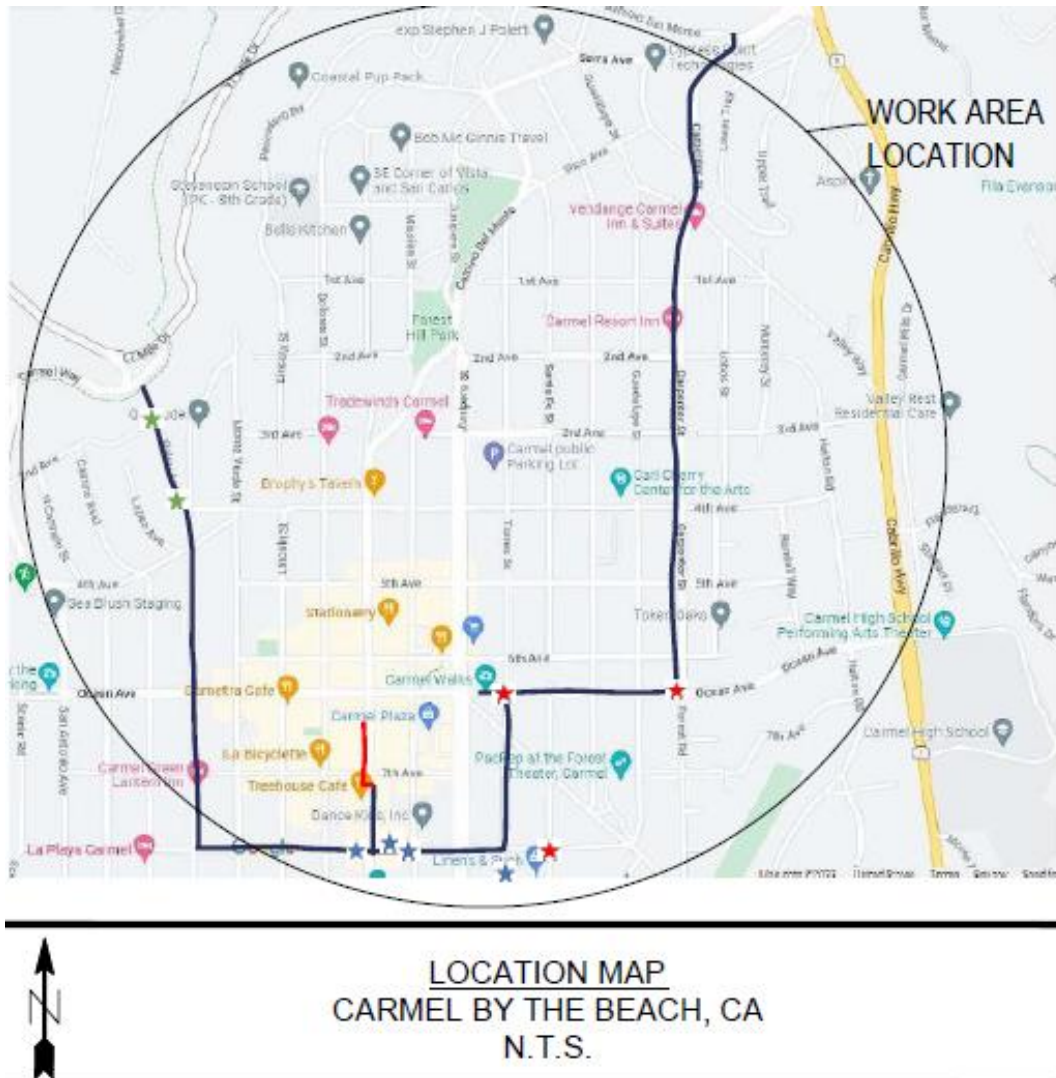
PRIOR CITY COUNCIL ACTION:

In September 2018, Council received a project presentation and authorized issuance of an Encroachment Permit with Special Conditions of Approval for a PG&E gas pipeline project installed across the northern portion of the City.

ATTACHMENTS:

Attachment 1) Project Location Map

Attachment 2) Special Conditions of Approval for Encroachment Permit



ENCROACHMENT PERMIT # _____

WAVE ASTOUND BROADBAND FIBER INSTALLATION PROJECT**SPECIAL CONDITIONS OF APPROVAL****September 18, 2023**

The following Special Conditions of Approval of the Encroachment Permit were developed by the City, and reviewed and accepted by WAVE Astound Broadband (WAVE), to minimize impacts and inconvenience to the public while accommodating construction. All Conditions of Approval are subject to modification by the City to ensure the safety and welfare of the public, construction workers, and public and private property. References to the City mean the Director of Public Works Robert Harary, P.E., or his designee.

Administrative

1. **Revocability:** This Permit shall be revocable by the City at any time. Encroachment Permit actions may be appealed to the City Council by filing an appeal with the City Clerk within fifteen (15) days of the date of notification.
2. **Hold Harmless Agreement:** Prior to issuance of an Encroachment Permit, a Hold Harmless Agreement will need to be completed and recorded.
3. **Liability Insurance:** WAVE will provide evidence of general liability insurance to the City with a minimum limit of \$3 million per incident and \$5 million in aggregate.
4. **City Business License:** Prior to conducting any work in the City right-of-way, all contractors, subcontractors, and consultants must obtain a City Business License.
5. **Encroachment Permit Fees:** City acknowledges receipt of \$19,306.75 deposit for this Permit. WAVE to submit the balance due of \$5,848.16 for the Permit plus \$50.00 to reimburse the City's CEQA filing fee.
6. **Fiscal Impact:** In the event that staff becomes increasingly involved with oversight and inspection of this Project during construction, an Agreement with WAVE will be promptly deployed so that WAVE reimburses the City for actual City labor costs and expenses incurred.

Environmental

7. **CEQA Documentation:** The City finds that this Project is exempt from CEQA in accordance with Section 15303 (Class 3) of the CEQA Statutes for new construction and conversion of small structures. A Notice of Exemption will be filed by the City upon Project approval by the City Council.

8. **Environmental Mitigation:** The following measures are of particular concern to the City:
 - Enclose or cover exposed stockpiles daily
 - Designate worker parking areas that minimize parking displacement along the Alignment in the downtown area
 - Sweep all paved access roads no less than weekly or as requested by the City
9. **BMPs:** All construction activities require adequate protection for any catch basin, drain inlet, or drainage swale to prevent spills, sediment, or construction debris from entering the drainage system. Provide sediment filter bags at catch basins, place 2-bag high gravel berms for silt protection, and provide stockpile covers with sediment barrier. Provide secondary containment tray with sanitary facility.
10. **Arborist Report:** Report provided to the City is sufficient for the work being conducted. This Project does not have to be presented to the Forest and Beach Commission. However, it is the responsibility of Astound to provide a City-approved, Certified Arborist with line clearance certification for the duration of the Project.
11. **Street Trees:** No trees are to be removed under this Permit. A Certified Arborist shall be on site for the aerial cable installation and utility pruning. Minimal impact utility pruning shall meet ISA BMPs and Standards. *"No pruning will come remotely close to excessive pruning."* Arborist will consult with City Forester prior to pruning and to address treatment requirements, if any, See also Condition #38, Tree Protection Requirements.
12. **Archeological Monitoring:** WAVE acknowledges that archeologically-sensitive zones exist in the vicinity of San Carlos Street and Eighth Avenue, and near the Casanova Street and Palou Avenue. WAVE will provide a qualified archeological monitor for any below ground work in these areas. Monitoring shall be done by a City-approved consultant. If any archeological finds are encountered, all excavating is to cease immediately and the City shall be so notified

Public Notifications

13. **City Council:** A WAVE representative shall present the Project to the City Council, at a date to be determined, describing the purpose of the Project, impacts to the public during installation, and mitigation measures.
14. **Public Relations:** Implement the following outreach program as a minimum during construction:
 - Provide a 24/7 WAVE Public Hotline Number
 - Provide door hangers and notices to each property/business prior to working along the next street segment

- Place barricades at each road or lane closure identifying the Project name and including the WAVE hotline number

WAVE to keep the City's Project Manager informed as to these public relations activities. City will support such efforts in good faith.

15. **Emergency Access:** Maintain access for emergency vehicles at all times.
16. **Emergency Response Notifications:** Contractor shall notify Police and Fire (831) 646-3914, and ambulance service providers at least 48 hours in advance as to proposed road or lane closures, and detours. Also, provide schedule updates.
17. **Road/Lane Closure Notifications:** Notify postal carrier, MST, Green Waste, and affected residences and businesses at least 48 hours in advance as to proposed road/lane closures. Also, provide schedule updates.
18. **Ingress, Egress, and Parking Impacts:** Notify, coordinate, and resolve access, ingress, egress, special needs (disabilities), and parking Issues with all private property owners/tenants and businesses along the alignment.

Utilities and Private Improvements

19. **Potholing for Utilities:** Call Underground Service Alert, at 811, before you dig.
20. **Damage to Existing Facilities:** Promptly make repairs to the public right-of-way or underground utilities that are damaged by the work authorized by this Permit. Damage to City streets outside of the alignment caused by construction operations shall also be repaired to pre-construction conditions. These repairs shall be to the satisfaction of the City. Damage to third party utilities shall be repaired as required by the applicable utility.
21. **Private Improvements:** Restore, repair, or replace private property improvements damaged by construction operations to pre-construction conditions as commercially practical and to the private property owner's satisfaction. In the event the private property owner is not satisfied with the restoration or repair of damaged improvements, WAVE's Project Manager, and/or other such representative, shall meet with the property owner to resolve the issue. The City may be asked to assist in the resolution of private improvement repair matters, but the City shall not be responsible for such repairs.

General Construction Requirements

22. **Traffic Control Plans:** Traffic Control Plans for the Project have been submitted by WAVE and approved by the City. Additional or modifications to approved Traffic Control Plans must also be approved by the City prior to implementation

along the affected street segment. Provide safe provisions for pedestrians and bicycles around construction zones.

23. **Preconstruction Video:** Prior to boring along San Carlos Street, provide City with an indexed, preconstruction video of existing surface Improvements shown from both directions of travel, of acceptable clarity and quality to the City.
24. **Project Schedule:** Provide City with a Master Project Schedule prior to construction, and updated Master Project Schedule(s) weekly or upon request by the City.
25. **Staging Areas:** Provide to the City legal evidence of the use of any staging areas located within City limits.
26. **Parking Notices:** Provide a minimum of 72-hour advance notices for no-parking zones every 25 feet in each direction affected. Parking notices will indicate the start date and anticipated duration of work within the affected area. Please do not be overly conservative as to the duration/completion of work on the signs.
27. **Construction Work Hours:** All work is to be completed between the hours of 8:00 AM – 5:00 PM, Monday through Friday. If after hours, weekend, or holiday work is requested, prior authorization by the City is required.
28. **Construction Inspection:** Day-to-day oversight of construction operations, including subcontractors, shall be performed by WAVE's Construction Manager. City's inspections are intended for Quality Assurance purposes.
29. **Security:** Permittee shall be exclusively responsible for the security of its property and any use thereof.
30. **Cutting Street Surfaces:** All pavement, concrete, and asphalt sidewalks, curbs, gutters, medians, or berms shall be saw cut with smooth straight edges. The City shall field verify saw cut limits prior to saw cutting.
31. **Clean-up of Right-of-Way:** Upon completion of work along a street segment, all materials, equipment, traffic control devices, BMPs, and debris shall be entirely removed, and the right-of-way shall be left in a clean condition satisfactory to the City.
32. **Concrete Washout Locations:** Washout locations must be pre-approved by the City.
33. **Final Inspection:** Prior to release of the Permit, all surface improvement work must be completed and approved by the City.

34. **Guy Wire Special Conditions:**

- Detail A (8th and San Carlos) - Add Queen's Post to allow the anchor to be shifted south near perpendicular to the parking tee, to allow sufficient clearance for doors and trunk access.
- Detail E (Ocean and Forest) – Guy Wire is not permitted in location shown on plans. Three acceptable options are listed below in order of preference. Contractor to provide revised plan/detail to City prior to construction.
 - Use pole to pole tension mounting extending east two poles
 - Move guy wire to pole west of intersection of Ocean and Forest
 - Move guy wire two poles east of current designated location.

Technical Requirements

35. **Striping & Signage:** Existing signs, striping, pavement legends, markings, markers, crosswalk striping, painted curbs, and parking tees damaged by the Project will be restored to City standards and as directed by the City.

36. **Restoration of Bore Pits Submittals and Testing Lab:** Provide shop drawings and submittals for boring pit layouts, backfill, aggregate base, and concrete surface material along San Carlos Street. Bedding, trench backfill, and Class 2 Aggregate Base shall be compacted to 95% minimum relative compaction. WAVE shall retain an independent testing laboratory to field-verify proper compaction. For the boring operations, City requests copies of inspection reports and material testing results performed by the independent laboratory.

37. **Pavement Restoration:**

- a. **Incomplete Street Openings (Barriers and Steel Plates):** Where boring openings cannot be backfilled during the day of opening, suitable barriers shall be placed around the excavation pit to prevent accidents, and lighted barricades shall be continuously maintained at the opening site. Alternatively, steel plates may be placed over the trench with temporary cold mix ramps along each edge.
- b. **Final Surface Restoration:** Iron/valve cans, vaults, and manhole lids shall be raised to finish grade within five (5) business days of concrete surfacing.

38. **Tree Protection Requirements:** Per Carmel-by-the-Sea Municipal Code Section 12.28.340, for safeguarding of trees during construction, the following conditions shall apply to all trees:

- a. Prior to the commencement of construction, all significant trees located within 15 feet of the alignment shall be inventoried by WAVE's arborist as

to size, species, and location, and the inventory shall be submitted to the City. - COMPLETED

- b. Damage to any tree during construction shall be immediately reported by to the Director of Public Works, and the Contractor shall treat the tree for damage in the manner specified by the City Forester.
- c. Oil, gasoline, chemicals and other construction materials shall not be stored within the drip line of any tree.
- d. Wires, signs, and other similar items shall not be attached to trees.
- f. Cutting and filling around the base of trees shall be done only after consultation with the City Forester.
- g. No paint thinner, paint, or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree, or uphill from any tree where such substance might reach the roots through a leaching process.
- h. The Contractor shall be required to erect protective barricades around all trees along the site as required by the City Forester. These barricades must be in place prior to the start of any construction activities in the area.
- i. Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.
- j. Trimming cuts shall conform to arboricultural standards and shall be made along the branch bark ridge.
- k. Earth surfaces within the drip line of any tree shall not be changed or compacted. All equipment, material, and soil storage shall be kept beyond the drip line of trees.
- l. Hand digging (and/or hydro vacuum) is required within ten (10) feet of trees.
- m. Failure to protect or maintain trees on construction sites is a violation of the Carmel Municipal Code and grounds for suspension of the Permit. (Ord. 91-4 §§ 1 – 7, 1991; Ord. 84-6 § 1, 1984; Ord. 83-25 § 1(G), 1983; Ord. 81-4 § 12, 1981; Code 1975 § 1237).



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

October 3, 2023
ORDERS OF BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Ashlee Wright, Director, Libraries & Community Activities

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Receive an after action report for Car Week 2023 and provide staff with direction

RECOMMENDATION:

Receive an after action report for Car Week 2023 and provide staff with direction

BACKGROUND/SUMMARY:

Since its inception, “Car Week” has evolved from being just a handful of events during the span of a week, to tens of public and private events held over the span of a week and a half on the peninsula.

This year “Car Week” took place from Friday August 11 through Sunday, August 20. This After Action Report seeks to discuss traffic and safety impacts to Carmel-by-the-Sea during Car Week, as well as a breakdown of any issues with events held in the Village and to propose mitigation tactics to counter these effects in subsequent years.

EVENTS HELD IN CARMEL-BY-THE-SEA

For 2023 staff worked with event organizers who were focused on producing smaller, more curated events. Previous Council direction has been to limit events in Carmel to the Tuesday and Thursday of Car Week. This was mostly due to the size of COTA and the Pebble Beach Tour d’Elegance and the strain on the Village and safety resources. Based on the fact that the applications that staff received for Car Week 2023 were for smaller events, earlier this spring staff proposed a new plan to have events Monday-Thursday and up to two events per day that span no more than one or two blocks or occupy the footprint of the Farmers’ Market (Mission Street and Sixth Avenue) and are inclusive of Devendorf Park.

There were four permitted events in Carmel-by-the-Sea this year:

- Tuesday, August 15 Acura in the Park
- Wednesday, August 16 Concours for a Cause
- Thursday, August 17 Prancing Ponies
- Thursday, August 17 Ferrari Owners’ Club Concours Carmel

Acura in the Park

The Acura in the Park event, held on Tuesday, August 15, 2023 in Devendorf Park from 9:00 a.m. to 4:00 p.m., was previously a part of the larger Concours on the Avenue (COTA) event. COTA did not move forward this year due to the untimely passing of event organizer Doug Freedman. As previously stated this event was held in Devendorf Park. Ocean Avenue from Junipero Street to Mission Street, as well as Mission Street between Ocean and Sixth Avenues, were temporarily closed for event set-up which began at 12:00 a.m. Mission Street between Ocean and Sixth Avenues remained closed during the event. Breakdown began promptly at 4:00 p.m. and there were no issues, safety or otherwise, overall with this event.

Concours for a Cause

The Concours for a Cause event was held Wednesday, August 16, 2023 in Devendorf Park from 11:00 a.m. to 4:00 p.m. The event was held on Mission Street between Ocean and Sixth Avenue, Sixth Avenue between Mission and Junipero Streets, and the parking stalls on Ocean between Junipero and Mission. Event set-up began at 12:00 a.m. and event breakdown was completed by 6:00 p.m. This was the first year for this event in Carmel-by-the-Sea and it featured electric vehicles of all types, in addition to classic cars, some of which were previous participants and award winners at past Concours on the Avenue events. In addition there were local artisans creating car centric artwork, as well as music and seating for a respite after walking the village. There were no issues with safety or the load-in/load-out of the event.

Prancing Ponies All Woman Car Show

The Prancing Ponies event was held Thursday, August 17, 2023 from 11:00 a.m. to 3:30 p.m. This is the 5th year this event was held in the City. Previously the event was held on Sixth Avenue between San Carlos and Lincoln Streets and Dolores Street from Ocean Avenue to the driveway of the Post Office. Because of the absence of the Tour d'Elegance - another large Ocean Avenue event, staff worked with the event organizer to move the event to Ocean Avenue for additional event visibility during Car Week. Ocean Avenue was closed from Junipero to San Carlos Street. Mission Street was also closed between Red Eagle Lane and Sixth Avenue. Event set-up began at 4:00 a.m. and event breakdown began at 3:30 p.m. and was completed by 6:00 p.m. This year, overall, the event ran smoothly and items of note from last year's after action (issues with load-in and noise) were corrected and improved upon.

Ferrari Owners Club Concours Carmel

This was another new event to Carmel this year. Concours Carmel was held on Thursday, August 17, 2023 from 9:00 a.m. to 4:30 p.m. The event was held on Dolores Street between Ocean and Seventh Avenues. Event set-up began at 1:00 a.m. and breakdown was completed by 6:00 p.m. This judged event featured curated vintage and modern Ferraris and Italian motorcycles, music, interviews with car owners and award ceremony. There were no issues with safety or the load-in/load-out of the event.

Overall Event Summary

Overall, each event ran very smoothly and there were no major issues to report. Staff will be making improvements to the breakdown of events, including standardized times for event breakdown to minimize congestion and ensure that there is minimal overlap with the placement of the traffic calming measures.

Since Car Week 2022 staff have been having conversations with individuals and groups interested in reviving the Concours on the Avenue event (COTA), however nothing has come to fruition. COTA was a

well organized, well executed event, but it was also a full-time job and only a break-even event in terms of finances. This does not mean that this type of event will never return to Carmel. It just means that the groups interested, including those who produced events during Car Week, will need time to build and grow their event, just as COTA organically grew and was refined year over year.

PARKING STALL PERMITS

In the early 2000's the City began renting individual parking stalls in the downtown commercial district for non-construction purposes or as part of a special event permit. The purpose of the individual parking stall rentals was intended to allow businesses to set-up valet services during busy times of the year for their patrons or to park prestigious vehicles in front of their businesses to draw visitors to their establishments. Prior to the pandemic parking stall permits were not issued on the Tuesday and Thursday of Car week, due to the all-encompassing size of the events traditionally held on these days - COTA and the Tour. Spaces were rented for the remaining days of the week during Car Week.

Currently, if someone wants to rent a parking stall they must complete a parking stall permit application through the Community Activities Department. If the applicant is requesting the placement of carpet, stanchions, etc. in the parking stall in addition to parking a vehicle they must also submit an Encroachment Permit through the Community Planning and Building Department.

Pricing for the rental of parking stalls is scaled based on the time of year, with higher rental rates during Peak Demand times, including the weeks surrounding the December Holidays, major golf events at Pebble Beach, and during Car Week. The cost for the rental of parking stalls is \$100 per stall/day and \$200 per stall day during Peak Demand Rental time. If the applicant is requesting the placement of carpet, stanchions, etc. in the parking stall in addition to parking a vehicle they must also pay the fee for a Temporary Encroachment. During recent years demand for parking stall permits has been concentrated during and around Car Week, very few if any parking stall permit applications are received around the December Holidays or major golf events.

With the challenges presented by the exotics and illegal street racing car clubs, staff are working to determine whether the rental of parking stalls contributes to some of the chaos and whether the practice should be discontinued, or if the parking stall rentals are a mechanism that has been underutilized to keep some of the chaos at bay.

As a starting point for improvement for next year, staff are proposing the following changes to the parking stall permitting process:

- Vehicles placed in the rented parking stalls remain in that stall for the entire day unless they are actually being used for valet services. Staff observed multiple cars rotating through parking stalls throughout the day, which contributed to traffic congestion throughout downtown and created dangerous situations for onlookers
- Businesses who rent the parking stalls understand that they are responsible for whatever happens as a result of that parking stall rental regardless of who owns the vehicle - including providing security to keep onlookers out of the streets. Failure to do so could result in revocation of their permit and potentially a restriction on the rental of stalls for the following year.
- No rental of the green zone 30 minute parking stalls at the corners of blocks, as this contributes to congestion around intersections which can be hazardous to onlookers, as well as through traffic.

TRAFFIC, NOISE, AND SAFETY IMPACTS

Again, as in past years, Carmel-by-the-Sea was inundated with specialty vehicles known as “exotics”. Exotics are a group of exclusive and expensive high performance vehicles owned or rented by enthusiasts and members of car clubs. “Exotic” cars have a large following and can draw substantial crowds and car enthusiast videographers who produce videos and other content for display on the internet and social media sites. Subgroups of exotics enthusiasts also enjoy demonstrating the engine power and high performance capabilities of exotic cars and similar cars designed for street racing. These enthusiasts or groups have in the past taken over streets and intersections in towns and cities to conduct illegal street races or to engage in reckless driving behavior in events called “Sideshows”. Groups and enthusiasts sometimes use messaging platforms like Twitter, Snapchat, You Tube, and/or Facebook to post videos of reckless driving and illegal car show activities. They also utilize social media to post the intended location of street racing sites with the intent to draw crowds to be spectators to dangerous acts, including speeding and burnouts through intersections. These groups have come to Carmel-by-the-Sea in the past and continue to conduct illegal “Sideshow” events all over the country.

Due to previous illegal “sideshows” in Carmel-by-the-Sea during Car Week, the City and Police Department coordinated plans to implement traffic calming measures on Ocean Avenue in the evenings to deter the take over of intersections on Ocean Avenue. Carmel-by-the-Sea has become known as a location where some of the most expensive and rare exotic cars are on display and drive the streets during car week. The high end exotics were parked on display throughout Car Week and were here in our City the entire week.

Like previous years, the high end exotic cars were parked in and around the downtown area prominently presented and displayed. Due to the multiple county wide events throughout the week it appeared more visitors ascended to our city to view the exotics parked everywhere after hours. By Friday and Saturday, there were large groups of people in town all day to view the cars, and the crowds increased into the evenings as other local events concluded. In response to past activity, the Police Department was able to control and dissipate the crowds using planned staffing of additional personnel, planned closures of Ocean Avenue, engineered controls of traffic to alleviate cruising activities, and by utilizing mutual aid from neighboring agencies, including the traffic units from STOPP (Strategic Traffic Observation and Prevention Program) made up of units from Carmel, Monterey, Marina, and Salinas Police Departments.

During Car Week, the Police Department took a “No Tolerance” approach to dangerous driving and to that end officers conducted 141 traffic stops for various violations including; Speeding, Exhibition of Speed, Reckless Driving, Registration Violations and Modified Exhaust. Of those traffic stops, 74 traffic citations were written for various violations. The Police Department also made two DUI arrests. The Police Department also issued approximately 447 parking citations for the week.

This year, the City experimented with speed bump traffic calming measures on Ocean Ave which proved successful at slowing down traffic entering and exiting the village.

SURVEY RESULTS

After Car Week, staff issued a survey to the community seeking feedback on the events held in Carmel and Car Week overall and the results were quite similar to last year (**Attachment 1**). There were 304 respondents and 143 of those were residents of 93921. Just over half of all respondents either loved Car

Week this year or were okay with it - 34.3% did not like it at all. There were no major surprises or differences in the feedback received by staff as part of last year's survey or other communications (email, public comments at meetings, etc.) received in previous years regarding Car Week.

Staff received helpful feedback with regards to the traffic calming measures on Ocean Avenue and further suggestions for other locations for traffic calming such as San Carlos Street and also on Carpenter Street to keep the village safe; as well as suggestions regarding the events next year including the "bring back COTA" refrain.

As with last year's survey, traffic and noise impacts were of concern, not only in the village, but peninsula wide, posing challenges for locals getting to appointments, school and work. Staff does participate in interjurisdictional meetings - both for public safety agency communications and planning, and for staff processing special event permits. While these concerns are discussed, at the staff level, it would likely take a larger sea change in mindset not only between all of the jurisdictions regarding number of and timing of events, but also that of the business and hospitality community who are a driving force championing the economic benefits of Car Week for the entire peninsula.

In addition, there was a private event held at the Sunset Center over the course of three days, one of which resulted in disruption to the residents in and around Sunset Center. In all of the years that Sunset has hosted events during Car Week this is the first time in a few years that there has been disruption to the residents. City staff has met with the Sunset Center staff to discuss improvements in communication with outside event organizers regarding events in the village during Car Week. City staff are looking forward to supporting Sunset Center, as they work with event organizers for Car Week to ensure that the event organizers clearly understand expectations of themselves and their responsibility for the conduct of event attendees. City staff anticipate that next year will run much smoother with little to no disruption to the adjacent residents.

PLANNING FOR 2024

At the conclusion of Car Week, the Police Department made an evaluation of efforts and will be looking to re-evaluate traffic calming and engineered controls, staffing and planning of events, seek direction on how Car Week may be adjusted next year and in years to come, and evaluate best practices and implement changes to our planning and event management based on the expectations of Council, residents, and the business communities.

Staff recommends the following for next year to mitigate the negative effects of Car Week:

- Continuing to refine traffic calming measures in the downtown business district to seriously deter the cruising behavior that draws the exotics or similarly-minded car enthusiasts who come to Carmel to view and film the cars in the evenings.
- Continuing to work with event organizers to ensure security and non-police staffing for their events so that the Police Department can reserve resources for the evenings or other times to ensure Village security and to ensure a timely emergency response.
- Continuing to work with regional and state law enforcement assets to monitor car events and social media for information on illegal car activities.
- Continuing to enforce the "No Tolerance" approach to dangerous or illegal street activity.

- Continuing to work with Peninsula L.E. partners in developing mutual aid responses for partner cities, including more planned resource sharing in the City.
- Continuing to improve signage and messaging through press, media, and social media to directly educate the public and potential visitors on Carmel-by-the-Sea event events and plans for road closures and police enforcement of traffic and parking rules.

Staff are also looking for Council direction on the following proposed additional mitigation tactics for next year:

- Increasing fines for certain violations of the Municipal Code during Car Week.
- Completely closing Ocean Ave during the evening hours to mitigate the street takeover/block party mentality and create a safe, friendly walking environment.
- Implementing the aforementioned modifications for the rental of parking stalls during Car Week

CONCLUSION

All of the permitted events held in Carmel-by-the-Sea went very smoothly this year and staff are looking forward to working with event organizers to start planning for Car Week 2024. In addition staff will help support Sunset Center as they work with their event organizer to minimize impacts from their events on the surrounding neighborhood.

The traffic calming measures deployed on Ocean Avenue worked well to deter many of the fuel run groups, “side show” events, and street takeovers. City staff will look for ways to continue to improve these types of measures, in addition to exploring the deployment of strategically placed temporary speed bumps and other traffic calming measures at other potential key spots within the City limits.

Through thoughtful planning and coordination within City departments and other outside jurisdictions, staff will continue to strive to improve the safety and success of future Car Week events, and the safety of the village overall, as Car Week continues to grow in size and attendance throughout the peninsula.

FISCAL IMPACT:

There is no fiscal impact with receiving this after action report.

PRIOR CITY COUNCIL ACTION:

Council receives an annual Car Week after action each October.

ATTACHMENTS:

Attachment 1) 2023 Car Week Survey Results

Timestamp	I am:	How did you feel about Car Week in Carmel-by-the-Sea overall this year?	Why do you feel that way?	Did you attend the Acura in the Park event in Devendorf Park on Tuesday, August 15?	How did you feel about the Acura in the Park event on Tuesday, August 15?	Did you attend the Concours for a Cause event in Devendorf Park on Wednesday, August 16?
2023/08/25 11:56:51 AM MDT		I did not like it at all.	Noise of racing cars on Hwy 1	No	Did not attend	No
2023/08/25 11:59:41 AM MDT	A resident of 93921	Loved it.	It is a unique and exciting event!	No	Loved it.	Yes
2023/08/25 12:18:51 PM MDT	A resident of 93921	Loved it.	Loved the buzz in town and most of the events. We always love the amazing vehicles (new and mostly the old ones). But there is down side too of course. I'm guessing there will be a question where I can fill in these blanks.	Yes	It was okay.	Yes
2023/08/25 12:23:56 PM MDT	93923	It was okay.	Each year it seems more events are happening around the County during Car Week yet their impact on traffic for regular working people is completely ignored. More events require more coordination.	No	What event in the Park?	Yes
2023/08/25 12:30:52 PM MDT	A resident of 93921	It was okay.	not as many cars on display the two days on ocean avenue	No	did not attend	Yes
2023/08/25 12:31:47 PM MDT	A resident of 93921	I did not like it at all.	Too many Car Show attendees acting like children, noise/burnouts etc.	No		No

2023/08/25 12:38:24 PM MDT	A resident of 93921	It was okay.	So busy.. hard for support services but people seem to enjoy it.	No	It was okay.	No
2023/08/25 12:44:47 PM MDT	A resident of 93921	It was okay.		No		No
2023/08/25 1:28:41 PM MDT	A resident of 93921	Loved it.	I love the vibrancy round the peninsula and seeing all the people in the stores spending money. The cars are cool too.	Yes	It was okay.	Yes
2023/08/25 1:43:13 PM MDT	A resident of 93921	It was okay.	It's loud, crowded, people can be rude. Not enough police presence for speeding, illegal parkers, etc. See people trampling the gardens on our streets. Boys yelling at cars.	No		No
2023/08/25 2:06:09 PM MDT	A resident of 93921	I did not like it at all.	24h noise. The engine noise during all hours of the night make it a very challenging time to be a resident here	No		No
2023/08/25 2:16:54 PM MDT	A resident of 93921	I did not like it at all.	Crowded; Rude speeding drivers EVERYWHERE; Noise late into the nights; DANGEROUS for Residents to be on the roads; and, ZERO obeying of STOP signs	No		Yes
2023/08/25 2:30:33 PM MDT	A resident of 93921	It was okay.	Less people parking in front of the house.	No		No
2023/08/25 2:34:13 PM MDT	A worker in 93921	I did not like it at all.	Limited parking for locals while the cars that were on show were able to park in no parking and limited parking spots with no tickets.	No		No
2023/08/25 2:35:44 PM MDT	A resident of 93921	It was okay.	Too many unruly people	Yes	Loved it.	Yes

2023/08/25 2:42:49 PM MDT	A resident of 93923	I did not like it at all.	Noise, overcrowding city with parking issues. Have shuttle parking at the middle school like the LPGA. Traffic jams	No		No
2023/08/25 2:47:28 PM MDT	93923, behind Carmel High, off Flanders	I did not like it at all.	Have to keep windows shut because of cars racing on the highway. Scared our puppy. Cannot go to appointments because of highway traffic.	No	Like our quiet community, which I share with visitors every day of the year. The car event feels like it has completely taken over this normally peaceful community.	No
2023/08/25 2:47:48 PM MDT	A resident of 93921	It was okay.	1. Visitors are rude. 2. Visitors are loud. But for the revenue the show generates, it's acceptable.	Yes	It was okay.	Yes
2023/08/25 2:49:25 PM MDT	A resident of 93921	I did not like it at all.	No regard for following traffic laws	No		No
2023/08/25 2:51:28 PM MDT	93923	I did not like it at all.	We sheltered in place to avoid the traffic, however, we live on Carmel Valley Rd and the high performance cars were racing up and down the street keeping us awake! We wondered where law enforcement was!	No		No
2023/08/25 2:58:39 PM MDT	93923	It was okay.	I would totally be against the amount of traffic on our current infrastructure if it weren't for the facts that it does bring a large amount of revenue and charity money to our area which is a positive. I do believe the car week/weeks has been too big for our city/ town to handle and maybe there needs to be more shuttles in and out of the area to reduce the congestion to those who continue to work during this event.	No	What event in the Park?	No
2023/08/25 3:10:11 PM MDT	A restaurateur in 93921	It was okay.	Loved the new events, still miss the ocean avenue event	Yes	It was okay.	No
2023/08/25 3:10:54 PM MDT	93924	I did not like it at all.	Too many 'special rights' drivers who did not obey traffic laws and imperiled the locals	No	N/a	No
2023/08/25 3:13:15 PM MDT	93923	It was okay.	Too much racing on local streets.	No		No
2023/08/25 3:13:55 PM MDT	93923	Loved it.	Lots of cars, but lots of \$\$\$ left behind.	No		No

2023/08/25 3:14:37 PM MDT	Resident of 93924	I did not like it at all.	The noise, the traffic, the rude people and oblivious drivers and their stupid luxury cars think they own the road. They most often don't behave well and are for the most part terrible tippers and rude customers	No	What event in the Park?	
2023/08/25 3:18:50 PM MDT	Resident of 93940	It was okay.	I enjoy seeing the enthusiastic car owners and admirers but the drivers that have no respect for local lives was unacceptable and dangerous	No	What event in the Park?	Yes
2023/08/25 3:20:39 PM MDT	A resident of 93921	I did not like it at all.	Should be smaller. Crowds r out of control	No	I did not like it at all.	No
2023/08/25 3:21:42 PM MDT	A resident of 93921	It was okay.	very noisy and very crowded	No	out of town	No
2023/08/25 3:22:00 PM MDT	A resident of 93921	Loved it.	So many interesting events to choose from, town becomes alive and vibrant with energy, fun to see interesting cars	Yes	It was okay.	No
2023/08/25 3:24:37 PM MDT	A parent who travels within the school district	It was okay.	Silly to have school open	No	What event in the Park?	No
2023/08/25 3:24:47 PM MDT	Local	It was okay.	Cops get too involved	Yes	I did not like it at all.	Yes
2023/08/25 3:26:05 PM MDT	A resident of 93921	It was okay.	It gave me a reason to not go downtown	No	I did not go too many people	No
2023/08/25 3:31:53 PM MDT	A retail shop owner in 93921	Loved it.	It's only less than a week but brings people together for 1st class events, energy in the air and a good time for all but a small minority who are the same tired voices year after year.	No	What event in the Park?	No

2023/08/25 3:42:39 PM MDT	Resident in 93924 and kids im school in Carmel	I did not like it at all.	Gridlock makes me question how an evacuation of the valley would be possible. Drivers racing up and down Carmel Valley Road at night and dangerous driving in other places as well while I have a teen driver on the road going to school.	No		No
2023/08/25 3:42:57 PM MDT	A resident of 93921	Loved it.	Such a fun week where the Monterey Peninsula is the center of the car world. Wonderful looking at cars and all the smiling visitors. Amazing that Lamborghini decides to unveil their new SUV right here when they could choose anywhere in the world. Then Monday night it is quite as a mouse in town!	Yes	It was okay.	Yes
2023/08/25 3:47:37 PM MDT	A Car Week attendee from outside of the 93921	It was okay.	Was much better when Carmel had the car showings on the downtown streets.	No		No
2023/08/25 4:03:31 PM MDT	A resident of 93924 Carmel Valley	It was okay.	Love the cars, but more & more reckless and inconsiderate drivers are coming every year.	No		No
2023/08/25 4:03:38 PM MDT	93924	Loved it.	Love to see the amazing cars, didn't get much traffic	No		No
2023/08/25 4:04:11 PM MDT	Resident of 93924	It was okay.	I do not attend. I base my opinion about car week based in traffic issues and any positive/negative experience in my community	No		No
2023/08/25 4:04:49 PM MDT	93923 resident	Loved it.	Great fun, and the event is once a year. Bad apples in the group need to be dealt with, but no other complaints	No	Didn't make it	Yes

2023/08/25 4:23:14 PM MDT	A resident of 93921	I did not like it at all.	way too much 24/7 car noise	No		No
2023/08/25 4:24:32 PM MDT	A resident of 93921	Loved it.		No		Yes
2023/08/25 4:27:07 PM MDT	93923	I did not like it at all.	Too many poorly mannered people in too small of an area. Car â€œweekâ€ used to be fun back in the 80â€™s/90â€™s when it was respectful and only one day. Itâ€™s far outgrown what the area can handle and turned into a shit show of entitled people with no respect for the people who actually live and work here. Itâ€™s become the worst 2 weeks of the year. Roads are dangerous and traffic is a nightmare.	No	I did not like it at all.	No
2023/08/25 4:27:44 PM MDT	A worker in 93921	It was okay.	Our sales were way up and that was fun. Parking was difficult for employees. I get it because I used to live in 93921, just park in the golden rectangle and walk in. But itâ€™s confusing to newbies.	No	I was working so I do t have feelings about it.	No
2023/08/25 4:33:09 PM MDT	Resident of 93924	It was okay.	Love the cars, hate the street racing	No		Yes
2023/08/25 4:33:54 PM MDT	resident of 93924	It was okay.	Racing up and down Carmel Valley Road by some visitors was troubling.	No	n/a	No
2023/08/25 4:36:33 PM MDT	93924	I did not like it at all.	Inconsiderate arrogant attendees with dangerous driving habits	No	Grid not go	No
2023/08/25 4:39:09 PM MDT	A resident of 93921	It was okay.	Volunteer from Thur - Sun at Pebble Concourse	No	Did not attend	No
2023/08/25 4:39:17 PM MDT	Resident in 93950	Loved it.	It is so fun to see the cars and support local businesses.	Yes	It was okay.	No

2023/08/25 4:51:46 PM MDT	A resident of 93921;A retail shop owner in 93921	It was okay.	Missing the big event we used to have. Concours on the Avenue. We need a big draw like that again otherwise everything good happens only in Pebble.	No	Hate. Just an Acura paid commercial	No
2023/08/25 4:59:42 PM MDT	A resident of 93921;A worker in 93921	I did not like it at all.	Far too many people. Not enough traffic enforcement. Everyone thinks theyâ€™re a race car yet law enforcement is not present enough.	No	What event in the Park?	No
2023/08/25 5:06:47 PM MDT	A resident of 93921	Loved it.	Loved all the activity	No		Yes
2023/08/25 5:07:30 PM MDT	93923	Loved it.	Excitement and a huge contribution to our businesses	No		Yes
2023/08/25 5:13:20 PM MDT	Resident of 93924	I did not like it at all.	Constantly had cars aggressively speeding down Carmel valley road; witnessed several passing on the wrong side of the road. Lots of noise at all hours of the night and took us 55 minutes to get from mid valley to hwy 1.	No		No
2023/08/25 5:17:40 PM MDT	We live in Carmel, 93923	It was okay.	We missed the Tuesday Ocean Avenue line-up	No	What event in the Park?	No
2023/08/25 5:25:38 PM MDT	93940 skyline Forest	It was okay.	What really like for the cars on Ocean Avenue to return and the rally.	Yes	It was okay.	No
2023/08/25 5:31:14 PM MDT	Born and raised PB n Crml resident and attendee	Loved it.	Miss concours on the Avenue but love car week in Carmel. It is exciting to see the cars and activity of car week. Love also that it brings so much extra business to our local businesses.	Yes	It was okay.	Yes
2023/08/25 5:32:36 PM MDT	A resident of 93921	It was okay.	Traffic was a challenge	Yes	It was okay.	No
2023/08/25 5:34:37 PM MDT	A resident of 93921	It was okay.	Car week always brings great energy, and many of the cars are true works of art, but itâ€™s nice to have it behind us.	Yes	It was okay.	Yes

2023/08/25 5:35:39 PM MDT	Resident 93934 zip code	I did not like it at all.	Too many events in 93921 and 93924 that literally result in travel time increased 5 times (a 20-minute trip down Carmel Valley Rd took 2 hours). People LIVE here.	No	Can't park for miles	No
2023/08/25 5:45:07 PM MDT	A resident of 93921	Loved it.		No		No
2023/08/25 5:46:01 PM MDT	A resident of 93921	It was okay.	I was busy all week so I didn't actually get to participate with anything.	No		No
2023/08/25 5:49:23 PM MDT	A resident of 93921; A Car Week attendee from outside of the 93921	Loved it.	It's a unique event and we should be honored to have it in our area	Yes	Loved it.	Yes
2023/08/25 5:55:20 PM MDT	A resident of 93921	Loved it.	Love the energy	Yes	It was okay.	No
2023/08/25 5:58:09 PM MDT	Resident of Carmel Valley, night shift nurse	I did not like it at all.	Created very unsafe driving conditions on Highway 68, Laureles Grade, Carmel Valley road, Hwy 1, Carmel by the Sea, PG & Monterey. Terrible behavior by attendees.	No		No
2023/08/25 5:58:48 PM MDT		Loved it.	I live in cachagua, and love seeing money flowing into the local economy. I'm usually out in town and see the upside and downsides of the event. I feel that this is a great opportunity for the community.	No	What event in the Park?	No
2023/08/25 6:00:11 PM MDT	A resident of 93921	I did not like it at all.	too many cars, very congested and the revving of engines in Carmel was over the top with noise pollution. The events at people's homes was not ok as they took up the whole roadway and would not move for cars. It is too many people at one time.	No	I did not like it at all.	No
2023/08/25 6:08:50 PM MDT	A worker in 93921	It was okay.	It was not as crazy as in the past. This year seemed more lookers not spenders. It appeared to be a really young crowd. The noise and parking is horrendous.	No	What event in the Park?	No

2023/08/25 6:27:30 PM MDT	A Car Week attendee from outside of the 93921	I did not like it at all.	the TRAFFIC/amount of cars and people	No		No
2023/08/25 6:31:27 PM MDT	A resident of 93921	Loved it.	It brings more people to town to help our local shop owners.	No		Yes
2023/08/25 6:39:55 PM MDT	A retail shop owner in 93921	Loved it.	It brought new people into town & as they walked around they got to see what we have to offer â€¦	Yes	Loved it.	Yes
2023/08/25 6:41:14 PM MDT	A resident of 93921	I did not like it at all.	Unsafe drivers, to noisy, to many people acting badly, trash on the beach.	No	What event in the Park?	No
2023/08/25 6:49:26 PM MDT	A resident of 93921;A restauranteur in 93921;A worker in 93921;property owner	I did not like it at all.	The barricades where awful ! they created un-necessary traffic.. It looked like shy of barbed wire barricade in a war zone.. also a real safety issue for emergencies.. I liked the speed bumps up ocean avenue and that is what should have been done for all of Ocean avenue so we would not have lost all the parking spaces.... visually Carmel "the artist colony" has never looked so ugly!	No	did not go	No
2023/08/25 6:59:34 PM MDT	Resident of 93923	I did not like it at all.	Car week is too long, with too many bad drivers. Car week has out grown the monterey Peninsula.	No	I did not like it at all.	No
2023/08/25 7:00:32 PM MDT	A Car Week attendee from outside of the 93921	It was okay.	Missed Concours on the Avenue.	No	What event in the Park?	No
2023/08/25 7:00:48 PM MDT	93924	I did not like it at all.	Too long, too many extra people, not doable on our local roads. The old weekend version was more manageable.	No	Didnâ€™t attend	No

2023/08/25 7:39:57 PM MDT	93923	It was okay.	Unlike the impact of the ATandT golf tourney this was intrusive, loud, a bit scary at times.	No	who cares about the latest Acuras	No
2023/08/25 7:58:41 PM MDT	A resident of 93921	It was okay.	I understand how important this is for local businesses but the visitors treated Carmel like Disneyland.	No	I did not like it at all.	Yes
2023/08/25 8:01:53 PM MDT	A worker in 93921	It was okay.	A lot of aggressive drivers, no parking for locals, excessive traffic and not enough police and highway patrol	Yes	It was okay.	No
2023/08/25 8:13:01 PM MDT	A resident of 93921	Loved it.	Great to see exotic cars put on display in our streets at no charge. We need more of that and not less	Yes	Loved it.	No
2023/08/25 8:18:06 PM MDT		I did not like it at all.	Too many out of control fast cars driving around our city streets .	No		No
2023/08/25 8:40:43 PM MDT	Live in 93924	It was okay.	Traffic bad, school needs to start after	No		No
2023/08/25 8:40:47 PM MDT	A resident of 93921	I did not like it at all.	Insane traffic. People driving crazy.	No	What event in the Park?	No
2023/08/25 8:41:14 PM MDT	A resident of 93921	I did not like it at all.		No	I did not like it at all.	No

2023/08/25 8:45:00 PM MDT	A resident of 93921	Loved it.	It brings so much joy and business to our community	No	What event in the Park?	No
2023/08/25 8:46:48 PM MDT	Owner in 93923	Loved it.	So much fun stuff to see in Carmel	No		No
2023/08/25 8:57:09 PM MDT	Yearly summer visitor to Carmel, since 1997.	I did not like it at all.	We loved the cars/gathering on Ocean in the past, but stay clear of downtown/restaurants, etc. during car week. So many entitled, rude drivers.	No		No
2023/08/25 9:01:43 PM MDT	A resident of 93921; Small biz owner	Loved it.	I consider it an honor and a privilege that we host these world class events! However somehow downtown Carmel was mayhem this year unlike the Carmel car show years: having ponys and the Ferraris was too much! Flocks of kids sitting on the ocean ave wall ranking cars- crossing where ever. Need more police to help traffic move along	No	Did not attend	No
2023/08/25 9:35:19 PM MDT	A worker in 93921	Loved it.	Brings gorgeous cars to the area.	No	What event in the Park?	No
2023/08/25 9:40:39 PM MDT	Resident 93924 working in pebble beach and Carmel.	I did not like it at all.	This year crazy drivers passed me on CV rd. and employees in company trucks stuck in traffic cost me money.	No	I did not like it at all.	No
2023/08/25 9:54:49 PM MDT	93923	I did not like it at all.	CV road was a s*** show. Racing constantly. I am amazed no one was killed. Had a Corvette pass me and 2 other cars over a double yellow line just missed a head-on by yards. If you want to keep doing it, we need more cops out here. Next year may not be so lucky.	No		No
2023/08/25 10:06:48 PM MDT	A resident of 93921	I did not like it at all.	Too much noise! Many sirens, many cars without mufflers - didn't this used to be illegal? Many rude, arrogant drivers. Bach festival attendees much more courteous.	No	Don't know didn't go	No
2023/08/25 10:29:58 PM MDT		It was okay.	It is a lot of traffic but I know the economic impact and I'm glad for the workers that are benefited for that	No	It was okay.	No

2023/08/25 10:31:42 PM MDT	A resident of 93921	I did not like it at all.	Too many unsafe drivers who risk my families safety on the road!	No	What event in the Park?	No
2023/08/25 10:46:51 PM MDT	A resident of 93921	I did not like it at all.	Crazy drivers with no respect for traffic laws, other cars, pedestrians	No	Didn't attend	No
2023/08/25 11:06:42 PM MDT	A resident of 93921	It was okay.	I prefer Ocean being closed off as a pedestrian street as well as side streets. We felt there were too many people standing on corner lots and cars revving their engines. We miss the classic Concours on the Avenue.	No		No
2023/08/25 11:35:51 PM MDT	Somebody who visits local businesses in 93921	I did not like it at all.	I always try to hide out as much as possible for car week. I strongly feel that each event needs to have a lot more coordinated traffic control, and the eventers need to pay for that. Not just let this stuff affect local residents and businesses with no responsibility for their traffic snarls. What if we have an earthquake or fires, and people need to evacuate?? This is awful. The events are wonderful, and as a car lover I appreciate the vehicles and the positive fiscal impact. But the eventers are getting away with not being responsible for more of the traffic woes. They should all be mandated to have staff on hand to direct and control traffic for each and every event.	No	I avoided it.	No

2023/08/26 12:45:59 AM MDT	A Car Week attendee from outside of the 93921;resident of carmel with zip code 93923	I did not like it at all.	Yes, good for the economy but has overgrown without any rules or regulations. The "event" hides under the guise of donations for local charities but the 990 Tax Form shows how little the charities actually benefit. The residents are punished with high traffic, noise, speeders, pushy people...maybe good for local businesses but at the expense of our community. Ask the Pebble Beach Foundation to be transparent with their financials. They must make TONS of money and should be very specific how it's being donated to the community. Their profit should go to controlling more of the mess.	No	I did not like it at all.	No
2023/08/26 12:55:07 AM MDT	A worker in 93921	It was okay.		No	What event in the Park?	No
2023/08/26 2:14:51 AM MDT	A resident of 93921	Loved it.	I enjoy exotic automobiles	No		No
2023/08/26 4:31:25 AM MDT	A resident of 93921	I did not like it at all.	1. Volunteers were not well informed. 2. Too many young men racing and being generally disrespectful. 3. Format better in past with Tuesday American cars, Thursday drive and park on Ocean while eating lunch in the park. 4. Event was way less classy than years past.	No	I did not like it at all.	No
2023/08/26 7:06:44 AM MDT	93923	I did not like it at all.	I was frightened on the roads much of the time, by some driver or another misbehaving. And I went to sleep hearing drag racing on my street that is otherwise completely silent.	Yes	I did not like it at all.	No
2023/08/26 7:25:25 AM MDT	A worker in 93921	I did not like it at all.	Traffic & reckless/speeding drivers	No	N/a	No

2023/08/26 7:47:47 AM MDT	A worker in 93921	I did not like it at all.	Impacted daily life for over a week. Taking an hour and a half to get home. My kids missed activities/sports because I could not get back and forth from the peninsula to Carmel Valley and back in time. Also, local schools still had back to school events that I sat in an hour of traffic to get to. Work events still went on which the traffic impacted. Life and work are still happening for the people who live here. Speeding vehicles, people walking in the road, was also scary.	No		No
2023/08/26 8:15:21 AM MDT		I did not like it at all.	Movements on the Peninsula are restricted by traffic and unsafe drivers. Unable to shop in Carmel or Monterey. I stayed home for ten (10) days.	No	I did not like it at all.	No
2023/08/26 9:04:57 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	I enjoy participating in local events with a purpose. The charitable money that is raised and stays here, along with the revenue generated by so many businesses is vital to our economy.	Yes	Loved it.	Yes
2023/08/26 9:13:54 AM MDT	93923	I did not like it at all.	I live on a road where they race from midnight until 8am every night	No	I did not like it at all.	Yes
2023/08/26 9:21:23 AM MDT	A worker in 93921	Loved it.	It brings a buzz of excitement and an influx of commercialism to our tourist dependent town.	No	Didnt go	No
2023/08/26 9:30:07 AM MDT	93950	Loved it.	Fun to see all the cars..we went to the Prancing Ponies and it was awesome!	No		No

2023/08/26 9:45:36 AM MDT	A resident of 93921	I did not like it at all.	Loud car noise into the night. Dangerous driving in residential and pedestrian areas.	No		No
2023/08/26 9:48:31 AM MDT	A native Carmelite living in the Sphere of Influence.	I did not like it at all.	The impact on Carmel and the area is not worth whatever benefit it achieves. The noise of revving car engines in town on Ocean Avenue and throughout the week coming from Pescadero Canyon is annoying. Traffic congestion impacts residents and people who work in our area, as well as the schools. It was a beautiful event when Alton Walker started it in Pebble beach with his fleet of classic cars, a 4-day event. The damage to the landscaping in the Ocean Avenue medians and the Arch are indicative of the mindset of those who come to town to look at the cars.	No	Having cars parked on the grass compacts the soil and damages the turf.	No
2023/08/26 9:53:12 AM MDT	93924	I did not like it at all.	Too much traffic. Too many speeders. Not enough police actually giving out tickets	No	What event in the Park?	No
2023/08/26 9:59:37 AM MDT	A worker in 93921; A Car Week attendee from outside of the 93921	It was okay.	I used to love seeing the cars, the dogs, and guessing which pharmaceuticals and # wife each balding geezer is on. But all these private jets flying in, the entitled idiots on the roads, the resulting commuter hell, the strain on resources, etc. is starting to make the fun wear off. It takes too much effort for the average person to put up with the costs of rich people's fun.	No		
2023/08/26 10:01:48 AM MDT	A resident of 93921	Loved it.	Iâ€™m a car guy and look forward to these events all year. Plus itâ€™s great for our local economy.	No	What event in the Park?	No
2023/08/26 10:18:43 AM MDT	Live in 93924 work in 93950	Loved it.	It is so much fun. Love all the car and money it brings to our area.	No	It was okay.	Yes
2023/08/26 10:35:13 AM MDT	A resident of 93921	I did not like it at all.	The tourists think they own the road along with entitled old people	No	I did not like it at all.	No
2023/08/26 10:52:03 AM MDT	A resident of 93921	I did not like it at all.	The traffic is bad, locals and out of towners think they can start speeding through and drive recklessly.	Yes	I did not like it at all.	No

2023/08/26 11:00:27 AM MDT	A resident of 93921	I did not like it at all.	Accidents, traffic, people everywhere creating potentially dangerous situations (both drivers and those observing/photographing cars), noisy engines at night and early morning, cars racing through residential streets (even with kids and dog walkers on the side of the road). I witnessed a total of 20 incidents of cars running stop signs and red lights throughout 93921 and 93923. I felt unsafe many times while driving and while walking in my neighborhood.	No	What event in the Park?	No
2023/08/26 11:14:05 AM MDT		It was okay.	Resident of 93924. Do not appreciate the informal car rallies the drive from Greenfield through the Valley. Unsafe on the country road driving toooooo fast.	No	What event in the Park?	No
2023/08/26 11:33:15 AM MDT	A resident of 93921	I did not like it at all.	Extremely noisy with constant revving from cars and motorcycles, heavy and speeding traffic through residential neighborhoods making it impossible to walk, no parking downtown (even the lot for post office), traffic noise until 2-3 am. Too much traffic for tiny town and streets!!!!	No	Did not attend	No
2023/08/26 11:46:18 AM MDT	93923	It was okay.	Good: brings business, interesting cars. Bad: visitors behavior and traffic	No	What event in the Park?	No
2023/08/26 1:18:24 PM MDT	A resident of 93921	I did not like it at all.	Too much chaos	No	What event in the Park?	No
2023/08/26 1:34:23 PM MDT	93950	It was okay.	Too much pollution, too many fast/reckless drivers, too many vehicles for small town roads.	No		No
2023/08/26 4:33:46 PM MDT	A worker in 93921	I did not like it at all.	Disrespectful drivers, loud cars, crowds, parking worse than ever	No		No
2023/08/26 5:08:32 PM MDT	A resident of 93921;A retail shop owner in 93921	I did not like it at all.	Noise. Crime. Traffic. Bad vibes. Rich assholes	No	What event in the Park?	No

2023/08/26 7:02:50 PM MDT	A resident of 93921	I did not like it at all.	NOTHING at all is done about the absolute disrespect for local residents and LIVES at stake for these complete entitled idiots that come here and drive reckless!!!! Way too many cars here for this place.	No	What event in the Park?	No
2023/08/26 8:01:06 PM MDT	A resident of 93921	It was okay.	It was cool to see all the cars but parking gir workers was a nightmare.	Yes	Loved it.	Yes
2023/08/26 8:06:00 PM MDT	A resident of 93921	I did not like it at all.	Try getting to work or to appointments. I witnessed fancy cars not pulling over for emergency vehicles be cause they were in a convoy,,, dangerous drivers thinking highway 68 is Laguna seca. Car haulers unloading fancy cars in the MIDDLE OF HIGHWAY 68 in a left turn lane AT HIGHWAY 68 and San Benancio road and standing there in the middle of 68 admiring the car in the middle of 68. No brains. !!!	No	What event in the Park?	No
2023/08/26 8:12:35 PM MDT	Caterer	Loved it.	Traffic wasn't too bad	No	What event in the Park?	No
2023/08/26 8:19:17 PM MDT	Resident of seaside, business owner in Monterey	I did not like it at all.	The hundreds of out of town ding dongs driving erratically, speeding, etc is dangerous	No	What event in the Park?	No
2023/08/26 8:46:13 PM MDT	A worker in 93921	It was okay.	Carmel is too small for so many people	No	I work on Dolores. It Creates a lot of congestion at the ocean/junipero intersection	No
2023/08/26 9:27:28 PM MDT	93924	I did not like it at all.	Because I'm a prisoner in my own home when shit like this comes to town because I can't afford to go some place else when it's in town!	No	I skipped it as I don't like large crowds ...	No

	Resident 93923, and heavily negatively impacted by traffic on Hwy1. CV Rd and throughout our community. The noise of racing cars up & down Hwy 1 & CV Road till midnight every night was very disturbing and impacted the enjoyment of the peaceful neighborhoods that is the reason we cherish this environment and want to protect it from the entitled/privileged wealthy attendees & organizers.		Too many people, too many cars, dangerous drivers on local roads, unthinking, insensitive attendees. Unbelievably noisy cars racing each other on all local roads.	No	Avoided town, crowds, no parking	Yes
2023/08/26 10:44:24 PM MDT		I did not like it at all.				
2023/08/26 11:08:40 PM MDT	A resident of 93921	It was okay.	Kind of a mess. Not organized like before	No		No
2023/08/26 11:35:43 PM MDT	A resident of 93921	I did not like it at all.	Our kids have to miss school because the traffic is horrible. This is the first week of school	No	What event in the Park?	No
2023/08/27 12:53:41 AM MDT		I did not like it at all.	I couldn't get to work. Drivers are rude and downright dangerous. I had to cancel appointments because I couldn't get there. Please break this event into smaller mini events or at the very least, do it before school starts. People are just trying to live and work here. I get the revenue part, but if locals are losing business as well, maybe some tweaks are needed.	No	Stayed home	No
2023/08/27 1:03:21 AM MDT		It was okay.	Miss that the cars coming from Big Sur don't stop in town then go down Ocean to San Antonio & to the gate. Also miss the event that won't be carried on since the organizer died. Also, fewer Ferraris this year on the first fairway on Saturday.	No	Why have it with no dealer locally?	No

2023/08/27 2:33:41 AM MDT	A Car Week attendee from outside of the 93921	It was okay.	Car Week Concours on the Avenue and Thursday lunch visit by The Tour from Pebble used to be the highlights of my week. I used to spend huge amounts of time and money in Carmel on those days. Now I stop by for an hour on a Thursday and we eat elsewhere. In short, Carmel used to be more welcoming.	No	What event in the Park?	No
2023/08/27 7:30:17 AM MDT	92923	It was okay.	Traffic	No	Didn't attend	No
2023/08/27 8:08:20 AM MDT	A resident of 93921;A worker in 93921	I did not like it at all.	To much traffic, to many wild and unsafe drivers. It's way to loud with all the noise constantly at ALL HOURS. Car week is known as hell on wheels week to the locals. Monterey and surrounding areas is to small to accomodate such a huge event. A lot of workers had trouble finding parking, people were late all week to appointments due to traffic and irresponsible drivers. Car week sucks, none of the locals want it here.	No	I did not like it at all.	No
2023/08/27 9:24:07 AM MDT	93923	I did not like it at all.	The traffic, I lose money bc people don't want to bother with the traffic, the people drive like idiots. They put speed bumps down Ocean Avenue which was a good idea, however they ended speeding down Rio road (where I live) t all hours of the night.	No	I don't care	No
2023/08/27 11:09:13 AM MDT	93950	I did not like it at all.	We are in a climate crisis. The peninsula and surrounding areas have suffered devastating fires with some regularity. Meanwhile 140 private jets are flying in and out, the single worst thing one can do. Meanwhile participants and visitors race their cars on our streets, break traffic laws, driving the wrong way on 1 ways, nearly hit me and a small child since we aren't used to looking both ways on our little street. I'm over it. The survey should include all the impacted communities. Shows are in PG too. Traffic impacted everywhere.	No	Never go to Carmel during events	No
2023/08/27 4:49:26 PM MDT	A resident of 93921	It was okay.	Important to our community but too many jerks (I have a better word, but I will not use it) come to town.	Yes	Loved it.	No

2023/08/27 6:41:12 PM MDT	A resident of 93921	I did not like it at all.	It was dangerous. It was incredibly noisy. The air pollution is toxic, the people involved were entitled narcissists.	No		No
2023/08/27 7:27:49 PM MDT	A resident of 93921	It was okay.		No	N/a	No
2023/08/28 8:56:44 AM MDT	93923	I did not like it at all.	As a resident it's impossible to maintain my normal life getting to work, going to appointments, picking up my kids from school. The loud engines at all hours of the day and night and the reckless behavior of the drivers who take over the town and don't care.	No	What event in the Park?	No
2023/08/28 9:12:04 AM MDT	A resident of 93921	Loved it.		Yes	Loved it.	No
2023/08/28 4:57:51 PM MDT	Resident 93924	I did not like it at all.	Aside from the "normal" terrible traffic car week brings, there was an increase in unsafe road conditions caused by visitors treating our roadways like a racetrack. They showed complete disregard for other's safety and the rules of the road. This event has outgrown the Monterey Peninsula.	No		No
2023/08/28 7:32:14 PM MDT	93923	It was okay.	If the authorities could only control the noise and the crazy driving, I would love this week.	No		No
2023/08/29 7:50:41 AM MDT	A resident of 93921	It was okay.	It was decent enough, but really miss the incredible Cars on Ocean Ave from previous years. I'd help organize if you bring that back b	No		No
2023/08/29 9:09:24 AM MDT	resident of 93924	I did not like it at all.	Disrupts traffic and everyday life in the area	No	What event in the Park?	No
2023/08/29 4:03:45 PM MDT	A resident of 93921	It was okay.	I'm not a car fanatic. Traffic was better than average, and the number of bad drivers less than average. I support car week because it is an essential economic boost for the local business that supply 67% of our tax revenue to run the city. They call it Xmas in August, as its their 2nd best week of the year..	No	It was okay.	No

2023/08/29 5:35:20 PM MDT	A worker in 93921	I did not like it at all.		No		No
2023/08/29 11:02:02 PM MDT	A Car Week attendee from outside of the 93921	It was okay.	Spread out over too many days and too many places	Yes	It was okay.	No
2023/08/30 3:41:42 AM MDT	A resident of 93921	Loved it.		No	Loved it.	No
2023/08/30 9:57:06 AM MDT	A worker in 93921; Resident of 93923	I did not like it at all.	The dangerous drivers are out of control. Someone is going to get killed	No	Too congested. Too many close calls and near accidents.	No
2023/08/30 10:43:33 AM MDT	A resident of 93921; A retail shop owner in 93921	It was okay.	It brings an arrogant crowd to town. Many are young men who race around town in the sports cars. I would like to see much more street diversions to prevent speeding between blocks. It is noisy and dangerous. Also there is also a lot of late night partying that causes the racing and noise late at night. Maybe check points at the exits of Carmel could prevent this.	No	NA	No
2023/08/30 5:11:59 PM MDT	A resident of 93921	Loved it.	I love the energy the events bring to the area. And I love looking at interesting and beautiful cars, particularly at Laguna Seca!	Yes	Loved it.	No

2023/08/30 7:19:16 PM MDT	A worker in 93921	I did not like it at all.	The traffic was terrible and the behavior of the visitors was atrocious.	No		No
2023/08/31 4:24:18 PM MDT	A resident of 93921	It was okay.	Loud engines and crazy behavior just aren't my thing.	Yes	Well organized event. Unfortunately, the chitty chitty bang bang car set up across the street and had people in the street obstructing traffic	No
2023/09/01 11:48:31 AM MDT	A worker in 93921	I did not like it at all.	Too many exotics, too many young photographers trying to egg everyone on with already super high testosterone levels just led a lot of people to being jerks.	No	Didn't go	No
2023/09/01 12:36:17 PM MDT	A worker in 93921	I did not like it at all.	Evening, non-curated, volume and attitude of guests was untenable.	Yes	Loved it.	Yes
2023/09/01 5:23:30 PM MDT	A resident of 93921	Loved it.	like the event, like cars	No		No
2023/09/01 5:28:35 PM MDT	A resident of 93921	Loved it.	Revenue to our city	No		No
2023/09/01 5:31:50 PM MDT	A Car Week attendee from outside of the 93921	It was okay.	lacked larger events	Yes	It was okay.	Yes
2023/09/01 5:32:14 PM MDT	A resident of 93921	Loved it.	A cachet event showcasing a panorama of stunning vehicles amongst the world famous charm of Carmel-by-the-Sea.	Yes	Loved it.	Yes
2023/09/01 5:34:11 PM MDT	A resident of 93921	I did not like it at all.	too loud for this quiet town, car exhaust	No	I did not care	No
2023/09/01 5:35:39 PM MDT	resident of 93923	It was okay.	It was difficult to not compare it to the previous Ocean Avenue Car Week event which was much more interesting and enjoyable	No	had no interest in attending	No
2023/09/01 5:39:04 PM MDT	A resident of 93921	It was okay.	Everything is a mess for residents to the point you largely choose to stay at home; the noise is really awful at times; some drivers are incredibly rude; but I guess that tax \$\$\$ help pay for services.	No	No interest	No

2023/09/01 5:40:14 PM MDT	A resident of 93921	I did not like it at all.	It is dangerous and disruptive to locals and tourists. It encourages reckless driving, and this has been shown through the hundreds of citations and arrests made during car week. It causes severe traffic around the entire peninsula, impacting residents' daily lives. As someone who works in the hospitality industry, it brings the most rude and self-entitled individuals to the area. I hope car week ceases to exist in the very near future.	No	N/A	No
2023/09/01 5:45:28 PM MDT	a resident of 93923	I did not like it at all.	Too many speeding, revving cars and motorcycles.	No	What event in the Park?	No
2023/09/01 5:48:17 PM MDT	A resident of 93921	It was okay.		No		No
2023/09/01 6:30:24 PM MDT	A resident of 93921	Loved it.	Great event for our city	No	Wasn't able to attend	Yes
2023/09/01 6:47:13 PM MDT	A resident of 93921	Loved it.	This is a global event, it brings energy and vitality and exposure to our community and the area. Car week is an exciting time for everyone, and while there is increased traffic and some noise, it's worth the fun it brings to the area. I hope the Carmel City Council wholeheartedly supports car week, and does allow a few malcontents to paint it as something to be largely curtailed or shut down.	Yes	Loved it.	Yes
2023/09/01 7:09:42 PM MDT	A Car Week attendee from outside of the 93921;Pebble Beach resident	Loved it.	Enjoy the beautiful Vehicles, and multiple events. Glad for additional revenue to our area.	No	Thought Devendorf Park was under utilized with that event	Yes
2023/09/01 7:10:43 PM MDT	A resident of 93921; A VIPS volunteer	I did not like it at all.	The world is in flames due to human activities, ozone depletion, reckless disregard for the environment. It is irresponsible to continue this obsession with cars, materialism, wealth.	Yes	Unnecessary to go to a dealership to see cars.	Yes
2023/09/01 7:11:21 PM MDT	A resident of 93921	It was okay.	We left town on Wednesday and came back Monday.	No	It was okay.	No
2023/09/01 7:15:44 PM MDT	A resident of 93921	Loved it.	Great to see cars on the Avenue on Thursday	No		No

2023/09/01 7:48:45 PM MDT	A resident of 93921	It was okay.	They stage downtown Carmel by the sea like a war zone.. why not just put 3MPH speed bumps out instead of making downtown a corn maze?	No	There should be vintage cars on display.	No
2023/09/01 8:38:00 PM MDT	An innkeeper in 93921	Loved it.	With the smaller events it seemed less congested.	Yes	It was okay.	No
2023/09/01 8:45:54 PM MDT	A resident of 93921	I did not like it at all.	Noise pollution	No		No
2023/09/01 9:08:12 PM MDT	A Car Week attendee from outside of the 93921	It was okay.	Organized small events- perfect for the city. The traffic detours were excessive and didn't give time for shop owners and workers to leave town before they were installed. People come for the parade of beautiful vehicles!	Yes	It was okay.	Yes
2023/09/01 9:42:11 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	very organized and easy to get around	No		No
2023/09/02 12:48:18 AM MDT	A resident of 93921	I did not like it at all.	Too many events, too many people, too much noise, all created unsafe conditions!	No	Thought that was fine as it was in a more confined space with a variety of activities.	No
2023/09/02 12:51:06 PM MDT	A resident of 93921	It was okay.	I stayed home	No	I did not like it at all.	No
2023/09/02 1:00:11 PM MDT	A resident of 93921	It was okay.	The sidewalks and streets were too crowded. The whole event was much better when ocean and the side streets were blocked off as pedestrian only streets and there was more room to stroll around and look at the cars. The announcer was too loud and made the event more about women than the car show. I wouldn't return to this event unless it is improved.	No		No
2023/09/02 1:14:08 PM MDT	A resident of 93921	Loved it.	It is a joy to see so many old classic cars.	Yes	I like Acura vehicles but this is just a sales event.	Yes
2023/09/02 1:59:38 PM MDT	A resident of 93921	It was okay.	Still too much out of control driving within the Carmel city limits. Unless the drag racing on Ocean Friday evening was an authorized event?!	No	n/a	No

2023/09/02 8:17:29 PM MDT	A resident of 93921	I did not like it at all.	It is too disruptive on the residents. It is too big, crowds and cars are too much for our area.	No	I did not like it at all.	No
2023/09/03 9:43:52 AM MDT	A resident of 93921	It was okay.	We miss Concours on the Ave.	Yes	Loved it.	No
2023/09/04 1:36:08 AM MDT	A resident of 93921	It was okay.	Traffic control measures like the speed bumps on Ocean helped a lot. Just too much traffic noise and racing engine noise.	No	Just avoided downtown	No
2023/09/04 7:25:51 PM MDT	A resident of 93921	Loved it.		No	What event in the Park?	No
2023/09/04 7:44:24 PM MDT	A resident of 93921	Loved it.	I enjoy the excitement of having visitors and participants in the village. It feels festive and fun!!!	Yes	Loved it.	Yes
2023/09/04 7:45:56 PM MDT	A resident of 93921	I did not like it at all.	Too much traffic, too much noise, unsafe driving and speeding, not enough traffic enforcement	No	I did not like it at all.	No
2023/09/04 8:25:34 PM MDT	A resident of 93921	I did not like it at all.	Car week brings a rowdy group who don't mesh well with our town's artistic and bohemian nature.	No		No
2023/09/04 8:45:57 PM MDT	A resident of 93921	It was okay.	This year was a move to get back on track. But a long way to be the success of those 10 years ago.	Yes	Liked it for it was the only thing that was from the past.	No
2023/09/04 8:48:40 PM MDT	A resident of 93921	I did not like it at all.		No	I did not like it at all.	No

2023/09/04 9:06:52 PM MDT		Loved it.	The variety of cars brings lots of tourists to help with city revenue	No	What event in the Park?	No
2023/09/04 10:10:53 PM MDT	A restaurateur in 93921	It was okay.	I feel that Carmel is losing a role in Car Week, Pebble Beach and other cities are becoming more of a focus. However, the traffic diversions in the evenings were an issue but I guess are needed due to bad driving behaviour.	Yes	I did not like it at all.	Yes
2023/09/04 10:20:49 PM MDT	A resident of 93921	I did not like it at all.	Too large, environmentally bad, too taxing on our infrastructure, noisy, prevents locals from getting to work and some even need to shut down their businesses.	No	I did not like it at all.	No
2023/09/04 10:29:52 PM MDT	A resident of 93921	Loved it.	Its fun and brings a lot of business into Carmel	No	What event in the Park?	No
2023/09/04 11:01:37 PM MDT	A resident of 93921	It was okay.	Interesting cars but sadly thereâ€™s a lot of noises cars and show-off drivers	Yes	It was okay.	Yes
2023/09/05 12:24:54 AM MDT	A resident of 93921	I did not like it at all.	Too many people, cars, noise. Poor class of events.	No	Not a great event, not noteworthy to attend.	No
2023/09/05 12:34:56 AM MDT	A resident of 93921	Loved it.	Iconic Event	No	No familiar	No
2023/09/05 9:20:45 AM MDT	A resident of 93921	I did not like it at all.	The event seems to attract a number of very reckless drivers who present serious danger to the residents. It also seems to attract large numbers of people who leave trash everywhere in the city, seems to be unable to deal with it.	No	What event in the Park?	No
2023/09/05 9:37:35 AM MDT	A resident of 93921	Loved it.	Itâ€™s fun!	Yes	Loved it.	Yes
2023/09/05 9:55:39 AM MDT	A resident of 93921	It was okay.	Very much miss the Ocean Ave event that was discontinued 2 years ago - bring it back!	Yes	It was okay.	No
2023/09/05 10:44:17 AM MDT	A resident of 93921	Loved it.	Police department did a wonderful job.	No		

2023/09/05 12:30:05 PM MDT	A resident of 93921	It was okay.	Car Week encourages visitors, a necessity for out town to remain vibrant.	No	It was okay.	No
2023/09/05 12:30:45 PM MDT	A resident of 93921	It was okay.	I live in the northeast part of Carmel so not affected by the events. No parking in front of my house this year....which I do not mind. Traffic was hectic all over the Peninsula. Not a big deal to me for two weeks.I can engage or not in the events. Drivers were jerks but that is not unique to car week.	No	did not interfere with my life in any way.....so cool	No
2023/09/05 12:52:21 PM MDT	A resident of 93921	Loved it.	Adds excitement,interesting autos and people.Extra traffic etc.a small price to pay.	Yes	It was okay.	
2023/09/05 2:17:41 PM MDT	A resident of 93921	It was okay.	I am used to having the Tour de Elegance stop for Lunch on ocean Avenue for a number of years and my wife and I have volunteered to watch the cars! I feel the decision by Pebble Beach not to resume a long standing tradition takes away from the event and from Carmel itself! There needs to be an effort to talk with Pebble Beach people that have made this decision recently to rethink it and bring it back to Carmel! The loss of the Concourse on the Avenues and the Tour de Elegance has made Carmel seem boring for car week. They both brought big crowds to Carmel and the town in turn added to the event! Hopefully yours--Don and Jana Schilling	Yes	It was okay.	Yes
2023/09/05 2:48:13 PM MDT	A resident of 93921	Loved it.	It is a unique and wonderful opportunity to introduce world-class visitors our beautiful village and to enjoy a preeminent event in our own backyard.	Yes	It was okay.	Yes

2023/09/05 4:25:27 PM MDT	A resident of 93923 off Carpenter and Hwy 1	I did not like it at all.	The constant noise, exhibitions of speed, traffic were the worst ever. We couldn't get anywhere we needed to be.	No	Didn't attend it.	No
2023/09/05 6:20:28 PM MDT	A resident of 93921	It was okay.	I'm not a big car fan, it was loud, crossing the streets in town was hair-raising. But, it was kind of fun to see the fancy cars. Just didn't appreciate how most people drove - not paying attention, rolling through stop signs (I even saw a car - not a fancy one - go the wrong way down 5th ave by the Post Office)	No		No
2023/09/05 6:21:47 PM MDT	A resident of 93921	I did not like it at all.	Too many people, too hard on infrastructure and the environment, hard for locals to get to and from work, noisy, etc	No	I did not like it at all.	No
2023/09/06 5:16:16 AM MDT	A resident of 93921	It was okay.	Loved the prancing ponies day. Missed cars on the avenue greatly	Yes	It was okay.	No
2023/09/06 1:34:28 PM MDT	A resident of 93921	I did not like it at all.	Noise and traffic and lack of parking	No		No
2023/09/06 6:04:15 PM MDT	Second homeowner/resident	I did not like it at all.	noise at night. Cars zooming around and keeping us awake and forcing us to go indoors.	No	no comment	No
2023/09/06 8:17:56 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Community spirit and togetherness. Revenue for our businesses. Totally fun and interesting	No		No

2023/09/06 11:26:41 PM MDT	someone who normally goes to Carmel from outside the 93921 who avoided the area that week	I did not like it at all.	Not only does it make the southbound commute and parking even more fraught than usual, the excess felt tone-deaf at a time when poverty and tragedy were at a high (the Maui wildfires, Pajaro still recovering from floods, etc)	No	What event in the Park?	No
2023/09/07 3:45:59 PM MDT	A resident of 93921	Loved it.	It's a beautiful event that comes to our doorstep	No		Yes
2023/09/08 11:18:13 AM MDT	A resident of 93921	I did not like it at all.	Speeding, noise and safety	No	I did not like it at all.	No
2023/09/10 1:21:01 PM MDT	A Car Week attendee from outside of the 93921	It was okay.	It's ok that COTA is no longer, and we should not try to replace it with new events because it becomes too expensive for City staff to be paid OT when the return is minimal. What is the ROI for selling cars at Devendorf Park? Carmel beauty speaks for itself and is a welcome respite from the overwhelming traffic and car-centric events in the area. No need to compete or pile on.	No	I did not like it at all.	No

2023/09/12 7:34:30 PM MDT	A resident of 93921	It was okay.	Did not like Prancing Ponies or Concours for a Cause. The events were very mediocre and the car displays were not impressive. These did not represent the class of events we expect in our Village. The Acura event was nice. The Ferrari and motorcycle event was very impressive and well done. I'd like to see it again next year.	Yes	It was okay.	Yes
2023/09/14 5:45:34 PM MDT	A resident of 93921;A worker in 93921	Loved it.	Its great to see all the cars and during the days of outside events the town settles down.	No	What event in the Park?	No
2023/09/15 1:53:08 AM MDT	Resident of 93950	I did not like it at all.	Congestion, noise, carbon footprint	No	What event in the Park?	No

2023/09/15 7:02:41 AM MDT	A resident of 93921	I did not like it at all.	I am highly impacted by both the foot traffic and the cars, from morning til night. HATE IT	No	No
2023/09/15 7:35:24 AM MDT	A resident of 93921	It was okay.	Lackluster but still crowded	No	Yes
2023/09/15 8:44:27 AM MDT	A resident of 93921	It was okay.	Attracts a fair amount of reckless people into town. Stunting drivers, potential for serious injury.	Yes	Loved it. Yes

2023/09/15 10:47:50 AM MDT	Our family has owned a second home in the Forest for 40 years.	It was okay.	We miss the classic car show that used to fill Ocean on Tuesdays. We very much dislike the crowds on Thurs - Sat night on Ocean with the new cars going up and down the street. We're happier that it is more under control than the last few years. But sadly, because of the crowds, we're now going to stay away from the restaurants those nights.	Yes	It was okay.	No
2023/09/15 11:12:43 AM MDT	A worker in 93921	It was okay.	The Junipero/Ocean traffic cones made traffic even more inconvenient by forcing people to u-turn on 7th and 6th streets. A traffic circle or speed bumps could have deterred racers. Also all the people standing and walking in the street felt very unsafe. Fences in the center median on Ocean and more presence by authorities could help.	Yes	It was okay.	No
2023/09/15 11:55:54 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	loved looking at cars and people	No	What event in the Park?	No

2023/09/15 12:45:02 PM MDT	A resident of 93921	I did not like it at all.	The noise of cars that are not street legal. Carmel has a municipal ordinance that limits decibel levels of cars to 50 to 60 decibels, but it isn't being enforced. A typical McLaren runs at 99 decibels and this is when they aren't revving their engines. Carmel desperately needs to install the cameras that are equipped with microphones that send tickets to cars violating our noise ordinance. We cannot control all of the bad elements of car week, but this one we can. Locals will be a lot happier if they don't have to hear the loud and illegal noise of cars like this not only during car week, but all year long.	Yes	Loved it.	Yes
2023/09/15 12:49:31 PM MDT	Resident in Carmel @ 93923	Loved it.	A fun time, brings in tourists, internationally known event	Yes	Loved it.	Yes
2023/09/15 1:37:20 PM MDT	A resident of 93921	It was okay.	Car week was much better in the past when we had COTA and the drive through and lunch for the cars from the Concours.	Yes	Not much to see with only a few cars.	No
2023/09/15 1:37:50 PM MDT	A resident of 93921	Loved it.	We love cars. My husband raced in the Historics/Reunion for 30 years. Enjoy the level of excitement it brings to Carmel	Yes	There is not that much to it. But, It adds to overall ambiance	No
2023/09/15 1:47:59 PM MDT	A worker in 93921	I did not like it at all.	too many people	No	I did not like it at all.	No
2023/09/15 1:59:19 PM MDT	A resident of 93921	Loved it.	The event brings in top dollar to all local businesses and tax revenue for the entire community. It is something very unique to us.	Yes	Loved it.	No
2023/09/15 2:20:20 PM MDT	A homeowner in 93921	It was okay.	The loss of the in-town stop of the Concours vintage cars on Ocean has left a sports car overemphasis in Carmel/BTS's Car Week events. This has invited a concentration of loud street revving racing enthusiasts who tend to violate our traffic and public nuisance laws frequently. We need more balance in what is featured in the City during Car Week to maintain the town's character and identity.	Yes	It was okay.	Yes

2023/09/15 2:51:06 PM MDT	A resident of 93921	I did not like it at all.	The cost to put these events on may bring money to charities but it does nothing for residents. The wear and tear on infrastructure, traffic congestion, pollution, noise and too many tourists for what our area can really support doesn't make it worth it in my mind. How about a cost/benefit analysis?	No	What event in the Park?	No
2023/09/15 4:10:47 PM MDT	93923	I did not like it at all.	It seems to be an invitation for people to come here and behave badly. Almost every night or early a.m. there was drag racing, donut spinning and extremely dangerous driving including an accident below my home in Carmel Highlands. I was awakened at 1 a.m by someone driving 100 mph on the wrong side of Hwy 1 and crashing the Lamborghini. this behavior is not new this year--it just seems to get worse every year. I don't think residents should have to put up with roads being turned into noisy racetracks and crazy, dangerous and oh so entitled drivers. It's bad enough that we have to deal with horrendous traffic in order to get to jobs and appointments. This event is too big, and too widespread. No other event on this peninsula causes so much disruption.	No		No
2023/09/15 4:18:44 PM MDT	A Car Week attendee from outside of the 93921	I did not like it at all.	Too small a venue to support the crowds and logistics, foot traffic, auto traffic, careless behavior, parking and set ups for the different events/programs etc.	Yes	I did not like it at all.	No

2023/09/15 4:41:34 PM MDT	A resident of 93921	I did not like it at all.	COTA on Tuesdays was amazing. I am so sorry the gentleman who spearheaded it died. Is there no one who can step up? COTA, plus the Tour d' Elegance stop on Thursday was a main reason I bought a house in Carmel. Now, sadly they are gone. I suppose there are reasons the drivers choose not to drive through Carmel and stop on Ocean. I very much hope the demise of the Tour through Carmel does not have to do with permitting. I was sad and angry to read in The Pine Cone about the City giving the Tour organizers grief about permits when, instead, the City of Carmel should be GRATEFUL that such a wonderful and high-status event was happening in our town! I hated 'Prancing Ponies' bullsh*t. A bunch of overdone women who divorced well preening in their ex-husbands cars. A waste.	Yes	it's incredibly lame compared to a serious car gathering of any size, many of which happen allover the peninsula. It is NOT something to go out of you way for. It's not worth the damage to the grass	No
2023/09/15 5:11:52 PM MDT	A resident of 93921;A restaurateur in 93921;A retail shop owner in 93921	It was okay.	Prancing Ponies had too many low-end cars, even cars from a rental agency, not remotely women owned as they say. That event was too large, took over too many streets that could have been a better event if it were a bit smaller, more compact. The Farmers Market folks put on an event, and it hopefully can grow into a better presentation, but I liked their small footprint. For any CBTS event, it needs to attract world-class car aficionados, enthusiasts, industry people, not just random visitors running through our public streets.	Yes	Loved it.	Yes

2023/09/15 5:47:51 PM MDT	An out-of-state owner of a residence on Monte Verde St. since 2008.	It was okay.	Primarily because parking enforcement on our street between 5th and 6th Aves. was nonexistent after the 8pm cutoff for non-resident parking. I ran in to a parking code enforcement officer and inquired about the oversight. Evidently â€œafter hoursâ€ code enforcement of parking violations is left up to the police; if they have the time/manpower to do so. So, consequently my husband and I were subjected to lights, loud people, extra trafficâ€ late into the nights during car week. We already contend with a tight street that Iâ€™ve been told is an emergency route. Every day it is impossible for two cars to pass each other at some point along that stretch of road. My husband and I contend with a partially blocked driveway, the sometimes inability to get out of our front gate and squeeze between parked cars that pay no attention to the parking â€œXâ€ painted (by the city) in front of our home, lack of visibility when exiting our drivewayâ€ on a regular basis.	No	We walked by but had our dog with us, so couldnâ€™t enter the park.	No
2023/09/15 6:10:42 PM MDT	A resident of 93921	Loved it.	We enjoyed the events that brought us together with neighbors, stores/businesses, and our out-of-town visitors. We would love to see more organized events and/or expansion of existing events in Carmel. We feel this would mitigate some of the issues of â€œunstructuredâ€ time that invited mischief. Even with the mischief downtown, it was quiet as a church mouse in our area. We are grateful for the coordinated efforts of the city, law enforcement, and others. We get a rather large number of friends coming through for events, and they are good people. We took part actively in Carmel events as well as others in Monterey, Seaside, Pebble, and Pacific Grove. As for the â€œmischief,â€ as a city we need to embrace the next generation of car lovers. If the YouTubers and Instagrammers were not here, weâ€™d be asking ourselves how to get them here and excited about Car Week. The fact that these folks are here and looking to share the enthusiasm is the best problem to have.	No	I saw it from a distance. I donâ€™t like the design of Acuras, so it was not for me.	Yes

2023/09/15 6:23:37 PM MDT	A resident of 93921	It was okay.	Concours for a Cause was lame. Prancing Ponies is an embarrassment and the Ferrari event was wonderful, professional and a credit to the organizers and the City.	Yes	Loved it.	Yes
2023/09/15 7:31:50 PM MDT	A resident of 93921	I did not like it at all.	Exceptionally noisy, day and night. Crowds exceed space in our town. It seems revenue has become the priority, over the quality of a Carmel experience.	Yes	I did not like it at all.	Yes
2023/09/16 4:52:59 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	What a nice way to enjoy the spirit of Car Week in a less intimidating format!	No	What event in the Park?	No
2023/09/16 10:06:02 AM MDT	I rent a house on Casanova for the month of August every year for Car Week	It was okay.	I missed seeing the Cars on the Avenue	No	Not interested in Acuras	No
2023/09/16 11:25:14 AM MDT	A resident of 93921	It was okay.	Interesting cars, somewhat noisy in the pm.	No	No opinion	No
2023/09/16 1:19:57 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Not crowded, we felt safer with less people, easier to park, we could see the cars, we could get a hotel room and eat at a restaurant.	Yes	Loved it.	Yes
2023/09/16 1:46:34 PM MDT	A resident of 93921	It was okay.	Sorry, but I compare it to PG's efforts and results, and though not fair, to the COTA of old.	Yes	I did not like it at all.	No

2023/09/16 2:48:45 PM MDT	Resident of Monterey	I did not like it at all.	Too much traffic on HWY 1 & 68	No	What event in the Park?	No
2023/09/16 6:45:38 PM MDT	A resident of 93921;A retail shop owner in 93921	It was okay.	I really miss the Tour d'€™excellence! That was my favorite. We got to see the beautiful cars drive in, walk around them while they parked, and got to see them drive off. It was very very nice and only disrupted the downtown for a couple hours. I would love to see that return to Carmel by the sea.	Yes	I did not like it at all.	Yes
2023/09/16 10:31:10 PM MDT	A resident of 93921	I did not like it at all.	It's too big for our small town. Although the events are well organized, the behaviors of the attendees are unacceptable. It functions like the residents of this community don't matter. I had to leave to get relief from this,,,and that was a wise move on my part.	No	I did not like it at all.	No
2023/09/17 5:17:52 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	It's a unique event that brings together the most amazing people, cars, and experiences that we can enjoy as a family.	No		No
2023/09/17 5:48:25 PM MDT	A resident of 93921	It was okay.	Like the cars on the avenue better such a great event the cars the fans the vib	Yes	It was okay.	Yes
2023/09/17 6:50:15 PM MDT	A Car Week attendee from outside of the 93921	I did not like it at all.	We have enjoyed the car week for several years. The attendees have been respectful and generally interested in the shows, auction and on the street. The past couple of years have been different, however. My experience is the marked increase in young inebriated people doing burnouts and sideshows and generally driving aggressively,	No	What event in the Park?	No

2023/09/18 9:40:23 AM MDT	A resident of 93921	I did not like it at all.	Unimpressive attempts to replicate past events. Prancing event a total fail. Find better events.	Yes	I did not like it at all.	No
2023/09/18 11:48:31 AM MDT	A resident of 93921	Loved it.	Brings a lot of money to the business and charity	Yes	Loved it.	Yes
2023/09/18 11:52:39 AM MDT	A resident of 93921	Loved it.	love all the events in town and the special events in town	Yes	Loved it.	Yes
2023/09/18 3:22:05 PM MDT	A resident of 93923	Loved it.	I enjoyed the variety of events in downtown Carmel.	No		No
2023/09/18 8:27:22 PM MDT	resident 93923	Loved it.	reasonable well controlled. provided incentive for visitors to support local business.	No		No
2023/09/19 11:45:48 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	Great energy in town.	Yes	Loved it.	No
2023/09/19 11:53:28 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	Great cars, great people, positive atmosphere, no interference with businesses	No		No
2023/09/19 11:56:25 AM MDT	Resident of 93953 (Pebble Beach)	Loved it.	It's a great time for visitors and something I look forward to every year!	No		No
2023/09/19 12:11:29 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	I found the FOC Concours reminiscent of Concours on the Avenue, which I thought very much fun and important to local business. I'd like to see the FOC concours expanded and opened to other marques.	No		No
2023/09/19 12:12:34 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Super great event in every way, cars, food, people organization.	Yes	Loved it.	No

2023/09/19 12:21:50 PM MDT	93923	Loved it.	Really enjoy seeing dream cars up close in an idyllic setting(downtown Carmel).	No		No
2023/09/19 12:25:17 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Great to see all the cars & motorcycles in a very relaxed atmosphere and able to do some shopping and have a great lunch.	No	did not attend	No
2023/09/19 12:32:48 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	It's a free event that brings people together in a beautiful setting to enjoy and appreciate cars and motorcycles from around the world. And brings revenue to the restaurants and shop/ hotels in the area. We need these things and hopefully Carmel will support it again next year. Thank you.	Yes	Loved it.	No
2023/09/19 12:37:52 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Enjoy seeing fun and beautiful cars, especially at the events open to the public.	No		No
2023/09/19 12:39:56 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Showed my car and everyone enjoyed seeing it. Lots and lots of people. Tex did a fabulous job of organizing it.	No		No
2023/09/19 12:40:41 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	It was a great event with beautiful car and a opportunity to tour Carmel and shop.	Yes	Loved it.	Yes
2023/09/19 12:42:35 PM MDT	Peninsula resident who lives outside of 93921	Loved it.	It's a special time of year that keeps getting bigger and better each year. As a kid you grow up dreaming of seeing these special cars and now we can see them up close every year and spend time with other car enthusiasts	No	With so many great events I didn't get a chance to visit this one maybe next year I will	Yes
2023/09/19 12:42:37 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	I participated by displaying my vehicle	No	Did not attend	No

2023/09/19 12:46:44 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	I am a car enthusiast and truly enjoyed the cars on the streets. I came to this event many times prior to Covid and I am glad to see it coming back. We enjoy coming to Carmel-By-The-See regularly and it is even more enjoyable with the car show going on. Please keep this car show going	No	We did not attend this time, but plan to next year	No
2023/09/19 1:07:31 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Great cars, friendly vibes, great retail	No		No
2023/09/19 1:09:58 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Low key friendly event!	No	What event in the Park?	No
2023/09/19 1:18:57 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Fun and easy to view all entries	No		No
2023/09/19 1:28:21 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	The area is so beautiful and the draw of the vehicles makes visiting great. The restaurants and shops are fantastic. I spent more money but loved it.	No		No
2023/09/19 1:31:58 PM MDT	93940	Loved it.	I missed the larger events of past years but the new events were done very well and I participated in one.	Yes	Loved it.	No
2023/09/19 1:33:45 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	I showed an Italian motorcycle and really enjoyed the ambiance of the local area.	No		No
2023/09/19 1:44:50 PM MDT	former resident	Loved it.	Italian event on Delores was excellent! highlight of the week including the Concourse @ Pebble and The Quail	No		No
2023/09/19 1:58:50 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Displays were nice and got to interact with the Public and see their reactions (more so at Carmel than at Italian Concorso).	No	What event in the Park?	No

2023/09/19 2:55:23 PM MDT	attendee of Carweek and long term summer resident	Loved it.	Great cars, wonderful people great camaraderie. The Ferrari show was the best and well organized	No		No
2023/09/19 3:54:53 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	It brings some great cars into town for free viewing by all locals who want to visit Carmel. We ate and shopped- plus seeing a couple of restaurants we have enjoyed reminded us to come back to them. I thought traffic was very manageable. I'm making reservations at Grasing's for next week!	No	I support the event although I missed it.	No
2023/09/19 4:01:37 PM MDT	Commercial Property owner in 93921, a business owner in 93921 and was an exhibitor on Dolores.	Loved it.	Just the right size and manageable crowds	No	Dont have a feeling one way/other	No
2023/09/19 4:07:55 PM MDT	A Car Week attendee from outside of the 93921		Plenty of Awesome Vehicles, Really Nice to see some Motorcycles, Just the right amount "Shows" and as always the Food available at the Restaurant's is So Good	No		No
2023/09/19 4:23:30 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Great show, and I really liked the Ferrari motorcycle show on Dolores was great! I miss the big car show on Tuesday on Ocean ave. Will the Thursday show also come back?	Yes	I did not like it at all.	No
2023/09/19 5:51:30 PM MDT	A Car Week attendee from outside of the 93921; Friend of local residents	Loved it.	Enjoyed the mix of cars and the luncheon, plus the car owners dressing up. Good show!	No	What event in the Park?	No
2023/09/19 6:33:48 PM MDT	A resident of 93921	Loved it.	Omg. So organized and fun. Great cars and you could still shop in the stores	No	What event in the Park?	No
2023/09/19 7:38:32 PM MDT	A Car Week attendee from outside of the 93921	It was okay.	Carmel events have become quite expensive and exclusionary. There are a lot of great events outside of Carmel that draw me away from downtown. Carmel is losing the "heart" of car week.	No		No

2023/09/19 8:40:59 PM MDT	A Car Week attendee from outside of the 93921;Have attended "Concours week" every year since 1991, except 2020	Loved it.	Very happy to attend Concours on Delores. It was a very interesting selection of Ferrari automobiles and motorcycles.	No	Arrived in Carmel on 16 August after noon.	No
2023/09/20 1:37:45 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	Everyone was so nice and we really enjoyed the restaurants .	No	What event in the Park?	No
2023/09/20 7:10:23 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	Car Week festivities and ambience	No		No
2023/09/20 9:17:10 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	nice knowedgable people	No	What event in the Park?	No
2023/09/20 9:35:36 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	There were many venues to see the cars and speak with the owners. I showed my car with the Ferrari Owners CLUB and it could not have been more fun and relaxed.	No	What event in the Park?	No
2023/09/20 11:58:01 AM MDT	A Car Week attendee from outside of the 93921	Loved it.	Event on Delores Ave. enabled us to see unique Ferraris that we could not afford to see at expensive concours events.	No	What event in the Park?	No
2023/09/20 12:07:44 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	i love cars	No	What event in the Park?	No
2023/09/20 1:15:08 PM MDT	A Car Week attendee from outside of the 93921	Loved it.	Always love car week. I do miss the PB Tour car display, and the former Concours on the Avenue. The smaller presence this year was still fun, and less crowded.	No	Did not attend. Did not know about it.	No

How did you feel about the Concours for a Cause event on Wednesday, August 16?	Did you attend the Prancing Ponies All Woman Car Show on Ocean Avenue on Thursday, August 17?	How did you feel about the Prancing Ponies All Woman Car Show on Ocean Avenue on Thursday, August 17?	Did you attend the Ferrari Owner's Club event on Dolores Street on Thursday, August 17?	How did you feel about the Ferrari Owner's Club Concours Carmel event on Dolores Street?	How do you feel about the events in Carmel-by-the-Sea in general this year?
Did not attend	No	Loved it.	No	Did not attend	Did not attend
Loved it.	Yes	Loved it.	No	What event on Dolores Street?	Loved them.
Loved it.	Yes	did not like it at all.	Yes	Loved it.	
It was okay.	Yes	It was okay.	Yes	It was okay.	They were okay.
It was okay.	Yes	It was okay.	Yes	It was okay.	They were okay.
	No		No		They were okay.

It was okay.	No	It was okay.	No	It was okay.	They were okay.
	No		No		They cause to much commotion around town, tourists parking everywhere
Loved it.	Yes	Loved it.	No		Loved them.
	No		Yes	Loved it.	They were okay.
	No		No		Loved them.
It was okay.	Yes	Loved it.	Yes	Loved it.	They were okay.
	Yes	It was okay.	Yes	It was okay.	Loved them.
	No				
It was okay.	Yes	I did not like it at all.	Yes	Loved it.	They were okay.

	No		No		I did not like them at all.
Not interested.	No	Wish women did not do this.	No	They look like a bunch of show offs.	I did not like them at all.
It was okay.	Yes	It was okay.	Yes	It was okay.	They were okay.
	No		No		They were okay.
	No		No		
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	Indifferent
What event?	Yes	Loved it.	Yes	Loved it.	Loved them.
N/a	No		No		I did not attempt to enter or shop in Carmel at all during car-10days
	Yes	It was okay.	No		They were okay.
	No		No		

What event?	Yes	It was okay.	Yes	It was okay.	They were okay.
It was okay.	Yes	Seemed unorganized	No	What event on Dolores Street?	They were okay.
What event?	Yes	I did not like it at all.	Yes	I did not like it at all.	I did not like them at all.
out of town	No	out of town	No		
Wish I had made it to the event!	Yes	Loved it.	Yes	Loved it.	Wished there were more of them
What event?	No	Its great, I didn't attend	No	I can't answer, wasn't there	They were okay.
It was okay.	No	Waste of time	Yes	It was okay.	They were okay.
Didn't go	No	I did not go	No	Didn't go	Too noisy
What event?	Yes	It was okay.	Yes	It was okay.	They were okay.

	No		No		
Loved it.	Yes	It was okay.	Yes	Loved it.	They were okay.
	No		No		
	No		No		
	Yes	Loved it.	No		They were okay.
	No		No		
It was okay.	Yes	It was okay.	Yes	Good event, and a reasonable size	They were okay.

	No		No		
Loved it.	Yes	Loved it.	Yes	Loved it.	Loved them.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
I was working so no comment.	No	I was working, no comment other than a lot of guests were mad because there wasn't a farmers market.	No	No comment. I was working.	I worked so I had no comment
It was okay.	No		No		They were okay.
n/a	No	na	No	na	na
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	I did not like them at all.
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	Did not notice, but impacted Sat
	Yes	Loved it.	No		Loved them.

What event?	Yes	Loved it.	Yes	Loved it.	They were okay.
What event?	Yes	It was okay.	Yes	It was okay.	They were okay.
Loved it.	Yes	Loved it.	Yes	Loved it.	Loved them.
Loved it.	Yes	It was okay.	No		Loved them.
	No		No		I did not like them at all.
What event?	Yes	It was okay.	Yes	Loved it.	They were okay.
What event?	Yes	It was okay.	Yes	It was okay.	They were okay.
It was okay.	Yes	It was okay.	Yes	Loved it.	They were okay.
	Yes	Loved it.	No		They were okay.
It was okay.	Yes	It was okay.	Yes	Loved it.	They were okay.

Can't park for miles	No	Can't park for miles	No	Can't park for miles	
	No	Loved it.	No		Loved them.
	No		No		
Loved it.	Yes	Loved it.	No		Loved them.
	Yes	Loved it.	Yes	Loved it.	Loved them.
What event?	No		No	What event on Dolores Street?	
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	Loved them.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
What event?	No	Just went into town to work	No	What event on Dolores Street?	Meh

	No		No		did not attend
It was okay.	Yes	Loved it.	Yes	Loved it.	Loved them.
It was okay.	Yes	Loved it.	Yes	Loved it.	Loved them.
I stay because the people are obnoxious.	No		No		Some better than others
What event?	No	What event on Ocean Avenue?	No	I like the idea	they were damaged by the barricade intimidation
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
What event?	Yes	Loved it.	Yes	Loved it.	They were okay.
Didn't attend	No	Didn't go	No	Didn't go	Didn't attend

	No	I did not like it at all.	No		They were okay.
It was okay.	No	What event on Ocean Avenue?	No	What event on Dolores Street?	They were okay.
	Yes	It was okay.	No		They were okay.
	Yes	Loved it.	Yes	Loved it.	Loved them.
	No		No		
	No		No		
What event?		What event on Ocean Avenue?	No	What event on Dolores Street?	Loved them.
I did not like it at all.	Yes	It was okay.	No	I did not like it at all.	I did not like them at all.

What event?	No	Loved it.	No	What event on Dolores Street?	Loved them.
	No		No		Loved them.
	No	Wish I would have attended	No		I did not like them at all.
	Yes	It was okay.	Yes	It was okay.	They were okay.
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	They were okay.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
	No		No		
As above	No	It was okay.	No	Donâ€™t know	Nothin but trouble and noise
It was okay.	No	Loved it.	No	Loved it.	Loved them.

What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	I did not like them at all.
Did not attend	No	Did not attend	No	Did not attend	They were okay.
	Yes	It was okay.	Yes	We liked it	Love farmers markets. The wine and food festival in the Carmel Pkaza was great.
Avoided it.	No	I avoided it.	No	I avoided it.	I hope all the car geeks shopped at the local shops, and bought lots of merchandise.

I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
What event?	No	What event on Ocean Avenue?	No	It was okay.	They were okay.
	Yes	Loved it.	Yes	Loved it.	Loved them.
It was okay.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
	No		No		I did not like them at all.
N/a	No	N/a	N/a	N/a	I did not attend any of them

I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
Loved it.	No	Was not able to attend. Women car owners are welcome to show in every car show in the world. I do not see the need to segregate their participation, seems a bit out of step for the times.	Yes	It was okay.	Loved them.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
Didnt go	Yes	Loved it.	Yes	Loved it.	Loved them.
	Yes	Loved it.	No		Loved them.

	No		No		I did not like them at all.
I avoid town when the cars take over.	No	I went to take care of the plants around the Arch, but there were too many people around and they were in the medians.	No	I'm not a car person.	It depends on the events.
Too much traffic	No	Too much traffic	No	Too much traffic	I did not like them at all.
What event?	No		Yes	It was okay.	We need Concourse in the Avenue to come back.
It was okay.	No	It was okay.	Yes	Loved it.	Loved them.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
What event?		It was okay.	No	I did not like it at all.	I did not like them at all.

Did not want to deal with crowds, though I appreciate that it seemed a more locals event.	No		No		They were okay.
	No		No		See previous comment about spillover effect on Cachagua roads
	No		No		I did not like them at all.
What event?	No	Loved it.	No	What event on Dolores Street?	Did not attend
I did not like it at all.	No	What event on Ocean Avenue?	No	What event on Dolores Street?	I did not like them at all.
	No		No		
	No		No		They were okay.
What event?	No	What event on Ocean Avenue?	Yes	It was okay.	I did not like them at all.

I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
Loved it.	Yes	Loved it.	Yes	Loved it.	Loved them.
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	Would not even try to go,,,
What event?	No	What event on Ocean Avenue?	Yes	Loved it.	Loved them.
It was okay.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
I work on Dolores. It Creates a lot of congestion at the ocean/junipero intersection	No	I work on Dolores. It Creates a lot of congestion at the ocean/junipero intersection	No	I work on Dolores. It Creates a lot of congestion between 7th and 8th	They were okay.
Don't go to shit like this as it's a pain in the ass	No	Sounds stupid	Shit no!	They're idiots	Don't go

I did not like it at all.	Yes	Stupid display of people and cars - irrelevant	Too crowded, no parking	Too crowded, no parking	I did not like them at all.
	Yes	It was okay.	Yes	It was okay.	I did not like them at all.
TRAFFIC IS HORRIBLE	No		We stay away from town and would leave town, except school starts.	We stay away from town and would leave town, except school starts.	We stay away from town and would leave town, except school starts.
Stayed home	No	Stayed home	No	Stayed home	Stayed home
Didn't go	Yes	I did not like it at all.	Yes	It was okay.	I did not like them at all.

What event?	Yes	Loved it.	Yes	Loved it.	They were okay.
Didn't attend	Yes	It was okay.	Yes	It was okay.	They were okay.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
What event?	No	It was okay.	No	I don't care	I did not like them at all.
I did not like it at all.	No	did not like it at all.	No	I did not like it at all.	I did not like them at all.
Did not attend	Yes	Loved it.	Yes	Loved it.	Loved them.

	No		No		I did not like them at all.
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	Indifferent but hope they brought revenue to the business
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	I did not like them at all.
	Yes	Loved it.	Yes	Loved it.	Loved them.
	No		No		I did not like them at all.
				Loved it.	Loved them.
	Yes	It was okay.	Yes	Loved it.	FOC had some nice cars.
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	I did not like them at all.
It was okay.	No	It was okay.	No	It was okay.	They were okay.

	No		Yes	It was okay.	
	Yes	It was okay.	No		They were okay.
Loved it.	No	Loved it.	No	Loved it.	Loved them.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
NA	No	NA	NA	NA	NA
	Yes	Loved it.	No		Loved them.

	No		No		I did not like them at all.
	Yes	Much better organization this year! Kudos! Foot and car traffic at San Carlos was insane.	Yes	Loved it.	Great organization for the planned events. L Auberge and Fourtane should pay for traffic control!
Didn't go	No	The organizers of that show all have attitudes and if you look closely, a majority of the money they raise doesn't actually go to young girls like their mission states		I did not like it at all.	I did not like them at all.
Loved it.	Yes	Loved it.	Yes	Loved it.	Loved them.
	No		No		Loved them.
	No		No		
It was okay.	Yes	It was okay.	Yes	Loved it.	They were okay.
It was okay.	Yes	Loved it.	Yes	Loved it.	Loved them.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	They were okay.
	Yes	It was okay.	Yes	It was okay.	They were okay.
No interest	Yes	Only walked through on the way to the PO.	Yes	Walked through it on the way to PO.	It depends on the event.

What event?	No	N/A	No	N/A	I did not like them at all.
	No		No		
	No		No		They were okay.
Loved it.	No	Wasnâ€™t able to attend	Wasnâ€™t able to attend	It was okay.	Loved them.
Loved it.	Yes	Loved it.	Yes	Loved it.	Loved them.
It was okay.	No		No		A let down from the Quality Events of Previous years. BRING BACK CARS ON THE AVENUE!
At least the focus was on EV, but still, in light of the deterioration of the planet and needless consumption and wealth inequity, an unneeded event.	No	Didnâ€™t work this event, but my comments above apply to this one as well.	Worked the event as a VIPSâ€™ above comments apply.	I did not like it at all.	I did not like them at all.
Not here	No	Not here.	No	Not here	They were okay.
	Yes	It was okay.	Yes	Loved it.	They were okay.

The purpose of the car show should be to display cool old cars.	Yes	Pales in comparison to tie old Tuesday event	No	I did not like it at all.	bRing back the Tuesday car show
	Yes	Loved it.	Yes	Loved it.	Loved them.
	Yes	Did not love the announcer encouraging drivers to rev their engines over and over	Yes	Loved it.	They were okay.
It was okay.	Yes	Loved it.	Yes	It was okay.	Loved them.
	Yes	Loved it.	Yes	Loved it.	Loved them.
	Yes	Brought too many people and congestion.	No	Same comments as written above	See above comments
What event?	No	It was okay.	No	I did not like it at all.	I did not like them at all.
	Yes	I did not like it at all.	Yes	It was okay.	Not pleasurable.
Loved it.	Yes	It was okay.	Yes	I loved seeing the motorcycles and other (non-Ferrari) vehicles	Loved them.
n/a	No	n/a	No	n/a	They were okay.

I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
	Yes	It was okay.	Yes	Loved it.	They were okay.
	No		No		Avoided down town on event days
What event?	Yes	It was okay.	Yes	Loved it.	Loved them.
Loved it.	Yes	Loved it.	Yes	Loved it.	I loved all of the events, but also miss the original Concours.
I did not like it at all.	No		No		They were okay.
	No		No		Too many events
Could not attend. But would have loved it.	Yes	Loved it.	Yes	Loved it.	They were okay.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.

What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	They were okay.
It was okay.	Yes	It was okay.	No	What event on Dolores Street?	They were okay.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
What event?	Yes	It was okay.	Yes	Loved it.	Loved them.
It was okay.	No		No		
Don't like these events in the park! Park is to sensitive for this kind od an event.	No	Have never liked this event so I don't attend	No	Not interesting. I prefer antique cars and in a nice variety of models.	Didn't attend.
	No			Loved it.	Loved them.
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	They were okay.
Loved it.	No				Loved them.
	Yes	Loved it.	No		They were okay.
	Yes	Loved it.	Yes	It was okay.	Loved them.

It was okay.	No	I did not like it at all.	No	It was okay.	They were okay.
no opinion as I could not attend due to personal reasons	Yes	Loved it.	Yes	It was okay.	They were okay.
What event?	No		Yes	It was okay.	They were okay.
It was okay.	Yes	It was okay.	Yes	Loved it.	They were okay.
Loved it.	Yes	Loved it.	Yes	Loved it.	Loved them.

Didn't attend it.	No	Didn't attend it.	Yes	I did not like it at all.	I didn't like having Carmel taken over by these events.
	No		Yes	It was okay.	They were okay.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
N/A	Yes	Loved it.	Yes	Loved it.	Loved them.
	No		No		
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	I did not like them at all.
	Yes	Loved it.	Yes	Loved it.	Loved them.

I did not like it at all.

Yes

I did not like it at all.

Yes

Loved it.

They were okay.

What event?

Yes

Loved it.

Yes

Loved it.

They were okay.

What event?

No

What event on Ocean Avenue?

No

What event on Dolores Street?

I did not like them at all.

	No		No		I did not like them at all.
I did not like it at all.	Yes	It was okay.	Yes	It was okay.	They were okay.
It was okay.	Yes	Loved it.	No	Didn't attend	They were okay.

	No		No		They were okay.
What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	They were okay.
What event?	Yes	It was okay.	Yes	Loved it.	They were okay.

Loved it.	Yes	Liked it except for the noise of many of their street illegal cars.	Yes	It was okay.	Again, let's enforce our municipal code on noise violations of so many of the cars.
Loved it.	Yes	Loved it.	Yes	Loved it.	Loved them.
What event?	Yes	It was okay.	Yes	It was okay.	They were okay.
	Yes	Enjoyed it, But we miss the larger COTA event.	Yes	Loved it.	Loved them.
I did not like it at all.	No	I did not like it at all.	No	I did not like it at all.	I did not like them at all.
	No		Yes	Loved it.	Loved them.
It was okay.	Yes	Loved it.	Yes	It was okay.	They were okay.

What event?	No	What event on Ocean Avenue?	No	What event on Dolores Street?	Small events are fine with me if they are targeted to locals.
	No		No		
	Yes	It was okay.	Yes	I did not like it at all.	I did not like them at all.

N/A	Yes	I did not like it at all.	Yes	classy and fun but, again, many more venues even in Seaside where there is much more interest and variety	They were okay.
It was okay.	Yes	I did not like it at all.	Yes	Loved it.	They were okay.

What event?	Yes	It was okay.	No	Didn't attend this event.	I miss the Concours on the Ave. with all of the beautiful antique cars. Watching them drive in to town and park along Ocean Ave. used to be wonderful. Actually getting up close to a Bugatti and all the other luxury cars was a treat and seemed very fitting for Carmel-by-the-Sea.
Loved it.	Yes	I did like it. I hope that it gets a refresh next year.	Yes	Loved it.	Loved them.

I did not like it at all.	No	I did not like it at all.	Yes	Loved it.	They were okay.
I did not like it at all.	Yes	I did not like it at all.	No		I did not like them at all.
What event?	Yes	It was okay.	Yes	Loved it.	Loved them.
What event?	Yes	Loved it.	Yes	Should have been more cars	They were okay.
What event?	No	It was okay.	No	It was okay.	They were okay.
Loved it.	Yes	Loved it.	Yes	Loved it.	
	Yes	Loved it.	Yes	Loved it.	They were okay.

What event?	No	Heard about it but not interested at all	No	Heard about it but not interested in Ferrari/Car.	I did not like them at all.
It was okay.	Yes	Loved it.	Yes	It was okay.	They were okay.
I did not like it at all.	No	I did not like it at all.	No	Ferrari owners were rude	I did not like them at all.
	No		No		
It was okay.	Yes	It was okay.	Yes	It was okay.	They were okay.
What event?	No	I did not like it at all.	No	What event on Dolores Street?	I did not like them at all.

	Yes	I did not like it at all.	Yes	It was okay.	They were okay.
Loved it.	Yes	Loved it.	Yes	Loved it.	To many Police and traffic control very military feel
Loved it.	Yes	Loved it.	Yes	Loved it.	Loved them.
	Yes	Loved it.	Yes	Loved it.	Loved them.
	Yes	Loved it.	Yes	Loved it.	Loved them.
			Yes		Loved them.
	No		Yes	Loved it.	Loved them.
	Yes	Loved it.	Yes	Loved it.	Loved them.
	Yes	Thought it an important cause, and would like to see it as one major participant in a larger event.	Yes	Loved it. I think it has the makings of a larger event, similar to Concours on the Avenue, which I think is important to the community as a whole.	Loved them.
Did not attend or know about it.	Yes	Loved it.	Yes	Loved it.	Loved them.

	Yes	Loved it.	Yes	Loved it.	Loved them.
did not attend	Yes	Loved it.	Yes	Loved it.	Loved them.
	Yes	Loved it.	Yes	Loved it.	Loved them.
	Yes	It was okay.	Yes	Loved it.	Loved them.
	No		Yes	Loved it.	Loved them.
Loved it.	Yes	Loved it.	This was an outstanding event with an opportunity to see some rear cars	Loved it.	They were okay.
Loved it.	Yes	Loved it.	Yes	Loved it.	Loved them.
Did not attend	Yes	Loved it.	Yes	Loved it.	Loved them.

	Yes	Loved it.	Yes	Loved it.	Loved them.
	Yes	Loved it.	Yes	Loved it.	Loved them.
What event?	Yes	It was okay.	Yes	Loved it.	Loved them.
It was okay.	Yes	It was okay.	Yes	Loved it.	Loved them.
	Yes	Loved it.	Yes	Loved it.	Loved them.
didn't attend	Yes	Loved it.	I entered my Ferrari and thopught it was a spectacular event.	Loved it.	Loved them.
	No		Yes	Loved it.	Loved them.
	Yes	It was okay.	Yes	Loved it.	Loved them.
What event?	No	Participated once, never again. Awards are only given to Sponsors or select people. All the Girls know it and are not happy. First year there were NO JUDGES despite claiming it was a car show. Lost complete credibility in my book.	Yes	Loved it.	Loved them.

			Yes	Loved it.	Loved them.
Again, great that these smaller events are bringing folks to visit Carmel.	Yes	It was okay.	Yes	Loved it.	Loved them.
I did not like it at all.	No	It was okay.	Yes	Loved it.	They were okay.
	Yes	Loved it.	Yes	Loved it.	Loved them.
What event?	Yes	Loved it.	Yes	Great music, cars and motorcycles. It was my favorite event!	It is great that Carmel still has some events but I miss the Tuesday and Thursday shows on Ocean Ave.
What event?	Yes	Loved it.	Yes	Loved it.	Loved them.
What event?	Yes	It was okay.	Yes	Loved it.	Loved them.
	Yes	It was okay.	Yes	Loved it.	They were okay.

Did not attend, was driving from Lafayette, CA to Carmel	No	There was a Porsche event between Lincoln and Monteverdi in the evening of 17 August.	Yes	Loved it.	Loved them.
What event?	No	Loved it.	Yes	Loved it.	Loved them.
	Yes	Loved it.	Yes	Loved it.	Loved them.
What event?	No	What event on Ocean Avenue?	Yes	Loved it.	Loved them.
What event?	Yes	Loved it.	Yes	Loved it.	Loved them.
What event?	No	What event on Ocean Avenue?	Yes	Loved it.	Loved them.
What event?	No	Loved it.	Yes	Loved it.	Loved them.
Did not attend. Did not know about it.	Yes	Loved it.	Yes	Loved it.	Loved them.

Why do you feel that way?	How did you feel about the effectiveness of traffic calming measures in place for safety in the evenings in the business district during Car Week?	Why do you feel that way?	Any other thoughts about Car Week or things you would like to share?
	They were effective at preventing and calming reckless driving in the business district.	We need more traffic calming measures in the District next year	Request additional traffic police presence
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
The Prancing Ponies cars (this year were only so, so at best - when they were pretty good in prior years) and the non-music staged parts were awful. Do not repeat this event next year please. Have them find a new location.	They not effective at preventing and calming reckless driving in the business district.	San Carlos Ave was a raceway all week from Monday through Saturday 24x7. The bad thing about being the "exhotic cars - see and be seen" location of the penninsula - is the owners find it essential to show off - sadly. Many of us love to see them, we but we don't want to hear them or "dodge" them in the streets.	1.The private Czinger Sunset Center event Thursday eve was ok...but Friday night it was totally out of control. VERY LOUD music, people and cars from 9PM to Midnight....and very dangerous blocking of San Carlos street and racing when it wasn't blocked. I'd be amazed if there wasn't damage to people or property at Sunset Center. 2.Plus what is with the car watching on Ocean avenue with folks sitting in the medians on Saturday August 19th. I get that our streets are "public"but this unofficial gathering was again very dangerous and folks CAN'T be sitting in the medians. All of car week really requires we rope off the medians on Ocean Ave somehow. We have some pics if helpful for the cause. 3.Of course the exhotics parked on Monte Verde and 7th - needs to be reconsidered/redone somehow - with security etc. 4. I'd really support doing more of the Thursday Ferrari's style of events...for each of the major maufacturers - Mercedes, Porche, Bogatti...etc
	Rio Road @ Highway 1 requires more traffic calming measures.	I reside on Rio Road. Vehicles always speed between Carmel Rancho & Hwy 1 but Car Week is the worst.	I love the cars and the causes the event supports.
lack of cars	They not effective at preventing and calming reckless driving in the business district.	too much speeding going on	Something needs to be done for Carpenter Street...the year after year noise and dangerous speeding is horrible during car week. Ideas: temporary speed bumps at those intersections without stop signs would help (like was done on Ocean Avenue this year). A more permanent solution for year-round traffic calming and safety would be additional stop signs, especially at 4th and Carpenter. Also, get rid of the double yellow line which just invites high speeding and doesn't belong in a village like ours..a single solid white line would be more appropriate. More intersection islands like the great one at Carpenter and Second would also help. The signage for directing traffic to turn right at Carpenter and Second needs to be be updated so it is not so confusing. These are all very low-cost solutions.
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		This event is for tourists, not the residents .

I do not attend. Cars are dumb	They were effective at preventing and calming reckless driving in the business district.	Calmer this year than in past	Glad people enjoy it
	They were effective at preventing and calming reckless driving in the business district.		
It's a lot of fun and excitement. I love seeing all the activity it brings to town. The short period of inconvenience is well worth it.	They were effective at preventing and calming reckless driving in the business district.	There was too much traffic for their to be any reckless driving in the business district	Don't listen to the complainers. Not all residents hate car week
	They were effective at preventing and calming reckless driving in the business district.	We generally stay away from town in the evenings during CarWeek - was shocked to go into town though and see the numbers of people.	I don't know the answer for the issues but it always feels like an invasion. Events are great that we attend. ðŸˆ• ðŸˆ• ðŸˆ•
	They not effective at preventing and calming reckless driving in the business district.	It was dangerous to get on the roads and cross intersections. An unbelievable amount of drivers did not obey traffic laws and shot through intersections	Will make best efforts to leave town for the week going forward
Return top the one day closure of Ocean Avenue fir a REAL display	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Too many cars shooting through stop signs and "barging" the intersections ... no sense of any right of way laws or courtesy	Bring back Ocean Avenue and ENFORCE EXISTING LAWS on traffic and NOISE.
	They were effective at preventing and calming reckless driving in the business district.		
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Lots of revving engines at all hours and on very small streets	
Ferrari event was the most organized and professional event. Prancing Ponies is not an event we'd like to see back. We need to debrief the week with Residents, Businesses, City officials and destination marketing partners so have a more consistent strategy/approach to the busiest week of the year	They were effective at preventing and calming reckless driving in the business district.	The PD did a great job given the number of cars and people in town...very difficult to control	

Traffic danger	They not effective at preventing and calming reckless driving in the business district.		Leave town
Because this is a peaceful community. Notice the golf tournaments do not cause these noise problems.	I avoided town altogether.	Too noisy, too many people. The highway is not a race track, but it sounds like one during car week.	I will leave town during car week. It is the only time I don't enjoy living here.
It is very beneficial for all the local charities. However the cars are extremely loud for locals in CBTS. It's like 6 nights of New Year's Eve.	They were effective at preventing and calming reckless driving in the business district.	They did as best they could.	Always can do better. Glad it started. Happy it ended.
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		It is an ego fueled obnoxious ten days with people having no regard for traffic laws or our town. We shouldn't feel like we have to hide out in our homes to avoid the zoo and chaos of Concours!
The events have grown too big, our area is impacted by heavy traffic normally, and car week makes it intolerable.	They not effective at preventing and calming reckless driving in the business district.	Too many cars speeding, not enough law enforcement.	I have lived here all my life. The past several years, it has become apparent that these events have outgrown our area. Things need to be scaled WAY back. Also, CUSD needs to modify their schedule so that car week does not occur when school is in session.
	They not effective at preventing and calming reckless driving in the business district.	I personally saw too many reckless drivers on laureles grade and Carmel valley road to want to haul my horse trailer out of my driveway to ride. I avoided driving and only drove when required during this even.	
The energy was awesome	They were effective at preventing and calming reckless driving in the business district.		
Traffic snarls, ridiculously dangerous and rude drivers	They not effective at preventing and calming reckless driving in the business district.		Should be subtitled on all posters as 'Special driving rights' period. CHP seemed mostly overwhelmed and ineffective
Enjoyed but crowds seemed not too courteous.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	We enjoyed just walking around town, as usual, but crowds still seemed roudy.	Over all enjoyed. Seemed better last year. CPD did a great job. Big thanks to them.
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	People still speed and are reckless, regardless of what time of year.	Keep it up!

Several of the car owners were very rude. The crowds of people are oblivious. I honestly didn't mean to attend either event on Thursday but only came into downtown for farmers market. Did not know it was cancelled.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Someone needs to reign in quail lodge and their bonhams event. The residents in the surrounding neighborhoods have to listen to the setup and breakdown for about a month, the actual event has the loudspeaker and music on at ridiculous times. This year it went on at 5:50 am. I don't see how the events of car week help anyone but the big corporate hotels. All the locals hide and don't leave their houses which means they aren't spending money. Those in town for car week are for the most part terrible tippers and rude to waitstaff. This comes from someone who has worked in the service industry for the last 15 years. Nearly 5 of them were working at restaurants in downtown Carmel. It's the worst week of the year.
I think there were too many events	They not effective at preventing and calming reckless driving in the business district.		
See above	They not effective at preventing and calming reckless driving in the business district.	Too many disregarded	Just too big. I'll leave town next year
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	still a lot of noise and fast starts, racing around on streets that have no sidewalks is dangerous	Our village sidewalks and streets are very narrow and we have no sidewalks. the old events were a bit more sedate. The exotic cars bring little money to Carmel and produce a lot of heartburn.
It's a once a year chance to learn, interact and be outdoors	They were effective at preventing and calming reckless driving in the business district.	I didn't witness any reckless driving (too many people around to drive very fast)	Keep welcoming the group and visitors. It's gift to our community.
	They not effective at preventing and calming reckless driving in the business district.		Again, please have the school shut down that week. Offer financial assistance to workers & businesses who are negatively affected by such a massive event
Too many detours and speed bumps not necessary	Waste of time and tax payer money	Made traffic worse	I'd like to see a burn out competition up ocean ave personally
I live five blocks away	I didn't pay attention to it	Too many people	No
Didn't have the energy like past events but at least there was something to go admire even though it was small	They were effective at preventing and calming reckless driving in the business district.	I've never had any problems with the traffic as we've lived in the area for 47 years. Take it in stride and admire what people have collected. Things ran smoothly including the traffic.	Bring back the glory days of the multiple events. 99% of the people enjoy it.

			Cat week is a misnomer. Events now cover about ten days. I question if anyone has regional oversight of emergency preparedness and disaster scenarios. August is fire season and it takes one reckless driver to create a nightmare scenario in the valley. I feel a great amount of ill will towards a series of events that makes me feel trapped. Can we go back to a smaller and shorter car week? And get rid of the exotics/muscle cars and/or hold events/organizations accountable for the bad behavior of attendees/participants (similar to European soccer sanctioning clubs for their fans bad behavior).
I loved that there were events again this year after we lost Concour on the Avenue. Thursday felt almost as exciting as the old Concour on the Avenue but it is of course not the same. I think the events in Carmel are headed in the right direction and give my compliments to all the volunteers and organizers.	They may have prevented reckless driving but they were not effective at traffic nor crowd control.	I did not like how many streets were blocked off and how confusing it was to drive in Carmel at night. I understand the need to have a police presence, and support blocking off the Junipero and Ocean intersection, but beyond that I don't think any additional street closures are necessary. In particular, closing the top blocks of Ocean Avenue had the adverse effect of concentrating all the Car Spotters in one or two blocks, when they could have been spread out more.	I think the street closures and traffic control need to be strongly reconsidered next year.
	They not effective at preventing and calming reckless driving in the business district.	Loud and reckless driving on the mountain rural roads and coastal roads.	A few weeks before school starts would be helpful with traffic.
	They were effective at preventing and calming reckless driving in the business district.		
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
Not quite the luster of the past concours on the avenue, but some good positive steps forward.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	There are still obviously hot spots for reckless driving. I noticed very few downtown or in the 93921 areas. Carmel valley road, and the grade especially need some focus to curtail reckless driving.	Keep it going in a reasonable fashion. It seems like the only people we hear from are those that just want the event to go away. That is not a reasonable, or possible outcome.

	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		temporary speed bumps and more police are needed on all major roads during car week. The noise this year was ridiculous
	They were effective at preventing and calming reckless driving in the business district.		
Answered on previous page	They not effective at preventing and calming reckless driving in the business district.	They are not effective in the business district or anywhere else.	It would be great to see it returned to its original form in a majorly toned down version and to see actual enforcement of poorly behaved event goers, and not just harassment of locals.
Sales were up over last year. I call it a win.	They not effective at preventing and calming reckless driving in the business district.	Last year was a nightmare. This was better. But. BUT not up in Carmel Views.	Hire more police for the areas outside of 93921. Offer organized parking for employees. Do not make them take a shuttle. Could you consider wiping out 2 hour parking rules? Something to help the kids driving in to work in town. PLEASE place an officer at the five way intersection at ocean and junipero with white gloves to direct traffic. Too many out of town cars gunning for tourists.
A great event that's being ruined by an irresponsible few	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Still too much throttle blipping and clutch popping to feel safe or relaxed	If something is not done region-wide about street racing, passing on blind curves, and speed displays... there will eventually be a tragedy, it's sadly inevitable.
			Love that it brings business to the area, but there needs to be more of a police presence after hours. We live in Carmel Valley and the amount of racing and reckless driving on Carmel Valley Road is terrifying, especially considering the young residents (unseasoned drivers) on the road coming to and from school/sports with out of control drivers that are passing and racing on the road. It is dangerous, and one of our kids is going to get killed.
Collateral damage	They not effective at preventing and calming reckless driving in the business district.		Grand jury investigating would be a good start
Took 35 mins from Pebble Beach to Home in Carmel (normally under 10 mins)	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Noticed loud cars Sat evening racing after midnight.	Believe net positive for community
I love visiting our neighbor Carmel and supporting restaurants and businesses.	They not effective at preventing and calming reckless driving in the business district.	Ocean was open and should have been closed for safety of pedestrians.	Love it great for charities, hotels, businesses.

This was definitely a year of lowered expectations and Carmel delivered that lowered product. The fun is fading and things are becoming less special and more "comeh"	They were effective at preventing and calming reckless driving in the business district.	I feel this year was the best yet at controlling the nonsense that ruins things for everyone. It felt more controlled in a good way.	Someone needs to pick up the baton and bring back concours on the avenue. If that can't happen, then start a new tradition of equal or better calibre to make Carmel a true destination during car week, rather than just another side show. Other places on the peninsula are stepping up while we just shrug our shoulders and get more "comeh"
Far too crowded	They not effective at preventing and calming reckless driving in the business district.		
Lots of different events that are either free or fairly low cost.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Still lots of congestion.	
See previous comment. No regard for residents or solutions to traffic. Made daily life impossible.	They not effective at preventing and calming reckless driving in the business district.	See previous comments.	It feels as though this has gotten too large and drags on for many days. This creates significant impact to residents as visitors show 0 regard for anything other than their cars and flaunting their poor investment decisions.
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		There needs to be a survey for the greater area as we were far more impacted by crazy drivers.
Really need to bring back the rally and the majority of the cars that are on and in the concourse to Ocean on the Avenue	They were effective at preventing and calming reckless driving in the business district.		It's nice to know when events begin and end on the Carweek map
Truly miss Concours on the Avenue. This is my preference over the other activities.	They were effective at preventing and calming reckless driving in the business district.	When big events come into town, it makes it very challenging for Police to manage down all the shenanigans. Therefore, as a whole, given the large crowds, the extra people in town, etc. I feel the police did outstanding.	Keep it coming and do your best to bring back Concours on the Avenue
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	It made side streets become thoroughfares and made traveling through town for simple tasks (school, work, groceries) very challenging.	I think live police overseeing traffic at ocean (along with the bump strips) would be more effective and keep traffic moving.
I liked the scale of the events and the laid back vibe. Not too big, and not too small.	They were effective at preventing and calming reckless driving in the business district.	They seemed to make a difference and prevent the worst abuses of past years regarding reckless driving in town.	All in all it's a fun event, but one week a year is enough.

Couldn't get to any because there's not enough parking	They not effective at preventing and calming reckless driving in the business district.	I had near misses with oblivious driver each of the 3 times I ventured out.	Too big for the community coupled with first week of Carmel and Carmel Valley schools and it's a traffic nightmare.
	They were effective at preventing and calming reckless driving in the business district.		
They looked fun and I wish I could've gone	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	I still feel like I heard lots of loud motors and people are driving more hectic than usual and more fast. Not everybody but certainly a percentage of non-resident visitors	I appreciate you sending the survey out. I look forward to trying to get to go next year. Good luck
Nowhere else can you have this experience	They were effective at preventing and calming reckless driving in the business district.		Make more kid friendly events
Had events every day. All different cars. Excellent!	They were effective at preventing and calming reckless driving in the business district.	I felt there was control in the city. Maybe except for San Carlos. Speeding cars up from 13th.	Don't listen to all the complainers.
	They not effective at preventing and calming reckless driving in the business district.		
Because it brings money into the local economy	They were effective at preventing and calming reckless driving in the business district.	One dipshit smashed his car this car week!.. seems pretty reasonable to me	Don't listen to the nimby folks. Tourism is what drives this area. One week is not that serious considering the good it brings
It is too many cars and people at one time. I live here and can not commute or drive when there are so many non locals at one time. It is unsafe on the roads, cars are passing on the right side which is illegal. This is a terrible event for the Monterey Peninsula. I was born here and have lived my entire 65 years here. This event is way out of control.	They not effective at preventing and calming reckless driving in the business district.	The amount of fast driving was crazy!!!!!!!!!!!!!!	Worst week ever!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Parking is pretty awful , to add insult to injury Rooter King had a two block area of parking roped off on Monday and Tuesday of car week.

	They not effective at preventing and calming reckless driving in the business district.		Move it out of the area. Carmel/Monterey to small for an event like this to continue. It seems that "Car Week" always has a couple of day added to it.. Is it now going to be called "10 days of Car Week"? This week hurts local business as the "locals" that we rely on for our business STAY HOME as they do not want to be out in the hussle and bussle of all of the cars and people.
	They were effective at preventing and calming reckless driving in the business district.		
Everyone seemed so happy & cordial and loving the beautiful town	They were effective at preventing and calming reckless driving in the business district.	I couldn't get into the main area of town	The town and the police did a fantastic job! It felt like a caring community!
	They helped in Carmel but outside many of the drivers are reckless.	It's just that way.	Cancel car week.
esthetically it was a failure "they do call it Concours D'elegance"	many people left town to neighbor cities	the new young customers were not welcomed	Casanova restaurant was very busy as always but the City of Carmel was not welcoming to our customers.. it was obvious..
The event is too Big. Difficult to get to the events.	They not effective at preventing and calming reckless driving in the business district.		Move car week somewhere else now that it's so big and spread out. it affects the residents. We had random people parking in our driveway at 7:00am SO disrespectful!!!!
Missed the comaradarie of Concours on the Avenue.	They were effective at preventing and calming reckless driving in the business district.		
	They not effective at preventing and calming reckless driving in the business district.	Reckless driving and speeding especially, on Carmel Valley road and Laureless Grade Rd.	Definitely should be scheduled before the start of schools. Or go back to weekend event only.

Pre covid I loved the car events in Carmel. The concours on the Avenue was the highlight of the week. Lots of crowds but it was all about appreciating the art and beauty of the vehicles. Our church handed out cookies and water. It was a delight. There were no groups of males hanging out on the street corners smoking cigars and yelling at people. There was far less car racing down rte 1 and CVR til all hours of the night. The demographics seem to have changed. Not fun like it used to be.	They not effective at preventing and calming reckless driving in the business district.	I wtressed people racing down the street, I witnessed inebriated people yelling at cars as they drove by, witnessed large groups of inebriated men hanging around the corners smoking cigars, loud.	Would love to bring back a vintage car show to the Avenue as in the pre covid past. all of the other little shows were not up to par.
Acura is low rent for the Concours. If the city was going to make a rare business use of the park, they should have held out for a more prestigious brand.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	I greatly appreciated the blocking of Ocean on Saturday night and the police presence. I feel like there may be thought given to blocking off a street and recruit vendors for Saturday night.	
Noise, pollution and too many people	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
	They were effective at preventing and calming reckless driving in the business district.	I did not experience any out of control drivers or traffic so things seemed to have worked	We need more car week events and not less. And we need more parking outside of of the business district.
I think the events are well organized especially the ones in Pebble Beach	They not effective at preventing and calming reckless driving in the business district.	So many reckless drivers everywhere	They need to not add anymore events and have way more enforcement
	They not effective at preventing and calming reckless driving in the business district.		School needs to not be in session during car week
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
	They not effective at preventing and calming reckless driving in the business district.	I live on San Carlos. People blocking my driveway for 4 days! I live on 9th. Racing all the time up to 12th. WHERE are the police? I hate car week!!!!!!!	

It's so much fun and bring so much joy to the community	They were effective at preventing and calming reckless driving in the business district.	CHP in local law-enforcement kept everything safe and sound	It's the best event of the year bring so much joy and prosperity to our community
The Easter event was particularly awesome!!! Love events for kids.	They were effective at preventing and calming reckless driving in the business district.	Major police presence	Carmel is really well run. Thanks!
Car show doesn't fit the low-key nature of Carmel.	Didn't come downtown at all		Fine with letting this tradition go
It didn't feel orchestrated or well monitored	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
It costs me money. I feel it brings idiots driving erratically which puts my family and my employees, grandchildren in danger.	They not effective at preventing and calming reckless driving in the business district.	I felt this year was the worst I've seen with erratic driving fast cars. It seems the deepest pocket could really give two cents how it effects the local people that have employees or them selves trying to get to work.	Car week needs to move else where, it's getting to big for the area. It needs to be spread out and managed better. My fear is someone in our community is going to lose a mother , father, grandparent, or a child, due to irresponsible drivers and fast cars, feeling their oats, not using their brain and they kill someone
			For a planet experiencing climate crisis we need to quit depending on events like this for revenue. Change is hard.
Late night drunks on Carpenter Street. Bad rude drivers	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Speed bumps seemed helpful on Ocean but other streets less coverage	
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Need to post more information about the events. Big signs about speed limit and more police officers

Too much traffic. All the locals feel trapped in their homes from traffic. Even getting to and from work is impossible.	They not effective at preventing and calming reckless driving in the business district.	The cars are still on the road. Something about people in expensive cars brings personalities that feel like the own the road. So many reckless drivers.	The local "blue collared" community hates this week!
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	More police directing traffic is needed. Intersections closed off for tourists no idea where they're going and impossible parking for anyone living here to get into town	Locals either have to leave town or stay home - too crowded for a small town and the best part of car week - the old cars on Ocean on Thursdays have not been here the past couple of years. Appreciate the revenue it brings to merchants - although many say it's not as profitable as it used to be and many complain about the attitude of visitors during car week
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Still very noisy, extremely crowded and a bit dangerous	
Oftentimes, I hear from shop owners that the car geeks just come around and looky-loo at the cars, and do not patronize their businesses.	I had one business person say it took him well over an hour to get from Marina to Carmel. Ridiculous.	Look. We are all supposed to 'like' Car Week, because of the theoretical revenue stream; but if you talk to many local residents, you will find that if you make us confess, you will soon know that we truly HATE IT. And it's not because we don't like cars!! It's because the eventers and the Car Week coordinators do not take responsibility for the traffic snarls. There needs to be coordinated planning and strategies to address the traffic woes. Otherwise, we locals will continue to hate Car Week. Not because we hate cars. But because we are paralyzed by the gosh-darned traffic.	Seriously, folks. I am a car dealer's daughter. I grew up loving cars!! But, this has become ridiculous. What if there is some kind of emergency, such as an earthquake or large fire, and people are trapped on the roads because of the lack of planning for the traffic of Car Week? We live in an area where there is so much congestion to begin with, in the summer months. This is ridiculous. What will it take for there to be a top-down redesign of this situation? A horrid tragedy??

It's not just the crowds, noise, speed but the arrogance of the attendees.	They not effective at preventing and calming reckless driving in the business district.	Please - it was horrible. We can all hear cars racing consistently throughout the night.	Tell Pebble Beach to share the true breakdown of what they make, what they donate - don't hide who is benefitting.
	They were effective at preventing and calming reckless driving in the business district.		
I enjoy exotic cars	They were effective at preventing and calming reckless driving in the business district.	Police were noticeable each day and night controlling crowds	
Loved old format better.	They not effective at preventing and calming reckless driving in the business district.	The rich young men took over.....	Event this year was not good for local small business. Restaurants and hotels did ok but that's about it. Carmel can and should do better than the event put together this year.
It feels gross to me when there are so many more important things going on in our world.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Outside if the business district is where the traffic danger was.
	They not effective at preventing and calming reckless driving in the business district.	Iâ€™m several occasions I was terrified as sports cars sped past me, weaving in and out of traffic. The traffic on some of the days was awful, making me late to work & to doctors appointments.	This event has gotten too big for what our infrastructure can handle. There arenâ€™t enough first responders to handle such a large crowd, putting residents at risk. Itâ€™s also held during a really bad time of year, with all the kids being back in school. If this event were held in the summer, not only would it relieve a lot of the traffic as Iâ€™m sure many local families would plan on leaving town during the week (we canâ€™t exactly just up & leave during the first week of school), but it would also give CHS students an opportunity to earn community service hours at the different events. I am grateful for the revenue that is brought in during Car Week, and especially for the large amount of charities that benefit from it, but it has become so big that it is miserable for residents. Please consider moving Car Week to June or July.

	They not effective at preventing and calming reckless driving in the business district.		If this is going to keep happening every year then all school events and other activities need to be canceled for that week.
I was unable to go to Carmel for a meeting.	I was not in town.	Not only am I negatively impacted by Car Week, but schools must close, my dentist closes his office for the entire week and I must listen to car racing up and down the Valley road.	Unfortunately the event has outgrown the venue. I strongly suggest downsizing, increased police presence and aggressive curtailment of individuals breaking the law.
For just one week out of the year, it is exciting to see what the automotive world is doing right in our back yard. People complain about the traffic, but until the traffic problems Northbound from Carmel to Home Depot and Highway 68 Eastbound from Monterey to Salinas every work day all year round are fixed, there is nothing to complain about in my view.	They were effective at preventing and calming reckless driving in the business district.	Clearly extra efforts were made to mitigate the extra people and traffic in town.	A mortoreum on car events should be considered. No new events, until one leaves, etc. Otherwise, Car Week is amazing!
I couldnâ€™t get anywhere I usually go. Thereâ€™s no compensation for my inconvenience.	They not effective at preventing and calming reckless driving in the business district.	The police were useless. Fines donâ€™t matter anyways, when you have more money than could be spent in a lifetime. The police knew they were useless and didnâ€™t do anything helpful. I did see them escalate multiple situations and turn glowing traffic into traffic jams.	This year was terrible. Thereâ€™s an entire year of Facebook planning and organization. The locals are going to stop taking bullshit and will organize against the car weak invaders. If you donâ€™t think Carmel Valley is capable of some fucked up shit, just wait and see what the locals do on these roads where they race at night next year.
They were awesome! And accesible!	They were effective at preventing and calming reckless driving in the business district.	They did really well	Its amazing!
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	A shop owner told me that as soon as the cops left all the races would start	

	They not effective at preventing and calming reckless driving in the business district.		
If the events are geared toward residents and locals rather than encouraging day trippers to oogle the town, they are ok. Too much traffic. Too many entitled idiots think they can do what they want. Not safe driving any roads during this time	I'm not sure.	I had to avoid going into town except to get where I was going.	The dignity of Carmel is compromised. The care for Carmel is ignored. I understand that many people love cars and events of this nature, but I do not. I never have, though when it was in PB only and the cars were classics, it was fun to walk around and look at them. But the price now eliminates so many and the event has expanded to 10 days with any vehicle that has wheels.
	They not effective at preventing and calming reckless driving in the business district.	Not enough police presence or not enough ticketing going on	Move it all somewhere else
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
	They were effective at preventing and calming reckless driving in the business district.	They blocked off too many streets	Would like shuttle service to various points all around the Peninsula to help calm traffic.
Itâ€™s good to bring events to down town carmel	They were effective at preventing and calming reckless driving in the business district.		Itâ€™s an important event that brings money to our area.
	They not effective at preventing and calming reckless driving in the business district.		They need to move it to a different town we already have issues with the residents who CANT/WONT even go the speed limit...
	They not effective at preventing and calming reckless driving in the business district.		

	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	The hoards of onlookers crowding Ocean Avenue on the weekend evenings were insane. It felt like Pottersville from "It's a Wonderful Life" and it felt like things could get out of control at any moment, like the police were not in charge. And I witnessed too many loud cars racing between stop signs throughout the week.	
Scary driving behavior leads to accidents.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
Noise, traffic, extremely rude drivers	Not enough especially on Carpenter.		Generally, unsafe for the community who lives here. Hate it
N/a	They not effective at preventing and calming reckless driving in the business district.		
Too much stress with people and traffic	They not effective at preventing and calming reckless driving in the business district.		
	I didn't see evidence of this in Pacific Grove.		Reduce the number of days and attendance. Think about climate change as we're one fire away from becoming the next Lahaina or Paradise.
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
Apathetic toward cars.	They not effective at preventing and calming reckless driving in the business district.	Out of towners, have no idea how to navigate our streets. Or stop signs or right of ways or yielding.	I would be fine if it went away. I prefer the golf people. Or the jazz festival people.

Way too many people in this small area and absolutely NO respect for the people that live and work here! The speed of some of these assholes is just ridiculous!! DO SOMETHING. It has gotten out of control. Canâ€™t even get to work or pick my children up from school without bullshit disregard	They not effective at preventing and calming reckless driving in the business district.	Not enough authority!!!	Do not start SCHOOL THE SAME WEEK FOR GODS SAKE
Itâ€™s fun	They were effective at preventing and calming reckless driving in the business district.		I think it would a good for hotels and restaurants but not for wine tasting.
Not interested in being part of the problem	Donâ€™t know	Not enough chp on 68	No
Great events	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
Ego driven cars everywhere	They not effective at preventing and calming reckless driving in the business district.	Because it was still happening	
Carmel does not have enough parking or open space for such crowded events.	They not effective at preventing and calming reckless driving in the business district.	Getting in and out of town, and even just around town during car week is a nightmare	There has to be a way to host events without creating so much congestion in town
Hate shit like this	Didn't know there were any!	I don't know, why?	Yes, hold it some place else like out on Hwy 395!

Attendees were rude, littered, noisy -awful	Ridiculous to have put up barricades, not worth it, keep the masses away, absolutely revolting	Really	Move it all to Seaside, better access, no bottlenecks, plenty of parking, restaurants. Accommodations, Seaside would be better suited.
What I saw was boring. Only went Thursday. Monday thru Wednesday I volunteered at Pebble Beach.	They were effective at preventing and calming reckless driving in the business district.	They seemed to work.	Ocean looked a mess with kids sitting on the median wall. Unsafe?
	They not effective at preventing and calming reckless driving in the business district.		It gets worse and worse each year. We are sick of people coming to town and running a muck. We do not have enough public safety as compared to the thousands of people who are inundating town. Something horrible will eventually happen.
No one in their right mind goes anywhere during car week.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Liked the increase in law enforcement	
Just not as good as what was done other years.	They were effective at preventing and calming reckless driving in the business district.		Please bring back the old events!!!

Please expand FOC and Prancing Ponies. Make a proper event out of them, not some half-measure!	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Pacific Grove is now outdoing Carmel By The Sea. Be more like PG. I enjoy the scale of their events.
Traffic and some people's attitudes when they descend into our area.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Because there were still idiots	
Everywhere you go during car week you run into traffic due to one of these events. Hold it somewhere other than a small peninsula	They not effective at preventing and calming reckless driving in the business district.	There was absolutely no traffic calming measures, in fact the locals always need to prepare hours In advance if they want to go anywhere without being held up by traffic. CAR WEEK SUCKS FOR THE LOCAL COMMUTERS	Car week overall Is hell to deal with. Along with the incredibly entitled people playing speed racer on the road; the sound of the engines can give anyone a headache. There's no educational purpose to this event and it takes over all of the peninsula. KEEP IT OUT OF CARMEL AND PG!! The locals HATE car week. There's never any accommodation for actual residents or employees for parking and getting 5 minutes down the road turns into an hour long event. CAR WEEK SUCKS THE LOCALS WANT A DIFFERENT SOLUTION
Because they rerouting of traffic put everyone on Rio Road, people drove 40-50 mph all day and night. Maybe put cops there next year and hand out tickets? It would be a good idea for you guys to put a flashing crosswalk in the crosswalk by Mission Park? People never stop, they also drive way too fast.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		I just hate it. Traffic and jerks, it affects my business EVERY year.
Traffic, noise, inconsiderate visitors	They not effective at preventing and calming reckless driving in the business district.	See previous response	Donate to mid coast fire dept, increase traffic police,
It is important to our community to be a part of this	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	There were a lot of problems with drivers visiting our community. Acting like idiots behind the wheel of their cars.	We need to do something for the many wonderful people who worked in our town. It's not fair that they have trouble parking. We should allow the two hour parking to be full-time for employees on busy days. And maybe even open up the post office parking lot for employees on busy days such as Thursday.

	They not effective at preventing and calming reckless driving in the business district.		Reduce events to reduce congestion
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Wish there was more they could to limit the cars racing up hwy 1
I stay away from downtown and all surrounding areas during this week. It is the last place I would go.	I know that you are trying but itâ€™s just too much.	Thereâ€™s just too many people who like to drive fast.	This small event has blown up and taken over our town that is not set up to accommodate this many people for this long of a time.
Would love COTA back	They were effective at preventing and calming reckless driving in the business district.		Bring back COTA and the drive through
	They not effective at preventing and calming reckless driving in the business district.	There were just too many people and too many cars for our peninsula.	If Car Week is to continue here, there needs to be some serious consideration of when it takes place in relation to school starting. What a disaster it is for students, parents, and teachers to have all this traffic right when the school year starts.
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		We need strict enforcement of the laws when it comes to keeping Carmel safe and appealing. At least the enforcement has precluded more incidents like we had 3 years ago of lawlessness and exhibitions of speed and other forms of danger to the public. We must stand tough to those who disrespect our town and lifestyle.
I think a fashion show is weird for a car show. I miss the variety of spectacular cars that used to line up along ocean Ave.	They were effective at preventing and calming reckless driving in the business district.		Residents would help organize if asked
disruptive of everyday life	They not effective at preventing and calming reckless driving in the business district.		
Not a car fanatic. Event clogs downtown, BUT is very beneficial to local businesses. We ar a tourist revenue dependent town. We need events like this BUT also need to manage them effectively & aggressively if necessary.	They were effective at preventing and calming reckless driving in the business district.	They're a nuisance for locals, but they fork for Fuel Run bandits etc.	Keep car week but don't let it get too large/long. Always search for better ways to mitigate impacts.

	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Car week (generally speaking) is a mess. If I am already going to be in town and in the thick of things though, I do miss both the Concourse on the Avenue and lunch stop for Tour D'Élegance and wish they would both come back.
The only thing that was substantial was the Ferrari event. The rest was just filler.			Why don't you cut it down to a week and won't feel you're just driving for dollars. The hotel rates were awful
Love the attention and excitement Car Week brings to Carmel. Wish 2 events no longer held in Carmel restored or replaced. Car Week brings value and world wide attention to our little village. It creates demand for stores/restaurants and home values! Similar to other world class type of events. Crazy not to leverage it and grow it in a high quality way. Some people object to the noise and commotion but it is a very small price to pay in order to benefit from it's upside. More money could be budgeted for temporary speed bumps and friendly/welcoming police presence to visitors but it is a winner for all and now attracting younger wealthy people whom we rarely see in Carmel outside of Car Week. A win, win for all.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Continue to restore and build Car Week in a quality manner. We have owned our home in 93921 for over 20 years and plan to stay another 35! Wish Concours on the Avenue and Pebble Beach Cars on display were reinstated.
Horrible behavior by car lovers.	They not effective at preventing and calming reckless driving in the business district.	Seriously? Drag racing everywhere!	Is it worth it? No. It's not.
	They not effective at preventing and calming reckless driving in the business district.	I could see it and hear it at all times a day esp at night	
	They were effective at preventing and calming reckless driving in the business district.		would love to see the City sponsor a car event like the one that used to be on ocean avenue after the rally, thursday morning.

	They not effective at preventing and calming reckless driving in the business district.		
The planned events were well coordinated but the "pop-up" events invited a lot of unsafe behavior. Such events should be providing safety measures and personnel.	They were effective at preventing and calming reckless driving in the business district.	No rubber skid marks on Ocean this year	
Already stated, too much jerk testosterone	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	On Ocean yes, great!!! However, it lead to reckless driving one block back in either direction and I WISH drivers would remember people have to cross the streets.	I wish there would be a way to keep the exotics out so those that wanted to could shop and dine. I can't tell you how many of my friends almost got run over going to the post office or walking their dogs. The shop keepers don't make any money and it puts a lot of people in jeopardy because of dumb people just trying to stir up trouble, it's not very fair.
Safe and sane, well organized, family-friendly, attractive.	They were effective at preventing and calming reckless driving in the business district.	Well done, felt safer because of the efforts of the City to curtail bad behavior.	
	They were effective at preventing and calming reckless driving in the business district.		
I am not a car person, but people seemed to enjoy these events.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Still a lot of car noise in the residential streets late at night. I am not sure what could be done though.	
only standout event was the Ferrari concours			
Cachet events are great for Carmel/by-the-Sea	They were effective at preventing and calming reckless driving in the business district.	Cars could not roar up & down Ocean. After 2 lanes were reduced to one lane with a forced right turn off Ocean, most vehicles left town.	Great for hotels, restaurants & coffee shops. Possibly other places of business.
too much trash generated, smoking on streets	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	did the cops go to sleep after midnight? or did they just plug their ears?	move it somepalce else
It seemed like a great deal of effort for minimal experiences and disruptions	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	The very loud engine noises from cars on Route One were very disturbing, echoing into neighborhoods	I hope that revenues generated from Car Week were worth all the effort and inconvenience for locals.
Prestige events are OK if they encourage visitors to spend several days.	They were effective at preventing and calming reckless driving in the business district.	Didn't observe any car nuts making mischief.	We stay out of the way and look forward to a return of peace and quiet.

As I stated previously, it brings the absolute worst people to the area that disrespects the local environment and the locals who work there.	They not effective at preventing and calming reckless driving in the business district.	The people that Car Week attracts do not seem to care about driving in a safe manner; they only care about showing off their ugly, overpriced cars to appeal to the male gaze. It is such an unnecessary event.	Please consider never having another car week again. It is disruptive and is a serious safety hazard for everyone on the peninsula. Even though it may create revenue for businesses, it harms locals at the same time.
	They not effective at preventing and calming reckless driving in the business district.	Numerous resident complaints on Nextdoor	Maybe shorten the length of the event
Enjoyed the week	They were effective at preventing and calming reckless driving in the business district.	Good policeplanning	
Part of the charm and character of our community is the diverse and creative events that occur. They are part of our culture and increase the attractiveness and vitality of the city.	They were effective at preventing and calming reckless driving in the business district.		People love cars. Only malcontents would not embrace such a global and exciting event in our community.
Those events added together did not compare to Cars on the Avenue!	They were effective at preventing and calming reckless driving in the business district.	Zero Traffic - Felt it went too far and harmed Restaurants and businesses	Too many whiners in our Community. We should not give in to a vocal few. Make Carmel by the Sea an important part of car week again.
See all comments above on the subject of environmental pollution, ostentatious displays of wealth, juvenile obsession with wealth and materialism.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Pedestrians still at risk at many corners.	Shutting it down would be the environmentally proper action to take.
Only here through Tuesday	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Speeding and reckless driving started early in the week.	Not a fan.
The concour on the Ave was a hard act to follow. The Ferrari and prancing ponies was good but not up to the same level	They were effective at preventing and calming reckless driving in the business district.	Didn't see anything that seemed reckless but I as only on Ocean a few times with all the other events going on	

	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Speed bumps are better than barricades
They were smaller events.	They were effective at preventing and calming reckless driving in the business district.	They seemed effective.	I miss the Thursday event when the Pebble Beach cars came and stopped in town to give people a chance to see those special old cars. Not having a big Tuesday event did have a negative impact on my guests not arriving on Monday and Tuesday, instead coming on Wednesday or Thursday. Concoors Week is a worldwide event and is here to stay so I appreciate the City planning for it to keep it safe.
Love the income it brings to the town but drivers with loud engines driving all over town got on my nerves	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	We had drivers just doing loops up our street (4th)	More police monitoring driving would be appreciated. Parked cars to enjoy is great but revving engines, driving around with loud engines is not. A nice trade off would be giving permission to rent out house for the week.
Well organized! Didn't like the unofficial events at Auberge and by Muse gallery and Fortanes- they were unmanaged and not safe to attend due to the number of people, dogs and kids in the street.		They were installed too early and seemed excessive	Keep small organized event!
great to see such a diverse selection of cars and motorbikes in such a beautiful area	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	ocean street diversion off hwy 1 kept pedestrians safe and made cars slow down. Other than the McLaren vs Bus crash things seemed pretty smooth	the availability of car week booklets and the race track info at visitor center in the plaza was helpful
	They were effective at preventing and calming reckless driving in the business district.	Too many people and congestion, we were lucky there were no security issues.	There is not enough parking to host such events, in addition we don't have a large enough police force to control issues and problems that arise.
Not cars any cars that meet my interests.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Didn't hear of any recklessness but certainly lots of stops and citations. Helpful up/down Ocean Avenue	Bring Legends of the Autobahn to Carmel and let them take over the town the way Concoors on the Avenue once did. A better fit than a bunch of dinky events.
Sidewalks too crowded. Too many people. Too noisy. Noisy announcer.	They were effective at preventing and calming reckless driving in the business district.	A lot of traffic presence. It would have been chaos without their presence and organization.	Block off ocean and side streets for pedestrians viewing cars only. The announcer needs a calm voice, less talking and focus only on unique car information.
They incidentally encouraged owners to bring their classic cars to Carmel.	They were effective at preventing and calming reckless driving in the business district.	I saw and heard little obnoxious driving this year.	The best part of Car Week was standing by Crossroads and seeing so many classic cars going to Big Sur.
Sorry the farmers' market was cancelled.	Hard to tell if the traffic and speeding would have been worse without them.	see above	Will plan to be out of town next year.

Car Week is out of control. It's too much for our area. It is impossible to control this many people and cars. Something is bound to happen one of these times. It is unfair to make our law enforcement officers try to keep order with these huge crowds. Can you imagine what would happen if there needed to be a mass evacuation? It would be a disaster.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Many of these crowds and drivers, especially the younger ones associated with social media are disrespectful of law enforcement and do whatever they want.	Please cut back on events in town and all around the Monterey Peninsula. It is a huge inconvenience for locals. Leave the rest to Pebble Beach.
Get something other than prancing ponies	They were effective at preventing and calming reckless driving in the business district.		I'd like the Concours D'elegance cars from PB back on Icean Ave on Thurs.
Cars are not my thing	They were effective at preventing and calming reckless driving in the business district.		Cars are not my thing. Lots of people in town so businesses hopefully were busy.
	They were effective at preventing and calming reckless driving in the business district.		Love it! It's exciting and rewarding. And it showcases the goodwill of our police force as they keep the rambunctious at bay
The concours in past years was exciting and invigorating for the village. It raised significant funds and was beneficial for the Village businesses.	They were effective at preventing and calming reckless driving in the business district.	I think the Carmel PD did a great job in anticipating the needs of the village and blocking the top of Ocean helps to prevent too many cars from cruising Ocean. That being said, I also enjoy watching the cars cruise Ocean Avenue.	
	They not effective at preventing and calming reckless driving in the business district.	I live on Carpenter St and cars were racing up and down with no traffic enforcement in sight.	We are a small village and do not have the capacity to entertain such events.
Our town gets overwhelmed	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		I don't like the way some of the events, like carweek, create a rowdy presence with little respect shown for our town.
Not as impressive as in the past.	Need more speed bum control on San Carlos.	Live on the street.	Go back to a more sophisticated event not a youth drag strip event.
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		a locals we cannot enjoy Carmel - too many tourists. We drive to restaurants in CV or Monterey/PG

	They were effective at preventing and calming reckless driving in the business district.		
	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		
See previous responses	They not effective at preventing and calming reckless driving in the business district.		Take it back to the way it originally was, one day on Sunday in Pebble Beach.
	They were effective at preventing and calming reckless driving in the business district.		more events please
	They were effective at preventing and calming reckless driving in the business district.	I was down town and saw and appreciated the measures taken	I wish we could encourage all drivers that noisy driving is juvenile and inconsiderate
I don't feel that they are really outstanding or interesting.	I totally stay away , too many people and crowding. Poor behavior.	police need so be walking around downtown and having a firm but amiable presence.	
Lots of friends and events in town	They were effective at preventing and calming reckless driving in the business district.		
The city seems to be unable to deal with the large amount of trash that is generated by large events	They not effective at preventing and calming reckless driving in the business district.	I witnessed some instances a very reckless driving	
Itâ€™s fun!	They were effective at preventing and calming reckless driving in the business district.	Traffic measures worked very well.	Keep car week coming to Carmel by the Sea.
See prior response - miss the Ocean Ave event	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Still too much speeding	
	They were effective at preventing and calming reckless driving in the business district.	Speed bumps up Ocean helped a lot this year. Traffic calling was orderly and did not feel like a â€œpolice stateâ€	Please continue. Wonderful week of the year.

When the events are devoted to only one brand, it becomes an outdoor car lot.		I live in the residential area, 13th Avenue, which became a raceway most nights of Car Week. Maybe it was not dangerous. I was cringing inside my house, hoping the walls and windows were stout enough to stop an out of control speeding car. I did not notice any police presence on my block. I was upset. My cat was terrified.	The speeding should be stopped. Otherwise, it was an okay event that brings business to town. I understand that.
Had personal (medical reasons) not to attend all. But, these events did not intrude on me at all	did not go into commercial district in evenings		This is what America is all about so you all are doing a good job at managing it! it is only 10 days
Favorite events like Mission show and Concours on the Avenue no longer exist.Needed to go to PG for enjoyment.	They were effective at preventing and calming reckless driving in the business district.	Observations	A few more small events may make sense...unfortunately other towns/cities have taken the lead.Sad to see locals with such negative views on the events.
The loss of both the Concourse on the Avenue and the Tour de Elegance were huge losses to Carmel!	They were effective at preventing and calming reckless driving in the business district.		
	They were effective at preventing and calming reckless driving in the business district.	They worked! Locals in oversized pickups are a far greater risk than visitors in exotics.	Keep it going and don't let a few grouches spoil it for everyone else!

See above. Car Week has grown from a weekend to 10 days of exhaust-spewing, noisy exhibitionism.		It seems the measures were somewhat effective in the business district, but other parts of Carmel/Carmel area were underequipped to deal with the reckless driving. We had to call both the Sheriff and the CHP but didn't notice any improvement over the latter days of the Concours.	What about its carbon footprint? Do we really need 10 days of this? How about returning to the weekend event, so that car fans can enjoy their event and local nonprofits can benefit, but the Peninsula doesn't get assaulted. Thank you!
I liked some (Bach Festival), house tours, other various, but there were other ones that I didn't care about one way or the other	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	People were rolling through stop signs, going the wrong way, generally not paying attention. Fancy cars were very loud. Some people were driving too fast.	
See previous answer.	They not effective at preventing and calming reckless driving in the business district.		Restrict to one weekend
There was much less than usual. Many visitors noted how small the events have become and said they would come again without cars on ocean.	They were effective at preventing and calming reckless driving in the business district.	Saw May several episode of cars not taking turns at the lights stopped and several rolling stripes on Junipero stopped. Quick response to late night speeding on Dolores st.	Recruit someone to reorganize the big events of past years on Ocean Avenue
	They were effective at preventing and calming reckless driving in the business district.		
The cars were driving out late at night/lots of noise woke us up or caused us not to be able to sleep. It was excessive and seemed to be unregulated			Nighttime regulation required. Lots of folks walking around/trash/noise/unpleasant
Fun. Meet people from all over world	They were effective at preventing and calming reckless driving in the business district.	No night car noise and barricades were effective. My deep appreciation for the public works efforts at putting up the obstacles. TY	Plz continue to have car week events for downtown carmel

I feel like Carmel is gentrifying to the point that, aside from the library, there's no way to go to Carmel without spending tons of money (parking is so impossible that you have to drop \$6/hour in the garage). I used to love the idea of Car Week, but again, it just felt tone-deaf this year (half-hearted vague mentions of charity proceeds aside). It's really frustrating if you have errands to run here (which I've had to keep putting off) or are just a mere mortal who wants to visit.	I don't know about Car Week specifically, but car congestion in the business district is always a problem	Parking is almost impossible unless you arrive in Carmel at the crack of dawn, and everyone is vying for the same handful of spots, Not to mention the trucks taking their halves out of the middle for deliveries and such!	I still love Carmel, but coming here is really becoming a hassle. It's not the bucolic little hamlet it was, in spite of what everyone wishes the roads and parking need to be adjusted accordingly (especially if, God forbid, there are more fires).
Beautiful cars, fabulous event.	They were effective at preventing and calming reckless driving in the business district.	Barriers effective	No
Climate change issues completely ignored. Unsafe driving and poor signage	They not effective at preventing and calming reckless driving in the business district.	First hand visual account	Should be held at Laguna Seca and Pebble Beach
Events are better in locations that can accommodate the crowds, such as Portola Plaza, Quail, Barnyard, Pebble Beach. The Concours Group eliminated the Thursday stop in Carmel in favor of keeping everything in Pebble because they have more control over crowds and more space for catered events. The return on investment of Carmel tax payer money is insufficient to justify the invited busy-ness. Private venues make plenty on their events, Carmel does not. Carmel-by-the-Sea is a residential village and the first consideration should be for its residents and surrounding neighborhoods. City administrators and employees are not the same as those of corporate groups. Their jobs are not meant to be centered around revenue generation.	They were effective at preventing and calming reckless driving in the business district.	After years of chaos, the quiet and civilized atmosphere in Carmel was wonderful!	Please seriously consider changing the approach to car week in our town. We are a small gorgeous village, and we do not need to expend the energy and tax money on more car events. In fact, most HNW visitors I know who stay here during car week love that Carmel is not just another crazy car show, but a welcome pause in the chaos. We are committed to protecting our fragile environment, and the number of fossil fuel burning vehicles in our area during that week is already dangerously high. Why invite more exhaust and day-tripping hot rods?

Loved the Ferrari event and thought Aston on the Ave and Acura were ok. Prancing Ponies and Concours for a Cause were not at a level expected for our Village. The cars were not impressive or interesting.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Cars seemed to be somewhat controlled but the crowds were not. People hanging out on the Ocean Ave medians was unacceptable.	I love car week and the amazing vehicles that make their way through our Village! Many of the cars that park in front of L'Auberge Hotel and Fournier Jewelers are rare and expensive. There should be opportunities for all to enjoy them as they draw big crowds that effect traffic. We should think of ways to close some streets for this. San Carlos Street becomes a raceway during car week between 8th and 13th Ave. It's very noisy and presents unsafe conditions. We need to find a solution similar to the traffic calming effects along Ocean. Some temporary traffic calming measures should be explored.
Not good communication of events. The Pine Cone is so lacking in online news/updates that its hard to reach the residents	They were effective at preventing and calming reckless driving in the business district.	Just seemed that way	Also, the evening private events at the Sunset Center have become more out of control than in the past. We need to work with these folks to make sure they adhere to the rules of using this facility. Better communication is key. If the Pine Cone wont get a real online news platform we should find a solution and back it.
Same as above. Noise, congestion, carbon footprint.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		

the morning, there were dozens of people standing on the sidewalk and in the road taking photos. I had to ask people to move so I could get my car out of my own garage--starting my car and beginning to back out didn't seem to prompt any realization that maybe they should move. Getting on and off my street (Monteverde) is a test of patience. The incessant revving of engines, from morning until midnight is noise pollution. ANNOYING AS HELL When I was coming out of my gate to walk my dog, a 20-something year old guy said to me, "I don't know how you do it. These car people are AWFUL. So rude, and acting like they run the place. I'm sure you moved here because you thought it was beautiful, but as a visitor, I'm really turned off by this scene." I encouraged him to come back some other time, but I can totally	I didn't have occasion for direct observation, so I don't know.		I can only imagine what this event is like for City employees, and I'm so grateful they are there, working hard to keep things sane. When an event makes residents hunker down at home or leave the area altogether, it seems time to question what we are doing and how we can make it less loathsome to people who aren't into it.
The EV event was an embarrassment. The in-park « art » looked like a vulgar, hippy yard sale. Go big or skip it. The Tours stop was always a fabulous event. The Thursday events were better but not like the Tours. Also, 7D Steakhouse had a live band until 1am. VERY LOUD. Why is that	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	It seemed fine to me but I heard there were issues.	I would love to see a return of larger, more prestigious events like the Tour. Otherwise, maybe skip it. At least, cancel that EV event. It was not worthy of Carmel and was just a marketing event for the very problematic eBike which are not compatible with Carmel's layout and should be banned. Also, as I expressed earlier, the Wednesday event was terrible.
Missing the marquee events, the Tour and Concours on the Ocean.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Need to get serious. Temporary speed bumps would curtail the super car fools from burning out, etc.	Carmel seems out of sync with the spirit of carweek since the demise of Concours on Ocean/Avenue. Needs to be resurrected.

As above, our favorite was the classic car show that used to happen on Tuesdays. We also liked when the Tour ended on Ocean. But we're neutral on that because we live close to the Polo fields (well, what used to be the Polo fields) and we hang out with the cars at the start.	They were effective at preventing and calming reckless driving in the business district.	One thing though. When we were there I think Friday night, driving west on 7th, I think just past Lincoln, the road was blocked at the END of the block. It should have been blocked at the start of the block! It was dark and we did not see the block until we got close enough that with the people and cars, there was zero ability for us to make a u turn. So we had to go around the blockage when we could. We suspected someone moved it to the wrong place because it was so illogical.	Thanks for everything! Keep it going. I realize it's hard to balance the "old car" crowd with the new car crowd that the Quail car show seems to have brought in. We miss the days when the week was full of walking through Carmel and seeing all sorts of classic cars parked in the open. And we love loud cars - when they sound musical, but the noise of the newer cars is just noise. I don't see how you can keep that group away. At least the Fuel Run cars seem to have been less obnoxious - though still obnoxious. And those 6x6 Mercedes SUV things were certainly pushing it when squeezing through the narrow roads. It seemed dangerous to all the crowds. But, admittedly, I did not see them speed or do anything reckless. Oh, and if it matters, we have historic cars, and historic race cars and spend a lot of time at the track as well, including as racers.
The history and natural resources of Carmel has so much more to offer. Beyond catering to golf and car enthusiasts, there should be more art shows and events hosted in our amazing outdoor spaces. Think; painting and/or sculpture shows on Dolores, craft fairs at Vista Lobos or along Scenic trail, surf/boogey board/kayak races at the beach. Or even a Carmel-by-the-Sea mini triathlon. Short swim in the ocean, bike through town and run through mission trail. More and different types of people will come to town for these events, which is good for businesses all around.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Some things worked, like the speed bumps. But stop sign management was still a problem, that is, drivers running the stop signs was common and pedestrians constantly in the crosswalk was bad too. And as mentioned before, the traffic cones at Junipero/Ocean seemed to create more problems than it solved.	The current events are fine, but consider hosting multi-day events that bring different types of people to town, in order to benefit all the businesses and to take advantage of what Carmel has to offer.
shows were great but parking is terrible	They were effective at preventing and calming reckless driving in the business district.	no reckless driving observed	parking is terrible

Many people in the crowds that come from some of the events, especially the exotics in Seaside, are absolutely awful. So many of them have no respect for our village or our laws.	They were effective at preventing and calming reckless driving in the business district.	The speed bumps on Ocean west of Junipero were very effective. I wish they were installed permanently. It was a great decision to route the Ocean and Junipero intersection around so that cars could't keep speeding up and down Ocean and running the stop signs there.	I met many, many people from out of town who were there just to see gorgeous cars and enjoy Carmel. I like that crowd. But there are also way too many entitled ones who think they can turn Carmel into their dream playground devoid of rules and take advantage of locals and a small police force. We cannot get rid of the two weeks of Car Week, but we can enforce our municipal ordinances (buy the cameras, put up the signs, issue tickets - if we have to listen to that group, lets put some money back into our city budget!).
Well executedâ€¦	All that is needed is to dedicate 2 squad cars constantly roving around, being evident to deter reckless behavior	That's what other towns use during large gatherings â€¦	Bring back the Tuesday Concourse on The Avenue
Could be a lot better. No where near the excitement, energy and attendance that we had in the past.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		Car Week generates an enormous amount of free publicity worldwide for Carmel and the Monterey Peninsula. Not to mention the amount of revenue it generates through restaurant and hotel taxes. We should embrace the opportunity to be an active and engaging part of the week. Although I know many residents would like to see it disappear.
It adds a great deal to the overall buzz of the week. Not everyone can afford to attend the very pricey out of town events. This gives everyone a chance to enjoy seeing some beautiful cars and enjoy downtown Carmel	They were effective at preventing and calming reckless driving in the business district.	Still crowded downtown, but not dangerous to just cross the street anymore	We do not need to get to a job, so travel is not a big issue for us. We plan our activities that week so that the traffic does not get in our way. We feel the events in town add to the overall atmosphere of the week. I wish the residents who persistently complain would thoughtfully adjust their movementsâ€¦ maybe just pick up their mail twice that weekâ€¦ and allow the rest of the residents to enjoy the events and excitement.
these events bring too many people to our small area and they don't respect the locals, everything gets overcrowded	They not effective at preventing and calming reckless driving in the business district.	too much traffic and no help	please cancel it or move it somewhere else
Very unique events	They were effective at preventing and calming reckless driving in the business district.		Keep it coming, always great things to see and learn.
See previous answer	They not effective at preventing and calming reckless driving in the business district.	Our house is close to the business district. It seems the major violators chose to move their speeding and motor revving into our quiet residence neighborhoods.	The Concours stop on Ocean should be revived with the encouragement and the participation of the City, perhaps with an earlier arrival time and a shorter duration (and/or consider moving the stop to the Sunset Center parking lot) to lessen the business disruption.

I feel Carmel by the Sea has become all about businesses making money while residents receive nothing from money generated by events. Residents are pushed out of town as there is not enough parking and day trippers clog the streets. We avoid eating downtown because the menus (never change) and prices are targeted to tourists.	They were effective at preventing and calming reckless driving in the business district.	Compared to year's past there is a world of difference but all the police work costs how much?	many visitors. Having a break from tourists during Covid was wonderful to us. It was like when we first moved here and what we loved about Carmel. A sense of community that has all but disappeared because bringing in more tourists and making money is paramount now. Where does the money go? Not to improvement of infrastructure here that I can see. We did participate in Car Week when we first moved here 22 years ago but as it become so expensive and the events so crowded that it just stopped being fun. We are full time residents of Carmel by the Sea and have no other home to go to during Concours. Those who can rent their homes for exorbitant prices certainly will not complain. Incorporating parking lots and shuttles and serious police and Highway Patrol presence has vastly improved the congestion but what is the cost? It doesn't filter down to benefiting us as residents. What if there was a fire or earthquake during that week? I'm extremely concerned, after what happened in Lahaina, that we might not be able to get out of here should there be a fire, which with hundreds of dead and dying trees will be worse than Lahaina and there is no chance of surviving in the water as some did. I loved Carmel when we moved here but it's nothing like it used to be and I feel the quality of life as a resident here has been so degraded by the money grabbers, tree huggers, and "preservationists" that the progress we need to finally look at Carmel as a place to live, not visit, will just never happen. Last year's storms showed how hard it is to live in a place that puts trees over human life. Loss of all communication that we had many times is largely due to the trees. Should we have a fire, especially one with winds at
	They were not effective in calming reckless driving anywhere	see above	Make it smaller!!!!!!!!!!
See my prior answers	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.		

COTA on Tuesdays was amazing. I am so sorry the gentleman who spearheaded it died. Is there no one who can step up? COTA, plus the Tour d' Elegance stop on Thursday was a main reason I bought a house in Carmel. Now, sadly they are gone. I suppose there are reasons the drivers choose not to drive through Carmel and stop on Ocean. I very much hope the demise of the Tour through Carmel does not have to do with permitting. I was sad and angry to read in The Pine Cone about the City giving the Tour organizers grief about permits when, instead, the City of Carmel should be GRATEFUL that such a wonderful and high-status event was happening in our town!	They were effective at preventing and calming reckless driving in the business district.	It was FUN to see the cars and hear the cars and see the people! The "measures" have overly sterilized the Car Week experience in Carmel. Boo. Thumbs down	the Car Week experience in Carmel has been gutted. From 10/10 to 2/10. No longer worth the time. I'll skip it entirely in the future if things cannot be restored.
Same as stated one page one. All events need to be world-class.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	The police did their very best, not an easy task.	The re-routing of cars off of Ocean Ave., then running all traffic down 6th street caused a big traffic jam and the evening visitors/diners, has far less available parking. I hope another solution can be looked.

As someone whoâ€™s been coming to the peninsula, and Carmel in particular, since the late 1980s, it saddens me to see how this event is now bringing in a more rowdy group of people. Last yearâ€™s drag racing around town isnâ€™t the kind of event the city needs to be encouraging. I donâ€™t know how much this reimagined event is actually helping city hotels, restaurants, wine tasting rooms, shops, art galleriesâ€™. My sense is that men, primarily, come in to town, look at the cars, maybe attend an auction or two and then head home.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	I wasnâ€™t aware of too many reckless driving situations in town, even though we could definitely hear cars racing around. We just couldnâ€™t tell where the racing was taking place; primarily late at night.	I fell in love with Carmel and the surrounding area when I first visited in 1988. It took me and my husband twenty years to buy a cottage in town after renting, by the month, for most of those years. It now seems like the most important thing to the city is taking care of its retail and restaurant proprietors in order to generate the most tax revenue as possible. Very little concern is paid to the cityâ€™s residents who support Carmel year-in-year-out with our property taxes and general consumption of goods and services. My husband has only recently retired. My dream of living in Carmel either full-time or half-time is in question. The charming little town I fell in love with is now only interested in serving tourists and specialty events. The thing the city claims to be concerned about, too many second-home owners in town, will be further exacerbated by that phenomenon.
I feel like Carmel is going in the right direction after the loss of the the major events. Most of the people i know, myself included, miss the Concours on the Avenue quite a bit. I do feel like Carmel is picking up the pieces and moving in the right direction. Despite more vocal naysayers about Concours, people in my neighborhood (NE Carmel-by-the-Sea) generally LOVE Car Week, volunteer for events, and want to see the city figure out how to make the magic continue.		Mostly things worked! Kudos to the law enforcement and others who had a plan. There were some rather wild vehicles cruising in the Golden Rectangle, I noticed. Glad to see the pop up cameras emerge.	We really love, love Car Week. Most of our neighbors do, too. If anyone says that locals hate this event, they are not representative of the people that live near me. Most the people here attend, volunteer, and enjoy the week. Yippee!

See above, same answer. 2 events were poor, 1 outstanding	They were effective at preventing and calming reckless driving in the business district.	Did not observe antics or street racing	We need to step it up next year and do quality events or none at all.
The cars are extraordinary but the location for these events is inadequate. They should be moved out of town to spaces more appropriate. Tourists who come to see the cars will also come to Carmel by the Sea. Both experiences will be more enjoyable.	The noise occurs day, night, and the middle of the night for all the days. This gorgeous town deserves better.	We heard it!! We keep our windows closed and still hope to fall asleep.	We plan to be away for future Car Weeks, as long as these events take place downtown. No, we will not rent our house during that time for financial benefit. The precious beauty of this locale deserves better protection and thoughtful planning for an event as invasive as this. It has grown in car power, noise, and attendance beyond the size and preciousness of Carmel by the Sea.
Something nice for normal people to do without entry fees.	They were effective at preventing and calming reckless driving in the business district.	We saw no inappropriate behavior.	Nice to see the old motorcycles included.
Iâ€™m only in town for the month of August	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Lots of crowds on the corners and streets as we walked to & from dinner at Portabella on Ocean.	We love Carmel! During our month staying there we had 15 visiting friends from all over California come & stay w/us. We went to the Forest Theatre to see â€œThe Addams Familyâ€. Dined in many restaurants, shopped in many stores that we walked to. Had many walks with friends on Scenic & Carmel Beach. Please bring back COTA!
Many interesting activities. Good for many, but not all, local business	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Cones rerouting traffic at Ocean and Junipero, and speed strips, the pm decreased racing on Ocean and pm noise.	
Same as before	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Too many out of the area people fueled by alcohol and drugs	
Prancing Ponies was the best, it has become a relevant, valuable and fun event. FOC was OK, seemed pretty random, just a lot of Ferraris with no obvious organization or point. The Acura event was, as usual, nothing but an outdoor showroom of Acura cars. Who cares?	They were effective at preventing and calming reckless driving in the business district.	The growing lawless element seems to have been really hobbled. My year has revolved around Car Week for 40 years. I am grateful and relieved that the police and the City have restored safety and calm to what seemed to be increasingly dangerous. Bravo!!!	I appreciate the City is alive and organically seeking to optimize Car Week for everyone, the general public, the shops and restaurants and car maniacs like me. I recommend a tweak that would add a valuable event. I have done the PG Auto Rally on Friday every single year since 1995. I suggest the City re-invite PG to return to Carmel at the end of the Rally. I believe it stopped because Carmel required a significant cash payment for security services, and PG declined. As I recall, that stop drew many people lining Ocean Avenue. Consider how possible having the Rally depart PG at 4:00 rather than 5:00, and stop in Carmel for perhaps an hour. Maybe it's unworkable, but somehow leveraging one of the best attended and established Car Week events to add something diverse and popular to Carmel's Car Week menu. Finally I appreciate the City working to improve Car Week experiences for us.

Walk in Carmel-by-the-Sea all the time when it's not too busy	They not effective at preventing and calming reckless driving in the business district.	Had to stay home because there was too much traffic	Car Week is an Air Pulling Event with the exception of EV cars. We've driven a Volt for 5 years mostly in town.
The prancing ponies show was great. The concourse for a cause was good. The Ferrari owners was good. The only downside is they disrupt the downtown businesses all day long. The Acura event was too much like a new car display.	They were effective at preventing and calming reckless driving in the business district.	All the traffic that I saw was forced to drive slowly and orderly due to the barriers restricting traffic on ocean.	I always thought the tour Dâ€™excellence was a perfect fit between the the concourse events and carmel by the sea. If nothing else that event should be bright back.
Again Car Week is too much for this town. Keep in mind, this town was built as a quiet small town by artistic bohemians....this Car Week s totally not in keeping with that.	They not effective at preventing and calming reckless driving in the business district.	The cars are still too loud.....and they are not welcome here.	I've am not satisfied with the efforts of the City to curb the effects of car week on the residents of this community. Please DO something about this problem.
	They were effective at preventing and calming reckless driving in the business district.	We've witnessed reckless driving on Ocean in years past and appreciate the blockades and police presence to prevent it. We were on Ocean on Saturday night to eat after attending the Rolex Reunion at Laguna Seca, We love seeing all of the amazing cars. It was concerning though that so many people were crowding the medians which could be dangerous, and it was apparent that some spectators were inebriated and caused some difficulties for pedestrians on the sidewalks.	We really miss the Concourse on Ocean event, but please keep Carmel Car Week alive! Its a magical tradition and experience.
Concourse on the avenues is second only pd Sunday concourse but ours is free	They were effective at preventing and calming reckless driving in the business district.	It was quite some noise not bad	Bring back the Tuesday concourse a chance to see great cars for FREE and support the Carmel foundation where many of us seniors take our lunch!
	They not effective at preventing and calming reckless driving in the business district.		I would lidke to see more tightly controlled driver practices

Lackluster			
To many Police and traffic control very military feel	A reaction to one guy 4 years ago. Waste of money	Waste of money and man power due to one guy 4 years ago spinning donuts.	Fast track any application to bring back Concourse on the Ave! Encourage the Concourse tour to come back for Thursday lunch!!!
we are car buffs that live for car week!	not necessary- we loved the cars driving through town	excessive rules were unnecessary	car week brings dollars into our town and it is a great event
A nice variety of cars. And smaller events.	They were effective at preventing and calming reckless driving in the business district.	Traffic control seemed better.	More traffic control is needed on 17 Mile Drive. A lot of high speed driving.
	They were effective at preventing and calming reckless driving in the business district.		Car week is traditionally the biggest stimulus to our economy every year. Having low key but interesting events such as the Ferrari Concours allow locals to enjoy the week before the crowds arrive and provide an incentive for travelers to come for longer than the last weekend.
Brings out the community and strengthens the image of CBTS	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	I saw some speeding but not as much as the past.	Itâ€™s a globally recognized phenomenon that highlights CBTS
Well put on.	They were effective at preventing and calming reckless driving in the business district.	Factual answer	Do it again
A great selection of cars and causes!	They were effective at preventing and calming reckless driving in the business district.	From what I saw, most folks were driving within the bounds of the law.	The Ferrari Owner's Club event was a great addition this year. It should be carried on in future years as well!
Draws people in. Highlights CBTSâ€™s many opportunities and community outlets. Great was to raise money for Seniors and other outreach projects.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Towards the end of the day, I saw Lamborghinis and kids in cars driving recklessly up and down Ocean Avenue. It was detracting to an otherwise delightful day. Either better traffic control is required towards the end of the event, or create even larger events that expand onto Ocean Avenue and cross streets so that reckless driving cannot occur.	I miss Concours on the Avenue. To replace it, Iâ€™d like to see an event like the FOC Concours combined with an event like Concorso Italianoâ€¦ either all Italian, or multiple marques. Prancing Ponies might be one class. Motorcycles and special interest cars might also be included.
Such a great place for car week events.	They were effective at preventing and calming reckless driving in the business district.	More cops the better.	Best week of the year! Keep adding events on Thursday and make it like Doug's Tuesday past event.

Very festive atmosphere especially on Dolores Street with the Ferrari's.	They were effective at preventing and calming reckless driving in the business district.	No problems compared to two years ago. Felt safe!	It would be nice to add more one or two block shows from other groups such as: Porsche, Corvette, Jaguar. Thank you for doing this, especially on Thursday.
Just a great day (only attended on Thursday) so easy to see the cars & bikes in one place	We got there very early maybe before that was set-up		Great to see the Motorcycles on Dolores St. with the Cars.
I try to support all the events. My favorite however are the car events.	The time I was there, they were effective.		I'm strongly in favor of having the car week events. Especially the FOC - Ferrari & motorcycle event. Thank you.
Fun to bring an exciting element to the streets of Carmel, people milling about, meeting new friends. Events brought additional visitors to Carmel to shop, dine & drink.	They were effective at preventing and calming reckless driving in the business district.	Not much riff raff in Carmel that I saw. A lot of cruising and people/car watching but that's fun to see and experience. A world destination for car enthusiasts.	Loved the Ferrari & Motorcycle show. Great energy and a wide variety of vehicles. Nice people who displayed as well.
Great crowds	They were effective at preventing and calming reckless driving in the business district.	Drove by in my volt	
It was the opportunity to see some rare Ferraris	Not necessary. The attendees seem very respectful		
It gave me a chance to visit with other car enthusiasts, display my Ferrari, eat out at Carmel restaurants owned by car enthusiasts and to walk around and enjoy the variety of cars	They were effective at preventing and calming reckless driving in the business district.	Kept speeds under control. There's a time to open up our cars and drive them how they're meant to be driven but in town during car week isn't the time so the traffic / speed control devices like the temp speed bumps is great. With all the crowds walking around safety is a concern and it shows that Carmel is aware of the full situation.	Shuttle busses to /from Carmel high for general population of folks who just want to come to Carmel to see the high end cars ? It would help with traffic and parking. The free shows / displays are phenomenal. Car week is getting expensive and not everyone can afford \$500-\$1000 for a ticket to go look at fancy cars. It's nice that they can come to Carmel and see the majority of cars for free. I enjoy bringing my Ferrari to town and park it on the street so others can look at it while I do the Same with other cars I'm happy to be on a committee to help guide future events. As a lifelong Peninsula resident, a Ferrari owner and a retired Law Enforcement Officer, I have a great perspective on these types of events
Intimate, casual and friendly setting to see some beautiful vehicles.	Seemed fine.	I arrived early to display my vehicle so only dealt with traffic upon departure	Hope you will repeat it again in 2024!

We come down to Carmel-By-The-Sea several times a year. We stay longer when the car show is in town.	They were effective at preventing and calming reckless driving in the business district.	I have seen many car events all over California and other states and the traffic safety provided was of top quality, and very effective, great job	I would like to see this car event grow larger, as to what it was prior to Covid-19
Friendly and fun	It felt oppressive and unnecessary	It felt like overkill. Police are always over reacting.	Tell the cops to lighten up.
Nice to be able to just wander around your beautiful city.	They were effective at preventing and calming reckless driving in the business district.	I had no concerns.	Nice to be back in Carmel!
Lots to see, all while easy access to shops and restaurants	They were effective at preventing and calming reckless driving in the business district.		
	They were effective at preventing and calming reckless driving in the business district.		Add more shows and bring back the Tuesday show on Ocean Avenue. They were great!
I thought the events were very well organized and I didn't see where they interfered with anything as some have in the past.	They were effective at preventing and calming reckless driving in the business district.	Things were very civil and I never saw any issues as in past years. The crowd behaved well as a result of the participation of local law enforcement and help from other agencies. Well done!	I would love to see these events grow in the future.
Great ambiance and great vehicles/motorcycles.	They were effective at preventing and calming reckless driving in the business district.	I didn't see anything bad happen.	Hopefully you'll have the Italian motorcycles back next year, with the Ferrari cars and possibly other Italian cars.
Carmel is a key part of car week and needs to have its own series of organized events or IG/YTâ€™ers will take it over with flash-mob events. Donâ€™t let that happen.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	hard to stop all the bad behavior, but they did a pretty good job in general	
Makes Carmel feel more inviting to guests.	Did not care for them. Made unnecessary traffic.	Took too long to exit event on Thursday.	FOC Thursday show was fabulous. Thanks to Tex Otto and team for putting it on and inviting me to show my car.

Fun environment and great weather	They were effective at preventing and calming reckless driving in the business district.	no problem	I would encourage the local government to continue and perhaps enhance its support of the Carweek
Small events seemed easier to manage and traffic was much better than when Ocean was blocked off all day for the big show of previous years. I saw many local friends from the area and friends from the San Francisco area.	They were effective at preventing and calming reckless driving in the business district.	I drove in town for cocktails, a dinner and to meet friends..	Continue with these smaller shows- including building the Aston Martin displays into a bit larger display.
We can only handle so many bodies	They were effective at preventing and calming reckless driving in the business district.		
Plenty to choose from Plus lots of different really cool vehicles and nice people	They were effective at preventing and calming reckless driving in the business district.	The calming was well laid out, well staffed, people walking felt safe and the people driving seem to respect the staff members	Please continue with All of these events
There are some good events and it would be good to see an event like the Tuesday car show come back and the Thursday Concourse stop. The Ferrari owners club event was alot of fun with music, presenters, cars and motorcycles.	They were effective at preventing and calming reckless driving in the business district.	They are a pain ot deal with but I understand that they are needed.	It was another great year and it was good to see the events growing.
Loved the cars, enjoyed the luncheon, enjoyed meeting new people, enjoyed hanging out with friends.	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	measures were effective, always room for improvement, keep it up	Please continue to have the event, Ferrari Club involvement essential
Itâ€™s car week!!! I thought Thursday was perfect.	They were effective at preventing and calming reckless driving in the business district.	Sometimes they were over aggressive	
I didn't even know about the events on the 15th and 16th. They weren't on any of the event listing sites I used.	They were effective at preventing and calming reckless driving in the business district.	I didn't see anyone doing anything out of bounds this year.	I'd like to see more town involvement, not just the expensive events at the resorts.

Carmel is a pleasant walking experience during Car week with amazing show cars or race trucks away on the side streets.	Frankly I did not notice them. In general most drivers yielded to pedestrians.		With the demise of the Concours on the Avenue that ran from 2007 until 2021, it is nice to have another event in the center of Carmel.
	They were effective at preventing and calming reckless driving in the business district.	I didn't see any problems	I hope I get to do it next year
People that are car lovers	They were effective at preventing and calming reckless driving in the business district.	There were no incidents when I was in Carmel	
see above	They were effective at preventing and calming reckless driving in the business district.		would do again
Lots of great people to meet and cars to see. Much better than the closing of Ocean Av for the Pebble Beach cars	They were effective at preventing and calming reckless driving in the business district.		I hope that it repeats again next year with perhaps more cars there
See above	They were somewhat effective at preventing and calming reckless driving in the business district and were somewhat effective.	Loud revving of engines made dining on Ocean Ave. difficult	Pls consider other Owners Club events.
	They were effective at preventing and calming reckless driving in the business district.		
I traditionally look forward to attend multiple events during car week.	They were effective at preventing and calming reckless driving in the business district.	I did not see bad behaviors this year. However, it made it more difficult to find parking and reach parts of Carmel.	Please keep encouraging safe and sane car events for car enthusiasts such as myself. We also patronized multiple Carmel restaurants and shops while in Carmel and enjoy that as well.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

October 3, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Nova Romero, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a report on the outcome of the August 30, 2023, City Council Priorities Workshop and provide direction to staff regarding the projects on the list. Direction to staff may include adjusting the priority level, scheduling discussion for a future meeting, or whether to add, remove, or change items on the list.

RECOMMENDATION:

Receive a report on the outcome of the August 30, 2023, City Council Priorities Workshop, and provide direction to staff regarding the projects on the list, including but not limited to, adjusting the priority level, scheduling discussion for a future meeting, or whether to add, remove, or change items on the list.

BACKGROUND/SUMMARY:

This staff report summarizes the current list of 22 active strategic priority projects and the direction noted at the August 30th Priorities workshop. The full status for each project can be found in the staff report from the August 30th Priorities Workshop, included in this report as **Attachment 1**. At the end of the list, there are additional items that may need further direction from Council. Staff is requesting Council review the list and provide additional direction if any alterations need to be made to these next steps. Once this direction is finalized, this list will determine how staff time will be focused until the next strategic workshop or otherwise directed by Council.

To quickly summarize the list:

- **15 projects were kept as Top Priority Projects**
- **7 projects remain on the list but are not considered a top priority**
- **6 items were brought up as potential new priorities to add to the list**

Workshop Direction on the 22 Active Priorities:

1. Update Zoning Code & Design Guidelines AND Explore Reinstatement of the Design Review Board (DRB) - 75% Complete - Top Priority

- Keep as a top priority project
- Continue with project as outlined by staff

2. Develop Accessory Dwelling Unit (ADU) Ordinance – 75% complete - Top Priority

- Keep as a top priority project
- Consider hiring a consultant to move this project through completion, or consider staff capacity

3. Develop Telecommunications Ordinance Consistent with Federal Law – 85% complete - Top Priority

- Keep as a top priority project
- Continue with project as outlined by staff

4. Explore Opportunities for Permanent Outdoor Dining – 25% complete

- Not a top priority
- Consider changing this priority to “Develop a Downtown Master Plan”

5. Review Barriers to Construction of Affordable Housing – 75% Complete – Top Priority

- Keep as a top priority project
- Continue with project as outlined by staff

6. Explore Redevelopment of the North Lot at Sunset Center – 0% Complete

- Not a top priority
- Consider location as a possible housing element opportunity site

7. Police/Public Works Building Renovation Project – 20% Complete – Top Priority

- Keep as a top priority project
- Continue with project as outlined by staff
- Consider a bond to help finance the project
- Increase percentage complete to 30%

8. Review Opportunities for Enhanced Fire/Ambulance Services – 10% complete – Top Priority

- Keep as a top priority project
- Consider other options in addition to a JPA, such as contracting Fire Services with Cal Fire
- Appoint an Ad Hoc committee consisting of Mayor Pro Tem Richards and Councilmember Baron, Acting Police Chief Watkins, Fire Chief Panholzer, as well as community members

9. Develop a plan to ensure that the City’s natural areas, as well as private property, are properly maintained to reduce fire risk – 55% Complete – Top Priority

- Keep as a top priority project
- Complete the Wildfire Risk Assessment Plan
- Agendize discussion on ways to educate the public on mitigating fire risks on their private property, evacuation planning
- Focus on removing dead trees
- Continue private property inspections for fire risks

10. Develop Urban Forest Master Plan (UFMP) & Update Tree Ordinance – 60% complete – Top Priority

- Keep as a top priority project
- Continue with project as outlined by staff

11. Stormwater Ordinances Update – 90% Complete – Top Priority

- Keep as top priority project
- Continue with project as outlined by staff

12. Volunteer Group Oversight and Facilitation - 75% Complete

- Not a top priority
- Continue with project as outlined by staff
- Consider changing the priority name to “Volunteer Oversight, Facilitation, and Appreciation”

13. Increase Beautification Efforts – Ongoing – 50% complete – Top Priority

- Keep as top priority project
- Continue with project as outlined by staff
- Add more sidewalk and trashcan cleaning
- Consider quarterly awards to businesses who have the most clean and beautiful business front and sidewalk area as an incentive.

14. Develop a Facilities Maintenance Plan (Facility Renovation Projects) – 45% Complete – Top Priority

- Keep as top priority project
- Continue with project as outlined by staff

15. Underground Utilities Rule 20A – 40% Complete – Top Priority

- Keep as top priority project
- Continue with project as outlined by staff

16. Explore Opportunities for Scout House – 35% Complete – Top Priority

- Review the California Department of Housing and Community Development (HCD) findings
- Provide direction to staff on exploring new opportunities, priority level, and timeline

17. Coastal Engineering Study and Climate Committee – 20% Complete

- Not a top priority
- Continue with project as outlined by staff

18. Review/Reformulate Approach to Reserves/Update Financial Policies – 35% Complete

- Not a top priority

- Continue with project as outlined by staff

19. Develop and Implement Social Media Plan - 10% Complete

- Not a top priority
- Consider changing the priority to “Communication with Residents”, and focus on ways to get information out such as newsletters for residents, and emergency alerts.

20. Explore Opportunities for Flanders Mansion – 10% Complete – Top Priority

- Provide direction to staff on the priority level and timeline

21. Explore Street Addresses – 30% Complete – Top Priority

- Keep as top priority project
- Provide direction to staff in November after receiving an update

22. Explore Parking and Traffic Management Program - 50% Complete - Top Priority

- Keep as top priority project
- Provide direction to staff in November after receiving an update

New Priorities for consideration and direction

The following is a list of items that were brought up by one or more Councilmembers as potential new priorities to add to the list. Staff is seeking clarification on the direction for each item.

- **Outdoor Wine Tasting Ordinance**
 - Add as a new priority
 - Appoint an ad hoc committee consisting of Mayor Potter and Councilmember Baron
- **Carmel Area Wastewater District (CAWD) - Carmel River “Bridge to Everywhere” Project**
 - Add as a new priority
 - Focus priority on annexing Rio Park property
- **Transient Occupancy Tax (TOT) increase – Explore adding to the 2024 ballot**
 - Add as a new priority
 - Consider increased TOT funds to finance the Police Building Project and other infrastructure
- **Board and Commissioner Training & Onboarding**
 - Consider adding as a new priority
- **Undergrounding Power Lines - bigger project, separate from Rule 20A Priority**
 - Consider adding as a new priority
 - Create ad hoc for an underground utilities district.
- **Car Week Impacts and Safety**
 - Consider adding as a new priority

FISCAL IMPACT:

n/a

PRIOR CITY COUNCIL ACTION:

Council held a Strategic Priorities Workshop on August 30, 2023

ATTACHMENTS:

Attachment 1) August 30, 2023, Staff Report - CC Priorities Workshop



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

August 30, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Nova Romero, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Conduct a workshop/retreat to discuss the City Council's Strategic Priority Projects, gather input from the public, and provide direction to staff regarding prioritization of each project on the list. City Council may give directions to staff during strategic planning, however, any actions to implement such directions will be considered at future scheduled Council meetings.

RECOMMENDATION:

The City Council Workshop will focus on receiving updates and discussing the status of the City Council's Strategic Projects. Additionally, during the workshop, we aim to gather input from the public and provide direction to staff regarding the prioritization of each project on the list. There will also be an opportunity to discuss potential new priorities for inclusion on the list. Any action resulting from these discussions will be considered at future scheduled Council meetings.

In order to ensure effective strategic planning and decision-making, it is recommended to conduct a workshop where City Council members can have a comprehensive discussion on the existing strategic projects. This discussion will allow for the collection of vital input from the public and enable Council members to provide direction to staff regarding project prioritization. The workshop will also provide an avenue for considering new priorities for inclusion.

BACKGROUND/SUMMARY:

The following is a brief chronological summary of how the City Council Strategic Priority List has evolved over the last couple of years:

- October 12th, 2021** - City Council held a public workshop at Sunset Center to discuss roughly sixty (60) different projects associated with the Council's adopted Strategic Initiatives. Following a hearty and productive discussion, the Council reduced the list of priority projects to a total of thirty (30), recognizing that some tasks were "day to day" or belonged on other lists like the Capital Improvement Program (CIP).
- January 4th, 2022** – Council received a presentation from staff on the list of thirty (30) priority projects. To aid in managing the Council's priority projects, staff created a worksheet called the "Council Priorities Tracker", which includes information about project completeness and month-by-

month updates/forecasting.

- **March 10th, 2022** - Council held another public workshop. Department heads presented and discussed each item on the full priority list of thirty (30) projects. Following these detailed discussions, and in consideration of available staff resources, Council opted to elevate sixteen (16) projects as the highest priority, and directed staff to focus their efforts on these projects before working on any of the remaining projects on the larger list of thirty (30). The concept behind this top priorities list, was that as projects were completed, and resources became available, another project from the larger list of thirty (30) could move up to become a top priority at the direction of the full Council.
- **September 13th, 2022** – Council received a brief update on each project contained in the tracking list of thirty (30) strategic priority projects, including the percentage complete and the items that have been completed, which were moved off the tracking sheet to a separate “Completed Projects” worksheet. Council gave direction to staff to give an update to Council after the election when the new Councilmember is seated.
- **January 31st, 2023** – Council conducts another public strategic workshop at Sunset Center. Department heads presented the status of each project on the full priority list of thirty (30) projects. This update included percentage of completion for active projects, and those which had been finalized and moved over to a separate list (5 total completed, not including the Climate Action Plan). Council discussed the active projects, and provided some preliminary direction about elevating certain projects to “top priorities”. Council also suggested moving other projects to the list of those that are fully completed (Vacant Positions, and Pandemic Recovery). Council directed staff to return in March at their regular meeting to present the outcomes from the strategic workshop and to receive direction on specific projects.
- **March 7th, 2023** – Council received a report on the outcome of the January 31, 2023, City Council Strategic workshop. Staff gave a brief summary of the direction received from Council on each item on the priority list, such as items to keep as a top priority, items to elevate, and items that have changed status or to combine.

This workshop will serve as a platform to receive updates on the progress of the City Council's Strategic Projects. It is essential to have an overview of the current status and projections for each project, in order to make informed decisions moving forward. Key components of the workshop include:

- City Council has thirty (30) strategic priority projects, with twenty (20) designated as “top priorities.”
- To date, eight (8) projects have been completed, leaving twenty-two (22) projects in various stages of progress.

In this report, you will find the following documents for your reference:

- **Attachment 1:** A complete tracking list of twenty-two (22) strategic projects that are still in progress, with seventeen (17) of them being considered “top priority.”
- **Attachment 2:** A list of the eight (8) strategic projects that have been successfully completed.
- **Attachment 3:** A list of the eleven (11) "Level 3" strategic projects that were removed from the list in October 2021 for Council consideration.

EXECUTIVE SUMMARY

Council Priority Projects (In Progress)

Below is a list of the current Council Priorities that are in progress, including the status and direction for each priority as of January, the current status, and the projection through December 31. Top Priority items are indicated in the following list.

1. Update Zoning Code and Design Guidelines (Residential & Commercial) AND Explore Reinstatement of the Design Review Board (DRB)) - CP&B - 75% complete – Top Priority

Update since January 31st:

- First Draft of revised guidelines completed and distributed to community in February
- Steering Committee review/edits March to June
- Update to Council in June, with direction received to have Final Draft completed by December
Steering Committee meetings ongoing

Projection of progress through December 31st:

- Complete Second Draft of Design Guidelines
- Begin adoption hearings by December

2. Develop Accessory Dwelling Unit (ADU) Ordinance - CP&B - 75% complete – Top Priority

Update since January 31st:

- Drafted ADU Ordinance in collaboration with City Attorney
-

Projection of progress through December 31st:

- Plan a First Draft Ordinance workshop with Planning Commission for October or November

3. Develop Telecommunication Ordinance consistent with federal law - CP&B - 85% complete – Top Priority

Update since January 31st:

- Staff redrafted wireless ordinance based on feedback
- Released redrafted ordinance for community feedback
- Second full draft released August 5th
- Planning Commission Special Meeting held on August 23rd for recommendations to Council

Projection of progress through December 31st:

- Consideration of Ordinance by Council

4. Explore opportunities for permanent outdoor dining - CP&B - 25% complete

Update since January 31st:

- Not assigned High Priority status

- No significant update

Projection of progress through December 31st:

- No projected updates at this time

5. Review barriers to construction of affordable housing - CP&B - 75% complete – Top Priority

Update since January 31st:

- Multiple Community Meetings held by CP&B staff
- Onsite meeting with CA Department of Housing and Community Development (HCD)
- Participated in community engagement events
- Conducted online community surveys
- Staff completed first draft of General Plan, sent to State for comments

Projection of progress through December 31st:

- Complete a final draft for incorporating State's comments
- Present General Plan draft to Council for consideration

6. Explore redevelopment of the north lot at Sunset Center - CP&B - 0% complete

Update since January 31st:

- Included in the City's Housing Element as an opportunity site

Projection of progress through December 31st:

- No projection

7. Police/Public Works Building Renovation Project - PD/PW/CPB - 20% complete – Top Priority

Update since January 31st:

- Architects selected through RFP process for functional program report
- Condition Assessment and stakeholder interviews in progress

Projection of progress through December 31st:

- Concept plans and cost estimates for renovation options and new facility prepared by consultant
- Staff continues meeting with Ad Hoc Committee
- Present Functional Program Report in early 2024

8. Review opportunities for enhanced fire/ambulance service - PD - 0% complete – Top Priority

Update since January 31st:

- Joint Powers Agreement in development

Projection of progress through December 31st:

- Progress may have drastically changed by exploration of new opportunities

9. Develop a plan to ensure that the City's natural areas, as well as private property, are properly maintained to reduce fire risk - Fire/PD/PW - 55% complete – Top Priority

Update since January 31st:

- 3 tree contracts awarded
- 350+ dead, dying, fallen trees removed
- Landscape maintenance contractor and staff mowing, weed wacking, debris removal continues
- MTNP Weedies/PW ongoing fuel reduction

Projection of progress through December 31st:

- 30 task orders for landscape maintenance for FY23/24
- Utilize \$75K allocated by Council for MTNP for tree work
- Continue working through backlog of potentially dangerous trees, limbs, and stumps
- Fuel reduction efforts planned for Forest Hill Park in early 2024

10. Develop Forest Management Plan (FMP) & Update Tree Ordinance - PW - 60% complete – Top Priority

Update since January 31st:

- Inventory of 10,000 trees completed, 75% of technical studies completed
- Steering committee of five selected to supplement F&B Commission
- Public workshop held in July
- Stakeholder interviews complete
- Community survey will be released

Projection of progress through December 31st:

- Complete technical studies
- Complete a draft of UFMP for first review in late 2023
- Present draft report to F&B Commission
- Facilitate a second community meeting
- Update ordinances in 2024

11. Stormwater Ordinances update - PW - 90% complete – Top Priority

Update since January 31st:

- WQCB & CCC commented requested October 2022
- WCBC comments received December 2022
- CCC comments received June 2023, reviewed with City Attorney
- Currently working with City attorney and other agencies to address comments

Projection of progress through December 31st:

- Complete ordinances with first and second readings in the Fall
- Amend Local Coastal Program in the next year

12. Volunteer Group Facilitation - PW - 75% complete

Update since January 31st:

- Ongoing facilitation, coordination, and process improvements with Carmel Cares and FOMTNP
- Published an informational volunteer page on the City website
- Provided primary support to Leadership Carmel for the planning and installation of nature play and inclusive elements at Forest Hill Park

Projection of progress through December 31st:

- Improve volunteer efforts for the North Dunes habitat restoration site
- Incorporate new Forester with volunteer facilitation process

13. Increase Beautification Efforts - Ongoing - PW - 50% complete – Top Priority

Update since January 31st:

- Ongoing communication and coordination with Carmel Cares for Forest Theater landscaping, Scenic Pathway maintenance, Downtown Detail, and Median Minders
- Made improvements to upper Ocean Ave. pathway
- Stumpgrinder acquired by PW has improved the department's ability to address stumps around the Village
- Tree planting efforts continue

Projection of progress through December 31st:

- Seek direction from F&B Commission about Ocean Ave. median islands landscaping
- Complete the removal of tank and pumphouse at MTNP

14. Develop a Facilities Maintenance Plan (Facility Renovation Projects) - PW - 45% complete – Top Priority

Update since January 31st:

PW and consultant have completed project designs for:

- City Hall roof replacement
- Sunset Center north wing painting
- Cottage windows repairs
- HML painting
- Library Master Plan in progress (HML&PNL)
- Facility Condition Assessment completed for:
- City Hall
- Fire Station
- Vista Lobos building
- PW building

Projection of progress through December 31st:

- Begin construction of four renovation projects
- Progress on CIP's including:
Sunset Center, bollards, retaining walls, portico, Carpenter Hall heater
- Obtain quotes for Park Branch Library dumbwaiter decommissioning
- Obtain quotes for Sunset Center projects, fire recirculation pump, and ADA projects

15. Underground Utilities Rule 20A - PW - 40%_complete – Top Priority

Update since January 31st:

- Completed and submitted two options to PG&E for undergrounding, both options met criteria for 20A funding
- CA Public Utility Commission's (CPUC) rules changing may present challenges

Projection of progress through December 31st:

- Submit two options to Council to include a white paper and establish an Assessment District and submit documents to PG&E
- Remain prepared for PG&E's backlog for construction

16. Explore opportunities for Scout House - PW - 35%_complete – Top Priority*Update since January 31st:*

- Issued an RFP for renovation, activities programming and facility maintenance
- No proposal received
- Help two public hearings, adopted two resolutions for Surplus Lands Act, met with CHCD

Projection of progress through December 31st:

- Seeking Council direction for next steps
- Receive CHCD findings

17. Coastal Engineering Study and Climate Committee - PW - 20% complete*Update since January 31st:*

- Consultants are preparing Coastal Engineering Study (CES)
- PHASE I:
 - Task One (Shoreline Infrastructure Condition Assessment) presented to F&B in March
 - Task Two (Beach Sand Survey) presented to F&B in August
 - Both will be presented at next Climate Committee meeting

Projection of progress through December 31st:

- PHASE II:
 - Seek Council authorization to expend \$500k Coastal Commission LCP grant
 - Shoreline infrastructure repairs \$250k (CIP)
 - Prepare an RFP for a coastal engineering firm, seek council approval to enter into a PSA with selected consultant

18. Review/Reformulate approach to reserves/update financial policies - Administration - 35% complete*Update since January 31st:*

- Progressive updates identified as part of the financial audit process
- Integrated as part of the FY 23/24 budgeting process
-

Projection of progress through December 31st:

- FY 22/23's financial audit will provide Finance the opportunity for thorough review and updates to policies

19. Develop and Implement Social Media Plan - Administration - 15% complete

Update since January 31st:

- Online presence enhanced with a City website refresh

Projection of progress through December 31st:

- Staff will seek Council direction on the priority status
- If elevated, next steps will include RFP for a consultant to guide staff on policy development and implementation

20. Explore opportunities for Flanders Mansion - Administration - 10% complete – Top Priority

Update since January 31st:

- Elevated to Top Priority Status
- Staff assigned to Flanders Mansion research

Projection of progress through December 31st:

- Staff presentation to City Council at September 12th meeting for direction

21. Explore Street Addresses - Administration - 30% complete – Top Priority

Update since January 31st:

- Retained Top Priority Status
- Staff pursued a collaborative relationship with Postmaster and USPS
- Staff research produced four options for next steps

Projection of progress through December 31st:

- Staff presentation to City Council at September 12th meeting for direction

22. Explore Parking and Traffic Management Program - Administration - 50%_complete – Top Priority

Update since January 31st:

- Public Engagement Phase completed
- Consultant held public meetings, public outreach through event participation, and gathered and organized input from community members for presentation to Council

Projection of progress through December 31st:

- Presentation to Council scheduled for September CC meeting
- Will seek direction from Council for a parking management ordinance
- October: tentative plans for a first reading of Draft Ordinance on Parking Management Program
- November: Second Reading of Ordinance
- December: Begin parking management program implementation phase

Completed Projects (8 total):

1. Develop a multi-pronged financial strategy to address pension liability
2. Restructure peninsula messenger service for at-home letter delivery
3. Develop organics/recycling ordinance
4. Forest theater facilities manager
5. Review and update sign ordinance
6. Filling vacancies
7. Pandemic recovery
8. Update Purchasing Policy

NEXT STEPS

Following the workshop, staff members will carefully review the feedback provided by the Council regarding the list of projects currently in progress. The staff will consider any changes to the prioritization of projects and address additions, removals, or modifications to the list of priorities as directed by the Council.

Once staff has thoroughly analyzed the feedback, any changes in the project prioritization, staff will be instructed to adjust their focus and allocate resources accordingly based on the updated priorities. In addition, any actions such as additional funding resources, staffing, etc resulting from these discussions will be considered at future scheduled Council meetings. Staff strives to ensure that the Council's input is effectively incorporated into the ongoing projects and will maintain open communication and staying responsive to Council's priorities to successfully execute Council's priorities within timeline and budgetary resources.

FISCAL IMPACT:

None for this item.

PRIOR CITY COUNCIL ACTION:

Background summary of prior Council action is included in the staff report.

ATTACHMENTS:

Attachment 1) In-Progress Priority Tracker

Attachment 2) Completed Priorities

Attachment 3) Level 3 Priority List

Council Priority Tracker: August 2023					
Council Priorities - Currently in Progress (highlighted #'s are designated as top priority)					
No.	Project	Category/Dept.	Update Since January 31st	% Complete	Projection of Progress Through Dec.31st
1	Update Zoning Code and Design Guidelines (Residential & Commercial) AND Explore Reinstatement of the Design Review Board (DRB))	CP&B	- First Draft of revised guidelines completed and distributed to community in February - Steering Committee review/edits March to June - Update to Council in June, with direction received to have Final Draft completed by December - Steering Committee meetings ongoing	75%	- Complete Second Draft of Design Guidelines - Begin adoption hearings by December
2	Develop Accessory Dwelling Unit (ADU) Ordinance	CP&B	Drafted ADU Ordinance in collaboration with City Attorney	75%	Plan a First Draft Ordinance workshop with Planning Commission for October or November
3	Develop Telecommunication Ordinance consistent with federal law	CP&B	- Staff redrafted wireless ordinance based on feedback - Released redrafted ordinance for community feedback - Second full draft released August 5th - Planning Commission Special Meeting held on August 23rd for recommendations to Council	85%	Consideration of Ordinance by Council
4	Explore opportunities for permanent outdoor dining	CP&B	- Not assigned High Priority status - No significant update	25%	No projected updates at this time
5	Review barriers to construction of affordable housing	CP&B	- Multiple Community Meetings held by CP&B staff - Onsite meeting with CA Department of Housing and Community Development (HCD) - Participated in community engagement events - Conducted online community surveys - Staff completed first draft of General Plan, sent to State for comments	75%	- Complete a final draft for incorporating State's comments - Present General Plan draft to Council for consideration
6	Explore redevelopment of the north lot at Sunset Center	CP&B	Included in the City's Housing Element as an opportunity site	0%	No projection
7	Police/Public Works Building Renovation Project	PD/PW/CPB	- Architects selected through RFP process for functional program report - Condition Assessment and stakeholder interviews in progress	20%	- Concept plans and cost estimates for renovation options and new facility prepared by consultant - Staff continues meeting with Ad Hoc Committee - Present Functional Program Report in early 2024
8	Review opportunities for enhanced fire/ambulance service	PD	Joint Powers Agreement in development	10%	Progress may have drastically changed by exploration of new opportunities
9	Develop a plan to ensure that the City's natural areas, as well as private property, are properly maintained to reduce fire risk	Fire/PD/PW	- Three tree contracts awarded 350+ dead, dying, fallen trees removed - Landscape maintenance contractor and staff mowing, weed wacking, debris removal continues - MTNP Weedies/PW ongoing fuel reduction	55%	30 task orders for landscape maintenance for FY23/24 - Utilize \$75K allocated by Council for MTNP for tree work - Continue working through backlog of potentially dangerous trees, limbs, and stumps - Fuel reduction efforts planned for Forest Hill Park in early 2024
10	Develop Forest Management Plan (FMP) & Update Tree Ordinance	PW	- Inventory of 10,000 trees completed, 75% of technical studies completed - Steering committee of five selected to supplement F&B Commission - Public workshop held in July - Stakeholder interviews complete - Community survey will be released	60%	- Complete technical studies - Complete a draft of UFMP for first review in late 2023 - Present draft report to F&B Commission - Facilitate a second community meeting - Update ordinances in 2024
11	Stormwater Ordinances update	PW	- WQCB & CCC commented requested October 2022 - WCBC comments received December 2022 - CCC comments received June 2023, reviewed with City Attorney - Currently working with City attorney and other agencies to address comments	90%	- Complete ordinances with first and second readings in the Fall - Amend Local Coastal Program in the next year
12	Volunteer Group Facilitation	PW	- Ongoing facilitation, coordination, and process improvements with Carmel Cares and FOMTNP - Published an informational volunteer page on the City website - Provided primary support to Leadership Carmel for the planning and installation of nature play and inclusive elements at Forest Hill Park	75%	- Improve volunteer efforts for the North Dunes habitat restoration site - Incorporate new Forester with volunteer facilitation process
13	Increase Beautification Efforts - Ongoing	PW	- Ongoing communication and coordination with Carmel Cares for Forest Theater landscaping, Scenic Pathway maintenance, Downtown Detail, and Median Minders - Made improvements to upper Ocean Ave. pathway - Stump Grinder acquired by PW has improved the department's ability to address stumps around the Village - Tree planting efforts continue	50%	- Seek direction from F&B Commission about Ocean Ave. median islands landscaping - Complete the removal of tank and pumphouse at MTNP

Council Priority Tracker: August 2023					
Council Priorities - Currently in Progress (highlighted #'s are designated as top priority)					
No.	Project	Category/Dept.	Update Since January 31st	% Complete	Projection of Progress Through Dec.31st
14	Develop a Facilities Maintenance Plan (Facility Renovation Projects)	PW	- PW and consultant have completed project designs for: - City Hall roof replacement - Sunset Center north wing painting - Cottage windows repairs - HML painting - Library Master Plan in progress (HML&PNL) - Facility Condition Assessment completed for: - City Hall - Fire Station - Vista Lobos building - PW building	45%	- Begin construction of four renovation projects - Progress on CIP's including: - Sunset Center, bollards, retaining walls, portico, Carpenter Hall heater - Obtain quotes for Park Branch Library dumbwaiter decommissioning - Obtain quotes for Sunset Center projects, fire recirculation pump, and ADA projects
15	Underground Utilities Rule 20A	PW	- Completed and submitted two options to PG&E for undergrounding, both options met criteria for 20A funding - CA Public Utility Commission's (CPUC) rules changing may present challenges	40%	- Submit two options to Council to include a white paper and establish an Assessment District and submit documents to PG&E - Remain prepared for PG&E's backlog for construction
16	Explore opportunities for Scout House	PW	- Issued an RFP for renovation, activities programming and facility maintenance - No proposal received - Help two public hearings, adopted two resolutions for Surplus Lands Act, met with CHCD	35%	- Seeking Council direction for next steps - Receive CHCD findings
17	Coastal Engineering Study and Climate Committee	PW	- Consultants are preparing Coastal Engineering Study (CES) PHASE I: - Task One (Shoreline Infrastructure Condition Assessment) presented to F&B in March - Task Two (Beach Sand Survey) presented to F&B in August - Both will be presented at next Climate Committee meeting	20%	PHASE II: - Seek Council authorization to expend \$500k Coastal Commission LCP grant - Shoreline infrastructure repairs \$250k (CIP) - Prepare an RFP for coastal engineering firm, seek council approval to enter into a PSA with selected consultant
18	Review/Reformulate approach to reserves/update financial policies	Administration	- Progressive updates identified as part of the financial audit process - Integrated as part of the FY 23/24 budgeting process	35%	FY 22/23's financial audit will provide Finance the opportunity for thorough review and updates to policies
19	Develop and Implement Social Media Plan	Administration	Online presence enhanced with a City website refresh	15%	- Staff will seek Council direction on the priority status - If elevated, next steps will include RFP for a consultant to guide staff on policy development and implementation
20	Explore opportunities for Flanders Mansion	Administration	- Elevated to Top Priority Status - Staff assigned to Flanders Mansion research	10%	Staff presentation to City Council at September 12th meeting for direction
21	Explore Street Addresses	Administration	- Retained Top Priority Status - Staff pursued collaborative relationship with Postmaster and USPS - Staff research produced four options for next steps	30%	Staff presentation to City Council at September 12th meeting for direction
22	Explore Parking and Traffic Management Program	Administration	- Public Engagement Phase completed - Consultant held public meetings, public outreach through event participation, and gathered and organized input from community members for presentation to Council	50%	- Presentation to Council scheduled for September CC Meeting - Will seek direction from Council for a parking management ordinance - October: tentative plans for a first reading of Draft Ordinance on Parking Management Program - November: Second Reading of Ordinance - December: Begin parking program implementation phase

COMPLETED PRIORITIES (8 TOTAL)			
#	ITEM DESCRIPTION	DEPARTMENT	STATUS
1	Develop a multi-pronged financial strategy to address pension liability	Administration	Completed
2	Restructure Peninsula Messenger Service for at-home letter delivery	Administration	Completed
3	Develop organics/recycling ordinance	PW	Completed
4	Forest Theater facilities manager	PW/Comm. Act.	Completed
5	Review and update sign ordinance	CP&B	Completed
6	Filling vacancies	Administration	Completed as of March 2023
7	Pandemic recovery	Administration	Completed as of March 2023
8	Update Purchasing Policy	Administration	Completed as of July 2023

Level 3 Priorities From October 2021				
Item Description		Department	Estimated Level of Staff Resources to Complete	Elevate Priority?
1	Review budget related community engagement strategy	Administration	High	
2	Consider creation of Downtown Master Plan	CPB/PW	High	
3	Conduct a ‘State of the Village’ presentation for the Community	Administration	Low	
4	Develop and conduct a community engagement survey to help inform the community about future budgets, including an inquiry on ways to improve community engagement	Administration	Low	Attachment 3
5	Work with the Carmel Chamber of Commerce to develop a Carmel Commercial Property Owners’ Association	Administration	Medium	
6	Underground power lines in partnership with PG&E	PW/CPB	High	
7	Develop a plan to assess the City’s natural assets to potentially influence future Capital Improvement Plans	PW	High	
8	Create a plan to increasingly bring the Community together and ensure City Council attendance at local events	Community Activities	Medium	
9	Develop a process and plan for encouraged/preferred commercial uses by reviewing the Commercial Zoning Code and working with the business community	CPB	Medium	
10	Develop a report on the feasibility of creating an economic opportunity function	Administration	High	
11	Energy Watch facilities assessment	PW	Low	



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

October 3, 2023
PUBLIC HEARINGS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Evan Kort, Associate Planner

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: **DR 23-140 (Esperanza Carmel Commercial - JB Pastor Building):** Consideration of a resolution overturning the July 2023 decision of the Historic Resources Board (Reso. 2023-009-HRB) and issuing a Determination of Consistency with the Secretary of the Interior's Standards, with new findings and conditions, for the construction of a mixed-use building with subterranean garage on a portion of the Northern California Savings & Loan Complex site located at Dolores Street 2 Southeast of 7th Avenue in the Service Commercial (SC) Zoning District. APNs 010-145-012, 010-145-023, 010-145-024

RECOMMENDATION:

Adopt Resolution 2023-099 overturning the July 2023 decision of the Historic Resources Board (Reso. 2023-009-HRB) and issue a Determination of Consistency with the Secretary of the Interior's Standards, with conditions, for the construction of a mixed-use building with subterranean garage on a portion of the Northern California Savings & Loan Complex site located at Dolores Street 2 Southeast of 7th Avenue in the Service Commercial (SC) Zoning District. APNs 010-145-012, 010-145-023, 010-145-024.

BACKGROUND/SUMMARY:

EXECUTIVE SUMMARY

The City Council held a Right of Review Hearing (Pursuant to CMC 2.04.160) for the subject application at their September 12, 2023 meeting ([click here for staff report](#)). Following deliberation, the Council moved to continue the hearing with direction to staff to prepare specific findings and conditions based on the Council discussion. The motion was to prepare a resolution overturning the previous Historic Resources Board Determination of Consistency for the subject project (Resolution 2023-009-HRB), with new findings of Consistency and Conditions of Approval for the project to be brought back for adoption at the October 3, 2023 hearing. Staff has prepared a revised Resolution for adoption by the Council based on the direction provided by the Council at the September 12, 2023 meeting. The action the Council is taking is to find the project consistent with the Secretary's Standards, as conditioned. The applicant would then revise the project based on Council direction for final action by the Planning Commission.

BACKGROUND AND PROJECT DESCRIPTION

The applicant is proposing to construct a 15,351-square-foot mixed-use building with a 9,805-square-foot subterranean garage on a portion of the Northern California Savings and Loan Complex site. The project is proposed to be construction on lots 6 and 8, as well as lot 10 –lot 10 is not part of the Complex site. While the community room is located on lot 6, the project is proposed to be built around the community room leaving the structure intact with no alteration proposed to the Bank Building or Community Room structures. However, the proposed project required the ornamented concrete wall to the south of the Community Room to be removed.

The application was considered by the Historic Resources Board at their July 17, 2023 meeting. The Board adopted Resolution 2023-009-HRB issuing a Determination of Consistency for the project. During the 10-day appeal period for the decision, two members of the City Council, Council Member Ferlito and Council Member Dramov, enacted the City Council Right of Review (CMC 2.04.160) to review the decision made by the Historic Resources Board both specifically noting the relocation of the concrete wall as the primary concern in the written request for the review. Both Council Members presented their specific concerns at the September 12th City Council meeting.

At the September meeting, City Council considered the Right to Review and moved to continue the project with direction to staff to prepare specific findings and conditions based on the Council discussion overturning the previous Historic Resources Board Determination of Consistency (Resolution 2023-009-HRB), with new findings of Consistency and Conditions of Approval for the project to be brought back for adoption at the October 3, 2023 hearing. While the request for the Right of Review was initiated due to concerns surrounding the ornamented concrete wall at the southwest corner of the Community Room, additional concerns were raised regarding the proposed projects siting and spatial relationships to the Complex as a whole.

Staff has prepared a revised resolution based on the council feedback at the September 12th hearing for review and adoption.

STAFF ANALYSIS

Evaluation Process

The findings and conditions outlined in the attached Resolution (Attachment 1) were prepared using the testimony of the City Council at the September 12, 2023 hearing, either as directly stated or substantially derived from the intent of the statements made by the City Council. While staff has prepared this resolution based on review of the video of the previous hearing and written testimony provided to staff, staff will be prepared at the hearing to make changes to the Resolution in real-time should the City Council wish to make further amendments.

Preservation Buffer and Preservation of Spatial Relations and Site Context:

Based on the findings, discussion, and direction of the Council at the September 12 hearing, staff has prepared a “preservation buffer” (see Figure 1, below) around the Community Room, including the original ornamented concrete wall.

Preservation Buffer: A primary concern of the Council discussed at the September 12 hearing was that the proposed project did not respect the existing spatial relationships of the Complex and concerns were raised that the proposed development would loom over the Complex and subordinate the Complex not only from the primary elevation but also at the sides and rear. The Council suggested the proposed project be moved away from the

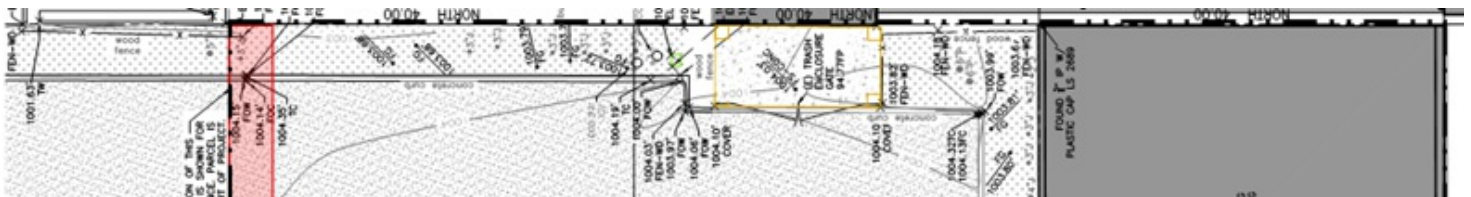
Complex to give space and light to the Complex.

While prescriptive setbacks were generally not provided as part of the discussion, a Councilmember did suggest at least a 5-foot setback from the original ornamental concrete wall and maintaining the existing spatial separation around the site. This direction was used to produce the preservation buffer (see Figure 1, below) which dedicates the areas in which the new building should not be located in an effort to maintain the spatial relationships of the Complex. The buffer includes:

- A minimum setback of 5' from the exterior of the original of the ornamented concrete wall;
- Maintaining the minimum separation around the community room on the south and east side as measured as the minimum distance from Community Room to the non-original (staff estimates 7'6" is the minimum distance from the Community Room to the non-original wall);
- Maintaining the minimum separation between the community room and the bank building (staff estimates this distance is 8'5"); and
- Keeping a 50% buffer of the minimum separation between the community room and the bank building from the northern property line adjacent to the Bank Building site (approximately 50% of the width of separation between the Bank Building and Community Room; staff estimates this distance is 4'3").

In conjunction with the preservation buffer shown below, the following conditions have been included in the Resolution:

- ***Preservation of Spatial Relationships.*** Prior to review by the Planning Commission, the Design Review plans shall be revised to preserve the existing spatial relationship of the Complex. At a minimum, all proposed structural elements shall be located outside of the preservation buffer as depicted in Attachment A of this resolution. Walkways, at grade stairways, landscaping, paving, and similar features may be allowed within the buffer, however, building elements that are defined as building coverage (CMC 17.14.130) shall not be permitted to encroach. Building eaves shall be limited to an encroachment of 18 inches or less.
- ***Preservation of Site Context.*** To ensure the Complex is not subordinated by the proposed development, prior to review by the Planning Commission, the Design Review plans shall be revised to preserve the context of the site so that the Saving and Loan Complex remains a prominent feature as viewed from 7th Avenue and Dolores Street. Changes to be considered include but are not limited to: articulation of the front elevation to preserve and open the view from Dolores Street looking north, reducing and minimizing the mass of the structure(s) to maintain to not diminish the character of the Complex, and further enhancing the open space around the Complex.



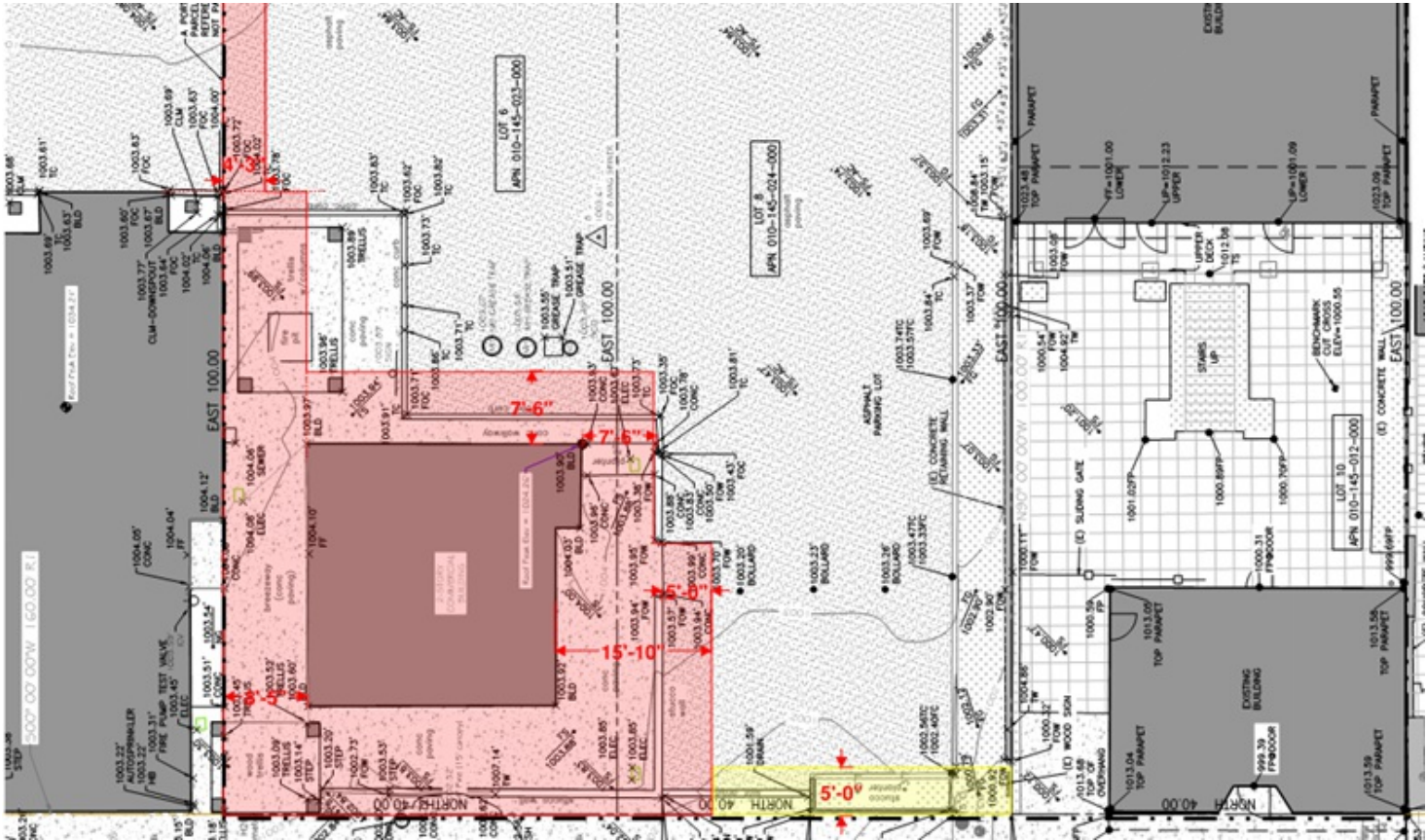


Figure 1. Preservation Buffer illustrated in red. Build-to-Line waiver area (see Staff Recommendation section, below) shown in yellow.

Additional Staff Recommendations.

While not requested by the applicant or specifically directed by the Council, based on the discussion at the prior hearing, staff is recommending the City Council grant a waiver from the built-to-line (CMC 17.14.130; see Figure 1, above).

Build-to-line: CMC 17.14.130 states, “*Within the CC and SC districts the street-facing, ground-level facade of each building shall be established on the property line or within two feet of this line for at least 70 percent of each street frontage of the building.*”

This code provision required the ground floor façade to be built within 2-feet of property line along the street frontage. Some exceptions exist for entrances to intra-block walkways or courtyards.

Waiver: In accordance with CMC 17.32.100, *The Board [Council] is authorized to develop and implement preservation incentive programs that are consistent with this chapter (CMC 17.32). The following preservation incentives are available to owners of resources listed in the Carmel Register (The Complex was listed on the Carmel Register in April 2023).*

An available benefit described in the code addresses maintaining existing structural non-conformities and creating new design non-conformities when this is found necessary to achieve consistency with the Secretary’s Standards. As such, staff is recommending a waiver from the build-to line to allow for portions of the proposed building located on “Lot 8” to have the build-to line modified from 2-feet to 5-feet, as shown in Figure 1, above (also see description from Resolution see below).

Build-to-Line Waiver. *The subject site is located on the Carmel Register of Historic Resources. The City Council hereby finds that to allow the remaining original intact portion of the ornamented concrete wall to be visible from the public right-of-way, a waiver from the build-to-line requirement (CMC 17.14.130) may be granted by the Planning Commission for portions of the proposed building located on Lot 8, for up to 5-feet from the property line. This waiver and creation of a Design Non-Conformity is granted in accordance with CMC 17.32.100.D, Benefits Available to Historic Resources on the Register.*

Waiver Rationale and explanation: At the September 12th hearing, the Council expressed concerns regarding the proposed building's massing and the visibility of the wall as viewed from the right-of-way (particularly as viewed looking toward the north standing south of the site on Dolores Street). The intent of this waiver from the build-to line is to allow for additional view opportunities of the wall and Complex in conjunction with the preservation buffer described, above.

The 5-foot line was recommended as a 5-foot setback is often required for sites in the RC and R4 districts and therefore would be consistent with other commercial setbacks of properties in the immediate vicinity, and is limited to lot 8 as lot 10 is not part of the Historic site (the benefit only applies to sites listed on the Historic Register). Lastly, this recommendation by staff is not intended to serve as a mandate, but rather as a benefit to the applicant/property owner to deviate from the build-to line provision (CMC 17.14.130) in preparing revising drawings if found necessary to further preserve the visibility of the Complex site in conjunction with the preservation buffer in revising the design based on the council direction.

FISCAL IMPACT:

There is no fiscal impact associated with the consideration of a Determination of Consistency. Staff time associated with processing this application is captured in the adopted FY2023-24 budget.

PRIOR CITY COUNCIL ACTION:

The City Council has not previously considered a Determination of Consistency for this specific project. However, the Council has considered a number of items for the Complex previously.

The City Council considered adding the property to the Carmel Historic Inventory in 2006 when the property was 34 years old and determined it was not eligible for listing as a historic resource at that time.

In 2020, the City Council made the determination that that a property does not qualify for the Carmel Inventory and issued a "Determination of Ineligibility" for the property. The item was brought before the City Council following the appeal of the Historic Resources Board's decision to add the property to the City's Historic Inventory. The associated Determination of Ineligibility expired on October 26, 2022.

In 2021, the City Council adopted a Resolution Reso. 2021-043, denying the appeal by Christopher Mitchell (APP 21-197) and upholding the Historic Resources Board's decision to issue a Finding of Noncompliance with the Secretary of the Interior's Standards for the demolition of the Palo Alto Savings and Loan Bank Community Room. While the Determination of Ineligibly described in the paragraph above was still valid, this project was required to be reviewed by the HRB as the Complex is eligible for listing on the California Register of Historic Resources, as previously described.

In 2023 the Council adopted two Resolutions at their April 4, 2023 hearing:

1. Resolution 2023-051 denying the appeal by Esperanza Carmel (APP 23-031) and upholding the Historic Resources Board's decision to list the Northern California Savings and Loan Complex on the Carmel Inventory of Historic Resources and Carmel Register of Historic Resources, and

1. Resolution 2023-052 denying the appeal by Esperanza Carmel (APP 23-031) and upholding the Historic Resources Board's decision to issue a Finding of Noncompliance with the Secretary of the Interior's Standards for the demolition of the Palo Alto Savings and Loan Bank Community Room.

On September 12, 2023, the City Council held a Right of Review Hearing (CMC 2.04.160) for the subject application following the July 17, 2023 Historic Resources Board Hearing. Following deliberation at the hearing, the Council moved to continue the hearing with direction to staff to prepare specific findings and conditions based on the Council discussion. The motion was to prepare a resolution overturning the previous Historic Resources Board Determination of Consistency for the subject project (Resolution 2023-009-HRB), with new findings of Consistency and Conditions of Approval for the project to be brought back for adoption at the October 3, 2023 hearing

ATTACHMENTS:

Attachment 1) Resolution 2023-099

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2023-099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA OVERTURNING THE JULY 2023 DECISION OF THE HISTORIC RESOURCES BOARD (RESO. 2023-009-HRB) AND ISSUING A DETERMINATION OF CONSISTENCY WITH THE SECRETARY OF THE INTERIOR'S STANDARDS, WITH NEW FINDINGS AND CONDITIONS, FOR THE CONSTRUCTION OF A MIXED-USE BUILDING WITH SUBTERRANEAN GARAGE ON A PORTION OF THE NORTHERN CALIFORNIA SAVINGS & LOAN COMPLEX SITE LOCATED AT DOLORES STREET 2 SOUTHEAST OF 7TH AVENUE IN THE SERVICE COMMERCIAL (SC) ZONING DISTRICT. APNS 010-145-012, 010-145-023, 010-145-024

WHEREAS, on May 11, 2023, Jason Diaz of International Design Group (IDG), ("Applicant") submitted an application (DR 23-140) on behalf of Esperanza Carmel, on May 24, 2022 requesting the construction of a mixed use building located on Lots 6, 8, and 10 of Block 91; and

WHEREAS, the project is partially location on a historic property is known as the Northern California Savings and Loan Complex ("Complex") which is listed on the Carmel Inventory of Historic Resource and Carmel Register of Historic Resources; and

WHEREAS, the Complex consists of Lots 2, 4, 6, and 8 located on Block 91 and is currently comprised of Assessor Parcel Numbers (APNs: 010-145-002, 010-145-023, 010-145-024); and

WHEREAS, APN 010-145-002 is comprised of lots 2 & 4 and is owned by D&K Dolores, LLC ("D&K Dolores"). APN 010-145-023 and 010-145-024 are comprised of lot 6 and 8 respectively. Both lots 6 & 8 are owned by Esperanza Carmel Commercial LLC ("Esperanza Carmel"); and

WHEREAS, the applicant is proposing to construct a portion of a 15,351-square-foot mixed-use building with a 9,805-square-foot subterranean garage on lots 6 and 8 of the Northern California Savings & Loan Complex site; and

WHEREAS, the project qualifies as a Major Alteration to a Historic Resource pursuant to CMC 17.32.160; and

WHEREAS, pursuant to CMC 17.32.120 (Alteration of Historic Resources), a determination of consistency with the Secretary's Standards shall be obtained prior to altering, remodeling, demolishing, grading, relocating, reconstructing or restoring any historic resource; and

WHEREAS, pursuant to CMC 17.32.120.B, determinations of consistency for major alterations shall be prepared by a qualified professional and shall be supported by written documentation that (1) identifies which of the Secretary of the Interior's Standards for Rehabilitation are applicable to the project, (2) reviews the proposed project, and (3) explains the basis of the determination; and

WHEREAS, a Phase II report was prepared by a qualified professional, Seth Bergstein of PAST Consultants, dated June 30, 2023, and found the proposed amendments to be consistent with the Secretary of the Interior's Standards for Rehabilitation provided the recommendations outlined in the report were carried out; and

WHEREAS, on July 17, 2023, the Historic Resources Board held a duly noticed public hearing to receive public testimony regarding the Determination of Consistency for the application, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the application; and

WHEREAS, on July 17, 2023, the Historic Resources Board adopted Resolution 2023-009-HRB issuing a Determination of Consistency for the construction a 15,351-square-foot mixed-use building with a 9,805-square-foot subterranean garage on a portion of the Northern California Savings & Loan Complex site; and

WHEREAS, on August 3, 2023, during the 10-business day appeal period of the Historic Resources Board's decision, two City Council members requested the Council's Right of Review of the Historic Resources Board's decision consistent with CMC 2.04.160; and

WHEREAS, the Right of Review hearing was scheduled for the next available hearing date, September 12, 2023; and

WHEREAS, on September 1, 2023, a notice of the public hearing scheduled for September 12, 2023, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before September 1, 2023, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on September 12, 2023, the City Council held a de novo public hearing to receive public testimony regarding the Determination of Consistency for the application, including without limitation, information provided to the City Council by City staff and through public testimony on the application; and

WHEREAS, as part of a Right of Review hearing, the City Council may uphold the decision of the board, commission, or committee, amend the decision and/or conditions attached to the decision, overturn the decision, or remand the matter to the board, commission or committee for further consideration (CMC 2.04.160.B); and

WHEREAS, on September 12, 2023 the City Council moved to continue the project with direction to staff to prepare specific findings and conditions based on the Council discussion overturning the previous Historic Resources Board Determination of Consistency (Resolution 2023-009-HRB), with new findings of Consistency and Conditions of Approval for the project to

be brought back for adoption at the October 3, 2023 hearing in accordance with CMC 17.32.160.B.1.a; and

WHEREAS, while the request for the Right of Review was initiated due to concerns surrounding the ornamented concrete wall ("Wall") at the southwest corner of the Community Room, additional concerns were raised regarding the proposed projects siting and spatial relationships to the Northern California Saving and Loan Complex ("Complex") as a whole; and

WHEREAS, on September 22, 2023, a notice of the public hearing scheduled for October 3, 2023, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before September 22, 2023, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on October 3, 2023, the City Council held a public hearing to receive public testimony regarding the Determination of Consistency for the application, including without limitation, information provided to the City Council by City staff and through public testimony on the application; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the City Council at the hearing including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the City Council hereby finds that to allow the remaining original intact portion of the ornamented concrete wall to be visible from the public right-of-way, a waiver from the build-to-line requirement (CMC 17.14.130) may be granted by the Planning Commission for portions of the proposed building located on Lot 8, for up to 5-feet from the property line. This waiver and creation of a Design Non-Conformity is granted in accordance with CMC 17.32.100.D, Benefits Available to Historic Resources on the Register and is intended to be a benefit to the applicant and not a mandated requirement; and

WHEREAS, the City Council did hear and consider all said reports, attachments, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; 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 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, adoption of a finding of consistency is “not a project” pursuant to section 15378 of the CEQA Guidelines. Adoption of a finding of consistency does not grant any permits or entitlements approving a project which would result in a direct or indirect physical change in the environment; and

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

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Carmel-by-the-Sea makes the following findings regarding the project:

City Council Findings	
No.	
1.	The use of the ornamented concrete method of construction was used on both the Bank Building and the site walls, and originally linked the building to its surroundings.
2.	The south portion of the ornamented concrete wall remains intact enough to reveal the original stone pattern design and retain its historical significance.
3.	The decision to move the concrete wall is a major alteration to a historic resource and affects the entire Northern California Savings and Loan Complex.
4.	Breaking apart or moving portions of a historic resource destroys the integrity of the resource.
5.	The subject concrete wall is considered a work done by a master craftsman, Brad Bowman, with careful and deliberate thought in the placement of the stones and sand finish.
6.	Moving the subject concrete wall, and in turn the project, would violate three of the Secretary of the Interior’s Standards: Standard #2: <i>The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.</i> <u>Council Finding</u>: The ornamented concrete walls are an original landscape element from the 1972 design that still stands substantially intact today. Further, the spatial relationship between the Community Room and Bank Building are character defining features of the site. These spatial relationships extend beyond the building walls and include the ornamented concrete walls which were part of the original design concept and define the functional space of the complex from the parking lot. Standard #5: <i>Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.</i> <u>Council Finding</u>: The wall exhibits distinctive materials, features, finishes and construction techniques and is an outstanding landscape feature of the 1972 design.

	3. Standard #9: <i>New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.</i> a. <u>Council Finding:</u> The proposed new construction will destroy historic materials if the wall is moved from its intended position. The spatial relationships that bring light and space to the entire complex, and are a character defining feature of the resource, will be forever dwarfed by the overly large and looming structure in the adjoining buildings. The Bank Building and Community Room were designed to be viewed from all four sides. Further, the complex exists on a corner in the downtown area and the environment that surrounds that building, including such landscape features, are also important. The ornamented concrete wall is significant for both its spatial significance on the site as well as the artistic value.
7.	The same reasons for not moving the Community Room, which were found by the City Council on May 2, 2023 (Resolution 2023-052), also apply to the relocation of the wall.
8.	The original intent of the architect's (Burde & Shaw, whom are listed in the City's Historic Context Statement) 1972 design must be respected which included the walls as an integral part of the design.
9.	The important spatial relationships of the Northern California Saving and Loan Complex will be altered. The proposed project will loom over the Community Room. Removal of the remaining original concrete wall that shelters the community room on the south side would leave the Community Room windows looking out at the site of a new building instead of the artistic interior of the pebble wall, and eliminate and diminish the character defining spatial relationships of the site.
10.	The ornamented concrete wall is a distinctive feature of the site and a piece of publicly viewed art on private property and is a character defining feature of the site.
11.	The size of the proposed project itself demeans the existing Savings and Loan complex not by changing it, but rather by minimizing it into less significance. The proposed project does not subordinate to the complex but actually overwhelms it and confuses the composition of the entire block.
13.	The proposed project does not respect the space of the environment and the project needs to be modified so that the Bank Building and Community Room maintain their spatial relationships and are not subordinated by the proposed development.
14.	The site is a Historic Resource in the heart of downtown Carmel By the Sea. It is important that the City preserves Historic Resources consistent with municipal code section 17.32.

BE IT FURTHER RESOLVED, that an application to repair the damage to the original ornamented concrete walls as a result of the nails being installed in the wall and used to support the story poles shall be submitted to the Community Planning and Building Department within 30-calendar days of the date of this action. Failure to submit an application within 30-calendar days may result in further enforcement pursuant with CMC 17.32.190.

BE IT FURTHER RESOLVED, based on the above findings and evidence, that the City Council of the City of Carmel-By-The-Sea does hereby **overturn the July 2023 decision of the Historic Resources Board** (Reso. 2023-009-HRB) and **issue a Determination of Consistency with the Secretary of the Interior's Standards** for the construction of a mixed-use building with subterranean garage on a portion of the Northern California Savings & Loan Complex site. This Determination of Consistency is further predicated on the following Recommendations and Draft Conditions of Approval being incorporated into the project, and accepted and approved by the City of Carmel-by-the-sea Planning Commission as part of the discretionary permit and approval for this project:

City Council Conditions	
No.	
Conditions for Consistency with Secretary's Standards	
1.	Ornamented Concrete Wall. Prior to review by the Planning Commission, the Design Review plans shall be revised and submitted to the Community Planning and Building Department, so that the original ornamented concrete walls located adjacent to the Community Room are shown to remain in their original locations and configuration.
2.	Preservation of Spatial Relationships. Prior to review by the Planning Commission, the Design Review plans shall be revised and submitted to the Community Planning and Building Department, to preserve the existing spatial relationship of the Northern California Savings and Loan Complex. At a minimum, all proposed structural elements shall be located outside of the Preservation Buffer as depicted in Exhibit A of this resolution. Walkways, at grade stairways, landscaping, paving, and similar features may be allowed within the Preservation Buffer, however, building elements that are defined as building coverage (CMC 17.14.130) shall not be permitted to encroach. Building eaves shall be limited to an encroachment of 18 inches or less.
3.	Preservation of Site Context. To ensure the Northern California Savings and Loan Complex is not subordinated by the proposed development, prior to review by the Planning Commission, the Design Review plans shall be revised and submitted to the Community Planning and Building Department, to preserve the context of the site so that the Saving and Loan Complex remains a prominent feature as viewed from 7 th Avenue and Dolores Street. Changes to be considered include but are not limited to: articulation of the front elevation to preserve and open the view from Dolores Street looking north, reducing and minimizing the mass of the structure(s) to maintain to not diminish the character of the complex, and further enhancing the open space around the Northern California Savings and Loan Complex.
Conditions of Approval	
5.	Ornamented Concrete Wall. The original ornamented concrete wall located at the southwest corner of the Community Room shall remain in its existing location and configuration. It shall remain unaltered and protected through construction. Site improvements shall not significantly obstruct the wall from public view and the wall shall remain accessible to the public as a piece of public art as part of a courtyard, interblock-walkway, or other means.
6.	Community Room Repairs. If repairs or alteration of any nature are proposed for the Community Room, the applicant shall submit in writing to the Community Planning and Building Department an application outlining the details of any proposed work for review and approval prior to commencement of work. Any deteriorated exterior elements for the Community Room should be repaired, rather than replaced whenever possible.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 3rd day of October, 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk

(Exhibit A attached)

Exhibit A Preservation Buffer Area

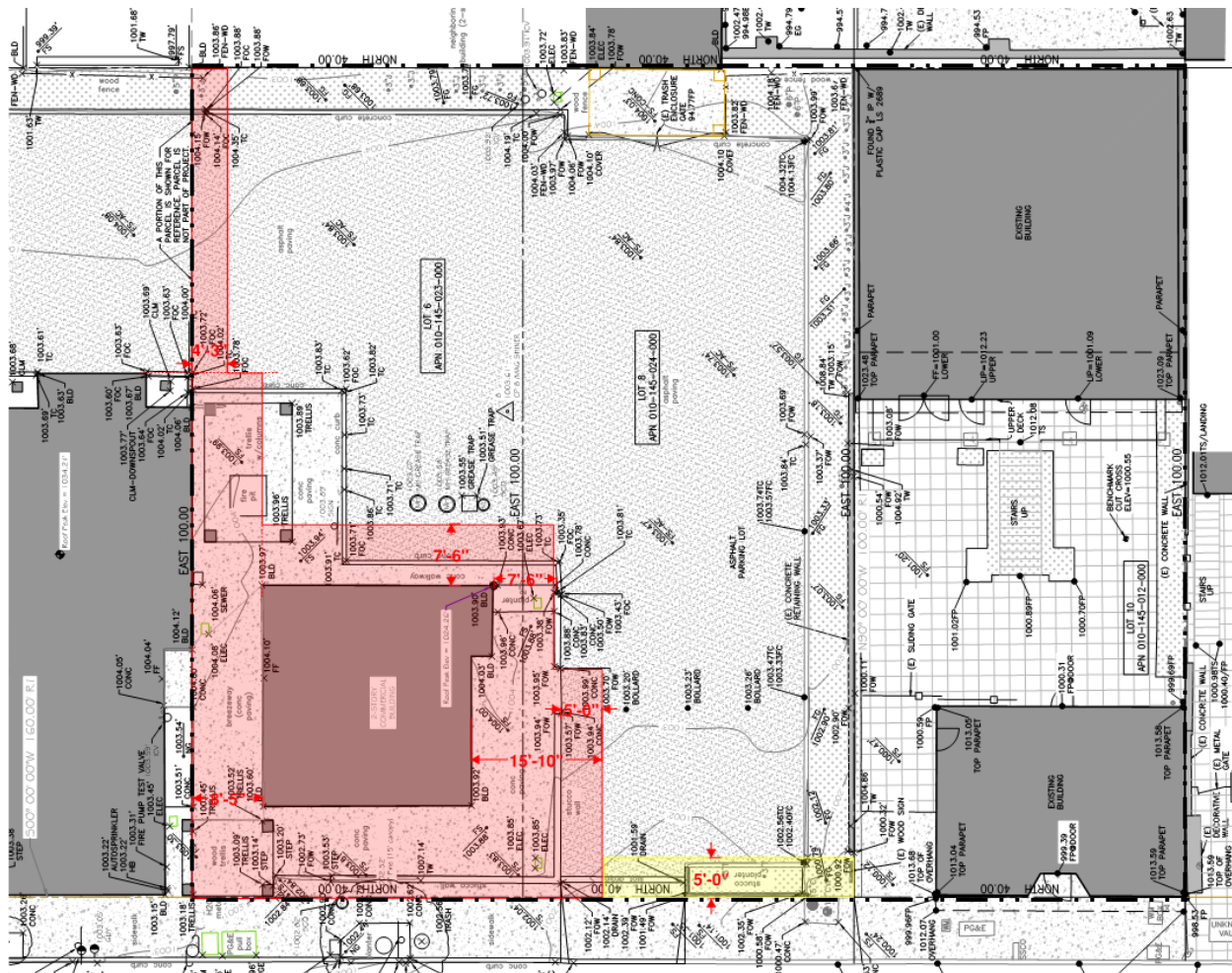


Figure 1. Preservation Buffer from Condition #2 illustrated in red. Build-to-Line waiver area from recitals is shown in yellow.

The buffer includes:

- A minimum setback of 5' from the exterior of the original of the ornamented concrete wall;
- Maintaining the minimum separation around the community room on the south and east side as measured as the minimum distance from Community Room to the non-original (staff estimates 7'6" is the minimum distance from the Community Room to the non-original wall);
- Maintaining the minimum separation between the community room and the bank building (staff estimates this distance is 8'5"); and
- Keeping a 50% buffer of the minimum separation between the community room and the bank building from the northern property line adjacent to the Bank Building site (approximately 50% of the width of separation between the Bank Building and Community Room; staff estimates this distance is 4'3").



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

October 3, 2023
PUBLIC HEARINGS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Katherine Wallace, Associate Planner
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	MA 23-116 (Esperanza Carmel, LLC): Consideration of a Mills Act Contract application MA 23-116 (Esperanza Carmel LLC) for the historic "Mrs. Clinton Walker House" located at 26336 Scenic Road in the Single-Family Residential (R-1) District. APN 009-423-001.

RECOMMENDATION:

Accept the recommendation of the Historic Resources Board and approve the Mills Act Historical Property Contract MA 23-116 (Esperanza Carmel, LLC) for the historic "Mrs. Clinton Walker House" located at 26336 Scenic Road (APN 009-423-001) and authorize the City Administrator to execute the contract (**Attachment 1**).

BACKGROUND/SUMMARY:

The property is located at 26336 Scenic Road in the Single Family Residential (R-1) Zoning District (**Attachment 2, Exhibit A**). The existing residence is known as the "Mrs. Clinton Walker House," and is also known as "Cabin on the Rocks." The low, one-story, concrete and Carmel stone building projects out on a granite outcropping over Carmel Bay. The residence was designed by architect Frank Lloyd Wright in 1948 and was constructed by Miles Bain and Walter Olds in 1951-1952 for the original owner, Mrs. Clinton Walker.

A Department of Parks and Recreation (DPR) Form 523 was completed for the "Mrs. Clinton Walker House" in 2001 by Richard N. Janick (**Attachment 3, Exhibit B**) and the resource was added to the Carmel Inventory on May 25, 2005. A Resolution Designating a Historic Resource for APN 009-423-001 was recorded with the County Recorder on January 4, 2007 (Document #2007001115).

In order to qualify for a Mills Act contract, a property must first be included on the Carmel Inventory and then added to the Carmel Register of Historic Resources. As noted above, the property was added to the Carmel Inventory in 2005. The property was also listed on the National Register (reference #16000634), and on the California Register on September 19, 2016. CMC Section 17.32.090.A.1 states, "*Resources identified as significant at a State or national level in the inventory shall be automatically listed in the register.*" The resource was therefore automatically added to the Carmel Register.

On May 28, 2019, then-property owner Charles Henderson submitted an application for a Mills Act

Historical Property Contract. The Historic Resources Board recommended approval of the contract on June 17, 2019, and on December 8, 2020, the City Council voted to enter into a Mills Act Historical Property Contract with the property owner. However, before the contract was finalized and recorded with the County, the property owner withdrew the application.

The property was sold on February 17, 2023 to Esperanza Carmel, LLC. On April 20, 2023, Christopher Mitchell, Managing Director of Esperanza Carmel, LLC, submitted a Mills Act application (MA 23-116) on behalf of the current property owner. On August 21, 2023, the Historic Resources Board adopted Resolution 2023-011-HRB (**Attachment 5**), recommending that the City Council enter into a Mills Act Contract with Esperanza Carmel, LLC for the historic "Mrs. Clinton Walker House."

Contract Value

The Monterey County Assessor's Office is responsible for determining the value of a property under Mills Act Contract in accordance with sections 439 through 439.4 of the Revenue and Taxation Code. Properties with a Mills Act Contract are not valued based on sales data; rather they are valued by a prescribed income capitalization method (**Attachment 6**). After a Contract is approved, it is forwarded to the Monterey County Assessor who then determines the Mills Act value.

At previous Mills Act hearings, members of Council requested that staff obtain a preliminary calculation of Mills Act Contract values for the purposes of understanding the potential local tax revenue offset. The Monterey County Assessor has informed the City that time constraints and process complexity make preliminary calculations infeasible. Therefore, staff cannot provide the actual or estimated value of property tax reduction for Council's consideration. Jerry Gatt, Appraiser III, represented the Monterey County Assessor and attended the April 4, 2023 Council meeting to explain the assessment process.

Contract Summary

A Mills Act contract under State law is an agreement between the City of Carmel and a property owner of a historic building listed on the Carmel Register. In exchange for reduced property taxes, the property owner is contractually obligated to perform annual maintenance on the building. The property owner benefits from a reduction in property taxes. The City benefits from assurance, via contract, that the historic building is rehabilitated, maintained, and preserved with a portion of those property taxes that the city is giving up.

The primary purpose for offering Mills Act contracts in the City of Carmel-by-the-Sea is to assist in and ensure the rehabilitation or restoration and long-term maintenance of historic resources. All properties listed on the City's Historic Register in all districts that have been preserved in their historical size, form, and design without significant alterations are eligible for Mills Act contracts.

All Mills Act contracts have a term of 10 years, and one year is added to this term annually upon each anniversary date of the contract unless one or both parties (City and property owner) have taken action to terminate the contract. The City Administrator is authorized to initiate contract termination on behalf of the City based on recommendations of the Community Planning & Building Department. The contract rights and obligations are binding upon all successive owners of the property during the life of the contract. The property retains the lower Mills Act tax rate when sold. To end a contract, either party may submit a notice of non-renewal to the other party. Such notices shall cause the contract to terminate at the end of the then-current 10-year contract period. Cancellation of a contract by the City due to non-compliance requires a public hearing and, if canceled, results in the immediate termination of the contract and a penalty equal to 12.5 percent of the assessed market value of the property.

The contract requires that the historical elements of the property are maintained in good condition. This includes a plan for rehabilitation and maintenance and may include a program to restore deteriorated features. All recipients of Mills Act contracts are required to implement a rehabilitation/restoration and

maintenance plan prepared by a qualified professional. An annual report is submitted to the Community Planning & Building Department specifying all work that has been done to maintain and preserve the historic resource over the year in compliance with the approved rehabilitation/restoration and maintenance plan. All rehabilitation/restoration and maintenance work must be completed in conformance with the Secretary of Interior's Standards for Rehabilitation and all proposed projects are subject to a Design Study review prior to commencement of the work. Minor alterations, as defined in CMC section 17.32.150, may be approved by staff; however, major alterations, as defined in CMC section 17.32.160 would be reviewed by a qualified professional and presented to the Historic Resources Board for review. All Mills Act contracts must specify that the rehabilitation/restoration and maintenance plan shall be updated at least every ten years by a qualified professional and approved by both parties.

The Historic Resources Board considers each application for a Mills Act contract and provides a recommendation to the City Council to approve, approve with conditions, or deny the application.

The City Council considers the recommendations from the Historic Resources Board at a public hearing and resolves to approve, approve with conditions, or deny the proposed contract with sufficient time for action by the City Clerk so that recordation of approved contracts occurs before December 31st of the year in which the application is received.

STAFF ANALYSIS

Findings

Carmel Municipal Code Section 17.32.100.B.6(c) sets forth findings that the Historic Resources Board and City Council shall make in order to grant approval of a Mills Act Contract. The required findings are listed below followed by a staff response on how the application meets the requirements.

1. *The building is designated as a historic resource by the City and is listed on the Carmel Register.*

Staff Response: A DPR 523 form was prepared by Richard N. Janick in 2001 (Attachment 1, Exhibit B), evaluating the property for historical significance and finding the property meets the criteria for listing as a local historic resource. The City added the property to the Carmel Inventory on May 25, 2005. A Resolution Designating a Historic Resource for APN 009-423-001 was recorded with the County Recorder on January 4, 2007 (Document #2007001115). The property was also listed on the National Register (reference #16000634), and on the California Register on September 19, 2016. CMC Section 17.32.090.A.1 states, "*Resources identified as significant at a State or national level in the inventory shall be automatically listed in the register.*" The resource was therefore automatically added to the Carmel Register. The application meets this finding.

2. *The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.*

Staff Response: The applicant submitted a rehabilitation and maintenance plan (**Attachment 4, Exhibit C**). The plan covers a period of 10 years from 2024-2033 and estimates \$1,343,654 in work projects. The plan was compiled by Christopher Barlow, Architect (and qualified professional), on behalf of the applicant. The plan includes routine maintenance (such as exterior painting) as well as more substantial repairs including replacing the roof, electrical and plumbing upgrades, window rehabilitation and replacement (if deteriorated beyond repair); and replacing the interior boiler. All rehabilitation and maintenance work will be performed in conformance with the Secretary of Interior's Standards for Rehabilitation. All exterior work is subject to Design Study approval and a determination of consistency with the Secretary of the Interior's

Standards for Rehabilitation. The proposed plan meets this finding.

3. *Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:*

- (A) *Comply with the Secretary's Standards (future additions only); and*
- (B) *Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and*
- (C) *Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and*
- (D) *Do not result in any second-story addition to a single-story historic resource.*

Staff Response: Past exterior rehabilitation has not significantly altered, damaged, or diminished any primary elevation or character-defining feature or resulted in a second-story addition. An addition constructed in 1960-1961 by Sandy Walker, AIA, was based on a design by Frank Lloyd Wright and is considered part of the historic resource. As noted above, planned rehabilitation and maintenance work will be performed in conformance with the Secretary of Interior's Standards for Rehabilitation. Any future alterations are required to be consistent with conditions A-D above. Minor alterations, as defined in CMC section 17.32.150, may be approved by staff; however, major alterations, as defined in CMC section 17.32.160 would be reviewed by a qualified professional and presented to the Historic Resources Board for review. The application meets this finding.

4. *The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.*

Staff Response: Approval of the contract would assist in offsetting the rehabilitation and maintenance costs of preserving the "Mrs. Clinton Walker House" by reducing the tax liability on the property thereby freeing up funds for the rehabilitation. Some of the more notable work that is proposed to be accomplished within the first few years would include electrical and plumbing upgrades, boiler replacement, window repair (where possible) and in-kind replacement (where deteriorated beyond repair), and façade brickwork maintenance. The application meets this finding.

5. *Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.*

Staff Response: Approval of the Mills Act Contract will be consistent with Goal 1-5 and Objective 1-16 of the Land Use & Community Character Element of the General Plan which encourages providing incentives for property owners to preserve and rehabilitate historic resources. Although the adoption of a Mills Act Contract will decrease property tax revenue to the City, this contract represents an equitable balance of public and private interests:

- 1) The City Council adopted Resolution 2016-068 on September 13, 2016, limiting the number of Mills Act contracts that can be approved to fifteen (15) in any three-year calendar period. No applications were approved in 2020 or 2021, four applications were approved in 2022, one application has already been approved in 2023 (L'Auberge), and four total applications are currently in review in 2023.
 - 2) Carmel currently has 292 historic resources, and since the adoption of the Mills Act program in 2004, the City has entered into a total of fifteen Mills Act Contracts.
 - 3) The City would continue to receive a portion of the property tax revenue (which has increased following the February 2023 sale of the property) and the investment in rehabilitation and maintenance supports local tourism, which benefits both private and public interests.
- The value of preserving a historic resource offsets the loss of revenue.

FISCAL IMPACT:

The City will have a diminished tax base from the property at 26336 Scenic Road for the term of the contract. The amount is unknown at this point.

PRIOR CITY COUNCIL ACTION:

On December 8, 2020, the City Council voted to enter into a Mills Act Historical Property Contract with the then-property owner. However, before the contract was finalized and recorded with the County, the property owner withdrew the application.

On March 3, 2020, the City Council adopted standard contract language for Mills Act Contracts. On April 4, 2023, the City Council reviewed the City's Mills Act Policy and opted not to make any changes.

Next Steps: If the City Council enters into a Mills Act Contract for this property, the contract will be recorded with the Monterey County Recorder and will take effect January 1, 2024.

ATTACHMENTS:

Attachment 1) Standard Mills Act Contract

Attachment 2) Exhibit A - Legal Description

Attachment 3) Exhibit B - DPR 523 Form "Mrs. Clinton Walker House"

Attachment 4) Exhibit C - Rehabilitation/Maintenance Plan

Attachment 5) Resolution 2023-011-HRB

Attachment 6) Guidelines for the Assessment of Enforceably Restricted Historical Property

RECORDING REQUESTED BY
CITY OF CARMEL-BY-THE-SEA

AND WHEN RECORDED MAIL TO

Carmel City Hall
Attn: Community Planning & Building
P.O. Box CC
Carmel-By-The-Sea, CA 93921

This space reserved for the Recorder's use only

CITY OF CARMEL-BY-THE-SEA
MILLS ACT HISTORIC PROPERTY PRESERVATION CONTRACT

THIS AGREEMENT is made and entered by and between the CITY OF CARMEL-BY-THE-SEA a municipal corporation (hereinafter referred to as "City"), and Esperanza Carmel, LLC (hereinafter referred to as "Owner").

RECITALS

- (i) California Government Code Section 50280, et seq. (known as the Mills Act) authorizes cities to enter into contracts with the owners of qualified historic properties to provide for their appropriate use, maintenance and restoration such that these historic properties retain their historic characteristics;
- (ii) The Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, located at 26336 Scenic Road (APN: 009-423-001), Carmel-By-The-Sea, California, (hereinafter referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as "**Exhibit A**" and is incorporated herein by reference;
- (iii) The property is identified as a historic resource on the City of Carmel-By-The-Sea's Historic Inventory and Register of Historic Resources and is further described in the DPR 523 Form attached hereto, marked as "**Exhibit B**" and is incorporated herein by reference;
- (iv) City and Owner, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of historical significance of the Historic Property, as it exists at the date of this contract and as described in the City's Register of Historic Resources and the National Register of Historic Places, and to qualify the Historic Property for an assessment of valuation pursuant to the provisions of Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions contained herein, do hereby agree as follows:

1. **INCORPORATION OF RECITALS.** All recitals are incorporated into this Agreement.
2. **EFFECTIVE DATE AND TERM.** This Agreement shall be effective and commence on the date the Agreement is signed by the City, unless otherwise indicated by the County of Monterey, and shall remain in effect for a minimum term of ten (10) years thereafter.
3. **AUTOMATIC RENEWAL.** Each year, upon the anniversary of the effective date of this Agreement (hereinafter referred to as “annual renewal date”), one (1) year shall be added automatically to the term of this Agreement, unless timely notice of nonrenewal is given as provided in paragraph 4 of this Agreement. The total length of the contract shall not exceed twenty (20) years.
4. **NOTICE OF NONRENEWAL.** If City or Owner desires in any year not to renew this Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of this Agreement as follows: Owner must serve written notice of nonrenewal at least ninety (90) days prior to the annual renewal date; City must serve written notice of the nonrenewal at least sixty (60) days prior to the annual renewal date. If notice is not received, the Agreement shall automatically be renewed for another year. Upon receipt by Owner of a notice of nonrenewal from the City, Owner may make a written protest. At any time prior to the annual renewal date, City may withdraw its notice of nonrenewal.
5. **EFFECT OF NOTICE OF NONRENEWAL.** If either City or Owner serves timely notice of nonrenewal in any year, and this contract is not renewed, this Agreement shall remain in effect shall remain in effect for the balance of the period remaining since the original execution or the last annual renewal date.
6. **FEES.** The City may require that the Owner(s) of the Historic Property pay a fee that shall not exceed the reasonable cost of providing services, such as inspections, pursuant to Government Code Section 50281.1 (Article 12 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), for which the fee is charged.
7. **VALUATION OF PROPERTY.** During the term of this Agreement, Owner is entitled to seek assessment of valuation of the Historic Property pursuant to the provisions of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.
8. **PRESERVATION OF PROPERTY.** Owner shall preserve and maintain the characteristics of historical significance of the Historic Property and agrees to complete rehabilitation and/or maintenance activities as defined in the Rehabilitation/Restoration and Maintenance Plan attached as “Exhibit C”. Requests for revisions to the Maintenance and

Rehabilitation plan shall be reviewed by the Historic Resources Board prior to implementation. In addition, Owner shall comply with the terms of the City's Historic Preservation Ordinance (CMC 17.32). Owners shall not be permitted to further impede any view corridor with any new structure, including but not limited to walls, fences, or shrubbery, so as to prevent the viewing of the Historic Property from the public right-of-way.

9. **RESTORATION OF PROPERTY.** Owner shall, where necessary, restore and rehabilitate the Historic Property to conform to the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation, U. S. Secretary of the Interior's Standards for Rehabilitation, the State Historical Building Code, and the City of Carmel-by-the-Sea, all as amended.
10. **INSPECTIONS.** Owner shall allow periodic examinations, at least every five (5) years, with reasonable notice thereof, of the interior and exterior of the Historic Property by representatives of the County of Monterey Assessor and the City of Carmel-By-The-Sea as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement. The City will coordinate inspections by such other agencies that have jurisdiction and will keep them to the minimum necessary to determinate such compliance.
11. **PROVISION OF INFORMATION.** Owner shall furnish City with any and all information required by City, in order to determine the eligibility of the Historic Property, and that City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.
12. **ANNUAL REPORT.** Owner shall submit an annual report at least 90 days prior to each annual renewal date (October 1st) to the Department of Planning and Building specifying all work that has been done to maintain and preserve the historic resource over the preceding year in compliance with the approved maintenance plan.
13. **CANCELLATION.** The City has the right to cancel the contract if the owner allows the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The City also has the right to cancel this contract if the owner(s) breaches the provisions of paragraph's # 8, 9, 10 or 12 of this Agreement after the City has provided reasonable notice of any failure to comply with the agreement, and a public hearing. Notice of the hearing shall be mailed to the last known address of each owner of the property, with the notice conforming to the provisions of Government Code section 6061., If after notice and a hearing, the contract is cancelled, termination of the Agreement is immediate, and the owner shall pay a cancellation fee equal to 12.5 percent of the current fair market value of the property, as determined by the Monterey County Assessor as though the property were free of the contractual restriction. The cancellation fee shall be paid to the Assessor, at the time and in the manner that the Assessor shall prescribe. City's right to cancel this Agreement pursuant to this paragraph

shall in no way limit or restrict its rights or legal remedies arising from City's Historic Preservation Ordinance and Municipal Code.

14. **ENFORCEMENT OF AGREEMENT.** In lieu of and/or in addition to any provisions to cancel this Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement.
15. **WAIVER.** City does not waive any claim or default by Owner if City does not enforce or cancel this Agreement. All remedies at law or in equity, which are not otherwise provided for this Agreement or in City's regulations governing historic properties are available to City to pursue in the event there is a breach of this Agreement. No waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.
16. **BINDING EFFECT OF AGREEMENT.** Owner hereby subjects the Historic Property to the covenants, reservations and restrictions set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations, and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon Owner's successors and assigns in title or interest to the Historic Property. A successor in interest shall have the same rights and obligations under this Agreement as the original owner who executed the Agreement.
Each and every contract, deed or other instrument hereinafter executed, governing or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument. City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historic characteristics and significance of the Historic Property for the benefit of the public and Owner.
17. **NOTICE.** Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below, by personal delivery or United States mail, postage prepaid, addressed as follows:

City: Carmel-By-The-Sea
Community Planning & Building Department
Attn: Community Planning & Building Director
P.O. Box CC
Carmel-By-The-Sea, CA 93921

Owner: Esperanza Carmel, LLC
PO Box 134
Carmel by the Sea, CA, 93921

Notice to successors in interest to either party shall be sent to the appropriate address. In the case of future Owner(s) of the Historic Property, notice shall be sent to the address on file with the county property tax office in power at the time.

18. **RECORDATION.** No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the Office of the County Recorder of the County of Monterey. From and after the time of the recordation, this Agreement shall impart a notice thereof to all persons as is afforded under state law.
19. **STATE LAW.** The Owner or agent of Owner shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement.
20. **GOVERNING LAW; VENUE.** This Agreement shall be constructed and governed in accordance with the laws of the State of California. Should either party to this agreement bring legal action against the other, the case shall be handled in Monterey County, California and the party prevailing in such action shall be entitled to a reasonable attorney fee which shall be fixed by the judge hearing the case and such fee shall be included in the judgment together with all costs.
21. **AMENDMENTS.** This agreement may be amended in whole or in part, only by a written-recorded instrument executed by the parties hereto.
22. **DESTRUCTION OF PROPERTY; EMINENT DOMAIN; CANCELLATION.** If the Historic Property is destroyed by earthquake, fire, flood, or other natural disaster such that in the opinion of the City Building Official more than sixty percent (60%) of the original fabric of the structure must be preplaced, this Agreement shall be cancelled because the historic value of the structure will have been destroyed. If the Historic Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the City Council to frustrate the purpose of this Agreement, this Agreement shall be cancelled. No cancellation fee pursuant to Government Code Section 50286 shall be imposed if the Agreement is cancelled pursuant to this paragraph. Such Agreement shall be null and void for all purposes of determining the value of the property so acquired.
23. **INDEMNIFICATION.** Owner shall defend, indemnify, and hold harmless City and its elected officials, officers, agents and employees from any actual or alleged claims, demands, causes of action, liability, loss, damage, or injury to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any

federal, state or local government agency, arising out of or incident to the direct or indirect use, operation, or maintenance of the Historic Property by Owner or any contractor, subcontractor, employee, agent, lessee, licensee, invitee, or any other person; (ii) Owner's activities in connection with the Historic Property; and (iii) any restriction on the use of development of the Historic Property, from application or enforcement of the City's Municipal Code, or from the enforcement of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and the reimbursement of the City, its elected officials, employees, and/or agents for all legal expenses and costs incurred by each of them. Owner's obligation to indemnify shall survive the termination, cancellation, or expiration of this Agreement and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, employees, or agents.

24. **SEVERABILITY.** In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

IN WITNESS THEREOF, the City and Owners have executed this Agreement on the day and year written above.

CITY OF CARMEL-BY-THE-SEA:

By: _____

Date: _____

Name: Richard L. Rerig ("Chip")

Title: City Administrator

PROPERTY OWNER(S):

By: _____

Date: _____

Name: Christopher Mitchell on behalf of Esperanza

Carmel, LLC

Title: Managing Director

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT B
DPR 523 FORM

EXHIBIT C
REHABILITATION AND MAINTENANCE PLAN

DRAFT

All of Block "B-18", as show on that certain map of Addition No. 7 Carmel-by-the-Sea, in the City of Carmel-by-the-Sea, County of Monterey, State of California, filed for record May 4, 1910 in the Office of the County Recorder of said county in Volume 2 of Maps, "Cities and Towns", at page 24;
Also that certain strip of land lying between said block "B-18" and the shore line of the Pacific Ocean and bounded on its easterly end by a line running N. 20° 17' W., from the most easterly point of said Block "B-18"; and bounded on its westerly end by the common line between lots 16 and 18 in Block "B-16", as show on said map, projected northerly to the shore line of the Pacific Ocean.

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____ Attachment 3

HRI# _____

Trinomial _____

NRHP Status Code _____

Other Listings _____

Review Code _____

Reviewer _____

Date _____

Page 1 of 5

*Resource Name or #: (Assigned by recorder) Mrs. Clinton Walker House

P1. Other Identifier: Cabin on the Rocks

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad _____ Date _____ T _____ R _____ ¼ of _____ ¼ of Sec _____ B.M.

c. Address N.S. Santa Lucia bet. Martin Way & Bay City Carmel By The Sea Zip 93921

d. UTM: (Give more than one for large and/or linear resources) Zone View mE/ _____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Monterey County Assessor's Parcel #9-423-1 (Block B, Lot 18)

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

See Continuation Sheet.

*P3b. Resource Attributes: (List attributes and codes) HP-2 Single Family Residence

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) West Facade
8/14/01 #1857-18

*P6. Date Constructed/Age and Sources: ☒ Historic

☐ Prehistoric ☐ Both
1951-52 "The Cabin on the Rocks" (1994)

*P7. Owner and Address:

Henderson Family Trust
77 New Place Road
Hillsborough, CA 94010

*P8. Recorded by: (Name, affiliation, and address)

Richard N. Janick
MART

*P9. Date Recorded: 7/20/01

*P10. Survey Type: (Describe)

Carmel HRI
2001

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Carmel By-The-Sea Survey 1989-1996

*Attachments: NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (List) _____

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 5

*NRHP Status Code 3S

*Resource Name or # (Assigned by recorder) Mrs. Clinton Walker House

B1. Historic Name: Mrs. Clinton Walker House

B2. Common Name: _____

B3. Original Use: Single Family Residence B4. Present Use: Vacation House

*B5. Architectural Style: Frank Lloyd Wright - Organic Architecture

*B6. Construction History: (Construction date, alterations, and date of alterations)

See Continuation Sheet.

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: _____ Original Location: _____

*B8. Related Features:

1. The stone work was done by the DeMaria Bros. and was Mrs. Walker's contribution to the design when the "Desert Masonry" proved ineffective. 2. A kitchen door was also fabricated by Mrs. Walker's insistence against Wright's plan.

B9a. Architect: Frank Lloyd Wright b. Builder: Miles Bain (Local) and

*B10. Significance: Theme "Organic Architecture" Area Walter Olds (Bay Area)

Period of Significance Post WW II Property Type S.F.R. Applicable Criteria CR3

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

See Continuation Sheet.

B11. Additional Resource Attributes: (List attributes and codes) HP-2 Single Family Residence

*B12. References:

See Continuation Sheet.

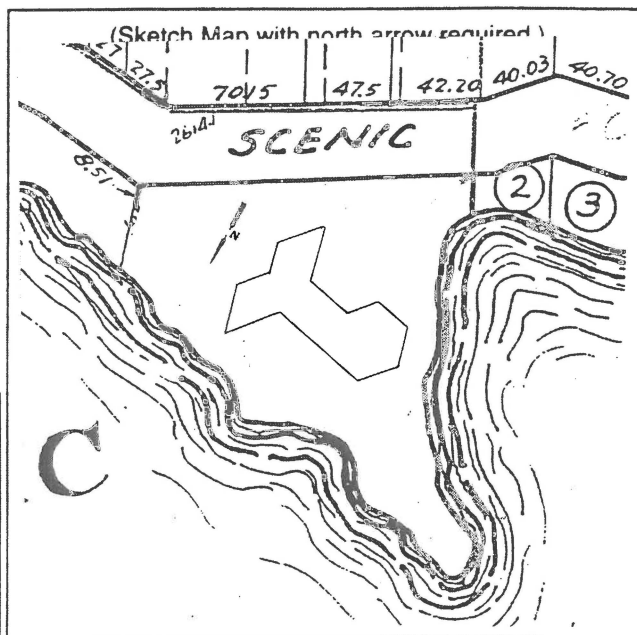
B13. Remarks:

Zoning R-1

*B14. Evaluator: Richard N. Janick, MARI

*Date of Evaluation: Carmel HRI, Summer 2001

(This space reserved for official comments.)



CONTINUATION SHEET

Primary # _____ Attachment 3

HRI# _____

Trinomial _____

Page 3 of 5

*Resource Name or # (Assigned by recorder) Mrs. Clinton Walker House

*Recorded by Richard N. Janick

*Date Summer 2001 ☐ Continuation ☐ Update

P3a. Description:

A low one-story concrete and "Carmel Stone" house that projects out on a granite outcropping into Carmel Bay. The plan features a hexagonal living room covered by a hexagonal low hipped roof sheathed in weathered copper. The gabled roof bedroom wing extends into a hipped roof carport that features an open window to a Thomas Church-landscaped garden and the ocean. The waves of Carmel Bay break against a triangular ship-like prow of concrete and "Carmel Stone" forming a terrace beyond the panoramic glazed living room. Inverse stepped windows framed in Cherokee-red painted steel enclose and surround the living room. The bedroom wing features a loggia of redwood French doors that open out into the garden and diagonal redwood screens that shield the wind. The master bedroom, the studio addition of 1960-61, features a fireplace and extends at an angle opposite the carport giving the plan a footprint of a "fish" form when seen from above. The stepped in window treatment is used in the master bedroom and two smaller guest bedrooms. A glass and steel screen shields a private patio off the master bedroom accessible through redwood and glass French doors. A long redwood fence and overgrown cypress trees shield the property from Scenic Road and a trapezoidal shaped redwood gate extends from the fence to a concrete and "Carmel Stone" triangular support post that originally contained a circular planter filled with blue-green tinted glass spheres illuminated by recessed lighting. The house sits on a concrete slab foundation and red-tinted concrete floor inscribed by hexagonal patterns and containing copper tubes for radiant heating. From the west, the terrace and living room form a distinct ship cutting through the waves. From the east, the terrace disappears and the long-low roof line and ribboned windows of the guest bedrooms form a natural extension of the rock outcrop that anchors the house to the site.

B6. Construction History:

1. First Rendering and Plans – 1948 – Carport facing southwest copper roof.
2. Revised Rendering and Plans – 1949 – Carport facing southeast copper roof.
3. Working Drawings – Specifications – 1950 – Based on Revised 1949 Plan.
4. Monterey County Zoning Permit Application #C-46, 4/24/50. Architect: Frank Lloyd Wright. Contractor: Miles Bain. Building 2,000 sq. ft. – 9,170 sq. ft. lot. Initial Projected Cost: \$35,000.
5. Construction Period (April 1951 to November 1952):
 - a. "Desert Masonry" changed to "Carmel Stone." Supervising Architects: Aaron Green and Walter Olds.
 - b. Concrete floor instead of "Green Slate."
 - c. "Kitchen door" added – against Wright's scheme.
 - d. Fireplace in bedroom – main fireplace problems (Pole wood).
 - e. Loggia doors and screens on west versus east.
 - f. Copper roof changed to "Ludowichi-Celadon" roof. Triangular ceramic glazed interlocking metal panels in blue-green color pattern. Architectural porcelain construction – Oakland – Roos Roofing Co. Final cost \$55,000.
 - g. Tommy Church Landscape.

CONTINUATION SHEET

Primary # _____ Attachment 3

HRI# _____

Trlnomial _____

Page 4 of 5

*Resource Name or # (Assigned by recorder) Mrs. Clinton Walker House

*Recorded by Richard N. Janick

*Date Summer 2001 ☐ Continuation ☐ Update

B6. Construction History (Continued):

- h. Roof leaks (May 1956). Replaced with copper panels of original design – P.M.C. Roofing Co., Pacheco, California
- i. Studio Addition design to bedroom – November 1956 – later carried out in 1960–61 by Sandy Walker, A.I.A., nephew of Mrs. Walker (Wright died in April 1959. Became Master Bedroom.
- j. Mermaid Sculpture on deck – Mrs. Walker acquisition.
- k. Permit #97-102 – May 1997 – new copper roof by P.M.C. Roofing, Pacheco, California - \$50,000 – original contractors in 1956.
- l. New Gate – 1999 – Built to original specifications.
- m. Permit # R.E. 00-41 – New fence built to exact specifications of old fence – October 2000 (completed 2001) (horizontal redwood board and batten – 5 ft. high).
- 6. 1996 – “Frank Lloyd Wright Conservancy” – detailed “as-is” analysis of the house, identifying future maintenance.

B10. Significance:

This house qualifies as both a State Historical Resource and National Historic Resource under Criteria #3 as the only house designed and constructed by Frank Lloyd Wright in Carmel that also relates directly to its seaside location and environment. It has been internationally photographed and published and was even featured in the 1960 motion picture “A Summer Place.” The house, originally designed as a vacation home, has been willed to the Henderson Family Trust (Harriet Henderson is Mrs. Clinton Walker’s daughter), and continues to be utilized with its original intent. Wright also designed three other houses on coastal sites in the Carmel-Pebble Beach area

- 1. The John Nesbitt House – “Sea Garden” 1941 – Pebble Beach.
 - 2. The Stuart Haldorn House – “The Wave” 1945 – Carmel Point.
 - 3. The George Clark House – “Sunbonnet” 1952 – Carmel Beach.
- that were not built.

The Clark House was adapted to the Arizona Desert for Georgine Boomer in 1955–1956. The Nesbitt and the Haldorn Houses were featured in a color portfolio of Wright’s renderings published in the 1960s.

The Walker House fully embodies Wright’s concept of “organic” architecture. The *hexagonal plan* derives from the Paul Hanna House. At Stanford University (1937) and the stepped recessed window pattern is seen in the Haldorn House of 1945 and was also utilized at “Kentuck-Nob,” S.W. Pennsylvania in the mid-1950s. The walls of native “Carmel Stone” and the natural redwood and Douglas fir trim speak to Wright’s use of “natural” materials. Radiant heating and the steel-framed inverse pyramid windows express Wright’s innovative use of new technology. The unique siting, it’s the only house in complete public view within Carmel City limits on the ocean side, is a masterpiece, as each façade emphasizes its harmony with nature. This house is one of the trademarks within Wright’s vast architectural spectrum and universally recognized throughout the world.

CONTINUATION SHEET

Trinomial _____

Page 5 of 5

*Resource Name or # (Assigned by recorder) Mrs. Clinton Walker House

*Recorded by Richard N. Janick

*Date Summer 2001 ☐ Continuation ☐ Update

B10. Significance (Continued):

THOMAS D. CHURCH

Church was born in 1902 and graduated from the University of California, Berkeley, in 1921. In 1925, he received the degree of Master of Arts in Landscape Architecture from Harvard University. Since 1928, he has practiced in the San Francisco Bay Area and has made a major contribution to the field of modern landscape design, principally in the decades 1930–1960.

The Walker family are descended from the Walker Art Center in Minneapolis, Minnesota, and the Henderson Family Trust also owns houses designed by William Wilson Wurster in Hillsborough, California, and Joseph Frederick in Lake Tahoe, California.

B12. References:

"The Cabin on the Rocks," Chronology of Mrs. Clinton Walker's House, correspondence from Tahesin Archives, compiled by Richard N. Janick, Carmel, California, 1994.

Homes Illustrated: Carmel By The Sea, Home for Mrs. Clinton Walker. Photography by George Seidenech. List of Contractors.

Mills Act Application - Frank Lloyd Wright House 'Cabin on the Rocks'
10 Year Rehabilitation and Maintenance Plan

MAINTENANCE TABLE											
Work Item	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	Totals
Year	1	2	3	4	5	6	7	8	9	10	
Front Gate Repair & Maintenance (incl. front pedestal light)	\$10,000.00	\$5,000.00	\$500.00	\$515.00	\$530.45	\$546.36	\$562.75	\$579.64	\$597.03	\$614.94	\$19,446.17
Replace Roof						\$600,000.00					\$600,000.00
Roof & Roof Drainage Maintenance Programme	\$1,000.00	\$1,030.00	\$1,060.90	\$1,092.73	\$1,125.51	\$1,159.27	\$1,194.05	\$1,229.87	\$1,266.77	\$1,304.77	\$11,463.88
Electrical Upgrade & Maintenance Programme	\$4,000.00	\$20,000.00	\$1,500.00	\$1,545.00	\$1,591.35	\$1,639.09	\$1,688.26	\$1,738.91	\$1,791.08	\$1,844.81	\$37,338.50
Plumbing Upgrade & Maintenance Programme	\$3,000.00	\$3,090.00	\$10,000.00	\$3,278.18	\$3,376.53	\$3,477.82	\$3,582.16	\$3,689.62	\$3,800.31	\$3,914.32	\$41,208.94
Replace Interior Boiler		\$18,000.00									\$18,000.00
Exterior Window Rehabilitation / Repair & Maintenance	\$1,000.00	\$1,030.00	\$50,000.00	\$1,092.73	\$1,125.51	\$55,000.00	\$1,194.05	\$1,229.87	\$60,000.00	\$1,304.77	\$172,976.94
Brickwork / Façade Maintenance Programme	\$2,000.00	\$2,060.00	\$20,000.00	\$2,185.45	\$2,251.02	\$2,318.55	\$2,388.10	\$25,000.00	\$2,533.54	\$2,609.55	\$63,346.21
Ongoing Patio Restoration & Maintenance Programme	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$160,000.00
Exterior Painting Programme		\$3,000.00		\$3,180.00		\$3,370.80		\$3,573.05		\$3,787.43	\$16,911.28
Interior Stonework Repair, Cleaning and Restoration	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$30,000.00
Interior Wood Panel Restoration Programme		\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,796.37				\$30,796.37
Historic Fireplace Maintenance Programme		\$1,030.00		\$1,092.73		\$1,159.27		\$1,229.87		\$1,304.77	\$5,816.65
Exterior Lighting Maintenance / Replacement Programme			\$3,182.70			\$3,477.82			\$3,800.31		\$10,460.83
Repair Upper Level of existing Stone Steps		\$8,000.00									\$8,000.00
Ongoing Maintenance: House	\$5,000.00	\$5,150.00	\$5,304.50	\$5,463.64	\$5,627.54	\$5,796.37	\$5,970.26	\$6,149.37	\$6,333.85	\$6,523.87	\$57,319.40
Ongoing Maintenance: Grounds	\$5,000.00	\$5,150.00	\$5,304.50	\$5,463.64	\$5,627.54	\$5,796.37	\$5,970.26	\$6,149.37	\$6,333.85	\$6,523.87	\$57,319.40
Administrative budget for new 10 year budget										\$3,250.00	\$3,250.00
Totals	\$50,000.00	\$96,540.00	\$120,852.60	\$48,909.09	\$45,255.45	\$707,741.74	\$47,346.28	\$69,569.58	\$105,456.74	\$51,983.10	\$1,343,654.56

**CITY OF CARMEL-BY-THE-SEA
HISTORIC RESOURCES BOARD**

HISTORIC RESOURCES BOARD RESOLUTION NO. 2023-011-HRB

**A RESOLUTION OF THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA
RECOMMENDING THAT THE CITY COUNCIL ENTER INTO A MILLS ACT CONTRACT WITH ESPERANZA
CARMEL, LLC FOR THE PROPERTY LOCATED AT 26336 SCENIC ROAD IN THE SINGLE-FAMILY
RESIDENTIAL DISTRICT (APN 009-423-001).**

WHEREAS, on April 20, 2023, Christopher Mitchell, Managing Director of Esperanza Carmel, LLC (“Applicant”) submitted an application on behalf of Esperanza Carmel, LLC (“Owner”) requesting to enter into a Mills Act contract (MA 23-116, Esperanza Carmel, LLC) described herein as (“Application”) for the historic “Mrs. Clinton Walker House”; and

WHEREAS, the Application has been submitted for the property located at 26336 Scenic Road, in the Single Family Residential (R-1) District (Block B, Lot 18); and

WHEREAS, the historic “Mrs. Clinton Walker House” is listed on the Carmel Inventory and the Carmel Register of Historic Resources; and

WHEREAS, one of the benefits of being included on the Register is the ability to enter into a Mills Act Historical Property Contract with the City; and

WHEREAS, the Applicant is requesting to enter into a Mills Act contract with the City and in accordance with Carmel Municipal Code (CMC) Section 17.32.100.B.6 (Review Process), the Historic Resources Board shall consider the application and make a recommendation to the City Council to approve, approve with conditions, or deny the application; and

WHEREAS, on August 11, 2023, notice of the August 21, 2023 public hearing was published in the Carmel Pine Cone, in compliance with State law (California Government Code 65091), and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before August 11, 2023 the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before August 18, 2023 the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on August 21, 2023, the Historic Resources Board held a public meeting to consider the application for a Mills Act contract, including without limitation, information provided to the Historic Resources Board by City staff and through public testimony; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Historic Resources Board at the August 21, 2023 meeting including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Historic Resources Board did hear and consider all said reports, attachments, recommendations and testimony herein above set forth and used their independent judgement to evaluate the 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 the Historic Resources Board of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Mills Act Contract**:

<u>FINDINGS REQUIRED FOR A MILLS ACT CONTRACT</u>		
For each of the required findings listed below, staff has indicated whether the application supports the adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Historic Resources Board's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.32.100.B.6.c	YES	NO
i. The building is designated as an historic resource by the City and is listed on the Carmel Register.	✓	
ii. The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.	✓	
iii. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that: (A) Comply with the Secretary's Standards (future additions only); and (B) Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and (C) Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and (D) Do not result in any second-story addition to a single-story historic resource.	✓	
iv. The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.	✓	

v. Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.	✓	
--	---	--

BE IT FURTHER RESOLVED that the Historic Resources Board of the City of Carmel-by-the-Sea does hereby recommend that the City Council enter into a Mills Act Contract (MA 23-116, Esperanza Carmel, LLC) for the historic “Mrs. Clinton Walker House” located at 26336 Scenic Road (APN 009-423-001).

PASSED, APPROVED AND ADOPTED BY THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA this 21th day of August, 2023, by the following vote:

AYES: Chroman, Dyar, Pomeroy, Goodhue, Hall

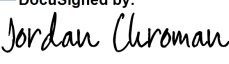
NOES:

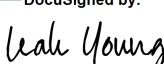
ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

DocuSigned by:

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 Jordan Chroman
 Chair

DocuSigned by:

 2960DA9BEC1C495...
 Leah Young
 Historic Resources Board Secretary

STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0064
916 445-4982 • FAX 916 323-8765
www.boe.ca.gov

BETTY T. YEE
Acting Member
First District, San Francisco

BILL LEONARD
Second District, Sacramento/Ontario

CLAUDE PARRISH
Third District, Long Beach

JOHN CHIANG
Fourth District, Los Angeles

STEVE WESTLY
State Controller, Sacramento

RAMON J. HIRSIG
Executive Director

June 2, 2005

No. 2005/035

TO COUNTY ASSESSORS AND INTERESTED PARTIES:

NOTICE OF BOARD ACTION

**GUIDELINES FOR THE ASSESSMENT OF
ENFORCEABLY RESTRICTED HISTORICAL PROPERTY**

On May 25, 2005, the Board of Equalization approved the following guidelines pertaining to the assessment of enforceably restricted historical property. These guidelines supersede Letter To Assessors No. 77/174 (dated December 19, 1977).

On June 8, 1976, the voters of California approved Proposition 7 which amended section 8 of article XIII of the California Constitution. This amendment requires that enforceably restricted historical property be valued on a basis that is consistent with its restrictions and uses. Sections 439 through 439.4 were added to the Revenue and Taxation Code to implement Proposition 7. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

Staff drafted these guidelines in consultation with interested parties and, after discussions, no issues remained unresolved. The guidelines discuss the enforceably restricted historical property requirements, the income to be capitalized, the capitalization rate, the effect of Proposition 13 upon enforceably restricted historical properties that undergo change in ownership or new construction, and the valuation of property under notice of nonrenewal.

The guidelines are posted on the Board's website at www.boe.ca.gov/proptaxes/guideproc.htm. We hope this information proves useful and promotes uniformity of assessment for these properties. If you have any questions, please contact our Real Property Technical Services Unit at 916-445-4982.

Sincerely,

/s/ David J. Gau

David J. Gau
Deputy Director
Property and Special Taxes Department

DJG:grs
Enclosure

GUIDELINES FOR THE ASSESSMENT OF ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

HISTORY

Effective March 7, 1973, Chapter 1442 of the Statutes of 1972 (also known as the Mills Act) added sections 50280 through 50289 to the Government Code to allow an owner of qualified historical property to enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics.

Prior to the passage of Proposition 7 in 1976, these agreements (i.e., Mills Act contracts) constituted enforceable restrictions on the use of land within the meaning of Revenue and Taxation Code section 402.1¹ (Property Tax Rule 60, repealed January 10, 1978). However, Proposition 7 added the second paragraph to section 8 of article XIII of the California Constitution:

To promote the preservation of property of historical significance, the Legislature may define such property and shall provide that when it is enforceably restricted, in a manner specified by the Legislature, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

To implement Proposition 7, Chapter 1040 of the Statutes of 1977 (Senate Bill 380) added sections 439 through 439.4 to the Revenue and Taxation Code. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

Under section 439, historical property is "enforceably restricted" if it meets the definition of a "qualified historical property" as defined in Government Code section 50280.1 and is subject to a historical property contract executed pursuant to Government Code section 50280 and following. A qualified historical property includes qualified historical improvements and the land on which the improvements are situated, as specified in the historical property contract. If the contract does not specify the land to be included, the qualified historical property includes only a land area of reasonable size to situate the improvements.

A qualified historical property is privately-owned property that is not exempt from property taxation and that also meets either of the following criteria:

- The property is listed in the National Register of Historic Places, or is located within a registered historic district; or

¹ Unless otherwise noted, all statutory references are to the Revenue and Taxation Code.

- The property is listed in any official state, county, city, or city and county official register of historical or architecturally significant sites, places or landmarks, including the California Register of Historical Resources, California Historical Landmarks, State Points of Historical Interest, local landmarks, and local survey listings of historical properties.

The historical property contract must have a minimum term of ten years, and, as applicable, must contain certain other elements, including the following:

- A provision relating to the preservation of the qualified historical property and, when necessary, the restoration and rehabilitation of the property in conformance with state historic preservation guidelines;
- A requirement for the periodic examination of the property to ensure compliance with the agreement;
- A requirement that the historical property agreement be binding upon successor owners of the qualified historical property; and
- A provision for an automatic one-year extension of the contract, with an additional year added to the initial contract term on each anniversary of the contract, unless either party provides notice of nonrenewal. If a notice of nonrenewal is given, the contract runs for its remaining term.

Once a contract is signed, accepted, and recorded, the property subject to the contract must be assessed under section 439.2 on the ensuing lien date. For example, if a contract were recorded in August 2004, the property should have been valued pursuant to section 439.2 for lien date January 1, 2005.

Local authorities may cancel a historical property agreement for breach of contract or failure to protect the historical property. Alternatively, the local entity may take legal action to enforce the contract.

ASSESSMENT

The assessment of an enforceably restricted historical property involves the following aspects: (1) valuing the restricted historical property; (2) properly applying certain assessment provisions relating to article XIII A of the California Constitution (Prop 13); (3) valuing the restricted historical property following a notice of nonrenewal; and (4) valuing the restricted historical property following cancellation of the contract.

Valuing the Restricted Historical Property

Section 439.2 prohibits the assessor from using sales data relating to similar properties, whether or not enforceably restricted, to value an enforceably restricted historical property. Instead, the assessor must annually value a restricted historical property using an income approach that

follows the specific provisions of section 439.2. These provisions explicitly address (1) the determination of the income to be capitalized, (2) the development of the capitalization rate, (3) the capitalization technique to be used, and (4) the determination of the restricted historical property's taxable value on each lien date.

Income to be Capitalized

As provided in section 439.2(a), the income to be capitalized when valuing a restricted historical property is the property's fair rent less allowed expenditures, or allowed expenses. In general, section 439.2(a) follows Property Tax Rule 8(c), with fair rent in section 439.2 corresponding to gross return in Rule 8(c); allowed expenditures, or allowed expenses, in section 439.2 corresponding to gross outgo in Rule 8(c); and the income to be capitalized in section 439.2 corresponding to net return in Rule 8(c). In addition, for the purposes here, "gross income" is synonymous with fair rent, and "net operating income" is synonymous with the income to be capitalized.

The parties to a historical property agreement may stipulate a minimum annual income to be capitalized, in which case the income to be capitalized may not be less than the stipulated amount.

Fair rent, or gross income. The gross income of a restricted historical property is the fair rent for the property considering the restrictions on the property's use. When establishing the fair rent for a restricted historical property, the appraiser should consider the actual rent and typical rents in the area for similar properties in similar use, where the owner pays the property taxes.

The actual rent received by the owner of the subject restricted historical property is relevant to an estimate of fair market rent only if the actual rent is the same rent that would be expected if the existing lease were renegotiated in light of current market conditions, including the subject property's enforceable restrictions on use. With respect to rents from similar, or comparable, properties, if such rents are from properties outside the geographic or market area of the subject property, or from properties that are otherwise dissimilar to the subject property, the rents may not be relevant to an estimate of the subject property's fair rent.

Comparable rental data for single-family residences can be obtained from real estate brokers, rental agencies, and newspaper ads. Many assessors offices maintain rental data for commercial properties, and this data may be helpful when establishing the fair rent for restricted historical property when the contract allows a commercial use. Rental data for commercial property also can be obtained from commercial real estate brokers. For the purpose of estimating anticipated market fair rent and expenditures for use in calculating the subject property's value, rental and expense data for existing restricted historical properties, including the subject historical property, can be obtained through an annual questionnaire sent to property owners.

If sufficient rental data are not available, or such data are unreliable, the appraiser must impute a gross income for the subject restricted historical property. The imputed income should be based on what an informed investor would reasonably expect the property to yield under prudent management, given the provisions under which the property is enforceably restricted.

Allowed expenditures. Section 439.2(a)(3) defines allowed expenditures, or allowed expenses, as expenses necessary for the maintenance of the property's income. Allowed expenses are the same as those permitted in Property Tax Rule 8(c).

Typical expenses include the cost of utilities, maintenance and repair, insurance and property management. Allowed expenses also may include amounts owing for special assessments and special taxes. Expenses related to debt service, general property taxes, and depreciation should not be deducted.

In general, to arrive at the net income to be capitalized, allowed expenses are subtracted from the estimated rental income. However, in order to properly process the income, the appraiser must be aware of the structure of the lease with regard to how expenses are shared between the landlord-owner and the tenant.

The proper perspective from which to view the processing of income and expenses is that of the landlord-owner. The objective is to estimate the net income to the landlord-owner—this is the amount that should be capitalized—and the correct question to ask is the following: What, if any, allowed expenses must the landlord-owner pay out of the rental income that he or she receives?

In a gross lease, almost all of the allowed expenses must be paid out of the gross rent and, therefore, must be subtracted from the gross rent to arrive at the net income to be capitalized. In a net lease, relatively few allowed expenses must be paid by the landlord-owner out of the net rent (because the tenant pays most expenses) and only these expenses should be subtracted from the net rent to arrive at the net income to be capitalized. Frequently, there is a hybrid arrangement—some expenses are paid by the landlord-owner and some by the tenant. How expenses are shared often depends upon the property type together with local conventions.

Income to be capitalized, or net operating income. The income to be capitalized, or net operating income, is simply the fair rent, or gross income, described above less the allowed expenditures described above.

Capitalization Rate

The method of developing the capitalization rate to be used when valuing restricted historical property is prescribed by statute; a capitalization rate derived from sales data or the band of investment is not permitted.

Section 439.2 prescribes two types of capitalization rates for restricted historical property: (1) a capitalization rate to be used when valuing restricted historical property that is an owner-occupied single-family residence and (2) a capitalization rate to be used when valuing all other restricted historical property. Both types of capitalization rates include components for interest (i.e., yield), risk, property taxes, and amortization of improvements; in fact, the two rates are identical except for the amount of the risk component. The capitalization rate contains the following components:

- An interest component annually determined by the State Board of Equalization and based on the effective rate on conventional mortgages as determined by the Federal Housing Finance Board. The interest component is announced annually, in a Letter To Assessors, by October 1 of the preceding assessment year.
- A historical property risk component determined by property type. For owner-occupied single-family residences, the rate is 4 percent; for all other types of restricted historical property, the rate is 2 percent.
- An amortization component for improvements defined as a percentage equal to the reciprocal of the remaining life of the improvements (e.g., if the remaining economic life of the improvements were 20 years, the amortization component would be 5 percent). Since the amortization component applies only to improvements, not to land, which is a non-depreciating asset, it is necessary to adjust the amortization component described in the statute. We recommend the following method of adjustment:
 1. Based upon market data, estimate the percentage of total property value attributable to improvements.
 2. Multiply this percentage by the amortization component described in the statute (i.e., by the reciprocal of the remaining life of the improvements). For example, if the remaining life of the improvements was 20 years, yielding a reciprocal percentage of 5 percent, and if 70 percent of the total property value was attributable to the improvements, the adjusted amortization factor would be 3.5 percent ($0.05 \times 0.70 = 0.035$).
 3. Add the adjusted amortization component to the other capitalization rate components to arrive at the total capitalization rate.
- A property taxes component equal to the percentage of the estimated total tax rate applicable to the property for the assessment year multiplied by the assessment ratio. Typically, the property tax component includes the basic tax rate of 1 percent plus an additional ad valorem rate related to any bonded indebtedness pertaining to the tax rate area in which the property is located. Special district assessments and special taxes are not included in the property tax component. As noted above, they should be treated as allowed expenses.

Capitalization Technique

The capitalization technique to be used when valuing a restricted historical property is prescribed by statute and is formulaic. Section 439.2(e) provides that the restricted value shall be the income to be capitalized, or net operating income, developed as prescribed by statute, divided by one of the two types of capitalization rates prescribed by statute. In other words, the restricted value is the simple quotient of the prescribed income to be capitalized and the prescribed capitalization rate.

Determination of Taxable Value on Each Lien Date

Section 439.2(d) provides that a historical property's restricted value may not be enrolled if it exceeds either (1) the value of the subject property as determined under section 110 (i.e., current market value) or (2) the value of the subject property as determined under section 110.1 (i.e., factored base year value). In other words, section 439.2 states that the taxable value of a restricted historical property on each lien date shall be the lowest of its restricted value, current market value, or factored base year value. The factored base year value for an enforceably restricted historical property is the value that was established for the 1975 lien date² or as of the date of the most recent change in ownership, whichever is later, adjusted by the annual inflation factor.

Article XIII A (Prop 13) Considerations

This section discusses how three important elements relating to implementation of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment of restricted historical property. Also discussed is the case in which only a portion of a property is subject to the historical property agreement—that is, the case in which a single property unit contains both restricted and unrestricted portions.

Change in Ownership

When a property subject to a historical property contract undergoes a change in ownership, a new base year value should be established for the property as of the date of change in ownership, as provided in section 110.1. Typically, a restricted historical property's base year value will be greater than its restricted value determined under section 439.2 and hence will not be enrolled as the property's taxable value. However, the establishment of a new base year value enables the assessor to perform the three-way value comparison prescribed by section 439.2(d) and described above. The establishment of a base year value is also necessary in order to calculate the assessed values of historical property should the historical property agreement enter nonrenewal status.

New Construction

Section IV of National Register Bulletin #15 defines a "building" as follows:

A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

Section IV further specifies that "[b]uildings eligible for the National Register must include all of their basic structural elements. Parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. The whole building must be considered,

² Sections 110.1(d) and 405.5 do not apply to historical properties under contract as of lien date 1975 because the constitutional amendment which placed the valuation of historical property under article XIII rather than article XIII A had not yet been passed and, thus, was not in effect for the 1975 lien date.

and its significant features must be identified." Thus, eligibility for the National Register is determined by the extent to which the basic structural elements of an existing building are intact. In general, a newly constructed building would not be eligible because it is not an existing building with basic structural elements.³

Also, a newly constructed building is not a historic resource, and, thus, is not a qualified historical property within the meaning of Government Code section 50280.1. For example, a newly constructed detached garage (assuming it is not a reconstruction of a historical garage) clearly would not be eligible because it has no significance in American history or architecture, nor does it meet any of the other requisite criteria.

Bulletin 15, however, does list one type of newly constructed property that may be eligible for inclusion under the Mills Act. A reconstructed historic building is eligible for the National Register if the reconstruction is "accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived."

The historical property contract typically specifies the scope and type of any work to be performed on the historical improvements. Improvements existing as of the date of the contract would be subject to the provisions of section 439.2 unless specifically excluded by the contract. Any new construction made to the historical structure after the issuing date of the contract would not be subject to the provisions of section 439.2 unless specifically included in the contract or an amendment to the contract. Any questions regarding new construction to enforceably restricted historical structures should be directed to the counsel of the legislative body of the city, county, or city and county that contracted with the property owner.

Assuming that the newly constructed property is subject to the historical property contract, a base year value should be established for the newly constructed portion and this value added to the factored base year value of the existing restricted property.

In some cases, an existing historical property may include a portion that is restricted (i.e., subject to a historical property contract) and a portion that is unrestricted. In this case, separate factored base year values should be maintained for the restricted and unrestricted portions and the base year value of any newly constructed property added to the appropriate portion. The assessment treatment of this type of property is discussed further below.

Supplemental Assessment

Although the assessor is required to establish a new base year value upon a change in ownership or completed new construction involving restricted historical property, such property is not subject to supplemental assessment. As provided in Revenue and Taxation Code section 75.14:

Supplemental assessment; limitation. A supplemental assessment pursuant to this chapter shall not be made for any property not subject to the assessment

³ National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation," U.S. Department of the Interior, National Park Service (www.cr.nps.gov/nr/publications/).

limitations of Article XIII A of the California Constitution. All property subject to the assessment limitations of Article XIII A of the California Constitution shall be subject to the provisions of this chapter, except as otherwise provided in this article.

As discussed above, the assessment of enforceably restricted historical property is subject to the provisions of article XIII, section 8 of the California Constitution, not article XIII A. Thus, section 75.14 precludes the assessor from enrolling supplemental assessments for enforceably restricted historical property.

Historical property not yet under contract that undergoes a change in ownership or new construction is subject to supplemental assessment, even if the property owner later executes a historical property contract in the same fiscal year. Also, any new construction involving a historical property that does not come under the existing historical property contract (e.g., a detached garage added to a restricted historical property) would be subject to supplemental assessment.

When a Property Contains Both Restricted and Unrestricted Portions

When only a portion of a property that would normally be considered a single appraisal unit is restricted by a historical property contract, the assessed value should be determined by making a comparison of three values, determined as follows. First, the portion under contract should be valued using the capitalization method prescribed by section 439.2. Added to this figure should be the lower of the unrestricted portion's fair market value or factored base year value. The resulting sum should be compared to both the fair market value and the factored base year value of the entire property (i.e., both restricted and unrestricted portions) and the lowest of the three figures should be enrolled.

Valuing Property Under Notice of Nonrenewal

As provided in Government Code section 50282, either the owner of a restricted historical property or the local government entity may serve notice that it does not intend to renew the historical property contract. If such notice is not given, another year is automatically added to the term of the initial contract, thus creating a "rolling" contract term that is always equal to the initial contract term.

Section 439.3 prescribes the valuation method for a restricted historical property in nonrenewal status; this valuation method applies until the end of the restricted period (i.e., until the existing contract expires). In essence, the method results in a restricted value that gradually approaches the historical property's factored base year value as the remaining term under the contract decreases. For a property in nonrenewal status, the assessor must annually value the property as follows:

1. Determine the full cash value (i.e., factored base year value) of the property in accordance with section 110.1. (Alternatively, if the property will not be subject to section 110.1 when the historical property agreement expires, determine its fair market value in accordance with

section 110, as if the property were free of the agreement's restrictions; or, if the property will be subject to another type of restricted value standard when the historical property agreement expires, determine the property's value as if it were subject to the new restrictions.)

2. Determine the restricted value of the property by the capitalization of income method provided in section 439.2.
3. Subtract the restricted value determined in Step 2 from the factored base year (or other) value determined in Step 1.
4. Using the amount for the interest rate component (section 439.2(b)(1)) announced by the Board, discount the amount obtained in Step 3 for the number of years remaining until the termination of the contract.
5. Determine the restricted value of the property in nonrenewal status by adding the value determined in Step 2 to the amount obtained in Step 4.

The historical property's restricted value in nonrenewal status—that is, the value determined above, in accordance with section 439.3—should be compared with the historical property's factor base year and current market values, and the lowest of these three values should be enrolled as the property's taxable value.

Cancellation of Contract

The government entity party to a historical property contract may cancel the contract, after notice and a public hearing, if it determines that either the owner has breached the agreement or the property has deteriorated to the extent that it no longer meets the standards of a historical property. If the contract is cancelled, the property owner must pay a cancellation fee equal to 12½ percent of the property's current fair market value as though free of the contractual restriction, such value to be determined by the county assessor. After a contract is cancelled, the lower of the property's factored base year value or current market value should be enrolled for the ensuing lien date.

SUMMARY

The key points contained in these guidelines can be summarized as follows:

1. An owner of qualified historical property may enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics. Such property receives the special valuation treatment prescribed under Revenue and Taxation Code sections 439 through 439.4.
2. Enforceably restricted historical property is to be annually valued by the income capitalization method prescribed in section 439.2, which contains specific instructions with

regard to the income to be capitalized, the capitalization rate, and the capitalization technique to be used. The restricted value must be compared to the property's current market value and factored base year value, with the lowest of these three values enrolled as the property's taxable value.

3. When assessing restricted historical property, the appraiser should consider how three important elements of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment. The appraiser should consider how a property should be assessed when only a portion of it is subject to a historical property agreement.
4. Restricted historical property under a notice of nonrenewal should be valued in accordance with section 439.3.
5. The government entity party to a historical property contract may cancel the contract. The cancellation fee is 12½ percent of the property's current fair market value as though free of the contractual restriction, with such value to be determined by the local assessor.

Additional information about Mills Act contracts may be obtained from the state Office of Historic Preservation, either by telephone at 916-653-6624, or from their website (www.ohp.parks.ca.gov).

(Note: Please see the assessment examples following.)

EXAMPLE 1 (OWNER-OCCUPIED SINGLE-FAMILY RESIDENCE)**Subject Restricted Historical Property**

Restored, 105-year-old, Victorian single-family residence. Excellent condition. Under Mills Act contract since 1985 and not in nonrenewal status. Owner-occupied.

Determination of Restricted Value (current lien date)

Gross income (Fair rent)		
\$1,500 per month x 12 months =		\$18,000
Less: Anticipated vacancy and collection loss		
\$18,000 x 5%		<u>- 900</u>
Effective gross income		\$17,100
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		\$15,000

Restricted Capitalization Rate**Rate Components:**

Interest rate	.080	
Risk (owner-occupied SFR)	.040	
Property tax (ad valorem)	.015	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	<u>.149</u>

Restricted Value	
\$15,000 ÷ .149	= <u>\$100,671</u>

Taxable Value—Three-Way Value Comparison

Restricted value	\$100,671
Factored base year value (based on prior change in ownership)	\$357,000
Current market value (based on comparable sales)	\$450,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$93,671 (\$100,671 restricted value less the homeowners' exemption of \$7,000).

Note 1: If this property had been a non-owner-occupied SFR, the only difference in the determination of the restricted value would have been the use of a risk rate component of 2% rather than 4% in the capitalization rate.

Note 2: In this and the following examples, the gross income, or fair rent, is presented on a gross rent basis, that is, under the assumption that the landlord-owner pays all operating expenses out of the gross income.

EXAMPLE 2 (OFFICE USE)**Subject Restricted Historical Property**

Multi-tenant, restored historical office building in a downtown commercial district. Under Mills Act contract since 1985 and not in nonrenewal status.

Determination of Restricted Value (current lien date)

Gross Income (Fair rent):

Offices	140,000 sf @ \$1.75/sf = <u>\$245,000</u>	
	x 12 months	= \$2,940,000

Less: Anticipated vacancy and collection loss

\$2,940,000 x 5%	<u>- 147,000</u>
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Effective gross income	\$2,793,000
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Less: Anticipated operating expenses

Management	\$290,000	
Maintenance	95,000	
Insurance	75,000	
Utilities	360,000	
Janitorial	+ 140,000	- 960,000

Net Operating Income	\$1,833,000
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Restricted Capitalization Rate

Rate Components:

Interest component	.08
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Risk	.02
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Property tax (ad valorem)	.011
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Amortization (50-year remaining life; improvements constitute 75% of total property market value

0.02 x 0.75 = 0.015)	+ .015	<u>.126</u>
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Restricted Value

(\$1,833,000 ÷ .126)	= \$14,547,619
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Taxable Value—Three-Way Value Comparison

Restricted value	\$14,547,619
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Factored base year value (based on prior change in ownership)	\$18,191,077
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Current market value (based on comparable sales)	\$21,000,000
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The lowest of the three possible values is the restricted value. Thus, the taxable value would be \$14,547,619

EXAMPLE 3 (MIXED USE—RESIDENTIAL AND OFFICE)**Subject Restricted Historical Property**

Two-story, restored historical property in a downtown district. Upper level is residential unit occupied by owner. Lower level contains three office spaces subject to short-term rental agreements. The income stream for the upstairs unit must be calculated separately from the downstairs unit because the risk rate is different for the owner-occupied unit.

Determination of Restricted Value

Separate restricted values for the upper-level residence and the lower-level office space must be determined, because the risk components are different for the two types of use. The total restricted value is sum of these two values.

Upper-Level Unit

Gross income (Fair rent) based upon comparable rent data

\$975 per month x 12 months = \$11,700

Less: Anticipated vacancy and collection loss

\$11,700 x 5% - 585

Effective gross income \$11,115

Less: Anticipated operating expenses

Grounds maintenance \$300

Fire insurance 200

Management Fee 180

Water and garbage 120

Building maintenance + 250 - 1,050

Upper-Level Net Operating Income \$10,065

Restricted Capitalization Rate (owner-occupied SFR)

Rate components:

Interest rate .080

Risk .040

Property tax .010

Amortization (50-year remaining life; improvements

constitute 70% of total property market value;

0.02 x 0.70 = 0.014) + .014 .144

Upper-level Restricted Value (\$10,065 ÷ .144) = \$69,895

Lower-Level Offices

Gross income (Fair rent)

1000 sf @ \$1.60/sf = \$1,600 x 12 months \$19,200

Less: Anticipated vacancy and collection loss

\$19,200 x 5% - 960

Effective gross income \$18,240

Less: Anticipated operating expenses		
Grounds maintenance	\$300	
Fire insurance	200	
Management Fee	180	
Water and garbage	120	
Building maintenance	+ 250	- 1,050
Lower-Level Net Operating Income		\$17,190

Restricted Capitalization Rate		
Rate components:		
Interest component	.080	
Risk	.020	
Property tax	.010	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	.124
Lower Level Restricted Value ($\$17,190 \div .124$)		\$138,629
Add: Upper Level Restricted Value		+ \$69,895
Total Restricted Value		\$208,524

Taxable Value—Three-Way Value Comparison

Restricted Value	\$208,524
Factored base year value (based upon prior change in ownership)	\$364,140
Current market value (based upon comparable sales data)	\$400,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$201,524 (\$208,524 less the homeowners' exemption of \$7,000).

EXAMPLE 4 (MIXED VALUATION—PART RESTRICTED AND PART UNRESTRICTED)**Description of Subject Property (Comprises Both Restricted and Unrestricted Portions)**

The subject property is a 10-acre parcel with a farmhouse and barn situated on 2 acres; the remaining 8 acres are farmland. The farmhouse and barn are used as an owner-occupied single-family residence; this portion of the property is restricted under a Mills Act contract. The remaining 8 acres of farmland are unrestricted.

Value of Restricted Portion (current lien date)

Gross income (Fair rent) for farmhouse and barn		
\$2,000 per month x 12 months =		\$24,000
Less: Anticipated vacancy and collection loss		
\$24,000 x 5%		<u>- 1,200</u>
Effective gross income		\$22,800
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		= \$20,700

Restricted Capitalization Rate

Rate components:

Interest component .080

Risk (owner-occupied) .040

Property tax (ad valorem) .010

Amortization (50-year remaining life; improvements

constitute 70% of total property market value

0.02 x 0.70 = 0.014)

+ .014 .144

Restricted Value (\$20,700 ÷ .144) = \$143,750

Taxable Value—Three-Way Comparison

Total Property Restricted Value (sum of restricted value above and lower of FBYV or current market value of unrestricted portion)

Restricted Value (portion under contract)	\$143,750
FBYV (unrestricted portion)	+ <u>\$102,000</u>
Restricted Value (total property)	\$245,750

Factored base year values (based upon a prior change in ownership of the entire property, allocated between restricted and unrestricted portions):

Farmhouse, barn, and 2 acres (restricted portion)	\$204,000
8 acres (unrestricted portion)	+ <u>\$102,000</u>
Total FBYV (total property)	\$306,000

Current market values (based upon comparable sales data):

Farmhouse, barn, and 2 acres (restricted portion)	\$230,000
8 acres (unrestricted portion)	+ <u>\$120,000</u>
Total Current Market Value (total property)	\$350,000

The lowest of the three values is the Restricted Value (total property), \$245,750. Thus, the net taxable value would be \$238,750 (\$245,750 less \$7,000 homeowners' exemption).

EXAMPLE 5 (PROPERTY IN NONRENEWAL STATUS)**Description of Subject Restricted Historical Property**

The same property as in Example 2, except the property owner has served notice of renewal. The Mills Act contract covering the property was originally executed in September 1995, and the owner served notice of nonrenewal in June 2004. Value the property for the 2005 lien date, reflecting its nonrenewal status. Assume that the property's restricted, current market, and factored base year values from Example 2, provided below, also refer to January 1, 2005.

Restricted value	\$14,547,619
Current market value	\$21,000,000
Factored base year value	\$18,191,077

Restricted Value in Nonrenewal Status

Value as if unrestricted (factored base year value)	\$18,191,077
Restricted value	<u>- 14,547,619</u>
Difference	\$ 3,643,458
Present worth of difference	
PW1 @ 6.00 %, 9 years (interest component for lien date 2005)	<u>x .591898</u>
	= \$ 2,156,555
Plus restricted value	<u>+ \$14,547,619</u>
Restricted value in nonrenewal status—lien date January 1, 2005	\$16,704,174

Taxable Value

Since the restricted value in nonrenewal status, \$16,704,174, is less than either the property's current market value or its factored base year value, this is the taxable value.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

October 3, 2023
PUBLIC HEARINGS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Katherine Wallace, Associate Planner

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: **MA 23-146 (Lopez 5 NW, LLC):** Consideration of a Mills Act Contract application MA 23-146 (Lopez 5 NW, LLC) for the historic "Cosmas House" located on Lopez Avenue 5 northwest of 4th Avenue in the Single-Family Residential (R-1) District. APN 010-232-028.

RECOMMENDATION:

Accept the recommendation of the Historic Resources Board and approve the Mills Act Historical Property Contract MA 23-146 (Lopez 5 NW, LLC) for the historic "Cosmas House" located on Lopez Avenue 5 northwest of 4th Avenue in the Single-Family Residential (R-1) District (APN 010-232-028) and authorize the City Administrator to execute the contract (**Attachment 1**).

BACKGROUND/SUMMARY:

The site is located on Lopez Avenue 5 northwest of 4th Avenue in the Single Family Residential (R-1) Zoning District (**Attachment 2, Exhibit A**). The residence, also known as the "Cosmas House," was designed by architect Albert Henry Hill and his partner, John Kruse, and was built in 1961 by contractor Grove Bishop. The building is one of three unique, adjacent, "Weekend Houses" designed by Hill on Lopez Avenue. The dominant design element of the "Cosmas House" is the steeply pitched roof which folds down over the walls like the wings of a paper airplane. The house has been determined significant as a good example of the Bay Region Modern/Second Bay Region style designed by Henry Hill and John Kruse; both the style and the architects are recognized in the Carmel Historic Context Statement.

A Department of Parks of Recreation (DPR) 523 Form was completed on February 15, 2002 by Richard Janick, who found the property to be significant under California Register criterion 3 (Architecture). In 2003 the house was included in the DOCOMO-MO survey of significant properties of the Modern Movement. In October 2004, the California Coastal Commission accepted the Cosmas House as part of the City's Inventory of Historic Resources. However, on December 16, 2006, the Historic Resources Board granted an appeal (submitted by the then-property owner) resulting in the property being removed from the City's Inventory of Historic Resources. The appeal was granted because at that time, the City's Historic Context Statement did not cover post-1940 development and the residence was only 44 years old. The staff report at that time recommended that the house be re-evaluated once it reached the 50-year threshold and when an updated Historic Context Statement was available.

On June 2, 2021, the new (and current) property owner applied for a Design Study to remodel the lower level of the house and pursue fenestration changes. The Design Study application triggered the re-evaluation of the property, having since crossed the 50-year threshold. An updated Department of Parks and Recreation (DPR) Form 523 was completed for the property in 2021 by Margaret Clovis (**Attachment 3, Exhibit B**). The evaluation again determined that the property meets California Register criterion three (Architecture) as a representative of the historic context theme of Architectural Development. A Resolution Designating a Historic Resource for the property on Lopez Avenue 5 northwest of 4th Avenue was recorded with the County Recorder on April 19, 2023 (Document #2023011567).

On May 16, 2023, project architect Karen “KC” Cullen submitted an application for a Mills Act Historical Property Contract on behalf of the property owner. In order to qualify for a Mills Act contract, a property must first be included on the Carmel Inventory and then added to the Carmel Register of Historic Resources. As noted above, the property was added (back) to the Carmel Inventory in 2021. On September 18, 2023, the Historic Resources Board adopted Resolution 2023-014-HRB (**Attachment 5**), adding the property to the Carmel Register and recommending that the City Council enter into a Mills Act Contract with Lopez 5 NW, LLC, for the historic “Cosmas House.”

Contract Value

The Monterey County Assessor’s Office is responsible for determining the value of a property under Mills Act Contract in accordance with sections 439 through 439.4 of the Revenue and Taxation Code. Properties with a Mills Act Contract are not valued based on sales data; rather they are valued by a prescribed income capitalization method (**Attachment 6**). After a Contract is approved, it is forwarded to the Monterey County Assessor who then determines the Mills Act value.

At previous Mills Act hearings, members of Council requested that staff obtain a preliminary calculation of Mills Act Contract values for the purposes of understanding the potential local tax revenue offset. The Monterey County Assessor has informed the City that time constraints and process complexity make preliminary calculations infeasible. Therefore, staff cannot provide the actual or estimated value of property tax reduction for Council’s consideration. Jerry Gatt, Appraiser III, represented the Monterey County Assessor and attended the April 4, 2023 Council meeting to explain the assessment process.

Contract Summary

A Mills Act contract under State law is an agreement between the City of Carmel and a property owner of a historic building listed on the Carmel Register. In exchange for reduced property taxes, the property owner is contractually obligated to perform annual maintenance on the building. The property owner benefits from a reduction in property taxes. The City benefits from assurance, via contract, that the historic building is rehabilitated, maintained, and preserved with a portion of those property taxes that the city is giving up.

The primary purpose for offering Mills Act contracts in the City of Carmel-by-the-Sea is to assist in and ensure the rehabilitation or restoration and long-term maintenance of historic resources. All properties listed on the City’s Historic Register in all districts that have been preserved in their historical size, form, and design without significant alterations are eligible for Mills Act contracts.

All Mills Act contracts have a term of 10 years, and one year is added to this term annually upon each anniversary date of the contract unless one or both parties (City and property owner) have taken action to terminate the contract. The City Administrator is authorized to initiate contract termination on behalf of the City based on recommendations of the Community Planning & Building Department. The contract rights and obligations are binding upon all successive owners of the property during the life of the contract. The property retains the lower Mills Act tax rate when sold. To end a contract, either party may submit a notice of non-renewal to the other party. Such notices shall cause the contract to terminate at the end of the then-

current 10-year contract period. Cancellation of a contract by the City due to non-compliance requires a public hearing and, if canceled, results in the immediate termination of the contract and a penalty equal to 12.5 percent of the assessed market value of the property.

The contract requires that the historical elements of the property are maintained in good condition. This includes a plan for rehabilitation and maintenance and may include a program to restore deteriorated features. All recipients of Mills Act contracts are required to implement a rehabilitation/restoration and maintenance plan prepared by a qualified professional. An annual report is submitted to the Community Planning & Building Department specifying all work that has been done to maintain and preserve the historic resource over the year in compliance with the approved rehabilitation/restoration and maintenance plan. All rehabilitation/restoration and maintenance work must be completed in conformance with the Secretary of Interior's Standards for Rehabilitation, and all proposed projects are subject to a Design Study prior to commencement of work. Minor alterations, as defined in CMC Section 17.32.150, may be approved by staff; however, major alterations (CMC Section 17.32.160) would be reviewed by a qualified professional and presented to the Historic Resources Board for review. All Mills Act contracts must specify that the rehabilitation/restoration and maintenance plan shall be updated at least every ten years by a qualified professional and approved by both parties.

The Historic Resources Board considers each application for a Mills Act contract and provides a recommendation to the City Council to approve, approve with conditions, or deny the application.

The City Council considers the recommendations from the Historic Resources Board at a public hearing and resolves to approve, approve with conditions, or deny the proposed contract with sufficient time for action by the City Clerk so that recordation of approved contracts occurs before December 31st of the year in which the application is received.

STAFF ANALYSIS:

Findings

Carmel Municipal Code Section 17.32.100.B.6(c) sets forth findings that the Historic Resources Board and City Council shall make in order to grant approval of a Mills Act Contract. The required findings are listed below followed by a staff response on how the application meets the requirements.

1. *The building is designated as a historic resource by the City and is listed on the Carmel Register.*

Staff Response: The residence was the subject of a historic evaluation in 2021 by Margaret Clovis and was placed on the Carmel Inventory of Historic Resources in 2021. The Historic Resources Board added the resource to the Carmel Register on September 18, 2023. The application meets this finding.

2. *The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.*

Staff Response: The applicant submitted a rehabilitation and maintenance plan (**Attachment 4, Exhibit C**). The plan covers a period of 10 years from 2024-2033 and estimates \$87,300 in work projects. The plan, compiled by KC Cullen, Architect (and qualified professional), includes rehabilitation and maintenance work including: structural deck/roof wood post repair or replacement; new roof; stain exterior deck and siding; repaint door and window trim; re-paint beams and eaves; termite testing and repairs, landscape maintenance; and sump cleanout/maintenance. All planned rehabilitation and maintenance work will be

performed in conformance with the Secretary of Interior's Standards for Rehabilitation. All exterior work is subject to Design Study approval and a determination of consistency with the Secretary of the Interior's Standards for Rehabilitation.

While the repair of the structural wood post qualifies as rehabilitation, the majority of the planned work items qualify as maintenance rather than rehabilitation. Replacement of the roof with treated Cedar shakes and re-staining of the historic Redwood exterior siding and deck would be considered more significant than routine maintenance, whereas re-painting, landscaping, sump cleanout/maintenance, and termite inspection would be considered routine maintenance expected for any property.

The current property owners recently completed a rehabilitation project (BP 21-0440 finalized on May 2, 2023) which resulted in a 2024-2033 Mills Act work plan that contains primarily maintenance rather than rehabilitation items. The Council should consider the purpose of the Mills Act, intended as an incentive program to encourage future rehabilitation work to happen. If an owner was able to successfully complete their project without financial subsidy, there is no established need for granting a Mills Act contract. While the City's municipal code does not explicitly speak to completed work, the code language clearly requires that the *"proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property."* The Council should consider whether the plan is satisfactory to meet Finding #2.

3. *Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:*

- (A) *Comply with the Secretary's Standards (future additions only); and*
- (B) *Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and*
- (C) *Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and*
- (D) *Do not result in any second-story addition to a single-story historic resource.*

Staff Response: The Cosmas House retains a high degree of integrity as few exterior changes have been made to the house since its construction. A new Class A shake roof was added in 2004 (BP 04-9) and fenestration alterations were carried out in 2022-23 (new windows and doors permitted under DS 21-191, on secondary elevations). As noted above, planned rehabilitation and maintenance work will be performed in conformance with the Secretary of Interior's Standards for Rehabilitation. Any future alterations are required to be consistent with conditions A-D above. Minor alterations, as defined in CMC Section 17.32.150, may be approved by staff; however, major alterations (CMC Section 17.32.160) would be reviewed by a qualified professional and presented to the Historic Resources Board for review.

It should be noted that a major rehabilitation occurred in 2022-2023 (Design Study 21-191, BP 21-0220, LeComte/Bergeron), involving the removal of original knob and tube electrical wiring and necessary electrical upgrades; additional concrete footings retrofitted to the existing foundation; and replacement of the main sewer line. The renovation also included the above-mentioned fenestration changes. When the current owner purchased the home in January 2021, it was not a listed historic resource (having been removed following a successful 2006 appeal by previous owners). In June of 2021 they applied for Design Study 21-191, and by August 2021, the property was listed on the Carmel Historic Inventory. The owner did not apply for a Mills Act contract at that time, and instead moved forward with the desired fenestration changes as well as the electrical work, foundation retrofit, and sewer line. The recently completed work (BP 21-0440 finalized on May 2, 2023) has resulted in a 2024-2033 Mills Act work plan that contains primarily

maintenance rather than rehabilitation items.

4. *The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.*

Staff Response: Approval of the contract would assist in offsetting the rehabilitation and maintenance costs of preserving the “Cosmas House” by reducing the tax liability on the property thereby freeing up funds for the rehabilitation. The application meets this finding.

5. *Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.*

Staff Response: Approval of the Mills Act Contract will be consistent with Goal 1-5 and Objective 1-16 of the Land Use & Community Character Element of the General Plan which encourages providing incentives for property owners to preserve and rehabilitate historic resources. Although the adoption of a Mills Act Contract will decrease property tax revenue to the City, this contract represents an equitable balance of public and private interests:

- 1) The City Council adopted Resolution 2016-068 on September 13, 2016, limiting the number of Mills Act contracts that can be approved to fifteen (15) in any three-year calendar period. No applications were approved in 2020 or 2021, four applications were approved in 2022, one application has already been approved in 2023 (L’Auberge), and four total applications are currently in review in 2023.
- 2) Carmel currently has 292 historic resources, and since the adoption of the Mills Act program in 2004, the City has entered into a total of fifteen Mills Act Contracts.
- 3) The City would continue to receive a portion of the property tax revenue and the investment in rehabilitation and maintenance supports local tourism, which benefits both private and public interests.
- 4) The value of preserving a historic resource offsets the loss of revenue.

FISCAL IMPACT:

The City will have a diminished tax base from the property at Lopez Avenue 5 NW of 4th Avenue for the term of the contract. The amount is unknown at this point.

PRIOR CITY COUNCIL ACTION:

On March 3, 2020, the City Council adopted standard contract language for Mills Act Contracts. On April 4, 2023, the City Council reviewed the City’s Mills Act Policy and opted not to make any changes.

Next Steps: If the City Council enters into a Mills Act Contract for this property, the contract will be recorded with the Monterey County Recorder and will take effect January 1, 2024.

ATTACHMENTS:

- Attachment 1) Standard Mills Act Contract
- Attachment 2) Exhibit A - Legal Description
- Attachment 3) Exhibit B - DPR 523 Form “Cosmas House”
- Attachment 4) Exhibit C - Rehabilitation/Maintenance Plan
- Attachment 5) Resolution 2023-014-HRB
- Attachment 6) Guidelines for the Assessment of Enforceably Restricted Historical Property

RECORDING REQUESTED BY
CITY OF CARMEL-BY-THE-SEA

AND WHEN RECORDED MAIL TO

Carmel City Hall
Attn: Community Planning & Building
P.O. Box CC
Carmel-By-The-Sea, CA 93921

This space reserved for the Recorder's use only

CITY OF CARMEL-BY-THE-SEA
MILLS ACT HISTORIC PROPERTY PRESERVATION CONTRACT

THIS AGREEMENT is made and entered by and between the CITY OF CARMEL-BY-THE-SEA a municipal corporation (hereinafter referred to as "City"), and Lopez 5 NW, LLC (hereinafter referred to as "Owner").

RECITALS

- (i) California Government Code Section 50280, et seq. (known as the Mills Act) authorizes cities to enter into contracts with the owners of qualified historic properties to provide for their appropriate use, maintenance and restoration such that these historic properties retain their historic characteristics;
- (ii) The Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, located on Lopez Avenue 5 northwest of 4th Avenue (APN: 010-232-028), Carmel-By-The-Sea, California, (hereinafter referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as "**Exhibit A**" and is incorporated herein by reference;
- (iii) The property is identified as a historic resource on the City of Carmel-By-The-Sea's Historic Inventory and Register of Historic Resources and is further described in the DPR 523 Form attached hereto, marked as "**Exhibit B**" and is incorporated herein by reference;
- (iv) City and Owner, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of historical significance of the Historic Property, as it exists at the date of this contract and as described in the City's Register of Historic Resources and the National Register of Historic Places, and to qualify the Historic Property for an assessment of valuation pursuant to the provisions of Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions contained herein, do hereby agree as follows:

1. **INCORPORATION OF RECITALS.** All recitals are incorporated into this Agreement.
2. **EFFECTIVE DATE AND TERM.** This Agreement shall be effective and commence on the date the Agreement is signed by the City, unless otherwise indicated by the County of Monterey, and shall remain in effect for a minimum term of ten (10) years thereafter.
3. **AUTOMATIC RENEWAL.** Each year, upon the anniversary of the effective date of this Agreement (hereinafter referred to as “annual renewal date”), one (1) year shall be added automatically to the term of this Agreement, unless timely notice of nonrenewal is given as provided in paragraph 4 of this Agreement. The total length of the contract shall not exceed twenty (20) years.
4. **NOTICE OF NONRENEWAL.** If City or Owner desires in any year not to renew this Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of this Agreement as follows: Owner must serve written notice of nonrenewal at least ninety (90) days prior to the annual renewal date; City must serve written notice of the nonrenewal at least sixty (60) days prior to the annual renewal date. If notice is not received, the Agreement shall automatically be renewed for another year. Upon receipt by Owner of a notice of nonrenewal from the City, Owner may make a written protest. At any time prior to the annual renewal date, City may withdraw its notice of nonrenewal.
5. **EFFECT OF NOTICE OF NONRENEWAL.** If either City or Owner serves timely notice of nonrenewal in any year, and this contract is not renewed, this Agreement shall remain in effect shall remain in effect for the balance of the period remaining since the original execution or the last annual renewal date.
6. **FEES.** The City may require that the Owner(s) of the Historic Property pay a fee that shall not exceed the reasonable cost of providing services, such as inspections, pursuant to Government Code Section 50281.1 (Article 12 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), for which the fee is charged.
7. **VALUATION OF PROPERTY.** During the term of this Agreement, Owner is entitled to seek assessment of valuation of the Historic Property pursuant to the provisions of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.
8. **PRESERVATION OF PROPERTY.** Owner shall preserve and maintain the characteristics of historical significance of the Historic Property and agrees to complete rehabilitation and/or maintenance activities as defined in the Rehabilitation/Restoration and Maintenance Plan attached as “Exhibit C”. Requests for revisions to the Maintenance and

Rehabilitation plan shall be reviewed by the Historic Resources Board prior to implementation. In addition, Owner shall comply with the terms of the City's Historic Preservation Ordinance (CMC 17.32). Owners shall not be permitted to further impede any view corridor with any new structure, including but not limited to walls, fences, or shrubbery, so as to prevent the viewing of the Historic Property from the public right-of-way.

9. **RESTORATION OF PROPERTY.** Owner shall, where necessary, restore and rehabilitate the Historic Property to conform to the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation, U. S. Secretary of the Interior's Standards for Rehabilitation, the State Historical Building Code, and the City of Carmel-by-the-Sea, all as amended.
10. **INSPECTIONS.** Owner shall allow periodic examinations, at least every five (5) years, with reasonable notice thereof, of the interior and exterior of the Historic Property by representatives of the County of Monterey Assessor and the City of Carmel-By-The-Sea as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement. The City will coordinate inspections by such other agencies that have jurisdiction and will keep them to the minimum necessary to determinate such compliance.
11. **PROVISION OF INFORMATION.** Owner shall furnish City with any and all information required by City, in order to determine the eligibility of the Historic Property, and that City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.
12. **ANNUAL REPORT.** Owner shall submit an annual report at least 90 days prior to each annual renewal date (October 1st) to the Department of Planning and Building specifying all work that has been done to maintain and preserve the historic resource over the preceding year in compliance with the approved maintenance plan.
13. **CANCELLATION.** The City has the right to cancel the contract if the owner allows the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The City also has the right to cancel this contract if the owner(s) breaches the provisions of paragraph's # 8, 9, 10 or 12 of this Agreement after the City has provided reasonable notice of any failure to comply with the agreement, and a public hearing. Notice of the hearing shall be mailed to the last known address of each owner of the property, with the notice conforming to the provisions of Government Code section 6061., If after notice and a hearing, the contract is cancelled, termination of the Agreement is immediate, and the owner shall pay a cancellation fee equal to 12.5 percent of the current fair market value of the property, as determined by the Monterey County Assessor as though the property were free of the contractual restriction. The cancellation fee shall be paid to the Assessor, at the time and in the manner that the Assessor shall prescribe. City's right to cancel this Agreement pursuant to this paragraph

shall in no way limit or restrict its rights or legal remedies arising from City's Historic Preservation Ordinance and Municipal Code.

14. **ENFORCEMENT OF AGREEMENT.** In lieu of and/or in addition to any provisions to cancel this Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement.
15. **WAIVER.** City does not waive any claim or default by Owner if City does not enforce or cancel this Agreement. All remedies at law or in equity, which are not otherwise provided for this Agreement or in City's regulations governing historic properties are available to City to pursue in the event there is a breach of this Agreement. No waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.
16. **BINDING EFFECT OF AGREEMENT.** Owner hereby subjects the Historic Property to the covenants, reservations and restrictions set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations, and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon Owner's successors and assigns in title or interest to the Historic Property. A successor in interest shall have the same rights and obligations under this Agreement as the original owner who executed the Agreement.
Each and every contract, deed or other instrument hereinafter executed, governing or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument. City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historic characteristics and significance of the Historic Property for the benefit of the public and Owner.
17. **NOTICE.** Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below, by personal delivery or United States mail, postage prepaid, addressed as follows:

City: Carmel-By-The-Sea
Community Planning & Building Department
Attn: Community Planning & Building Director
P.O. Box CC
Carmel-By-The-Sea, CA 93921

Owner: Lopez 5 NW, LLC
3912 Alamanda Drive
Sarasota, FL, 34238

Notice to successors in interest to either party shall be sent to the appropriate address. In the case of future Owner(s) of the Historic Property, notice shall be sent to the address on file with the county property tax office in power at the time.

18. **RECORDATION.** No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the Office of the County Recorder of the County of Monterey. From and after the time of the recordation, this Agreement shall impart a notice thereof to all persons as is afforded under state law.
19. **STATE LAW.** The Owner or agent of Owner shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement.
20. **GOVERNING LAW; VENUE.** This Agreement shall be constructed and governed in accordance with the laws of the State of California. Should either party to this agreement bring legal action against the other, the case shall be handled in Monterey County, California and the party prevailing in such action shall be entitled to a reasonable attorney fee which shall be fixed by the judge hearing the case and such fee shall be included in the judgment together with all costs.
21. **AMENDMENTS.** This agreement may be amended in whole or in part, only by a written-recorded instrument executed by the parties hereto.
22. **DESTRUCTION OF PROPERTY; EMINENT DOMAIN; CANCELLATION.** If the Historic Property is destroyed by earthquake, fire, flood, or other natural disaster such that in the opinion of the City Building Official more than sixty percent (60%) of the original fabric of the structure must be preplaced, this Agreement shall be cancelled because the historic value of the structure will have been destroyed. If the Historic Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the City Council to frustrate the purpose of this Agreement, this Agreement shall be cancelled. No cancellation fee pursuant to Government Code Section 50286 shall be imposed if the Agreement is cancelled pursuant to this paragraph. Such Agreement shall be null and void for all purposes of determining the value of the property so acquired.
23. **INDEMNIFICATION.** Owner shall defend, indemnify, and hold harmless City and its elected officials, officers, agents and employees from any actual or alleged claims, demands, causes of action, liability, loss, damage, or injury to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any

federal, state or local government agency, arising out of or incident to the direct or indirect use, operation, or maintenance of the Historic Property by Owner or any contractor, subcontractor, employee, agent, lessee, licensee, invitee, or any other person; (ii) Owner's activities in connection with the Historic Property; and (iii) any restriction on the use of development of the Historic Property, from application or enforcement of the City's Municipal Code, or from the enforcement of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and the reimbursement of the City, its elected officials, employees, and/or agents for all legal expenses and costs incurred by each of them. Owner's obligation to indemnify shall survive the termination, cancellation, or expiration of this Agreement and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, employees, or agents.

24. **SEVERABILITY.** In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

IN WITNESS THEREOF, the City and Owners have executed this Agreement on the day and year written above.

CITY OF CARMEL-BY-THE-SEA:

By: _____

Date: _____

Name: Richard L. Rerig ("Chip")

Title: City Administrator

PROPERTY OWNER(S):

By: _____

Date: _____

Name: Pierre LeComte, on behalf of Lopez 5 NW, LLC

Title: Property Owner

By: _____

Date: _____

Name: Vittoria Bergeron, on behalf of Lopez 5 NW, LLC

Title: Property Owner

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT B
DPR 523 FORM

EXHIBIT C
MAINTENANCE PLAN

DRAFT

LOT 14, IN BLOCK "LL", AS SAID LOT AND BLOCK ARE SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF ADDITION NO. 3, CARMEL-BY-THESEA, MONTEREY COUNTY, CALIFORNIA, SURVEYED DEC. 1906 AND APRIL 1907 BY H.B. FISHER, SURVEYOR & C.E.", FILED AUGUST 12, 1907 IN VOLUME 2, MAPS OF "CITIES AND TOWNS", AT PAGE 5, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA.

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____ Attachment 3
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 5

*Resource Name or #: (Assigned by recorder) Cosmas House

P1. Other Identifier: Cosmas House

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary)

*b. USGS 7.5' Quad Monterey Date 2012 T ; R ; ¼ of ¼ of Sec ; Mount Diablo B.M.

c. Address Lopez 5NW of 4th City Carmel by the Sea Zip 93921

d. UTM: (Give more than one for large and/or linear resources) Zone ; mE/ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

APN 010-232-028, Block LL, Lot 14

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting and boundaries)

Built in 1961, the two-story Cosmas House has a parallelogram plan set on a diagonal axis across a steep, sloping site. The roof dominates the design and rests on the walls like a paper airplane with wings that almost graze the ground. Redwood decks are located at the front and rear of the house at the points of the parallelogram. The design emphasis is on verticality which is achieved by vertical flush redwood siding and the randomly placed vertical windows. Purple frames outline the windows, and some windows have opaque, colored glass. A wide, Carmel stone chimney breaks up the southwest elevation. The open-framed, overhanging roof eaves, create shadow patterns on the walls and the orange rafters are carried into the house. A wood ramp with sculptural metal railings leads to the front entrance. The house is set in an Oriental-influenced designed landscape accented by native oaks. (Continued on page 3)

*P3b. Resource Attributes: (List attributes and codes) HP2, Single family residence

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) Front Elevation, 07/2021

*P6. Date Constructed/Age and

Sources: 1961 ☒ Historic

☐ Prehistoric ☐ Both

Building Permit

*P7. Owner and Address:

Lopez 5 NW LLC
3912 Alamanda Drive
Sarasota, FL 34238

*P8. Recorded by: (Name, affiliation, and address)

Meg Clovis
14024 Reservation Rd.
Salinas, CA 93908

*P9. Date Recorded: 07/2021

*P10. Survey Type: (Describe)
Intensive

*P11. Report Citation: (cite survey report and other sources, or enter "none.") 2002 Intensive Survey by Richard Janick

*Attachments: ☐ NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (List)

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 5

*NRHP Status Code: HP2

*Resource Name or # (Assigned by recorder) Cosmas House

B1. Historic Name: Cosmas House

B2. Common Name: Cosmas House

B3. Original Use: Residence

B4. Present Use: Residence

*B5. Architectural Style: Second Bay Area

*B6. Construction History: (Construction date, alteration, and date of alterations) Constructed in 1961 (BP#3715); Kitchen & stairs remodel in 1991 (BP#91-36); Reroof in 2004 (BP#04-9)

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date:

Original Location:

*B8. Related Features: Designed Garden

B9a. Architect: Albert Henry Hill & John Kruse

b. Builder: Grove Bishop

*B10. Significance: Theme Architectural Development

Area Carmel by the Sea

Period of Significance 1961

Property Type Building Applicable Criteria CR 3

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Address integrity.)

The Cosmas House is one of three weekend homes on Lopez Avenue designed by architect Albert Henry Hill and his partner John Kruse. Hill purchased the property to build his own home. When his partner, John Kruse and client John Cosmas wanted to build as well, Hill subdivided his property into three pie-shaped lots and designed three distinct homes for each. Although each house is a unique design, his placement of the buildings on the lots creates an illusion of space between each house.

Hill designed the Cosmas family's main residence in Marin's Kent Woodlands. The house was featured on the cover of the March 1953 issue of *Progressive Architecture* magazine. He also designed the Cosmas Office Building in Vancouver, B.C. Mr. Cosmas gave the architect free reign in the design of his beach house, and only requested a sloping roof, which Hill made the dominant design element. The roof folds down over the walls like the wings of a paper airplane.

John Andreas Cosmas (1905 -1967) emigrated from Greece with his wife, Phopho (continued on pg. 3)

B11. Additional Resource Attributes (List attributes and codes): HP2

*B12. References:

Carmel Context Statement & Historic Preservation Ordinance

Architecture of the Monterey Peninsula, 1976

Building File, Carmel Planning Dept.

National Register Bulletin 15

Environmental Design Archives, UC Berkeley

Cosmas Obit., *Daily Independent Journal*, 11/27/1967, pg. 4

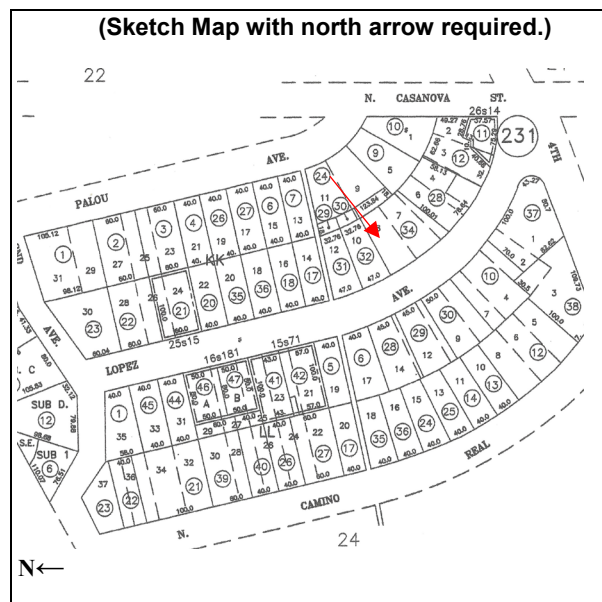
Seavey, Kent. *Carmel: A History in Architecture*, 2007

B13. Remarks

*B14. Evaluator: Meg Clovis

*Date of Evaluation: 08/2021

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 5

*Resource Name or # Cosmas House

*Recorded by Meg Clovis

*Date 08/2021

☒ Continuation ☐ Update

P3a. Description:

The Cosmas House retains a high degree of integrity as very few exterior changes have been made to the house since its construction. Permitted changes include:

- Permit #91-36 (3/11/1991): Remodel of kitchen and interior stairs
- Permit #04-9 (1/13/2004): Reroof

Character Defining Features

Character refers to all the visual aspects and physical features that comprise the appearance of a historic building. Character-defining features include the overall shape of the building, its materials, craftsmanship, decorative details, and the various aspects of its site and environment. The Cosmas House reflects many of Henry Hill's distinctive design traits as well as characteristics of the Second Bay Region style as described in Carmel's Historic Context Statement. These include:

- Parallelogram plan and dramatic sloping roof
- Sharp, angular forms and irregular massing
- Vertical redwood siding and wide Carmel stone chimney
- Plate glass window walls with some opaque glazing
- Sculptural metal railings
- Color details such as orange rafters and purple window frames
- Decks set in the points of the parallelogram
- Setting and designed landscape.

B10. Significance:

in 1941 and became a naturalized U.S. citizen. He was a merchant marine captain and wealthy shipping executive. Cosmas was part owner of the Hermes Steamship Agency in San Francisco and President of the Standard Ship Building Corporation in San Pedro.



Albert Henry Hill (1913-1984) was born in England to American parents and came to California at the age of three when his parents divorced. Hill grew up in the Berkeley hills and studied architecture at UC Berkeley. In 1938 he received his master's degree at Harvard, studying with Walter Gropius, one of the founders of the International Style at the German Bauhaus. Hill returned to the Bay Area, joining the office of John Ekin Dinwiddie, a pioneering Bay Area modernist. He became a partner in the firm in 1939. During World War II Hill served with the Office of Special Services. After the war he returned to San Francisco and the Dinwiddie firm, where he worked with pioneering modernist Eric Mendelsohn who had fled Nazi Germany.

In 1947 Hill established his own practice designing residences in the Bay Area, California, and throughout the United States. Hill's individual style combined International modernism with regional, vernacular influences, placing him among the second phase of Bay Area regional architecture. His commissions were not limited to private residences. During the 1950s,

he served as a consultant to U.S. Steel, and he designed U.S. Embassy staff housing in Vienna for the State Department. In 1955 he won an invitation-only competition to design the hiring hall of the international Longshoreman's and Warehouseman's Union near Fisherman's Wharf in San Francisco. He also designed the AIA award-winning chapel at the public hospital in Moline, IL. Additionally, he served as a lecturer in Architecture at Stanford University from 1948 to 1965.

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*Resource Name or # Cosmas House

*Recorded by Meg Clovis

*Date 08/2021

☒ Continuation ☐ Update

In 1965, Hill took on long-time associate John (Jack) Kruse as a partner in his architecture practice. Kruse was born in Davenport, Iowa in 1918 and attended Cornell University and MIT. After serving in World War II as a lieutenant in the U.S. Navy, he settled in San Francisco and began working with Hill in 1948. With Hill as the designer and Kruse as the structural expert, the prolific partnership would result in more than 500 residential and commercial buildings in California, Hawaii, Connecticut, Illinois, Kentucky, Quebec, and El Salvador. Hill and Kruse won numerous awards for design throughout their careers, together and individually. Both are listed in Carmel's Historic Context Statement as significant architects.



Henry Hill helped to define the Second Bay Region style, a building tradition that is important to Carmel's architectural chronology. The Historic Context states, "A Bay Region building was viewed as an organic extension of nature. Large expanses of glass window walls, sliding doors and partitions, and lofty ceilings allowed the outdoors to flow flawlessly into interior living spaces. In a place like Carmel where the natural environment reigned supreme, the Bay Region was a perfect fit."

Hill's designs have been described as flamboyant and whimsical. He often started with a hillside lot. From there he added a rectangular box with walls of glass and a roof with wide, overhanging eaves. Details could include lattices and slats arranged vertically and horizontally to create patterns of dappled light, opaque glass to filter light, colored light fixtures, circular stairways, windows with perfectly framed views, and gold leaf fireplaces. Hill was an avid gardener and gardens were integral to his designs, often serving as courtyard atriums. He defined exterior space with mini-walls, free-standing or structural, that extended out from the façade at 90-degree angles. Decks, doorway canopies, and facades were often a series of angles. Hill's signature color palette combined natural shades of grays, browns, and golds accented by window frames of orange, purple, or green. He often created total environments, designing, or choosing furnishings, deciding the color of lightbulbs and even where clients should hang their artwork.

In 1971 Hill moved permanently to his home on Lopez Avenue in Carmel. He became active in the community and served on the Carmel Planning Commission from 1972 to 1977. He died of cancer in 1984.

Evaluation for Significance

Historians use National Register Bulletin 15¹ as a guide when evaluating a property's significance whether on a local, state, or national level. As a first step, to determine whether or not a property is significant, it must be evaluated within its historic context and the City of Carmel's Historic Context Statement² provides this context. The City of Carmel's Historic Preservation Ordinance (Section 17.32.040) reiterates the role of *National Register Bulletin 15* in the evaluation of historic resources. Adopted eligibility criteria is modeled on the California Register's four criteria with the addition of specific qualifications for criterion 3 (Section 17.32.040.D).

The Cosmas House is eligible for listing in the Carmel Inventory under Criterion Three (architecture) because it was designed by Henry Hill and John Kruse, architects who are recognized as significant in the Historic Context Statement (Carmel Historic Preservation Ordinance Section 17.32.040.D(1)). In addition, it is a good

¹ *How to Apply the National Register Criteria for Evaluation*. National Park Service. 1998.

² *Historic Context Statement: Carmel-by-the-Sea (updated)*. Adopted by the City Council September 9, 2008.

CONTINUATION SHEET

Page 5 of 5

*Resource Name or # Cosmas House

*Recorded by Meg Clovis

*Date 08/2021

☒ Continuation ☐ Update

example of the Second Bay Region style which is important in Carmel's architectural legacy and recognized as significant in the Historic Context Statement (Carmel Historic Preservation Ordinance Section 17.32.040.D(3)).

The Cosmas House is not eligible under Criterion One (Event) as no specific event led to the construction of this building and no important event took place in the building. The Cosmas House is not eligible under Criterion Two (Person) as John Cosmas is not individually significant within Carmel's historic context. Mr. Cosmas was a prominent shipping executive in the San Francisco Bay Area and his productive life is best reflected by his permanent residence in Marin County, also designed by Henry Hill, and not his vacation home on Lopez Avenue. The Cosmas House is not eligible for Criterion Four (Information Potential) because there is no evidence of archaeological resources at the site.

To be eligible for the Carmel Inventory a resource must represent a theme in the Context Statement, retain substantial integrity, be at least 50 years old, and meet at least one of the four criteria for listing in the California Register. The Cosmas House represents the theme of Architectural Development, and it is over 50 years old. It meets Criterion Three of the California Register on the local level because it is representative of Carmel's architectural chronology, specifically the Second Bay Region style, as described in the Context Statement. A discussion of integrity follows.

Integrity is defined as the ability of a property to convey its significance. There are seven aspects of integrity: Location, Design, Setting, Materials, Workmanship, Feeling, and Association. To retain historic integrity a property must retain several, if not most of the aspects. As stated in the Description, the Cosmas House has retained a high degree of integrity. Very few changes have been made over time (as outlined in the listing of building permits) and none have affected the building's location, design, setting, materials, workmanship, feeling, and association.

In summary, the Carmel Context Statement, the Carmel Historic Preservation Ordinance, and the historical record support the eligibility of the Cosmas House for the Carmel Historic Inventory.

Mills Act Application

Lopez Avenue 5 NW of 4th Avenue APN 010-232-028-000

This Mills Act Application was prepared by Architect Karen (KC) Cullen and Vittoria Bergeron, one of the property owners. Ms. Cullen is a registered architect with 30 years of experience restoring and renovating Mid-century Modern architecture; and worked on other architectural preservation projects with Palo Alto Stanford Heritage and the Palo Alto Historical Association.

The Lopez Avenue house was designed by Henry Hill and John Kruse along with two adjacent houses in 1961. The house was not on the historic register when the current owners purchased it several years ago. During a design review application in 2021 for remodeling the ground floor rooms, the house was evaluated by Meg Clovis and subsequently added to the Carmel Inventory as the Cosmas House (original owner).

The house had been remodeled on the interior in 1991. The latest remodel completed in 2023 included the addition of new windows at the ground floor level, mainly on the back of the house. During the course of the renovation, several infrastructure issues came up that the owners and contractor had to address immediately, that added significantly to the cost of the renovation.

The owners were not able to apply for Mills Act relief before doing the completed rehabilitation work because the house was not considered historic when they bought it, or when they planned their renovation. The recent work makes it possible for the attached plan to be mostly maintenance.

Rehabilitation Items (Complete):

1. Knob and tube electrical wiring was discovered inside the walls and ceiling, requiring replacement to current code, and an additional \$25,000.
2. The structural engineer recommended additional footings retrofitted to the existing foundation, which added \$38,000. including the engineering and site visit costs.
3. The main sewer line servicing the bathrooms and kitchen of the upper house as well as the new work had to be replaced to the exterior connection, at a cost of \$22,000.

Rehabilitation Items (Remaining):

4. The contractor has observed significant rot to an original structural wood post that supports both the 2nd floor balcony/deck and the roof, at the apex. This will require engineering and creative installation.

Maintenance Items (Planned):

1. Replace roof shakes. New Western Red Cedar pressure treated shakes correctly installed over a fire retardant fiberglass underlayment that meet the Class 'A' rating for fire safety. The new roof will also require periodic inspection and re-coating for fire protection.
2. Re-stain Exterior Siding and Deck. Existing rustic redwood siding is in fairly good shape for its age; periodic inspection and re- staining will ensure it remains so.
3. Re-paint exterior door and window trim. The bright colors of the old doors and window trim need to be painted to look as fresh as the newer window and door trim.
4. Re-paint beams and ceiling. Beams and ceiling are painted the same colors inside and out. The orange color of the beams is a feature of the house and will need to be maintained.

5. Landscape Maintenance. The existing landscaping survived the recent construction fairly well, but will require work in some areas.

6. Sump cleanout/maintenance.

7. Termite inspections and treatment as required.

-KC Cullen



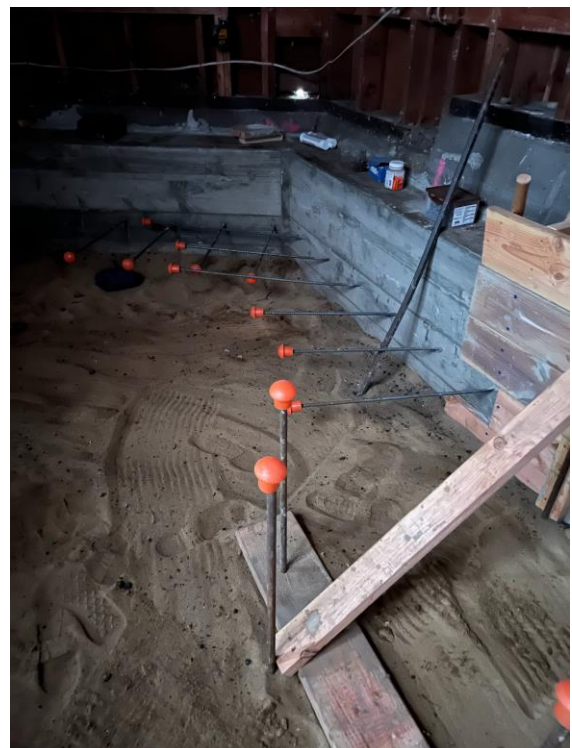
Rehabilitation Item Photos (complete, Building Permit 21-0440 finalized 05/04/2023):



Knob and Tube Wiring



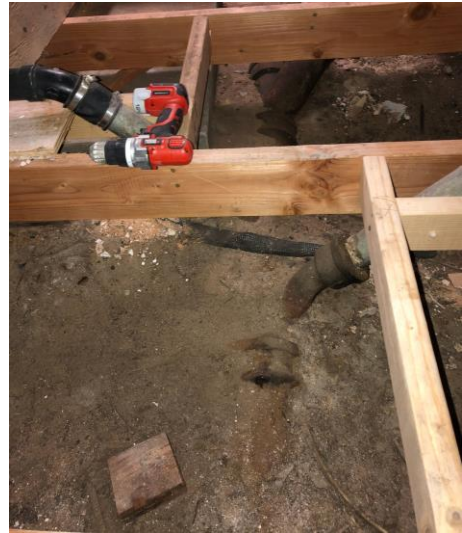
Retrofitting foundation



Retrofitting foundation



Retrofitted foundation



Old sewer line

Rehabilitation/Maintenance Item Photos (planned, 2024-2033)



Structural wood post (orange) supporting balcony and roof to be replaced



Replace Roof Shakes



Exterior Redwood Siding and Deck



Paint Door and Window Trim



Paint Beams and Ceiling



Maintain Landscape

[illegible]

**CITY OF CARMEL-BY-THE-SEA
HISTORIC RESOURCES BOARD**

HISTORIC RESOURCES BOARD RESOLUTION NO. 2023-014-HRB

**A RESOLUTION OF THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA
ADDING A HISTORIC RESOURCE TO THE CARMEL REGISTER AND RECOMMENDING THAT THE CITY
COUNCIL ENTER INTO A MILLS ACT CONTRACT WITH LOPEZ 5 NW, LLC FOR THE PROPERTY
LOCATED ON LOPEZ AVENUE 5 NORTHWEST OF 4TH AVENUE (APN 010-232-028).**

WHEREAS, on June 2, 2023, KC Cullen, Architect ("Applicant") submitted an application on behalf of Lopez 5 NW, LLC ("Owner") requesting to add the historic "Cosmas House" to the Carmel Register of Historic Resources and enter into a Mills Act contract (MA 23-146, Lopez 5 NW, LLC) described herein as ("Application"); and

WHEREAS, the Application has been submitted for the property located on Lopez Avenue 5 northwest of 4th Avenue, in the Single Family Residential (R-1) District (Block LL, Lot 14, part Lot 12); and

WHEREAS, the Applicant is requesting to add the historic "Cosmas House" to the Carmel Register of Historic Resources; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.32.090 (Carmel Register of Historic Resources) the City shall maintain a Register of Historic Resources designated by the City for public recognition and benefits; and

WHEREAS, historic resources identified as significant at a local or regional level shall be eligible for listing in the Register at the request of the property owner and upon approval by the Historic Resources Board; and

WHEREAS, one of the benefits of being included on the Register is the ability to enter into a Mills Act Historical Property Contract with the City; and

WHEREAS, the Applicant is also requesting to enter into a Mills Act contract with the City and in accordance with Carmel Municipal Code (CMC) Section 17.32.100.B.6 (Review Process), the Historic Resources Board shall consider the application and make a recommendation to the City Council to approve, approve with conditions, or deny the application; and

WHEREAS, on September 8, 2023, notice of the September 18, 2023 public hearing was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091), and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before September 8, 2023, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before September 15, 2023 the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on September 18, 2023, the Historic Resources Board held a public meeting to consider adding the historic "Cosmas House" to the Carmel Register and to consider the application for a Mills Act contract, including without limitation, information provided to the Historic Resources Board by City staff and through public testimony; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Historic Resources Board at the September 18, 2023 meeting including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Historic Resources Board did hear and consider all said reports, attachments, recommendations and testimony herein above set forth and used their independent judgment to evaluate the 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 the Historic Resources Board of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Mills Act Contract**:

<u>FINDINGS REQUIRED FOR A MILLS ACT CONTRACT</u>		
For each of the required findings listed below, staff has indicated whether the application supports the adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Historic Resources Board's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.32.100.B.6.c	YES	NO
i. The building is designated as an historic resource by the City and is listed on the Carmel Register.	✓	
ii. The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.	✓	
iii. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:	✓	

(A) Comply with the Secretary's Standards (future additions only); and (B) Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and (C) Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and (D) Do not result in any second-story addition to a single-story historic resource.		
iv. The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.	✓	
v. Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.	✓	

BE IT FURTHER RESOLVED that the Historic Resources Board of the City of Carmel-by-the-Sea does hereby add the historic "Cosmas House" to the Carmel Register of Historic Resources and recommend that the City Council enter into a Mills Act Contract (MA 23-146, Lopez 5 NW, LLC) for the property located on Lopez Avenue 5 northwest of 4th Avenue (APN 010-232-028).

PASSED, APPROVED AND ADOPTED BY THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA this 18th day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

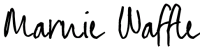
ABSTAIN:

APPROVED:

ATTEST:

DocuSigned by:

 264F63DE03984A3...
 Jordan Chroman
 Chair

DocuSigned by:

 D0DC1CEF3EBC469...
 for Leah Young
 Historic Resources Board Secretary

STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0064
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BETTY T. YEE
Acting Member
First District, San Francisco

BILL LEONARD
Second District, Sacramento/Ontario

CLAUDE PARRISH
Third District, Long Beach

JOHN CHIANG
Fourth District, Los Angeles

STEVE WESTLY
State Controller, Sacramento

RAMON J. HIRSIG
Executive Director

June 2, 2005

No. 2005/035

TO COUNTY ASSESSORS AND INTERESTED PARTIES:

NOTICE OF BOARD ACTION

**GUIDELINES FOR THE ASSESSMENT OF
ENFORCEABLY RESTRICTED HISTORICAL PROPERTY**

On May 25, 2005, the Board of Equalization approved the following guidelines pertaining to the assessment of enforceably restricted historical property. These guidelines supersede Letter To Assessors No. 77/174 (dated December 19, 1977).

On June 8, 1976, the voters of California approved Proposition 7 which amended section 8 of article XIII of the California Constitution. This amendment requires that enforceably restricted historical property be valued on a basis that is consistent with its restrictions and uses. Sections 439 through 439.4 were added to the Revenue and Taxation Code to implement Proposition 7. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

Staff drafted these guidelines in consultation with interested parties and, after discussions, no issues remained unresolved. The guidelines discuss the enforceably restricted historical property requirements, the income to be capitalized, the capitalization rate, the effect of Proposition 13 upon enforceably restricted historical properties that undergo change in ownership or new construction, and the valuation of property under notice of nonrenewal.

The guidelines are posted on the Board's website at www.boe.ca.gov/proptaxes/guideproc.htm. We hope this information proves useful and promotes uniformity of assessment for these properties. If you have any questions, please contact our Real Property Technical Services Unit at 916-445-4982.

Sincerely,

/s/ David J. Gau

David J. Gau
Deputy Director
Property and Special Taxes Department

DJG:grs
Enclosure

GUIDELINES FOR THE ASSESSMENT OF ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

HISTORY

Effective March 7, 1973, Chapter 1442 of the Statutes of 1972 (also known as the Mills Act) added sections 50280 through 50289 to the Government Code to allow an owner of qualified historical property to enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics.

Prior to the passage of Proposition 7 in 1976, these agreements (i.e., Mills Act contracts) constituted enforceable restrictions on the use of land within the meaning of Revenue and Taxation Code section 402.1¹ (Property Tax Rule 60, repealed January 10, 1978). However, Proposition 7 added the second paragraph to section 8 of article XIII of the California Constitution:

To promote the preservation of property of historical significance, the Legislature may define such property and shall provide that when it is enforceably restricted, in a manner specified by the Legislature, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

To implement Proposition 7, Chapter 1040 of the Statutes of 1977 (Senate Bill 380) added sections 439 through 439.4 to the Revenue and Taxation Code. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

Under section 439, historical property is "enforceably restricted" if it meets the definition of a "qualified historical property" as defined in Government Code section 50280.1 and is subject to a historical property contract executed pursuant to Government Code section 50280 and following. A qualified historical property includes qualified historical improvements and the land on which the improvements are situated, as specified in the historical property contract. If the contract does not specify the land to be included, the qualified historical property includes only a land area of reasonable size to situate the improvements.

A qualified historical property is privately-owned property that is not exempt from property taxation and that also meets either of the following criteria:

- The property is listed in the National Register of Historic Places, or is located within a registered historic district; or

¹ Unless otherwise noted, all statutory references are to the Revenue and Taxation Code.

- The property is listed in any official state, county, city, or city and county official register of historical or architecturally significant sites, places or landmarks, including the California Register of Historical Resources, California Historical Landmarks, State Points of Historical Interest, local landmarks, and local survey listings of historical properties.

The historical property contract must have a minimum term of ten years, and, as applicable, must contain certain other elements, including the following:

- A provision relating to the preservation of the qualified historical property and, when necessary, the restoration and rehabilitation of the property in conformance with state historic preservation guidelines;
- A requirement for the periodic examination of the property to ensure compliance with the agreement;
- A requirement that the historical property agreement be binding upon successor owners of the qualified historical property; and
- A provision for an automatic one-year extension of the contract, with an additional year added to the initial contract term on each anniversary of the contract, unless either party provides notice of nonrenewal. If a notice of nonrenewal is given, the contract runs for its remaining term.

Once a contract is signed, accepted, and recorded, the property subject to the contract must be assessed under section 439.2 on the ensuing lien date. For example, if a contract were recorded in August 2004, the property should have been valued pursuant to section 439.2 for lien date January 1, 2005.

Local authorities may cancel a historical property agreement for breach of contract or failure to protect the historical property. Alternatively, the local entity may take legal action to enforce the contract.

ASSESSMENT

The assessment of an enforceably restricted historical property involves the following aspects: (1) valuing the restricted historical property; (2) properly applying certain assessment provisions relating to article XIII A of the California Constitution (Prop 13); (3) valuing the restricted historical property following a notice of nonrenewal; and (4) valuing the restricted historical property following cancellation of the contract.

Valuing the Restricted Historical Property

Section 439.2 prohibits the assessor from using sales data relating to similar properties, whether or not enforceably restricted, to value an enforceably restricted historical property. Instead, the assessor must annually value a restricted historical property using an income approach that

follows the specific provisions of section 439.2. These provisions explicitly address (1) the determination of the income to be capitalized, (2) the development of the capitalization rate, (3) the capitalization technique to be used, and (4) the determination of the restricted historical property's taxable value on each lien date.

Income to be Capitalized

As provided in section 439.2(a), the income to be capitalized when valuing a restricted historical property is the property's fair rent less allowed expenditures, or allowed expenses. In general, section 439.2(a) follows Property Tax Rule 8(c), with fair rent in section 439.2 corresponding to gross return in Rule 8(c); allowed expenditures, or allowed expenses, in section 439.2 corresponding to gross outgo in Rule 8(c); and the income to be capitalized in section 439.2 corresponding to net return in Rule 8(c). In addition, for the purposes here, "gross income" is synonymous with fair rent, and "net operating income" is synonymous with the income to be capitalized.

The parties to a historical property agreement may stipulate a minimum annual income to be capitalized, in which case the income to be capitalized may not be less than the stipulated amount.

Fair rent, or gross income. The gross income of a restricted historical property is the fair rent for the property considering the restrictions on the property's use. When establishing the fair rent for a restricted historical property, the appraiser should consider the actual rent and typical rents in the area for similar properties in similar use, where the owner pays the property taxes.

The actual rent received by the owner of the subject restricted historical property is relevant to an estimate of fair market rent only if the actual rent is the same rent that would be expected if the existing lease were renegotiated in light of current market conditions, including the subject property's enforceable restrictions on use. With respect to rents from similar, or comparable, properties, if such rents are from properties outside the geographic or market area of the subject property, or from properties that are otherwise dissimilar to the subject property, the rents may not be relevant to an estimate of the subject property's fair rent.

Comparable rental data for single-family residences can be obtained from real estate brokers, rental agencies, and newspaper ads. Many assessors offices maintain rental data for commercial properties, and this data may be helpful when establishing the fair rent for restricted historical property when the contract allows a commercial use. Rental data for commercial property also can be obtained from commercial real estate brokers. For the purpose of estimating anticipated market fair rent and expenditures for use in calculating the subject property's value, rental and expense data for existing restricted historical properties, including the subject historical property, can be obtained through an annual questionnaire sent to property owners.

If sufficient rental data are not available, or such data are unreliable, the appraiser must impute a gross income for the subject restricted historical property. The imputed income should be based on what an informed investor would reasonably expect the property to yield under prudent management, given the provisions under which the property is enforceably restricted.

Allowed expenditures. Section 439.2(a)(3) defines allowed expenditures, or allowed expenses, as expenses necessary for the maintenance of the property's income. Allowed expenses are the same as those permitted in Property Tax Rule 8(c).

Typical expenses include the cost of utilities, maintenance and repair, insurance and property management. Allowed expenses also may include amounts owing for special assessments and special taxes. Expenses related to debt service, general property taxes, and depreciation should not be deducted.

In general, to arrive at the net income to be capitalized, allowed expenses are subtracted from the estimated rental income. However, in order to properly process the income, the appraiser must be aware of the structure of the lease with regard to how expenses are shared between the landlord-owner and the tenant.

The proper perspective from which to view the processing of income and expenses is that of the landlord-owner. The objective is to estimate the net income to the landlord-owner—this is the amount that should be capitalized—and the correct question to ask is the following: What, if any, allowed expenses must the landlord-owner pay out of the rental income that he or she receives?

In a gross lease, almost all of the allowed expenses must be paid out of the gross rent and, therefore, must be subtracted from the gross rent to arrive at the net income to be capitalized. In a net lease, relatively few allowed expenses must be paid by the landlord-owner out of the net rent (because the tenant pays most expenses) and only these expenses should be subtracted from the net rent to arrive at the net income to be capitalized. Frequently, there is a hybrid arrangement—some expenses are paid by the landlord-owner and some by the tenant. How expenses are shared often depends upon the property type together with local conventions.

Income to be capitalized, or net operating income. The income to be capitalized, or net operating income, is simply the fair rent, or gross income, described above less the allowed expenditures described above.

Capitalization Rate

The method of developing the capitalization rate to be used when valuing restricted historical property is prescribed by statute; a capitalization rate derived from sales data or the band of investment is not permitted.

Section 439.2 prescribes two types of capitalization rates for restricted historical property: (1) a capitalization rate to be used when valuing restricted historical property that is an owner-occupied single-family residence and (2) a capitalization rate to be used when valuing all other restricted historical property. Both types of capitalization rates include components for interest (i.e., yield), risk, property taxes, and amortization of improvements; in fact, the two rates are identical except for the amount of the risk component. The capitalization rate contains the following components:

- An interest component annually determined by the State Board of Equalization and based on the effective rate on conventional mortgages as determined by the Federal Housing Finance Board. The interest component is announced annually, in a Letter To Assessors, by October 1 of the preceding assessment year.
- A historical property risk component determined by property type. For owner-occupied single-family residences, the rate is 4 percent; for all other types of restricted historical property, the rate is 2 percent.
- An amortization component for improvements defined as a percentage equal to the reciprocal of the remaining life of the improvements (e.g., if the remaining economic life of the improvements were 20 years, the amortization component would be 5 percent). Since the amortization component applies only to improvements, not to land, which is a non-depreciating asset, it is necessary to adjust the amortization component described in the statute. We recommend the following method of adjustment:
 1. Based upon market data, estimate the percentage of total property value attributable to improvements.
 2. Multiply this percentage by the amortization component described in the statute (i.e., by the reciprocal of the remaining life of the improvements). For example, if the remaining life of the improvements was 20 years, yielding a reciprocal percentage of 5 percent, and if 70 percent of the total property value was attributable to the improvements, the adjusted amortization factor would be 3.5 percent ($0.05 \times 0.70 = 0.035$).
 3. Add the adjusted amortization component to the other capitalization rate components to arrive at the total capitalization rate.
- A property taxes component equal to the percentage of the estimated total tax rate applicable to the property for the assessment year multiplied by the assessment ratio. Typically, the property tax component includes the basic tax rate of 1 percent plus an additional ad valorem rate related to any bonded indebtedness pertaining to the tax rate area in which the property is located. Special district assessments and special taxes are not included in the property tax component. As noted above, they should be treated as allowed expenses.

Capitalization Technique

The capitalization technique to be used when valuing a restricted historical property is prescribed by statute and is formulaic. Section 439.2(e) provides that the restricted value shall be the income to be capitalized, or net operating income, developed as prescribed by statute, divided by one of the two types of capitalization rates prescribed by statute. In other words, the restricted value is the simple quotient of the prescribed income to be capitalized and the prescribed capitalization rate.

Determination of Taxable Value on Each Lien Date

Section 439.2(d) provides that a historical property's restricted value may not be enrolled if it exceeds either (1) the value of the subject property as determined under section 110 (i.e., current market value) or (2) the value of the subject property as determined under section 110.1 (i.e., factored base year value). In other words, section 439.2 states that the taxable value of a restricted historical property on each lien date shall be the lowest of its restricted value, current market value, or factored base year value. The factored base year value for an enforceably restricted historical property is the value that was established for the 1975 lien date² or as of the date of the most recent change in ownership, whichever is later, adjusted by the annual inflation factor.

Article XIII A (Prop 13) Considerations

This section discusses how three important elements relating to implementation of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment of restricted historical property. Also discussed is the case in which only a portion of a property is subject to the historical property agreement—that is, the case in which a single property unit contains both restricted and unrestricted portions.

Change in Ownership

When a property subject to a historical property contract undergoes a change in ownership, a new base year value should be established for the property as of the date of change in ownership, as provided in section 110.1. Typically, a restricted historical property's base year value will be greater than its restricted value determined under section 439.2 and hence will not be enrolled as the property's taxable value. However, the establishment of a new base year value enables the assessor to perform the three-way value comparison prescribed by section 439.2(d) and described above. The establishment of a base year value is also necessary in order to calculate the assessed values of historical property should the historical property agreement enter nonrenewal status.

New Construction

Section IV of National Register Bulletin #15 defines a "building" as follows:

A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

Section IV further specifies that "[b]uildings eligible for the National Register must include all of their basic structural elements. Parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. The whole building must be considered,

² Sections 110.1(d) and 405.5 do not apply to historical properties under contract as of lien date 1975 because the constitutional amendment which placed the valuation of historical property under article XIII rather than article XIII A had not yet been passed and, thus, was not in effect for the 1975 lien date.

and its significant features must be identified." Thus, eligibility for the National Register is determined by the extent to which the basic structural elements of an existing building are intact. In general, a newly constructed building would not be eligible because it is not an existing building with basic structural elements.³

Also, a newly constructed building is not a historic resource, and, thus, is not a qualified historical property within the meaning of Government Code section 50280.1. For example, a newly constructed detached garage (assuming it is not a reconstruction of a historical garage) clearly would not be eligible because it has no significance in American history or architecture, nor does it meet any of the other requisite criteria.

Bulletin 15, however, does list one type of newly constructed property that may be eligible for inclusion under the Mills Act. A reconstructed historic building is eligible for the National Register if the reconstruction is "accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived."

The historical property contract typically specifies the scope and type of any work to be performed on the historical improvements. Improvements existing as of the date of the contract would be subject to the provisions of section 439.2 unless specifically excluded by the contract. Any new construction made to the historical structure after the issuing date of the contract would not be subject to the provisions of section 439.2 unless specifically included in the contract or an amendment to the contract. Any questions regarding new construction to enforceably restricted historical structures should be directed to the counsel of the legislative body of the city, county, or city and county that contracted with the property owner.

Assuming that the newly constructed property is subject to the historical property contract, a base year value should be established for the newly constructed portion and this value added to the factored base year value of the existing restricted property.

In some cases, an existing historical property may include a portion that is restricted (i.e., subject to a historical property contract) and a portion that is unrestricted. In this case, separate factored base year values should be maintained for the restricted and unrestricted portions and the base year value of any newly constructed property added to the appropriate portion. The assessment treatment of this type of property is discussed further below.

Supplemental Assessment

Although the assessor is required to establish a new base year value upon a change in ownership or completed new construction involving restricted historical property, such property is not subject to supplemental assessment. As provided in Revenue and Taxation Code section 75.14:

Supplemental assessment; limitation. A supplemental assessment pursuant to this chapter shall not be made for any property not subject to the assessment

³ National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation," U.S. Department of the Interior, National Park Service (www.cr.nps.gov/nr/publications/).

limitations of Article XIII A of the California Constitution. All property subject to the assessment limitations of Article XIII A of the California Constitution shall be subject to the provisions of this chapter, except as otherwise provided in this article.

As discussed above, the assessment of enforceably restricted historical property is subject to the provisions of article XIII, section 8 of the California Constitution, not article XIII A. Thus, section 75.14 precludes the assessor from enrolling supplemental assessments for enforceably restricted historical property.

Historical property not yet under contract that undergoes a change in ownership or new construction is subject to supplemental assessment, even if the property owner later executes a historical property contract in the same fiscal year. Also, any new construction involving a historical property that does not come under the existing historical property contract (e.g., a detached garage added to a restricted historical property) would be subject to supplemental assessment.

When a Property Contains Both Restricted and Unrestricted Portions

When only a portion of a property that would normally be considered a single appraisal unit is restricted by a historical property contract, the assessed value should be determined by making a comparison of three values, determined as follows. First, the portion under contract should be valued using the capitalization method prescribed by section 439.2. Added to this figure should be the lower of the unrestricted portion's fair market value or factored base year value. The resulting sum should be compared to both the fair market value and the factored base year value of the entire property (i.e., both restricted and unrestricted portions) and the lowest of the three figures should be enrolled.

Valuing Property Under Notice of Nonrenewal

As provided in Government Code section 50282, either the owner of a restricted historical property or the local government entity may serve notice that it does not intend to renew the historical property contract. If such notice is not given, another year is automatically added to the term of the initial contract, thus creating a "rolling" contract term that is always equal to the initial contract term.

Section 439.3 prescribes the valuation method for a restricted historical property in nonrenewal status; this valuation method applies until the end of the restricted period (i.e., until the existing contract expires). In essence, the method results in a restricted value that gradually approaches the historical property's factored base year value as the remaining term under the contract decreases. For a property in nonrenewal status, the assessor must annually value the property as follows:

1. Determine the full cash value (i.e., factored base year value) of the property in accordance with section 110.1. (Alternatively, if the property will not be subject to section 110.1 when the historical property agreement expires, determine its fair market value in accordance with

section 110, as if the property were free of the agreement's restrictions; or, if the property will be subject to another type of restricted value standard when the historical property agreement expires, determine the property's value as if it were subject to the new restrictions.)

2. Determine the restricted value of the property by the capitalization of income method provided in section 439.2.
3. Subtract the restricted value determined in Step 2 from the factored base year (or other) value determined in Step 1.
4. Using the amount for the interest rate component (section 439.2(b)(1)) announced by the Board, discount the amount obtained in Step 3 for the number of years remaining until the termination of the contract.
5. Determine the restricted value of the property in nonrenewal status by adding the value determined in Step 2 to the amount obtained in Step 4.

The historical property's restricted value in nonrenewal status—that is, the value determined above, in accordance with section 439.3—should be compared with the historical property's factor base year and current market values, and the lowest of these three values should be enrolled as the property's taxable value.

Cancellation of Contract

The government entity party to a historical property contract may cancel the contract, after notice and a public hearing, if it determines that either the owner has breached the agreement or the property has deteriorated to the extent that it no longer meets the standards of a historical property. If the contract is cancelled, the property owner must pay a cancellation fee equal to 12½ percent of the property's current fair market value as though free of the contractual restriction, such value to be determined by the county assessor. After a contract is cancelled, the lower of the property's factored base year value or current market value should be enrolled for the ensuing lien date.

SUMMARY

The key points contained in these guidelines can be summarized as follows:

1. An owner of qualified historical property may enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics. Such property receives the special valuation treatment prescribed under Revenue and Taxation Code sections 439 through 439.4.
2. Enforceably restricted historical property is to be annually valued by the income capitalization method prescribed in section 439.2, which contains specific instructions with

regard to the income to be capitalized, the capitalization rate, and the capitalization technique to be used. The restricted value must be compared to the property's current market value and factored base year value, with the lowest of these three values enrolled as the property's taxable value.

3. When assessing restricted historical property, the appraiser should consider how three important elements of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment. The appraiser should consider how a property should be assessed when only a portion of it is subject to a historical property agreement.
4. Restricted historical property under a notice of nonrenewal should be valued in accordance with section 439.3.
5. The government entity party to a historical property contract may cancel the contract. The cancellation fee is 12½ percent of the property's current fair market value as though free of the contractual restriction, with such value to be determined by the local assessor.

Additional information about Mills Act contracts may be obtained from the state Office of Historic Preservation, either by telephone at 916-653-6624, or from their website (www.ohp.parks.ca.gov).

(Note: Please see the assessment examples following.)

EXAMPLE 1 (OWNER-OCCUPIED SINGLE-FAMILY RESIDENCE)**Subject Restricted Historical Property**

Restored, 105-year-old, Victorian single-family residence. Excellent condition. Under Mills Act contract since 1985 and not in nonrenewal status. Owner-occupied.

Determination of Restricted Value (current lien date)

Gross income (Fair rent)		
\$1,500 per month x 12 months =		\$18,000
Less: Anticipated vacancy and collection loss		
\$18,000 x 5%		<u>- 900</u>
Effective gross income		\$17,100
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		\$15,000

Restricted Capitalization Rate

Rate Components:

Interest rate	.080	
Risk (owner-occupied SFR)	.040	
Property tax (ad valorem)	.015	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	<u>.149</u>

Restricted Value	
\$15,000 ÷ .149	= <u>\$100,671</u>

Taxable Value—Three-Way Value Comparison

Restricted value	\$100,671
Factored base year value (based on prior change in ownership)	\$357,000
Current market value (based on comparable sales)	\$450,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$93,671 (\$100,671 restricted value less the homeowners' exemption of \$7,000).

Note 1: If this property had been a non-owner-occupied SFR, the only difference in the determination of the restricted value would have been the use of a risk rate component of 2% rather than 4% in the capitalization rate.

Note 2: In this and the following examples, the gross income, or fair rent, is presented on a gross rent basis, that is, under the assumption that the landlord-owner pays all operating expenses out of the gross income.

EXAMPLE 2 (OFFICE USE)**Subject Restricted Historical Property**

Multi-tenant, restored historical office building in a downtown commercial district. Under Mills Act contract since 1985 and not in nonrenewal status.

Determination of Restricted Value (current lien date)

Gross Income (Fair rent):

Offices	140,000 sf @ \$1.75/sf = <u>\$245,000</u>	
	x 12 months	= \$2,940,000

Less: Anticipated vacancy and collection loss

\$2,940,000 x 5%	<u>- 147,000</u>
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Effective gross income	\$2,793,000
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Less: Anticipated operating expenses

Management	\$290,000	
Maintenance	95,000	
Insurance	75,000	
Utilities	360,000	
Janitorial	+ 140,000	- 960,000

Net Operating Income	\$1,833,000
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Restricted Capitalization Rate

Rate Components:

Interest component	.08
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Risk	.02
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Property tax (ad valorem)	.011
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Amortization (50-year remaining life; improvements constitute 75% of total property market value

0.02 x 0.75 = 0.015)	+ .015	<u>.126</u>
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Restricted Value

(\$1,833,000 ÷ .126)	= \$14,547,619
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Taxable Value—Three-Way Value Comparison

Restricted value	\$14,547,619
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Factored base year value (based on prior change in ownership)	\$18,191,077
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Current market value (based on comparable sales)	\$21,000,000
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The lowest of the three possible values is the restricted value. Thus, the taxable value would be \$14,547,619

EXAMPLE 3 (MIXED USE—RESIDENTIAL AND OFFICE)**Subject Restricted Historical Property**

Two-story, restored historical property in a downtown district. Upper level is residential unit occupied by owner. Lower level contains three office spaces subject to short-term rental agreements. The income stream for the upstairs unit must be calculated separately from the downstairs unit because the risk rate is different for the owner-occupied unit.

Determination of Restricted Value

Separate restricted values for the upper-level residence and the lower-level office space must be determined, because the risk components are different for the two types of use. The total restricted value is sum of these two values.

Upper-Level Unit

Gross income (Fair rent) based upon comparable rent data

\$975 per month x 12 months = \$11,700

Less: Anticipated vacancy and collection loss

\$11,700 x 5% - 585

Effective gross income \$11,115

Less: Anticipated operating expenses

Grounds maintenance \$300

Fire insurance 200

Management Fee 180

Water and garbage 120

Building maintenance + 250 - 1,050

Upper-Level Net Operating Income \$10,065

Restricted Capitalization Rate (owner-occupied SFR)

Rate components:

Interest rate .080

Risk .040

Property tax .010

Amortization (50-year remaining life; improvements

constitute 70% of total property market value;

0.02 x 0.70 = 0.014) + .014 .144

Upper-level Restricted Value (\$10,065 ÷ .144) = \$69,895

Lower-Level Offices

Gross income (Fair rent)

1000 sf @ \$1.60/sf = \$1,600 x 12 months \$19,200

Less: Anticipated vacancy and collection loss

\$19,200 x 5% - 960

Effective gross income \$18,240

Less: Anticipated operating expenses		
Grounds maintenance	\$300	
Fire insurance	200	
Management Fee	180	
Water and garbage	120	
Building maintenance	+ 250	- 1,050
Lower-Level Net Operating Income		\$17,190

Restricted Capitalization Rate		
Rate components:		
Interest component	.080	
Risk	.020	
Property tax	.010	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	.124
Lower Level Restricted Value ($\$17,190 \div .124$)		\$138,629
Add: Upper Level Restricted Value		+ \$69,895
Total Restricted Value		\$208,524

Taxable Value—Three-Way Value Comparison

Restricted Value	\$208,524
Factored base year value (based upon prior change in ownership)	\$364,140
Current market value (based upon comparable sales data)	\$400,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$201,524 (\$208,524 less the homeowners' exemption of \$7,000).

EXAMPLE 4 (MIXED VALUATION—PART RESTRICTED AND PART UNRESTRICTED)**Description of Subject Property (Comprises Both Restricted and Unrestricted Portions)**

The subject property is a 10-acre parcel with a farmhouse and barn situated on 2 acres; the remaining 8 acres are farmland. The farmhouse and barn are used as an owner-occupied single-family residence; this portion of the property is restricted under a Mills Act contract. The remaining 8 acres of farmland are unrestricted.

Value of Restricted Portion (current lien date)

Gross income (Fair rent) for farmhouse and barn		
\$2,000 per month x 12 months =		\$24,000
Less: Anticipated vacancy and collection loss		
\$24,000 x 5%		<u>- 1,200</u>
Effective gross income		\$22,800
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		= \$20,700

Restricted Capitalization Rate

Rate components:		
Interest component	.080	
Risk (owner-occupied)	.040	
Property tax (ad valorem)	.010	
Amortization (50-year remaining life; improvements constitute 70% of total property market value		
0.02 x 0.70 = 0.014)	+ .014	<u>.144</u>
Restricted Value (\$20,700 ÷ .144)		= \$143,750

Taxable Value—Three-Way Comparison

Total Property Restricted Value (sum of restricted value above and lower of FBYV or current market value of unrestricted portion)

Restricted Value (portion under contract)	\$143,750
FBYV (unrestricted portion)	+ <u>\$102,000</u>
Restricted Value (total property)	\$245,750

Factored base year values (based upon a prior change in ownership of the entire property, allocated between restricted and unrestricted portions):

Farmhouse, barn, and 2 acres (restricted portion)	\$204,000
8 acres (unrestricted portion)	+ <u>\$102,000</u>
Total FBYV (total property)	\$306,000

Current market values (based upon comparable sales data):

Farmhouse, barn, and 2 acres (restricted portion)	\$230,000
8 acres (unrestricted portion)	+ <u>\$120,000</u>
Total Current Market Value (total property)	\$350,000

The lowest of the three values is the Restricted Value (total property), \$245,750. Thus, the net taxable value would be \$238,750 (\$245,750 less \$7,000 homeowners' exemption).

EXAMPLE 5 (PROPERTY IN NONRENEWAL STATUS)**Description of Subject Restricted Historical Property**

The same property as in Example 2, except the property owner has served notice of renewal. The Mills Act contract covering the property was originally executed in September 1995, and the owner served notice of nonrenewal in June 2004. Value the property for the 2005 lien date, reflecting its nonrenewal status. Assume that the property's restricted, current market, and factored base year values from Example 2, provided below, also refer to January 1, 2005.

Restricted value	\$14,547,619
Current market value	\$21,000,000
Factored base year value	\$18,191,077

Restricted Value in Nonrenewal Status

Value as if unrestricted (factored base year value)	\$18,191,077
Restricted value	<u>- 14,547,619</u>
Difference	\$ 3,643,458
Present worth of difference	
PW1 @ 6.00 %, 9 years (interest component for lien date 2005)	<u>x .591898</u>
	= \$ 2,156,555
Plus restricted value	<u>+ \$14,547,619</u>
Restricted value in nonrenewal status—lien date January 1, 2005	\$16,704,174

Taxable Value

Since the restricted value in nonrenewal status, \$16,704,174, is less than either the property's current market value or its factored base year value, this is the taxable value.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

October 3, 2023
PUBLIC HEARINGS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Katherine Wallace, Associate Planner
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	MA 23-117 (Griffin): Consideration of a Mills Act Contract application MA 23-117 (Griffin) for the historic "Agnes Shorting House" located on 3rd Avenue 2 northwest of Junipero Avenue in the Single-Family Residential (R-1) District. APN 010-108-007.

RECOMMENDATION:

Accept the recommendation of the Historic Resources Board and approve the Mills Act Historical Property Contract MA 23-117 (Griffin) for the historic "Agnes Shorting House" located on 3rd Avenue 2 northwest of Junipero Avenue (APN 010-108-007) and authorize the City Administrator to execute the contract (**Attachment 1**).

BACKGROUND/SUMMARY:

The property is located on 3rd Avenue 2 northwest of Junipero Avenue in the Single-Family Residential (R-1) District (**Attachment 1, Exhibit A**). The residence was designed and built in 1927 by Frederick Bigland, a well-known Carmel designer/builder. The property is significant in the area of Architecture, as an English Cottage-style Bigland-designed residence.

A Department of Parks and Recreation (DPR) Form 523 was completed for the property in 2004 by Kent Seavey (**Attachment 1, Exhibit B**) and the resource was added to the Carmel Inventory on May 25, 2005. The DPR form notes that in addition to significance as a Bigland-designed cottage, the property "may" potentially be significant for a detached garage built of Thermotite, a unique locally manufactured building material (also used at Flanders Mansion). A Resolution Designating a Historic Resource for the property on 3rd Avenue 2 northwest of Junipero Avenue was recorded with the County Recorder on January 4, 2007 (Document #2007001180).

On April 20, 2023, Christopher Barlow, Architect, submitted an application for a Mills Act Historical Property Contract on behalf of the property owner (Michael Griffin and Kimberly S. Griffin Trust). In order to qualify for a Mills Act contract, a property must be included on the Carmel Inventory and added to the Carmel Register of Historic Resources. On August 21, 2023, the Historic Resources Board adopted Resolution 2023-012-HRB (**Attachment 2**), adding the property to the Carmel Register and recommending that the City Council enter into a Mills Act Contract with Michael Griffin and Kimberly S. Griffin Trust for the historic "Agnes Shorting House."

Contract Value

The Monterey County Assessor's Office is responsible for determining the value of a property under Mills Act Contract in accordance with sections 439 through 439.4 of the Revenue and Taxation Code. Properties with a Mills Act Contract are not valued based on sales data; rather they are valued by a prescribed income capitalization method (**Attachment 3**). After a Contract is approved, it is forwarded to the Monterey County Assessor who then determines the Mills Act value.

At previous Mills Act hearings, members of Council requested that staff obtain a preliminary calculation of Mills Act Contract values for the purposes of understanding the potential local tax revenue offset. The Monterey County Assessor has informed the City that time constraints and process complexity make preliminary calculations infeasible. Therefore, staff cannot provide the actual or estimated value of property tax reduction for Council's consideration. Jerry Gatt, Appraiser III, represented the Monterey County Assessor and attended the April 4, 2023 Council meeting to explain the assessment process.

Contract Summary

A Mills Act contract under State law is an agreement between the City of Carmel and a property owner of a historic building listed on the Carmel Register. In exchange for reduced property taxes, the property owner is contractually obligated to perform annual maintenance on the building. The property owner benefits from a reduction in property taxes. The City benefits from assurance, via contract, that the historic building is rehabilitated, maintained, and preserved with a portion of those property taxes that the city is giving up.

The primary purpose for offering Mills Act contracts in the City of Carmel-by-the-Sea is to assist in and ensure the rehabilitation or restoration and long-term maintenance of historic resources. All properties listed on the City's Historic Register in all districts that have been preserved in their historical size, form, and design without significant alterations are eligible for Mills Act contracts.

All Mills Act contracts have a term of 10 years, and one year is added to this term annually upon each anniversary date of the contract unless one or both parties (City and property owner) have taken action to terminate the contract. The City Administrator is authorized to initiate contract termination on behalf of the City based on recommendations of the Community Planning & Building Department. The contract rights and obligations are binding upon all successive owners of the property during the life of the contract. The property retains the lower Mills Act tax rate when sold. To end a contract, either party may submit a notice of non-renewal to the other party. Such notices shall cause the contract to terminate at the end of the then-current 10-year contract period. Cancellation of a contract by the City due to non-compliance requires a public hearing and, if canceled, results in the immediate termination of the contract and a penalty equal to 12.5 percent of the assessed market value of the property.

The contract requires that the historical elements of the property are maintained in good condition. This includes a plan for rehabilitation and maintenance and may include a program to restore deteriorated features. All recipients of Mills Act contracts are required to implement a rehabilitation/restoration and maintenance plan prepared by a qualified professional. An annual report is submitted to the Community Planning & Building Department specifying all work that has been done to maintain and preserve the historic resource over the year in compliance with the approved rehabilitation/restoration and maintenance plan. All rehabilitation/restoration and maintenance work must be completed in conformance with the Secretary of Interior's Standards for Rehabilitation and all proposed projects are subject to a Design Study review prior to commencement of the work. Minor alterations, as defined in CMC section 17.32.150, may be approved by staff; however, major alterations, as defined in CMC section 17.32.160 would be reviewed by a qualified professional and presented to the Historic Resources Board for review. All Mills Act contracts must specify that the rehabilitation/restoration and maintenance plan shall be updated at least every ten years by a qualified professional and approved by both parties.

The Historic Resources Board considers each application for a Mills Act contract and provides a recommendation to the City Council to approve, approve with conditions, or deny the application.

The City Council considers the recommendations from the Historic Resources Board at a public hearing and resolves to approve, approve with conditions, or deny the proposed contract with sufficient time for action by the City Clerk so that recordation of approved contracts occurs before December 31st of the year in which the application is received.

STAFF ANALYSIS:

Findings

Carmel Municipal Code Section 17.32.100.B.6(c) sets forth findings that the Historic Resources Board and City Council shall make in order to grant approval of a Mills Act Contract. The required findings are listed below followed by a staff response on how the application meets the requirements.

1. *The building is designated as a historic resource by the City and is listed on the Carmel Register.*

Staff Response: The residence was the subject of a historic evaluation in 2004 by Kent Seavey and was placed on the Carmel Inventory of Historic Resources in 2005. The Historic Resources Board added the resource to the Carmel Register on August 21, 2023. The application meets this finding.

2. *The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.*

Staff Response: The applicant submitted a rehabilitation and maintenance plan (**Attachment 1, Exhibit C**). The plan covers a period of 10 years from 2024-2033 and estimates \$282,750 in work projects. The plan, compiled by Christopher Barlow, Architect (and qualified professional), includes rehabilitation and maintenance work including: foundation inspection and repairs as needed; plumbing repairs including sewer lateral; exterior painting; chimney inspection; rehabilitation and installation of original window shutters; exterior door and window assessment and repair; in-kind roof and gutter repair; stone repair at the property line and throughout; insulation repair and replacement; and termite testing and repairs. All rehabilitation and maintenance work will be performed in conformance with the Secretary of Interior's Standards for Rehabilitation. All exterior work is subject to Design Study approval and a determination of consistency with the Secretary of the Interior's Standards for Rehabilitation. The proposed plan meets this finding.

3. *Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:*
 - (A) *Comply with the Secretary's Standards (future additions only); and*
 - (B) *Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and*
 - (C) *Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and*
 - (D) *Do not result in any second-story addition to a single-story historic resource.*

Staff Response: The resource retains physical integrity; a 1937 addition extended the building footprint seven feet to the south and is consistent with the architectural character of the building. The 1937 addition

itself meets the 50-year threshold and was documented in the DPR Form 523 as compatible with the original building.

As noted above, planned rehabilitation and maintenance work will be performed in conformance with the Secretary of Interior's Standards for Rehabilitation. Any future alterations are required to be consistent with conditions A-D above. Minor alterations, as defined in CMC Section 17.32.150, may be approved by staff; however, major alterations (CMC Section 17.32.160) would be reviewed by a qualified professional and presented to the Historic Resources Board for review. The application meets this finding.

4. *The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.*

Staff Response: Approval of the contract would assist in offsetting the rehabilitation and maintenance costs of preserving the "Agnes Shorting House" by reducing the tax liability on the property thereby freeing up funds for the rehabilitation. Some of the more notable work that is proposed to be accomplished within the first few years would include: plumbing repairs, rehabilitating and installing original window shutters, and termite testing/repairs. The application meets this finding.

5. *Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.*

Staff Response: Approval of the Mills Act Contract will be consistent with Goal 1-5 and Objective 1-16 of the Land Use & Community Character Element of the General Plan which encourages providing incentives for property owners to preserve and rehabilitate historic resources. Although the adoption of a Mills Act Contract will decrease property tax revenue to the City, this contract represents an equitable balance of public and private interests:

- 1) The City Council adopted Resolution 2016-068 on September 13, 2016, limiting the number of Mills Act contracts that can be approved to fifteen (15) in any three-year calendar period. No applications were approved in 2020 or 2021, four applications were approved in 2022, one application has already been approved in 2023 (L'Auberge), and four total applications are currently in review in 2023.
- 2) Carmel currently has 292 historic resources, and since the adoption of the Mills Act program in 2004, the City has entered into a total of fifteen Mills Act Contracts.
- 3) The City would continue to receive a portion of the property tax revenue and the investment in rehabilitation and maintenance supports local tourism, which benefits both private and public interests.
- 4) The value of preserving a historic resource offsets the loss of revenue.

FISCAL IMPACT:

The City will have a diminished tax base from the property at 3rd Avenue 2 northwest of Junipero Avenue for the term of the contract. The amount is unknown at this point.

PRIOR CITY COUNCIL ACTION:

On March 3, 2020, the City Council adopted standard contract language for Mills Act Contracts. On April 4, 2023, the City Council reviewed the City's Mills Act Policy and opted not to make any changes.

Next Steps: If the City Council enters into a Mills Act Contract for this property, the contract will be recorded with the Monterey County Recorder and will take effect January 1, 2024.

ATTACHMENTS:

Attachment 1) Standard Mills Act Contract

Attachment 2) Exhibit A - Legal Description

Attachment 3) Exhibit B - DPR 523 Form "Agnes Shorting House"

Attachment 4) Exhibit C - Rehabilitation/Maintenance Plan

Attachment 5) Resolution 2023-012-HRB

Attachment 6) Guidelines for the Assessment of Enforceably Restricted Historical Property

RECORDING REQUESTED BY
CITY OF CARMEL-BY-THE-SEA

AND WHEN RECORDED MAIL TO

Carmel City Hall
Attn: Community Planning & Building
P.O. Box CC
Carmel-By-The-Sea, CA 93921

This space reserved for the Recorder's use only

**CITY OF CARMEL-BY-THE-SEA
MILLS ACT HISTORIC PROPERTY PRESERVATION CONTRACT**

THIS AGREEMENT is made and entered by and between the CITY OF CARMEL-BY-THE-SEA a municipal corporation (hereinafter referred to as "City"), and the Michael Griffin and Kimberly S. Griffin Trust (hereinafter referred to as "Owner").

RECITALS

- (i) California Government Code Section 50280, et seq. (known as the Mills Act) authorizes cities to enter into contracts with the owners of qualified historic properties to provide for their appropriate use, maintenance and restoration such that these historic properties retain their historic characteristics;
- (ii) The Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, located on 3rd Avenue 2 northwest of Junipero Avenue (APN: 010-108-007), Carmel-By-The-Sea, California, (hereinafter referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as **"Exhibit A"** and is incorporated herein by reference;
- (iii) The property is identified as a historic resource on the City of Carmel-By-The-Sea's Historic Inventory and Register of Historic Resources and is further described in the DPR 523 Form attached hereto, marked as **"Exhibit B"** and is incorporated herein by reference;
- (iv) City and Owner, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of historical significance of the Historic Property, as it exists at the date of this contract and as described in the City's Register of Historic Resources and the National Register of Historic Places, and to qualify the Historic Property for an assessment of valuation pursuant to the provisions of Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions contained herein, do hereby agree as follows:

1. **INCORPORATION OF RECITALS.** All recitals are incorporated into this Agreement.
2. **EFFECTIVE DATE AND TERM.** This Agreement shall be effective and commence on the date the Agreement is signed by the City, unless otherwise indicated by the County of Monterey, and shall remain in effect for a minimum term of ten (10) years thereafter.
3. **AUTOMATIC RENEWAL.** Each year, upon the anniversary of the effective date of this Agreement (hereinafter referred to as “annual renewal date”), one (1) year shall be added automatically to the term of this Agreement, unless timely notice of nonrenewal is given as provided in paragraph 4 of this Agreement. The total length of the contract shall not exceed twenty (20) years.
4. **NOTICE OF NONRENEWAL.** If City or Owner desires in any year not to renew this Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of this Agreement as follows: Owner must serve written notice of nonrenewal at least ninety (90) days prior to the annual renewal date; City must serve written notice of the nonrenewal at least sixty (60) days prior to the annual renewal date. If notice is not received, the Agreement shall automatically be renewed for another year. Upon receipt by Owner of a notice of nonrenewal from the City, Owner may make a written protest. At any time prior to the annual renewal date, City may withdraw its notice of nonrenewal.
5. **EFFECT OF NOTICE OF NONRENEWAL.** If either City or Owner serves timely notice of nonrenewal in any year, and this contract is not renewed, this Agreement shall remain in effect shall remain in effect for the balance of the period remaining since the original execution or the last annual renewal date.
6. **FEES.** The City may require that the Owner(s) of the Historic Property pay a fee that shall not exceed the reasonable cost of providing services, such as inspections, pursuant to Government Code Section 50281.1 (Article 12 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), for which the fee is charged.
7. **VALUATION OF PROPERTY.** During the term of this Agreement, Owner is entitled to seek assessment of valuation of the Historic Property pursuant to the provisions of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.
8. **PRESERVATION OF PROPERTY.** Owner shall preserve and maintain the characteristics of historical significance of the Historic Property and agrees to complete rehabilitation and/or maintenance activities as defined in the Rehabilitation/Restoration and Maintenance Plan attached as “Exhibit C”. Requests for revisions to the Maintenance and

Rehabilitation plan shall be reviewed by the Historic Resources Board prior to implementation. In addition, Owner shall comply with the terms of the City's Historic Preservation Ordinance (CMC 17.32). Owners shall not be permitted to further impede any view corridor with any new structure, including but not limited to walls, fences, or shrubbery, so as to prevent the viewing of the Historic Property from the public right-of-way.

9. **RESTORATION OF PROPERTY.** Owner shall, where necessary, restore and rehabilitate the Historic Property to conform to the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation, U. S. Secretary of the Interior's Standards for Rehabilitation, the State Historical Building Code, and the City of Carmel-by-the-Sea, all as amended.
10. **INSPECTIONS.** Owner shall allow periodic examinations, at least every five (5) years, with reasonable notice thereof, of the interior and exterior of the Historic Property by representatives of the County of Monterey Assessor and the City of Carmel-By-The-Sea as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement. The City will coordinate inspections by such other agencies that have jurisdiction and will keep them to the minimum necessary to determinate such compliance.
11. **PROVISION OF INFORMATION.** Owner shall furnish City with any and all information required by City, in order to determine the eligibility of the Historic Property, and that City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.
12. **ANNUAL REPORT.** Owner shall submit an annual report at least 90 days prior to each annual renewal date (October 1st) to the Department of Planning and Building specifying all work that has been done to maintain and preserve the historic resource over the preceding year in compliance with the approved maintenance plan.
13. **CANCELLATION.** The City has the right to cancel the contract if the owner allows the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The City also has the right to cancel this contract if the owner(s) breaches the provisions of paragraph's # 8, 9, 10 or 12 of this Agreement after the City has provided reasonable notice of any failure to comply with the agreement, and a public hearing. Notice of the hearing shall be mailed to the last known address of each owner of the property, with the notice conforming to the provisions of Government Code section 6061., If after notice and a hearing, the contract is cancelled, termination of the Agreement is immediate, and the owner shall pay a cancellation fee equal to 12.5 percent of the current fair market value of the property, as determined by the Monterey County Assessor as though the property were free of the contractual restriction. The cancellation fee shall be paid to the Assessor, at the time and in the manner that the Assessor shall prescribe. City's right to cancel this Agreement pursuant to this paragraph

shall in no way limit or restrict its rights or legal remedies arising from City's Historic Preservation Ordinance and Municipal Code.

14. **ENFORCEMENT OF AGREEMENT.** In lieu of and/or in addition to any provisions to cancel this Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement.
15. **WAIVER.** City does not waive any claim or default by Owner if City does not enforce or cancel this Agreement. All remedies at law or in equity, which are not otherwise provided for this Agreement or in City's regulations governing historic properties are available to City to pursue in the event there is a breach of this Agreement. No waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.
16. **BINDING EFFECT OF AGREEMENT.** Owner hereby subjects the Historic Property to the covenants, reservations and restrictions set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations, and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon Owner's successors and assigns in title or interest to the Historic Property. A successor in interest shall have the same rights and obligations under this Agreement as the original owner who executed the Agreement.
Each and every contract, deed or other instrument hereinafter executed, governing or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument. City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historic characteristics and significance of the Historic Property for the benefit of the public and Owner.
17. **NOTICE.** Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below, by personal delivery or United States mail, postage prepaid, addressed as follows:

City: Carmel-By-The-Sea
Community Planning & Building Department
Attn: Community Planning & Building Director
P.O. Box CC
Carmel-By-The-Sea, CA 93921

Owner: Michael Griffin and Kimberly S. Griffin Trust
1165 Altschul Avenue
Menlo Park, CA, 94025

Notice to successors in interest to either party shall be sent to the appropriate address. In the case of future Owner(s) of the Historic Property, notice shall be sent to the address on file with the county property tax office in power at the time.

18. **RECORDATION.** No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the Office of the County Recorder of the County of Monterey. From and after the time of the recordation, this Agreement shall impart a notice thereof to all persons as is afforded under state law.
19. **STATE LAW.** The Owner or agent of Owner shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement.
20. **GOVERNING LAW; VENUE.** This Agreement shall be constructed and governed in accordance with the laws of the State of California. Should either party to this agreement bring legal action against the other, the case shall be handled in Monterey County, California and the party prevailing in such action shall be entitled to a reasonable attorney fee which shall be fixed by the judge hearing the case and such fee shall be included in the judgment together with all costs.
21. **AMENDMENTS.** This agreement may be amended in whole or in part, only by a written-recorded instrument executed by the parties hereto.
22. **DESTRUCTION OF PROPERTY; EMINENT DOMAIN; CANCELLATION.** If the Historic Property is destroyed by earthquake, fire, flood, or other natural disaster such that in the opinion of the City Building Official more than sixty percent (60%) of the original fabric of the structure must be preplaced, this Agreement shall be cancelled because the historic value of the structure will have been destroyed. If the Historic Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the City Council to frustrate the purpose of this Agreement, this Agreement shall be cancelled. No cancellation fee pursuant to Government Code Section 50286 shall be imposed if the Agreement is cancelled pursuant to this paragraph. Such Agreement shall be null and void for all purposes of determining the value of the property so acquired.
23. **INDEMNIFICATION.** Owner shall defend, indemnify, and hold harmless City and its elected officials, officers, agents and employees from any actual or alleged claims, demands, causes of action, liability, loss, damage, or injury to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any

federal, state or local government agency, arising out of or incident to the direct or indirect use, operation, or maintenance of the Historic Property by Owner or any contractor, subcontractor, employee, agent, lessee, licensee, invitee, or any other person; (ii) Owner's activities in connection with the Historic Property; and (iii) any restriction on the use of development of the Historic Property, from application or enforcement of the City's Municipal Code, or from the enforcement of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and the reimbursement of the City, its elected officials, employees, and/or agents for all legal expenses and costs incurred by each of them. Owner's obligation to indemnify shall survive the termination, cancellation, or expiration of this Agreement and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, employees, or agents.

24. **SEVERABILITY.** In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

IN WITNESS THEREOF, the City and Owners have executed this Agreement on the day and year written above.

CITY OF CARMEL-BY-THE-SEA:

By: _____

Date: _____

Name: Richard L. Rerig ("Chip")

Title: City Administrator

PROPERTY OWNER(S):

By: _____

Date: _____

Name: Michael Griffin, on behalf of Michael Griffin and Kimberly S. Griffin Trust

Title: Property Owner

By: _____

Date: _____

Name: Kimberly Griffin, on behalf of Michael Griffin and Kimberly S. Griffin Trust

Title: Property Owner

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT B
DPR 523 FORM

EXHIBIT C
REHABILITATION AND MAINTENANCE PLAN

DRAFT

A PORTION OF LOTS 17, 18, 19 AND 20 IN BLOCK 27, AS SAID LOTS AND BLOCK ARE SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF ADDITION NO. 4, CARMEL-BY-THE-SEA, MONTEREY COUNTY, CALIFORNIA, SURVEYED SEPT. 1907 BY H.B. FISHER, SURVEYOR & C.E.", FILED MARCH 6, 1908 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, IN VOLUME 1 OF MAPS, "CITIES AND TOWNS", AT PAGE 46-1/2, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF THIRD AVENUE, DISTANT WESTERLY 80 FEET FROM THE INTERSECTION OF THE WESTERLY LINE OF JUNIPERO STREET, WITH THE NORTHERLY LINE OF THIRD AVENUE; THENCE RUNNING WESTERLY ALONG THE NORTHERLY LINE OF THIRD AVENUE 40 FEET, THENCE NORTHERLY PARALLEL WITH JUNIPERO STREET, 80 FEET; THENCE EASTERLY PARALLEL WITH THIRD AVENUE, 40 FEET; THENCE SOUTHERLY PARALLEL WITH JUNIPERO STREET, 80 FEET TO THE POINT OF BEGINNING.

PRIMARY RECORD

Primary # _____
HRI # _____ Attachment 3
Trinomial _____
NRHP Status Code Looking north towards the south side-elev.,

Other Listings

Review Code _____ Reviewer _____ Date _____

Page 1 of

Resource Name or #: (Assigned by recorder) Agnes Shorting House

P1. Other Identifier:

P2. Location: ☐ Not for Publication ☐ Unrestricted a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad _____ Date _____ T _____ ; R _____ ; 1/4 of _____ 1/4 of Sec _____ ; B.M. _____

c. Address: _____ City Carmel-by-the-Sea Zip 93921

d. UTM: (Give more than one for large and/linear resources) _____ ; _____ mE/ _____ mN

e. Other Locational Data (Enter Parcel #, legal description, directions to resource, elevation, etc., as appropriate)

2 W of Junipero, N/side 3rd (Blk 27, Lots Wpt. 17 & 19 Ept. 18 & 20)

Parcel No. 010-108-007

P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

A one-story, wood-framed English Cottage style residence, irregular in plan, resting on a concrete foundation. The exterior wall cladding is a textured cement stucco. The intersecting pyramidal roof system has rolled eaves, as does the roof on the detached garage. There is one Carmel stone exterior eave wall chimney present. It is located about midway along the west (rear) elevation. All roofing is composition shingle. Fenestration is irregular, with a combination of 4/4 double-hung wood sash, fixed multi-paned wood windows, and multi-paned wood casement type. The principal entry is located on the east (front) elevation at the inside junction of an ell, formed by the main building block and a lower bay, projecting toward the south. This feature was extended seven feet in a 1937 addition. The work was consistent with the architectural character of the building and would clearly meet the current Secretary of the Interior's Standards for the Treatment of Historic Buildings. There is a detached one-car garage at the SW cr. of the parcel, designed in the style of the residence, and using a locally produced cement building block called Thermotite. The house is well set back from the street on a wooded parcel in an informal landscape setting of low shrubbery and flowering plants. It is located in a residential neighborhood of one and two-story residences of varying ages & styles, fronting on several new commercial properties along the south side of 3rd Avenue.

b. Resource Attributes: (List attributes and codes)

P4. Resources Present ☐ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)



P5b. Description of Photo: (View, date, accession #)
(View toward _____). Photo No: 5046-.

P6. Date Constructed/Age and Sources:

☐ Prehistoric ☒ Historic ☐ Both

1927 Carmel bldg. records

P7. Owner and Address

Charles & Lynda Dunbar
2094 University Park D
Sacramento, CA 95825

P8. Recorded by: (Name, affiliation, and address)

Kent L. Seavey, Preservation Consultant, 310
Lighthouse Ave., Pacific Grove, CA 93950

P9. Date Recorded: 9/7/2004

P10. Survey Type: (Describe)
Intensive-Carmel Historic Resource
Inventory-ongoing

I. Report Citation: (Cite survey report and other sources, or enter "none")

none

Attachments

☐ NONE ☐ Continuation Sheet ☐ District Record ☐ Rock Art Record ☐ Other: (List)
☐ Location Map ☐ Building, Structure, and Object Record ☐ Linear Feature Record ☐ Artifact Record
☐ Sketch Map ☐ Archaeological Record ☐ Milling Station Record ☐ Photograph Record

BUILDING, STRUCTURE, AND OBJECT RECORD

HRI #

Primary #

Attachment 3

Page 2 of

NRHP Status Code

Resource Name or #: (Assigned by recorder) *Agnes Shorting House*

B1. Historic Name:

B2. Common Name:

B3. Original Use: *residence*

B4. Present Use: *residence*

B5. Architectural Style: *Tudor Revival (English Cottage substyle)*

B6. Construction History: (Construction date, alterations, and date of alterations)

Constructed 1927 (CBP# 1956); small addition to the south 1937 (CBP# 220)

B7. Moved? ☐ No ☐ Yes ☐ Unknown Date:

Original Location:

B8. Related Features: *Masonry one-car garage 1927 (CBP# 1956)*

B9a. Architect: *Designer-Frederick Bigland*

b. Builder: *Frederick Bigland*

B10. Significance: Theme: *Architectural Development*

Area: *Carmel by-the-Sea*

Period of Significance: *1903-1940*

Property Type: *single family residence*

Applicable Criteria: *CR 3*

(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also address integrity.)

The Agnes Shorting House is significant under California Criterion 3, in the area of architecture, as a good example of the residential design of well known Carmel designer-builder Frederick Bigland. It may also be significant for its use of Thermotite masonry in its detached garage. The use of a pyramidal roof system, with rolled eaves to suggest thatching is typical of the English Cottage substyle of the Tudor Revival architectural mode. The textured stucco wall cladding, and abundance of small, multi-paned wood windows is also consistent with the style. All are present on the Shorting house. The banded windows that are part of the 1937 minor addition to the lower south bay are more typically found in Craftsman style houses, but both the Tudor and Craftsman styles evolve from medieval building forms. The use of wide bands of windows in Carmel, to connect the outside with the inside, is integral to the building traditions of the village.

Frederick Bigland, the designer/builder was a native of England, who came to Carmel in 1926 seeking relief from asthma. He constructed a home on Mtn. View and several residences and rental properties in the village. Most of his work was in the Tudor Revival style, with which he was quite familiar. However, he also designed several Spanish Eclectic style homes, including a remodeling of the Marble Ranch in Robinson Canyon on the south side of Carmel Valley. Bigland was a well respected craftsman who left the village for a warmer climate about 1931.

Bigland's masonry block garage for the Shorting House was built of Thermotite, a locally manufactured building material that was advertised as, fireproof, waterproof, warm and practically everlasting". Mr. Albert Otey fabricated the masonry block in a plant on Santa Fe, just south of 3rd Avenue. This is one of the few residential applications of the building material identified in Carmel. The Shorting House reflects the findings of, and is consistent with the 1997 Carmel Historic Context Statement under the theme of architectural development.

B11. Additional Resource Attributes: (List attributes and codes) *HP2 - Single Family Property*

B12. References:

*Carmel bldg. records, Carmel Planning Dept., City Hall, Carmel
Carmel Historic Context Statement 1997
Carmel Pine Cone, "Homes Make of Carmel a Place of Distinction",
8/30/29, pp. 23-24*

_____ Mrs. A. P. Shorting (Obit.) 2/28/50

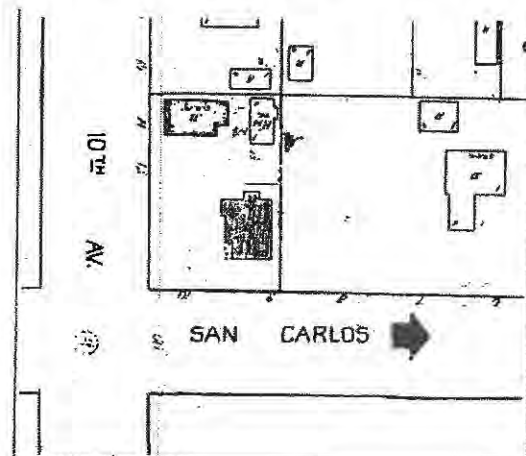
B13. Remarks: *Zoning R-1
CHCS (AD)*

B14. Evaluator: *Kent L. Seavey*

Date of Evaluation: *9/7/2004*

(This space reserved for official comments.)

(Sketch Map with north arrow required.)



Primary #

HRI #

Trinomial

Attachment 3

CONTINUATION SHEET

Name of Resource Name or #: (Assigned by recorder)
Recorded by: Kent L. Seavey

Agnes Shorting House

Date 9/7/2004

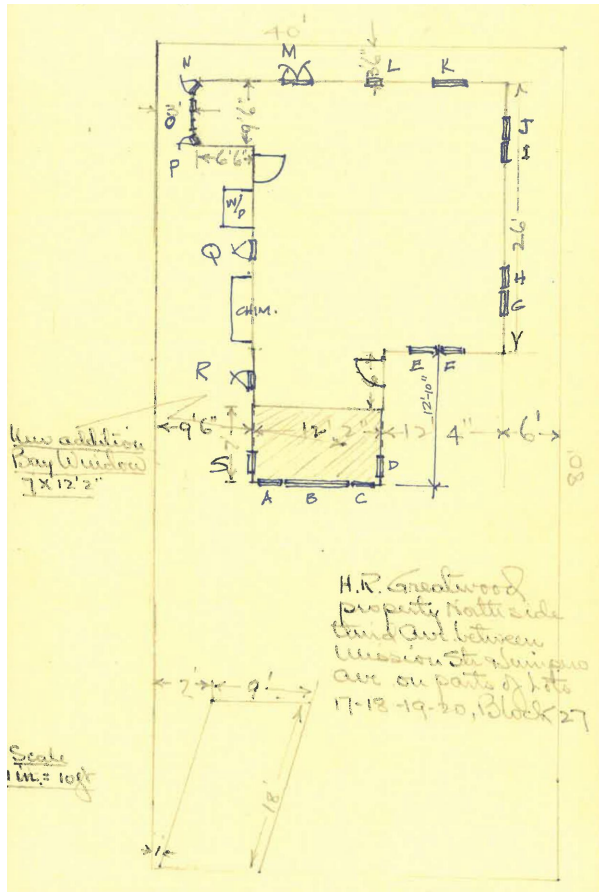
☐ Continuation ☐ Update

City of Carmel	
Mills Act Rehabilitation and Maintenance Plan	
Property Address:	Monte Verde St. at Seventh Ave.
Owner Name:	Kim Griffin
Owner Telephone No.:	(831) 917-2322
Plan Prepared by: Christopher Barlow AIA, LEED AP, NCARB	

Agnes Shorting House (a.k.a. the Bird House) Third Street 2 NW of Junipero Street, Carmel CA											
Mills Act Rehabilitation and Maintenance Plan											
Work Item	Anticipated Year of Completion										Cost Estimate
(Maintenance/Rehabilitation)	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	(net per item)
	STRUCTURAL UPGRADES										
Foundation insp. & repairs as needed (Maintenance)								\$20,000			\$20,000
	BUILDING SYSTEM UPGRADES										
Plumbing repairs incl. sewer lateral (Rehabilitation)	\$20,000										\$20,000
	EXTERIOR FEATURES, MATERIALS, AND FINISHES										
Paint all Exterior of all walls every 6 years (Maintenance)		\$15,000					\$20,000				\$35,000
Inspect Chimney/Flues and fireplace (Maint.)	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$10,000
Rehabilitate and install original window shutters (Rehab.)	\$20,000										\$20,000
Exterior door and window assessment and repair (Rehab.)	\$250	\$8,000	\$250	\$250	\$5,000	\$250	\$250	\$5,000	\$250	\$250	\$19,750
In kind' Roof and gutter replacement (Rehabilitation)			\$60,000								\$60,000
Repairs to stone steps, wall and fence at property line (Rehab)	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$500	\$5,000
Insulation repairs and replacement (Rehabilitation)							\$10,000				\$10,000
Termite testing and repairs (Maintenance)	\$15,000									\$15,000	\$30,000
	HARDSCAPE AND LANDSCAPE										
Replace cracked walkways (Rehabilitation)				\$45,000							\$45,000
Restore stone planter at front of property (Rehabilitation)					\$8,000						\$8,000
ANNUAL TOTAL	\$56,750	\$24,500	\$61,750	\$46,750	\$14,500	\$1,750	\$31,750	\$26,500	\$1,750	\$16,750	CUMULATIVE TOTAL
RUNNING TOTAL	\$56,750	\$81,250	\$143,000	\$189,750	\$204,250	\$206,000	\$237,750	\$264,250	\$266,000	\$282,750	

Notes: Frequency of repairs continues beyond 2032 based on interval proposed. Dollar amounts will be reviewed at 10 year intervals and adjusted for inflation as appropriate

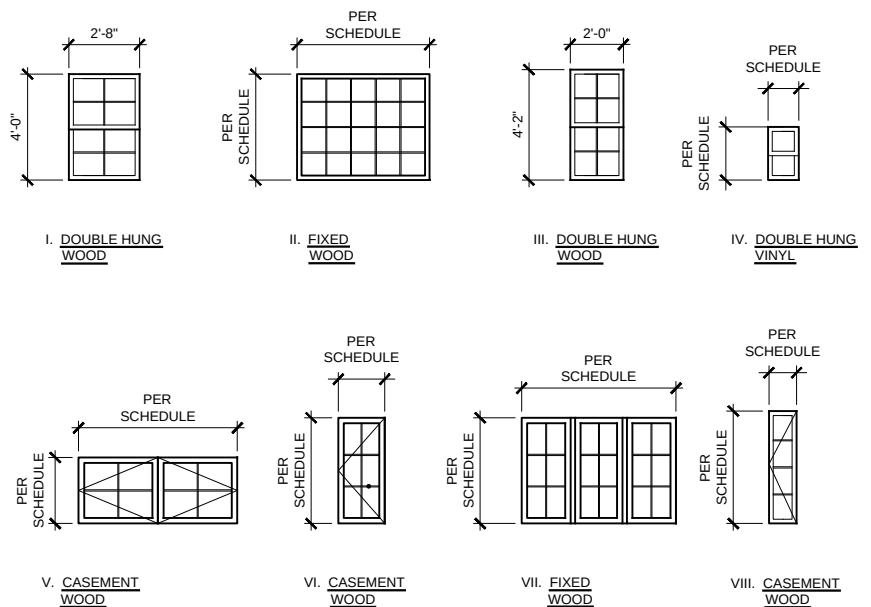
EXISTING WINDOW LOCATIONS



EXISTING WINDOW SCHEDULE

LETTER/ LOCATION	WINDOW TYPE	MATERIAL		SIZE		DETAIL REFERENCE			R.O.HEAD HEIGHT	TEMPERED	REPAIRS NEEDED - (SEE NOTES)	NOTES
		VINYL	WOOD	WIDTH	HEIGHT	REFER TO SHT.						
						HEAD	JAMB	SILL				
A	I		●	2'-8"	4'-0"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREENS ADD INTERIOR SCREENS
B	II		●	5'-0"	4'-0"	1	-	-	+/- 7'-0"		NO	
C	I		●	2'-8"	4'-0"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN
D	III		●	2'-0"	4'-2"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN
E	III		●	2'-0"	4'-2"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN
F	III		●	2'-0"	4'-2"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN
G	III		●	2'-0"	4'-2"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN
H	III		●	2'-0"	4'-2"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN
I	III		●	2'-0"	4'-2"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN
J	III		●	2'-0"	4'-2"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN
K	I		●	2'-8"	4'-2"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN
L	IV	●		1'-2"	2'-0"	1	-	-	+/- 7'-0"		NO	NON-HISTORIC, IN REAR OF HOUSE
M	V		●	3'-0"	2'-6"	1	-	-	+/- 7'-0"		YES	REPAIR DRY ROT DAMAGED PORTIONS OF WINDOW
N	VI		●	1'-9"	4'-0"	1	-	-	+/- 7'-0"		YES	REPAIR DRY ROT DAMAGED PORTIONS OF WINDOW
O	VII		●	5'-10"	4'-0"	1	-	-	+/- 7'-0"		YES	REPAIR DRY ROT DAMAGED PORTIONS OF WINDOW
P	VI		●	1'-9"	4'-0"	1	-	-	+/- 7'-0"		YES	(OPPOSITE HAND) REPAIR DRY ROT DAMAGED PORTIONS OF WINDOW
Q	VIII		●	1'-4"	4'-3"	1	-	-	+/- 7'-0"		YES	REPAIR DRY ROT DAMAGED PORTIONS OF WINDOW
R	VIII		●	1'-4"	4'-3"	1	-	-	+/- 7'-0"		YES	(OPPOSITE HAND) REPAIR DRY ROT DAMAGED PORTIONS OF WINDOW
S	III		●	2'-0"	4'-2"	1	-	-	+/- 7'-0"		NO	ELIMINATE EXTERIOR SCREEN ADD INTERIOR SCREEN

EXISTING WINDOW TYPES



1

EXISTING WINDOW HEAD

SCALE: NOT TO SCALE

INSTALL NEW
INTERIOR
RETRACTABLE
SCREEN & FRAME

EXISTING PLASTER
EXTERIOR FINISH

EXISTING WINDOW

REMOVE EXISTING
NON-HISTORICAL
SCREEN

CITY OF CARMEL-BY-THE-SEA
HISTORIC RESOURCES BOARD

HISTORIC RESOURCES BOARD RESOLUTION NO. 2023-012-HRB

A RESOLUTION OF THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA
ADDING A HISTORIC RESOURCE TO THE CARMEL REGISTER AND RECOMMENDING THAT THE CITY
COUNCIL ENTER INTO A MILLS ACT CONTRACT WITH THE MICHAEL AND KIMBERLY S. GRIFFIN
TRUST FOR THE PROPERTY LOCATED ON 3RD AVENUE 2 NORTHWEST OF JUNIPERO STREET (APN
010-108-007)

WHEREAS, on April 20, 2023, Christopher Barlow, Architect (“Applicant”) submitted an application on behalf of the Michael Griffin and Kimberly S. Griffin Trust (“Owner”) requesting to add the historic “Agnes Shorting House” to the Carmel Register of Historic Resources and enter into a Mills Act contract (MA 23-117, Griffin) described herein as (“Application”); and

WHEREAS, the Application has been submitted for the property located on 3rd Avenue 2 northwest of Junipero Street, in the Single Family Residential (R-1) District (Block 27, Lots parts of 17, 19); and

WHEREAS, the Applicant is requesting to add the historic “Agnes Shorting House” to the Carmel Register of Historic Resources; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.32.090 (Carmel Register of Historic Resources) the City shall maintain a Register of Historic Resources designated by the City for public recognition and benefits; and

WHEREAS, historic resources identified as significant at a local or regional level shall be eligible for listing in the Register at the request of the property owner and upon approval by the Historic Resources Board; and

WHEREAS, one of the benefits of being included on the Register is the ability to enter into a Mills Act Historical Property Contract with the City; and

WHEREAS, the Applicant is also requesting to enter into a Mills Act contract with the City and in accordance with Carmel Municipal Code (CMC) Section 17.32.100.B.6 (Review Process), the Historic Resources Board shall consider the application and make a recommendation to the City Council to approve, approve with conditions, or deny the application; and

WHEREAS, on August 11, 2023, notice of the August 21, 2023 public hearing was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091), and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before August 11, 2023 the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before August 18, 2023 the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on August 21, 2023, the Historic Resources Board held a public meeting to consider adding the historic "Agnes Shorting House" to the Carmel Register and to consider the application for a Mills Act contract, including without limitation, information provided to the Historic Resources Board by City staff and through public testimony; and

WHEREAS, this Resolution and its findings are made based upon the evidence presented to the Historic Resources Board at the August 21, 2023 meeting including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Historic Resources Board did hear and consider all said reports, attachments, recommendations and testimony herein above set forth and used their independent judgment to evaluate the 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 the Historic Resources Board of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Mills Act Contract:

<u>FINDINGS REQUIRED FOR A MILLS ACT CONTRACT</u>		
For each of the required findings listed below, staff has indicated whether the application supports the adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Historic Resources Board's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.32.100.B.6.c	YES	NO
i. The building is designated as an historic resource by the City and is listed on the Carmel Register.	✓	
ii. The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property. <i>On August 21, 2023, the Historic Resources Board directed the applicant to revise the maintenance plan to include an evaluation of the historic status, material, and condition of each window and to specify the removal of the contemporary window screens. The applicant shall revise the estimated rehabilitation costs if necessary.</i>	✓	
iii. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that: (A) Comply with the Secretary's Standards (future additions only); and	✓	

(B) Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and (C) Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and (D) Do not result in any second-story addition to a single-story historic resource.		
iv. The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.	✓	
v. Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.	✓	

BE IT FURTHER RESOLVED that the Historic Resources Board of the City of Carmel-by-the-Sea does hereby add the historic "Agnes Shorting House" to the Carmel Register of Historic Resources and recommend that the City Council enter into a Mills Act Contract (MA 23-117, Griffin) for the property located at 3rd Avenue 2 northwest of Junipero Street (APN 010-108-007).

PASSED, APPROVED AND ADOPTED BY THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA this 21st day of August, 2023, by the following vote:

AYES: Chroman, Dyar, Goodhue, Pomeroy, Hall

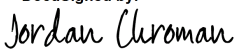
NOES:

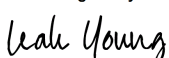
ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

DocuSigned by:

 B0C3DE0052B8494...
 Jordan Chroman
 Chair

DocuSigned by:

 2960DA9BEC1C495...
 Leah Young
 Historic Resources Board Secretary

STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0064
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BETTY T. YEE
Acting Member
First District, San Francisco

BILL LEONARD
Second District, Sacramento/Ontario

CLAUDE PARRISH
Third District, Long Beach

JOHN CHIANG
Fourth District, Los Angeles

STEVE WESTLY
State Controller, Sacramento

RAMON J. HIRSIG
Executive Director

June 2, 2005

No. 2005/035

TO COUNTY ASSESSORS AND INTERESTED PARTIES:

NOTICE OF BOARD ACTION

**GUIDELINES FOR THE ASSESSMENT OF
ENFORCEABLY RESTRICTED HISTORICAL PROPERTY**

On May 25, 2005, the Board of Equalization approved the following guidelines pertaining to the assessment of enforceably restricted historical property. These guidelines supersede Letter To Assessors No. 77/174 (dated December 19, 1977).

On June 8, 1976, the voters of California approved Proposition 7 which amended section 8 of article XIII of the California Constitution. This amendment requires that enforceably restricted historical property be valued on a basis that is consistent with its restrictions and uses. Sections 439 through 439.4 were added to the Revenue and Taxation Code to implement Proposition 7. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

Staff drafted these guidelines in consultation with interested parties and, after discussions, no issues remained unresolved. The guidelines discuss the enforceably restricted historical property requirements, the income to be capitalized, the capitalization rate, the effect of Proposition 13 upon enforceably restricted historical properties that undergo change in ownership or new construction, and the valuation of property under notice of nonrenewal.

The guidelines are posted on the Board's website at www.boe.ca.gov/proptaxes/guideproc.htm. We hope this information proves useful and promotes uniformity of assessment for these properties. If you have any questions, please contact our Real Property Technical Services Unit at 916-445-4982.

Sincerely,

/s/ David J. Gau

David J. Gau
Deputy Director
Property and Special Taxes Department

DJG:grs
Enclosure

GUIDELINES FOR THE ASSESSMENT OF ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

HISTORY

Effective March 7, 1973, Chapter 1442 of the Statutes of 1972 (also known as the Mills Act) added sections 50280 through 50289 to the Government Code to allow an owner of qualified historical property to enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics.

Prior to the passage of Proposition 7 in 1976, these agreements (i.e., Mills Act contracts) constituted enforceable restrictions on the use of land within the meaning of Revenue and Taxation Code section 402.1¹ (Property Tax Rule 60, repealed January 10, 1978). However, Proposition 7 added the second paragraph to section 8 of article XIII of the California Constitution:

To promote the preservation of property of historical significance, the Legislature may define such property and shall provide that when it is enforceably restricted, in a manner specified by the Legislature, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

To implement Proposition 7, Chapter 1040 of the Statutes of 1977 (Senate Bill 380) added sections 439 through 439.4 to the Revenue and Taxation Code. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

Under section 439, historical property is "enforceably restricted" if it meets the definition of a "qualified historical property" as defined in Government Code section 50280.1 and is subject to a historical property contract executed pursuant to Government Code section 50280 and following. A qualified historical property includes qualified historical improvements and the land on which the improvements are situated, as specified in the historical property contract. If the contract does not specify the land to be included, the qualified historical property includes only a land area of reasonable size to situate the improvements.

A qualified historical property is privately-owned property that is not exempt from property taxation and that also meets either of the following criteria:

- The property is listed in the National Register of Historic Places, or is located within a registered historic district; or

¹ Unless otherwise noted, all statutory references are to the Revenue and Taxation Code.

- The property is listed in any official state, county, city, or city and county official register of historical or architecturally significant sites, places or landmarks, including the California Register of Historical Resources, California Historical Landmarks, State Points of Historical Interest, local landmarks, and local survey listings of historical properties.

The historical property contract must have a minimum term of ten years, and, as applicable, must contain certain other elements, including the following:

- A provision relating to the preservation of the qualified historical property and, when necessary, the restoration and rehabilitation of the property in conformance with state historic preservation guidelines;
- A requirement for the periodic examination of the property to ensure compliance with the agreement;
- A requirement that the historical property agreement be binding upon successor owners of the qualified historical property; and
- A provision for an automatic one-year extension of the contract, with an additional year added to the initial contract term on each anniversary of the contract, unless either party provides notice of nonrenewal. If a notice of nonrenewal is given, the contract runs for its remaining term.

Once a contract is signed, accepted, and recorded, the property subject to the contract must be assessed under section 439.2 on the ensuing lien date. For example, if a contract were recorded in August 2004, the property should have been valued pursuant to section 439.2 for lien date January 1, 2005.

Local authorities may cancel a historical property agreement for breach of contract or failure to protect the historical property. Alternatively, the local entity may take legal action to enforce the contract.

ASSESSMENT

The assessment of an enforceably restricted historical property involves the following aspects: (1) valuing the restricted historical property; (2) properly applying certain assessment provisions relating to article XIII A of the California Constitution (Prop 13); (3) valuing the restricted historical property following a notice of nonrenewal; and (4) valuing the restricted historical property following cancellation of the contract.

Valuing the Restricted Historical Property

Section 439.2 prohibits the assessor from using sales data relating to similar properties, whether or not enforceably restricted, to value an enforceably restricted historical property. Instead, the assessor must annually value a restricted historical property using an income approach that

follows the specific provisions of section 439.2. These provisions explicitly address (1) the determination of the income to be capitalized, (2) the development of the capitalization rate, (3) the capitalization technique to be used, and (4) the determination of the restricted historical property's taxable value on each lien date.

Income to be Capitalized

As provided in section 439.2(a), the income to be capitalized when valuing a restricted historical property is the property's fair rent less allowed expenditures, or allowed expenses. In general, section 439.2(a) follows Property Tax Rule 8(c), with fair rent in section 439.2 corresponding to gross return in Rule 8(c); allowed expenditures, or allowed expenses, in section 439.2 corresponding to gross outgo in Rule 8(c); and the income to be capitalized in section 439.2 corresponding to net return in Rule 8(c). In addition, for the purposes here, "gross income" is synonymous with fair rent, and "net operating income" is synonymous with the income to be capitalized.

The parties to a historical property agreement may stipulate a minimum annual income to be capitalized, in which case the income to be capitalized may not be less than the stipulated amount.

Fair rent, or gross income. The gross income of a restricted historical property is the fair rent for the property considering the restrictions on the property's use. When establishing the fair rent for a restricted historical property, the appraiser should consider the actual rent and typical rents in the area for similar properties in similar use, where the owner pays the property taxes.

The actual rent received by the owner of the subject restricted historical property is relevant to an estimate of fair market rent only if the actual rent is the same rent that would be expected if the existing lease were renegotiated in light of current market conditions, including the subject property's enforceable restrictions on use. With respect to rents from similar, or comparable, properties, if such rents are from properties outside the geographic or market area of the subject property, or from properties that are otherwise dissimilar to the subject property, the rents may not be relevant to an estimate of the subject property's fair rent.

Comparable rental data for single-family residences can be obtained from real estate brokers, rental agencies, and newspaper ads. Many assessors offices maintain rental data for commercial properties, and this data may be helpful when establishing the fair rent for restricted historical property when the contract allows a commercial use. Rental data for commercial property also can be obtained from commercial real estate brokers. For the purpose of estimating anticipated market fair rent and expenditures for use in calculating the subject property's value, rental and expense data for existing restricted historical properties, including the subject historical property, can be obtained through an annual questionnaire sent to property owners.

If sufficient rental data are not available, or such data are unreliable, the appraiser must impute a gross income for the subject restricted historical property. The imputed income should be based on what an informed investor would reasonably expect the property to yield under prudent management, given the provisions under which the property is enforceably restricted.

Allowed expenditures. Section 439.2(a)(3) defines allowed expenditures, or allowed expenses, as expenses necessary for the maintenance of the property's income. Allowed expenses are the same as those permitted in Property Tax Rule 8(c).

Typical expenses include the cost of utilities, maintenance and repair, insurance and property management. Allowed expenses also may include amounts owing for special assessments and special taxes. Expenses related to debt service, general property taxes, and depreciation should not be deducted.

In general, to arrive at the net income to be capitalized, allowed expenses are subtracted from the estimated rental income. However, in order to properly process the income, the appraiser must be aware of the structure of the lease with regard to how expenses are shared between the landlord-owner and the tenant.

The proper perspective from which to view the processing of income and expenses is that of the landlord-owner. The objective is to estimate the net income to the landlord-owner—this is the amount that should be capitalized—and the correct question to ask is the following: What, if any, allowed expenses must the landlord-owner pay out of the rental income that he or she receives?

In a gross lease, almost all of the allowed expenses must be paid out of the gross rent and, therefore, must be subtracted from the gross rent to arrive at the net income to be capitalized. In a net lease, relatively few allowed expenses must be paid by the landlord-owner out of the net rent (because the tenant pays most expenses) and only these expenses should be subtracted from the net rent to arrive at the net income to be capitalized. Frequently, there is a hybrid arrangement—some expenses are paid by the landlord-owner and some by the tenant. How expenses are shared often depends upon the property type together with local conventions.

Income to be capitalized, or net operating income. The income to be capitalized, or net operating income, is simply the fair rent, or gross income, described above less the allowed expenditures described above.

Capitalization Rate

The method of developing the capitalization rate to be used when valuing restricted historical property is prescribed by statute; a capitalization rate derived from sales data or the band of investment is not permitted.

Section 439.2 prescribes two types of capitalization rates for restricted historical property: (1) a capitalization rate to be used when valuing restricted historical property that is an owner-occupied single-family residence and (2) a capitalization rate to be used when valuing all other restricted historical property. Both types of capitalization rates include components for interest (i.e., yield), risk, property taxes, and amortization of improvements; in fact, the two rates are identical except for the amount of the risk component. The capitalization rate contains the following components:

- An interest component annually determined by the State Board of Equalization and based on the effective rate on conventional mortgages as determined by the Federal Housing Finance Board. The interest component is announced annually, in a Letter To Assessors, by October 1 of the preceding assessment year.
- A historical property risk component determined by property type. For owner-occupied single-family residences, the rate is 4 percent; for all other types of restricted historical property, the rate is 2 percent.
- An amortization component for improvements defined as a percentage equal to the reciprocal of the remaining life of the improvements (e.g., if the remaining economic life of the improvements were 20 years, the amortization component would be 5 percent). Since the amortization component applies only to improvements, not to land, which is a non-depreciating asset, it is necessary to adjust the amortization component described in the statute. We recommend the following method of adjustment:
 1. Based upon market data, estimate the percentage of total property value attributable to improvements.
 2. Multiply this percentage by the amortization component described in the statute (i.e., by the reciprocal of the remaining life of the improvements). For example, if the remaining life of the improvements was 20 years, yielding a reciprocal percentage of 5 percent, and if 70 percent of the total property value was attributable to the improvements, the adjusted amortization factor would be 3.5 percent ($0.05 \times 0.70 = 0.035$).
 3. Add the adjusted amortization component to the other capitalization rate components to arrive at the total capitalization rate.
- A property taxes component equal to the percentage of the estimated total tax rate applicable to the property for the assessment year multiplied by the assessment ratio. Typically, the property tax component includes the basic tax rate of 1 percent plus an additional ad valorem rate related to any bonded indebtedness pertaining to the tax rate area in which the property is located. Special district assessments and special taxes are not included in the property tax component. As noted above, they should be treated as allowed expenses.

Capitalization Technique

The capitalization technique to be used when valuing a restricted historical property is prescribed by statute and is formulaic. Section 439.2(e) provides that the restricted value shall be the income to be capitalized, or net operating income, developed as prescribed by statute, divided by one of the two types of capitalization rates prescribed by statute. In other words, the restricted value is the simple quotient of the prescribed income to be capitalized and the prescribed capitalization rate.

Determination of Taxable Value on Each Lien Date

Section 439.2(d) provides that a historical property's restricted value may not be enrolled if it exceeds either (1) the value of the subject property as determined under section 110 (i.e., current market value) or (2) the value of the subject property as determined under section 110.1 (i.e., factored base year value). In other words, section 439.2 states that the taxable value of a restricted historical property on each lien date shall be the lowest of its restricted value, current market value, or factored base year value. The factored base year value for an enforceably restricted historical property is the value that was established for the 1975 lien date² or as of the date of the most recent change in ownership, whichever is later, adjusted by the annual inflation factor.

Article XIII A (Prop 13) Considerations

This section discusses how three important elements relating to implementation of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment of restricted historical property. Also discussed is the case in which only a portion of a property is subject to the historical property agreement—that is, the case in which a single property unit contains both restricted and unrestricted portions.

Change in Ownership

When a property subject to a historical property contract undergoes a change in ownership, a new base year value should be established for the property as of the date of change in ownership, as provided in section 110.1. Typically, a restricted historical property's base year value will be greater than its restricted value determined under section 439.2 and hence will not be enrolled as the property's taxable value. However, the establishment of a new base year value enables the assessor to perform the three-way value comparison prescribed by section 439.2(d) and described above. The establishment of a base year value is also necessary in order to calculate the assessed values of historical property should the historical property agreement enter nonrenewal status.

New Construction

Section IV of National Register Bulletin #15 defines a "building" as follows:

A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

Section IV further specifies that "[b]uildings eligible for the National Register must include all of their basic structural elements. Parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. The whole building must be considered,

² Sections 110.1(d) and 405.5 do not apply to historical properties under contract as of lien date 1975 because the constitutional amendment which placed the valuation of historical property under article XIII rather than article XIII A had not yet been passed and, thus, was not in effect for the 1975 lien date.

and its significant features must be identified." Thus, eligibility for the National Register is determined by the extent to which the basic structural elements of an existing building are intact. In general, a newly constructed building would not be eligible because it is not an existing building with basic structural elements.³

Also, a newly constructed building is not a historic resource, and, thus, is not a qualified historical property within the meaning of Government Code section 50280.1. For example, a newly constructed detached garage (assuming it is not a reconstruction of a historical garage) clearly would not be eligible because it has no significance in American history or architecture, nor does it meet any of the other requisite criteria.

Bulletin 15, however, does list one type of newly constructed property that may be eligible for inclusion under the Mills Act. A reconstructed historic building is eligible for the National Register if the reconstruction is "accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived."

The historical property contract typically specifies the scope and type of any work to be performed on the historical improvements. Improvements existing as of the date of the contract would be subject to the provisions of section 439.2 unless specifically excluded by the contract. Any new construction made to the historical structure after the issuing date of the contract would not be subject to the provisions of section 439.2 unless specifically included in the contract or an amendment to the contract. Any questions regarding new construction to enforceably restricted historical structures should be directed to the counsel of the legislative body of the city, county, or city and county that contracted with the property owner.

Assuming that the newly constructed property is subject to the historical property contract, a base year value should be established for the newly constructed portion and this value added to the factored base year value of the existing restricted property.

In some cases, an existing historical property may include a portion that is restricted (i.e., subject to a historical property contract) and a portion that is unrestricted. In this case, separate factored base year values should be maintained for the restricted and unrestricted portions and the base year value of any newly constructed property added to the appropriate portion. The assessment treatment of this type of property is discussed further below.

Supplemental Assessment

Although the assessor is required to establish a new base year value upon a change in ownership or completed new construction involving restricted historical property, such property is not subject to supplemental assessment. As provided in Revenue and Taxation Code section 75.14:

Supplemental assessment; limitation. A supplemental assessment pursuant to this chapter shall not be made for any property not subject to the assessment

³ National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation," U.S. Department of the Interior, National Park Service (www.cr.nps.gov/nr/publications/).

limitations of Article XIII A of the California Constitution. All property subject to the assessment limitations of Article XIII A of the California Constitution shall be subject to the provisions of this chapter, except as otherwise provided in this article.

As discussed above, the assessment of enforceably restricted historical property is subject to the provisions of article XIII, section 8 of the California Constitution, not article XIII A. Thus, section 75.14 precludes the assessor from enrolling supplemental assessments for enforceably restricted historical property.

Historical property not yet under contract that undergoes a change in ownership or new construction is subject to supplemental assessment, even if the property owner later executes a historical property contract in the same fiscal year. Also, any new construction involving a historical property that does not come under the existing historical property contract (e.g., a detached garage added to a restricted historical property) would be subject to supplemental assessment.

When a Property Contains Both Restricted and Unrestricted Portions

When only a portion of a property that would normally be considered a single appraisal unit is restricted by a historical property contract, the assessed value should be determined by making a comparison of three values, determined as follows. First, the portion under contract should be valued using the capitalization method prescribed by section 439.2. Added to this figure should be the lower of the unrestricted portion's fair market value or factored base year value. The resulting sum should be compared to both the fair market value and the factored base year value of the entire property (i.e., both restricted and unrestricted portions) and the lowest of the three figures should be enrolled.

Valuing Property Under Notice of Nonrenewal

As provided in Government Code section 50282, either the owner of a restricted historical property or the local government entity may serve notice that it does not intend to renew the historical property contract. If such notice is not given, another year is automatically added to the term of the initial contract, thus creating a "rolling" contract term that is always equal to the initial contract term.

Section 439.3 prescribes the valuation method for a restricted historical property in nonrenewal status; this valuation method applies until the end of the restricted period (i.e., until the existing contract expires). In essence, the method results in a restricted value that gradually approaches the historical property's factored base year value as the remaining term under the contract decreases. For a property in nonrenewal status, the assessor must annually value the property as follows:

1. Determine the full cash value (i.e., factored base year value) of the property in accordance with section 110.1. (Alternatively, if the property will not be subject to section 110.1 when the historical property agreement expires, determine its fair market value in accordance with

section 110, as if the property were free of the agreement's restrictions; or, if the property will be subject to another type of restricted value standard when the historical property agreement expires, determine the property's value as if it were subject to the new restrictions.)

2. Determine the restricted value of the property by the capitalization of income method provided in section 439.2.
3. Subtract the restricted value determined in Step 2 from the factored base year (or other) value determined in Step 1.
4. Using the amount for the interest rate component (section 439.2(b)(1)) announced by the Board, discount the amount obtained in Step 3 for the number of years remaining until the termination of the contract.
5. Determine the restricted value of the property in nonrenewal status by adding the value determined in Step 2 to the amount obtained in Step 4.

The historical property's restricted value in nonrenewal status—that is, the value determined above, in accordance with section 439.3—should be compared with the historical property's factor base year and current market values, and the lowest of these three values should be enrolled as the property's taxable value.

Cancellation of Contract

The government entity party to a historical property contract may cancel the contract, after notice and a public hearing, if it determines that either the owner has breached the agreement or the property has deteriorated to the extent that it no longer meets the standards of a historical property. If the contract is cancelled, the property owner must pay a cancellation fee equal to 12½ percent of the property's current fair market value as though free of the contractual restriction, such value to be determined by the county assessor. After a contract is cancelled, the lower of the property's factored base year value or current market value should be enrolled for the ensuing lien date.

SUMMARY

The key points contained in these guidelines can be summarized as follows:

1. An owner of qualified historical property may enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics. Such property receives the special valuation treatment prescribed under Revenue and Taxation Code sections 439 through 439.4.
2. Enforceably restricted historical property is to be annually valued by the income capitalization method prescribed in section 439.2, which contains specific instructions with

regard to the income to be capitalized, the capitalization rate, and the capitalization technique to be used. The restricted value must be compared to the property's current market value and factored base year value, with the lowest of these three values enrolled as the property's taxable value.

3. When assessing restricted historical property, the appraiser should consider how three important elements of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment. The appraiser should consider how a property should be assessed when only a portion of it is subject to a historical property agreement.
4. Restricted historical property under a notice of nonrenewal should be valued in accordance with section 439.3.
5. The government entity party to a historical property contract may cancel the contract. The cancellation fee is 12½ percent of the property's current fair market value as though free of the contractual restriction, with such value to be determined by the local assessor.

Additional information about Mills Act contracts may be obtained from the state Office of Historic Preservation, either by telephone at 916-653-6624, or from their website (www.ohp.parks.ca.gov).

(Note: Please see the assessment examples following.)

EXAMPLE 1 (OWNER-OCCUPIED SINGLE-FAMILY RESIDENCE)**Subject Restricted Historical Property**

Restored, 105-year-old, Victorian single-family residence. Excellent condition. Under Mills Act contract since 1985 and not in nonrenewal status. Owner-occupied.

Determination of Restricted Value (current lien date)

Gross income (Fair rent)		
\$1,500 per month x 12 months =		\$18,000
Less: Anticipated vacancy and collection loss		
\$18,000 x 5%		<u>- 900</u>
Effective gross income		\$17,100
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		\$15,000

Restricted Capitalization Rate

Rate Components:

Interest rate	.080	
Risk (owner-occupied SFR)	.040	
Property tax (ad valorem)	.015	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	<u>.149</u>

Restricted Value	
\$15,000 ÷ .149	= <u>\$100,671</u>

Taxable Value—Three-Way Value Comparison

Restricted value	\$100,671
Factored base year value (based on prior change in ownership)	\$357,000
Current market value (based on comparable sales)	\$450,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$93,671 (\$100,671 restricted value less the homeowners' exemption of \$7,000).

Note 1: If this property had been a non-owner-occupied SFR, the only difference in the determination of the restricted value would have been the use of a risk rate component of 2% rather than 4% in the capitalization rate.

Note 2: In this and the following examples, the gross income, or fair rent, is presented on a gross rent basis, that is, under the assumption that the landlord-owner pays all operating expenses out of the gross income.

EXAMPLE 2 (OFFICE USE)**Subject Restricted Historical Property**

Multi-tenant, restored historical office building in a downtown commercial district. Under Mills Act contract since 1985 and not in nonrenewal status.

Determination of Restricted Value (current lien date)

Gross Income (Fair rent):

Offices	140,000 sf @ \$1.75/sf = <u>\$245,000</u>	
	x 12 months	= \$2,940,000

Less: Anticipated vacancy and collection loss

\$2,940,000 x 5%	<u>- 147,000</u>
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Effective gross income	\$2,793,000
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Less: Anticipated operating expenses

Management	\$290,000	
Maintenance	95,000	
Insurance	75,000	
Utilities	360,000	
Janitorial	+ 140,000	- 960,000

Net Operating Income	\$1,833,000
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Restricted Capitalization Rate

Rate Components:

Interest component	.08
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Risk	.02
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Property tax (ad valorem)	.011
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Amortization (50-year remaining life; improvements constitute 75% of total property market value

0.02 x 0.75 = 0.015)	+ .015	<u>.126</u>
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Restricted Value

(\$1,833,000 ÷ .126)	= \$14,547,619
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Taxable Value—Three-Way Value Comparison

Restricted value	\$14,547,619
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Factored base year value (based on prior change in ownership)	\$18,191,077
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Current market value (based on comparable sales)	\$21,000,000
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The lowest of the three possible values is the restricted value. Thus, the taxable value would be \$14,547,619

EXAMPLE 3 (MIXED USE—RESIDENTIAL AND OFFICE)**Subject Restricted Historical Property**

Two-story, restored historical property in a downtown district. Upper level is residential unit occupied by owner. Lower level contains three office spaces subject to short-term rental agreements. The income stream for the upstairs unit must be calculated separately from the downstairs unit because the risk rate is different for the owner-occupied unit.

Determination of Restricted Value

Separate restricted values for the upper-level residence and the lower-level office space must be determined, because the risk components are different for the two types of use. The total restricted value is sum of these two values.

Upper-Level Unit

Gross income (Fair rent) based upon comparable rent data

\$975 per month x 12 months = \$11,700

Less: Anticipated vacancy and collection loss

\$11,700 x 5% - 585

Effective gross income \$11,115

Less: Anticipated operating expenses

Grounds maintenance \$300

Fire insurance 200

Management Fee 180

Water and garbage 120

Building maintenance + 250 - 1,050

Upper-Level Net Operating Income \$10,065

Restricted Capitalization Rate (owner-occupied SFR)

Rate components:

Interest rate .080

Risk .040

Property tax .010

Amortization (50-year remaining life; improvements

constitute 70% of total property market value;

0.02 x 0.70 = 0.014) + .014 .144

Upper-level Restricted Value (\$10,065 ÷ .144) = \$69,895

Lower-Level Offices

Gross income (Fair rent)

1000 sf @ \$1.60/sf = \$1,600 x 12 months \$19,200

Less: Anticipated vacancy and collection loss

\$19,200 x 5% - 960

Effective gross income \$18,240

Less: Anticipated operating expenses		
Grounds maintenance	\$300	
Fire insurance	200	
Management Fee	180	
Water and garbage	120	
Building maintenance	+ 250	- 1,050
Lower-Level Net Operating Income		\$17,190

Restricted Capitalization Rate		
Rate components:		
Interest component	.080	
Risk	.020	
Property tax	.010	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	.124
Lower Level Restricted Value ($\$17,190 \div .124$)		\$138,629
Add: Upper Level Restricted Value		+ \$69,895
Total Restricted Value		\$208,524

Taxable Value—Three-Way Value Comparison

Restricted Value	\$208,524
Factored base year value (based upon prior change in ownership)	\$364,140
Current market value (based upon comparable sales data)	\$400,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$201,524 (\$208,524 less the homeowners' exemption of \$7,000).

EXAMPLE 4 (MIXED VALUATION—PART RESTRICTED AND PART UNRESTRICTED)**Description of Subject Property (Comprises Both Restricted and Unrestricted Portions)**

The subject property is a 10-acre parcel with a farmhouse and barn situated on 2 acres; the remaining 8 acres are farmland. The farmhouse and barn are used as an owner-occupied single-family residence; this portion of the property is restricted under a Mills Act contract. The remaining 8 acres of farmland are unrestricted.

Value of Restricted Portion (current lien date)

Gross income (Fair rent) for farmhouse and barn		
\$2,000 per month x 12 months =		\$24,000
Less: Anticipated vacancy and collection loss		
\$24,000 x 5%		<u>- 1,200</u>
Effective gross income		\$22,800
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		= \$20,700

Restricted Capitalization Rate

Rate components:

Interest component .080

Risk (owner-occupied) .040

Property tax (ad valorem) .010

Amortization (50-year remaining life; improvements

constitute 70% of total property market value

0.02 x 0.70 = 0.014)

+ .014 .144

Restricted Value (\$20,700 ÷ .144) = \$143,750

Taxable Value—Three-Way Comparison

Total Property Restricted Value (sum of restricted value above and lower of FBYV or current market value of unrestricted portion)

Restricted Value (portion under contract)	\$143,750
FBYV (unrestricted portion)	+ <u>\$102,000</u>
Restricted Value (total property)	\$245,750

Factored base year values (based upon a prior change in ownership of the entire property, allocated between restricted and unrestricted portions):

Farmhouse, barn, and 2 acres (restricted portion)	\$204,000
8 acres (unrestricted portion)	+ <u>\$102,000</u>
Total FBYV (total property)	\$306,000

Current market values (based upon comparable sales data):

Farmhouse, barn, and 2 acres (restricted portion)	\$230,000
8 acres (unrestricted portion)	+ <u>\$120,000</u>
Total Current Market Value (total property)	\$350,000

The lowest of the three values is the Restricted Value (total property), \$245,750. Thus, the net taxable value would be \$238,750 (\$245,750 less \$7,000 homeowners' exemption).

EXAMPLE 5 (PROPERTY IN NONRENEWAL STATUS)**Description of Subject Restricted Historical Property**

The same property as in Example 2, except the property owner has served notice of renewal. The Mills Act contract covering the property was originally executed in September 1995, and the owner served notice of nonrenewal in June 2004. Value the property for the 2005 lien date, reflecting its nonrenewal status. Assume that the property's restricted, current market, and factored base year values from Example 2, provided below, also refer to January 1, 2005.

Restricted value	\$14,547,619
Current market value	\$21,000,000
Factored base year value	\$18,191,077

Restricted Value in Nonrenewal Status

Value as if unrestricted (factored base year value)	\$18,191,077
Restricted value	<u>- 14,547,619</u>
Difference	\$ 3,643,458
Present worth of difference	
PW1 @ 6.00 %, 9 years (interest component for lien date 2005)	<u>x .591898</u>
	= \$ 2,156,555
Plus restricted value	<u>+ \$14,547,619</u>
Restricted value in nonrenewal status—lien date January 1, 2005	\$16,704,174

Taxable Value

Since the restricted value in nonrenewal status, \$16,704,174, is less than either the property's current market value or its factored base year value, this is the taxable value.



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

October 3, 2023
PUBLIC HEARINGS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Katherine Wallace, Associate Planner

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: **MA 23-103 (Cypress Inn):** Consideration of a Mills Act Contract application MA 23-103 (Cypress Inn) for the historic "La Ribera Hotel" located on the northeast corner of Lincoln Street and 7th Avenue in the Residential-Commercial (R-C) District. APN 010-147-008.

RECOMMENDATION:

Accept the recommendation of the Historic Resources Board and approve the Mills Act Historical Property Contract MA 23-103 (Cypress Inn) for the historic "La Ribera Hotel" located on the northeast corner of 7th Avenue and Lincoln Street (APN 010-147-008) and authorize the City Administrator to execute the contract (**Attachment 1**).

BACKGROUND/SUMMARY:

The property (APN 010-147-008) is located on the northeast corner of 7th Avenue and Lincoln Street in the Residential-Commercial (R-C) Zoning District (**Attachment 1, Exhibit A**). Originally named "La Ribera," the hotel was designed by Blaine & Olsen (an Oakland-based architectural firm) and built by Meese & Briggs in 1929. The hotel was re-named "Cypress West" c.1960 and later renamed "The Cypress Inn," in the 1980s. The property is significant as an excellent example of Spanish Eclectic commercial design by Blaine & Olsen. The reinforced concrete building is particularly notable for its red ceramic roof tiles, Moorish-style 3-story tower with a ziggurat top, and central courtyard. It is also significant for its 1949 two-story addition located at the southwest corner of the building, designed by San Francisco architect, Gardner Dailey, and built by Harold Geyer.

In 1990, a 4,000-square-foot property (APN 010-147-009) located immediately north of the Cypress Inn was acquired by the hotel owners. The property contained the Mary DeNeale Morgan studio, a building deemed historically significant but which had lost integrity. The studio was demolished to accommodate a north addition to the Cypress Inn, containing a restaurant space and six new hotel units, which was approved by the Historic Resources Board (then called the Historic Preservation Committee) and the Planning Commission in 1999. Although the north addition is physically connected to the original hotel building, the lot (APN 010-147-009) was not merged with the original hotel property (APN 010-147-008) and the lots remain separate to this day. The north addition (APN 010-147-009) is located in the Central Commercial (CC) zone, and the original Cypress Inn (APN 010-147-008) is located in the Residential Commercial (RC) zone. Additionally, the north addition (APN 010-147-009) is not listed on the Carmel Inventory nor the

Carmel Register and is not part of this Mills Act application.

The Cypress Inn was first identified as a significant historic resource in 1978, in the “Monterey Architecture Resource Inventory” survey conducted by Richard Janick and the Monterey Peninsula College. In 1990, the property was documented by Erling Lagerholm; in 1997, Lagerholm prepared a Department of Parks and Recreation (DPR) Form 523 that included a more extensive description and analysis. In 2003, another updated DPR was completed by Kent Seavey (**Attachment 1, Exhibit B**). Also in 2003, a “Historic Preservation/Conservation Easement” for Block 75, lots 16, 18, 20, and 22 was recorded with the Monterey County Recorder. The Easement record does not list Assessor Parcel Numbers. Lot 16 is associated with APN 010-147-009 (the north addition to the Cypress Inn), while lots 18, 20, and 22 are all associated with APN 010-147-008 (the original Cypress Inn property). It appears as though lot 16 was included in the Easement to ensure appropriate historical documentation and interpretation of the Mary DeNeale Morgan studio (i.e. a commemorative plaque).

In order to qualify for a Mills Act contract, a property must be included on the Carmel Inventory and added to the Carmel Register of Historic Resources. At the request of the then-property owner, the Planning Commission designated the Cypress Inn as a historic resource on June 9, 1999 following a unanimous recommendation by the Historic Preservation Committee on May 17, 1999. The resource was added to the Carmel Register on June 9, 1999 and later listed on the Carmel Inventory on May 25, 2005 (following the adoption of the City’s Local Coastal Plan). A Resolution designating a Historic Resource for APN 010-147-008 was recorded with the County Recorder on January 4, 2007 (Document #2007001226). Please note that the designation recorded with the County Recorder lists only APN 010-147-008 as a historic resource (not APN 010-147-009, the separate north lot accommodating the 2003 north addition).

On April 4, 2023, Gerard A. Rose, Attorney, submitted an application (MA 23-103, Cypress Inn) for a Mills Act Historical Property Contract for APN 010-147-008 on behalf of the property owner, Sentimental Journey LLC. On August 21, 2023, the Historic Resources Board adopted Resolution 2023-011-HRB (**Attachment 2**), recommending that the City Council enter into a Mills Act Contract with Sentimental Journey, LLC for the historic “La Ribera Hotel.”

Contract Value

The Monterey County Assessor’s Office is responsible for determining the value of a property under Mills Act Contract in accordance with sections 439 through 439.4 of the Revenue and Taxation Code. Properties with a Mills Act Contract are not valued based on sales data; rather they are valued by a prescribed income capitalization method (**Attachment 3**). After a Contract is approved, it is forwarded to the Monterey County Assessor who then determines the Mills Act value.

At previous Mills Act hearings, members of Council requested that staff obtain a preliminary calculation of Mills Act Contract values for the purposes of understanding the potential local tax revenue offset. The Monterey County Assessor has informed the City that time constraints and process complexity make preliminary calculations infeasible. Therefore, staff cannot provide the actual or estimated value of property tax reduction for Council’s consideration. Jerry Gatt, Appraiser III, represented the Monterey County Assessor and attended the April 4, 2023 Council meeting to explain the assessment process.

Contract Summary

A Mills Act contract under State law is an agreement between the City of Carmel and a property owner of a historic building listed on the Carmel Register. In exchange for reduced property taxes, the property owner is contractually obligated to perform annual maintenance on the building. The property owner benefits from a reduction in property taxes. The City benefits from assurance, via contract, that the historic building is rehabilitated, maintained, and preserved with a portion of those property taxes that the city is giving up.

The primary purpose for offering Mills Act contracts in the City of Carmel-by-the-Sea is to assist in and ensure the rehabilitation or restoration and long-term maintenance of historic resources. All properties listed on the City's Historic Register in all districts that have been preserved in their historical size, form, and design without significant alterations are eligible for Mills Act contracts.

All Mills Act contracts have a term of 10 years, and one year is added to this term annually upon each anniversary date of the contract unless one or both parties (City and property owner) have taken action to terminate the contract. The City Administrator is authorized to initiate contract termination on behalf of the City based on recommendations of the Community Planning & Building Department. The contract rights and obligations are binding upon all successive owners of the property during the life of the contract. The property retains the lower Mills Act tax rate when sold. To end a contract, either party may submit a notice of non-renewal to the other party. Such notices shall cause the contract to terminate at the end of the then-current 10-year contract period. Cancellation of a contract by the City due to non-compliance requires a public hearing and, if canceled, results in the immediate termination of the contract and a penalty equal to 12.5 percent of the assessed market value of the property.

The contract requires that the historical elements of the property are maintained in good condition. This includes a plan for rehabilitation and maintenance and may include a program to restore deteriorated features. All recipients of Mills Act contracts are required to implement a rehabilitation/restoration and maintenance plan prepared by a qualified professional. An annual report is submitted to the Community Planning & Building Department specifying all work that has been done to maintain and preserve the historic resource over the year in compliance with the approved rehabilitation/restoration and maintenance plan. All rehabilitation/restoration and maintenance work must be completed in conformance with the Secretary of Interior's Standards for Rehabilitation and all proposed projects are subject to a Design Study review prior to commencement of the work. Minor alterations, as defined in CMC section 17.32.150, may be approved by staff; however, major alterations, as defined in CMC section 17.32.160 would be reviewed by a qualified professional and presented to the Historic Resources Board for review. All Mills Act contracts must specify that the rehabilitation/restoration and maintenance plan shall be updated at least every ten years by a qualified professional and approved by both parties.

The Historic Resources Board considers each application for a Mills Act contract and provides a recommendation to the City Council to approve, approve with conditions, or deny the application.

The City Council considers the recommendations from the Historic Resources Board at a public hearing and resolves to approve, approve with conditions, or deny the proposed contract with sufficient time for action by the City Clerk so that recordation of approved contracts occurs before December 31st of the year in which the application is received.

STAFF ANALYSIS:

Findings

Carmel Municipal Code Section 17.32.100.B.6(c) sets forth findings that the Historic Resources Board and City Council shall make in order to grant approval of a Mills Act Contract. The required findings are listed below followed by a staff response on how the application meets the requirements.

1. *The building is designated as a historic resource by the City and is listed on the Carmel Register.*

Staff Response: The resource was added to the Carmel Register on June 6, 1999 and listed on the Carmel Inventory on May 25, 2005. The application meets this finding.

2. *The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and*

sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.

Staff Response: The applicant submitted a rehabilitation and maintenance plan (**Attachment 1, Exhibit C**). The plan covers a period of 10 years from 2024-2033 and estimates the total cost of work at \$1,114,000. The plan has been compiled by Christopher Barlow, Architect (and qualified professional), and includes rehabilitation and on-going maintenance including structural upgrades; building system upgrades; rehabilitation and maintenance of exterior features, materials, and finishes; and hardscape/landscape projects. All rehabilitation and maintenance work will be performed in conformance with the Secretary of Interior's Standards for Rehabilitation. All exterior work is subject to Design Study approval and a determination of consistency with the Secretary of the Interior's Standards for Rehabilitation. The proposed plan meets this finding.

3. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:

- (A) Comply with the Secretary's Standards (future additions only); and*
- (B) Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and*
- (C) Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and*
- (D) Do not result in any second-story addition to a single-story historic resource.*

Staff Response: Regarding 3.(C), which necessitates that past alterations "not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource" staff has identified two additions of note. For different reasons, neither addition appears to disqualify the Cypress Inn for Mills Act contract eligibility.

In 1949, a two-story volume was added to the southwest corner of the hotel's original 1929 design. This was documented in Kent Seavey's DPR 523 form as a significant addition that contributes to the historicity of the resource. Not only does the southwest addition meet the 50-year-old age threshold, but it is significant as "the earliest known Carmel design by noted California architect, Gardner Dailey." Therefore, as part of the established historic design of the resource, the southwest addition complies with 3.(C) (full code citation is CMC 17.32.100.B.6.c.iii.C).

In 1990, then-owners of the Cypress Inn acquired an adjacent, 4,000-square-foot property (APN 010-147-009) located immediately north of the hotel (APN 010-147-008). In 1999, the Historic Resources Board (then called the Historic Preservation Committee) approved a proposal to redevelop the adjacent north lot to accommodate a hotel restaurant (100 plus seats) and six additional rooms for the Cypress Inn. The 1999 project plans by Mandurrango, Mandurrango, and Sullivan are titled, "Cypress Inn Addition" and by that time the hotel featured 16,917 square feet of floor area. The north addition added 5,738 square feet of floor area (resulting in a floor area increase of 34%).

While the addition is physically connected to the original hotel and is clearly perceived as an addition, the lots were not merged, and the addition remains on a separate lot of record. In addition to remaining on a separate lot of record, the north addition is not included on the City's Historic Inventory nor the Historic Register, and it is not recorded as historic with Monterey County. If the two lots had been merged, the Council would need to consider whether the merging of the lots violates 3(C) and thereby disqualifies the hotel from a Mills Act Contract. However, that is not the case in this situation. Staff finds, for the reasons

cited above, that the north addition does not disqualify the Cypress Inn under section 3(C).

If the City Council votes to enter into a Mills Act contract for the Cypress Inn, the Monterey County Assessor would calculate the tax benefit on the original Cypress Inn property (APN 010-147-008); the property upon which the north addition sits (APN 010-147-009) would be excluded.

Regarding finding 3 (A, B, and D), the planned rehabilitation and maintenance work for 2024-2032 will be performed in conformance with the Secretary of Interior's Standards for Rehabilitation. Any future alterations are required to be consistent with conditions A-D. Minor alterations, as defined in CMC section 17.32.150, may be approved by staff; however, major alterations, as defined in CMC section 17.32.160 would be reviewed by a qualified professional and presented to the Historic Resources Board for review. The application meets this finding.

4. *The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.*

Staff Response: Approval of the contract would assist in offsetting the rehabilitation/ restoration and maintenance costs of preserving the Cypress Inn by reducing the tax liability on the property thereby freeing up funds for the necessary work. The application meets this finding.

5. *Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.*

Staff Response: Approval of the Mills Act Contract will be consistent with Goal 1-5 and Objective 1-16 of the Land Use & Community Character Element of the General Plan which encourages providing incentives for property owners to preserve and rehabilitate historic resources. Although the adoption of a Mills Act Contract will decrease property tax revenue to the City, this contract represents an equitable balance of public and private interests:

- 1) The City Council adopted Resolution 2016-068 on September 13, 2016, limiting the number of Mills Act contracts that can be approved to fifteen (15) in any three-year calendar period. No applications were approved in 2020 or 2021, four applications were approved in 2022, one application has already been approved in 2023 (L'Auberge), and four total applications are currently in review in 2023.
- 2) Carmel currently has 292 historic resources, and since the adoption of the Mills Act program in 2004, the City has entered into a total of fifteen Mills Act Contracts.
- 3) The City would continue to receive a portion of the property tax revenue and the investment in rehabilitation and maintenance supports local tourism, which benefits both private and public interests.
- 4) The value of preserving a historic resource offsets the loss of revenue.

As previously described, this application is for APN 010-147-008; it does not include APN 011-147-009. The contract, if approved by the City Council, would apply only to APN 010-147-008.

FISCAL IMPACT:

The City will have a diminished tax base from the property at the northeast corner of Lincoln Street and 7th Avenue for the term of the contract. The amount is unknown at this point.

PRIOR CITY COUNCIL ACTION:

On March 3, 2020, the City Council adopted standard contract language for Mills Act Contracts. On April 4, 2023, the City Council reviewed the City's Mills Act Policy and opted not to make any changes.

Next Steps: If the City Council enters into a Mills Act Contract for this property, the contract will be recorded with the Monterey County Recorder and will take effect January 1, 2024.

ATTACHMENTS:

Attachment 1) Standard Mills Act Contract

Attachment 2) Exhibit A - Legal Description

Attachment 3) Exhibit B - DPR 523 Form "La Ribera Hotel"

Attachment 4) Exhibit C - Rehabilitation/Maintenance Plan

Attachment 5) Resolution 2023-010-HRB

Attachment 6) Guidelines for the Assessment of Enforceably Restricted Historical Property

RECORDING REQUESTED BY
CITY OF CARMEL-BY-THE-SEA

AND WHEN RECORDED MAIL TO

Carmel City Hall
Attn: Community Planning & Building
P.O. Box CC
Carmel-By-The-Sea, CA 93921

This space reserved for the Recorder's use only

CITY OF CARMEL-BY-THE-SEA
MILLS ACT HISTORIC PROPERTY PRESERVATION CONTRACT

THIS AGREEMENT is made and entered by and between the CITY OF CARMEL-BY-THE-SEA a municipal corporation (hereinafter referred to as "City"), and Sentimental Journey LLC (hereinafter referred to as "Owner").

RECITALS

- (i) California Government Code Section 50280, et seq. (known as the Mills Act) authorizes cities to enter into contracts with the owners of qualified historic properties to provide for their appropriate use, maintenance and restoration such that these historic properties retain their historic characteristics;
- (ii) The Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, located on the northeast corner of Lincoln Street and 7th Avenue (APN: 010-147-008), Carmel-By-The-Sea, California, (hereinafter referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as **"Exhibit A"** and is incorporated herein by reference;
- (iii) The property is identified as a historic resource on the City of Carmel-By-The-Sea's Historic Inventory and Register of Historic Resources and is further described in the DPR 523 Form attached hereto, marked as **"Exhibit B"** and is incorporated herein by reference;
- (iv) City and Owner, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of historical significance of the Historic Property, as it exists at the date of this contract and as described in the City's Register of Historic Resources, and to qualify the Historic Property for an assessment of valuation pursuant to the provisions of Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions contained herein, do hereby agree as follows:

1. **INCORPORATION OF RECITALS.** All recitals are incorporated into this Agreement.
2. **EFFECTIVE DATE AND TERM.** This Agreement shall be effective and commence on the date the Agreement is signed by the City, unless otherwise indicated by the County of Monterey, and shall remain in effect for a minimum term of ten (10) years thereafter.
3. **AUTOMATIC RENEWAL.** Each year, upon the anniversary of the effective date of this Agreement (hereinafter referred to as “annual renewal date”), one (1) year shall be added automatically to the term of this Agreement, unless timely notice of nonrenewal is given as provided in paragraph 4 of this Agreement. The total length of the contract shall not exceed twenty (20) years.
4. **NOTICE OF NONRENEWAL.** If City or Owner desires in any year not to renew this Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of this Agreement as follows: Owner must serve written notice of nonrenewal at least ninety (90) days prior to the annual renewal date; City must serve written notice of the nonrenewal at least sixty (60) days prior to the annual renewal date. If notice is not received, the Agreement shall automatically be renewed for another year. Upon receipt by Owner of a notice of nonrenewal from the City, Owner may make a written protest. At any time prior to the annual renewal date, City may withdraw its notice of nonrenewal.
5. **EFFECT OF NOTICE OF NONRENEWAL.** If either City or Owner serves timely notice of nonrenewal in any year, and this contract is not renewed, this Agreement shall remain in effect shall remain in effect for the balance of the period remaining since the original execution or the last annual renewal date.
6. **FEES.** The City may require that the Owner(s) of the Historic Property pay a fee that shall not exceed the reasonable cost of providing services, such as inspections, pursuant to Government Code Section 50281.1 (Article 12 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), for which the fee is charged.
7. **VALUATION OF PROPERTY.** During the term of this Agreement, Owner is entitled to seek assessment of valuation of the Historic Property pursuant to the provisions of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.
8. **PRESERVATION OF PROPERTY.** Owner shall preserve and maintain the characteristics of historical significance of the Historic Property and agrees to complete rehabilitation and/or maintenance activities as defined in the Rehabilitation/Restoration and Maintenance Plan attached as “Exhibit C”. Requests for revisions to the Maintenance and

Rehabilitation plan shall be reviewed by the Historic Resources Board prior to implementation. In addition, Owner shall comply with the terms of the City's Historic Preservation Ordinance (CMC 17.32). Owners shall not be permitted to further impede any view corridor with any new structure, including but not limited to walls, fences, or shrubbery, so as to prevent the viewing of the Historic Property from the public right-of-way.

9. **RESTORATION OF PROPERTY.** Owner shall, where necessary, restore and rehabilitate the Historic Property to conform to the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation, U. S. Secretary of the Interior's Standards for Rehabilitation, the State Historical Building Code, and the City of Carmel-by-the-Sea, all as amended.
10. **INSPECTIONS.** Owner shall allow periodic examinations, at least every five (5) years, with reasonable notice thereof, of the interior and exterior of the Historic Property by representatives of the County of Monterey Assessor and the City of Carmel-By-The-Sea as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement. The City will coordinate inspections by such other agencies that have jurisdiction and will keep them to the minimum necessary to determinate such compliance.
11. **PROVISION OF INFORMATION.** Owner shall furnish City with any and all information required by City, in order to determine the eligibility of the Historic Property, and that City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.
12. **ANNUAL REPORT.** Owner shall submit an annual report at least 90 days prior to each annual renewal date (October 1st) to the Department of Planning and Building specifying all work that has been done to maintain and preserve the historic resource over the preceding year in compliance with the approved maintenance plan.
13. **CANCELLATION.** The City has the right to cancel the contract if the owner allows the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The City also has the right to cancel this contract if the owner(s) breaches the provisions of paragraph's # 8, 9, 10 or 12 of this Agreement after the City has provided reasonable notice of any failure to comply with the agreement, and a public hearing. Notice of the hearing shall be mailed to the last known address of each owner of the property, with the notice conforming to the provisions of Government Code section 6061., If after notice and a hearing, the contract is cancelled, termination of the Agreement is immediate, and the owner shall pay a cancellation fee equal to 12.5 percent of the current fair market value of the property, as determined by the Monterey County Assessor as though the property were free of the contractual restriction. The cancellation fee shall be paid to the Assessor, at the time and in the manner that the Assessor shall prescribe. City's right to cancel this Agreement pursuant to this paragraph

shall in no way limit or restrict its rights or legal remedies arising from City's Historic Preservation Ordinance and Municipal Code.

14. **ENFORCEMENT OF AGREEMENT.** In lieu of and/or in addition to any provisions to cancel this Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement.
15. **WAIVER.** City does not waive any claim or default by Owner if City does not enforce or cancel this Agreement. All remedies at law or in equity, which are not otherwise provided for this Agreement or in City's regulations governing historic properties are available to City to pursue in the event there is a breach of this Agreement. No waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.
16. **BINDING EFFECT OF AGREEMENT.** Owner hereby subjects the Historic Property to the covenants, reservations and restrictions set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations, and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon Owner's successors and assigns in title or interest to the Historic Property. A successor in interest shall have the same rights and obligations under this Agreement as the original owner who executed the Agreement.
Each and every contract, deed or other instrument hereinafter executed, governing or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument. City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historic characteristics and significance of the Historic Property for the benefit of the public and Owner.
17. **NOTICE.** Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below, by personal delivery or United States mail, postage prepaid, addressed as follows:

City: Carmel-By-The-Sea
Community Planning & Building Department
Attn: Community Planning & Building Director
P.O. Box CC
Carmel-By-The-Sea, CA 93921

Owner: Sentimental Journey LLC
PO Box Y
Carmel, CA, 93921

Notice to successors in interest to either party shall be sent to the appropriate address. In the case of future Owner(s) of the Historic Property, notice shall be sent to the address on file with the county property tax office in power at the time.

18. **RECORDATION.** No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the Office of the County Recorder of the County of Monterey. From and after the time of the recordation, this Agreement shall impart a notice thereof to all persons as is afforded under state law.
19. **STATE LAW.** The Owner or agent of Owner shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement.
20. **GOVERNING LAW; VENUE.** This Agreement shall be constructed and governed in accordance with the laws of the State of California. Should either party to this agreement bring legal action against the other, the case shall be handled in Monterey County, California and the party prevailing in such action shall be entitled to a reasonable attorney fee which shall be fixed by the judge hearing the case and such fee shall be included in the judgment together with all costs.
21. **AMENDMENTS.** This agreement may be amended in whole or in part, only by a written-recorded instrument executed by the parties hereto.
22. **DESTRUCTION OF PROPERTY; EMINENT DOMAIN; CANCELLATION.** If the Historic Property is destroyed by earthquake, fire, flood, or other natural disaster such that in the opinion of the City Building Official more than sixty percent (60%) of the original fabric of the structure must be preplaced, this Agreement shall be cancelled because the historic value of the structure will have been destroyed. If the Historic Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the City Council to frustrate the purpose of this Agreement, this Agreement shall be cancelled. No cancellation fee pursuant to Government Code Section 50286 shall be imposed if the Agreement is cancelled pursuant to this paragraph. Such Agreement shall be null and void for all purposes of determining the value of the property so acquired.
23. **INDEMNIFICATION.** Owner shall defend, indemnify, and hold harmless City and its elected officials, officers, agents and employees from any actual or alleged claims, demands, causes of action, liability, loss, damage, or injury to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any

federal, state or local government agency, arising out of or incident to the direct or indirect use, operation, or maintenance of the Historic Property by Owner or any contractor, subcontractor, employee, agent, lessee, licensee, invitee, or any other person; (ii) Owner's activities in connection with the Historic Property; and (iii) any restriction on the use of development of the Historic Property, from application or enforcement of the City's Municipal Code, or from the enforcement of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and the reimbursement of the City, its elected officials, employees, and/or agents for all legal expenses and costs incurred by each of them. Owner's obligation to indemnify shall survive the termination, cancellation, or expiration of this Agreement and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, employees, or agents.

24. **SEVERABILITY.** In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

IN WITNESS THEREOF, the City and Owners have executed this Agreement on the day and year written above.

CITY OF CARMEL-BY-THE-SEA:

By: _____

Date: _____

Name: Richard L. Rerig ("Chip")

Title: City Administrator

PROPERTY OWNER:

By: _____

Date: _____

Name: Gerard A. Rose, on behalf of Sentimental Journey, LLC

Title: Attorney

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT B
DPR 523 FORM

EXHIBIT C
REHABILITATION AND MAINTENANCE PLAN

DRAFT

The land referred to is situated in the County of Monterey, City of Carmel, State of California, and is described as follows:

Lots 18, 20 and 22 in Block 75, as said Lots and Block are shown on that certain map entitled, Map of "Carmel-by-the-Sea, Monterey County, California", filed for record March 7, 1907 in the Office of the County Recorder of the County of Monterey, State of California, in Volume 1 of Maps, "Cities and Towns", at Page 2.

Primary #

HRI #

Trinomial

NRHP Status Code

Attachment 3

5S1/5D1

Other Listings

Review Code

Reviewer

Date

Page of

Resource Name or #: (Assigned by recorder)

La Ribera Hotel

P1. Other Identifier:

P2. Location:

Not for Publication ☐ Unrestricted

a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad

Date

T

; R

;

1/4 of

1/4 of Sec

;

B.M.

c. Address:

City Carmel-by-the-Sea

Zip 93921

d. UTM: (Give more than one for large and/linear resources)

;

mE/

mN

e. Other Locational Data (Enter Parcel #, legal description, directions to resource, elevation, etc., as appropriate)

NE cr. Lincoln & 7th (Blk 75, Lots 18, 20, 22)

Parcel No. 010-147-008

P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

A two-story, reinforced concrete and wood-frame Spanish Eclectic Style hotel, "U" shaped in plan, resting on a concrete foundation. The exterior wall cladding is a smooth cement stucco. The low-pitched roof system employs gable, hipped and shed forms, all covered in Mission tile. The shed roofed portions tend to cover enclosed stairwells and entry porticos, including a covered, one-story arcade on the west side of the open courtyard, facing 7th Avenue. A tall, stepped Moorish style tower is centered in the hotel complex w/ paired, keyhole arched openings on each elevation, slightly modified from their original 1929 appearance. There is a chimney, w/bricked cap at the NW cr. of this feature. The main building block steps slightly back at the second floor corners on the NW and SW ends of the west facing facade. This allows for small balconies w/ocean views. A one-story hyphen, part of the original design, connects the main building block w/a two-story addition at the NW cr. of 7th Ave. The hyphen, just south of the ornate, raised concrete Spanish Baroque hotel entry, has two full height sets of wood French doors, set between massive square columns w/simple capitals. These column forms are repeated, in miniature, framing the apartment windows found on the NW cr. at the second floor. The facade is set w/decorative Spanish & Moorish tiles in several locations. A grassed patio separates the two wings that extend south from the main building block, enclosed by a wrought iron fence along 7th Ave.

3b. Resource Attributes: (List attributes and codes)

P4. Resources Present

☒

Building

☐

Structure

☐

Object

☐

Site

☐

District

☐

Element of District

☐

Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)



P5b. Description of Photo: (View, date, accession #)
(View toward). Photo No: 3025-.

P6. Date Constructed/Age and Sources:

☐ Prehistoric ☒ Historic ☐ Both

1929 Carmel bldg. records

P7. Owner and Address

Cypress Inn Investors

P.O. Box Y

Carmel, CA 93921

P8. Recorded by: (Name, affiliation, and address)

Kent L. Seavey, Preservation Consultant, 310

Lighthouse Ave., Pacific Grove, CA 93950

P9. Date Recorded: 2/13/2003

P10. Survey Type: (Describe)

Carmel Historic Resource Inventory - 2001

i. Report Citation: (Cite survey report and other sources, or enter "none")

one

Attachments

NONE

Continuation Sheet

☐ District Record

☐ Rock Art Record

☐ Other: (List)

Location Map

Building, Structure, and Object Record

☐ Linear Feature Record

☐ Artifact Record

Sketch Map

Archaeological Record

☐ Milling Station Record

☐ Photograph Record

BUILDING, STRUCTURE, AND OBJECT RECORD

HRI #

Primary #

Attachment 3

ge of

NRHP Status Code

5S1/5D1

Resource Name or #: (Assigned by recorder) *La Ribera Hotel*

B1. Historic Name: *La Ribera Hotel/ Cypress West Hotel*

B2. Common Name: *Cypress Inn*

B3. Original Use: *hotel*

B4. Present Use: *hotel*

B5. Architectural Style: *Spanish Eclectic*

B6. Construction History: (Construction date, alterations, and date of alterations)

Constructed 1929 (CBP# 2097); interior remodel 1948 (CBP# 1724); two-story add, SW cr. 1949 (CBP# 1873); series of interior remodels 1950-1961 (CBP#'s 1977, 3082, 3687); convert kitchen to off. space 1965 (CBP# 4342); store to restaurant 1971 (CBP# 71-87); commercial space to lounge 1989 (CBP# 89-237); iron balconies added to E/elev. 1995 (CBP# 95-13);

B7. Moved? ☒ No ☐ Yes ☐ Unknown Date:

Original Location:

B8. Related Features:

B9a. Architect: *Blaine & Olsen (1929), Gardner Dailey (1949)*

b. Builder: *Meese & Briggs (1929), Harold Geyer (1949)*

B10. Significance: Theme: *Arch. & Econ. Development*

Area: *Carmel by-the-Sea*

Period of Significance: *1903-1940*

Property Type: *hotel*

Applicable Criteria: *CR 3*

(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also address integrity.)

The La Ribera Hotel is significant under California Register criterion 3, in the area of architecture as an excellent example of Spanish Eclectic commercial design by the Oakland architectural firm of Blaine & Olsen, and as a significant contributor to a potential Carmel downtown historic district. It is also significant for its 1949 addition, the earliest known Carmel design by noted California architect, Gardner Dailey.

The La Ribera Hotel was constructed two years after Oakland architects Roger W. Blaine & David Olsen had completed its neighboring business block to the east, La Giralda, or the Kocher Bldg. Dr. Rudolph Kocher, one of Carmel's two physicians at the time, was able to fund the project through his patron, Grace Deere Veile. Mrs. John S. Ball, a popular and competent hotel manager who successfully operated the Lincoln Inn on the site prior to the new construction, continued with the management of La Ribera. The new hotel offered its guests both high tea, and wine tasting, and had a regularly scheduled series of music recitals each Sunday evening, for guests and members of the community.

The building itself was designed to compliment the existing Kocher bldg., and another Blaine & Olsen project, the El Paseo Bldg., at the NE cr. of Dolores and 7th. In concert, the three Spanish Eclectic buildings form the most cohesive ensemble of period revival style commercial properties in Carmel. From the SW cr. of Lincoln & 7th., the scale, massing and proportion of the group reads like a classical Spanish hill town. The accuracy, and attention to detail in the application of the Spanish Eclectic decorative vocabulary, can be attributed to a visit to Spain by the architectural partnership. Notable is the treatment of the central Moorish tower, tying the varied elements of the hotel complex to a visual anchor. The composition of the west facing facade, w/its diagonal connection of large & small columned openings, and impressive cast-in-place Baroque entry is particularly effective.

B11. Additional Resource Attributes: (List attributes and codes) *HP5 - Hotel/Motel*

B12. References:

*Carmel bldg. records, Carmel Planning Dept., City Hall, Carmel
Carmel Historic Context Statement 1997*

The Carmelite, 7/10/29; 7/31/29; 8/7/29; 8/14/29

Game & Gossip Magazine, Aug. 1961

Monterey Peninsula Herald, 4/2/29; 7/2/29; 12/2/83

Sanborn insurance maps of Carmel, 1930, 1930-69

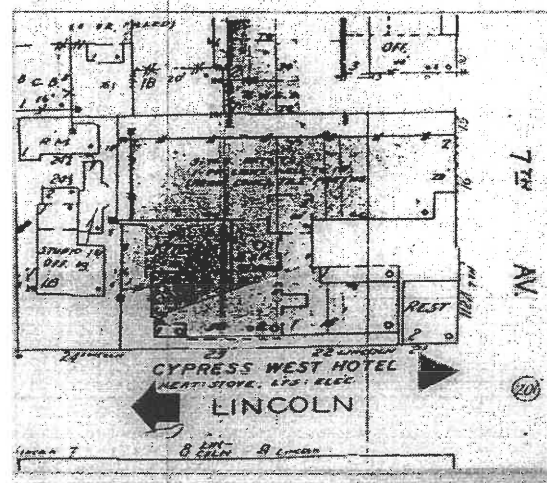
B13. Remarks: *Zoning RC
CHCS (AD/ED)*

B14. Evaluator: *Kent L. Seavey*

Date of Evaluation: *2/13/2003*

(This space reserved for official comments.)

(Sketch Map with north arrow required.)



CONTINUATION SHEET

ge of Resource Name or #: (Assigned by recorder) La Ribera Hotel
Recorded by: Kent L. Seavey

Date 2/13/2003

☒ Continuation ☐ Update

P3. These wings step up the rising 7th Ave. slope connecting the hotel visually w/its Spanish Eclectic neighbor, the Kocher Bldg., at the NW cr. of Dolores & 7th. The building frontages along the north side of 7th Ave. between Lincoln and Dolores read like a Spanish hill town. Fenestration is irregular, w/paired arched window openings in the tower, and along the upper floor of the main building block, secondary elevations have multi-paned steel casement type windows, including the 1949 addition at the NW cr. of Lincoln & 7th. Several cloth awnings were added along the ground floor elevation in 1969. Iron balconies were added to the rear (east) elevation in 1995. The hotel is sited close to the sidewalk, along Lincoln and 7th Ave., behind planting beds of low shrubbery and flowers, w/a screen of low, well maintained street trees.

B6. interior remodel 2000 (CBP #00-28); restroom add. to north 2003 (CBP #02-55).

B10. Of particular interest is the 1949 two-story addition at the NW cr. of Lincoln & 7th Ave. This is an early period design by noted San Francisco architect Gardner Dailey, known more for his Bay Area modernist work. Dailey's familiarity with the Spanish Eclectic mode came in part from his experience as a plan checker for S.F.B. Morse at Pebble Beach, where Spanish/Mediterranean residential design was a requirement until 1937. Gardner Dailey (1885-1967) was educated at U.C. Berkeley, Stanford, and Heald's School of Engineering. He also studied landscape design. Dailey gained further experience working in several San Francisco architectural offices before establishing his own practice in 1926. He was influential in the residential field in the pre- and post WWI decades. His known Carmel area designs include the Grace Deere Velie Metabolic Clinic (1930) and his own home (1945) on Ocean Ave. Blaine and Olsen designed a number of the best Spanish Eclectic commercial buildings in Carmel in the late 1920s. They had been in partnership w/Wilson J. Wythe of Berkeley when Wythe died in 1926. The pair continued the partnership, concentrating on Spanish Eclectic design, in Oakland, Santa Barbara and Carmel, prior to the Great Depression. Little is known of the firm after 1930. while Dr. Kocher survived the effects of the Depression, his hotel did not. It went into receivership in 1930. The hotel was reopened by A.G. Wood, former manager of Monterey's San Carlos Hotel. The La Ribera retained its original name until 1960s, when the aging business was retitled Cypress West. It has been the Cypress Inn since the 1980s. In spite of minor exterior changes over time, the La Ribera Hotel continues to evoke a strong sense of time, place, feeling and association. Many couples who spent their wedding nights in a tower room of the hotel are repeat visitors, and anyone who knew the hostelry in the 1930s and 1940s would easily recognize the La Ribera Hotel today. It clearly reflects the findings of, and is consistent with, the 1997 Carmel Historic Context Statement under the themes of architectural and economic development.

Supplemental Photograph or Drawing



Description of Photo: (View, date, accession #)
(View toward). Photo No: 3026-.

City of Carmel	
Mills Act Rehabilitation and Maintenance Plan	
Property Address:	Lincoln St. at Seventh Ave.
Owner Name:	Sentimental Journey LLC
Owner Telephone No.:	(831) 624-3871
Plan Prepared by: Christopher Barlow AIA, LEED AP, NCARB	

Cypress Inn (a.k.a. Hotel La Ribera) Lincoln St. at Seventh Avenue, Carmel CA											
Mills Act Rehabilitation and Maintenance Plan											
Work Item (Maintenance/Rehabilitation)	Anticipated Year of Completion										Cost Estimate
	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	(net per item)
STRUCTURAL UPGRADES											
Investigate plaster cracking at tower & repair (Maintenance)				\$80,000							\$80,000
BUILDING SYSTEM UPGRADES											
Plumbing repairs: Replace old galvanized H2O pipes (Rehab.)			\$95,000								\$95,000
Plumbing repairs: Replace aged sewer pipe sections (Rehab.)		\$20,000									\$20,000
Required Fire Alarm upgrades (Maintenance)	\$60,000										\$60,000
Required elevator upgrades for ADA (Rehabilitation)							\$50,000				\$50,000
ADA upgrades for public restrooms (Rehabilitation)				\$24,000							\$24,000
Major infrastructure replacemnt: Boiler & H2O Softener (Rehab.)					\$90,000						\$90,000
Major infrastructure upgrade: Electrical distribution (Rehab.)									\$80,000		\$80,000
EXTERIOR FEATURES, MATERIALS, AND FINISHES											
Paint all Exterior of all walls every 6 years (Maintenance)				\$80,000						\$80,000	\$160,000
Repair/Rehabilitate windows for egress and acoustics (Rehab.)		\$110,000									\$110,000
In kind' Roofing repairs and replacement (Rehabilitation)						\$50,000					\$50,000
Termite testing and repairs (Maintenance)								\$75,000			\$75,000
HARDSCAPE AND LANDSCAPE											
Exterior gate, stair, walkway & door landings ADA work (Rehab.)						\$10,000	\$10,000	\$10,000	\$10,000		\$40,000
Resolve waterproofing issues at existing courtyard planter			\$180,000								\$180,000
ANNUAL TOTAL	\$60,000	\$130,000	\$275,000	\$184,000	\$90,000	\$60,000	\$60,000	\$85,000	\$90,000	\$80,000	CUMULATIVE TOTAL
RUNNING TOTAL	\$60,000	\$190,000	\$465,000	\$649,000	\$739,000	\$799,000	\$859,000	\$944,000	\$1,034,000	\$1,114,000	

Notes: Frequency of repairs continues beyond 2032 based on interval proposed. Dollar amounts will be reviewed at 10 year intervals and adjusted for inflation as appropriate

CYPRESS INN

Lincoln Street at Seventh Avenue



Photo #1, Overall main façade looking East from Lincoln Street



Photo #2, Detail: Tilework and Tower looking East from Lincoln Street



Photos #3-4, Plaster/paint damage at Lincoln Street service entrance



Photo #5, Typical deterioration of exposed wood at underside of eave
(viewed from Lincoln Street)



Photo #6, Patch over cracking plaster at Lincoln Street façade



Photo #7, View of main entry from Lincoln Street (ADA entry is off 7th)



Photo #8, Overall side façade looking North from Seventh Avenue



Photo #9, View of tower near courtyard entry at Seventh Avenue



Photo #11 View of rear facade (North side of building is inaccessible)



Photo #12, Typical deterioration of single pane metal window (View from 7th Ave)



Photo #13, Concrete and plaster cracking as seen from Seventh Avenue courtyard

CITY OF CARMEL-BY-THE-SEA
HISTORIC RESOURCES BOARD

HISTORIC RESOURCES BOARD RESOLUTION NO. 2023-010-HRB

A RESOLUTION OF THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA
RECOMMENDING THAT THE CITY COUNCIL ENTER INTO A MILLS ACT CONTRACT WITH
SENTIMENTAL JOURNEY LLC FOR THE HISTORIC “LA RIBERA HOTEL” LOCATED ON THE NORTHEAST
CORNER OF LINCOLN STREET AND 7TH AVENUE (APN 010-147-008).

WHEREAS, on April 14, 2023, Gerard A. Rose, Attorney (“Applicant”) submitted an application on behalf of Sentimental Journey LLC (“Owner”) requesting to enter into a Mills Act contract (MA 23-103, Cypress Inn) described herein as (“Application”) for the historic “La Ribera Hotel” also known as the Cypress Inn; and

WHEREAS, the Application has been submitted for the property located on the northeast corner of Lincoln Street and 7th Avenue, in the Residential-Commercial (R-C) District (Block 75, Lots 18, 20, 22); and

WHEREAS, the historic “La Ribera Hotel” is already listed on the Carmel Inventory (May 25, 2005) and Carmel Register of Historic Resources (June 6, 1999); and

WHEREAS, one of the benefits of being included on the Register is the ability to enter into a Mills Act Historical Property Contract with the City; and

WHEREAS, the Applicant is also requesting to enter into a Mills Act contract with the City and in accordance with Carmel Municipal Code (CMC) Section 17.32.100.B.6 (Review Process), the Historic Resources Board shall consider the application and make a recommendation to the City Council to approve, approve with conditions, or deny the application; and

WHEREAS, on August 11, 2023 notice of the August 21, 2023 public hearing was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before August 11, 2023 the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before August 18, 2023 the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on August 21, 2023, the Historic Resources Board held a public meeting to consider the application for a Mills Act contract, including without limitation, information provided to the Historic Resources Board by City staff and through public testimony; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Historic Resources Board at the August 21, 2023 meeting including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Historic Resources Board did hear and consider all said reports, attachments, recommendations and testimony herein above set forth and used their independent judgment to evaluate the 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 the Historic Resources Board of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Mills Act Contract:

<u>FINDINGS REQUIRED FOR A MILLS ACT CONTRACT</u>		
For each of the required findings listed below, staff has indicated whether the application supports the adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Historic Resources Board's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.32.100.B.6.c	YES	NO
i. The building is designated as an historic resource by the City and is listed on the Carmel Register.	✓	
ii. The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.	✓	
iii. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that: (A) Comply with the Secretary's Standards (future additions only); and (B) Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and (C) Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and (D) Do not result in any second-story addition to a single-story historic resource.	✓	

iv. The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.	✓	
v. Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.	✓	

BE IT FURTHER RESOLVED that the Historic Resources Board of the City of Carmel-by-the-Sea does hereby recommend that the City Council enter into a Mills Act Contract (MA 23-103, Cypress Inn) for the historic "La Ribera Hotel" located on the northeast corner of Lincoln Street and 7th Avenue (APN 010-147-008).

PASSED, APPROVED AND ADOPTED BY THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA this 21st day of August, 2023, by the following vote:

AYES: Chroman, Dyar, Pomeroy, Goodhue, Hall

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

DocuSigned by:

B0C3DE9052B8494...
Jordan Chroman
Chair

DocuSigned by:

2960DA9BEC1C495...
Leah Young
Historic Resources Board Secretary

STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0064
916 445-4982 • FAX 916 323-8765
www.boe.ca.gov

BETTY T. YEE
Acting Member
First District, San Francisco

BILL LEONARD
Second District, Sacramento/Ontario

CLAUDE PARRISH
Third District, Long Beach

JOHN CHIANG
Fourth District, Los Angeles

STEVE WESTLY
State Controller, Sacramento

RAMON J. HIRSIG
Executive Director

June 2, 2005

No. 2005/035

TO COUNTY ASSESSORS AND INTERESTED PARTIES:

NOTICE OF BOARD ACTION

**GUIDELINES FOR THE ASSESSMENT OF
ENFORCEABLY RESTRICTED HISTORICAL PROPERTY**

On May 25, 2005, the Board of Equalization approved the following guidelines pertaining to the assessment of enforceably restricted historical property. These guidelines supersede Letter To Assessors No. 77/174 (dated December 19, 1977).

On June 8, 1976, the voters of California approved Proposition 7 which amended section 8 of article XIII of the California Constitution. This amendment requires that enforceably restricted historical property be valued on a basis that is consistent with its restrictions and uses. Sections 439 through 439.4 were added to the Revenue and Taxation Code to implement Proposition 7. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

Staff drafted these guidelines in consultation with interested parties and, after discussions, no issues remained unresolved. The guidelines discuss the enforceably restricted historical property requirements, the income to be capitalized, the capitalization rate, the effect of Proposition 13 upon enforceably restricted historical properties that undergo change in ownership or new construction, and the valuation of property under notice of nonrenewal.

The guidelines are posted on the Board's website at www.boe.ca.gov/proptaxes/guideproc.htm. We hope this information proves useful and promotes uniformity of assessment for these properties. If you have any questions, please contact our Real Property Technical Services Unit at 916-445-4982.

Sincerely,

/s/ David J. Gau

David J. Gau
Deputy Director
Property and Special Taxes Department

DJG:grs
Enclosure

GUIDELINES FOR THE ASSESSMENT OF ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

HISTORY

Effective March 7, 1973, Chapter 1442 of the Statutes of 1972 (also known as the Mills Act) added sections 50280 through 50289 to the Government Code to allow an owner of qualified historical property to enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics.

Prior to the passage of Proposition 7 in 1976, these agreements (i.e., Mills Act contracts) constituted enforceable restrictions on the use of land within the meaning of Revenue and Taxation Code section 402.1¹ (Property Tax Rule 60, repealed January 10, 1978). However, Proposition 7 added the second paragraph to section 8 of article XIII of the California Constitution:

To promote the preservation of property of historical significance, the Legislature may define such property and shall provide that when it is enforceably restricted, in a manner specified by the Legislature, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

To implement Proposition 7, Chapter 1040 of the Statutes of 1977 (Senate Bill 380) added sections 439 through 439.4 to the Revenue and Taxation Code. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

Under section 439, historical property is "enforceably restricted" if it meets the definition of a "qualified historical property" as defined in Government Code section 50280.1 and is subject to a historical property contract executed pursuant to Government Code section 50280 and following. A qualified historical property includes qualified historical improvements and the land on which the improvements are situated, as specified in the historical property contract. If the contract does not specify the land to be included, the qualified historical property includes only a land area of reasonable size to situate the improvements.

A qualified historical property is privately-owned property that is not exempt from property taxation and that also meets either of the following criteria:

- The property is listed in the National Register of Historic Places, or is located within a registered historic district; or

¹ Unless otherwise noted, all statutory references are to the Revenue and Taxation Code.

- The property is listed in any official state, county, city, or city and county official register of historical or architecturally significant sites, places or landmarks, including the California Register of Historical Resources, California Historical Landmarks, State Points of Historical Interest, local landmarks, and local survey listings of historical properties.

The historical property contract must have a minimum term of ten years, and, as applicable, must contain certain other elements, including the following:

- A provision relating to the preservation of the qualified historical property and, when necessary, the restoration and rehabilitation of the property in conformance with state historic preservation guidelines;
- A requirement for the periodic examination of the property to ensure compliance with the agreement;
- A requirement that the historical property agreement be binding upon successor owners of the qualified historical property; and
- A provision for an automatic one-year extension of the contract, with an additional year added to the initial contract term on each anniversary of the contract, unless either party provides notice of nonrenewal. If a notice of nonrenewal is given, the contract runs for its remaining term.

Once a contract is signed, accepted, and recorded, the property subject to the contract must be assessed under section 439.2 on the ensuing lien date. For example, if a contract were recorded in August 2004, the property should have been valued pursuant to section 439.2 for lien date January 1, 2005.

Local authorities may cancel a historical property agreement for breach of contract or failure to protect the historical property. Alternatively, the local entity may take legal action to enforce the contract.

ASSESSMENT

The assessment of an enforceably restricted historical property involves the following aspects: (1) valuing the restricted historical property; (2) properly applying certain assessment provisions relating to article XIII A of the California Constitution (Prop 13); (3) valuing the restricted historical property following a notice of nonrenewal; and (4) valuing the restricted historical property following cancellation of the contract.

Valuing the Restricted Historical Property

Section 439.2 prohibits the assessor from using sales data relating to similar properties, whether or not enforceably restricted, to value an enforceably restricted historical property. Instead, the assessor must annually value a restricted historical property using an income approach that

follows the specific provisions of section 439.2. These provisions explicitly address (1) the determination of the income to be capitalized, (2) the development of the capitalization rate, (3) the capitalization technique to be used, and (4) the determination of the restricted historical property's taxable value on each lien date.

Income to be Capitalized

As provided in section 439.2(a), the income to be capitalized when valuing a restricted historical property is the property's fair rent less allowed expenditures, or allowed expenses. In general, section 439.2(a) follows Property Tax Rule 8(c), with fair rent in section 439.2 corresponding to gross return in Rule 8(c); allowed expenditures, or allowed expenses, in section 439.2 corresponding to gross outgo in Rule 8(c); and the income to be capitalized in section 439.2 corresponding to net return in Rule 8(c). In addition, for the purposes here, "gross income" is synonymous with fair rent, and "net operating income" is synonymous with the income to be capitalized.

The parties to a historical property agreement may stipulate a minimum annual income to be capitalized, in which case the income to be capitalized may not be less than the stipulated amount.

Fair rent, or gross income. The gross income of a restricted historical property is the fair rent for the property considering the restrictions on the property's use. When establishing the fair rent for a restricted historical property, the appraiser should consider the actual rent and typical rents in the area for similar properties in similar use, where the owner pays the property taxes.

The actual rent received by the owner of the subject restricted historical property is relevant to an estimate of fair market rent only if the actual rent is the same rent that would be expected if the existing lease were renegotiated in light of current market conditions, including the subject property's enforceable restrictions on use. With respect to rents from similar, or comparable, properties, if such rents are from properties outside the geographic or market area of the subject property, or from properties that are otherwise dissimilar to the subject property, the rents may not be relevant to an estimate of the subject property's fair rent.

Comparable rental data for single-family residences can be obtained from real estate brokers, rental agencies, and newspaper ads. Many assessors offices maintain rental data for commercial properties, and this data may be helpful when establishing the fair rent for restricted historical property when the contract allows a commercial use. Rental data for commercial property also can be obtained from commercial real estate brokers. For the purpose of estimating anticipated market fair rent and expenditures for use in calculating the subject property's value, rental and expense data for existing restricted historical properties, including the subject historical property, can be obtained through an annual questionnaire sent to property owners.

If sufficient rental data are not available, or such data are unreliable, the appraiser must impute a gross income for the subject restricted historical property. The imputed income should be based on what an informed investor would reasonably expect the property to yield under prudent management, given the provisions under which the property is enforceably restricted.

Allowed expenditures. Section 439.2(a)(3) defines allowed expenditures, or allowed expenses, as expenses necessary for the maintenance of the property's income. Allowed expenses are the same as those permitted in Property Tax Rule 8(c).

Typical expenses include the cost of utilities, maintenance and repair, insurance and property management. Allowed expenses also may include amounts owing for special assessments and special taxes. Expenses related to debt service, general property taxes, and depreciation should not be deducted.

In general, to arrive at the net income to be capitalized, allowed expenses are subtracted from the estimated rental income. However, in order to properly process the income, the appraiser must be aware of the structure of the lease with regard to how expenses are shared between the landlord-owner and the tenant.

The proper perspective from which to view the processing of income and expenses is that of the landlord-owner. The objective is to estimate the net income to the landlord-owner—this is the amount that should be capitalized—and the correct question to ask is the following: What, if any, allowed expenses must the landlord-owner pay out of the rental income that he or she receives?

In a gross lease, almost all of the allowed expenses must be paid out of the gross rent and, therefore, must be subtracted from the gross rent to arrive at the net income to be capitalized. In a net lease, relatively few allowed expenses must be paid by the landlord-owner out of the net rent (because the tenant pays most expenses) and only these expenses should be subtracted from the net rent to arrive at the net income to be capitalized. Frequently, there is a hybrid arrangement—some expenses are paid by the landlord-owner and some by the tenant. How expenses are shared often depends upon the property type together with local conventions.

Income to be capitalized, or net operating income. The income to be capitalized, or net operating income, is simply the fair rent, or gross income, described above less the allowed expenditures described above.

Capitalization Rate

The method of developing the capitalization rate to be used when valuing restricted historical property is prescribed by statute; a capitalization rate derived from sales data or the band of investment is not permitted.

Section 439.2 prescribes two types of capitalization rates for restricted historical property: (1) a capitalization rate to be used when valuing restricted historical property that is an owner-occupied single-family residence and (2) a capitalization rate to be used when valuing all other restricted historical property. Both types of capitalization rates include components for interest (i.e., yield), risk, property taxes, and amortization of improvements; in fact, the two rates are identical except for the amount of the risk component. The capitalization rate contains the following components:

- An interest component annually determined by the State Board of Equalization and based on the effective rate on conventional mortgages as determined by the Federal Housing Finance Board. The interest component is announced annually, in a Letter To Assessors, by October 1 of the preceding assessment year.
- A historical property risk component determined by property type. For owner-occupied single-family residences, the rate is 4 percent; for all other types of restricted historical property, the rate is 2 percent.
- An amortization component for improvements defined as a percentage equal to the reciprocal of the remaining life of the improvements (e.g., if the remaining economic life of the improvements were 20 years, the amortization component would be 5 percent). Since the amortization component applies only to improvements, not to land, which is a non-depreciating asset, it is necessary to adjust the amortization component described in the statute. We recommend the following method of adjustment:
 1. Based upon market data, estimate the percentage of total property value attributable to improvements.
 2. Multiply this percentage by the amortization component described in the statute (i.e., by the reciprocal of the remaining life of the improvements). For example, if the remaining life of the improvements was 20 years, yielding a reciprocal percentage of 5 percent, and if 70 percent of the total property value was attributable to the improvements, the adjusted amortization factor would be 3.5 percent ($0.05 \times 0.70 = 0.035$).
 3. Add the adjusted amortization component to the other capitalization rate components to arrive at the total capitalization rate.
- A property taxes component equal to the percentage of the estimated total tax rate applicable to the property for the assessment year multiplied by the assessment ratio. Typically, the property tax component includes the basic tax rate of 1 percent plus an additional ad valorem rate related to any bonded indebtedness pertaining to the tax rate area in which the property is located. Special district assessments and special taxes are not included in the property tax component. As noted above, they should be treated as allowed expenses.

Capitalization Technique

The capitalization technique to be used when valuing a restricted historical property is prescribed by statute and is formulaic. Section 439.2(e) provides that the restricted value shall be the income to be capitalized, or net operating income, developed as prescribed by statute, divided by one of the two types of capitalization rates prescribed by statute. In other words, the restricted value is the simple quotient of the prescribed income to be capitalized and the prescribed capitalization rate.

Determination of Taxable Value on Each Lien Date

Section 439.2(d) provides that a historical property's restricted value may not be enrolled if it exceeds either (1) the value of the subject property as determined under section 110 (i.e., current market value) or (2) the value of the subject property as determined under section 110.1 (i.e., factored base year value). In other words, section 439.2 states that the taxable value of a restricted historical property on each lien date shall be the lowest of its restricted value, current market value, or factored base year value. The factored base year value for an enforceably restricted historical property is the value that was established for the 1975 lien date² or as of the date of the most recent change in ownership, whichever is later, adjusted by the annual inflation factor.

Article XIII A (Prop 13) Considerations

This section discusses how three important elements relating to implementation of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment of restricted historical property. Also discussed is the case in which only a portion of a property is subject to the historical property agreement—that is, the case in which a single property unit contains both restricted and unrestricted portions.

Change in Ownership

When a property subject to a historical property contract undergoes a change in ownership, a new base year value should be established for the property as of the date of change in ownership, as provided in section 110.1. Typically, a restricted historical property's base year value will be greater than its restricted value determined under section 439.2 and hence will not be enrolled as the property's taxable value. However, the establishment of a new base year value enables the assessor to perform the three-way value comparison prescribed by section 439.2(d) and described above. The establishment of a base year value is also necessary in order to calculate the assessed values of historical property should the historical property agreement enter nonrenewal status.

New Construction

Section IV of National Register Bulletin #15 defines a "building" as follows:

A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

Section IV further specifies that "[b]uildings eligible for the National Register must include all of their basic structural elements. Parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. The whole building must be considered,

² Sections 110.1(d) and 405.5 do not apply to historical properties under contract as of lien date 1975 because the constitutional amendment which placed the valuation of historical property under article XIII rather than article XIII A had not yet been passed and, thus, was not in effect for the 1975 lien date.

and its significant features must be identified." Thus, eligibility for the National Register is determined by the extent to which the basic structural elements of an existing building are intact. In general, a newly constructed building would not be eligible because it is not an existing building with basic structural elements.³

Also, a newly constructed building is not a historic resource, and, thus, is not a qualified historical property within the meaning of Government Code section 50280.1. For example, a newly constructed detached garage (assuming it is not a reconstruction of a historical garage) clearly would not be eligible because it has no significance in American history or architecture, nor does it meet any of the other requisite criteria.

Bulletin 15, however, does list one type of newly constructed property that may be eligible for inclusion under the Mills Act. A reconstructed historic building is eligible for the National Register if the reconstruction is "accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived."

The historical property contract typically specifies the scope and type of any work to be performed on the historical improvements. Improvements existing as of the date of the contract would be subject to the provisions of section 439.2 unless specifically excluded by the contract. Any new construction made to the historical structure after the issuing date of the contract would not be subject to the provisions of section 439.2 unless specifically included in the contract or an amendment to the contract. Any questions regarding new construction to enforceably restricted historical structures should be directed to the counsel of the legislative body of the city, county, or city and county that contracted with the property owner.

Assuming that the newly constructed property is subject to the historical property contract, a base year value should be established for the newly constructed portion and this value added to the factored base year value of the existing restricted property.

In some cases, an existing historical property may include a portion that is restricted (i.e., subject to a historical property contract) and a portion that is unrestricted. In this case, separate factored base year values should be maintained for the restricted and unrestricted portions and the base year value of any newly constructed property added to the appropriate portion. The assessment treatment of this type of property is discussed further below.

Supplemental Assessment

Although the assessor is required to establish a new base year value upon a change in ownership or completed new construction involving restricted historical property, such property is not subject to supplemental assessment. As provided in Revenue and Taxation Code section 75.14:

Supplemental assessment; limitation. A supplemental assessment pursuant to this chapter shall not be made for any property not subject to the assessment

³ National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation," U.S. Department of the Interior, National Park Service (www.cr.nps.gov/nr/publications/).

limitations of Article XIII A of the California Constitution. All property subject to the assessment limitations of Article XIII A of the California Constitution shall be subject to the provisions of this chapter, except as otherwise provided in this article.

As discussed above, the assessment of enforceably restricted historical property is subject to the provisions of article XIII, section 8 of the California Constitution, not article XIII A. Thus, section 75.14 precludes the assessor from enrolling supplemental assessments for enforceably restricted historical property.

Historical property not yet under contract that undergoes a change in ownership or new construction is subject to supplemental assessment, even if the property owner later executes a historical property contract in the same fiscal year. Also, any new construction involving a historical property that does not come under the existing historical property contract (e.g., a detached garage added to a restricted historical property) would be subject to supplemental assessment.

When a Property Contains Both Restricted and Unrestricted Portions

When only a portion of a property that would normally be considered a single appraisal unit is restricted by a historical property contract, the assessed value should be determined by making a comparison of three values, determined as follows. First, the portion under contract should be valued using the capitalization method prescribed by section 439.2. Added to this figure should be the lower of the unrestricted portion's fair market value or factored base year value. The resulting sum should be compared to both the fair market value and the factored base year value of the entire property (i.e., both restricted and unrestricted portions) and the lowest of the three figures should be enrolled.

Valuing Property Under Notice of Nonrenewal

As provided in Government Code section 50282, either the owner of a restricted historical property or the local government entity may serve notice that it does not intend to renew the historical property contract. If such notice is not given, another year is automatically added to the term of the initial contract, thus creating a "rolling" contract term that is always equal to the initial contract term.

Section 439.3 prescribes the valuation method for a restricted historical property in nonrenewal status; this valuation method applies until the end of the restricted period (i.e., until the existing contract expires). In essence, the method results in a restricted value that gradually approaches the historical property's factored base year value as the remaining term under the contract decreases. For a property in nonrenewal status, the assessor must annually value the property as follows:

1. Determine the full cash value (i.e., factored base year value) of the property in accordance with section 110.1. (Alternatively, if the property will not be subject to section 110.1 when the historical property agreement expires, determine its fair market value in accordance with

section 110, as if the property were free of the agreement's restrictions; or, if the property will be subject to another type of restricted value standard when the historical property agreement expires, determine the property's value as if it were subject to the new restrictions.)

2. Determine the restricted value of the property by the capitalization of income method provided in section 439.2.
3. Subtract the restricted value determined in Step 2 from the factored base year (or other) value determined in Step 1.
4. Using the amount for the interest rate component (section 439.2(b)(1)) announced by the Board, discount the amount obtained in Step 3 for the number of years remaining until the termination of the contract.
5. Determine the restricted value of the property in nonrenewal status by adding the value determined in Step 2 to the amount obtained in Step 4.

The historical property's restricted value in nonrenewal status—that is, the value determined above, in accordance with section 439.3—should be compared with the historical property's factor base year and current market values, and the lowest of these three values should be enrolled as the property's taxable value.

Cancellation of Contract

The government entity party to a historical property contract may cancel the contract, after notice and a public hearing, if it determines that either the owner has breached the agreement or the property has deteriorated to the extent that it no longer meets the standards of a historical property. If the contract is cancelled, the property owner must pay a cancellation fee equal to 12½ percent of the property's current fair market value as though free of the contractual restriction, such value to be determined by the county assessor. After a contract is cancelled, the lower of the property's factored base year value or current market value should be enrolled for the ensuing lien date.

SUMMARY

The key points contained in these guidelines can be summarized as follows:

1. An owner of qualified historical property may enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics. Such property receives the special valuation treatment prescribed under Revenue and Taxation Code sections 439 through 439.4.
2. Enforceably restricted historical property is to be annually valued by the income capitalization method prescribed in section 439.2, which contains specific instructions with

regard to the income to be capitalized, the capitalization rate, and the capitalization technique to be used. The restricted value must be compared to the property's current market value and factored base year value, with the lowest of these three values enrolled as the property's taxable value.

3. When assessing restricted historical property, the appraiser should consider how three important elements of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment. The appraiser should consider how a property should be assessed when only a portion of it is subject to a historical property agreement.
4. Restricted historical property under a notice of nonrenewal should be valued in accordance with section 439.3.
5. The government entity party to a historical property contract may cancel the contract. The cancellation fee is 12½ percent of the property's current fair market value as though free of the contractual restriction, with such value to be determined by the local assessor.

Additional information about Mills Act contracts may be obtained from the state Office of Historic Preservation, either by telephone at 916-653-6624, or from their website (www.ohp.parks.ca.gov).

(Note: Please see the assessment examples following.)

EXAMPLE 1 (OWNER-OCCUPIED SINGLE-FAMILY RESIDENCE)**Subject Restricted Historical Property**

Restored, 105-year-old, Victorian single-family residence. Excellent condition. Under Mills Act contract since 1985 and not in nonrenewal status. Owner-occupied.

Determination of Restricted Value (current lien date)

Gross income (Fair rent)		
\$1,500 per month x 12 months =		\$18,000
Less: Anticipated vacancy and collection loss		
\$18,000 x 5%		<u>- 900</u>
Effective gross income		\$17,100
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		\$15,000

Restricted Capitalization Rate**Rate Components:**

Interest rate	.080	
Risk (owner-occupied SFR)	.040	
Property tax (ad valorem)	.015	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	<u>.149</u>

Restricted Value	
\$15,000 ÷ .149	= <u>\$100,671</u>

Taxable Value—Three-Way Value Comparison

Restricted value	\$100,671
Factored base year value (based on prior change in ownership)	\$357,000
Current market value (based on comparable sales)	\$450,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$93,671 (\$100,671 restricted value less the homeowners' exemption of \$7,000).

Note 1: If this property had been a non-owner-occupied SFR, the only difference in the determination of the restricted value would have been the use of a risk rate component of 2% rather than 4% in the capitalization rate.

Note 2: In this and the following examples, the gross income, or fair rent, is presented on a gross rent basis, that is, under the assumption that the landlord-owner pays all operating expenses out of the gross income.

EXAMPLE 2 (OFFICE USE)**Subject Restricted Historical Property**

Multi-tenant, restored historical office building in a downtown commercial district. Under Mills Act contract since 1985 and not in nonrenewal status.

Determination of Restricted Value (current lien date)

Gross Income (Fair rent):

Offices	140,000 sf @ \$1.75/sf = <u>\$245,000</u>	
	x 12 months	= \$2,940,000

Less: Anticipated vacancy and collection loss

\$2,940,000 x 5%	<u>- 147,000</u>
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Effective gross income	\$2,793,000
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Less: Anticipated operating expenses

Management	\$290,000	
Maintenance	95,000	
Insurance	75,000	
Utilities	360,000	
Janitorial	+ 140,000	- 960,000

Net Operating Income	\$1,833,000
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Restricted Capitalization Rate

Rate Components:

Interest component	.08
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Risk	.02
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Property tax (ad valorem)	.011
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Amortization (50-year remaining life; improvements
constitute 75% of total property market value

0.02 x 0.75 = 0.015)	+ .015	<u>.126</u>
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Restricted Value

(\$1,833,000 ÷ .126)	= \$14,547,619
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Taxable Value—Three-Way Value Comparison

Restricted value	\$14,547,619
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Factored base year value (based on prior change in ownership)	\$18,191,077
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Current market value (based on comparable sales)	\$21,000,000
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The lowest of the three possible values is the restricted value. Thus, the taxable value would be \$14,547,619

EXAMPLE 3 (MIXED USE—RESIDENTIAL AND OFFICE)**Subject Restricted Historical Property**

Two-story, restored historical property in a downtown district. Upper level is residential unit occupied by owner. Lower level contains three office spaces subject to short-term rental agreements. The income stream for the upstairs unit must be calculated separately from the downstairs unit because the risk rate is different for the owner-occupied unit.

Determination of Restricted Value

Separate restricted values for the upper-level residence and the lower-level office space must be determined, because the risk components are different for the two types of use. The total restricted value is sum of these two values.

Upper-Level Unit

Gross income (Fair rent) based upon comparable rent data

\$975 per month x 12 months = \$11,700

Less: Anticipated vacancy and collection loss

\$11,700 x 5% - 585

Effective gross income \$11,115

Less: Anticipated operating expenses

Grounds maintenance \$300

Fire insurance 200

Management Fee 180

Water and garbage 120

Building maintenance + 250 - 1,050

Upper-Level Net Operating Income \$10,065

Restricted Capitalization Rate (owner-occupied SFR)

Rate components:

Interest rate .080

Risk .040

Property tax .010

Amortization (50-year remaining life; improvements
constitute 70% of total property market value;

0.02 x 0.70 = 0.014) + .014 .144

Upper-level Restricted Value (\$10,065 ÷ .144) = \$69,895

Lower-Level Offices

Gross income (Fair rent)

1000 sf @ \$1.60/sf = \$1,600 x 12 months \$19,200

Less: Anticipated vacancy and collection loss

\$19,200 x 5% - 960

Effective gross income \$18,240

Less: Anticipated operating expenses		
Grounds maintenance	\$300	
Fire insurance	200	
Management Fee	180	
Water and garbage	120	
Building maintenance	+ 250	- 1,050
Lower-Level Net Operating Income		\$17,190

Restricted Capitalization Rate		
Rate components:		
Interest component	.080	
Risk	.020	
Property tax	.010	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	.124
Lower Level Restricted Value ($\$17,190 \div .124$)		\$138,629
Add: Upper Level Restricted Value		+ \$69,895
Total Restricted Value		\$208,524

Taxable Value—Three-Way Value Comparison

Restricted Value	\$208,524
Factored base year value (based upon prior change in ownership)	\$364,140
Current market value (based upon comparable sales data)	\$400,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$201,524 (\$208,524 less the homeowners' exemption of \$7,000).

EXAMPLE 4 (MIXED VALUATION—PART RESTRICTED AND PART UNRESTRICTED)**Description of Subject Property (Comprises Both Restricted and Unrestricted Portions)**

The subject property is a 10-acre parcel with a farmhouse and barn situated on 2 acres; the remaining 8 acres are farmland. The farmhouse and barn are used as an owner-occupied single-family residence; this portion of the property is restricted under a Mills Act contract. The remaining 8 acres of farmland are unrestricted.

Value of Restricted Portion (current lien date)

Gross income (Fair rent) for farmhouse and barn		
\$2,000 per month x 12 months =		\$24,000
Less: Anticipated vacancy and collection loss		
\$24,000 x 5%		<u>- 1,200</u>
Effective gross income		\$22,800
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		= \$20,700

Restricted Capitalization Rate

Rate components:

Interest component .080

Risk (owner-occupied) .040

Property tax (ad valorem) .010

Amortization (50-year remaining life; improvements

constitute 70% of total property market value

0.02 x 0.70 = 0.014)

+ .014 .144

Restricted Value (\$20,700 ÷ .144) = \$143,750

Taxable Value—Three-Way Comparison

Total Property Restricted Value (sum of restricted value above and lower of FBYV or current market value of unrestricted portion)

Restricted Value (portion under contract)	\$143,750
FBYV (unrestricted portion)	+ <u>\$102,000</u>
Restricted Value (total property)	\$245,750

Factored base year values (based upon a prior change in ownership of the entire property, allocated between restricted and unrestricted portions):

Farmhouse, barn, and 2 acres (restricted portion)	\$204,000
8 acres (unrestricted portion)	+ <u>\$102,000</u>
Total FBYV (total property)	\$306,000

Current market values (based upon comparable sales data):

Farmhouse, barn, and 2 acres (restricted portion)	\$230,000
8 acres (unrestricted portion)	+ <u>\$120,000</u>
Total Current Market Value (total property)	\$350,000

The lowest of the three values is the Restricted Value (total property), \$245,750. Thus, the net taxable value would be \$238,750 (\$245,750 less \$7,000 homeowners' exemption).

EXAMPLE 5 (PROPERTY IN NONRENEWAL STATUS)**Description of Subject Restricted Historical Property**

The same property as in Example 2, except the property owner has served notice of renewal. The Mills Act contract covering the property was originally executed in September 1995, and the owner served notice of nonrenewal in June 2004. Value the property for the 2005 lien date, reflecting its nonrenewal status. Assume that the property's restricted, current market, and factored base year values from Example 2, provided below, also refer to January 1, 2005.

Restricted value	\$14,547,619
Current market value	\$21,000,000
Factored base year value	\$18,191,077

Restricted Value in Nonrenewal Status

Value as if unrestricted (factored base year value)	\$18,191,077
Restricted value	<u>- 14,547,619</u>
Difference	\$ 3,643,458
Present worth of difference	
PW1 @ 6.00 %, 9 years (interest component for lien date 2005)	<u>x .591898</u>
	= \$ 2,156,555
Plus restricted value	<u>+ \$14,547,619</u>
Restricted value in nonrenewal status—lien date January 1, 2005	\$16,704,174

Taxable Value

Since the restricted value in nonrenewal status, \$16,704,174, is less than either the property's current market value or its factored base year value, this is the taxable value.