



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

Board Members Carolyn Bjorklund, Adam
Jeselnick, Gail Lehman, Nate Smith

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

**Regular Meeting
Wednesday, August 5, 2026**

3:00 PM

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/84897327345>

Webinar ID: 848 9732 7345

Passcode: 200263

Dial in: (253) 215-8782

HOW TO OFFER PUBLIC COMMENT

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

CALL TO ORDER AND ROLL CALL - CHAMBERS

PLEDGE OF ALLEGIANCE

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. While stating your name is optional, it helps to identify

speakers in the meeting minutes. Under the Brown Act, public comment for matters on the agenda must relate to that agenda item, and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. Remote or in-person participants who do not comply with the requirements of the Brown Act will be muted.

ANNOUNCEMENTS

CONSENT AGENDA

- 1) Approval of Minutes of January 16, 2026, and July 2, 2026

PUBLIC HEARINGS

- 2) **APPEAL 250598 (Mad Dogs & Englishmen):** Consideration of an Appeal filed by Jennifer Blevins appealing the requirement to construct a public restroom inside a specialty restaurant tenant space and install a Fire Sprinkler system at the subject property located at the southwest Corner of Mission Street and Ocean Avenue (Mad Dogs & Englishmen). APN 010-141-001-00 - ***Continued from July 2, 2026***

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.

CORRESPONDENCE AND SUPPLEMENTAL MATERIALS

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

SPECIAL NOTICES TO PUBLIC

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



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

August 5, 2026
CONSENT AGENDA

TO: Building Code Board of Appeals Members

SUBMITTED BY: Nova Romero, City Clerk

APPROVED BY: Brandon Swanson, Acting City Administrator/Acting Community Planning and Building Director

SUBJECT: Approval of Minutes of January 16, 2026, and July 2, 2026

RECOMMENDATION:

Approve the meeting minutes of January 16 and July 2, 2026.

BACKGROUND / SUMMARY:

N/A

FISCAL IMPACT:

N/A

PRIOR ACTION:

N/A

ATTACHMENTS:

1. January 16, 2026 BCBOA Meeting Minutes
2. July 2, 2026 BCBOA Meeting Minutes

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

MINUTES

Friday, January 16, 2026

TOUR OF INSPECTION

The meeting was called to order at 11:03 a.m.

Roll Call: Chair Adam Jeselnick and Ron Brown were present, establishing a quorum.

The Board conducted a tour of inspection at the following location listed on the agenda:

- A. Southwest corner of Mission Street and Ocean Avenue, the location of Mad Dogs & Englishmen.

CALL TO ORDER AND ROLL CALL - CHAMBERS

The Board reconvened in the Council Chambers at 11:40 a.m.

Roll Call: Chair Jeselnick and Brown were present, establishing a quorum.

PLEDGE OF ALLEGIANCE

Chair Jeselnick led the pledge of allegiance.

PUBLIC APPEARANCES

None

PUBLIC HEARINGS

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

City Clerk Romero provided an overview of the Board's role, authority, limitations, and hearing procedures.

Building Official Jermel Laurie presented the item. He explained that the City issued a Notice of Violation after determining that an unpermitted change of occupancy to a specialty restaurant triggered restroom and fire sprinkler requirements. Staff concluded that the Notice of Violation properly cited the applicable codes, nearby public restrooms did not satisfy the restroom requirement, and the City's locally amended Fire Code required sprinklers within the tenant space. Staff recommended denying the appeal and upholding the Notice of Violation.

Chair Jeselnick opened the public hearing.

PUBLIC COMMENT

Appellant Jennifer Blevins presented her appeal.

Lorena
John Plastini
Sara
Wassim
Jermel Laurie
Justin Cooper

The Appellant, Building Official, Fire Marshal, Community Planning and Building Director, and City Attorney. Chair Jeselnick reiterated that the Building Code Board of Appeals purview is limited to the appeal before them on the requirements of the fire code and building code.

Board Member Brown stated that the appellant appeared to have made a good-faith effort to address the issues but that the applicable code requirements for fire sprinklers were clear. He encouraged the appellant to work with the property owner and City staff to complete the required fire sprinkler installation.

Chair Jeselnick acknowledged the complexity of the applicable building, fire, and accessibility requirements. He expressed concern that additional information and documents had been provided too late for the Board to fully review and stated that he was not prepared to make a final decision on the appeal.

The Board discussed whether the appellant could revise the proposed business operation or pursue other approvals that might affect the applicable code requirements. Staff advised that additional review and permits could be required.

Chair Jeselnick said that one potential option may be to move for a continuance of this appeal hearing to allow the appellant to provide any additional information they need to provide for this case, and or to work with staff to review outside of the appeal process. He said some additional documents were presented late and he didn't have time to review them, and he would like to see more information from the staff.

Chair Jeselnick moved to continue the appeal hearing to a future date uncertain, without prejudice, to allow the appellant to work with City staff, provide additional information, and explore options for bringing the business into compliance with City codes. Board Member Brown seconded the motion, and it was approved 2-0-0-0 by the following roll call vote:

AYES: Board Members Brown and Jeselnick

NOES: None

ABSENT: None

ABSTAIN: None

ADJOURNMENT

The meeting adjourned at 1:08 pm.

APPROVED:

ATTEST:

Adam Jeselnick, Chair
Building Code Board of Appeals

Nova Romero, MMC
Board of Appeals Clerk

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

MINUTES

Thursday, July 2, 2026

TOUR OF INSPECTION

The meeting was called to order at 2:00 p.m.

Roll Call: Board Members Carolyn Bjorklund, Gail Lehman, Nathan Smith, and Chair Adam Jeselnick were present, establishing a quorum.

The Board conducted a tour of inspection at the following location listed on the agenda:

A. Southwest corner of Mission Street and Ocean Avenue, the location of Mad Dogs & Englishmen.

CALL TO ORDER AND ROLL CALL - CHAMBERS

The Board reconvened in the Council Chambers at 2:30 p.m.

Roll Call: Board Members Carolyn Bjorklund, Gail Lehman, Nathan Smith, and Chair Adam Jeselnick were present, establishing a quorum.

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

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

City Attorney Brian Pierik provided an overview of the hearing procedures and explained the Board's role in considering the appeal. He advised that the appellant had requested a continuance and outlined the Board's procedural options. Chair Jeselnick then invited the appellant to present her request.

Speakers:

Jennifer Blevins, Appellant, requested that the hearing be continued to allow the Board and City staff additional time to review technical information she submitted shortly before the meeting and to allow her expert consultants, who were unavailable that day, to participate in the hearing.

Building Official Jermel Laurie recommended that the Board deny the request for a continuance and proceed with the hearing, explaining that staff had reviewed the appellant's recently submitted materials and believed the relevant issues would be addressed during the staff presentation.

Discussion:

The Board discussed the request for a continuance. A majority of the Board supported proceeding with the hearing while preserving the option to continue the matter later if additional expert testimony was determined to be necessary. City Attorney Pierik clarified that, because the Board's membership had changed since the January hearing, the matter would be considered de novo.

Motion by Board Member Smith to deny the request for a continuance and proceed with the hearing, while allowing the appellant to request additional time at the end of the hearing, seconded by Board Member Lehman, and passed 3-1-0-0 by the following roll call vote:

AYES: Board Members Bjorklund, Gail Lehman, Nathan Smith

NOES: Chair Jeselnick

ABSTAIN: None

ABSENT: None

Building Official Jermel Laurie presented the staff report and reviewed the history of the project, including the original permits, subsequent Planning Commission approval of the specialty restaurant use, and the Notice of Violation issued in November 2025. He explained that the current operation represented a change from a mercantile occupancy to a business occupancy, triggering the requirement for an accessible public restroom and a fire sprinkler system under the California Building Code, California Plumbing Code, California Fire Code, the City's locally adopted amendments, and supporting determinations from the International Code Council (ICC) and California State Fire Marshal. Staff recommended denying the appeal and upholding the Notice of Violation.

Fire Marshal Justin Cooper supplemented the staff presentation, explaining that the change in occupancy triggered the City's fire sprinkler requirements and that, based on the increased occupant load and fire hazard, he had denied the appellant's request for an exemption.

PUBLIC COMMENT

Appellant Jennifer Blevins presented her appeal

David Beauchamp, Regional Director of Architecture for FUSE Architects

Wassim El Chaarani

Steve Dallas

Anonymous

Laurie, Building Official

Justin Cooper, Fire Marshall and Division Chief

Jennifer Blevins, Appellant

City Attorney Brian Pierik recommended that the Board determine whether the appellant would be allowed to present additional evidence before deliberating on the merits of the appeal.

Jennifer Blevins confirmed that she wished to present testimony from two expert consultants, who had been unavailable for the hearing, and requested an opportunity for her architect to respond to additional issues raised during the hearing.

During deliberations, the Board discussed whether testimony from the appellant's expert consultants would assist in evaluating the appeal. Board members acknowledged the significant amount of technical information presented and expressed support for continuing the hearing to allow additional expert testimony before reaching a final decision. The Board also discussed scheduling the continued hearing as soon as practicable.

City Attorney Pierik advised the Board that, if additional evidence were permitted, deliberation on the merits of the appeal should be deferred until the continued hearing. He also confirmed that Board Member Gail Lehman had no conflict of interest related to her prior service on the Planning Commission and could continue participating in the proceedings.

Motion by Board Member Smith to continue the public hearing to a future date within approximately 30 days to allow the appellant to present additional documentation and testimony from her expert consultants, either in person or remotely. The motion also required that any additional materials be submitted to the Board and City at least five calendar days before the continued hearing. Motion was seconded by Member Lehman, and passed 4-0-0-0 by the following roll call vote:

AYES: Board Members Bjorklund, Gail Lehman, Nathan Smith, and Chair Jeselnick

NOES: None

ABSTAIN: None

ABSENT: None

ADJOURNMENT

Meeting adjourned at 4:37 p.m.

APPROVED:

ATTEST:

Adam Jeselnick, Chair
Building Code Board of Appeals

Nova Romero, MMC
Board of Appeals Clerk



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

**August 5, 2026
PUBLIC HEARINGS**

TO: Building Code Board of Appeals Members

SUBMITTED BY: Brandon Swanson, Acting City Administrator/Acting Community Planning and Building Director

SUBJECT: **APPEAL 250598 (Mad Dogs & Englishmen):** Consideration of an Appeal filed by Jennifer Blevins appealing the requirement to construct a public restroom inside a specialty restaurant tenant space and install a Fire Sprinkler system at the subject property located at the southwest Corner of Mission Street and Ocean Avenue (Mad Dogs & Englishmen). APN 010-141-001-00 - ***Continued from July 2, 2026***

Application: AP 250598

Applicant: Jennifer Blevins

APN: 010-141-001-000

Owner: Alan Porter

Block & Lot: Block 77, All Lots 1 & 2

Location: SW Corner of Ocean and Mission

Recommendation:

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

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

Summary and Background:

Appeal Hearing Timeline

1. **January 16, 2026:** The Building Code Board of Appeals held the initial appeal hearing. The agenda packet and materials for this meeting are available on the City's meetings page here:
<https://carmelbytheseaca.portal.civicclerk.com/event/831/files/agenda/1024>. After receiving staff's presentation and public testimony, the Board voted 2-0 to continue the appeal hearing to a future date uncertain, without prejudice, to allow the appellant to work with City staff, provide additional information, and explore options for bringing the business into compliance with City codes.
2. **July 2, 2026:** The continued hearing was scheduled and held on July 2, 2026. The agenda packet and materials for this meeting are available on the City's meetings page here:
<https://carmelbytheseaca.portal.civicclerk.com/event/909/files/agenda/1511>. Following a request for a continuance from Ms. Blevins to have her architects present, the Board voted 3-1 to deny the request for a continuance. After city staff and the appellant made presentations, the Board voted 4-0 to continue the public hearing to a future date within approximately 30 days to allow the appellant to present additional documentation and testimony from her expert consultants, either in person or remotely. The motion also required that any additional materials be submitted to the Board and City at least five calendar days before the continued hearing.
3. **August 5, 2026:** The continued hearing from July 2nd is scheduled for August 5th. The correspondence, presentations, and other supplemental materials received from the appellant at the July 2, 2026, hearing are included as **Attachment 11**.

Building Code Board of Appeals January Hearing

On January 16, 2026, the Building Code Board of Appeals received staff's presentation and public testimony. Staff provided the Board with copies of the plans approved on January 12, 2024, and associated with the Mad Dogs and Englishmen Electrical Permit (EP 23-567), and Plumbing Permit (PP 23-567). These plans illustrate that the project area was limited to a 241 square foot (approximately) space of the upper floor (See **Attachment 4**). The appellant also submitted supplemental materials to the Board on January 15 and 16, 2026, and all those documents are included as **Attachment 6**. After their deliberation, the Board continued the hearing to allow staff and the applicant time to explore potential solutions prior to the Board taking final action on the appeal.

On February 10, 2026, staff, Monterey Fire Department, the business operator and property owners met, as directed by the Building Code Board of Appeals. Each point and position was discussed. Ultimately, there was no resolution as the Director of Community Planning and Building, Building Official and Fire Marshal maintained that the required installation of fire sprinklers is necessary for health, life and safety and the property owner and business operator maintained that the installation of fire sprinklers poses a financial hardship and their installation is not required.

New Information

On February 23, 2026, Justin Cooper, Fire Marshal with the Monterey Fire Department, reached out to the Code Development and Analysis division of the State Fire Marshal's office seeking accuracy in his application of the 2025 California Fire Code (CFC), Chapter 1, Section 102.3. Specifically, Fire Marshal Cooper asked that if there is a change in use, from an "M" to a "B" occupancy classification, does the new occupancy require compliance with the current code.

In their response on April 23, 2026, the State Fire Marshal's office found that yes, a change of occupancy shall not occur unless the use or occupancy complies with the CFC and the California Existing Building Code (CEBC). An exception allows the fire code official to approve a change of use that does not comply with CFC or CEBC if the fire code official determines that the proposed or new use of occupancy is less hazardous. See **Attachment 8**.

In this case, Fire Marshal Cooper has maintained that due to the increased use intensity resulting from the change in occupancy, an exception cannot be made. See Fire Marshall letter issuing a denial of the applicant's request for a less-hazardous exemption, included as **Attachment 10**.

Background History

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

On November 20, 2025, Ms. Blevins filed a timely appeal (see **Attachment 5**) of the Notice of Violation and Order to Correct (NOV), stating that procedure, restroom requirement, fire sprinkler requirement and the status of approved Use Permit No. UP 24292 were contentions of the appeal. Further, the appeal requests the Building Code Board of Appeals either rescind the NOV, modify the NOV to reflect only those violations that are supported by specific enforceable code sections or remand the

matter to staff with direction to issue a written code interpretation identifying the exact sections of the adopted code that supports each alleged violation.

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

Staff Analysis:

Appellant's Contentions and Staff Response

The discussion below provides a summary of the appellant's contentions (see **Attachment 5** for the full text) and staff's responses which support the recommendation to deny the appeal.

Contention 1 – Procedural Basis for Appeal

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

Staff Response to Contention 1

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

After the appeal was filed, the Building Official provided a code determination on December 2, 2025. A copy of this letter was previously provided to the Board at the January 16th hearing and is attached (see **Attachment 7**).

Contention 2 – Restroom Requirement

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

Staff Response to Contention 2

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

Contention 3 – Fire Sprinkler Requirement

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

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

Staff Response to Contention 3

CFC Section 102.3 is explicit in its language, stating that “[a] change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of the CFC and CEBC. Further, as locally amended, Section 903.2 requires installation of fire sprinklers for non-Group R occupancies that are over 500 square feet. Mad Dogs and Englishmen meet both of these and therefore sprinklers are required in this case.

Contention 4 – Status of Use Permit No. UP 24292

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

Staff Response to Contention 4

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

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

Other Components:

N/A

Attachments:

1. Draft Resolution (Mad Dogs) – Denying Appeal
2. Notice of Violation (Mad Dogs) - 11-13-2025
3. Chapter 10 Change of Occupancy
4. Plans for PP 23-566 & EP 23-567 (Mad Dogs)
5. Jennifer Blevins Appeal of NOV - filed 11-20-2025
6. Supplemental docs rec'd 1-15-2026 from Blevins
7. Letter Determination of codes for change of use and occupancy - 12-2-2025
8. Code Interpretation Request - Code Application Response 4-23-2026
9. Code determination for change of occupancy - 4-3-2026
10. Fire Marshal Letter dated 6-24-2026
11. 7-2-2026 BCBOA Meeting Correspondence, Presentations, and Supplemental Materials received after agenda posting

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

BUILDING CODE BOARD OF APPEALS RESOLUTION NO. 2026-XX

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

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

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

WHEREAS, on January 16, 2026, the Blevins appeal (AP 250598 Mad Dogs and Englishmen) came on for public hearing before the City of Carmel-by-the-Sea Building Code Board of Appeals. The Board continued the appeal hearing to a date uncertain to allow staff, the property owner and business operator additional time to seek a resolution; and

WHEREAS, On February 10, 2026, staff, Monterey Fire Department, the business operator and property owners met, as directed by the Building Code Board of Appeals. The Director of Community Planning and Building, Building Official and Fire Marshal maintained that the required installation of fire sprinklers is necessary for health, life and safety. The property owner and business operator maintained that the installation of fire sprinklers poses a financial hardship, and their installation is not required. A resolution was not reached, and the project was set for the July 2, 2026 Building Code Board of Appeals meeting; and

WHEREAS, on February 23, 2026, Justin Cooper, Fire Marshal with the Monterey Fire Department reached out to the Code Development and Analysis division of the State Fire Marshal's office seeking accuracy in his application of the 2025 California Fire Code (CFC), Chapter

1, Section 102.3. Specifically, Fire Marshal Cooper asked does a change in use, from an “M” to a “B” occupancy classification, require the new occupancy to comply with the current code; and

WHEREAS, on April 23, 2026, the State Fire Marshal’s office responded to Fire Marshal Cooper and found that yes, a change of occupancy shall not occur unless the use or occupancy complies with the CFC and the California Existing Building Code (CEBC). An exception allows the fire code official to approve a change of use that does not comply with CFC or CEBC if the fire code official determines that the proposed or new use of occupancy is less hazardous. In this case, Fire Marshal Cooper has maintained that due the increased use intensity resulting in the change in occupancy, an exception cannot be made; and

WHEREAS, on July 2, 2026, the Blevins appeal (AP 250598 Mad Dogs and Englishmen) came on for public hearing before the City of Carmel-by-the-Sea Building Code Board of Appeals; and

WHEREAS, having considered all the written and documentary evidence, the administrative record, staff report, oral testimony, and other evidence presented, the City of Carmel-by-the-Sea Building Code Board of Appeals finds the appellant’s contentions have not merit; and

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

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

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

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

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

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

1. Find the denial of the appeal is not subject to environmental review pursuant to CEQA

Guidelines Section 15378.a.3;

- 2. Deny the appeal filed by Jennefer Blevins (AP 250298 Mad Dogs and Englishmen); and
- 3. Uphold the Building Official’s requirement to construct a public restroom within the specialty restaurant tenant space and install a fire sprinkler system at the subject property located at the southwest corner of Mission Street and Ocean Avenue (Mad Dogs and Englishmen).

PASSED AND ADOPTED BY THE BUILDING CODE BOARD OF APPEALS OF THE CITY OF CARMEL-BY-THE-SEA this __ day of __ 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Chair

Nova Romero

Clerk



City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

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

Notice of Violation and Order to Correct

Date: 11/13/2025

Location: SW Corner Mission & Ocean

APN#: 010-141-001

Owner Name: Allen R Porter

Phone: 831-601-1675

Email: plastinico@aol.com

Re: Change of Occupancy without approval

Dear Allen R Porter,

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

The specific violations are:

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

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

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

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

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

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

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

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

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

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

Very truly yours,

Jermel Laurie, CBO - Building Official

Cc:

Anna Ginette, AICP - Community Planning and Building Director

Brian Pierik - City Attorney

2022 CFC

[A] 102.3 Change of Use or Occupancy

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

2022 CEBC

1011.1 General

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

1011.2 Fire Protection Systems

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

1011.2.1 Fire Sprinkler System

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

2022 California Plumbing Code TABLE 422.1

MINIMUM PLUMBING FACILITIES¹

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

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

CMC 15.08.100 Toilet Facilities.

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

CMC 17.14.040 I (c)

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

CHAPTER 10 CHANGE OF OCCUPANCY

SECTION 1011.2.1 2018 Edition IEBC INTERPRETATION 37-21 Issued: 6-2-2022 EB_18_37_21

1011.2.1 Fire sprinkler system.

Where a change in occupancy classification occurs or where there is a *change of occupancy* within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *International Building Code* that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the *International Building Code*, such system shall be provided throughout the area where the *change of occupancy* occurs.

REFERENCED SECTIONS:

SECTION 202 GENERAL DEFINITIONS

CHANGE OF OCCUPANCY. A change in the use of a building or a portion of a building that results in any of the following:

1. A change of occupancy classification.
2. A change from one group to another group within an occupancy classification.
3. Any change in use within a group for which there is a change in application of the requirements of this code.

SECTION 1001 GENERAL

1001.2.2 Change of occupancy classification or group.

Where the occupancy classification of a building changes, the provisions of Sections 1002 through 1011 shall apply. This includes a change of occupancy classification and a change to another group within an occupancy classification.

SECTION 1004 FIRE PROTECTION

1004.1 General.

Fire protection requirements of Section 1011 shall apply where a building or portions thereof undergo a *change of occupancy* classification or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the *International Building Code*.

• • • • •

Q: Does Section 1011.2.1 require an existing nonsprinklered building undergoing a change of occupancy from Group R-1 to Group R-2 to be provided with an automatic sprinkler system?

A: Yes.

As indicated in Section 202, a change of occupancy includes three potential conditions: a change of occupancy classification, such as Group B to Group A-2; a change from one group to another group within an occupancy classification, such as Group R-1 to R-2; or any change in use within a group for which there is a change in application of the requirements of the code, such as a change in sprinkler system thresholds.

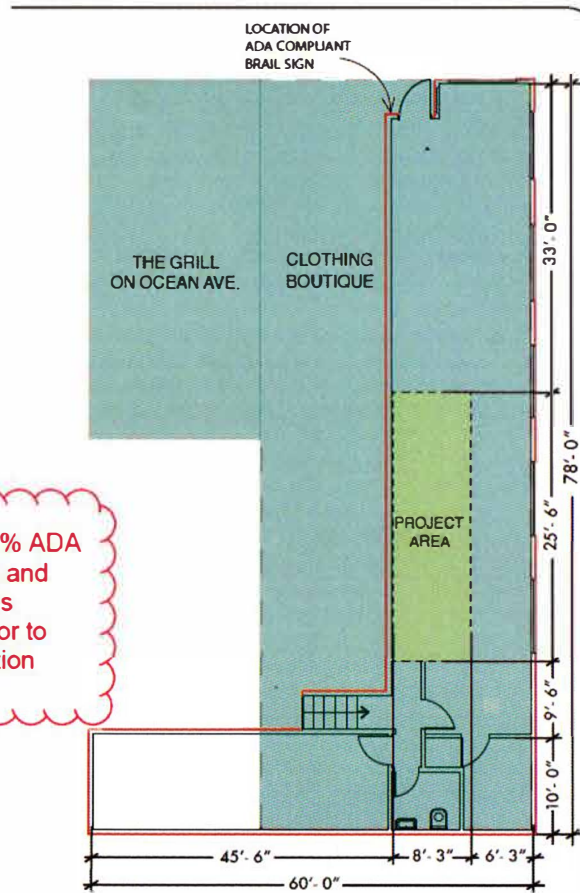
INTERNATIONAL EXISTING BUILDING CODE

In general, Section 1001.2.2 requires every change of occupancy to comply with Chapter 10 when there is a change of occupancy classification or a change to another group within an occupancy classification. While Section 1004.1 is specific to the application of the fire protection requirements of Section 1011 in that Section 1011 is only applicable to a change of occupancy classification or where there is a change in the fire protection system threshold requirements in Chapter 9 of the International Building Code (IBC), a change of occupancy classification is intended to include a change in use within an occupancy group.

Therefore, even though Group R-1 and R-2 occupancies have the same sprinkler threshold requirements in Chapter 9 of the IBC, the provisions of Section 1011.2.1 would apply to a change of occupancy from one group to another group within the same occupancy classification. Consequently, a sprinkler system is required by Section 1011.2.1 for an existing building undergoing a change of occupancy from Group R-1 to R-2 or from Group R-2 to Group R-1.

OCEAN AVE

MISSION ST



Itemized 20% ADA upgrade list and installation is required prior to final inspection

SCALE: 1/16" = 1'-0" (1:196)

REVIEWED FOR CODE COMPLIANCE

ALL CHANGES TO PLANS SHALL BE REVIEWED AND APPROVED BEFORE WORK COMMENCES

REVIEWED FOR CODE COMPLIANCE

JOB COPY
Date: 1/12/24 Permit # 23-566 & 23-567
Issued By: *Julius Plumbing*

**MAD DOGS & ENGLISHMEN
CARMEL, CA.**

PROJECT DATA

Address: SW Corner of Ocean Ave. & Mission St. Carmel, CA

Parcel Number: 010-141-001, Block 77, Lot 1&2

Owners Name: A.R. Porter

Contact Name: Jennifer Blevins

Contact Phone: (813) 546-7361

Contact Email: jennblevins@me.com

Zoning District: Commercial

Upstairs Area: 1425 sq ft

Downstairs Area: 2500 sq ft

Total Area: 3925 sq ft

Project Area: 210 sq ft (Coffee Bar)

Flood Zone: No

High Fire Severity: No

SCOPE OF WORK

Existing retail cabinets to be replaced with cabinets for portable coffee bar equipment, extending existing Orange Julius plumbing and electrical as needed.

UPSTAIRS AREA

DOWNSTAIRS AREA

PROJECT AREA

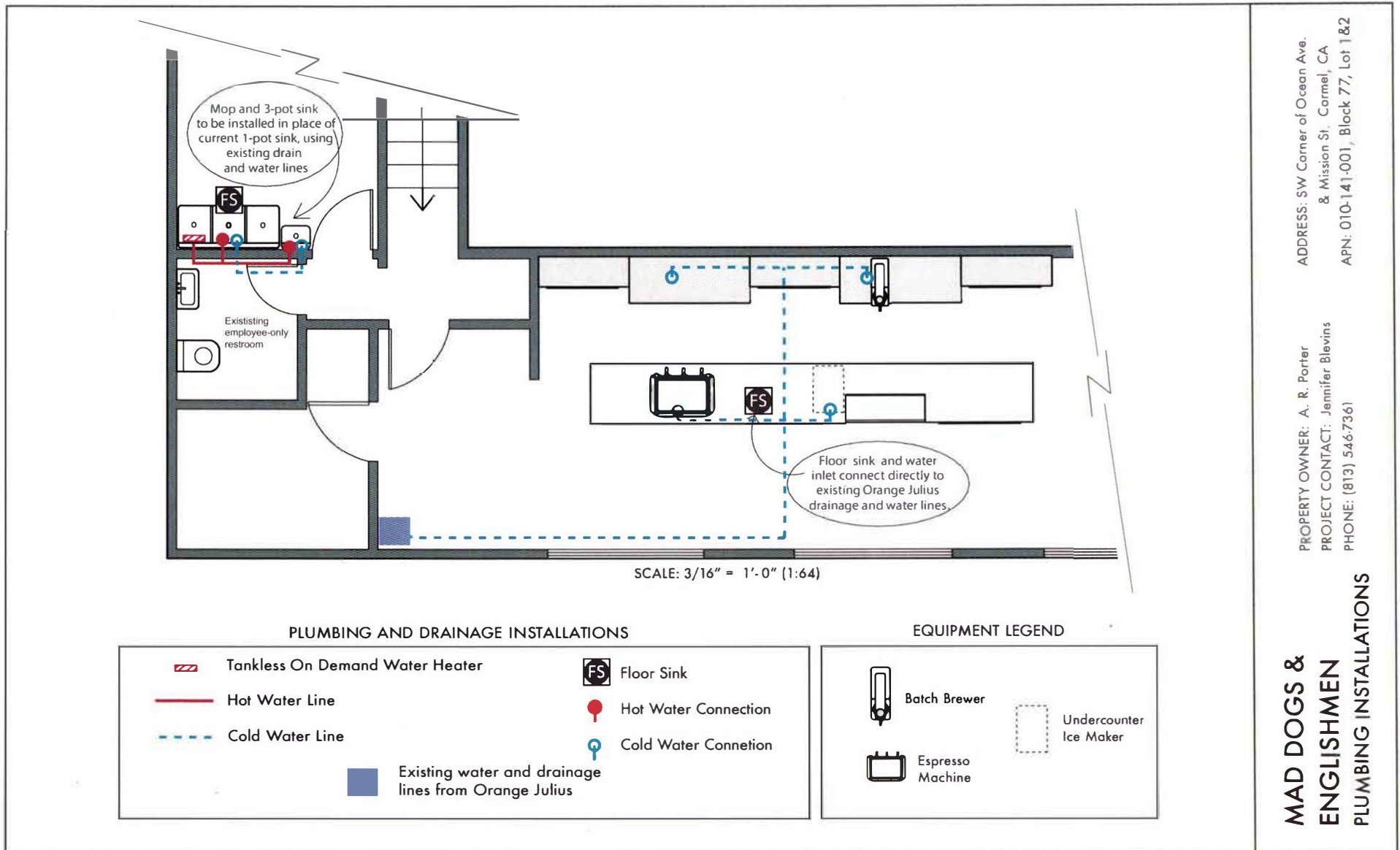
**MAD DOGS &
ENGLISHMEN
SITE PLAN**

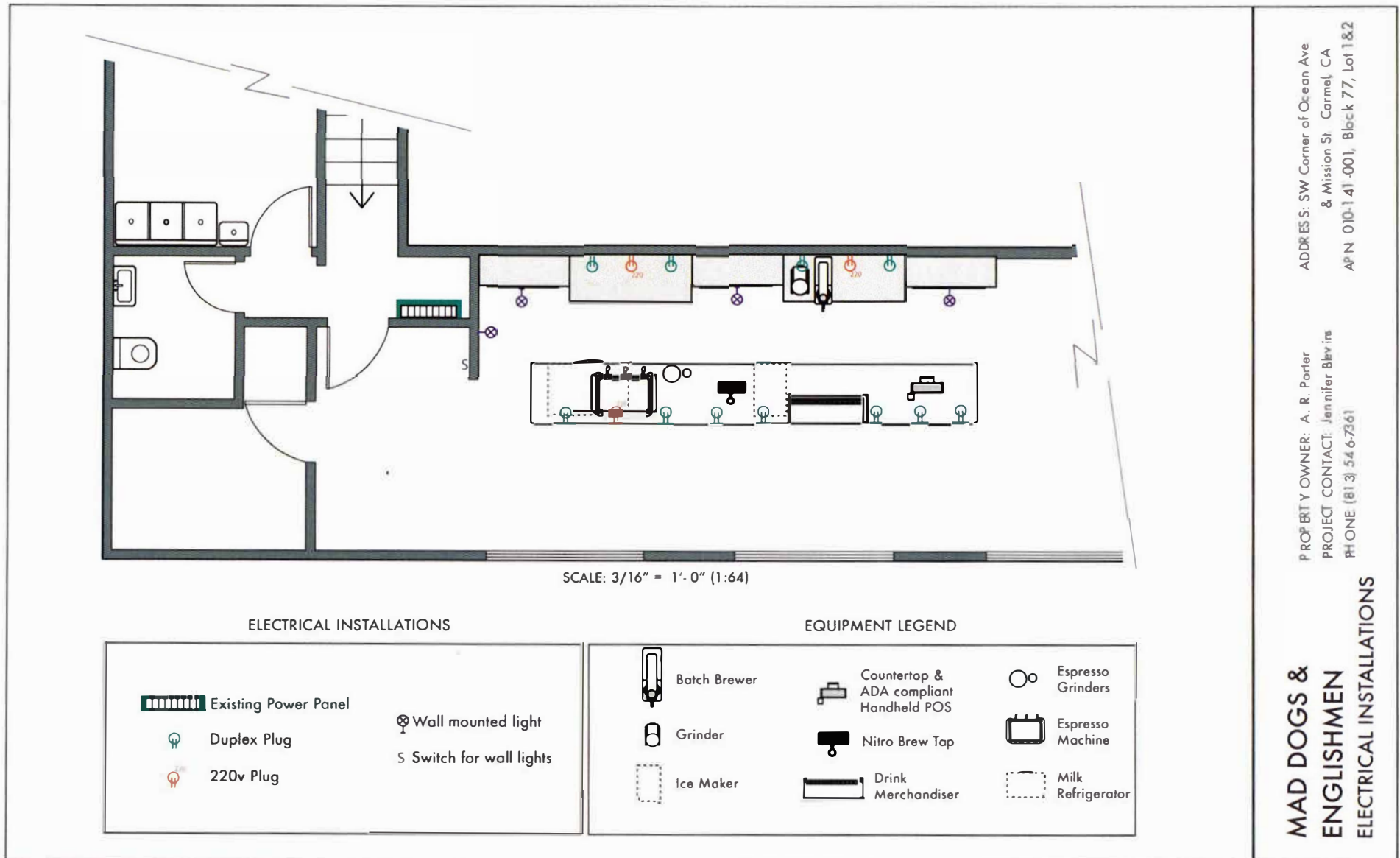
PROPERTY OWNER: A. R. Porter
PROJECT CONTACT: Jennifer Blevins
PHONE: (813) 546-7361

ADDRESS: SW Corner of Ocean Ave. & Mission St. Carmel, CA
APN: 010-141-001, Block 77, Lot 1&2

ATTACHMENT 4

pp. 23-566
EP. 23-567





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



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

Dear Chief Building Official Laurie:

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

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

I. Procedural Basis for Appeal

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

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

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

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

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

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

This appeal fully preserves all procedural and substantive rights.

II. Basis for Appeal — Restroom Requirement

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

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

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

The Devendorf Park public restrooms are:

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

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

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

III. Basis for Appeal — Fire Sprinkler Requirement

The NOV references:

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

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

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

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

The tenant space is:

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

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

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

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

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

IV. CUP Status

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

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

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

Therefore:

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

V. Request for Relief

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

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

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

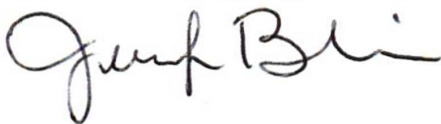
VI. Attachments

NOV and Code Compliance Memorandum

Conclusion

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

Respectfully submitted,



Jennifer Blevins

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



City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

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

Notice of Violation and Order to Correct

Date: 11/13/2025

Location: SW Corner Mission & Ocean

APN#: 010-141-001

Owner Name: Allen R Porter

Phone: 831-601-1675

Email: plastinico@aol.com

Re: Change of Occupancy without approval

Dear Allen R Porter,

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

The specific violations are:

1. Carmel Municipal Code Section 15.04.070 - Permit Required
2. Carmel Municipal Code Section 15.04.250 - Violation of the Building Code – Penalty
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and occupancy. The change triggered multiple requirements from the California Building Codes and CMC. The accompanying document identifies the applicable code sections and requirements.

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

- Revert the space back to the previously approved use as a mercantile occupancy.
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- Comply with conditions of approval for UP 24-292 and resolution 2024-094-PC;
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Very truly yours,

Jermel Laurie, CBO - Building Official

Cc:

Anna Ginette, AICP - Community Planning and Building Director

Brian Pierik - City Attorney

CODE COMPLIANCE MEMORANDUM

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

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

Date: November 11, 2025

To:

Alan Porter, Property Owner

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

Cc:

John Plastini

Kelley Sedoryk, Building Manager

RE: Technical Analysis of Notice of Violation & Applicable Codes

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

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

I. PURPOSE OF THIS MEMORANDUM

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

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

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

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

II. SUMMARY CONCLUSION (Plain Language)

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

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

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

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

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

None of these apply.

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

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

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

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

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

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

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

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

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

What the code actually says:

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

What it does *not* say:

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

Correct application:

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

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

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

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

Conclusion:

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

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

What CEBC 1011 requires:

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

Key point:

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

In this case:

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

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

Conclusion:

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

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

What Table 422.1 actually regulates:

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

What it does not regulate:

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

Relevance to this tenant space:

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

4. CPC §422.2 – Separate Facilities & Shared Toilets

This section is critically important.

The code states:

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

Key legal points:

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

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

Conclusion:

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

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

These sections primarily reference:

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

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

IV. OCCUPANT LOAD CALCULATION (<50)

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

The tenant space has been measured as follows:

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

Calculated occupant load:

$700 \div 15 \approx 46.6 \rightarrow \text{Rounded: 46 persons}$

Conclusion:

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

V. CONDITIONAL USE PERMIT TIMING (Not Expired)

The CUP states that:

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

Since:

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

The CUP is **valid**.

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

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

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

No response has been issued.

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

VII. APPEAL PROCESS & FEE

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

- A new restroom is required

- A sprinkler system is required

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

Thus:

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

VIII. SUMMARY FOR THE PROPERTY OWNER

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

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

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

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

3. The CUP remains valid and has not expired.

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

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

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

IX. RECOMMENDATION

Based on the technical analysis above:

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



**Carmel-
by-the-Sea**

Nova Romero <nromero@ci.carmel.ca.us>

Agenda Packet for 1-16-2026 Building Code Board of Appeals Meeting

Jennifer Blevins <jennblevins@icloud.com>
To: Nova Romero <nromero@ci.carmel.ca.us>
Cc: martin@maddogsandenglishmen.com

Thu, Jan 15, 2026 at 4:07 PM

Hi Nova,

I just left you a detailed voice mail. Please distribute these documents to the board before tomorrow's meeting. Hopefully you can get them emailed out before you go home today so that they have time to review them this evening. I have more documents coming in a second email (exhibit 4), but I may not get these to you until this evening or early tomorrow morning.

Jennifer

[Quoted text hidden]

[Quoted text hidden]

<1-16-2026 Building Code Board - Agenda Packet.pdf>

8 attachments



Emails Consolidated Final.pdf
16390K



Exhibit 3- consolidated email index.pdf
81K



Exhibit 2- fire sprinkler and restroom survey.pdf
105K



Exhibit 1B- Timeline Overview.pages
273K



Exhibit 1A- Summary of Exhibit 1.pages
265K



Exhibit 1- Narrative Chronology.pdf
114K



Exhibit 0- Board Handout.pdf
79K



Exhibit Index for packet.pdf
49K

EXHIBIT INDEX

Appeal Packet Submitted By: Jennifer Blevins

Business: Mad Dogs & Englishmen Coffee Bar / Velo Carmel

Hearing: January 16, 2026 (1:00 PM)

Matter: Appeal of NOV / Code Enforcement Determination (Sprinklers + Restroom)

EXHIBIT 0 — BOARD HANDOUT (1 PAGE)

Exhibit 0 — 1-Page Board Handout (60-second digest)

EXHIBIT 1 — NARRATIVE CHRONOLOGY

Exhibit 1 — Narrative Chronology (“Full story / receipts”)

EXHIBIT 1A — SUMMARY

Exhibit 1A — Summary of Exhibit 1 (1–2 pages)

EXHIBIT 1B — TIMELINE TABLE

Exhibit 1B — Timeline Table (dates + events, Board-friendly)

EXHIBIT 2 — DOWNTOWN BASELINE SURVEY (SPRINKLERS + RESTROOMS)

Exhibit 2 — Fire Sprinkler + Restroom Survey — Downtown Carmel Food Establishments

- **Exhibit 2(1)** — Downtown-only sprinkler checklist (excluding Carmel Plaza)
- **Exhibit 2(2)** — Survey results: with/without Carmel Plaza
- **Exhibit 2(3)** — “Units above” examples (confirmed)
- **Exhibit 2(4)** — Restroom access practices (coffee/counter-service)
- **Exhibit 2(5)** — Why this survey matters to the appeal

EXHIBIT 3 — CONSOLIDATED EMAIL RECORD (ONE PDF)

Exhibit 3 — Consolidated Email Record (Chronological) (Planning/Building/Fire/Health/Water)
— “Emails Consolidated Final.pdf”

APPEAL 250598 — MAD DOGS & ENGLISHMEN
Building Code Board of Appeals — January 16, 2026

Appellant: Jennifer Blevins

Business: Mad Dogs & Englishmen (Retail + Coffee Bar)

Location: SW corner of Ocean Ave & Mission St, Carmel-by-the-Sea

WHAT THIS APPEAL IS ABOUT

This appeal challenges the City's NOV requiring:

1. A customer restroom inside my tenant space, and
2. Fire sprinklers throughout the entire building.

These requirements were raised *after the fact*, after major investment, approvals, and months of written requests for guidance that were not answered.

WHAT I AM ASKING THE BOARD TO DO

Please choose one of the following outcomes:

- ☒ A) **GRANT THE APPEAL** (reverse the NOV), or
- ☒ B) **MODIFY THE NOV** (narrow any requirements to lawful triggers + lawful scope), or
- ☒ C) **REMAND** for a complete written, fact-specific code determination identifying:
 - the **occupancy classification**,
 - whether a **change of occupancy occurred**,
 - the **exact adopted code trigger(s)** for sprinklers/restroom, and
 - the **lawful scope** of any required work.

KEY FACTS (IN PLAIN LANGUAGE)

1) The City directed me into the Ancillary Use path (in writing).

I pursued the coffee bar only after the Water Division reinstated credits and Planning staff confirmed I could apply as an ancillary use to my existing sporting goods business license.

2) The City later forced me to convert from Ancillary → CUP after buildout.

On 8/26/24, I was told: “Jennifer, we have a problem.”

On 9/18/24, I was directed to apply for a CUP — and **Building was copied**.

3) The City’s own public December 11 staff report said I was “currently approved” for ancillary coffee.

The City wrote that my 1,425 sf corner tenant space was “currently approved to operate as a sporting goods store with ancillary coffee sales,” but later suggested the ancillary approval was never finalized. Those positions conflict.

4) Fire sprinklers were NOT raised until October 2025.

Even though Building was copied early (9/18/24), sprinklers were not raised until 10/3/25, after months of operation and investment.

5) I asked in writing for clarification—multiple times—and got no response.

On 10/22/25, I asked for clarification on occupancy classification and ADA/CASp documentation.

On 11/5/25, I followed up.

On 11/14/25, I requested a formal written code determination and provided technical background.

6) The NOV demands sprinklers “throughout the building,” which is not within a tenant’s control.

This is a multi-tenant building. A blanket building-wide mandate is a de facto closure order.

7) Selective enforcement / district reality

I surveyed downtown Carmel: the majority of food establishments operate **without sprinklers**. Coffee bars are among the only true walk-up counter-service uses downtown, and they become the default restroom stop for surrounding businesses. Public ADA restrooms exist nearby and are part of how downtown Carmel functions.

REQUESTED RESULT

Grant, modify, or remand — because the current NOV is not a fair, fact-specific determination and imposes building-wide requirements beyond the tenant’s control without clear written code analysis.

Narrative
Chronology
Exh. 1

Appeal 250598 — Mad Dogs & Englishmen

Building Code Board of Appeals Hearing: January 16, 2026

Appellant: Jennifer Blevins

Business: Mad Dogs & Englishmen (Retail + Coffee Bar)

Location: Ocean Avenue & Mission Street, Carmel-by-the-Sea

Purpose

This Narrative Chronology is submitted to provide the Board with a clear, detailed timeline of events and written communications related to the approvals, inspections, and enforcement actions that led to the Notice of Violation (“NOV”) and this appeal. I have extensive documentation supporting these events, including emails between myself and City Planning, City Building, the Water Division, Monterey County Environmental Health, and the Fire Department.

1) Longstanding Carmel Business + Prior CUP Experience

I have owned and operated my business in Carmel-by-the-Sea for over eight (8) years. When I opened the bike shop in 2018, I was required to obtain a Conditional Use Permit (“CUP”) for bike rentals and tours. That original CUP process was not handled correctly and ultimately required an appeal to City Council involving the Mayor and the City Attorney. The CUP was unanimously approved, and I was effectively told an apology was due for how the process had unfolded.

My business has built a strong reputation in Carmel and has been awarded numerous local and national recognitions. In 2025, we were awarded **Carmel Business of the Year** by the Carmel Chamber, and our coffee bar was also recognized nationally as **#45 of the Top 100 Coffee Shops in the United States by Yelp (2025)**. In prior years we have won Best Bike Shop in Carmel and Monterey County, Best Small Tourism Business for Carmel, been featured in numerous national and international publications including the NY Times, been featured on several national TV shows including CBS Mornings with Gayle King, been featured in travel books and magazines, and also chosen to be the featured “Small Business” for promoting American Express Shop Small during the US Open (which included a nationally aired commercial). These recognitions reflect not only popularity, but consistent quality, professionalism, and the fact that we operate responsibly and take compliance seriously. We have grown a loyal following on social media and average 2-5 million views each month.

My spouse Martin and I work seven days a week in our business and are hands-on operators. This business is our livelihood.

2) Business Expansion + Severe Industry Decline + Need to Pivot

In March 2018, we opened our first bike shop in Carmel. In 2019, we expanded and opened a second location in Mill Valley, California. In 2021, we opened three additional locations: one at the Monterey Plaza Hotel, one in Montecito, California, and we expanded our Carmel location to take over the second floor in approximately June 2021.

We paid approximately \$50,000 in key money to take over the upstairs space. The rent for both floors in Carmel is extremely high, and the business requires substantial revenue to remain viable.

After COVID, the bike industry experienced a major decline. At the end of 2023, the business nearly had to close its doors and we lost approximately half a million dollars due to excessive surplus inventory being devalued below our cost by the manufacturers (outside our control) as well as high interest loans that had been taken out to cover payroll and operating cost while we tried to sell through all of this inventory at continued losses. In November 2023, we chose to close our Mill Valley location at the end of our lease, and in February 2025 we made the same decision for our Montecito location. Even with those closures, we still lost money in 2024. At that point, we knew we had to pivot and change the business model in order to survive in Carmel, our flagship location.

A coffee bar became a practical survival strategy. Only about 1 in 10 adults ride bikes, but most people drink coffee and tea. Around the world, bike shops frequently include coffee bars and complementary food/drink service as part of sustainable retail. Even high-end brands like Ralph Lauren began adding coffee bars in premium retail settings years ago. This pivot was necessary for survival. I did not want to give up my prime retail space on Ocean Ave, and yet I needed to keep my original space down below which was ideal for our day to day bike shop operations.

3) Early Coffee Bar Inquiry + Water Credit Barrier (2021)

On July 6, 2021 (one month after opening the upstairs space), I emailed City staff (including Evan, Brandon, and Marnie) to ask about the process and possibility of adding a gourmet coffee/espresso bar to our upstairs retail space facing Ocean Avenue. I was advised to check with the Water Division regarding water credits. After checking, I was effectively told it would not be possible, so I dropped the idea. At this stage the bike industry was booming and profits were very high, we had just expanded, so this was more of a desire relative to what I envisioned for the additional space long term.

4) Water Credits Reinstated Based on Historic Use Documentation (2023)

In 2023, I revisited the coffee bar concept because we needed a new revenue stream to survive.

That same year, my spouse and I volunteered to help with **Carmel's first Earth Day event**, and it was during that community volunteer work that I met Kyle, a director with the Water Division.

In conversation, I explained that I believed it was unfair that we could not add a coffee bar when the space historically operated as an Orange Julius. I questioned how water credits could be removed from a building when the water use existed historically. Kyle indicated that if I could prove the water was being used around 1985, the credits could potentially be reinstated.

I followed up with Kyle for months. We checked City records but could not determine when Orange Julius moved out. We found Orange Julius moved in around 1970. I then went to the Carmel Library and reviewed Carmel Pinecone archives on microfiche and found an article stating Orange Julius closed in 1985. I sent this to Kyle and copied Brandon in the Planning Department.

Kyle confirmed the documentation would suffice and the credits would be reinstated. I thanked Kyle and copied Brandon, explaining how worried I was about being able to afford keeping the upstairs space long-term and that this **new revenue stream** would help us tremendously.

Brandon replied positively and told me to submit an application to add an **ancillary use** to the bike shop, copying Sullivan so he could walk me through submitting and paying for the application online. I have this in emails dated 6/30/23.

5) The City Confirmed Ancillary Permit Was the Correct Path

On September 6, 2023, I emailed Brandon, copied Sullivan and Evan, and explained I was confused because Evan and Sullivan were giving me different directions on whether I should apply under ancillary or conditional. I even asked whether the approval process might be faster or easier with no seating and whether that affected which permit to pursue.

That same day, Sullivan emailed and confirmed staff had discussed my proposal to use approximately 10% of my existing retail space to add the coffee bar and concluded I was **not required to submit for a use permit**, but that I must apply for an ancillary use and a new business license. The application fee was \$328. Sullivan referenced a similar local project approved under similar conditions, suggesting precedent.

Based on this written guidance from the City, I proceeded exactly as directed.

6) Ancillary Use Permit Issued (9/22/23) + Construction Completed Openly and to Scale

I received my ancillary use permit on 9/22/23. It contained special conditions, some of which I misunderstood and one of which was essentially impossible to comply with. I used respected licensed Carmel contractors including Cate Electric and Ramirez Plumbing. I acted as my own contractor. Caroline from Dieseldorff Coffee in Guatemala assisted me with drawings and

measurements and paperwork (she is a part time architect as well as the COO for the family business), although she does not know California codes and we had to learn as we went.

My mechanic and long-time employee Robbie helped build cabinets. I did staining and painting. I hired Carmel Stone to install high end marble countertops. This buildout occurred between February 2024 and August 2024, with the shop closed during construction.

This work was all done in a prime Ocean Avenue location with extensive glass frontage. The construction and progress were visible from the exterior of the building at all times. Everything was built and installed to scale based on the plans and measurements submitted to the City.

Duane with the City came by regularly and helped me with ADA-related items. He would stop in partly because the City purchased e-bikes from our shop and he would come in for maintenance and would also observe progress.

7) Final Inspection Day (8/26/24): “Jennifer, We Have a Problem.”

On August 26, 2024, Duane came for the final inspection of electrical, plumbing, and ADA items. Duane told me he could sign off on those items, but Brandon would have to come sign off on the ancillary use permit. Duane called Brandon and Brandon came over.

That is when Brandon looked at me and said: “Jennifer, we have a problem.”

I was shocked. Brandon stated “this is substantial” and said it looked like a coffee bar. I said yes, it is a coffee bar — the permit was specifically to add a coffee bar. Brandon made comments suggesting he thought it would only be for “customers,” and I said anyone who walks in is a customer. He then suggested he thought the front door on Ocean Avenue would remain closed and everyone would come through the downstairs bike shop entrance — something that made no sense given our longstanding operation. Even Duane looked surprised, and Duane told him we had always used the main entrance to the building for years.

Brandon also stated we could not sell pastries. I believed “no food” meant no cooking and no kitchen. Brandon stated we could not advertise the coffee bar, including posting on social media, and made remarks referencing how strong our Instagram presence is.

This was confusing and heartbreaking. It did not make sense given the permit title and the plans submitted. I had built everything as drawn. I believe the coffee bar ‘looked’ substantial to Brandon because it takes up more than 10 percent of the space **upstairs**. The city had allowed me to use the combined square footage for both floors when doing the calculations, as can be seen in my original application.

I also want to note here that at this stage I had already obtained approval from the Water Division (including permits) and approval from Monterey County Environmental Health. The County approved the project and told me our submission was one of the best and most detailed proposals

they had received, and our County inspection was approved on the first inspection. They also appreciated that I had reached out to check with them every time we ran into a construction challenge that needed clarification.

8) Brandon's 9/18/24 Email Forces CUP — Building Department Copied — Public Record Confirms “Currently Approved” Ancillary Coffee

After that inspection, Brandon emailed me (8/26) and provided a copy of our permit and application and highlighted the conditions he said were violated. He basically said he needed time to think on this and review with staff before coming to a conclusion.

On 9/13, I emailed Brandon asking for an update on how to resolve his concerns.

On 9/18/24, Brandon replied with a long email stating that I was in violation of the ancillary condition that the use could not take on the appearance of or function as a coffee shop. He stated I would need to pay approximately \$3,000 and apply for a CUP. In that email, he also included excerpts from Carmel code describing the CUP requirements and included restroom-related discussion, but there was **no mention of sprinklers**.

This is critically important: Jermel was copied on Brandon's 9/18/24 email, meaning the Building Department was looped in at that stage when the City was directing me toward a CUP — yet there was still no warning or determination that sprinklers would be required “throughout the building.”

I responded on 9/27 with questions, and stated that I believed we met all the requirements Brandon outlined except the bathroom. I explained my belief that nearby restroom facilities should be acceptable (consistent with our Health Department permit), and I asked Brandon for clarification. He did not answer my restroom questions.

I paid the fees and submitted the CUP application on 10/1.

Importantly, the City's own **public agenda packet for the Planning Commission meeting held on December 11** (the meeting when my CUP was approved) included a written staff narrative stating the following (in substance):

- The tenant space is the corner space fronting Ocean Avenue at the southwest corner of Ocean and Mission.
- The space is approximately **1,425 square feet** and was “currently approved to operate as a sporting goods store with ancillary food and beverage sales (coffee sales, specifically).”
- The existing business license approval allowed for ancillary coffee sales and included special conditions limiting the food/beverage use to an ancillary use, including:

- The ancillary use must not exceed **10%** of the total retail floor area of the primary use (including minimal seating within that percentage),
 - The ancillary use shall not be called out on signage and shall not be advertised in any fashion or as a stand-alone business,
 - The ancillary use shall function as an amenity for patrons/customers of the primary use only and shall not take on the appearance of or function as a coffee shop, bakery, or café,
 - No food sales are allowed without approval of a CUP.
- The City then stated that due to popularity, the ancillary use struggled to remain within the scope of the business license approval and functioned primarily more as a coffee shop than a retail store with coffee as an amenity.
 - Staff stated I was directed to either scale back to the ancillary limits or apply for a use permit for food and beverage sales to become the primary use, and that I elected to pursue the CUP.

This public document matters because it confirms that the issue at that stage was framed by the City as a scope/enforcement issue under ancillary limitations and that the City directed me to the CUP process as the solution. Yet at that time, the City still did not provide a written determination that this would trigger a requirement for sprinklers throughout the entire building.

Even more importantly, the City has since suggested that the ancillary use permit was never signed off on or approved. That creates a major contradiction: the public staff narrative described the space as “currently approved” for ancillary coffee under the sporting goods business license conditions, yet the City later shifts to implying that the ancillary approval was never finalized. This inconsistency materially affects reliance, fairness, and the credibility of the enforcement timeline.

“If the City’s staff report is correct and the ancillary approval was in effect, then that approval (and the associated conditions) should have remained the controlling framework at the time I operated and invested in the buildout. If, instead, the City’s current position is that the ancillary permit was never approved or finalized, then the City must explain how and why my operations were allowed to proceed for months with multiple City interactions, permitted improvements, inspections, and ongoing visibility from the street—while simultaneously treating the use as ‘approved’ when citing restrictions, but ‘not approved’ when imposing new and far more severe requirements.”

“This inconsistency matters because it shows I acted in good faith based on written City guidance and documented City statements, and I should not be penalized by retroactive enforcement based on shifting interpretations after the fact.”

9) CUP Application Marked “Incomplete” + Restroom Language Required to Proceed

On 11/19/24, Evan emailed me stating my CUP application was incomplete. The corrections required were primarily narrative responses, and Evan provided a detailed list of what needed to be revised or added. He also provided examples of similar applications that had been submitted by other businesses, which was intended to help with formatting and content.

As I worked through these corrections, I saw that the City expected my application to include language stating that there would be a restroom in the building for customers. I knew this could be a serious issue because I had previously raised questions about restroom compliance and the common Carmel practice of directing customers to nearby public restroom facilities.

I called Evan to discuss and then followed up in writing. On 11/22/24, I emailed Evan specifically requesting clarification on the restroom issue. Evan advised that if I did not include restroom language in my proposal, my application would not be approved or scheduled with the Planning Department. This was time sensitive since I had been reminded that I was now operating my business in violation of the conditions of the permit.

Based on this guidance, I made a good-faith effort to proceed so I would not lose my ability to legalize the operation and protect my business. I included language stating that we had an ADA-compliant employee restroom that would be available for customers, and I also noted that we would direct customers to the public restrooms across the street.

10) CUP Approved (12/11/24) — But Finalization Stalled by Owner Signature and Restroom Issue

My CUP was unanimously approved on the consent agenda on 12/11/24.

On 1/8/25, Evan emailed me to remind me of the approval and outline the next steps, including obtaining a new business license and certificate of occupancy.

I forwarded Evan’s email to my landlord/property representatives **John Plastini** on 1/16/25. Around this same time, I was told that the building owner/landlord would not sign off on the new business license application and CUP sign-off paperwork until the restroom situation was resolved.

I completed the business license application and provided it to John and Kellie (property managers) along with the check for the business license fees, so the building owner could sign as required and I could submit it after the CUP was approved. They still have this application and check and I was advised the owner would not sign until the restroom situation was resolved. As a result, I could not move forward with final submission of the new business license, through no fault of my own.

On **1/9/25**, I responded to Evan and copied Brandon and Bo Grunde. I explained that we had tried for approximately two weeks shortly after CUP approval (around Christmas) to allow customers to use the restroom in our space, but it did not work. I explained the issues with the landlord and the neighboring tenant, including the way the building's restroom use was being controlled.

In that email, I asked the Planning Department for guidance and options to resolve the restroom issue. I referenced that **Monterey County Environmental Health and the Water Division did not require a restroom inside our shop for customers**, and I raised the fact that multiple coffee bars in Carmel do not have restrooms and direct customers to nearby City public restroom facilities.

I received no response from Evan, Brandon, or Bo.

I also want to note that by this time, I had already made substantial additional investment based on the CUP approval, including moving forward with purchasing and installing seating in the upstairs space.

11) Planning Department Non-Response Continued — Attempted Outreach to New Planning Director

After I received no guidance and no response to my written requests, I waited until the City announced Brandon's replacement because I was told Brandon had been promoted and was being replaced. The new Planning Director was Anna.

I reached out to Anna in June or July 2025 (voicemail). I did not hear back. I followed up again in August, and we agreed to meet at the shop on **8/29/25**.

On **9/19/25**, I emailed Anna asking for an update on our meeting and guidance on how to resolve the restroom and business license obstacles that had now been lingering for months.

Anna asked to schedule a second meeting, which occurred on **10/3/25**, and she brought Duane and Jermel (this was my first time meeting Jermel in person).

12) Sprinklers Raised for the First Time (Fall 2025)

At the **10/3/25** meeting, Jermel raised the issue of missing fire sprinklers. This was the first time sprinklers had ever been raised as a requirement during the life of this project.

This was extremely alarming and disheartening because:

- sprinklers were not raised during the ancillary permit process,

- not raised during months of open construction visible from the street,
- not raised during final inspections in August 2024,
- not raised when Brandon required me to re-apply for a CUP (even though Building was copied),
- and not raised when the CUP was approved by the Planning Commission.

Yet now, in fall 2025, I was being told that sprinklers were required, not only within my tenant space, but **“throughout the entire building.”**

13) Jermel’s 10/6 Email + My Written Requests for Clarification (No Responses)

On 10/6/25, Jermel sent an email recapping the meeting and stating the Building Department requirements. In this email, he advised that the change of use and occupancy required installation of fire sprinklers throughout the entire building.

He also stated that where toilet facilities and bathing facilities are provided, they must comply with accessibility requirements, including that toilet facilities must be provided on a story connected by an accessible route to an accessible entrance. He also noted that I had stated I would work with the property manager to provide a CAsp report regarding use of the park restroom facilities as an acceptable accessible restroom option.

After receiving that email, I sent numerous follow-up emails to Jermel and Anna with questions. I did not receive meaningful responses.

Specifically:

- On 10/22/25, I emailed Jermel requesting clarification on the **occupancy classification** and the basis for determining whether a change had occurred. **He never responded.**
- On 10/22/25, I emailed requesting clarification on **ADA restroom documentation** and what would be required regarding a **CAsp letter**. **He never responded.**
- On 11/5/25, I sent a reminder. **No response.**
- On 11/14/25, I sent a formal request for a written code determination and included supplemental technical background. This request was intended to obtain the City’s specific code basis in writing rather than broad, generic references.

These non-responses matter because the sprinkler requirement was being presented as mandatory and enormous in scope, but I could not obtain answers to basic, essential questions about classification, triggers, and compliance pathways.

14) Fire Chief Cooper Confirms the Need for a Formal Determination

Because the sprinkler requirement seemed extreme and unclear, I contacted Fire Chief Cooper on 10/17/25 asking for help understanding whether sprinklers were truly required.

On 10/20/25, Chief Cooper responded and pushed back on the idea of proceeding without a formal determination. He stated that he could not help with a final determination or move forward with review until confirmation was received from the Building Official regarding the existing occupancy classification and whether any change had occurred. He noted that the proposed use may constitute a change of use under **California Fire Code section 102.3**, which could trigger requirements for an automatic fire sprinkler system, but he did not treat this as a final determination. He indicated a proper occupancy determination was needed first.

Jermel and Anna were copied on this email thread.

This was meaningful to me because it confirmed that a major retrofit should not be required without a clear, fact-specific determination of occupancy and a lawful trigger.

15) NOV Issued (11/13/25), Appeal Filed (11/20/25), Hearing Scheduled (1/16/26), and Why the NOV Must Be Granted, Modified, or Remanded

On 11/13/25, Jermel issued the Notice of Violation (NOV).

On 11/14/25, I requested a formal written code determination. Jermel responded to John Plastini and copied me with what I understood to be a generic, blanket code document, rather than a fact-specific written determination answering the questions asked and explaining the exact trigger and scope.

On 11/20/25, I filed my appeal and paid the fee. On 12/22/25, I received an email advising the hearing had been scheduled for 1/16/26. I received the agenda packet on 1/9/26.

Why this appeal matters

This appeal is not about refusing safety. It is about:

- fairness,
- reliance on written City guidance,
- the City's shifting positions and enforcement approach,

- and requiring a fact-specific code interpretation before imposing requirements that function as an immediate shutdown of a longstanding Carmel small business.

Sprinklers

The City is demanding a sprinkler retrofit “throughout the entire building,” which is not within a tenant’s control and would require massive building-wide construction costs. This requirement was not raised during the ancillary permit path, during open construction, during final inspections, or during CUP approval. Even when the Building Department was copied on key emails (including Brandon’s 9/18/24 directive requiring a CUP), sprinklers were not raised until fall 2025.

Restroom

The restroom issue has never been resolved through written City guidance despite repeated attempts to obtain clarification and compliance options. Most Carmel coffee bars do not have on-site public restrooms and direct customers to City-maintained public restroom facilities nearby. Coffee bars are among the only true walk-up counter-service establishments downtown, which causes them to function as the default restroom stop for surrounding businesses and visitors.

Block-level safety reality

Our building is located in a row of attached buildings connected by common walls, along the south side of Ocean Avenue between Mission and San Carlos. If there were a fire, it could spread between structures. Requiring a single building-wide retrofit in isolation raises serious questions of proportionality and meaningful safety outcomes when surrounding attached buildings are not sprinklered and are outside the building owner’s control.

For these reasons, I respectfully request that the Board grant this appeal. At minimum, I request the Board modify or remand the NOV so that the City must provide a complete, fact-specific written determination identifying the exact adopted code triggers, the lawful scope of any requirements, and reasonable compliance options that do not operate as a de facto closure order.

Respectfully submitted,

Jennifer Blevins
Mad Dogs & Englishmen

Exh. 2

EXHIBIT 2

FIRE SPRINKLER + RESTROOM SURVEY — DOWNTOWN CARMEL-BY-THE-SEA (FOOD ESTABLISHMENTS)

Prepared by: Jennifer Blevins

Purpose: Demonstrate real-world downtown baseline conditions and consistency issues related to enforcement of sprinkler retrofits and restroom expectations for counter-service businesses.

EXHIBIT 2(1) — DOWNTOWN-ONLY CHECKLIST (EXCLUDING CARMEL PLAZA): FIRE SPRINKLERS

Downtown Carmel Establishments (Excluding Carmel Plaza)
(*Sprinklers: YES / NO / PARTIAL / LIMITED*)

Akaoni — **NO**
Anton & Michel — **NO**
Aubergine — **NO**
Barmel — **NO**
Brophy's Tavern — **NO**
Cafe Carmel — **NO**
Cafe Dal Mare — **NO**
Carmel Bakery — **NO**
Carmel Belle — **YES**
Carmel Coffee — **NO**
Carmel Coffee House & Roasting — **NO**
Carmel Valley Coffee Roasting — **NO**
Carmel's Bistro Giovanni — **NO**
Carmel's Hidden Gem — **NO**
Casanova — **NO**
Catch — **NO**
Cantinetta Luca — **PARTIAL / NON-FUNCTIONING**
Chez Noir — **YES**
Cultura — **NO**
Dametra — **NO**
Edwin's — **NO**
El Bistro by the Sea — **NO**
Enzo's — **NO**
Flaherty's Seafood — **NO**
Foray — **YES**

Forge in the Forest (closed) — **NO**
 Gelato by the Sea — **NO**
 Grasings — **YES**
 Grill on Ocean — **NO**
 Haifa Coffee House — **NO**
 Hog's Breath Inn — **YES (excluding detached bar area)**
 Il Fornaio — **YES**
 Il Tegamino — **NO**
 Katy's Place — **NO**
 La Bicyclette — **NO**
 Le Soufflé — **NO**
 Little Napoli — **NO**
 Little Swiss Café — **NO**
 L'Escargot — **NO**
 Mission Bistro — **NO**
 Mulligan's — **NO**
 Nora's — **NO**
 Pangaea Grill — **YES**
 Patisserie Boissiere — **YES**
 Pizza Heaven Carmel — **YES**
 Portabello — **NO**
 The Pocket — **YES**
 Sade's Cocktails — **NO**
 Stationaery — **NO**
 Sushi Heaven — **NO**
 Terry's Lounge — **YES**
 Tommy's Wok — **NO**
 Toro Sushi — **NO**
 TreeHouse Café — **NO**
 The Tuck Box — **NO**
 Vesuvio — **NO**
 Village Corner — **NO**
 Vin by the Sea — **YES (that space only)**
 Yafa — **NO**

EXHIBIT 2(2) — FIRE SPRINKLER SURVEY RESULTS FOR FOOD ESTABLISHMENTS (WITH & WITHOUT CARMEL PLAZA)

A) CITYWIDE TOTAL (INCLUDING CARMEL PLAZA)

Total establishments counted: 71

NO sprinklers: 46 → 64.8%

YES / PARTIAL / LIMITED: 25 → 35.2%

B) DOWNTOWN TOTAL (EXCLUDING CARMEL PLAZA)

Total establishments counted: 62

NO sprinklers: 46 → 74.2%

YES / PARTIAL / LIMITED: 16 → 25.8%

Plain-language takeaway:

Even excluding Carmel Plaza entirely, **nearly three out of four downtown food establishments operate without sprinklers (74.2%)**, while only **25.8%** are listed as **YES / PARTIAL / LIMITED**.

Additional downtown context Appellant requests the Board consider:

Based on extensive downtown observation, Appellant understands that **over 90% of retail establishments** in the downtown commercial district also operate **without fire sprinklers** (excluding Carmel Plaza).

EXHIBIT 2(3) — “UNITS ABOVE” EXAMPLES (KNOWN FACTS / CONFIRMED)

Prepared by: Jennifer Blevins

(This section lists only locations where “units above” are known and confirmed.)

Hotels / Rooms Above

Foray — **YES sprinklers**

Terry’s Lounge — **YES sprinklers**

Il Fornaio (Pine Inn Hotel) — **YES sprinklers**

Brophy’s Tavern (hotel) — **NO sprinklers**

Aubergine (hotel setting) — **NO sprinklers**

Apartments / Residential Units Above (Known)

Chez Noir (apartments above) — **YES sprinklers**

The Pocket (connected to apartments) — **YES sprinklers**

Portabello (apartments above) — **NO sprinklers**

Tommy’s Wok (apartments above) — **NO sprinklers**

La Bicyclette (apartment above) — **NO sprinklers**

5th St Deli (apartment above) — *(coffee bar / counter-service category; restroom status noted below)*

Offices or Apartments Above (Known)

Haifa Coffee House (offices or apartment above) — **NO sprinklers**

Apartment Conversion Above Tied to Sprinkler Installation

Cantinetta Luca — **PARTIAL / NON-FUNCTIONING sprinklers**

EXHIBIT 2(4) — RESTROOM ACCESS PRACTICES: COFFEE BARS + COUNTER-SERVICE ESTABLISHMENTS

Prepared by: Jennifer Blevins

Purpose: Document how Carmel's coffee bars and counter-service food/beverage establishments actually handle restroom access, including frequent reliance on nearby public facilities and mall restrooms, and demonstrate that requiring Appellant to install a new on-site customer restroom is inconsistent with downtown baseline conditions.

A) Downtown Carmel (Excluding Carmel Plaza)

(Restroom categories: PUBLIC RESTROOM AVAILABLE / NO PUBLIC RESTROOM / LIMITED PUBLIC ACCESS)

Mad Dogs & Englishmen Coffee Bar — *(subject of appeal)*

Cafe Dal Mare — **NO PUBLIC RESTROOM**

(no restroom inside; customers directed across the street to City-owned public restroom)

Carmel Coffee House & Roasting — **NO PUBLIC RESTROOM**

(no restroom inside; customers directed to nearby City-owned public restroom)

Carmel Valley Coffee Roasting — **NO PUBLIC RESTROOM**

(no restroom inside; customers directed to nearby City-owned public restroom)

Haifa Coffee House — **NO PUBLIC RESTROOM**

(no restroom inside; restroom in shared outdoor courtyard with neighboring restaurants)

5th St Deli — **NO PUBLIC RESTROOM**

(counter-service; no seating; no nearby public restroom)

Cafe Carmel — **LIMITED PUBLIC ACCESS**

(restroom exists, but frequently closed / posted "out of order")

Carmel Belle — **PUBLIC RESTROOM AVAILABLE**

(full service restaurant format; restroom present)

B) Carmel Plaza Establishments (Included for Context — Separate from Downtown Totals)

(Restroom categories: PUBLIC RESTROOM AVAILABLE / EMPLOYEES-ONLY / DIRECTED TO MALL RESTROOM)

Cafe Luna (Carmel Plaza) — **EMPLOYEES-ONLY restroom in space; customers directed to mall restroom**

(Permitted as full-service restaurant vs specialty restaurant; customers are directed to the mall restroom rather than provided public access within the tenant space.)

Perfectly Pressed Juice (Carmel Plaza) — **NO PUBLIC RESTROOM inside; customers directed to mall restroom**

Dutch Door Donuts (Carmel Plaza) — **EMPLOYEES-ONLY restroom in shop; customers directed to mall restroom**

Rise & Roam (Carmel Plaza) — **PUBLIC RESTROOM AVAILABLE**

(Large full-service bakery + restaurant; restroom inside.)

C) Key Observations (What This Shows)

1. Downtown Carmel relies heavily on **public restroom infrastructure** for coffee bars and counter-service establishments.
2. The majority of coffee bars and counter-service establishments operate with **no public restroom inside** at all.
3. Even where a restroom physically exists, it may function as **limited access** (example: signage indicating it is “out of order” or closed to customers).
4. In Carmel Plaza specifically, multiple establishments rely on the **mall restroom** rather than providing public access inside their tenant space.

EXHIBIT 2(5) — WHY THIS SURVEY MATTERS TO THIS APPEAL (SPRINKLERS + RESTROOMS)

Appellant respectfully submits this survey to demonstrate that the City's demanded outcome—particularly a **building-wide sprinkler retrofit** and a **new on-site customer restroom inside Appellant's tenant space**—is inconsistent with downtown baseline conditions and imposes a disproportionate burden on one small business.

A) Sprinklers: Downtown Baseline + Material Difference of Appellant's Use

This survey shows that excluding Carmel Plaza, **approximately 74.2% of downtown food establishments operate without fire sprinklers.**

Appellant further submits that **over 90% of retail establishments** in the downtown commercial district also operate **without fire sprinklers** (excluding Carmel Plaza).

Appellant's coffee bar is materially different from many food establishments because it **does not have a kitchen, does not cook, and does not use open flame or grease-producing equipment.** Further, there is already a **full-service restaurant with a kitchen in the same building** that operates without sprinklers.

B) Block-Level Reality: Attached Buildings With Common Walls

Appellant further notes that the subject building is located on a downtown block where buildings are connected by **common walls**. Based on Appellant's observation, **no buildings connected to Appellant's building by common walls on the entire block have fire sprinklers installed.**

Appellant respectfully submits that requiring a single building to retrofit sprinklers "throughout the building," while adjacent attached buildings remain unsprinklered, raises serious concerns about consistency of enforcement and whether the demanded scope is a coherent, block-wide public safety strategy.

C) Existing Safety Infrastructure

Appellant's building contains a **hard-wired fire alarm system** that notifies the fire station, and **the fire station is approximately one block away.** Appellant submits this context not to minimize safety, but to reflect how Carmel's downtown district has historically operated without uniform sprinkler retrofits.

D) Restrooms: Downtown Practice

The restroom survey reflects that Carmel's coffee and counter-service establishments frequently operate without an on-site public restroom and direct patrons to nearby public facilities (including City-owned public restrooms and, within Carmel Plaza, mall restrooms).

Appellant is not asking for special treatment. Appellant is requesting that any restroom requirement be evaluated under the **adopted codes, the actual facts, and lawful scope**, rather than imposed as an absolute condition that—when combined with a building-wide sprinkler mandate—creates a disproportionate outcome that functions as a forced closure order for a small business.

EXHIBIT 3 — CONSOLIDATED EMAIL RECORD (CHRONOLOGICAL)

Prepared by: Jennifer Blevins

Business: Mad Dogs & Englishmen Coffee Bar / Velo Carmel

Hearing Date: January 16, 2026

Purpose: Provide the Board with the key written communications showing the project timeline, City direction, approvals, and the sequence of enforcement issues (including restroom + sprinklers).

EMAIL REFERENCE INDEX (What's Inside / Where to Find It)

1) CUP Application Completeness / Restroom Question

Pages 1–2

- Evan Kort email re: corrections/completeness and resubmittal.
- Your follow-up asking about the restroom requirement / how to proceed.

2) Planning Sends Ancillary Permit Copy

Page 2

- Email from Brandon Swanson providing a copy of the planning inspection and permit for the coffee bar ancillary use.

3) City Direction to Pursue Use Permit (CUP) + Key Conditions Called Out

Pages 3–4

- Brandon Swanson email stating a Use Permit is needed and summarizing the City's stated concerns/conditions (appearance of coffee shop, pastries, advertising, sightlines, etc.).
- Your detailed response to Brandon outlining your understanding, questions, and concerns (this is an important "good faith" record).

4) Water Credits / Water Division Communications (Project Feasibility)

Pages 5–7

- Email chain showing your request to verify water credits / ability to proceed.
- Direction from staff on application pathways and process.
- Scheduling / next steps.

5) Permit Pickup / “Ready for Issuance” + Fees / Payment Steps

Pages 8–9

- Email re: permit ready / fees / logistics (demonstrates the City’s administrative progression of approvals).

6) Site Visit / ADA / Inspection Coordination

Page 10

- Site visit scheduling and coordination (shows inspections and City involvement during buildout/operation).

7) Fire Department Correspondence (Confirms Occupancy Classification Matters)

Page 11

- Fire Chief / Fire Dept email stating a final determination depends on confirmation of occupancy classification and whether a change occurred (supports your “no clear written determination” / “needs fact-specific classification” theme).

8) Notice of Violation + “Determination of Codes” Email

Page 12

- NOV email + “Determination of Codes” email.
(*This is a core part of what you are appealing.*)

9) Your Email to Planning re: Restroom Reality / Downtown Conditions

Page 13

- Your longer written summary about how Carmel functions in practice (public restrooms nearby, comparable businesses, and the real-world impacts).

10) Written Requests for Clarification (Occupancy + ADA + Restroom Documentation / CaSP)

Pages 14–16

- Your requests asking the City for clarification on:
 - Occupancy classification
 - Whether/what change occurred
 - ADA restroom documentation / CaSP support
- Follow-ups documenting lack of response (important for fairness/due process tone).

11) Formal Request for Written Code Determination (Critical “Due Process” Evidence)

Pages 17–19

- Your written request seeking a formal written code determination and asking specific questions (sprinklers / restroom / timing / appeal rights).
(*This is one of the strongest items in the record.*)

12) Water Permit / County / Misc. Documentation Added

Page 20

- Water permit / final inspection and related correspondence.

KEY “HIGHLIGHT” ITEMS (Board Should Read First)

If the Board only reads 3 things in this exhibit, Appellant respectfully recommends:

1. **City direction to pursue CUP + the conditions cited** (*Pages 3–4*)
2. **Fire Dept email stating the determination depends on confirmed occupancy classification** (*Page 11*)
3. **Appellant’s formal request for a written code determination + specific questions** (*Pages 17–19*)



**Carmel-
by-the-Sea**

Nova Romero <nromero@ci.carmel.ca.us>

Agenda Packet for 1-16-2026 Building Code Board of Appeals Meeting

Jennifer Blevins <jennblevins@icloud.com>
To: Nova Romero <nromero@ci.carmel.ca.us>
Cc: martin@maddogsandenglishmen.com

Fri, Jan 16, 2026 at 8:42 AM

Hi Nova, attached are two more exhibits for the packet related to the sprinklers.

Jennifer

[Quoted text hidden]

[Quoted text hidden]

<Emails Consolidated Final.pdf><Exhibit 3- consolidated email index.pdf><Exhibit 2- fire sprinkler and restroom survey.pdf><Exhibit 1B- Timeline Overview.pages><Exhibit 1A- Summary of Exhibit 1.pages>
<Exhibit 1- Narrative Chronology.pdf><Exhibit 0- Board Handout.pdf><Exhibit Index for packet.pdf>

2 attachments



Exhibit 4- sprinkler code citations and scope argument.pdf

135K



Exhibit X Sprinkler Code Citations.pdf

58K

Exh. 4

EXHIBIT 4 — SPRINKLER CODE CITATIONS + SCOPE ARGUMENT

City of Carmel-by-the-Sea — Building Code Board of Appeals

Prepared by: Jennifer Blevins

Mad Dogs & Englishmen Coffee Bar (Second Floor)

Purpose: Provide the Board with the exact code language being relied upon by the City (and the Appellant), and highlight the legal scope issue in the City's "throughout the building" sprinkler demand.

4-A — CITY OF CARMEL LOCAL AMENDMENT: §903.2 (AS AMENDED)

Source: City of Carmel-by-the-Sea Municipal Code → Title 15 → Chapter 15.55 California Fire Code → §15.55.100 "Amendments to the California Fire Code"
(From Appellant screenshot)

§903.2 — "Where required." (Amended)

"Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction. This section supersedes the square footage limitations of all subsections within Section 903.2."

Exceptions listed in the City's amendment (as shown)

Exception (1):

"Structures not classified as Group R occupancies and not more than 500 square feet in total floor area."

Exception (4):

"Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the fire code official permits alternate protection."

(Other exceptions exist in the screenshot but are not necessary for this appeal's main argument.)

Key legal point for the Board:

Carmel's local amendment **expands sprinkler requirements** beyond standard square-footage thresholds and uses the phrase **"constructed, moved into or relocated."**

But the dispute here is the *scope* and *application* to an existing multi-tenant historic building when only a tenant space changes use and no firewalls exist.

4-B — CITY OF CARMEL LOCAL AMENDMENT: §903.6 (REPAIRS / ALTERATIONS / ADDITIONS)

Source: City of Carmel-by-the-Sea Municipal Code → §15.55.100 Amendments
(From Appellant screenshot)

§903.6 — Repairs, Alterations, and Additions (Amended)

“In all buildings, except where otherwise provided herein in this Section, where the total floor area exceeds five thousand square feet (5000 sf), or which are forty feet (40’) or more in height, or which are three or more stories in height, they shall be made to comply with the provisions of this Section.”

“In all buildings where the total floor area exceeds five thousand square feet (5000 sf), or which are forty feet (40’) or more in height, or which are three or more stories in height, if the repairs or alterations are made exceeding twenty-five percent of the current market value of the building and property as shown in the records of the County Assessor within any three hundred sixty five (365) day period shall be made to comply with the provisions of this section.”

Definitions included in the screenshot

Repair:

“It is the reconstruction or renewal of any part of an existing building or structure for the purpose of its maintenance.”

Alteration:

“It is any change, addition, or modification in construction or occupancy.”

Key legal point for the Board:

Carmel’s amendment defines “Alteration” broadly (including occupancy change).

But the enforcement question is: **Does this authorize the City to require sprinklers “throughout the building” (all floors, all tenants) when only one tenant space is being reviewed?**

That is the scope defect in the NOV remedy.

4-C — CALIFORNIA FIRE CODE: “CHANGE OF OCCUPANCY / CHANGE OF USE” SECTION CITED BY CITY (CFC §102.3)

Source: Your prior references + City citations in staff materials; Appellant request is to include as a core “City’s basis” code citation.

How the City uses it (their framing):

- “Change of use” triggers “change of occupancy”
- Therefore sprinkler obligations are triggered
- And because the building is connected and not firewalled, the City claims sprinklers must be **throughout**

Appellant’s core point for the Board (without overreaching):

Even if the City argues CFC §102.3 supports applying “new requirements,” the City still must comply with **lawful scope limitations** in the adopted existing-building framework (next section).

4-D — CALIFORNIA EXISTING BUILDING CODE (CEBC): LAWFUL SCOPE LIMITATION

Source: Your Board agenda packet references and your prior argument framework.

Why CEBC matters

Even where a change of occupancy/use triggers upgrades, CEBC is the code that governs **what must be upgraded and where** in existing buildings.

Board-level scope issue:

If the CEBC limits sprinkler retrofits to:

- **the area of change, and/or**
- **areas not separated by a fire wall,**

then the City must explain **why the NOV demands sprinklers “throughout the building” as the remedy** rather than within the lawful scope allowed by CEBC.

 Your strongest “crack” (your words, and correct conceptually):

If CEBC limits scope and the NOV jumps to “throughout the building,” that mismatch is a legitimate appeal issue — especially for a multi-tenant historic building where one tenant cannot control the entire building retrofit.

4-E — CBC CHAPTER 9 (SPRINKLER THRESHOLDS)

Purpose: Establish that automatic sprinkler requirements depend heavily on **occupancy classification + load + area + triggers**, and are not automatically imposed on every small change.

 Appellant position (fact-based and consistent with what you’ve documented):

- Your customer area is **small occupancy load (well under 50)**
- You have **no commercial kitchen / no hood / no cooking appliances**
- The space is **not residential**
- The building above is **offices**, not dwelling units
- This is **not a high-rise**
- This is a **historic 1930’s era** multi-tenant structure

Therefore the Board should scrutinize whether the City’s sprinkler mandate is:

1. **legally required**, and
2. **properly scoped**, and
3. **applied consistently** across similarly situated downtown food establishments.

4-F — “INSUFFICIENT WATER SUPPLY” EXCEPTION (FROM CARMEL §903.2 AMENDMENT)

Source: Your screenshot showing Carmel §903.2 exception (4)

“Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the fire code official permits alternate protection.”

 How this fits into your argument (clean + Board-friendly):

- Downtown Carmel has **known water infrastructure constraints**
- Your building is **historic**
- The Board can require the City to address whether this exception is relevant or whether alternative protection is permitted.

4-G — WHY THIS MATTERS ON YOUR SPECIFIC BLOCK (COMMON WALL EXPOSURE)

Appellant statement (fact + logic):

- Your building is connected by **common walls** to multiple adjacent downtown buildings
- Those neighboring buildings do **not** have sprinklers
- A fire in any connected building can spread through the block

Board-level point:

Requiring sprinklers in **one** building (or one tenant space) as the “solution” does **not** eliminate the block-level risk when the surrounding connected structures remain non-sprinklered.

This is not an argument against safety — it is an argument that the NOV remedy must be:

- **lawful**
- **properly scoped**
- **realistically implementable**
- and not used as an indirect closure mechanism against a single small business tenant

4-H — EXISTING SAFETY CONDITIONS (GOOD FACTS FOR YOU)

- Building has a **hard-wired fire alarm system**
- Fire station is approximately **one block away**
- Your coffee bar has **no full kitchen** (no cooking line)
- You operate as a **counter-service beverage bar**

- Your occupant load is **well under 49** (based on your prior calculations)



Why these facts matter:

These are strong “mitigation facts” supporting a balanced ruling, especially when paired with your downtown baseline showing most food establishments lack sprinklers.

EXHIBIT 4 — ADDITIONAL SUPPORTING DOCUMENTS (TO FOLLOW BY SEPARATE EMAIL)

Exhibit 4 — Additional supporting documents will be emailed separately due to file size and to ensure same-day delivery of this core packet. These include:

- Permit applications and approvals (Ancillary Use Permit application, CUP application, Water Division permit, Monterey County Health Dept permit/approval)
- Key code excerpts relied upon (Carmel amendments / CEBC excerpts) for Board reference

EXHIBIT X — SPRINKLER CODE CITATIONS

City of Carmel-by-the-Sea — Building Code Board of Appeals

Prepared by: Jennifer Blevins

Subject: Sprinkler retrofit demand (“sprinklers throughout the building”)

1) CITY OF CARMEL LOCAL AMENDMENT — CFC §903.2 (AS AMENDED)

Carmel Municipal Code — Title 15 / Chapter 15.55 (Amendments to the California Fire Code)

§903.2 Where required (amended)

“Approved automatic sprinkler systems shall be provided in all new buildings and structures **constructed, moved into or relocated** within the jurisdiction.

This section supersedes the square footage limitations of all subsections within Section 903.2.”

Exception shown in the amendment

“(4) **Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the fire code official permits alternate protection.**”

Key point: Carmel’s amendment expands sprinkler triggers, but still includes **exceptions/alternate protection** and does **not automatically prove building-wide scope** for a tenant change.

2) CITY OF CARMEL LOCAL AMENDMENT — CFC §903.6 (REPAIRS / ALTERATIONS / ADDITIONS)

§903.6 Repairs, Alterations, and Additions (amended)

“In all buildings... where the total floor area exceeds **5,000 sf**, or which are **40’ or more in height**, or which are **three or more stories in height**, they shall be made to comply with the provisions of this Section.”

“...if the repairs or alterations are made exceeding **25 % of the current market value** of the building and property... within any **365 day** period shall be made to comply with the provisions of this section.”

Definitions included in the amendment text:

- **Repair:** “reconstruction or renewal... for... maintenance.”
- **Alteration:** “any change, addition, or modification in **construction or occupancy**.”

Key point: The City may claim “alteration” includes **occupancy change**, but must still justify the **lawful scope** of any retrofit order.

3) CALIFORNIA FIRE CODE — CFC §102.3 (CHANGE OF OCCUPANCY / CHANGE OF USE)

City position (as cited in staff contentions):

A change of use/occupancy requires compliance with current code requirements.

Key point: Even if triggered, the City must apply the **existing building framework** and **limit the scope of work** to what the adopted code allows.

4) EXISTING BUILDING SCOPE LIMITATION — CEBC §1011.2.1

Core appeal issue:

Even if sprinklers are triggered by occupancy change, **CEBC limits the required work scope** (including limiting it to the **area of change**, and addressing areas **not separated by firewalls**).

Key point: The NOV remedy demanding sprinklers “**throughout the building**” must match the lawful scope allowed by CEBC for an **existing** multi-tenant historic structure.

5) CBC CHAPTER 9 — SPRINKLER “THRESHOLDS” FRAMEWORK

Sprinkler requirements vary based on:

- **occupancy classification**
- **occupant load**

- fire area / floor area
- hazards (kitchen/cooking vs no kitchen)

Appellant facts (undisputed / documented):

- Small occupant load (under 50)
- No kitchen / no hood / no cooking line
- Above space is offices, not residential
- Building is historic (1930s)
- Building has hard-wired fire alarm system
- Fire station is approximately one block away

6) WHY “THROUGHOUT THE BUILDING” IS THE PROBLEM

- Building has **multiple tenants** and **no firewalls** between floors/tenancies
- Tenant cannot legally or practically retrofit **other floors/tenants**
- Appellant’s entire block is connected by **common walls** and neighboring buildings are **not sprinklered**, so a building-wide tenant-triggered mandate does not resolve block-level fire spread risk.

Bottom line for the Board:

The issue is not safety vs. no safety — it is **correct code application + lawful scope** for an **existing multi-tenant historic building**.



Evan Kort

To: Jennifer Blevins Cc: Sullivan Carey-Lang, Brandon Swanson

Nov 19, 2024 at 11:46 AM

[Details](#)

Re: Update

Ms. Blevins,

Please see attached regarding your use permit application.
The enclosed letter addresses the outstanding items required to determine your application complete.
The corrections required are primarily narrative responses, however, some corrections to the plans are necessary as well.

Please let me know if you have any questions.

Best,



Evan Kort
Senior Planner
Community Planning and Building
City of Carmel-by-the-Sea
Direct: (831) 620-2023
Dept. Main: (831) 620-2010



On Mon, Nov 18, 2024 at 10:07 AM Jennifer Blevins <jennblevins@icloud.com> wrote:
Good morning! Hope everyone had a nice weekend. Just checking in to see if you have any updates on our permit application?



Jennifer Blevins

To: Evan Kort

Nov 22, 2024 at 1:28 PM

[Details](#)

Hey Evan,

I'm sending you the revised application shortly to include the info you asked for below. I do have one question about the restroom. Can you ring me please 813-546-7361. Thanks!

Jenn

Sent from my iPhone

On Nov 19, 2024, at 11:46 AM, Evan Kort <ekort@ci.carmel.ca.us> wrote:

Ms. Blevins,

Please see attached regarding your use permit application.
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To: Evan Kort

Nov 22, 2024 at 1:28 PM
[Details](#)

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Evan Kort
Senior Planner
Community Planning and Building
City of Carmel-by-the-Sea
Direct: (831) 620-2023
Dept. Main: (831) 620-2010

 **Brandon Swanson**
To: Jennifer Blevins

Aug 26, 2024 at 5:11 PM
[Details](#)

Permit for Coffee Bar

Jennifer,

Here is a copy of the Planning application and permit for the coffee bar ancillary use.

Take care,

-Brandon

Brandon Swanson [he, him, his]
Assistant City Administrator
Acting Director, Community Planning and Building
City of Carmel-by-the-Sea
(831) 620-2024





BL23-0_1 marked up.pdf
585 KB



BL 23-051 (...arked up).pdf
2.2 MB

JB Jennifer Blevins
To: Brandon Swanson

Sep 13, 2024 at 4:57 PM
[Details](#)

Hey Brandon, just checking in. Have you had any formal complaints come in relative to our permit since we opened? I haven't seen a follow up email come over from you after our chat so just wondering if you think I still need to apply for an additional permit so that we can address the concerns you brought to my attention.

Jennifer
Mad Dogs & Englishmen

Sent from my iPhone

On Aug 26, 2024, at 5:11PM, Brandon Swanson <bswanson@ci.carmel.ca.us> wrote:

BS Brandon Swanson
To: Jennifer Blevins Cc: Sullivan Carey-Lang, Evan Kort, Duane Dauphinee, Jermel Laurie, plastinico
 

Sep 18, 2024 at 3:25 PM
[Details](#)

Jennifer,

Thanks for the follow up. We have received no complaints to my knowledge, but that has no bearing on the need for a Use Permit to operate a coffee shop there.

Long story short...

You want to run the space as a coffee shop, it is not currently permitted for that, so you need to get the correct Use Permit, which requires Planning Commission approval.

Short story long....

The issue at hand is that the space does not comply with the conditions of approval that you signed (attached) as it clearly was designed to "*take on the appearance of or function as a coffee shop, bakery, or café.*" (Violates Condition #3). As you stated in our meeting, your goal is to be able to advertise the coffee shop, and bring in revenue from people who may or may not be shopping in your store, which also is not in line with the conditions of the ancillary use approval that you signed. The current "primary use" of the space is a sporting goods store (bikes) not a coffee shop, so before you begin operating it in that manner, you need to get the correct permit approved by the Planning Commission to be a Specialty Restaurant. Until then, the space needs to be operated in compliance with your signed conditions of approval (attached), which means no advertising of any fashion (including social media that you create), no food sales (includes packaged food), no more than 10% of the total floor space (includes coffee related merchandise, cream/sugar stations, etc.), and the coffee bar should remain an amenity for patrons of the primary use (bike shop) only.

There is a cap of 15 restaurants facing onto Ocean Avenue, but we are currently under that cap by two units, so there is still an opportunity for you to apply for a Use Permit. The coffee shop use would be considered a "specialty restaurant" and would need to meet the following requirements for the Planning Commission to approve it (this is cut from the code section):

4. Restaurant, Specialty (Coffee Shops, Ice Cream Parlor, Etc.).

- a. Minimum size: 400 square feet.
- b. Minimum number of customer seats on site: 14 seats. The customer seating area must be open to patron use during all hours of operation and the use must be managed to encourage on-premises consumption of food products.
- c. Sales of soup, salads and sandwiches may be allowed in an amount up to 10 percent of sales.
- d. The sale of alcohol is prohibited.
- e. Drive-in, fast food, take-out or formula establishments are prohibited.
- f. The service counter must be located within the interior of the business premises and arranged so that customers must first pass by or through the seating area to reach the counter and patron queues will be contained within the building.
- g. Outside seating may be allowed, subject to Chapter 17.58 CMC, Design Review.
- h. All products sold for consumption off the premises, other than frozen desserts, must be placed in covered containers or wrappings.
- i. Cooking equipment is limited to indoor stoves and ovens.
- j. Maximum number of food stores and/or restaurants located within structures fronting on Ocean Avenue allowed: 15. See also Chapter 17.56 CMC, Restricted Commercial Uses.
- k. The operator of the use shall be responsible for the clean-up of all on-site and off-site litter generated by the use including twice-daily clean-up of all sidewalks and gutters within 50 feet of the storefront and twice-yearly steam cleaning of this area. A practical plan for monitoring and implementing this standard shall be submitted for review with the application for use permit, and will be adopted as a condition of approval of the use.
- l. See also subsection (l)(1) of this section, All Eating and Drinking Establishments.

1. All Eating and Drinking Establishments.

- a. The sale of nonfood merchandise that is directly related to the use may be allowed when determined to be incidental to the primary use. The display of nonfood merchandise shall be ancillary to the primary use.
- b. Adequate facilities shall be provided on the site for the closed storage of trash and garbage generated by the use. The on-site storage shall be designed so that the area can be cleaned and the refuse removed without creating a public nuisance and without being placed on the sidewalks or other public ways. If the method of cooking used will generate hot ashes, a storage facility and disposal method shall first be approved by the Fire Department.
- c. At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same

property on which the use is located. This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.

ATTACHMENT 6

You may recall conversations you had with the planning staff from a couple years ago when you proposed something similar regarding connecting the upstairs and downstairs units. The zoning code limits all businesses in Carmel to one primary business use. Ancillary, or secondary, uses are allowed only when specifically identified by the code or determined to be compatible with the primary use. The sale of nonfood merchandise in a restaurant may be permitted when it is directly related to the primary use and ancillary to the restaurant use. This has been applied in the past as a restaurant having a small retail area that sells branded glasses, t-shirts, cookbooks or similar. So, what could possibly be found appropriate by the Planning Commission would be changing the primary use upstairs to a "bike shop themed coffee shop", with the bicycle retail component being no more than 10% of the floor space (ancillary). In other words, you would be flipping the primary and ancillary uses upstairs, so that the coffee shop was the primary, and the sporting goods (bike stuff) is the ancillary. This would be done by applying for a Conditional Use Permit.

To apply for the Conditional Use Permit, please prepare the documents outlined in the [Use Permit Handout](#) and complete the [General Planning Application](#) and work with Sullivan Carey-Lang (copied on this email) to [SUBMIT ONLINE](#). You're welcome to submit in person if that is easier for you. Once received, staff will contact you to collect the application fees for the use permit (\$3,060). Please note that the property owner/manager will need to sign the application, so they have been copied on this email.

After you have had a chance to digest my email, and review the submittal documents, please feel free to call with any questions, as we are here to help.

Take care,

-Brandon

Brandon Swanson [he, him, his]
Assistant City Administrator
Acting Director, Community Planning and Building
City of Carmel-by-the-Sea
(831) 620-2024



On Sep 27, 2024, at 8:39AM, Jennifer Blevins <jennblevins@icloud.com> wrote:

Thank you Brandon, I appreciate you following up and giving me a clear path for what needs to be done. Sorry, I just saw your emails yesterday or I would have jumped on this sooner. I will be submitting the new application and paying the additional 3k permit fee today. What sort of timeline are we currently looking at to get on the agenda for review? I would like to move this along as quickly as possible. We have hired four really lovely baristas and I don't want to have to lay anyone off while we sort this. That's my biggest concern right now.

Take a look at these two drawings. Drawing one shows 14 seats (8 window bar stools and two 8 ft sofas). Drawing 2 shows 18 seats inside and 4 outside. Should I submit both for consideration? At a quick glance, do you see anything wrong with either of these? I'm not sure if outdoor seating would be approved? I see that Carmel Coffee has outdoor seating in front of their shop. What are the specific guidelines and requirements for this?

Also, what would the requirements be for serving alcohol? Just curious why alcohol would be specifically excluded from a specialty restaurant? Like what if down the road we wanted to expand our menu and offer espresso martinis or mimosas as part of our beverage lineup? Would this require a different permit or a change of use permit in addition to an ABC license? I'm just trying to think ahead as this was something I had thought about early on as something we might be able to do down the road. Would it be impossible to get this changed or added at a future date should we so desire? Again, this is not something we want to do right now.

Finally, I think we meet all of the guidelines you outlined. The bathroom is the only sticking point. We currently have an ada compliant bathroom, but it is shared with another business and is currently for employee use only. I thought I read that a public bathroom had to be within 300 yards of the establishment? Maybe that was in the permitting paperwork for the health department? I believe that the other coffee bars on Ocean all have a sign at their counter stating no public restroom, with a map showing how to get to the closest public toilet. Would this be acceptable?

Jenn

Sent from my iPhone

On Sep 18, 2024, at 3:25PM, Brandon Swanson <bswanson@ci.carmel.ca.us> wrote:

Jennifer,

Thanks for the follow up. We have received no complaints to my knowledge, but that has no bearing on the need for a Use Permit to operate a coffee

Coffee Display

Jennifer,

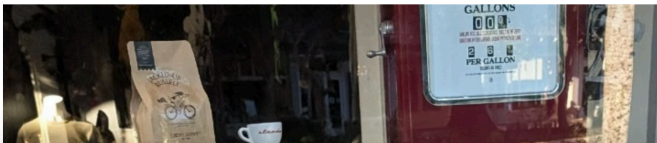
I noticed the other day that there is coffee displayed in the window of the upstairs bike shop (see attached photo). As discussed, the signed conditions of approval for your space do not allow "*advertising in any fashion*" of the coffee shop. Please remove the coffee display from your window until you have processed your Use Permit for the primary use of the space to be a coffee shop.

You have an email in your inbox now that explains the need for the Use Permit, and walks you through the steps.

Take care,

-Brandon

Brandon Swanson [he, him, his]
Assistant City Administrator
Acting Director, Community Planning and Building
City of Carmel-by-the-Sea
(831) 620-2024



JB Jennifer Blevins
To: Kyle Smith Cc: Brandon Swanson, plastinico@aol.com

Jun 26, 2023 at 10:47 AM
[Details](#)

Hi Kyle,

Can I please get an update from you today on the status of my request to have water credits restored so I can move forward with adding a coffee bar in my bike shop?

Sales are still down ytd and I need to prioritize getting this done as soon as possible to help offset the rent we are paying.

Thanks,
Jennifer
Mad Dogs & Englishmen

Sent from my iPhone

On Jun 21, 2023, at 2:04 PM, Jennifer Blevins <jennblevins@me.com> wrote:

Hi Kyle,

Good news! I had my sister do some research and it appears that Orange Julius and Swenson's moved out in 1985! So that should be all you need to restore the water credits, correct? They were in the space from 1970-1985.

Jenn

Sent from my iPhone

Begin forwarded message:

JB Jennifer Blevins
To: Kyle Smith Cc: plastinico@aol.com, Brandon Swanson Bcc: Mad

Jun 27, 2023 at 3:35 PM
[Details](#)

This is great news Kyle, thank you so much! I cannot tell you how much I appreciate your help with this. I was so afraid I was not going to be able to afford to stay in the space upstairs. This additional revenue stream is going to help us out tremendously. I'm over the moon!

Brandon, who can assist me with this at the city?

Jennifer
Mad Dogs & Englishmen

Sent from my iPhone

On Jun 27, 2023, at 3:10 PM, Kyle Smith <ksmith@mpwmd.net> wrote:

Hi Jennifer,

The District will acknowledge that space as a group two use and allow you coffee bar. You will need the City of Carmel before the District will process the application. Below is a link to the application.

Kyle Smith
MPWMD Conservation Rep.

BS Brandon Swanson
To: Jennifer Blevins, Sullivan Carey-Lang Cc: Kyle Smith, plastinico@aol.com



Brandon Swanson

To: Jennifer Blevins, Sullivan Carey-Lang Cc: Kyle Smith, plastinico@aol.com



ATTACHMENT 6

Jun 30, 2023 at 10:57 AM

[Details](#)

Great news, glad you were able to sort this out. Please just go ahead and submit an application to add an ancillary use to the bike shop. I have copied Sullivan Carey-Lang, our extraordinary permit technician, who can walk you through how to submit and pay for your application online.

Take care,

-Brandon

Brandon Swanson [he, him, his]
Director, Community Planning and Building
City of Carmel-by-the-Sea
(831) 620-2024

Please take our [Customer Satisfaction Survey](#).



Sullivan Carey-Lang

To: Brandon Swanson Cc: Jennifer Blevins, Kyle Smith, plastinico@aol.com

Jun 30, 2023 at 11:14 AM

[Details](#)

Good morning Jennifer,

Below you can find a link that will lead you to the city's online application portal. Here you can submit applications, check the status of existing applications, or pay outstanding fees. In order to get started for your project, you'll want to select the header highlighted in purple that states "Planning Application Submittal". Once this is selected, please complete all fields available to the best of your abilities. If you have questions regarding what to place in these fields, please feel free to give me a call. Once the fields are completed, you will be required to upload your additional files. These will typically be in the form of a floor plan showing the ancillary use space. Once done, you may select "submit" at the bottom of the page. Once submitted, our staff will typically process within one business day to review for general completeness and let you know if any additional information is required.

Please let me know if you have any questions regarding this process.

<https://carmel.portal.iworg.net/portalhome/carmel>

Thank you,



Sullivan Carey-Lang [he, him, his]
Building Permit Technician
City of Carmel-by-the-Sea
(831) 620-2059

Please take our [Customer Satisfaction Survey](#).

On Fri, Jun 30, 2023 at 10:57 AM Brandon Swanson <bswanson@ci.carmel.ca.us> wrote:

[See More](#)



Jennifer Blevins

To: Brandon Swanson Cc: Sullivan Carey-Lang

Sep 6, 2023 at 3:23 PM

[Details](#)

Hey Brandon,

Martin and I are walking over to city hall around 3:30. Would you or Sullivan be available by chance?

Speaking with Sullivan and Evan, I'm afraid I'm a bit confused, and I really want to get this application for the coffee bar submitted this week.

Evan doesn't seem to think I need to pay any fees if we are just adding a coffee bar to our exiting business for ancillary use with no seating. Sullivan believes we need to submit an application and pay the \$1800 fee, and he has asked how much seating we are planning to have. I don't mind paying this if required. I understand it goes up by \$1000 after Friday, so I would definitely want to get this paid this week.

When I spoke with the water division they said they didn't care about seating. So are there two processes and two fee structures based on if we show adding seating vs not adding seating? Is the approval process faster and easier with no seating?

If we want to add some seating at a later date, what would that process (and the requirements for getting approval) look like? I'm just trying to get a clear understanding of my options and how best to proceed.

Thank you!!

Jenn

Sent from my iPhone

On Jun 30, 2023, at 10:57 AM, Brandon Swanson <bswanson@ci.carmel.ca.us> wrote:



Sullivan Carey-Lang
To: Jennifer Blevins Cc: Brandon Swanson

Sep 6, 2023 at 3:29 PM
[Details](#)

Jennifer,

I can let you know that Brandon is in a meeting and we have a department meeting at 4 oclock. Looking at his schedule, it looks like we both have availability at 1 tomorrow afternoon. Does that work for you?

Thank you,



Sullivan Carey-Lang [he, him, his]
Building Permit Technician
City of Carmel-by-the-Sea
(831) 620-2059

Please take our [Customer Satisfaction Survey](#).

On Wed, Sep 6, 2023 at 3:23PM Jennifer Blevins <jennblevins@icloud.com> wrote:
[See More](#)

Found in Sent



Jennifer Blevins
To: Brandon Swanson Cc: Sullivan Carey-Lang

Sep 6, 2023 at 3:47 PM
[Details](#)

Yes, 1pm tomorrow would be great! I can come back then. Thanks Sullivan!

Jenn

Sent from my iPhone

On Sep 6, 2023, at 3:23 PM, Jennifer Blevins <jennblevins@icloud.com> wrote:



Sullivan Carey-Lang
To: Jennifer Blevins Cc: Brandon Swanson

Sep 6, 2023 at 4:46 PM
[Details](#)

Good afternoon Jennifer,

Evan, Brandon, and I discussed your proposal this afternoon. You are not required to submit for a use permit amendment, but are required to submit for a revised business license to incorporate the new ancillary use. You may submit this by completing the attached business license form, with the property owners signature, and submitting this to me along with the floor plan you had drawn up for the space. Once this is received the application fee of \$327 will be required to be paid and then we may process this. Please let me know if you have any additional questions regarding this.

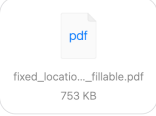
Thank you,



Sullivan Carey-Lang [he, him, his]
Building Permit Technician
City of Carmel-by-the-Sea
(831) 620-2059

Please take our [Customer Satisfaction Survey](#).

On Wed, Sep 6, 2023 at 3:47PM Jennifer Blevins <jennblevins@icloud.com> wrote:





Brandon Swanson

To: Jennifer Blevins Cc: Sullivan Carey-Lang, Evan Kort, Duane Dauphinee, Jermel Laurie, plastinico

ATTACHMENT 6

[Details](#)

Re: Permit for Coffee Bar

Hi Jennifer,

Unfortunately, we don't have the authority to reduce Planning Permit fees. To clarify though, the Use Permit that is required for how you want to run the coffee bar now, and was one of the options that you were given last year, was \$3,060 last year; this year the rates went up to \$3,140.

Take care,

-Brandon

Brandon Swanson [he, him, his]
Assistant City Administrator
Acting Director, Community Planning and Building
City of Carmel-by-the-Sea
(831) 620-2024



On Fri, Sep 27, 2024 at 12:00PM Jennifer Blevins <jennblevins@icloud.com> wrote:

Hi Brandon, one more follow up. Attached below are some of the emails and communications we had last year as I was working on this project. You probably have copies of these in your files. Any chance given the circumstances that you can adjust the permit fee retroactively and just charge me \$1800, which was the fee amount when we first started working on this? I would have paid that amount at that time to avoid the steep rate increase.

I have already spent so much more on this project than I had budgeted, if you can do anything to help I would greatly no appreciate it.

From: Evan Kort <ekort@ci.carmel.ca.us>
Date: January 13, 2020 at 5:27:49 PM PST
To: Jennifer Blevins <jennblevins@me.com>
Subject: Re: Bike cafe inquiry

Hi Jennifer,

I was able to reconvene with Mamie to discuss your proposal. While the business model you are proposing is creative and interesting, Carmel's codes do not allow two different types of businesses to be inter connected. The zoning code limits all businesses in Carmel to one primary business use. Ancillary, or secondary, uses are allowed only when specifically identified by the code or determined to be compatible with the primary use. Based on our research of the Carmel code and the North American Industry Classification System (NAICS), a bike shop and a restaurant (regardless of full line or specialty) are not compatible uses and therefore cannot be interconnected.

While I understand and appreciate the concept of the business model, this is unfortunately not something the zoning code allows. However, if you would like to further discuss establishing a stand-alone restaurant on Ocean Ave please let me know and I would be happy to answer any additional questions regarding that process.

Best,

Evan Kort
Assistant Planner
Carmel-by-the-Sea
(831)620-2023
ekort@ci.carmel.ca.us



Sullivan Carey-Lang

To: Jennifer Blevins

Aug 22, 2024 at 3:16 PM

[Details](#)

Good afternoon Jennifer,

I can confirm that we've received your inspection request for tomorrow. Duane will give you a call tomorrow morning to confirm the inspection window for you.

Thank you,



Sullivan Carey-Lang [he, him, his]
Building Permit Technician
City of Carmel-by-the-Sea
(831) 620-2059

On Thu, Aug 22, 2024 at 2:31PM Jennifer Blevins <jennblevins@me.com> wrote:

Hi Sullivan, any chance we can get our permit inspection tomorrow for the coffee bar? I left a voicemail earlier.

Jenn

Sent from my iPhone

On Feb 13, 2024, at 2:23PM, Sullivan Carey-Lang <scareylang@ci.carmel.ca.us> wrote:

Good afternoon Jenn,

Thank you for providing the fee payment, I may now issue your permit to you. Please see attached the approved building permit forms, inspection record cards, and the job copy stamped approved plans. It is your responsibility to print out the attached forms and plans and make them available at the project site at all times. Additionally, the building permit form is required to be posted in a clear and visible location to the public right of way at all times. Once posted, you may then begin the approved work.

Please let me know if you have any additional questions.

On Feb 13, 2024, at 2:23PM, Sullivan Carey-Lang <scareylang@ci.carmel.ca.us> wrote:

Good afternoon Jenn,

Thank you for providing the fee payment, I may now issue your permit to you. Please see attached the approved building permit forms, inspection record cards, and the job copy stamped approved plans. It is your responsibility to print out the attached forms and plans and make them available at the project site at all times. Additionally, the building permit form is required to be posted in a clear and visible location to the public right of way at all times. Once posted, you may then begin the approved work.

Please let me know if you have any additional questions.

Thank you,



Sullivan Carey-Lang [he, him, his]
Building Permit Technician
City of Carmel-by-the-Sea
(831) 620-2059

Please take our [Customer Satisfaction Survey](#).

<EP 23-567 (Porter-Mad Dogs and Englishmen) Building Permit Form.pdf>
<EP 23-567 (Porter-Mad Dogs and Englishmen) Inspection Record Card.pdf>
<EP 23-567 (Porter-Mad Dogs and Englishmen) Approved Plans.pdf>
<PP 23-566 (Porter-Mad Dogs and Englishmen) Building Permit Form.pdf>
<PP 23-566 (Porter-Mad Dogs and Englishmen) Inspection Record Card.pdf>



Sullivan Carey-Lang
To: Jennifer Blevins

Sep 1, 2023 at 11:57 AM
[Details](#)

Re: Plans

Jennifer,

It appears that you used a previous floor plan from a previous tenant and overlaid your current use and space on it. Unfortunately, we wouldn't be able to accept it as presented. You may use the existing plans as a guideline, but we would need a new floor plan provided that does not include the notes and references from the old businesses.

I will say that your dimensions and notes appear clear, so having this with the old plan notes removed should be sufficient. I would additionally include a written description of the proposed additional use, note how much seating you are requesting, and indicate the hours of operation for this.

Thank you,



Sullivan Carey-Lang [he, him, his]
Building Permit Technician
City of Carmel-by-the-Sea
(831) 620-2059

Please take our [Customer Satisfaction Survey](#).

On Fri, Sep 1, 2023 at 11:48 AM Jennifer Blevins <jennblevins@icloud.com> wrote:

[See More](#)



Subject: Re: Meeting today
Date: Sep 19, 2025 at 4:39 PM
To: Anna Ginette <aginette@ci.carmel.ca.us>

Hi Anna,

Just checking in to see if there are any updates since we had our meeting. I really appreciate you coming to speak with me. I'm getting nervous as we only have a few months until the end of the year.

Can I get on the Oct Planning agenda? That way we have time to get me on the City Council agenda for Nov if needed.

Jennifer
Mad Dogs & Englishmen
813-546-7361

On Aug 29, 2025, at 2:30 PM, Anna Ginette <aginette@ci.carmel.ca.us> wrote:

Okay. I'll head over there around 3.

See you in a bit.



Anna Ginette, AICP
Community Planning and Building Director
City of Carmel-by-the-Sea
P.O. Box CC, Carmel-by-the-Sea, CA 93921
Office: (831) 620-2008 Cell: (831) 620-5337
aginette@ci.carmel.ca.us

 **Anna Ginette, AICP**
To: Jennifer Blevins

Sep 26, 2025 at 2:56 PM
[Details](#)

Site Visit

Hello Jennifer,

Duane, Jermel and I will meet you on site Friday, October 3rd at 3pm.

Sincerely,



Anna Ginette, AICP
Community Planning and Building Director
City of Carmel-by-the-Sea
P.O. Box CC, Carmel-by-the-Sea, CA 93921
Office: (831) 620-2008 Cell: (831) 620-5337
aginettes@ci.carmel.ca.us

From: Jennifer Blevins <jennblevins@icloud.com>
Sent: Wednesday, October 15, 2025 2:41 PM
To: FIRE-Prevention Employees <fireprevention@monterey.org>
Cc: Jermel Laurie <jlaurie@ci.carmel.ca.us>; Duane Dauphinee <ddauphinee@ci.carmel.ca.us>; John Plastini <plastinico@aol.com>; Kelly <warrenbuildingcarmel@gmail.com>
Subject: Re: Technical clarification letter

[Some people who received this message don't often get email from jennblevins@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hi Chief Cooper,

Following back up on my email that I sent over last Friday. Would you be available to meet this week?

Jenn

Sent from my iPhone

> On Oct 10, 2025, at 10:15 AM, Jennifer Blevins <jennblevins@icloud.com> wrote:
>
>
> Chief Cooper, thank you for taking my call earlier this week. Please see the attached letter requesting technical clarification on proposed sprinkler requirements for my coffee bar in Carmel, CA. Please let me know what day next week works for an in person meeting and site visit. I look forward to working with you and the city to get this sorted. I am happy to provide any additional documentation as requested.
>
> <Coffee_Bar_Sprinkler_Clarification_NoAddendum.pdf>
>
> Sincerely,
> Jennifer Blevins
>
> Sent from my iPhone
[NOTICE: This message originated outside of the City of Monterey mail system --- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]



On Fri, Oct 17, 2025 at 2:11PM Jennifer Blevins <jennblevins@icloud.com> wrote:
[See More](#)

 **Jennifer Blevins** Nov 14, 2025 at 4:43 PM



Justin Cooper

To: Jennifer Blevins, FIRE-Prevention Employees Cc: Jermel Laurie, Duane Dauphinee, John Plastini, Kelly (landlord)

ATTACHMENT 6

[Details](#)

Re: Technical clarification letter

Jenn,

I wanted to get back to you regarding occupancy classification. Occupancy classification is done by the Building Department. I cannot move forward until I receive direction from the Carmel By The Sea Building Official.

Sincerely,

Justin Cooper | Division Chief | Fire Marshal
MONTEREY FIRE DEPARTMENT
FIRE PREVENTION DIVISION



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Jennifer Blevins

To: cooper@monterey.org Cc: "Anna Ginette," AICP" <aginette@ci.carmel.ca.us>

Oct 17, 2025 at 2:50 PM

[Details](#)

Written confirmation request – Fire sprinkler determination for CUP file (Mad Dogs & Englishmen)

Hi Chief Cooper,

I hope you're well. I'm finalizing my CUP compliance file for Mad Dogs & Englishmen (approved under Resolution No. 2024-094-PC as a specialty restaurant / coffee bar) and wanted to follow up with a simple written confirmation for the record regarding sprinkler requirements.

For the approved CUP scope, there was no increase to the building fire area or change to the fire system, and the use is limited to coffee/espresso service without grease-producing equipment or a commercial kitchen exhaust system.

Can you please confirm in writing whether any fire sprinkler system upgrade is required for this approved scope, so I can include that note in the file? If there is specific language you would prefer I reference when documenting Fire's position in my compliance packet, I'm happy to use your wording.

I appreciate your help and your time.

Jennifer Blevins
Owner & General Manager
Mad Dogs & Englishmen
SW Corner Ocean & Mission, Carmel-by-the-Sea
813-546-7361
jennifer@maddogsandenglishmen.com



Justin Cooper

To: Jennifer Blevins Cc: "Anna Ginette," AICP" <aginette@ci.carmel.ca.us>

Oct 20, 2025 at 4:24 PM

[Details](#)

Dear Ms. Blevins,

This correspondence is provided in response to your inquiry regarding the occupancy classification for the project. Determination of occupancy classification is the responsibility of the Carmel-by-the-Sea Building Department. The Fire Department is unable to provide a final determination or move forward with review until confirmation is received from the Building Official regarding the existing occupancy classification and whether any change has occurred.

Should a change in occupancy classification be identified, the proposed use may constitute a change of use under California Fire Code Section 102.3, which could trigger requirements for the installation of an automatic fire sprinkler system.

This information is based on the Building Department's designation of the intended use of the structure, which serves as the foundation for applicable fire and life safety requirements.

Sincerely,

Justin Cooper | Division Chief | Fire Marshal
MONTEREY FIRE DEPARTMENT
FIRE PREVENTION DIVISION



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JL

Jermel Laurie

To: John plastini

Cc: WarrenBuilding@gmail.com, Jennifer Blevins, Anna Ginette, AICP, Duane Dauphinee, Sullivan Carey-Lang, Evan Kort

Nov 13, 2025 at 3:37 PM

Details

Notice of Violation

Mr. Plastini,

As the contact on file, please see the attached notice of violation. A certified copy will also be mailed to:

PORTER ALAN R
PO BOX 5460
SANTA BARBARA, CA 93150

The second attachment contains the supporting codes and sections from Title 24 of the California Code of Regulations (Building Codes) and the Carmel Municipal Code.

Best Regards,



Jermel Laurie, CBO

Building Official

City of Carmel-by-the-Sea

(831) 620-2055

Please take our [Customer Satisfaction Survey](#).

If you have a general Planning question, please email planning@ci.carmel.ca.us. For Building questions, please email building@ci.carmel.ca.us. To request a building inspection, please go on-line to: <https://ci.carmel.ca.us/post/electronic-inspection-scheduling> or call the inspection line at (831) 620-2065.

Thank you for your patience and understanding as we adapt to the changing conditions in our community.



010-141-001...d Dogs).pdf

507 KB

JL

Jermel Laurie

To: Kelly (landlord), John plastini, Jennifer Blevins, Anna Ginette, AICP, Duane Dauphinee, Sullivan Carey-Lang, Evan Kort

Dec 3, 2025 at 8:53 AM

Details

Determination of Codes - RE: Mad Dogs and Englishmen

Dear Kelly Sedoryk and John Plastini,

Jennifer Blevins has requested a determination of codes. As the contact on file, please see the attached determination of codes and supporting documentation. A certified copy will also be mailed to:

PORTER ALAN R
PO BOX 5460
SANTA BARBARA, CA 93150

Best Regards,



Jermel Laurie, CBO

Building Official

City of Carmel-by-the-Sea

(831) 620-2055

Please take our [Customer Satisfaction Survey](#).

If you have a general Planning question, please email planning@ci.carmel.ca.us. For Building questions, please email building@ci.carmel.ca.us. To request a building inspection, please go on-line to: <https://ci.carmel.ca.us/post/electronic-inspection-scheduling> or call the inspection line at (831) 620-2065.

Thank you for your patience and understanding as we adapt to the changing conditions in our community.



010-141-001...d Dogs).pdf

507 KB

Page 92 of 265

Jennifer Blevins
To: Evan Kort Cc: Brandon Swanson, Bo Grunde

Jan 9, 2025 at 6:14 PM
[Details](#)

Re: Mad Dogs Use Permit

Hi Evan,

I hope you had a nice holiday break. I have a stressful problem, and I'm not sure how to handle this. I met with my property manager last week to review the permit and she's stating the property owner AR Porter is not wanting to sign the new conditional use permit because of the stipulation about the bathroom.

Our bathroom in question is shared with a neighboring business (Carmel Sport), this tenant has been in the space next to us for 30 years and her husband is an attorney. In her lease it states the bathroom is for employees only and she is not budging on allowing us to utilize this bathroom for customers, even though we have frequently observed her letting her own customers use it on occasion. I didn't think it would be an issue, although if you recall when we initially spoke I did say I didn't want to include the bathroom in the original permit application. I really didn't think it would be an issue when I submitted the updated application to change the use permit, I thought my landlord would come around and be ok since it was a city requirement and we have always been a good tenant. But now here we are. He's not budging. I think he's afraid he's going to get sued by the other tenant for violating her lease, but this is just a guess. I now don't know what to do.

My property manager and landlord are also justifiably concerned about safety and liability with the bathroom being located at the top of a stairway in a hallway- this area is currently not technically space in my lease, but is considered a common area, thus the liability would fall on the owner of the building should someone fall and get hurt.

For two weeks, around Christmas, after the planning dept approved our permit, we tried making the restroom available to our customers and quite honestly it was a disaster. We had a line of people non stop off of Ocean Ave that we could not curtail. This line blocked the hallway and created a safety concern (as my landlord feared), and people queued up through our shop past the coffee bar making it near impossible for staff or customers to navigate the area where food and drinks are picked up. Many of these people were not even customers. It was so challenging for our staff to try to manage. Having these long lines would also create an issue with the fire dept as it would cause us to be over maximum occupancy if the coffee bar was full of customers and we also had a long line of people queuing up for the toilets.

This is a historic 1929 building. We have a public toilet across the road in the park built when Clint was mayor. We have been sending customers to this bathroom since opening with no issues. Can we please change this requirement in the permit? It really is a much better solution given the circumstances.

The following coffee bars that are similar to us all send customers to an off site bathroom, so there is a precedent:

Below, can we please change the requirement in the permit to being to a nearby better location given the circumstances.

The following coffee bars that are similar to us all send customers to an off site bathroom, so there is a precedent:

- Carmel Bakery- sends customers two blocks away to the bathroom across from Mulligan's.
- Carmel Coffee Roasting- sends customers to the same bathroom even further away from them.
- Carmel Coffee House- sends customers to the same bathroom as above.
- Cafe Del Mar- sends customers to the same bathroom as above- this business opened within the last two years. May I please ask how they got approved for this exception?
- Carmel Crepery- this future business will send customers to a bathroom in the outside courtyard that belongs to a neighboring restaurant.

I just can't seem to catch a break. I really thought everything was sorted and was so happy that we had the approvals to move forward with the new permit and business license. What do I do now? I'm at a loss for next steps and looking for some guidance. At this point I'm honestly feeling like throwing in the towel. I'm so sorry for the extra aggravation that this whole situation is causing. In hindsight I should have gotten my landlord's approval first.

I'm really wanting to get all of this sorted so that I am in compliance with all city requirements. Please discuss with Brandon and Bo and please let me know what if anything can be done. I just don't know what my options are given the circumstances. This building does not have a public bathroom on site for customers to use. There is another bathroom downstairs on the ground floor that we share with another tenant (Mel's hair salon)- I even suggested we convert this bathroom into an ada compliant public bathroom for the tenants of the building and this was shot down by my property manager as they feel it's in the wrong location for safe and easy access by customers (it's off a hallway accessed by an exterior door near our trash area).

I did check with the health dept and the water dept, both have confirmed that they do not require us to have a bathroom on site for customers, so this is strictly a Carmel requirement. I'm just hoping since exception was made for so many other similar coffee bars in town that an exception can be made for us.

Jennifer Blevins

Sent from my iPhone

On Jan 8, 2025, at 9:11AM, Evan Kort <ekort@ci.carmel.ca.us> wrote:

Ms. Blevins,

Your Use Permit Application was approved by the Planning Commission on December 11, 2024 with the appeal period for the approval ending on January 3, 2025 (please refer to the

 **Jennifer Blevins**
To: Jennifer Blevins

2:18 PM

[Details](#)

Fwd: Question

Sent from my iPhone

Begin forwarded message:

From: jennifer@maddogsenglishmen.com
Date: July 12, 2021 at 11:33:32 AM PDT
To: Evan Kort <ekort@ci.carmel.ca.us>
Subject: Question

Hi Evan,

Can I ask you a question? If we wanted to eventually add a coffee bar inside our shop on Ocean to sell gourmet espresso and lattes to our customers, what sort of challenges would I run into getting this approved?

Are we at the 15

IMG_6285.jpg

Sent from my iPhone

 **Jennifer Blevins**

To: jlaurie@ci.carmel.ca.us Cc: cooper@monterey.org, "Anna Ginette," AICP" <caginette@ci.carmel.ca.us> Bcc: martin@maddogsandenglishmen.com

Oct 22, 2025 at 5:02 PM

[Details](#)

Clarification on Occupancy Classification & Fire Sprinkler Requirements

Hi Jermel,

As a follow-up to our previous discussions and the Fire Marshal's correspondence, I wanted to confirm the occupancy classification and fire sprinkler determination for Mad Dogs & Englishmen Coffee Bar (SW corner Ocean & Mission).

The Fire Marshal's office noted that the final determination depends on the Building Department's classification of use and occupant load. Our approved CUP (2024-094-PC) identifies the operation as a specialty restaurant/coffee bar, with a maximum of 20 customer seats and a total customer area of approximately 700 square feet.

Based on California Building Code Table 1004.5 (Assembly without fixed seats), our occupant load calculates to approximately 47 people, which is below the 50-person threshold that triggers Assembly Group A-2 classification and associated sprinkler requirements.

Could you please confirm that the City will apply the Business Group B (less than 50 occupants) classification for this use? This would align with both the CUP conditions and the limited seating/service nature of the business.

For convenience, I've cc'd Fire Marshal Justin Cooper, as his office indicated this classification confirmation will guide any next steps regarding fire suppression review.

Thank you very much for your time and clarification.

Best regards,
Jennifer Blevins
Mad Dogs & Englishmen Coffee Bar
SW Corner Ocean & Mission, Carmel-by-the-Sea
813-546-7361
jennifer@maddogsandenglishmen.com

cc:
Justin Cooper – Fire Marshal, Monterey Fire Department
Anna Ginette, AICP – Community Planning & Building Director, City of Carmel-by-the-Sea



Jennifer Blevins

To: jlaurie@ci.carmel.ca.us Cc: "Anna Ginette, AICP" <aginette@ci.carmel.ca.us> Bcc: martin@maddogsandenglishmen.com

Oct 22, 2025 at 5:10 PM

[Details](#)

Clarification on ADA Restroom Documentation & CASp Letter

Hi Jermel,

I wanted to check in for clarification before proceeding with the next step in our documentation for Mad Dogs & Englishmen Coffee Bar (SW corner Ocean & Mission).

Roger Miller (CASp, Eagle Project Management) offered to prepare a formal letter confirming that ADA does not require a public restroom for our use type. However, his scope does not include plumbing code or accessible route verification, and the fee for this basic letter would be \$850.

Before proceeding, could you please confirm whether your department requires a formal CASp letter, or if email confirmation of Roger's findings would be sufficient for the record?

In addition, Roger indicated that the route between our coffee bar and the public restrooms across Devendorf Park falls under the California Plumbing Code rather than ADA. We have documented the accessible paved route to the park restrooms, which are maintained by the City and located well within the CPC 422.2 / 422.4 distance standards.

If helpful, I can include our distance measurements, accessibility photos, and map for your review.

For context, the Monterey County Health Department has already approved our food permit and conducted a site visit confirming our compliance without requiring a customer restroom.

Please let me know whether we should proceed with a CASp letter or submit the supporting route documentation instead.

Thank you for your guidance on how best to finalize this portion of the CUP file.

Best regards,

Jennifer Blevins

Mad Dogs & Englishmen Coffee Bar

SW Corner Ocean & Mission, Carmel-by-the-Sea

813-546-7361 cell/text

jennifer@maddogsandenglishmen.com

cc: Anna Ginette, AICP – Community Planning and Building Director, City of Carmel-by-the-Sea



Jennifer Blevins

To: "Anna Ginette, AICP" <aginette@ci.carmel.ca.us> Cc: jlaurie@ci.carmel.ca.us, cooper@monterey.org Bcc: martin@maddogsandenglishmen.com

Oct 22, 2025 at 6:06 PM

[Details](#)

Filed for Record – Health Dept Pre-Op Approval & Plan Set (CUP 2024-094-PC)

Hi Anna,

For the CUP 2024-094-PC record, attached are two items I received today from Monterey County Environmental Health:

- the final pre-operational inspection report (Aug 23, 2024), and
- the plan set that was reviewed and approved by the Health Department.

These reflect the beverage-oriented coffee bar layout and the back-of-house employee restroom, consistent with what we've discussed for the project.

I've reached out to Jermel for clarification regarding the occupancy classification and will follow up on the CASp letter once I receive his response.

Thanks so much,

Jennifer



Ow, Corrine

To: Jennifer Blevins

4:12 PM

[Details](#)

RE: AM0001939- Mad Dogs and Englishmen, SW Corner of Ocean and Mission, Carmel

Hi Jennifer,

Great to hear from you! Hope everything is going well with the shop.

Attached is the final pre-operational inspection report from last year as well as a copy of the plans submitted for this plan check application. They do have my handwritten notes on it with some highlighted colors just as a precaution.

Regards,



Corrine Ow, REHS
Senior Environmental Health Specialist
Health Department – Land Use
Environmental Health Bureau
County of Monterey
1270 Natividad Road, Salinas, CA 93906

Jennifer

Based on the email you provided from Jermel it appears that the trigger that is requiring accessible improvements in your building is based on the change of occupancy which requires a level of accessibility improvements based on the sections of CBC 11B & ADAG Standard related to "Existing Buildings and Facilities"

I provided the attached hourly proposal where I can walk through the requirements and help you provide a reasonable response to the city.

The letters you are requesting will not satisfy the requirements of these sections of the regulations.

Furthermore part 2 of the letter you requested is not accurate, the ADAG does not address travel distance to accessible toilet rooms. I believe the CBC Plumbing code addresses the requirements for toilet rooms

If you still want to limit the scope to "A signed PDF letter on your letterhead confirming that (1) ADA does not require an on-site public restroom for my specialty restaurant/coffee bar as proposed" I can revise the proposal.

My minimum fixed fee cost for something like the letter would be \$825 payable in advance

Let me know how you would like to proceed

Roger Miller
Eagle Project Management, LLC
798 Lighthouse Ave #319
Monterey, CA 93940
<https://www.eaglepromanagement.com/>
Cell 831-521-9360
Fax 831-603-3058
Certified CASp Specialist (417 expires 4/9/2027)
[Why Should I Hire a CASp?](#)



Jennifer Blevins

To: jlaurie@ci.carmel.ca.us Cc: "Anna Ginette, AICP" <aginette@ci.carmel.ca.us>, cooper@monterey.org Bcc: martin@maddogsandenglishmen.com

Nov 5, 2025 at 2:45 PM

[Details](#)

Re: Follow-up: Occupancy Classification & Posted Load (Mad Dogs & Englishmen)

My apologies, double checking and the emails I'm referring to were sent between Oct 17-22.

Jennifer

On Nov 5, 2025, at 2:42 PM, Jennifer Blevins <jennblevins@icloud.com> wrote:

Hi Jermel,

Following up on my Oct 24-28 emails regarding occupancy classification for Mad Dogs & Englishmen (SW Ocean & Mission).

For the record, our assembly (customer) area calculates under 50 occupants, and we're requesting confirmation of Business Group B classification and a posted occupant load of 49.

Could you please confirm the classification and posted load, or let me know what you need from me to finalize this? I'm happy to provide a simple plan markup showing fixed elements and the net assembly area used in the calc.

Thank you,
Jennifer Blevins
Mad Dogs & Englishmen
813-546-7361 cell/text



Jennifer Blevins

To: jlaurie@ci.carmel.ca.us Cc: "Anna Ginette, AICP" <aginette@ci.carmel.ca.us>, cityclerk@ci.carmel.ca.us Bcc: martin@maddogsandenglishmen.com

Nov 5, 2025 at 3:06 PM

[Details](#)

Follow-up: ADA Restroom Documentation & CASp Letter (Mad Dogs & Englishmen)

Hi Jermel,

Checking in on my Oct 22 note about ADA restroom documentation. Roger (CASp) can provide a letter confirming ADA does not require a customer restroom for our use type, before I authorize that expense, could you confirm whether a formal CASp letter is required for your record, or if an email confirmation will suffice?

We've documented the accessible, paved route to the City's ADA restrooms in Devondorf Park (well within CPC 422 distance). I can submit the route map, photos, and measurements along with the Health Department's pre-op approval (Aug 23, 2024), if helpful.

Please let me know the preferred documentation path so I can proceed.

Thank you,
Jennifer Blevins
Mad Dogs & Englishmen
813-546-7361 cell/text



Jennifer Blevins

To: jlaurie@ci.carmel.ca.us Cc: "Anna Ginette," AICP" <aginette@ci.carmel.ca.us>, ddauphinee@ci.carmel.ca.us, scareylang@ci.carmel.ca.us, Evan Kort & 2 more

Nov 14, 2025 at 2:58 PM

[Details](#)**Request for Formal Written Code Determination (Required Prior to Administrative Appeal)**

Project: Mad Dogs & Englishmen Coffee Bar — SW Corner Ocean & Mission
 APN: 010-141-001
 Permits: Approved Conditional Use Permit (CUP 24-292), Ancillary Use Permit, BL 23-051

Date: November 14, 2025

Via Email

To:

Jermel Boyer, Chief Building Official – City of Carmel-by-the-Sea

Dear Mr. Boyer,

This letter is submitted to formally request a written code determination regarding the Notice of Violation issued for the tenant space at the SW corner of Ocean Avenue and Mission Street, occupied by Mad Dogs & Englishmen Coffee Bar.

Under Carmel's municipal procedures and the California Building Code, a formal written interpretation is required before an administrative appeal may be filed. To date, although I have submitted several written requests for clarification, I have not received a written determination identifying the specific code section(s) that require:

- (1) Construction of a restroom within the tenant space, and/or
- (2) Installation of an automatic fire sprinkler system in the building.

The NOV references several general code chapters (CFC 102.3, CEBC 1011, CPC Table 422.1, and CMC 15.08.100 and 17.14.040(l)(c)), but none of these provisions — on their face — require the construction of a restroom or the installation of sprinklers in an existing ~1,300 sq ft first-floor tenant space operating as a specialty coffee bar.

To proceed properly and transparently, I respectfully request an official written determination that clearly specifies:

The Landlord isn't going to sign off on any additional paperwork until some of the ongoing issues are resolved. Those being a need for a public restroom and sprinklers for the building. In addition, a formal CASp inspection will need to be scheduled for the building.

Regarding a set of "As Built" plans as mentioned in your other email, we need to receive a new set of plans that reflect and detail the current layout that includes not only the backflow valve and pressure pump, but also appliances, equipment, seating, tables, lighting, and any other additions or alterations to the Leased space.

Best regards,

Kelley Sedoryk
 Building Manager
 Warren Building Carmel
 (831) 747-9047 | call or text

On Tue, Oct 28, 2025 at 4:54PM Jennifer Blevins <jennblevins@icloud.com> wrote:

Hi Kelly,

I hope you're doing well. I'm reaching out with a quick update on the status of the Conditional Use Permit and to request assistance with a procedural item that needs to be completed in order for the City to process the Certificate of Occupancy.

As noted in the City's CUP approval letter dated December 12, 2024, the City requires that we apply for and obtain a new business license before they will issue the Certificate of Occupancy for the coffee bar. I have completed the Business License Application and the City requires the property owner's signature on that form.

This business license application is separate from the CUP signature.

To be clear:

- We are *not* asking for the CUP to be signed at this time.
- We are still actively working with the City to resolve the restroom requirement and sprinkler interpretation.
- Signing the business license application does *not* impact, waive, or accept any CUP conditions.
- It simply allows the City to issue the Certificate of Occupancy, which is required in order for the CUP timeline to proceed correctly.

We are continuing discussions with the City regarding the restroom and fire sprinkler interpretation, and I will not be signing the CUP until those items are resolved to everyone's satisfaction — including Mr. Porter's.

Would you please assist with obtaining Mr. Porter's signature on the attached Business License Authorization page? Once signed, I will submit it to the City with the required \$360 fee. I'll have Martin drop the paperwork off at your office in the morning.

Thank you both for your help and continued support as we finalize these last steps.

Warm regards,
 Jennifer Blevins
 Mad Dogs & Englishmen
 813-546-7361 cell/text



Jennifer Blevins

To: Kelly (landlord) Cc: Martin Watson, John Plastini

ATTACHMENT 6

Nov 20, 2025 at 5:00 PM

[Details](#)

Re: Warren Bldg notice of violation

Hi Kelley,

The appeal has been filed with the City and the fees have been paid. See attached.

On a separate but related matter, it was made clear to me that the business license application needs to be submitted and paid for, this was a condition of the CUP. Not submitting this may jeopardize my appeal. Has the landlord signed off?

Jenn



Jennifer Blevins

To: jiaurie@ci.carmel.ca.us Cc: "Anna Ginette, AICP" <aginette@ci.carmel.ca.us>, ddauphinee@ci.carmel.ca.us, scareylang@ci.carmel.ca.us, Evan Kort & 2 more

Nov 20, 2025 at 2:52 PM

[Details](#)

Follow-up: Request for Written Code Interpretation (NOV – Ocean & Mission)

Hi Mr. Laurie and Planning Staff,

I will be stopping by City Hall today to check on the status of the written code determination I requested on November 14. I need to provide my landlord with an update and a timeline, and I want to make sure you have everything needed from me to proceed.

Thank you,
Jennifer

On Nov 14, 2025, at 2:58 PM, Jennifer Blevins <jennblevins@icloud.com> wrote:

Project: Mad Dogs & Englishmen Coffee Bar — SW Corner Ocean & Mission
APN: 010-141-001
Permits: Approved Conditional Use Permit (CUP 24-292), Ancillary Use Permit, BL 23-051
Date: November 14, 2025

Via Email

To:
Jermel Laurie, Chief Building Official – City of Carmel-by-the-Sea

Dear Mr. Laurie,

This letter is submitted to formally request a written code determination regarding the Notice of Violation issued for the tenant space at the SW corner of Ocean Avenue and Mission Street, occupied by Mad Dogs & Englishmen Coffee Bar.

1. Restroom Requirement

Please cite the exact code section(s) in the 2022 California Plumbing Code, California Building Code, California Accessibility Code, or Carmel Municipal Code that require:

- A customer restroom to be constructed inside the tenant space, despite the availability of ADA-accessible public restrooms in Devendorf Park (owned and maintained by the City), and
- Why CPC §422.2 ("conveniently accessible" shared toilet rooms under the same authority) does not apply to this tenant space.

2. Fire Sprinkler Requirement

Please identify the specific code section(s) that trigger an automatic fire sprinkler system for this tenant improvement.

Under CFC §903.2.1.2 (the section governing A-2 occupancies), sprinklers are required only if:

- Fire area exceeds 5,000 sq ft,
- Occupant load is 100 or more, or
- The fire area is above/below the level of exit discharge.

This tenant space (~1,300 sq ft, <50 occupants, ground level) does not appear to meet any of these triggers.

If the sprinkler requirement is instead being asserted under CEBC §1011, please provide a written finding identifying the specific hazard classification increase that would trigger a sprinkler retrofit.

3. CUP Commencement Timing

The approved CUP (Resolution 2024-094-PC) states that the 12-month commencement period does not begin until a Certificate of Occupancy is issued for the approved use.

Please confirm whether:

- 1. A Certificate of Occupancy has been issued (to date, it has not), and
- 2. Whether the CUP clock has therefore not yet begun.

4. Appeal Rights

Once your written determination is issued, I will review it promptly and, if necessary, proceed with the formal administrative appeal.

I will also respectfully request confirmation of the correct appeal body:

- Building & Fire Code Board of Appeals (for code interpretation issues), or
- Planning Commission (if the determination is classified as a land-use condition).

For clarity, I am prepared to cover the associated appeal fee.

Request

To ensure procedural fairness and to allow this matter to move forward promptly and transparently, I respectfully request your formal written code determination addressing:

- 1. The restroom requirement
- 2. The sprinkler requirement
- 3. CUP commencement
- 4. Appeal pathway

Once issued, I will act accordingly within the applicable appeal timeframe.

Thank you for your attention and for providing the required written interpretation. I look forward to resolving this matter cooperatively and efficiently.

Sincerely,
Jennifer Blevins
Mad Dogs & Englishmen

JB Jennifer Blevins
To: Corrine Ow

Oct 22, 2025 at 9:02 PM
Details

Re: AM0001939- Mad Dogs and Englishmen, SW Corner of Ocean and Mission, Carmel

Thank you Corrine, much appreciated. It's actually going better than we could have ever imagined. Please stop by sometime for a coffee or tea!

Jenn

Sent from my iPhone

On Oct 22, 2025, at 4:12PM, Ow, Corrine <OwC@countyofmonterey.gov> wrote:

Hi Jennifer,

Great to hear from you! Hope everything is going well with the shop.

Attached is the final pre-operational inspection report from last year as well as a copy of the plans submitted for this plan check application. They do have my handwritten notes on it with some highlighted colors just as a precaution.

Regards,

Corrine Ow, REHS
Senior Environmental Health Specialist
Health Department – Land Use
Environmental Health Bureau
County of Monterey
1270 Natividad Road, Salinas, CA 93906
Main: (831) 755-4505 Direct: (831) 755-4557
owc@countyofmonterey.gov

<image001.png>

<image002.jpg>

 **Kyle Smith**
To: Jennifer Blevins Cc: Kelly (landlord)

Aug 12, 2024 at 11:52 AM

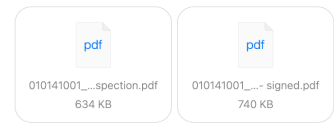
[Details](#)

Water Permit and Final Inspection Report

Jennifer,

Attached is the water permit and final inspection. Property is in compliance with MPWMD permit. Please let me know if you have any questions.

Kyle Smith
MPWMD Conservation Rep.
831-658-5601
ksmith@mpwmd.net



From: Ow, Corrine
Sent: Tuesday, March 26, 2024 3:47 PM
To: jennblevins@me.com
Cc: Botello, Edna <BotelloE@co.monterey.ca.us>; Rimando, Susan K. <rmandos@co.monterey.ca.us>
Subject: AM0001939- Mad Dogs and Englishmen, SW Corner of Ocean and Mission, Carmel

Good afternoon Jennifer,

After reviewing the scope of work for this project, you plans have been approved with our office. I have attached a formal letter of approval for your records. I have attached copies of the New Permit application and Worker's Compensation Affirmation forms for you to fill out to apply for your health permit.

Please contact me for a final pre-operational inspection prior to your intent to open the coffee bar area to you customers. You will be able to obtain a health permit with our office at the conclusion of the final pre-operational inspection. The permit fees will be finalized at the conclusion of the final pre-operational inspection.

You may contact me for additional questions.

Regards,



Corrine Ow, REHS
Senior Environmental Health Specialist
Health Department – Land Use
Environmental Health Bureau
County of Monterey
1270 Natividad Road, Salinas, CA 93906
Main: (831) 755-4505 Direct: (831) 755-4557
owc@co.monterey.ca.us



From: "Mandujano, Veronica" <MandujanoV2@co.monterey.ca.us>
Date: February 20, 2024 at 4:44:07 PM PST
To: jennblevins@me.com
Cc: "Ow, Corrine" <OwC@co.monterey.ca.us>
Subject: PLAN CHECK INFO SW CORNER OF OCEAN AVE AND MISSION ST CARMEL

Please see attached plan check

Thank you,
Veronica Mandujano
Office Assistant II
Monterey County Health Department
1270 Natividad Rd. Salinas CA 93906
Direct Line: Salinas Office 831-755-8923

Salinas Office Main: 831-755-4505 Salinas Office Fax: 831-755-8440
Monterey Office Main: 831-647-7654 King City Office Main: 831-386-6899

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Like us on [Facebook!](https://facebook.com/mtyhd)





**Carmel-
by-the-Sea**

Nova Romero <nromero@ci.carmel.ca.us>

water permit docs

Jennifer Blevins <jblevins@ci.carmel.ca.us>
To: Nova Romero <nromero@ci.carmel.ca.us>

Fri, Jan 16, 2026 at 11:13 AM

These should be in pubic record, if anyone wants to review these. If you have time these supporting docs really should go in the packets for the meeting. I sent them to Jermel and Anna previously.

Jenn

2 attachments



010141001_20240812_Inspection.pdf
453K



010141001_20240812_Permit - signed (1).pdf
529K

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G · P.O. BOX 85 · MONTEREY, CA 93942 · (831) 658-5601 · FAX (831) 644-9558 · www.mpwmd.net

COMMERCIAL INSPECTION REPORT

☐ CII ☐ Change of Title ☐ Pre-Inspection/Credits ☐ New Construction ☐ Remodel/Addition ☐ Re-Inspection

BUSINESS NAME(S): _____ E-mail: _____

PROPERTY ADDRESS: SW CRN Ocean & Mission

CITY: Carmel ASSESSOR'S PARCEL NUMBER: D10 - K1 - 001

OWNER'S NAME: Alan R. Porter PERSON CONTACTED: _____

TYPE OF USE(S): Grp I-III NO. OF BLDGS: 1

This form certifies that an inspection was conducted at the above address to verify Water Efficiency Standards as listed in Regulation XIV District Rules and Regulations. At the time of the inspection, the property ☒ WAS ☐ WAS NOT found to be in compliance with MPWMD Water Efficiency Standards and/or with MPWMD Water Permit: 43840.

Types of use / Inspector Notes: Grp II Coffee Pass
Grp III Restaurant 40 seats pass
Grp I Retail Pass & Office Pass
Grp III Hair Cutting Pass

WATER EFFICIENCY INVENTORY:

Y	N	N/A		Remarks:
☒	☐	☐	Showerheads 2.0 gpm.....	
☒	☐	☐	Toilet 1.3 gpf unless 1.6 gpf prior to 2013.....	<u>1.28 III</u>
☒	☐	☐	Public Washbasins 0.5 gpm.....	
☒	☐	☐	Other Sink 2.2 gpm.....	<u>III</u>
☒	☐	☐	Public Washbasins (Sensor/Metered) auto 0.25 gpm.....	
☒	☐	☐	Washbasins (private) 1.5 gpm.....	
☒	☐	☐	High Efficiency Urinals.....	
☒	☐	☐	High Efficiency Clothes Washer.....	
☒	☐	☐	Water Efficiency Ice Machine.....	
☒	☐	☐	Pre-Rinse Spray Valve 1.6 gpm.....	<u>Costway AL</u>
☒	☐	☐	Conservation Signage.....	<u>on Table</u>
☐	☐	☒	Landscaping (Refer to Cal Am).....	
☐	☐	☒	Pressure (PSI).....	

ACTION REQUIRED: _____

- ☐ Items not in compliance must be corrected within thirty (30) days.
- ☐ Re-inspection required. Please call 658-5601 to schedule. (Re-inspection Fees of \$110.00 are required prior to inspection.)
- ☐ Provide itemized receipts/photos for _____
- ☐ Water Release Form & Water Permit Application Form required (Jurisdiction). Fees may be due. (Contact the District.)

Emailed to Agent 8/12/24
 Acknowledgment of Receipt Date

[Signature] 8/12/24
 MPWMD Representative Date

See Important Terms and Conditions on back of form.

U:\demand\Work\Forms\Inspection Reports\COM Inspection Report_20160309.docx

IMPORTANT TERMS AND CONDITIONS

When the property described on the reverse side of this form is not in compliance with Water Efficiency Standards as established by Monterey Peninsula Water Management District (MPWMD) Regulation XIV and/or conditions of an MPWMD Water Permit, this form shall serve as written notice.¹

NOTICE

The inventory of use and/or the determination of compliance shown on this report is a final determination of the Water District's General Manager. Final determinations of the General Manager may be appealed to the District Board within twenty-one (21) days after any such determination pursuant to District Rule 70. For information about the appeal process, contact the District office at (831) 658-5601.

SUMMARY OF WATER EFFICIENCY STANDARDS²

The following mandatory Water Efficiency Standards apply to Existing Non-Residential uses:

- High Efficiency Toilets with a maximum flush capacity of 1.3 gallons; unless 1.6 gallon toilets were installed prior to 2013
- High Efficiency Urinals;
- High Efficiency Clothes Washers;
- Water Efficient Ice Machines.
- Showerheads shall not exceed maximum flows of 2.0 gallons-per-minute;
- Washbasin faucets must flow at no more than 2.2 gallons-per-minute;
- Public faucets must flow at no more than 0.5 gallons-per-minute;
- Public faucets with automatic shut off or sensors must flow at no more than 0.25 gallons-per-minute;
- Guest room faucets must flow at no more than 1.5 gallons-per-minute.
- All visitor serving facilities (hotel, restaurants, etc.) shall be retrofit with:
 - Conservation signage
- Rain Sensor must be installed with automatic irrigation.

All Water Efficiency Standards and the following apply to Non-Residential New Structures:

- High Efficiency Toilets with a maximum flush capacity of 1.3 gallons;
- Urinals flush with one (1) pint of water or Zero Water Consumption;
- Washbasin faucets must flow at no more than 0.5 gallons-per-minute;
- High Efficiency Dishwashers;
- Instant Access Hot Water System;

Failure to complete "Actions Required" on the reverse side will result in Recordation of a Notice of Non-Compliance against the property. Payment of fees to release a Notice of Non-Compliance is required before a property may be found in compliance after a notice has been recorded. Penalties of up to \$250 per day for each day, or portion thereof, may result from failure to complete all "Actions Required".

If the property is currently for sale, corrective action must be taken prior to the close of escrow and/or transfer of title. It is a misdemeanor (infraction) for any buyer or seller to instruct an escrow agent to close escrow for sale of property within the Monterey Peninsula Water Management District without certification of compliance. An extension of time to meet the District's retrofit requirement may be available pursuant to Rule 144.

Disclaimer Notice

A type of use inventory performed by District inspectors does not "legalize" water use. Contact your local jurisdiction to verify that proper permitting was completed.

For additional information on Water Credits and High Efficiency Appliances please visit the forms section of our website: www.mpwmd.net.

¹ If the property was found to be in compliance, no further action is necessary.

² This text is a summary of MPWMD water conservation requirements. The text of Regulation XIV shall prevail in the event of any discrepancy between this summary and that regulation.



5 Harris Court, Building G, Monterey, CA 93940
P.O. Box 85, Monterey, CA 93942-0085

Phone: (831) 658-5601 -- Fax: (831) 644-9558 -- www.mpwmd.net -- www.montereywaterinfo.org

FINAL INSPECTION REQUIRED.
CONTACT MPWMD UPON PROJECT COMPLETION.

WATER PERMIT

Assessor Parcel Number:	010-141-001-000	Permit No:	WP043840
Property Owner:	Alan R Porter	Issue Date:	08/12/2024
Property Owner's Phone:	(831) 658-5601	Expires:	08/12/2026
Property Address:	SW CNR of Ocean Ave and Mission St Carmel, CA 93923	Jurisdiction:	Carmel-by-the-Sea
Applicant:	Jennifer Blevins		
Phone:	(831) 658-5601		
Mailing Address:	PO BOX 4586 Carmel, CA 93921		

Water Distribution System:	Californian American Water	Permit Type:	Remodel
Water Sources Used:	0	New Connections:	

Description of Work: Add coffee bar to retail space.

IMPORTANT NOTICE:

Currently, the Monterey Peninsula Water Management District (District) has authority pursuant to its Rules and Regulations to issue Water Permits and Water Use Permits. However, NOTICE is hereby provided that on October 20, 2009, the State Water Resources Control Board issued a Cease and Desist Order (CDO) on California American Water. This CDO prohibits California American Water from diverting water from the Carmel River for new service connections or for any increased use at existing service locations after October 20, 2009. Water Permits issued after October 20, 2009 may be subject to the CDO. For more information, please contact the State Water Resources Control Board or California American Water.

Applied Rule(s):

- Non-Residential Change of Ownership, Change of Use, and Expansion of Use Water Efficiency Standards

Project Requirement(s):

- High Efficiency (HE) Toilets (1.28 gpf), 2.0 gpm Showerheads, 1.2 gpm max Washbasin faucets, 0.5 gpm Public faucets, all other faucets 1.8 gpm; Instant-Access Hot Water System and all hot water pipes insulated; HE Clothes Washers; Water Efficient Pre-Rinse Spray Valves shall have a cleaning time of 26 seconds or less at 1.6 gpm (at least 60 PSI); Urinals (HE) (Pint or Zero Water Consumption). Conservation signage required in kitchen & restroom areas. Automatic Irrigation Controllers, with the exception of Weather- Based Irrigation Systems, shall include a Rain Sensor. Changes to landscaping may trigger MPWMD Rule 142.1, Water Efficient Landscape Requirements.



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Phone: (831) 658-5601 -- Fax: (831) 644-9558 -- www.mpwmd.net -- www.montereywaterinfo.org

- High Efficiency (HE) Toilets (1.28 gpf), 2.0 gpm Showerheads, 1.2 gpm max Washbasin faucets, all other faucets 1.8 gpm; Instant-Access Hot Water System and all hot water pipes insulated; HE Dishwasher and HE Clothes Washer; Automatic Irrigation Controllers, with the exception of Weather-Based Irrigation Systems, shall include a Rain Sensor. Changes to landscaping may trigger MPWMD Rule 142.1, Water Efficient Landscape Requirements.

Non Residential Type of Use (Acre Feet)	Existing Quantity	Post Project Quantity	Water Factor	Existing Capacity	Post Project Capacity
Beauty Shop/Dog Grooming	1	1	0.05670	0.057	0.057
Retail	2,810	3,715	0.00007	0.197	0.260
Group II Uses	1,115	210	0.00020	0.223	0.042
Restaurant (Includes Bar/Brewpub Seat)	40	40	0.02000	0.800	0.800
Totals:				1.276	1.159

	Beginning Balance	Permit Used	Ending Balance
On-site Credit:			0.117

Fee(s)	Quantity	Fee Amount	Paid	Notes
Application Non-Residential Processing Fee	1.00	\$450.00	\$450.00	
Deed Preparation and Review by Staff	1.00	\$110.00	\$110.00	
Imaging Fee	1.00	\$6.78	\$6.78	
Recordation Multiple Pages Fee	1.00	\$34.00	\$34.00	
Service Fee	1.00	\$8.35	\$8.35	
Balance Due: \$0.00				



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The Monterey Peninsula Water Management District issues this Water Permit for the above project. This Water Permit constitutes your receipt for the total fees shown. This permit may be revoked or other penalties imposed upon discovery of any substantial inaccuracy with respect to the referenced application or if water fixtures are added or changes in water use occur on this Site without amendment of the Water Permit.

Alan R Porter

Aug 12, 2024

Signature of Property Owner / Agent

Date

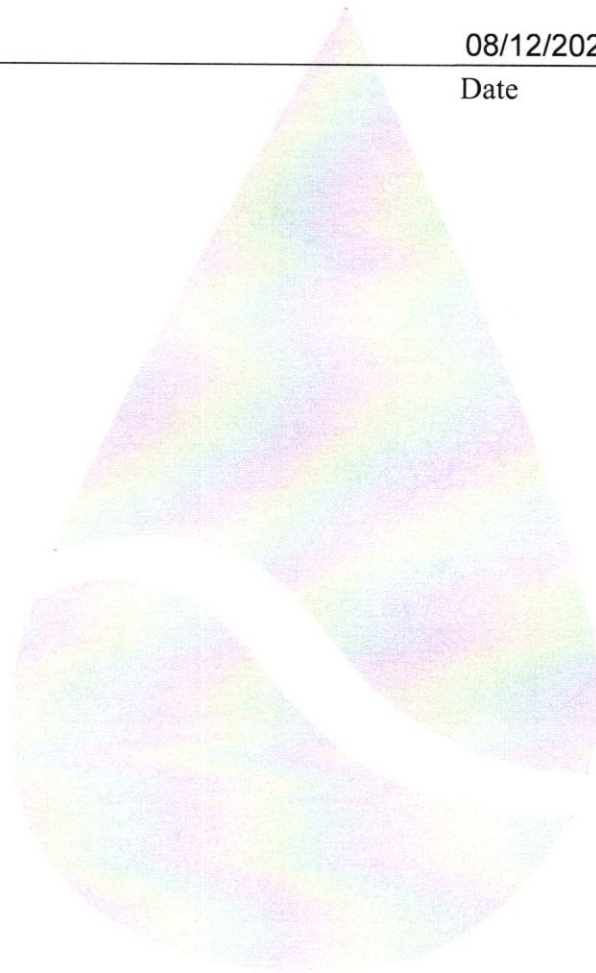
Note: This permit does not guarantee service by any Water Distribution System, public utility, or municipal water agency. This permit may be cancelled at the request of the Jurisdiction following notice to the property owner.

Kyle Smith

08/12/2024

MPWMD Delegated Agent

Date



Signature: Alan R Porter
Alan R Porter (Aug 12, 2024 10:21 PDT)

Email: warrenbuildingcarmel@gmail.com

ATTACHMENT 6

010141001_20240812_Permit

Final Audit Report

2024-08-12

Created:	2024-08-12
By:	Kyle Smith (ksmith@mpwmd.net)
Status:	Signed
Transaction ID:	CBJCHBCAABAA0Bip-BqsywzDhmktBj3u0ShBSz9S0IZ

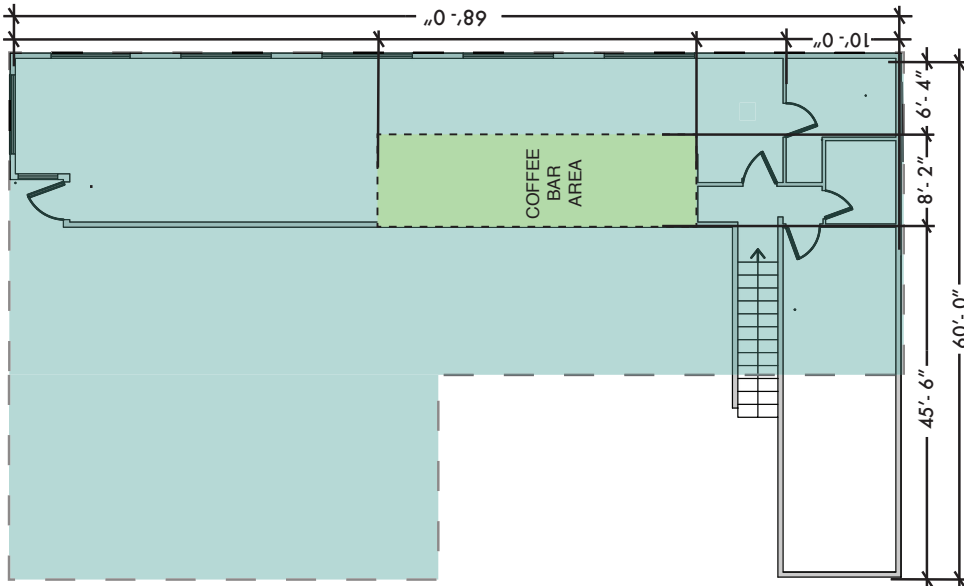
"010141001_20240812_Permit" History

-  Document created by Kyle Smith (ksmith@mpwmd.net)
2024-08-12 - 4:14:11 PM GMT
-  Document emailed to warrenbuildingcarmel@gmail.com for signature
2024-08-12 - 4:14:48 PM GMT
-  Email viewed by warrenbuildingcarmel@gmail.com
2024-08-12 - 5:20:14 PM GMT
-  Signer warrenbuildingcarmel@gmail.com entered name at signing as Alan R Porter
2024-08-12 - 5:21:55 PM GMT
-  Document e-signed by Alan R Porter (warrenbuildingcarmel@gmail.com)
Signature Date: 2024-08-12 - 5:21:57 PM GMT - Time Source: server
-  Agreement completed.
2024-08-12 - 5:21:57 PM GMT



OCEAN AVE

MISSION ST



PROJECT DATA

Address: SW Corner of Ocean Ave. & Mission St. Carmel, CA

Parcel Number:

Owners Name: A.R. Porter

Contact Name: Jennifer Blevins

Contact Phone: (813) 546-7361

Contact Email: jennblevins@me.com

Zoning District:

Upstairs Area: 1425 sq ft

Downstairs Area: 2500 sq ft

Total Area: 3925 sq ft

Project Area: 210 sq ft (Coffee Bar)

Flood Zone: No

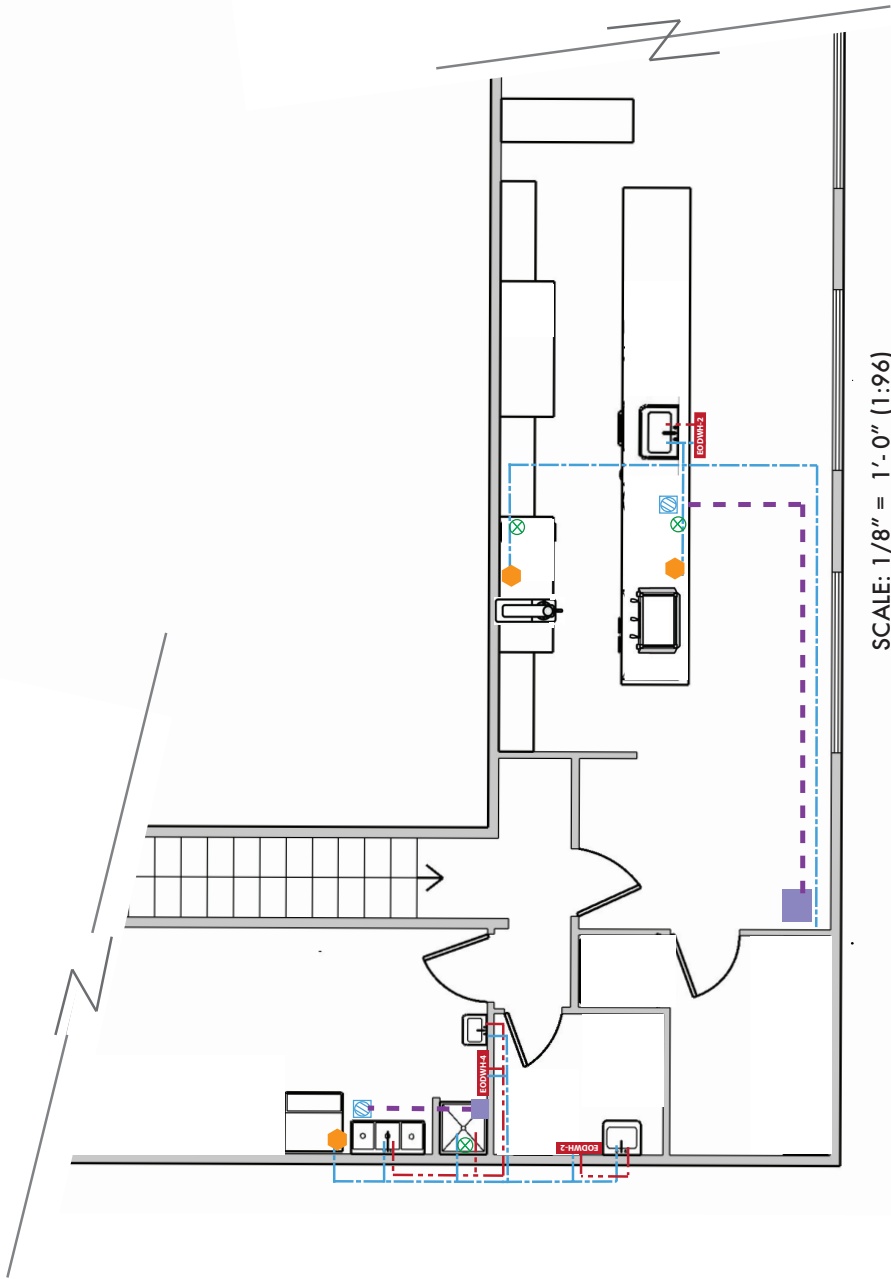
High Fire Severity: No

SCOPE OF WORK

Existing retail cabinets to be replaced with coffee bar counter and equipment, extending existing Orange Julius plumbing and electrical as needed.

PROPERTY OWNER: A. R. Porter
PROJECT CONTACT: Jennifer Blevins
PHONE: (813) 546-7361
ADDRESS: SW Corner of Ocean Ave. & Mission St. Carmel, CA

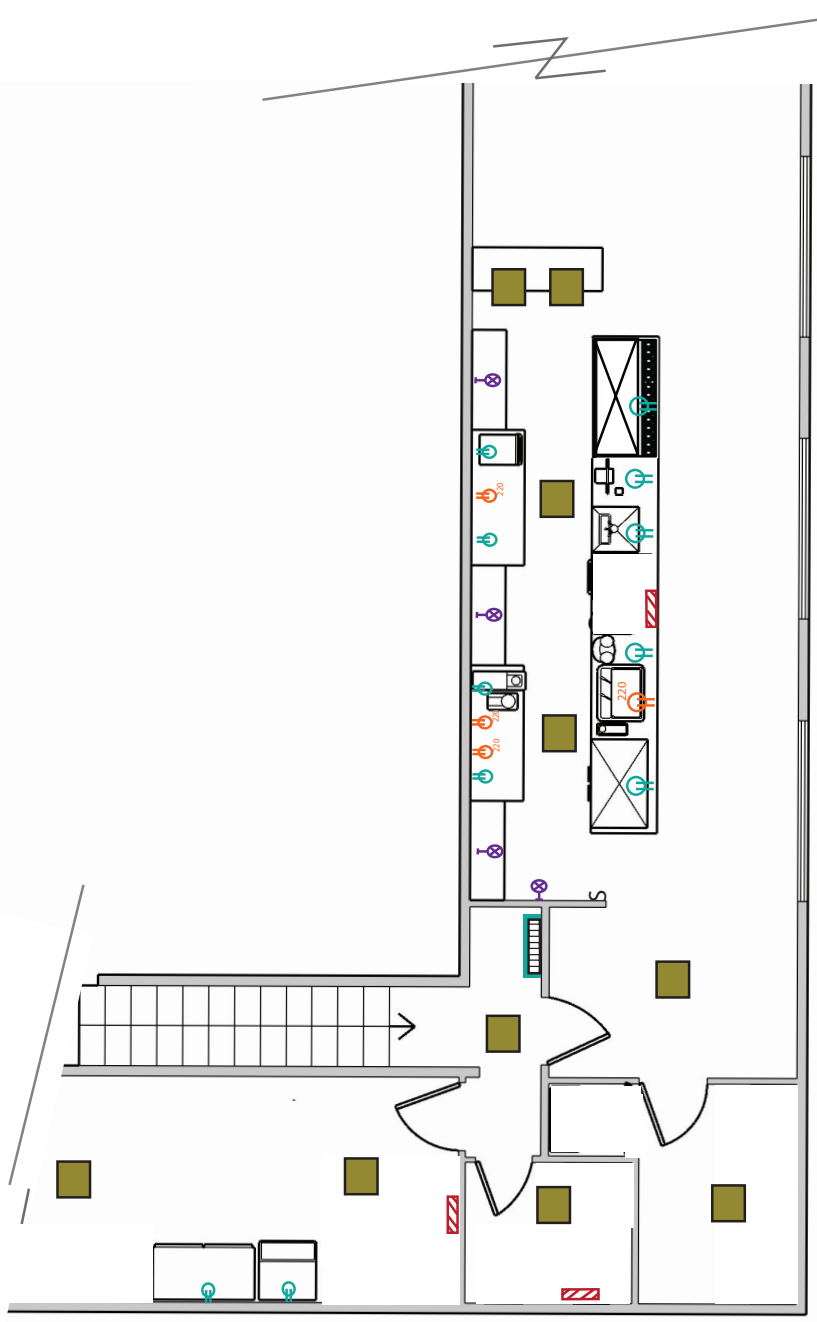
SITE PLAN



SCALE: 1/8" = 1'-0" (1:96)

PLUMBING INSTALLATIONS

Hot Water Line	In-line water filter	0.5GPM Electric On Demand Water Heater	Batch Brewer	Ice Maker	Mop Sink
Cold Water Line	Backflow Prevention Device	2.5GPM Electric On Demand Water Heater	Espresso Machine	Hand Sink	3 Compartment Sink
Drainage Connection	Floor Sink	Existing Drainage Connection			



SCALE: 1/8" = 1'-0" (1:96)

ELECTRICAL INSTALLATIONS

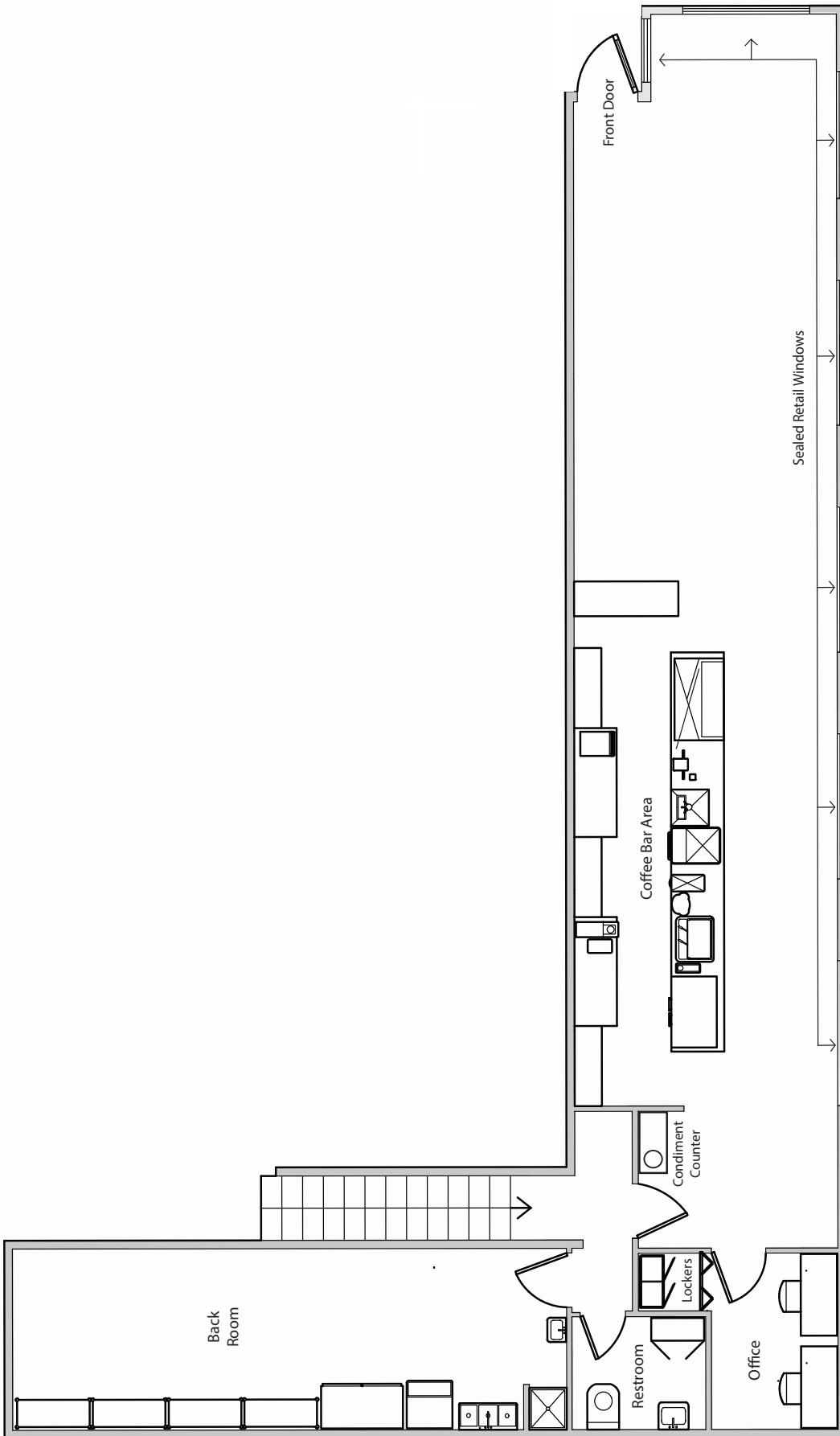
- Existing Power Panel
- Duplex Plug
- 220v Plug
- Wall mounted light
- Ceiling lights
- S Switch for wall lights

EQUIPMENT LEGEND

- | | | | | |
|---------------------------------|-----------------|---|-----------------------------|----------------------------|
| 2 Door Commercial Refrigerator | Batch Brewer | Espresso Grinders | Espresso Machine | Under-Counter Refrigerator |
| Ice Maker | Grinder | Countertop & ADA compliant Handheld POS | Undercounter Nitro Brew Tap | Drink Merchandiser |
| Tankless On Demand Water Heater | Quick Cook Oven | | | |

PROPERTY OWNER: A. R. Porter
 PROJECT CONTACT: Jennifer Blevins
 ADDRESS: SW Corner of Ocean Ave. & Mission St. Carmel, CA
 PHONE: (813) 546-7361

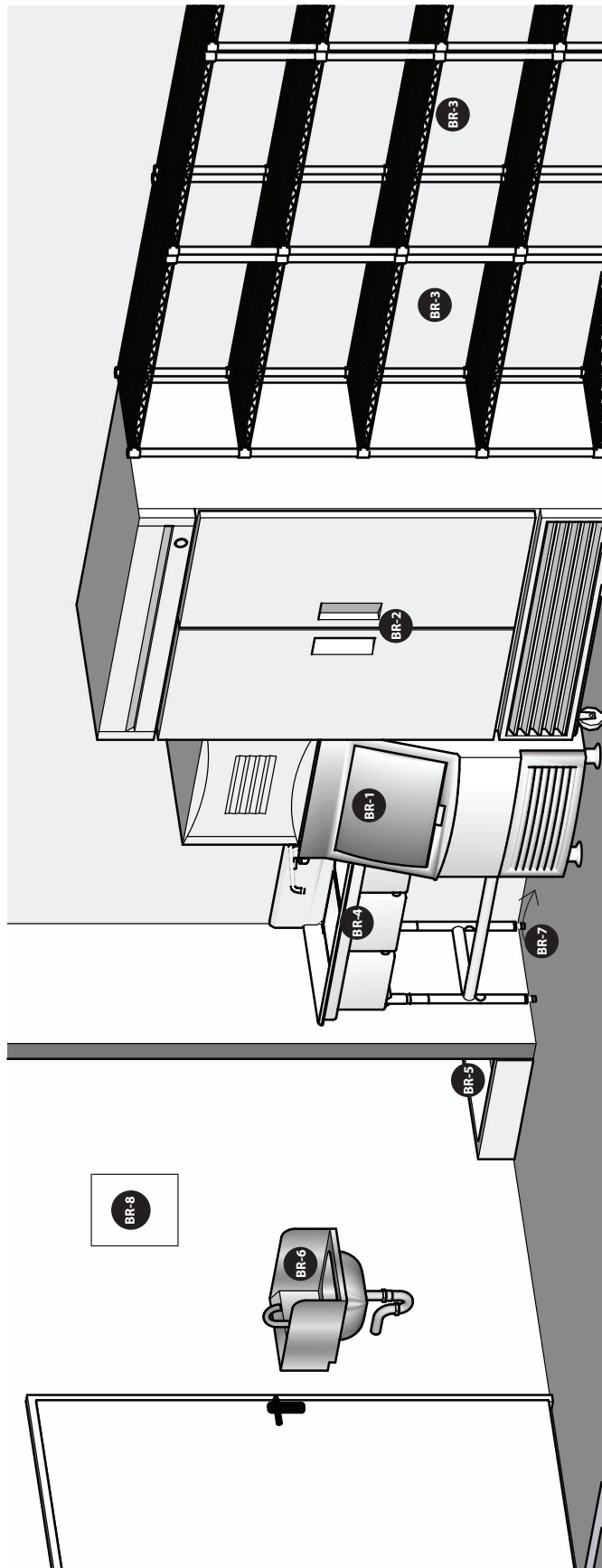
ELECTRICAL INSTALLATIONS



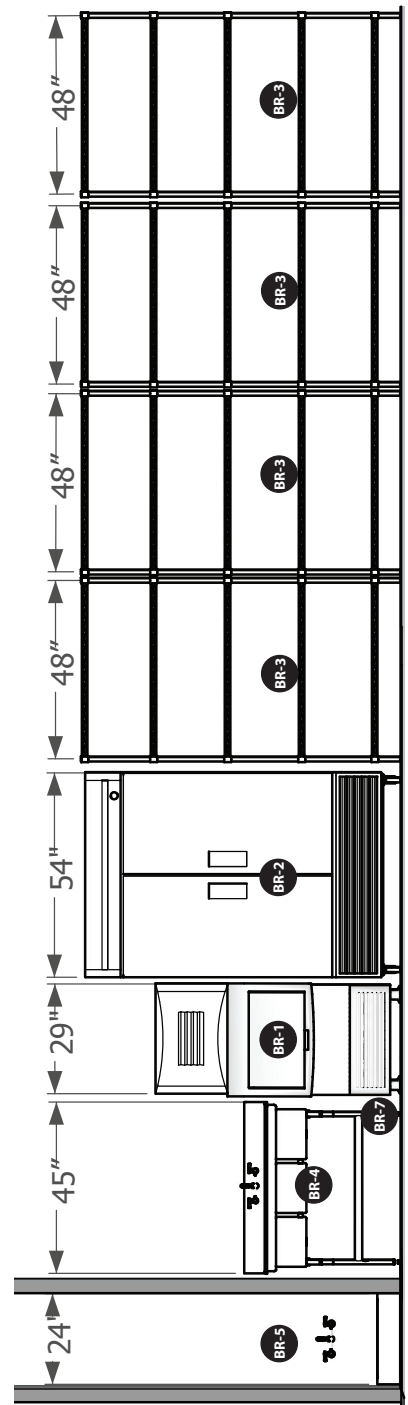
SCALE: 1/8" = 1'-0" (1:96)

BACK ROOM
LAYOUT

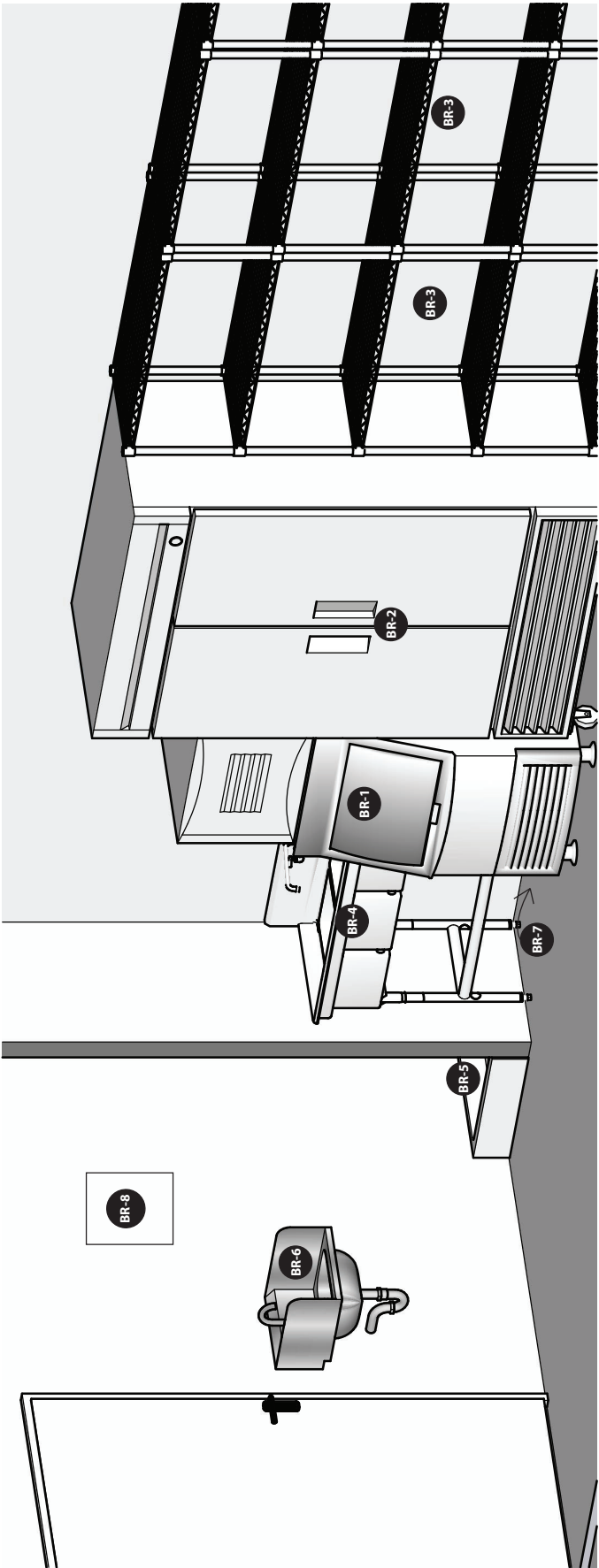
PROPERTY OWNER: A. R. Porter
PROJECT CONTACT: Jennifer Blevins
ADDRESS: SW Corner of Ocean Ave.
& Mission St. Carmel, CA
PHONE: (813) 546-7361



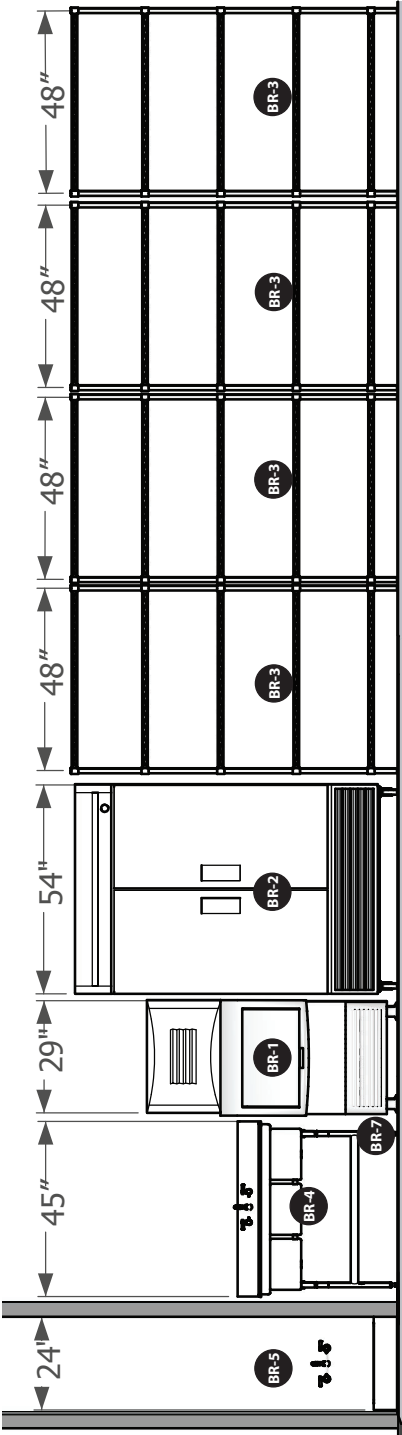
LEGEND	
BR-1	Ice Machine
BR-2	2 Door Refrigerator
BR-3	Wire Racks for Dry Storage
BR-4	3 Compartment Sink
BR-5	Mop Sink
BR-6	Hand Sink
BR-7	Floor Sink
BR-8	Tankless 2.5 GPM On-Demand Electric Water Heater



SCALE: 1/4" = 1'-0" (1:48)



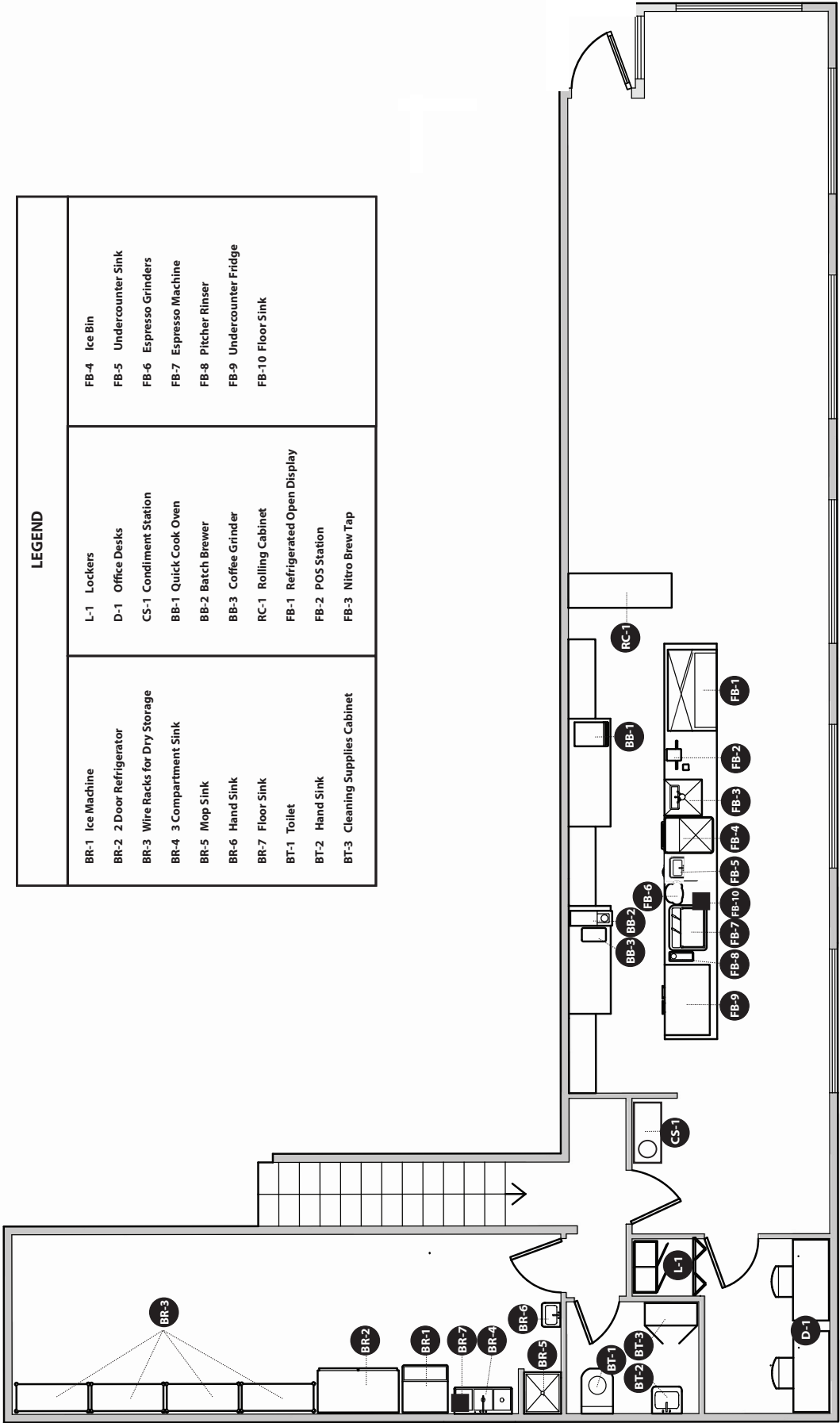
LEGEND	
BR-1	Ice Machine
BR-2	2 Door Refrigerator
BR-3	Wire Racks for Dry Storage
BR-4	3 Compartment Sink
BR-5	Mop Sink
BR-6	Hand Sink
BR-7	Floor Sink
BR-8	Tankless 2.5 GPM On-Demand Electric Water Heater



SCALE: 1/4" = 1'-0" (1:48)

EQUIPMENT
PLAN

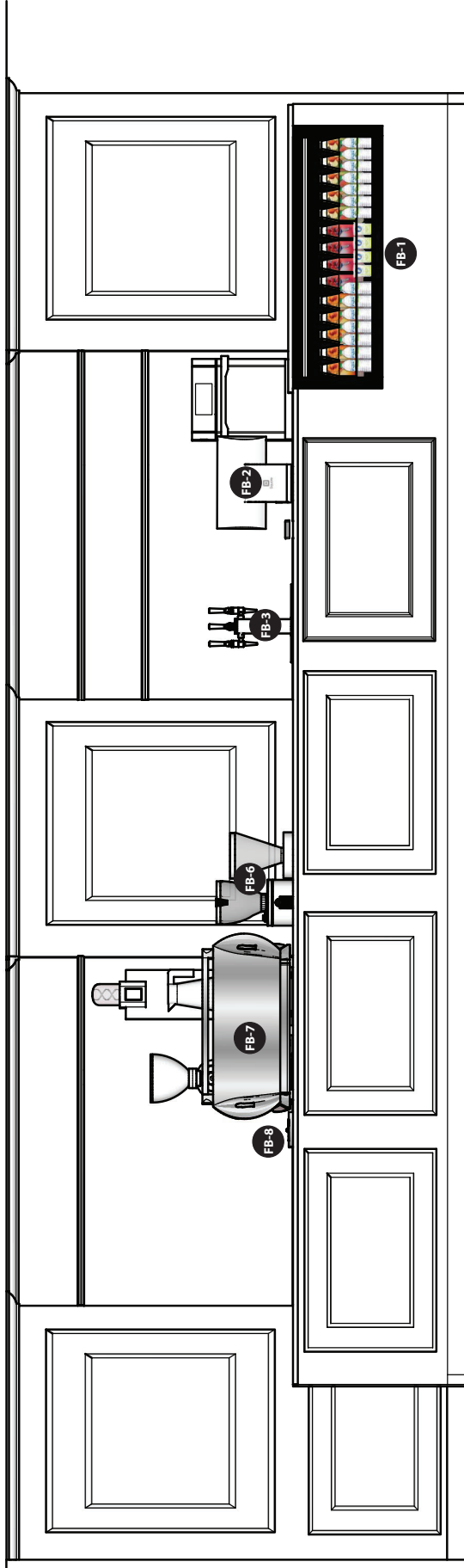
PROPERTY OWNER: A. R. Porter
PROJECT CONTACT: Jennifer Blevins
ADDRESS: SW Corner of Ocean Ave.
& Mission St. Carmel, CA
PHONE: (813) 546-7361



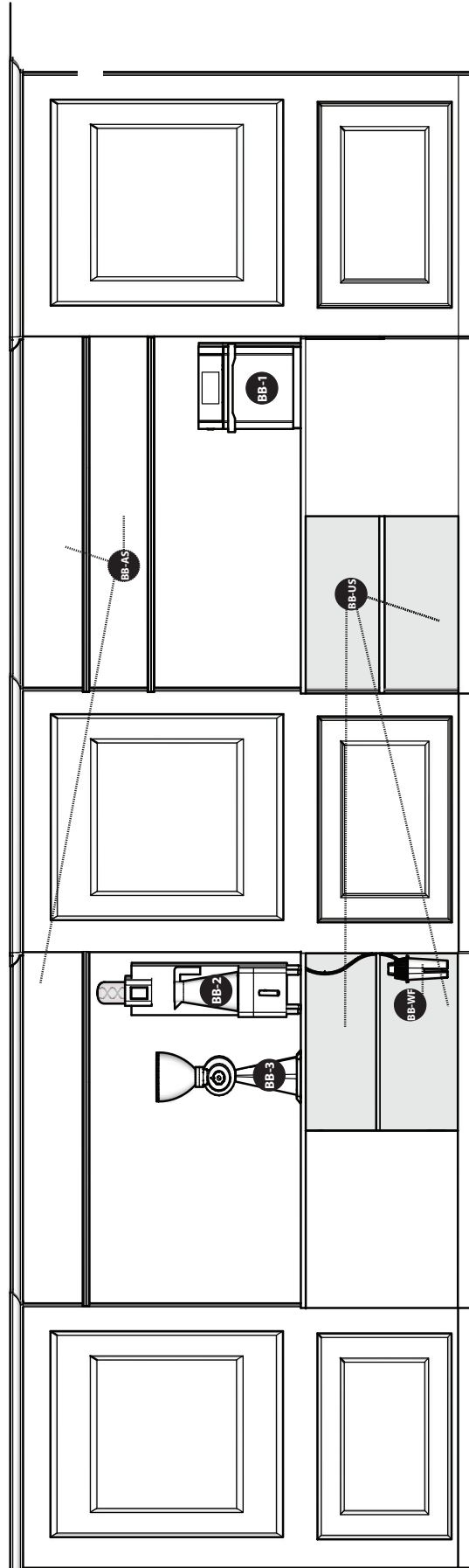
SCALE: 1" = 10'-0" (1:120)

COFFEE BAR ELEVATIONS

PROPERTY OWNER: A. R. Porter
PROJECT CONTACT: Jennifer Blevins
ADDRESS: SW Corner of Ocean Ave.
& Mission St. Carmel, CA
PHONE: (813) 546-7361



SCALE: 3/8" = 1'-0" (1:32)



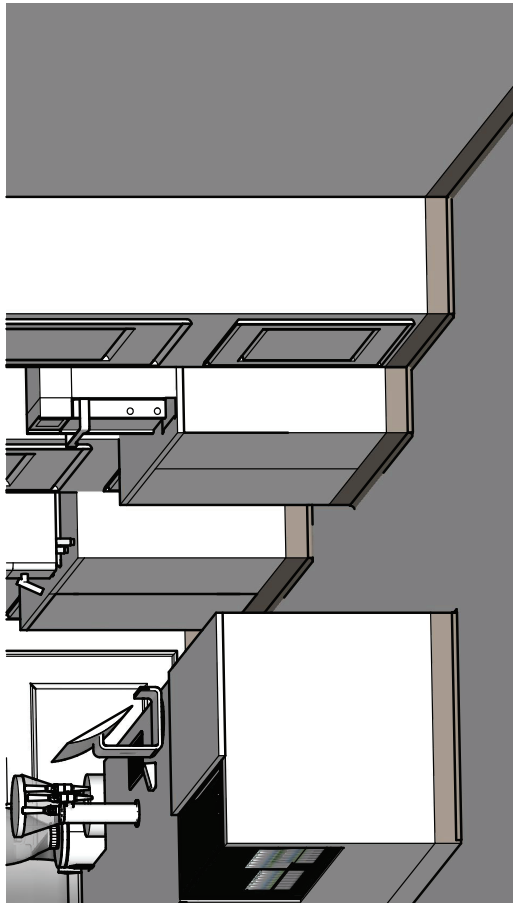
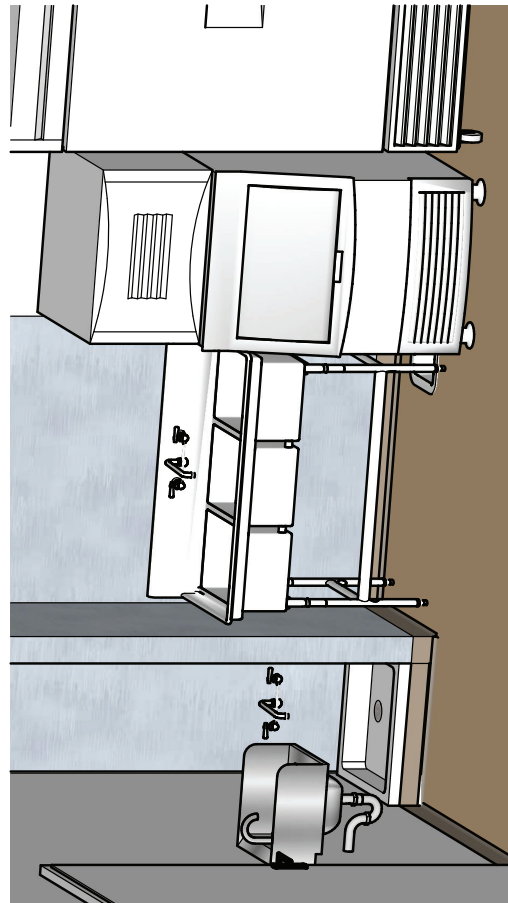
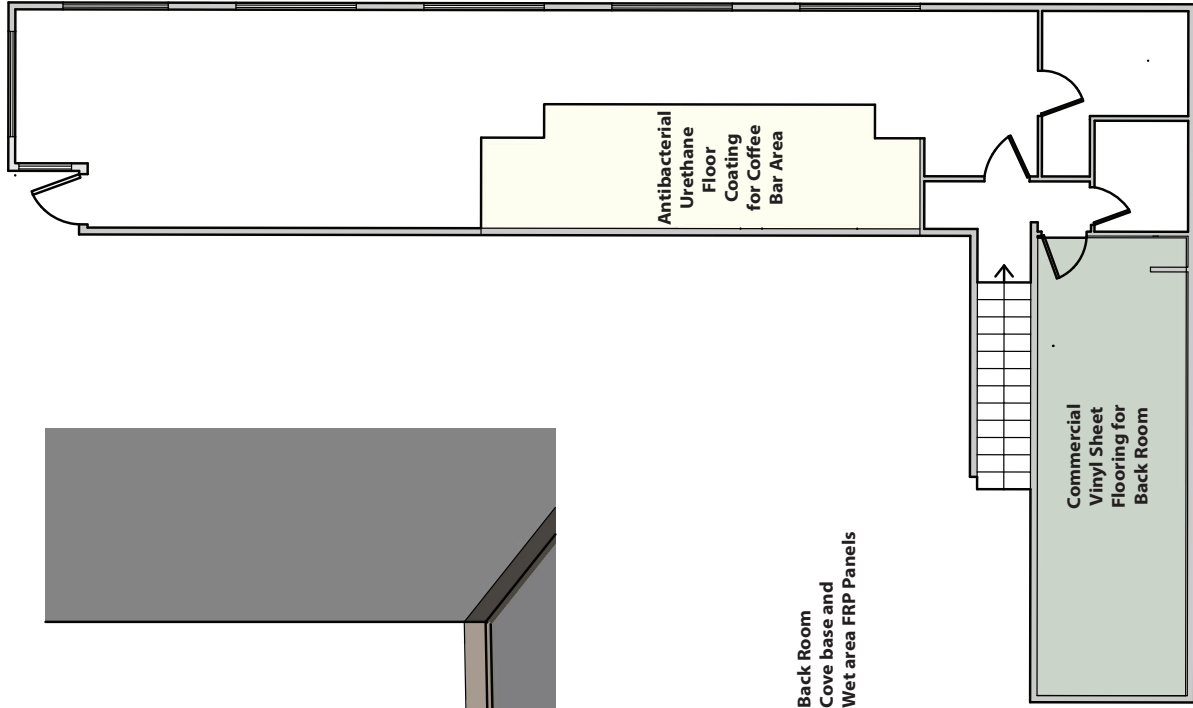
LEGEND

FB-1 Open Refrigerated Display FB-2 POS System	FB-3 Nitro Brew Tap FB-6 POS System	FB-6 Espresso Grinders FB-7 Espresso Machine	FB-8 Pitcher Rinser	BB-1 Quick Cook Oven BB-2 Batch Brewer	BB-3 Coffee Grinder BB-WF Water Filter	BB-AS Aerial Storage BB-US Undercounter Storage
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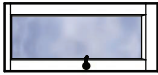
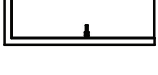
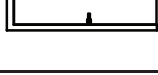
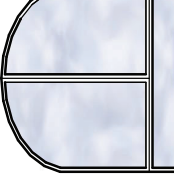
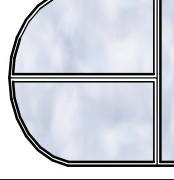
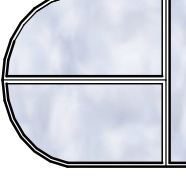
FLOORING, COVE BASE & WALLS

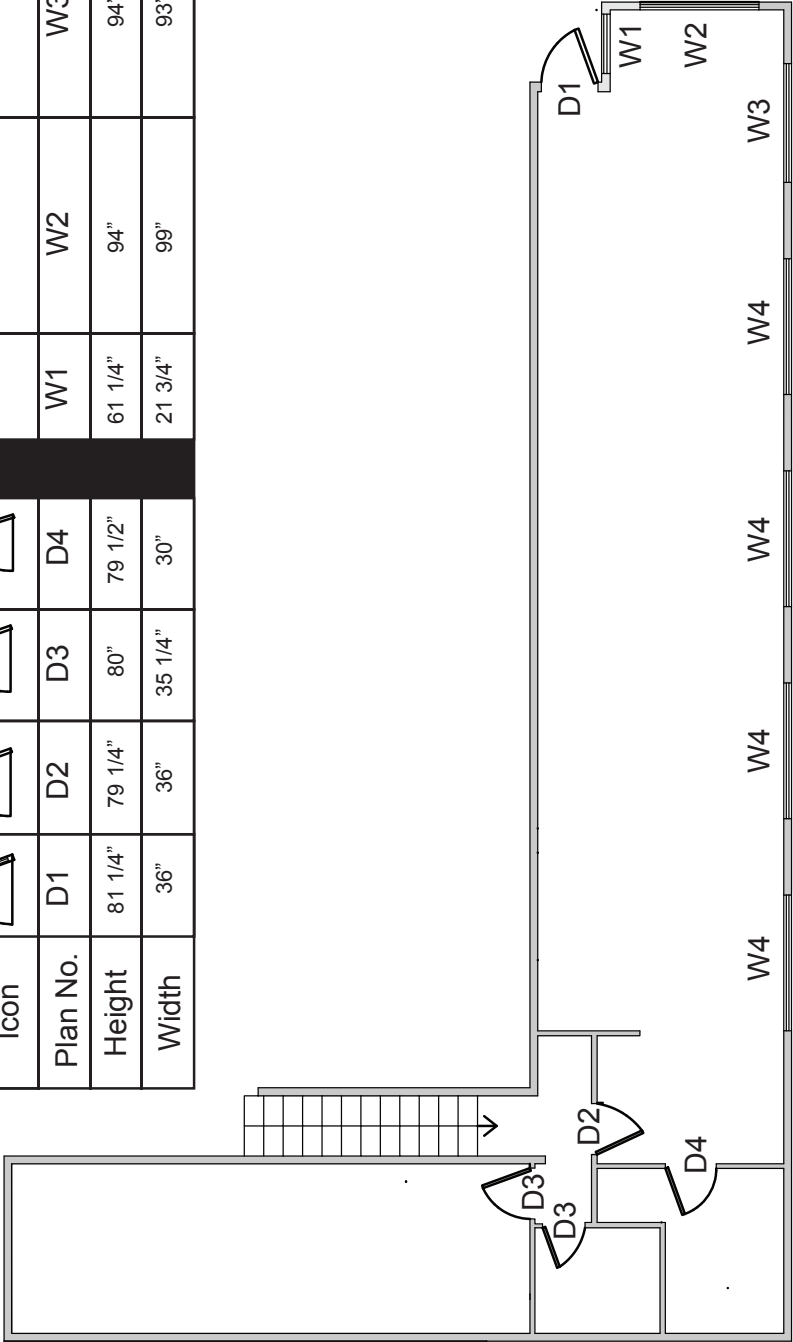
ATTACHMENT 9

PROPERTY OWNER: A. R. Porter
PROJECT CONTACT: Jennifer Blevins
PHONE: (813) 546-7361
ADDRESS: SW Corner of Ocean Ave.
& Mission St. Carmel, CA



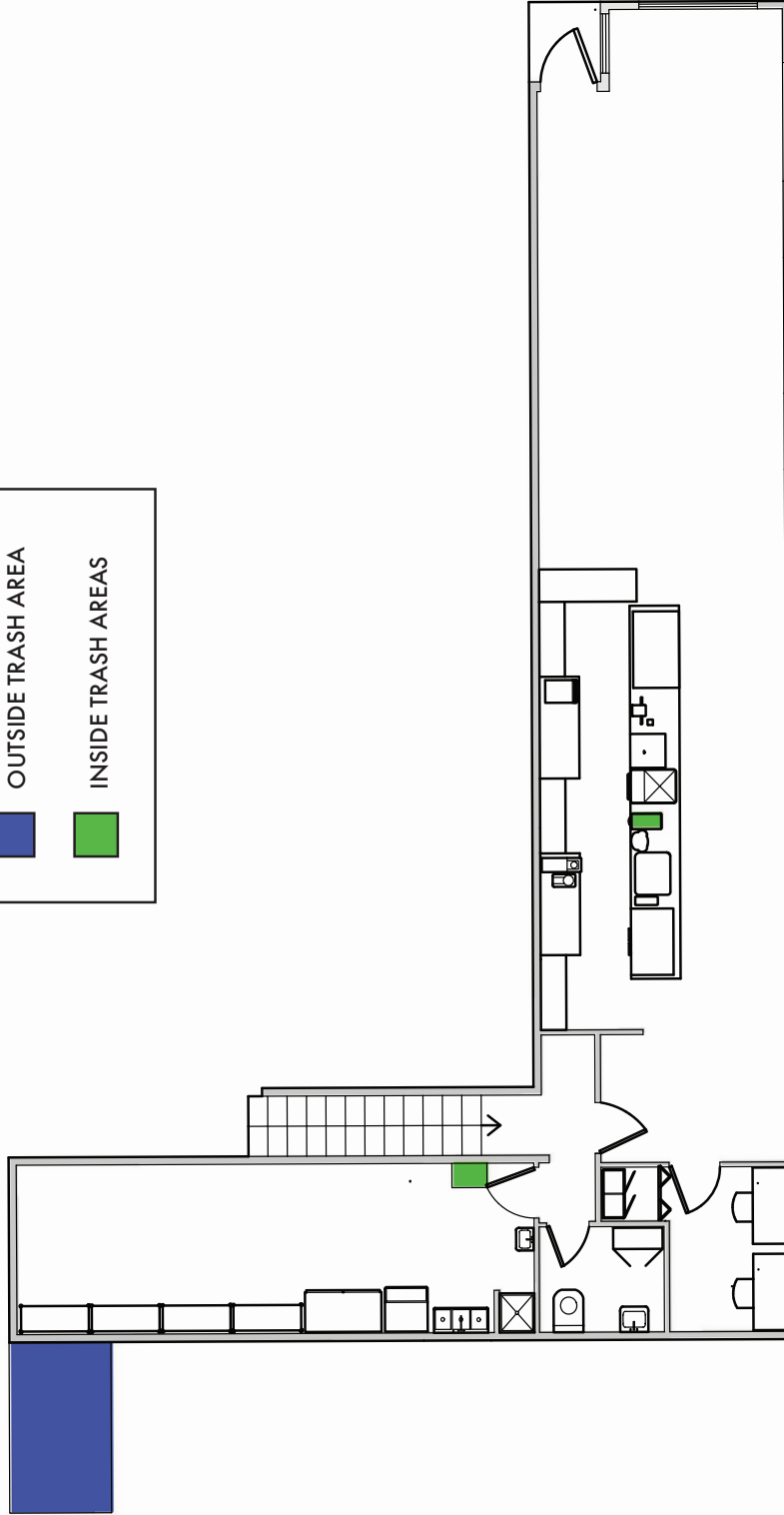
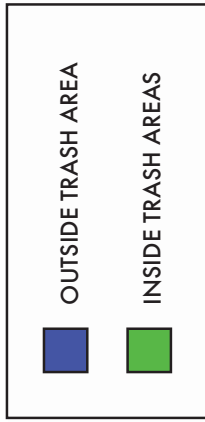
Door & Window Schedule

2D Elevation									
2D Icon									
Plan No.	D1	D2	D3	D4		W1	W2	W3	W4
Height	81 1/4"	79 1/4"	80"	79 1/2"		61 1/4"	94"	94"	104"
Width	36"	36"	35 1/4"	30"		21 3/4"	99"	93"	92"



SCALE: 3/32" = 10'-0" (1:128)

TRASH AREAS



SCALE: 3/32" = 1'-0" (1:128)

MAD DOGS & ENGLISHMEN

SPECIALTY COFFEE SHOP

PROJECT DESCRIPTION

OVERVIEW

Mad Dogs and Englishmen is an exquisitely appointed coffee bar that seamlessly blends the best in specialty coffee with timeless elegance. Occupying a cozy yet sophisticated prime space on the SW Corner of Ocean and Mission, the coffee shop will offer an upscale experience for locals and visitors alike, setting itself apart as both a community hub and a destination for discerning coffee enthusiasts.

Given that Carmel has unique culinary offerings, including Michelin-star restaurants, we noticed an apparent lack of a beautifully designed, high-quality coffee bar that reflects Carmel's refined tastes and complements our town's upscale retail and art establishments. Following in the footsteps of exclusive concepts like Ralph's Coffee, featured in a select few Ralph Lauren flagship stores, and the bespoke café experiences offered by Paul Smith, Mad Dogs and Englishmen fills this void with distinction. It introduces a level of sophistication and quality that matches this iconic town's aesthetic and cultural expectations, enhancing the local scene with a destination that is as much about style as it is about substance.



CONTACT



Jennifer Blevins



(813) 546-7361



jennifer@maddogsandenglishmen.com



SW Corner of Ocean Ave
and Mission St.
Carmel by the Sea, CA

SUMMARY

HOURS OF OPERATION

7 days a week
7am - 6pm

THE SPACE

Total area: 1,425 sq. ft.
Coffee Bar area: 215 sq. ft.
Dedicated retail space will not exceed 10%

PROJECTED SEATING

Total: 18 seats
Counter Seating: 12 seats
Luxury Sofa Seating: 6+ seats
Minimum City Requirements: 14 seats



AMBIANCE

The space has been designed to evoke a sense of comfort and refinement in a way that no other coffee shop in the county offers. The interior is a celebration of classic style and understated luxury, with rich wood tones, superior quality finishes, large street-facing windows, distinctive furnishings, and artistic touches. Vintage, one-of-a-kind e-bikes with dog-friendly sidecars add a playful nod to Carmel's dog-loving culture while carefully curated seating areas and decor items transport guests to a bygone era of elegance and refined activity. This balance of class and whimsy creates an ambiance that is not only welcoming and inspiring but also a testament to Carmel's unique culture, making every patron's visit a memorable one.



SEATING

Seating for 18+ patrons is thoughtfully arranged to create an inviting and intimate atmosphere. Carefully considered, the seating creates a place where locals and visitors alike can linger over a cup of coffee, chat with friends, or simply soak in the sunshine through the beautiful street-facing windows. The three window bars with stools will offer 12 seats for patrons to enjoy a beautiful latte lit by the sunshine that comes through the classic arched windows, while two lush Chesterfield leather sofas with tables will provide space for 6+ patrons to socialize or catch up on work. Every detail of the design enhances the upscale aesthetic of the space while offering the perfect setting for anything from a quick espresso to a leisurely afternoon tea, all carefully considered to allow thorough enjoyment of Carmel's most prominent corner. Whether stopping in after a morning beach walk or taking a break from shopping, Mad Dogs and Englishmen promises an experience as rich and memorable as its handcrafted beverages.



DESIGN AESTHETICS

Our custom designed and stained cabinetry has been distressed and stenciled by local artist Lisa Haas, known for her mural work at Cypress Inn, Hog's Breath Inn, and most recently new exterior murals at The Historic Fox Theatre in Salinas. Countertops are a premium Italian Calacatta Macchia Vecchia Marble from Carmel Stone, our authentic Chesterfield sofas are a premium grade leather with luxurious down filled cushions. Our espresso machine is the highest quality and most expensive of any establishment in Monterey County- this is the true star of the show- the La Marzocco Strada, hand made and custom painted for us in Florence, Italy. To ensure we provide the best coffee experience, we also invested in a state of the art water purification system. Two very special 1930's French Baguettes Crystal Chandeliers will illuminate the space above the sofa area and the coffee bar. Bar stools are generous in size and covered in a coastal chic white striped linen over a vintage French Country walnut frame.



SPECIALTY COFFEE

At the heart of the café's offering is some of the world's best coffees. We have proudly partnered with Dieseldorff Coffee, one of the world's oldest family-run coffee companies, based in Guatemala. With over 135 years of heritage, Dieseldorff is renowned for its dedication to quality and sustainable farming practices. The company provides Mad Dogs and Englishmen with custom-sourced and branded coffees that embody the fun-loving and upscale ambiance of the coffee shop with dog and bicycle-themed coffees that offer unique and rich flavors from exceptional beans, ensuring each cup served is a celebration of excellence. Dieseldorff's longstanding sponsorship of The Quail, A Motorsports Gathering, and the Quail Rally, prestigious events that epitomize exclusivity and luxury, perfectly complements the café's refined yet adventurous spirit. Visitors can savor a cup of truly spectacular coffee while immersing themselves in the café's sophisticated ambiance, knowing they are part of a legacy rooted in quality and distinction.

Coffee enthusiasts will immediately recognize the care and precision that go into every cup, starting with our state-of-the-art coffee equipment. The café features high-performance espresso machines and grinders, known for their consistency and ability to unlock the nuanced flavors of each bean. Coupled with Dieseldorff Coffee's exceptional quality, the result is a coffee experience that rivals the finest establishments worldwide. Every detail, from the brewing process to the presentation, reflects a commitment to excellence that coffee connoisseurs can appreciate.





FOOD AND BEVERAGES

Mad Dogs and Englishmen is dedicated to crafting exceptional specialty coffee and tea-based beverages. From perfectly brewed coffee to velvety lattes and refreshing nitro-brews, every drink is a testament to artisanal quality. Please see the attached sample menu for specifics and pricing. Seasonal offerings and signature drinks add a creative flair, ensuring there's always something new for regulars to discover. Complementing the beverages is a selection of fresh and delectable pastries primarily sourced from Carmel's favorite Farmers Market participant, The Bees Knees, offering enticing options like buttery croissants, indulgent muffins, and savory quiches. We will also offer some of the most delectable gluten-free and vegan options. All of our offerings are sourced to ensure not only freshness but the absolute best quality, all carefully selected to delight discerning palates and ensure returning patrons.

For those on the go, the refrigerated grab-and-go section features a curated selection of packaged beverages and snacks, including yogurts, juices, and sodas. The sale of soups, salads and sandwiches may be added to the menu and are allowed in an amount up to 10 percent of sales.





OTHER RETAIL ACTIVITIES

Adding a retail dimension, Mad Dogs and Englishmen will offer a selection of custom-branded packaged specialty coffees, each crafted to bring heartfelt joy. Patrons can also browse branded mugs, a finely curated and unique selection of premium quality, stylish apparel, and related items that celebrate the coffee shop's unique bike and dog theme. These items make perfect gifts for coffee-loving locals or keepsakes for visitors eager to remember their time in our charming and truly special seaside town. We expect to generate up to 10% of our sales from these items.



SIDEWALK CLEANING AND TRASH MANAGEMENT

Our commitment to the community extends beyond our doors. Our staff takes pride in maintaining the cleanliness of our sidewalks and gutters. At the beginning and end of every shift, each team member performs a thorough sidewalk and gutter sweep (twice daily) within 50 ft of the storefront, ensuring that all litter is properly disposed of and the area remains pristine for our patrons and neighbors. Trash collected during these clean-up efforts is responsibly placed in the designated trash area on Red Eagle Lane, reinforcing our dedication to both service and sustainability. We have ample enclosed trash bins located at the back of the building. Twice yearly (on or around Jan 1 and June 1) all sidewalks in this same area will be steam cleaned/ pressure washed.



CUSTOMER RESTROOMS

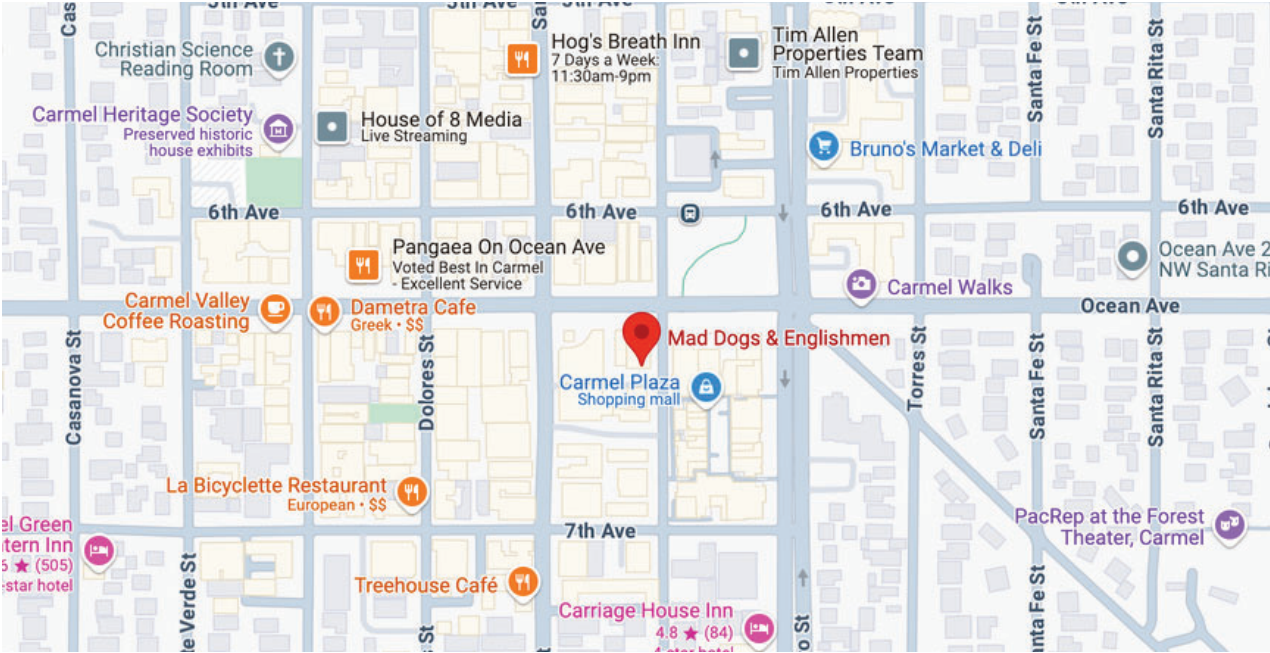
There is one unisex ADA-compliant employee restroom that will be available for customers to use during operating hours. Additionally, there are two public restrooms within 300 ft of the building. See floorplan for location of restroom.

RENOVATIONS AND CONSTRUCTION

All the renovations to the space (including electrical and plumbing upgrades), and build-out of the bar required for the coffee shop's operation were meticulously completed in accordance with building permits EP 23-567 and EP23-566, authorized by the City of Carmel. No additional Tenant Improvements will be done under this new Conditional Use Permit, other than adding the seating. Every detail of the design has been carefully executed to ensure the seamless operation of the coffee bar, but also compliance with the county health department and the city's planning and building department, all interlocked with the coffee shop's timeless aesthetic, ensuring the space is not only functional but also exquisitely inviting. Since the opening of the ancillary use coffee bar, the response from patrons has been overwhelmingly positive, with many expressing admiration for the ambiance, service, and offerings. The popularity of the coffee bar has inspired a transition from coffee being an ancillary component of the business to becoming its primary activity, reflecting its success as a beloved destination for the community.

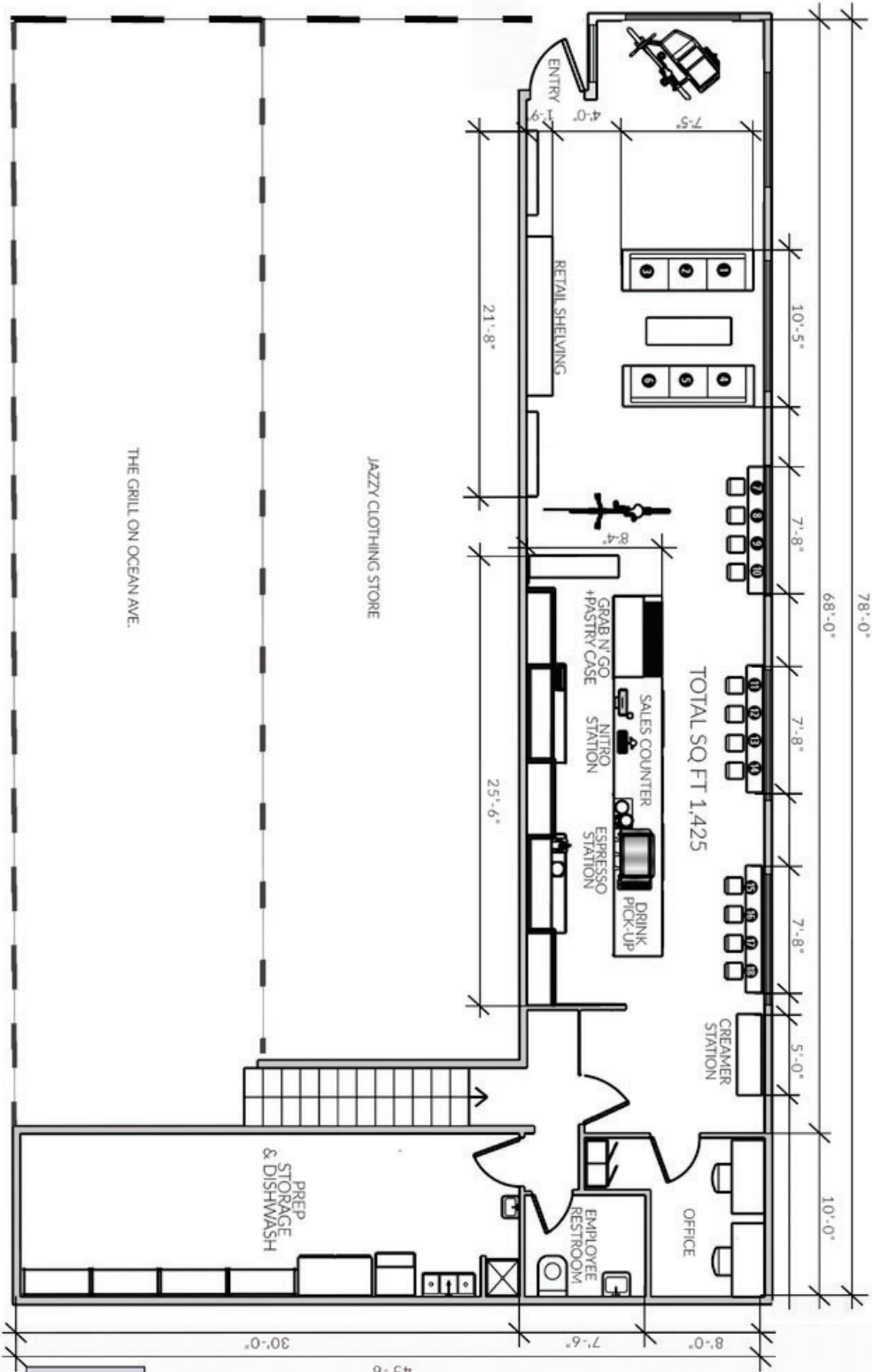
SITE MAP

Mad Dogs & Englishmen is located on the SW Corner of Ocean Ave and Mission St, across from Tiffany and Co, Palomas Home Furnishings and Devendorf Park. Next door to us is a woman's clothing shop and The Grill. Above us is commercial office spaces.



ARCHITECTURAL FLOOR PLAN

SEATING PLAN AND LAYOUT





A BIT ABOUT US

My name is Jennifer Blevins and I founded and launched Mad Dogs & Englishmen (Bike Shop) in Carmel in 2018. The company was named after my significant other Martin Watson (British), my daughter Madeline (nickname Mad), and our many rescue dogs that we have adopted over the years.

Since that time I have opened three additional locations- one in Mill Valley, one at the Monterey Plaza in Monterey, and one on Coast Village Road in Montecito. Martin runs the business along side me. We have been Pebble Beach residents for over 12 years, The Carmel shop is our flagship location and where we spend most of our time. You will find Martin and I working here most days. Over the last 7 years, Mad Dogs has won small tourism Business of the Year three times, and has been nominated for Business of the Year twice.





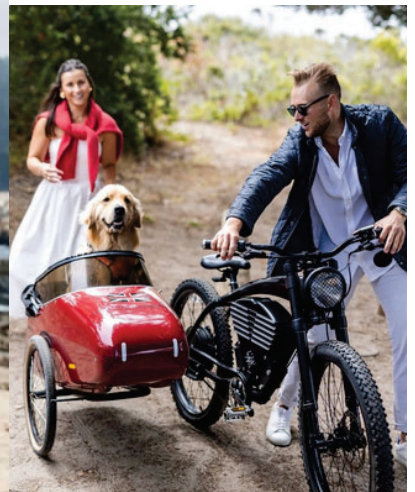
Mad Dogs & Englishmen has also been featured in dozens of National and International Publications, as well as several Nationally aired commercials. We have won the Carmel Pinecone Golden Cone award for best bike shop in Monterey County every year since we first opened. We strategically helped Carmel produce several viral social media videos over the last year in collaboration with several talented influencers, resulting in over 10 million unique views to help boost tourism. Our exclusive and unique dog friendly sidecars can only be purchased or rented from Mad Dogs. This is such a special and unique experience for dog lovers, and has brought people and their pets from all over North America. We moved here in part because of how dog friendly the community is, and we would like to think that we are doing our part to continue to make Carmel a draw for dog lovers. We also worked with the City of Carmel to award it's first ever Bone to the City to one of our customers, the famous Walter Geoffrey the Frenchie. In addition to our unique sidecars, we also sell and rent a variety of premium bikes and ebikes, along with stylish cycling apparel and accessories that we source from small boutique and often less known brands from around the world.



Two of many famous dogs
hat have come to ride with us



Photos shared by one of our recent customers



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT5 HARRIS COURT, BLDG. G • P.O. BOX 85 • MONTEREY, CA 93942 • (831) 658-5601 • FAX (831) 644-9558 • www.mpwmd.net**COMMERCIAL INSPECTION REPORT**
☐ CII ☐ Change of Title ☐ Pre-Inspection/Credits ☐ New Construction ☐ Remodel/Addition ☐ Re-Inspection

BUSINESS NAME(S): _____ E-mail: _____

PROPERTY ADDRESS: 5W CRN Ocean & MissionCITY: Carmel ASSESSOR'S PARCEL NUMBER: D10 - K1 - 001OWNER'S NAME: Alan R. Porter PERSON CONTACTED: _____TYPE OF USE(S): Grp I-III NO. OF BLDGS: 1

This form certifies that an inspection was conducted at the above address to verify Water Efficiency Standards as listed in Regulation XIV District Rules and Regulations. At the time of the inspection, the property ☒ WAS ☐ WAS NOT found to be in compliance with MPWMD Water Efficiency Standards and/or with MPWMD Water Permit: 43840.

Types of use / Inspector Notes: Grp II Coffee Pass
Grp III Restaurant 40 seats pass
Grp I Retail Pass & Office Pass
Grp III Hair Cutting Pass

WATER EFFICIENCY INVENTORY:

Y	N	N/A		Remarks:
☒	☐	☒	Showerheads 2.0 gpm.....	
☒	☐	☐	Toilet 1.3 gpf unless 1.6 gpf prior to 2013.....	<u>1.28 III</u>
☒	☐	☒	Public Washbasins 0.5 gpm.....	<u>III</u>
☒	☐	☐	Other Sink 2.2 gpm.....	
☒	☐	☒	Public Washbasins (Sensor/Metered) auto 0.25 gpm.....	
☒	☐	☐	Washbasins (private) 1.5 gpm.....	
☒	☐	☒	High Efficiency Urinals	
☒	☐	☒	High Efficiency Clothes Washer.....	
☒	☐	☐	Water Efficiency Ice Machine.....	
☒	☐	☐	Pre-Rinse Spray Valve 1.6 gpm.....	<u>Costway AL</u>
☐	☐	☒	Conservation Signage.....	<u>on Table</u>
☐	☐	☒	Landscaping (Refer to Cal Am).....	
☐	☐	☒	Pressure (PSI).....	

ACTION REQUIRED: _____

- ☐ Items not in compliance **must be corrected** within thirty (30) days.
- ☐ **Re-inspection required.** Please call 658-5601 to schedule. (Re-inspection Fees of \$110.00 are required prior to inspection.)
- ☐ Provide itemized receipts/photos for _____
- ☐ Water Release Form & Water Permit Application Form required (Jurisdiction). Fees may be due. (Contact the District.)

Emailed to Agent 8/12/24
 Acknowledgment of Receipt Date

[Signature] 8/12/24
 MPWMD Representative Date

See Important Terms and Conditions on back of form.

U:\demand\Work\Forms\Inspection Reports\COM Inspection Report_20160309.docx

IMPORTANT TERMS AND CONDITIONS

When the property described on the reverse side of this form is not in compliance with Water Efficiency Standards as established by Monterey Peninsula Water Management District (MPWMD) Regulation XIV and/or conditions of an MPWMD Water Permit, this form shall serve as written notice.¹

NOTICE

The inventory of use and/or the determination of compliance shown on this report is a final determination of the Water District's General Manager. Final determinations of the General Manager may be appealed to the District Board within twenty-one (21) days after any such determination pursuant to District Rule 70. For information about the appeal process, contact the District office at (831) 658-5601.

SUMMARY OF WATER EFFICIENCY STANDARDS²

The following mandatory Water Efficiency Standards apply to Existing Non-Residential uses:

- High Efficiency Toilets with a maximum flush capacity of 1.3 gallons; unless 1.6 gallon toilets were installed prior to 2013
- High Efficiency Urinals;
- High Efficiency Clothes Washers;
- Water Efficient Ice Machines.
- Showerheads shall not exceed maximum flows of 2.0 gallons-per-minute;
- Washbasin faucets must flow at no more than 2.2 gallons-per-minute;
- Public faucets must flow at no more than 0.5 gallons-per-minute;
- Public faucets with automatic shut off or sensors must flow at no more than 0.25 gallons-per-minute;
- Guest room faucets must flow at no more than 1.5 gallons-per-minute.
- All visitor serving facilities (hotel, restaurants, etc.) shall be retrofit with:
 - Conservation signage
- Rain Sensor must be installed with automatic irrigation.

All Water Efficiency Standards and the following apply to Non-Residential New Structures:

- High Efficiency Toilets with a maximum flush capacity of 1.3 gallons;
- Urinals flush with one (1) pint of water or Zero Water Consumption;
- Washbasin faucets must flow at no more than 0.5 gallons-per-minute;
- High Efficiency Dishwashers;
- Instant Access Hot Water System;

Failure to complete "Actions Required" on the reverse side will result in Recordation of a Notice of Non-Compliance against the property. Payment of fees to release a Notice of Non-Compliance is required before a property may be found in compliance after a notice has been recorded. Penalties of up to \$250 per day for each day, or portion thereof, may result from failure to complete all "Actions Required".

If the property is currently for sale, corrective action must be taken prior to the close of escrow and/or transfer of title. It is a misdemeanor (infraction) for any buyer or seller to instruct an escrow agent to close escrow for sale of property within the Monterey Peninsula Water Management District without certification of compliance. An extension of time to meet the District's retrofit requirement may be available pursuant to Rule 144.

Disclaimer Notice

A type of use inventory performed by District inspectors does not "legalize" water use. Contact your local jurisdiction to verify that proper permitting was completed.

For additional information on Water Credits and High Efficiency Appliances please visit the forms section of our website: www.mpwmd.net.

¹ If the property was found to be in compliance, no further action is necessary.

² This text is a summary of MPWMD water conservation requirements. The text of Regulation XIV shall prevail in the event of any discrepancy between this summary and that regulation.

Service Request and Records Request Inspection Report ATTACHMENT 6

Monterey County Health Department
Environmental Health Bureau
1270 Natividad Road
Salinas CA 93906
(831) 755-4505

Facility Name		Facility Address		City/State	Zip Code	Inspection ID
MAD DOGS & ENGLISHMEN		0 SW CORNER OF OCEAN & MISSION STREET		CARMEL, CA	93923	334311
Owner/Operator			Facility Phone No.	Email Address		Inspection Result
JENNIFER BLEVINS			8135467361	JENNBLEVINS@ME.COM		In Compliance
Inspector Name	Inspection Date	Lic. Name	Lic. Expiration	Purpose of Inspection	Permit License	Expiration Date
CORRINE OW	8/23/2024			Pre-Operational	AM0001939	
Program Identifier: MAD DOGS & ENGLISHMEN						
Program Element: 2: MINOR PLAN CHECK OR REPORT REVIEW						
The following items have been inspected. If there were violations, this document constitutes a Summary of Violations and Notice to Comply.						
IN = In Compliance, OUT = Out of Compliance, NA = Not Applicable, NO = NOT OBSERVED, COS = Corrected On Site, RPT = Repeat Violation						

Violation Status	Violation Code	Violation Summary
EH Food Pre-Operational		
☒ NA	No food or food storage, food preparation, or food service on premise.	NEW COFFEE BAR AREA WILL JUST SEVE PREPACKAGED FOODS ONLY. TO BE DISPLAYED INSIDE OPEN AIR REFRIGERATON CASE.
☒ IN	All kitchen equipment must be fully operational, including rangehood.	OPEN AIR REFRIGERATION CASE- 31 F REACH IN COOLER UNDER COUNTER- 38 F
☒ IN	All sinks must have fully functioning and running hot and cold water.	HOT WATER AT COFFEE COUNTER SINK- 100 F 3-COMPARTMENT SINK- 117 F HAND SINK IN BACK ROOM- 100 F
☒ IN	Metal stem thermometer or thermocouple available (range 0-220 Fahrenheit).	
☒ IN	Accurate thermometers placed inside refrigerators and hot holding units.	
☒ IN	Required signs on display (e.g. smoking prohibited, choking posters, food allergy posters and, if alcohol is served, then signs warning about the dangers of alcoholic beverages consumed during pregnancy).	
☒ IN	Construction must be complete.	

Service Request and Records Request Inspection Report ATTACHMENT 6

Monterey County Health Department
Environmental Health Bureau
1270 Natividad Road
Salinas CA 93906
(831) 755-4505

Overall Inspection Comment:

OK TO ISSUE HEALTH PERMIT TO FOOD FACILITY. APPLICANT SHALL SUBMIT PERMIT APPLICATION AND WORKERS COMP TO EHB OFFICE AND PAY HEALTH PERMIT FEES PRIOR TO OPERATING.

ATTENTION: There are 0 item(s) marked above in violation. The number of major violations are 0.

Signatures

Received By:



JENNIFER BLEVINS

Inspected By:



Inspector Name: **CORRINE OW**

Title: **ENVIRONMENTAL HEALTH SPECIALIST III**

Date: **8/23/2024**

Phone:

Email: **owc@co.monterey.ca.us**

December 2, 2025

Jermel Laurie, Building Official, Carmel by the Sea

Dear Allen R. Porter:

Email: warrenbuildingcarmel@gmail.com, platinico@aol.com

Re: Mad Dogs and Englishmen: Change of Use without approval

ATTACHMENTS:

Please see the following Attachments:

1. Permit for Mad Dogs and Englishmen
2. Notice of Violation dated November 13, 2025 previously sent to you with an attachment of applicable code sections
3. Email from Jennifer Blevins dated November 14, 2025: Request for Formal Written Code Determination
4. Formal Notice of Appeal of Notice of Violation received November 20, 2025 from Jennifer Blevins
5. UP 24-292
6. Resolution 2024-094-PC
7. Building Code Board of Appeals Procedure

FACTS

Background

Building permits PP 23-566 and EP 23-567 were issued on February 13, 2024 under the direction of the Planning and Building Director. The scope of work on the plans issued for the permits stated “Existing retail cabinets to be replaced with cabinets for portable coffee bar equipment and extend existing water/sewage from previous tenants.” No change of occupancy was indicated in the application or the plans. Neither permit could receive final sign off due to the change of use and occupancy. No certificate of occupancy has been issued.

On September 27, 2024, Jennifer Blevins submitted a use permit application UP 24292. The project description stated “Change Primary Use from Sporting Goods to Specialty Restaurant and ancillary secondary use from Coffee Bar to Sporting Good/Retail.”

The change of use and occupancy triggers requirements for installation of a restroom and fire sprinklers. On November 13, 2025, the City issued a Notice of Violation to your attention (Attachment 2) with details regarding the violation of the City of Carmel-by-the-Sea Municipal Code (CMC) and necessary corrective action including reverting the space back to the previously approved use as a mercantile occupancy or:

1. Comply with the conditions of approval for UP 24-292 and Resolution 2024-094-PC
2. Apply for a building permit to install an accessible restroom with the space; and
3. Apply for a permit to install fire sprinklers throughout the building.

None of these corrective actions have taken place to date.

On November 14, 2025, Ms. Blevins submitted a Request for Formal Written Code Determination. The code sections at issue were included in the Notice of Violation of November 13, 2025 and the attached code sections. I provide below further information regarding the applicable code sections.

On November 20, 2025, the City received a Formal Notice of Appeal of Notice of Violation from Jennifer Blevins (“Appeal”). In the Appeal, Ms. Blevins claims the Notice of Violation did not identify:

1. A specific enforceable code section requiring the construction of a restroom within the tenant space.
2. A specific enforceable code section that triggers a mandatory fire sprinkler retrofit for this building of this tenant improvement.
3. A specific code section that the tenant has violated
4. The factual findings supporting the City’s position.

The factual findings in support of the City’s position include the fact that the second floor of the Mad Dogs and Englishman space is now being used as a coffee shop which triggers the requirement for the restroom and fire sprinklers. This was made clear in the Notice of Violation of November 13, 2025.

The City will be setting a hearing on the Appeal filed by Ms. Blevins with the Building Board of Appeals and will provide you and Ms. Blevins with notice of that hearing date, time and place.

CODE SECTIONS

We provide here further information regarding the applicable code sections in response to the request of November 14, 2025 from Ms. Belvins.

A. Restroom requirement

2022 California Plumbing Code TABLE 422.1
MINIMUM PLUMBING FACILITIES

Each building shall be provided with sanitary facilities, including provisions for persons with disabilities as prescribed by the department having jurisdiction. Table 422.1 applies to new buildings, additions to a building, and changes of occupancy or type in an existing building resulting in increased occupant load.

Per California Building Code (CBC) table 1004.5

A Mercantile occupancy has an occupant load factor of 60 square feet per occupant. The change of use and occupancy reduces the occupant load factor to 15 square feet per occupant, increasing the occupant load.

CMC 17.14.040 I (c)

At least one restroom shall be available for use by both sexes within, or conveniently adjacent to, the specific business premises and on the same property on which the use is located.

This restroom shall comply with all provisions of the State Uniform Building and Plumbing Codes as to the required size, location and accessibility standards, and shall be available for use by both the employees and patrons of the business.

The restroom shall be on the same property as the municipal code states. Jennifer Blevins was notified of the requirement in an email from Brandon Swanson dated September 18, 2024. Additionally, the same requirement was included in the Planning Commission resolution (UP 24-292) which was adopted on October 9, 2024. It was condition of approval item #5.

B. Fire sprinkler requirement

2022 California Fire Code (CFC)

[A] 102.3 Change of Use or Occupancy

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

No exceptions are approved, nor would there be.

2022 California Existing Building Code (CEBC)

1011.1 General

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

1011.2 Fire Protection Systems

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

1011.2.1 Fire Sprinkler System

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

Section 903 of the CBC and CFC are identical. Carmel by the Sea has adopted the following amendments to the CFC.

24. Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction. This section supersedes the square footage limitations of all subsections within Section 903.2.

Exceptions:

- (1) Structures not classified as Group R occupancies and not more than 500 square feet in total floor area.
- (2) Detached agricultural buildings, as defined by this code, located at least one hundred feet (100') from any other structure or the property line, whichever is closer.
- (3) Accessory structures associated with existing non-sprinklered R-3 occupancies (one or two family dwellings) and less than 1500 square feet in total fire area.
- (4) Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the fire code official permits alternate protection.

The second floor space that was converted does not fall under exception #1 because it is over 500 square feet. Therefore, fire sprinklers are required.

If you have any questions, please contact me by email or by phone at 831.620.2055.

Thank you for your cooperation.

Very truly yours,

Jermel Laurie, CBO – Building Official

Cc Mr. Plastini

Jennifer Blevins

Anna Ginette, AICP – Community Planning and Building Director

Brian Pierik- City Attorney

ATTACHMENTS: As noted above

On Fri, Apr 24, 2026 at 10:19 AM Jermel Laurie <jlaurie@ci.carmel.ca.us> wrote:
Let's get the continuation scheduled asap

Best Regards,



Jermel Laurie, CBO
Building Official
City of Carmel-by-the-Sea
(831) 620-2055

Please take our [Customer Satisfaction Survey](#).

If you have a general Planning question, please email planning@ci.carmel.ca.us. For Building questions, please email building@ci.carmel.ca.us. To request a building inspection, please go on-line to: <https://ci.carmel.ca.us/post/electronic-inspection-scheduling> or call the inspection line at (831) 620-2065.

Thank you for your patience and understanding as we adapt to the changing conditions in our community.

----- Forwarded message -----

From: **Justin Cooper** <cooper@monterey.org>
Date: Thu, Apr 23, 2026 at 5:35 PM
Subject: Fw: Code Interpretation Request - Code Application Response
To: Jermel Laurie <jlaurie@ci.carmel.ca.us> <jlaurie@ci.carmel.ca.us>

External Sender - From: (Justin Cooper
<cooper@monterey.org>)
This message came from outside your organization.

FYI

Get [Outlook for iOS](#)

From: Garcia, Jena@CALFIRE <Jena.Garcia@fire.ca.gov>
Sent: Thursday, April 23, 2026 4:55 PM
To: Justin Cooper <cooper@monterey.org>
Cc: CAL FIRE Code Interpretation Request <codeinterpretationrequest@fire.ca.gov>; Mansergh, Becca@CALFIRE <Becca.Mansergh@fire.ca.gov>
Subject: Code Interpretation Request - Code Application Response

Dear Mr. Cooper,

I am a member of the Code Interpretation Committee, and I am reaching out to you to answer your question, which we believe is a code application question regarding the 2025 California Fire Code, Chapter 1, Section 102.3. If you have any additional questions regarding this response, please reach back out to me. If you have any additional Code Interpretation or

Application Questions, please follow the request process outlined on the Office of the State Fire Marshal Website, just like you did on this topic.

Overview:

Code Edition:	2025 CCR, Title 24, Part 9, California Fire Code (CFC)
Code Section(s):	CFC Section 102.3
Requested By:	Justin Cooper, Fire Marshal, Monterey Fire Department
Date Received:	February 23, 2026

Question

Does a change in use from a "M" occupancy classification to a "B" occupancy require the occupancy to comply with the current code?

Answer

Yes. A change of occupancy shall not occur unless the use or occupancy complies with the CFC and the California Existing Building Code (CEBC). An exception allows the fire code official to approve a change of use that does not comply with CFC or CEBC if the fire code official determines that the proposed or new use of occupancy is less hazardous.

Thank you for your inquiry.



Jena Garcia

Deputy State Fire Marshal III (Supervisor)

Code Development and Analysis

3780 Kilroy Airport, Ste. 500, Long Beach, CA 90806

(916) 531-7650 Cell



[NOTICE: This message originated outside of the City of Monterey mail system -- **DO NOT CLICK** on

links or open attachments unless you are sure the content is safe.]



THE CITY OF
MONTEREY



www.monterey.gov



**Building Safety Division
City of Carmel-by-the-Sea**

Memorandum

Date: April 3, 2026

To: Design Professionals, Contractors, and Community Planning and Building Department Staff

From: Jermel Laurie, Building Official

Reviewed and Approved By: Anna Ginette, AICP, Director of Community Planning and Building

Re: Change of Occupancy requiring the installation of fire sprinklers

Purpose: The purpose of this memorandum is to formally clarify and establish this department's agreement with the International Existing Building Code (IEBC) Interpretation 37-21 issued March 2, 2022, regarding the installation of fire sprinkler systems during a change of occupancy.

Policy and Code Application: In accordance with IEBC Section 1011.2.1, when a change in occupancy classification occurs, or when there is a change of occupancy within a space that introduces a different fire protection system threshold requirement under Chapter 9 of the International Building Code, an automatic fire sprinkler system must be provided throughout the area where the change occurs*.

To ensure consistent enforcement, the City of Carmel-by-the-Sea shall implement the guidance outlined in IEBC Interpretation 37-21, which confirms that an existing, non-sprinklered building undergoing a change of occupancy—such as from Group R-1 to Group R-2—is required to be provided with an automatic fire sprinkler system.

Rationale: Under IEBC Section 202, a "Change of Occupancy" is defined as any of the following:

1. Any change in the occupancy classification of a building or structure.
2. Any change in the purpose of, or a change in the level of activity within, a building or structure.

3. A change of use.

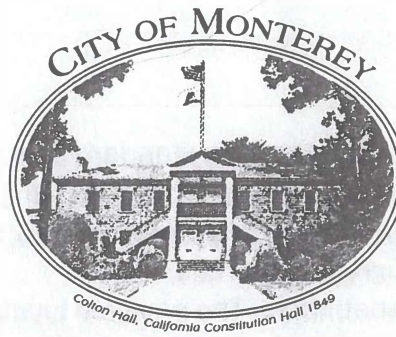
As established by IEBC Section 1001.2.2, every change of occupancy must comply with Chapter 10 of the IEBC when a building's occupancy classification changes, including changes to another group within the same classification. Even though occupancies like Group R-1 and Group R-2 may have the exact same sprinkler threshold requirements in Chapter 9 of the IBC, moving from one group to another within the same classification constitutes a change of occupancy. Consequently, a sprinkler system is explicitly required by IEBC Section 1011.2.1 for an existing building undergoing such a transition (e.g., from Group R-1 to R-2 or from Group R-2 to R-1).

Please ensure that all future plan submittals and reviews reflect these requirements. Contact the Building Department if you have any questions regarding the application of these rules to a specific project.

*Full Code section

1011.2.1 Automatic Sprinkler System

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

**MONTEREY FIRE DEPARTMENT**

To: Jennifer Blevins, Owner Mad Dogs & Englishmen
1491 Cypress Drive #116
Pebble Beach, CA 93953

06/24/2026

Project Address: SW Corner of Ocean Avenue and Mission Street
Proposed Project: Change of Occupancy – Mercantile (Bike Shop) to Business (Coffee Shop)

**SUBJECT: DETERMINATION OF HAZARD CLASSIFICATION AND DENIAL OF LESS-
HAZARDOUS EXEMPTION**

Dear Jennifer Blevins,

The Monterey Fire Department Fire Prevention Division has completed its review of your proposed Change of Occupancy application for the location referenced above. Your application requests that the transition from a retail bike shop (Group M, Mercantile) to a coffee shop (Group B, Business based upon final occupant load calculations) be exempted from full current Carmel-by-the-Sea Municipal Code and the 2022 California Fire Code Title 24 upgrades under the administrative provisions allowing for a "less hazardous" occupancy classification.

Following a thorough evaluation of the operational profiles, fire risks, and life safety characteristics of both uses, this office has determined that the proposed coffee shop use does not qualify for the less-hazardous exemption.

Pursuant to the California Fire Code, a Fire Code Official evaluates relative hazards based on total life safety risk, occupant density, and egress capabilities. Our determination is based on the following findings:

1. **Equal or Greater Occupancy Classification:** The proposed shift to a food and beverage service establishment introduces a significantly higher occupant load density per square foot than a standard retail mercantile footprint. Under the California Building and Fire Codes, a coffee shop constitutes an equal or inherently greater life safety hazard classification due to the concentrated gathering of the public.

2. Ignition and Thermal Hazards: Unlike a standard bike shop, a coffee shop introduces continuous commercial electrical cooking/heating equipment, high-temperature espresso machinery, and water-heating systems, which represent a net increase in potential ignition sources.
3. Egress and Life Safety Capabilities: The physical layout required to accommodate dense seating, queuing lines, and a transient public population increases egress complexity. This demands strict adherence to modern fire barriers, exit widths, and panic hardware that exceed the historical requirements of the existing retail space.

Consequently, your request for a less-hazardous exemption is formally denied. The project must proceed under standard change of occupancy protocols.

You are required to submit sprinkler plans demonstrating full compliance with the current edition of the California Fire Code, including but not limited to, fire-sprinklers/alarm system compliance.

Sincerely,

Justin Cooper

Justin Cooper | Division Chief | Fire Marshal / Fire Prevention Division
Area Fire Coordinator Monterey & San Benito Counties / CICCIS Peer Review Committee Chair
MONTEREY FIRE DEPARTMENT



***Proudly serving the Cities of Monterey, Pacific Grove, Carmel-by-the-Sea and Sand City,
The Monterey Regional Airport, Naval Postgraduate School and La Mesa Village
610 Pacific Street | Monterey, CA 93940
O (831) 646-6945 | M (831) 646-3908 | monterey.gov/fire
Committed to Exceed the Expectations of Those We Serve***

Cc; City Clerk
Jennifer Blevins - P.O. Box 4586, Carmel, CA 93921

July 29, 2026

Brian Pierik
City Attorney
City of Carmel-by-the-Sea

RE: Request for Clarification Regarding the Legal Effect of the Mad Dogs & Englishmen Building Code Appeal

Dear Mr. Pierik,

I am writing not to advocate for either the appellant or the City in the pending Building Code Board of Appeals matter involving Mad Dogs & Englishmen, but rather to request clarification regarding the legal effect of the Board's decision should the appeal be denied.

This case has attracted significant attention within Carmel's business community. Numerous property owners and business operators have invested substantial sums over the years to comply with Building Code requirements, including the installation of public restrooms, fire sprinkler systems, accessibility improvements, and other life-safety upgrades required when changing the use or occupancy of a building. Other projects past and current have made or are making similar investments to satisfy these same code requirements.

For that reason, many in the business community are closely watching this case, not because of the business involved, but because of the precedent it may establish for future change-of-occupancy projects.

After reviewing the staff report, the draft resolution, and the Notice of Violation, I believe one important question remains unanswered.

If the Building Code Board of Appeals denies the appeal, what is the legal status of the business on the following day?

The staff report states that no business shall be conducted until a Certificate of Occupancy has been issued. It further indicates that the business does not currently possess a Certificate of Occupancy or an approved business license for the specialty restaurant operation.

The Notice of Violation concludes that an unapproved change of occupancy has occurred and directs the owner either to revert the premises to its previously approved mercantile use or comply with the conditions necessary to lawfully operate as a specialty restaurant, including installation of a public restroom and an automatic fire sprinkler system.

The draft resolution, however, simply denies the appeal and upholds the Building Official's determination regarding the restroom and sprinkler requirements. It does not explain the practical legal consequences of that decision.

Accordingly, I respectfully request clarification of the following questions during the public hearing:

- If the appeal is denied, may the business continue operating while plans are prepared and permits are processed, or does the denial render continued operation unlawful?
- If continued occupancy is permitted, under what legal authority may the business continue operating if the City has determined that the current occupancy does not comply with the applicable Building and Fire Codes and that no Certificate of Occupancy has been issued?

- If the Fire Marshal has concluded that the change of occupancy requires an attachment 11 system because the current occupancy presents a greater life-safety risk than the previous mercantile use, does the City consider the existing occupancy acceptable during a compliance period, or is the City's position that operations must cease until the required improvements are completed?

These questions are important not only for this appeal, but also for the consistent administration of the Building and Fire Codes going forward.

If the City intends to allow continued operation while compliance is pursued, I believe it would benefit the Board and the public to understand the legal basis for that decision, the standards that will govern any compliance period, and the point at which continued occupancy would no longer be permitted

Conversely, if the City's position is that the business cannot lawfully continue operating after the appeal is denied, that consequence should likewise be clearly stated so that the Board, the appellant, the property owner, neighboring businesses, and future applicants understand the practical effect of the Board's action.

Regardless of the outcome of this appeal, I believe the business community would benefit from understanding whether this decision establishes a precedent for future change-of-occupancy applications and how the City intends to apply these requirements consistently going forward.

My purpose in raising these questions is not to influence the outcome of the appeal, but to encourage clarity, transparency, and consistent application of the City's Building and Fire Codes.

Whatever decision the Board ultimately reaches, I respectfully hope the legal consequences of that decision are clearly explained on the record so that all interested parties understand their rights, responsibilities, and obligations under the Municipal Code.

Thank you for your consideration.

Rich Pepe

PO Box 901

Carmel-by-the-Sea, CA

93921



From: **wassim elchaarani** [REDACTED]
Date: Tue, Jun 30, 2026 at 3:02 PM
Subject: AP 250598 (Mad Dogs & Englishman)
To: jlaurie@ci.carmel.ca.us <jlaurie@ci.carmel.ca.us>, vgaino@ci.carmel.ca.us <vgaino@ci.carmel.ca.us>, lyoung@ci.carmel.ca.us <lyoung@ci.carmel.ca.us>, aginette@ci.carmel.ca.us <aginette@ci.carmel.ca.us>, bgrunde@ci.carmel.ca.us <bgrunde@ci.carmel.ca.us>, Warren Building [REDACTED]

SENT VIA E-MAIL

Board of Appeals
City of Carmel-by-the-Sea
Attn: Jermel Laurie
P.O. Box CC
Carmel-by-the-Sea, CA 93921
jlaurie@ci.carmel.ca.us

RE:
AP 250598 (Mad Dogs & Englishman)

Dear Mr. Laurie,

I own and operate The Grill on Ocean Avenue, located at 3 SW Corner Ocean Avenue. The Grill is located just one door away from Mad Dog & Englishman ("Mad Dog"). The Grill shares trash facilities with Mad Dog & Englishman. Due to the close proximity of The Grill to Mad Dog, The Grill is impacted by Mad Dog's customers.

Mad Dog is a very busy café with lines that frequently go out the door and onto Ocean Avenue. Nearly every single day we have Mad Dog customers requesting to use our restroom, or simply just walking in to use it. The Grill is a small restaurant and the constant overflow of Mad Dog customers trying to locate restroom facilities is a burden to my business.

The Grill was forced to comply with the restroom requirement so that adequate facilities exist for its customers. Mad Dog should have to construct its own restroom facilities now that it is operating as a café. Its customers do not simply use the restroom facilities at Devendorf Park, as its owner claims, and instead negatively impact my business by trying

to use The Grill restrooms. (See attached photo of a Mad Dog cup in the restroom trash at The Grill).

In addition to the fact that Mad Dog customers regularly try to use The Grill's restroom, Mad Dog is generating a large amount of trash that is not being properly disposed of. I am concerned that Mad Dog's improper trash disposal will attract rodents and vermin. As part of their permit, Mad Dog must properly dispose of its waste in a clean and safe fashion. I have attached recent photos showing the Mad Dog trash disposal.

Please consider the negative impact that the Mad Dog operation is having on my business and require Mad Dog to comply with all applicable City regulations.

Thank you.

Wassim ElChaarani

















CITY OF CARMEL BY THE SEA

RECEIVED



PLANNING AND BUILDING INSPECTION SERVICES

 PO Box CC
 Carmel-by-the-Sea, CA 93921

 Phone: (831) 620-2062
 Email: code.compliance@ci.carmel.ca.us

BUILDING CODE COMPLIANCE COMPLAINT FORM

(Please Print Legibly)

 ADDRESS OF VIOLATION: OCEAN AVE & MISSION DATE: 8-14-2025
 NEAREST CROSS STREET: MISSION
 PARCEL #: _____ PROPERTY OWNER: ALAN PASSIO

 DETAILS OF VIOLATION(S): I want to file complaint about mad dog coffee shop
they are in biz without collect biz lic. & have not
been in biz. Bathroom they sending all there customer to
there permit it was file But not 100% above
and they are in full operation

"CONFIDENTIAL": THIS INFORMATION WILL NOT BE RELEASED. PER EVIDENCE CODE 1040 B (2)

COMPLAINANT'S NAME: WASSIM CHARRADCOMPLAINANT'S ADDRESS: OCEAN & MISSION CARMEL CA 93921
 PHONE: 831 601 4444 EMAIL: CANWCO@hotmail.com

(FOR OFFICE USE ONLY)

PREVIOUS CASES: _____

DATE RECEIVED: _____ COMPLAINT TAKEN BY: _____

TYPE OF COMPLAINT: BUILDING ZONING HOUSING GRADING OTHER

DATE REFERRED: _____ REFERRED BY: _____ CASE #: _____

COMPLAINT REFERRED TO:

BUILDING DEPARTMENT

PUBLIC WORKS FOREST ENVIRONMENTAL

CODE COMPLIANCE

PLANNING DEPARTMENT

CODE COMPLIANCE COMPLAINT FORM

Page 1 of 1

PLANNING AND BUILDING INSPECTION SERVICES

PO Box CC
Carmel-by-the-Sea, CA 93921

Phone: (831) 620-2062
Email: code.compliance.ci@carmel.ca.us

BUILDING CODE COMPLIANCE COMPLAINT FORM

(Please Print Legibly)

DATE 8-14-2025ADDRESS OF VIOLATION: Ocean Ave + Mission NEAREST CROSS STREET: MissionPARCEL #: _____ PROPERTY OWNER: Alan Porter

DETAILS OF VIOLATION(S): I want to file complain about Mad dog coffee shop
they are in biz without correct biz lic. & have not
both open they sending all there customer to
other Biz Bathroom a city Bathroom & Plaza
There permit it was file But not 100 % open
and they are in full operation

*CONFIDENTIAL: THIS INFORMATION WILL NOT BE RELEASED, PER EVIDENCE CODE 1040 B (2)

*COMPLAINANT'S NAME: WASSIL-CHARRAD*COMPLAINANT'S ADDRESS: Ocean + Mission Carmel CA 93921*PHONE #: 831 601 4444 *EMAIL: LANWC@Hotmail.com

(FOR OFFICE USE ONLY)

PREVIOUS CASES: _____

DATE RECEIVED: _____ COMPLAINT TAKEN BY: _____

TYPE OF COMPLAINT: ☐ BUILDING ☐ ZONING ☐ HOUSING ☐ GRADING ☐ OTHER: _____

DATE REFERRED: _____ REFERRED BY: _____ CASE # _____

COMPLAINT REFERRED TO:

☐ BUILDING DEPARTMENT☐ PUBLIC WORKS-FOREST/ENVIRONMENTAL☐ CODE COMPLIANCE☐ PLANNING DEPARTMENT

CODE COMPLIANCE COMPLAINT FORM

(Page 1 of 1)



Supplemental Submission

Building Code Board of Appeals

Jennifer Blevins

Mad Dogs & Englishmen

Appeal of Notice of Violation- 2nd Hearing

July 2026

Table of Contents

1. Executive Summary
2. Chronology of Events
3. Clarification of the Issues Before the Board
4. Technical Evidence Submitted in Support of this Appeal
5. Alternative Resolution for Consideration
6. Attachments

1. Executive Summary

Members of the Board,

Thank you for taking the time to review this supplemental submission.

I respectfully submit these materials because they contain significant technical information that was developed after the January 16, 2026 hearing and, to my knowledge, was not included in the agenda packet prepared for this appeal.

Following the January hearing, the Board encouraged further technical review of the Building Code issues. In response, I retained a licensed California architect and independent fire code consultants to evaluate the project, the City's interpretation of the applicable codes, and the occupancy classification of the coffee bar.

Their analyses are attached.

Those analyses conclude that **no Building Code change of occupancy occurred** and, therefore, **no Building Code trigger exists requiring the installation of a building-wide automatic fire sprinkler system or the construction of a new on-site public restroom.**

These materials are important because they directly address the central question before the Board:

Did this project undergo a Building Code change of occupancy that triggered the requirements identified in the Notice of Violation?

Throughout this process, I have attempted to work cooperatively with City staff. When questions were raised regarding the Building Code, I repeatedly requested written code interpretations and sought guidance from both the Building Official and Fire Chief so I could better understand the City's position and, if necessary, correct any misunderstanding.

Rather than avoiding the process, I retained qualified professionals, commissioned architect-stamped occupancy drawings, and obtained independent code analyses at considerable expense because I wanted to ensure the Board had the most complete and technically accurate information available.

This appeal is not a request for special treatment.

It is not a request for an exception to the California Building Code.

It is not a request that the Board overlook legitimate life-safety requirements.

To the contrary, I respectfully ask the Board to apply the California Building Code exactly as written.

The attached materials explain why the independent experts conclude that the principal occupancy remains **Group M (Mercantile)**, that the coffee service functions as an accessory use permitted under the California Building Code, and that no code-triggering change of occupancy occurred.

Accordingly, they conclude that the Building Code does not require the installation of a building-wide automatic fire sprinkler system or trigger construction of a new on-site public restroom under the facts presented here.

The agenda packet prepared for this appeal reflects the conclusions reached by City staff. This supplemental submission is respectfully provided so the Board has the benefit of the independent architectural and fire code analyses, project history, and supporting documents developed after the January hearing that are directly relevant to the issues before the Board.

My hope is simply that this appeal will be decided on the fullest and most complete technical record available.

Thank you for your time, your service to the community, and your careful consideration of these materials.

Respectfully,

Jennifer Blevins

2. Chronology of Events

The purpose of this chronology is to provide the Board with the sequence of events that led to this appeal. It is intended to supplement the agenda packet by identifying significant events and technical developments that occurred before and after the January 16, 2026 hearing.

Early 2024 – City Permits Issued

The City reviewed my permit applications and issued building permits for construction of the coffee bar improvements.

The permit documents prepared by the City identified the project as **Group B (Business)** and indicated "**No Change of Occupancy.**"

Construction proceeded under City-issued permits.

At no time during plan review or permitting was I advised that:

- an occupancy analysis was required;
- a change of occupancy had occurred;
- a building-wide automatic fire sprinkler system would be required;
- the project could not ultimately receive final approval because of an occupancy issue; or
- additional Building Code life-safety improvements would be required before the coffee bar could lawfully operate.

August 2024 – Construction Completed and Coffee Bar Opens

Construction was completed following multiple City inspections.

The work was inspected as constructed, and the coffee bar opened to the public in August 2024.

Prior to opening, I submitted the required business license application, paid the applicable fees, and received the City's stamped acknowledgment of that application, consistent with the approvals then in place for the permitted ancillary coffee bar use.

At no time was I advised that my business license application had been denied, that I was operating without the required business license, or that I should not open for business. Based upon the permits issued by the City, the inspections that had been completed, and the City's acceptance of my business license application, I believed I had complied with every requirement placed before me and was operating lawfully under the City's direction.

For more than one year after opening, no one from the City suggested that the project had undergone a Building Code change of occupancy or that a building-wide automatic fire sprinkler system would be required.

During that time, I had every reason to believe I had followed the City's permitting process correctly.

September–December 2024 – Conditional Use Permit Process

Because the coffee bar had become substantially more successful than originally anticipated, City staff encouraged me to pursue a Conditional Use Permit for a Specialty Restaurant so the business could operate without the operational limitations associated with the original ancillary approval.

Those limitations were **planning conditions governing the approved use—not Building Code or Fire Code deficiencies**—and related to how the business was permitted to operate rather than whether the space complied with the California Building Code.

I followed that recommendation.

After reviewing the application and the Planning Department's staff recommendation, the Planning Commission **unanimously approved** the Conditional Use Permit.

Following that approval, I continued working cooperatively with City staff to satisfy the remaining planning-related conditions of approval, including discussions regarding restroom planning and issuance of an amended business license.

Importantly, **no additional construction occurred after the Conditional Use Permit was approved.**

No additional building permits were issued.

No physical changes were made to the building.

No plumbing, electrical, mechanical, structural, fire protection, or occupancy-related modifications were performed.

The coffee bar continued operating exactly as it had when originally permitted, constructed, inspected, and opened to the public.

At no point during this process was I advised that the previously permitted work had created a Building Code change of occupancy, that a building-wide automatic fire sprinkler system was required, or that my permits could not ultimately receive final approval because of an occupancy issue.

Instead, I believed we were continuing to work cooperatively with the City to complete the planning-related conditions associated with the newly approved Conditional Use Permit.

During Implementation of the Conditional Use Permit

While working with City staff on planning-related matters, Building Official Jermel Williams raised, for the first time, the possibility that the project might require a building-wide automatic fire sprinkler system because of an alleged change of occupancy.

This occurred more than one year after the coffee bar had opened and after the project had already been permitted, constructed, inspected, and operating.

Rather than disputing the issue, I immediately asked City staff to explain the Building Code basis for that conclusion.

I repeatedly requested a written Building Code interpretation identifying the specific code provisions supporting the City's position.

I also contacted Fire Chief Justin Cooper directly seeking assistance in understanding the applicable Building Code and resolving the issue cooperatively.

My objective throughout was simple:

If the City believed I had misunderstood the Building Code, I wanted to understand why so we could resolve the issue based upon the applicable code requirements.

November 13, 2025 – Notice of Violation

Rather than receiving the written Building Code interpretation I had repeatedly requested, I was served with a Notice of Violation.

For the first time in writing, the City asserted that the project required both a building-wide automatic fire sprinkler system and construction of a new on-site restroom based upon an alleged change of occupancy.

That Notice came only after:

- the City had issued permits;
- construction had been completed;
- multiple inspections had occurred;
- the coffee bar had been operating for more than one year; and
- I had been actively working with City staff in good faith to implement the Conditional Use Permit.

Until that point, I believed we were working collaboratively to resolve planning-related issues.

The Notice fundamentally changed the nature of those discussions.

January 16, 2026 – Initial Building Code Board of Appeals Hearing

At the initial hearing, significant questions were raised regarding the technical basis for the City's interpretation of the California Building Code.

Rather than bringing the matter to a conclusion, the Board continued the hearing to allow additional technical review and development of the record.

Immediately following the hearing, I met with Fire Chief Justin Cooper and City staff.

During that meeting, I presented occupancy drawings and analysis that had previously been prepared. Fire Chief Cooper reviewed those materials and indicated they appeared to address the occupancy questions, but requested that they be prepared and resubmitted as architect-stamped documents before he completed his evaluation.

I immediately retained licensed California architect David Beauchamp to prepare the requested architect-stamped occupancy analysis.

At the conclusion of that meeting, I believed we had established a collaborative path forward. My understanding was that the City would review the architect's analysis before making any final determination regarding the Building Code issues.

February 28, 2026 – Architect's Analysis Submitted

Architect David Beauchamp completed architect-stamped occupancy drawings together with a detailed Building Code analysis.

Those materials were submitted to the City exactly as requested.

The original analysis was prepared using the occupancy information reflected in the City's own permit records and project documents that were available at the time, including the City's identification of the space as **Group B (Business)** with "**No Change of Occupancy.**"

As the City's position later became apparent through its internal records and the materials prepared for this appeal, it became clear that City staff intended to treat the existing occupancy as **Group M (Mercantile)**. Architect Beauchamp therefore updated his analysis to evaluate the project under that occupancy classification as well.

Importantly, the conclusion did not change. Whether evaluated using the City's original permit documentation or under the City's current position that the existing occupancy is Group M, the architect concluded that the project did **not** undergo a Building Code change of occupancy that would trigger installation of a building-wide automatic fire sprinkler system or construction of a new on-site public restroom.

Those documents directly addressed the questions raised during the January meeting and were prepared in response to Fire Chief Cooper's request for an architect-stamped occupancy analysis.

To my knowledge, those architect-stamped drawings and supporting analysis are not included in the agenda packet prepared for this hearing.

March–June 2026 – Continued Requests for Technical Review

Following submission of the architect's analysis, both my architect and I repeatedly requested technical review and guidance from the City.

Numerous emails and telephone calls seeking clarification received no substantive technical response.

Believing the matter remained under technical review, I continued attempting to work cooperatively with City staff.

As months passed without meaningful response, I ultimately submitted a California Public Records Act request seeking documents relating to the City's review of the project.

Those records revealed internal communications and technical discussions that had not previously been shared with me while I continued attempting to resolve these issues collaboratively.

June 2026 – Independent Fire Code Review

Because the issues had become highly technical, I retained independent fire code consultants Hans Nader and Steve Thomas to review the project.

Their assignment was not to advocate for my position, but to independently evaluate the architectural drawings, permit history, occupancy classifications, and the applicable California Building Code, California Existing Building Code, and California Fire Code.

After completing that review, they independently reached the same conclusions as Architect David Beauchamp.

Their professional opinions conclude that the project did **not** undergo a Building Code change of occupancy, that the principal occupancy remains **Group M (Mercantile)** with an accessory coffee service, and that the Building Code therefore does not trigger installation of a building-wide automatic fire sprinkler system or construction of a new on-site public restroom.

Those independent analyses are included with this supplemental submission.

Current Hearing

This supplemental submission is respectfully provided so the Board has the benefit of the complete factual and technical record developed after the January 16, 2026 hearing.

My purpose is not to ask the Board for an exception to the California Building Code, nor for special consideration.

Rather, I respectfully ask the Board to consider the complete record—including the architect's stamped occupancy analysis, the independent fire code review, and the documents submitted following the January hearing—and apply the California Building Code as written to the facts of this project.

The documents that follow are presented in the same order they were developed throughout this process. Together, they explain why **three independent code professionals** reached the same conclusion: **that no Building Code change of occupancy occurred and, therefore, no Building Code trigger exists for the installation of a building-wide automatic fire sprinkler system or construction of a new on-site public restroom.**

3. Clarification of the Issues Before the Board

The agenda packet prepared for this appeal discusses a number of planning, permitting, licensing, and procedural matters that developed during the course of this project.

While that background provides context, **the issues before the Building Code Board of Appeals are considerably narrower.**

This appeal does not ask the Board to resolve planning matters, business licensing questions, Conditional Use Permit conditions, or broader policy issues.

Rather, it asks the Board to determine whether the California Building Code was correctly applied to the specific facts of this project.

After reviewing the applicable Building Code provisions, the architect's stamped occupancy analysis, the independent fire code review, and the project history, I respectfully believe the Board's decision turns on the following questions.

Key Question One

Did a Building Code change of occupancy actually occur?

This is the threshold question before the Board.

If no Building Code change of occupancy occurred, then the Building Code triggers relied upon in the Notice of Violation do not apply.

Three independent code professionals—including my licensed architect and two independent fire code consultants—have independently concluded that the principal occupancy remains **Group M (Mercantile)** with an accessory coffee service and that **no Building Code change of occupancy occurred.**

Their analyses are attached.

Key Question Two

If no change of occupancy occurred, were the Building Code provisions relied upon in the Notice of Violation ever triggered?

The Notice of Violation assumes that a qualifying Building Code change of occupancy occurred.

The attached expert analyses conclude otherwise.

Accordingly, the Building Code provisions relied upon by City staff regarding installation of a building-wide automatic fire sprinkler system and construction of a new on-site public restroom were never triggered.

This appeal therefore turns not on whether those code provisions exist, but on whether the factual circumstances necessary to trigger them are present.

Key Question Three

Is this appeal about Building Code interpretation, or about planning and accessibility requirements?

Several issues discussed throughout this project involve planning approvals, Conditional Use Permit conditions, business licensing, and future operational requirements.

Those matters are important, but they are administered through different City processes and are not the technical questions presented in this appeal.

Similarly, accessibility requirements become relevant only if the Building Code first requires construction of a new restroom.

If the Board concludes that no Building Code change of occupancy occurred, then no Building Code requirement to construct a new restroom has been established in this appeal.

Accordingly, the threshold Building Code issue should be resolved before any accessibility considerations become relevant.

Key Question Four

How should the Board evaluate the independent technical analyses?

The architect's occupancy analysis and the independent fire code review were prepared specifically for this project.

Both analyses reviewed:

- The City's permit history;
- The approved construction documents;
- The occupancy classifications;
- The California Building Code;
- The California Existing Building Code; and
- The California Fire Code.

Although prepared independently of one another, both reached the same technical conclusion.

That consistency deserves careful consideration because both analyses were prepared specifically to evaluate the facts of this project—not hypothetical circumstances.

Key Question Five

Does the California State Fire Marshal's response determine the outcome of this appeal?

One document included in the agenda packet references a general code interpretation requested from the California State Fire Marshal.

That response answered a hypothetical Building Code question.

The State Fire Marshal was **not** reviewing this project.

The State Fire Marshal did **not** review the architect's stamped occupancy analysis.

The State Fire Marshal did **not** review the independent fire code analyses.

The State Fire Marshal did **not** determine the existing occupancy classification of this building.

The State Fire Marshal did **not** determine whether a Building Code change of occupancy actually occurred.

Those questions remain the responsibility of this Board after considering the complete factual and technical record.

Accordingly, the State's response explains how the Building Code would apply **if** a qualifying change of occupancy had occurred.

It does **not** determine whether such a change actually occurred in this project.

That remains the central issue before the Board.

Key Question Six

Has the City's technical interpretation of this project changed during the course of this appeal?

During the January 16, 2026 hearing, City staff argued that the coffee bar should be classified as an **A-2 Assembly occupancy**, a position that would have imposed significantly more restrictive Building Code requirements.

Following that hearing, the City's position evolved.

The agenda packet prepared for this hearing instead assumes that the existing occupancy should be considered **Group M (Mercantile)** and that the project represents a change from Group M to Group B.

Recognizing that this revised interpretation had become the basis of the City's current position, my architect updated his occupancy analysis to evaluate the project under that occupancy classification as well.

Importantly, the conclusion did not change.

Whether evaluated using the occupancy information reflected in the City's original permit documentation or under the City's current interpretation that the existing occupancy is Group M, the architect concluded that **no Building Code change of occupancy occurred** that would trigger installation of a building-wide automatic fire sprinkler system or construction of a new on-site public restroom.

Accordingly, the architect's updated analysis directly addresses the City's current position—not merely the position presented during the January hearing.

Key Question Seven

Has the City's own permitting history remained consistent throughout this project?

The City's permit documents identified the coffee bar project as **Group B (Business)** and expressly stated "**No Change of Occupancy.**"

Those documents formed the basis upon which the project was permitted, constructed, inspected, and opened for business.

At no point during permitting, construction, inspections, or the first year of operation was I advised that the project had created a Building Code change of occupancy or that a building-wide automatic fire sprinkler system would be required.

Only later did City staff adopt a different interpretation.

Recognizing that change in position, my architect evaluated the project under both occupancy assumptions.

In each instance, the conclusion remained the same:

No Building Code change of occupancy occurred.

Key Question Eight

What is the Board being asked to decide?

Throughout this process, I have never asked the City to overlook the California Building Code.

I have never requested special treatment.

I have never asked for an exception to the Building Code.

Instead, I repeatedly requested a written Building Code interpretation explaining why City staff believed a Building Code change of occupancy had occurred.

When those questions remained unresolved, I retained qualified independent professionals to evaluate the project.

Those professionals independently reached the same conclusion:

No Building Code change of occupancy occurred and, therefore, the Building Code provisions relied upon in the Notice of Violation were never triggered.

For these reasons, I respectfully ask the Board to evaluate the complete technical record—including the architect's stamped occupancy analysis, the independent fire code review, and the supporting documents submitted with this packet—and apply the California Building Code as written to the specific facts of this project.

4. Technical Evidence Submitted in Support of this Appeal

The documents attached to this submission were prepared independently, at different stages of this appeal, and for different purposes.

Although prepared by different licensed professionals, they consistently reach the same technical conclusion:

No Building Code change of occupancy occurred.

Accordingly, the Building Code provisions relied upon in the Notice of Violation—including the asserted requirements for installation of a building-wide automatic fire sprinkler system and construction of a new on-site public restroom—were not triggered.

These materials are submitted to assist the Board in evaluating the technical questions presented in this appeal. They are organized to provide a complete technical record supporting this appeal.

The significance of these documents is not simply that they support my position. Rather, they demonstrate that independent professionals, working separately and within their respective areas of expertise, each evaluated the project using the applicable California Building Code, California Existing Building Code, and California Fire Code, and independently reached the same conclusion. That consistency deserves careful consideration.

The following documents are respectfully submitted in support of this appeal.

Attachment A – Updated Architect's Stamped Occupancy Analysis

Prepared by:

David Beauchamp, AIA Assoc.
Regional Director of Fuse Architecture

Drawings stamped by Dan Townsend, owner of Fuse Architecture

Architect Beauchamp evaluated the existing building, the City's permit history, approved construction documents, occupancy classifications, and the applicable provisions of the California Building Code.

After reviewing the City's current position regarding the existing occupancy classification, he updated his analysis to evaluate the project under that interpretation as well.

Importantly, his conclusion did not change.

He concludes that the principal occupancy remains **Group M (Mercantile)** with an accessory coffee service and that **no Building Code change of occupancy occurred.**

Accordingly, no Building Code trigger exists requiring installation of a building-wide automatic fire sprinkler system or construction of a new on-site public restroom.

Attachment B – Independent Fire Code Review

Prepared by:

Hans Henneberque

Former California Deputy State Fire Marshal

Stephen Guarino

Former California Deputy State Fire Marshal

Independent Fire Code Consultants

Mr. Henneberque and Mr. Guarino are nationally respected fire code consultants with decades of experience interpreting, developing, enforcing, and teaching the California Fire Code and related building codes. Their experience includes senior leadership positions within the California State Fire Marshal's Office and extensive work advising jurisdictions, design professionals, and code officials throughout California.

Their assignment was not to advocate for my position, but to independently evaluate whether the California Building Code and California Fire Code had been correctly applied to the facts of this project.

After reviewing the architect's analysis, the City's agenda packet, permit history, occupancy classifications, and applicable code provisions, they independently reached the same technical conclusion as Architect Beauchamp.

Their report concludes that the project did **not** undergo a Building Code change of occupancy and that the Building Code provisions relied upon in the Notice of Violation were therefore not triggered.

Their report also explains why the California State Fire Marshal's response included in the City's agenda packet does not determine the outcome of this appeal, as it addressed a hypothetical code question rather than the specific facts, plans, occupancy history, and technical evidence relating to this project.

Attachment C – Original Permit Documents

The City's original permit records identify the coffee bar project as **Group B (Business)** and expressly state "**No Change of Occupancy.**"

These are the documents upon which the project was permitted, constructed, inspected, and ultimately opened for business.

They provide important historical context for understanding the occupancy assumptions that existed during permitting and why the architect's original occupancy analysis relied upon those City-issued records.

As explained in the architect's updated analysis, even after evaluating the project under the City's current interpretation that the existing occupancy should instead be considered **Group M (Mercantile)**, the technical conclusion remained unchanged:

No Building Code change of occupancy occurred.

Summary

Taken together, these technical documents establish a consistent and well-supported conclusion:

- The project was permitted and constructed using the City's own approved permit documents.
- Independent technical review confirms that no Building Code change of occupancy occurred.
- Three independent code professionals reached the same conclusion after reviewing the applicable California codes and the facts specific to this project.
- Because no Building Code change of occupancy occurred, the Building Code provisions relied upon in the Notice of Violation were not triggered.

I respectfully request that the Board consider these materials together with the City's agenda packet in reaching its decision.

5. BUILDING CODE BOARD OF APPEALS

CITY OF CARMEL-BY-THE-SEA

ALTERNATE RESOLUTION FOR CONSIDERATION

A RESOLUTION OF THE BUILDING CODE BOARD OF APPEALS GRANTING THE APPEAL OF JENNIFER BLEVINS REGARDING THE NOTICE OF VIOLATION DATED NOVEMBER 13, 2025

WHEREAS,

Jennifer Blevins ("Appellant") timely appealed the Notice of Violation dated November 13, 2025, issued by the City of Carmel-by-the-Sea regarding alleged Building Code violations associated with the operation of an accessory coffee bar within the existing Mad Dogs & Englishmen bicycle shop; and

WHEREAS,

The Building Code Board of Appeals conducted a duly noticed public hearing, considered the City's agenda materials, the Appellant's supplemental submission, testimony presented by City staff and the Appellant, and the entire administrative record; and

WHEREAS,

The Board finds that this appeal concerns interpretation and application of the California Building Code, California Existing Building Code, and California Fire Code to the specific facts of this project; and

WHEREAS,

The Board has considered architect-stamped occupancy analyses, independent fire code analyses prepared by former California Deputy State Fire Marshals, the City's permit history, applicable code provisions, and all other evidence presented.

**NOW, THEREFORE, BE IT RESOLVED THAT THE
BUILDING CODE BOARD OF APPEALS FINDS AS
FOLLOWS:**

Finding No. 1

The evidence presented does not establish that the project underwent a Building Code change of occupancy requiring compliance with the Building Code provisions cited in the Notice of Violation.

Finding No. 2

The Board finds persuasive the architect's stamped occupancy analysis and the independent fire code review concluding that the principal occupancy remains **Group M (Mercantile)** with an accessory coffee service and that no Building Code change of occupancy occurred.

Finding No. 3

Because no qualifying Building Code change of occupancy has been established, the Building Code provisions relied upon in the Notice of Violation regarding installation of a building-wide automatic fire sprinkler system have not been shown to apply to this project.

Finding No. 4

For the same reason, the Building Code has not been shown to require construction of a new on-site public restroom as a consequence of the alleged Building Code change of occupancy.

This finding is limited solely to the Building Code issues presented in this appeal and does not determine any separate planning, Conditional Use Permit, licensing, accessibility, or land use matters that may arise under other provisions of law.

Finding No. 5

The Board finds that the architect's stamped occupancy analysis and the independent fire code review constitute substantial technical evidence supporting the conclusion that the California Building Code was incorrectly applied to the facts of this project.

Finding No. 6

The Board finds that the California State Fire Marshal correspondence contained within the administrative record provides a general interpretation of the California Building Code but does not determine whether a qualifying Building Code change of occupancy occurred in this specific project.

Finding No. 7

The Board further finds that the evidence presented does not support the Building Code determinations upon which the Notice of Violation was based.

Finding No. 8

The Board concludes that the Building Code provisions relied upon in the Notice of Violation were not triggered by the facts of this project.

IT IS THEREFORE RESOLVED THAT:

1. The appeal is **GRANTED**.
2. The Notice of Violation dated November 13, 2025, is **REVERSED** to the extent that it is based upon a determination that the project underwent a Building Code change of occupancy requiring installation of a building-wide automatic fire sprinkler system or construction of a new on-site public restroom.
3. The Board finds that the Building Code basis asserted in the Notice of Violation has not been established by the evidence presented in this appeal.
4. City staff shall take such administrative actions as are necessary to implement this Resolution consistent with applicable law.
5. Nothing in this Resolution shall be interpreted as determining separate planning, Conditional Use Permit, business licensing, accessibility, or other administrative matters that are outside the jurisdiction of the Building Code Board of Appeals.

PASSED, APPROVED, AND ADOPTED

PASSED, APPROVED, AND ADOPTED by the Building Code Board of Appeals of the City of Carmel-by-the-Sea at a duly noticed public hearing held on the ____ day of July, 2026.

BOARD OF APPEALS

Chairperson

Vice Chair

Member

Member

Member

6. Attachments

The following documents are respectfully submitted in support of this appeal. Together, they provide the complete technical basis for the conclusions presented in this supplemental submission.

Attachment A

Updated Architect's Stamped Occupancy Analysis

Prepared by:

David Beauchamp, AIA Assoc.
Regional Director of Fuse Architecture

Updated architect-stamped occupancy analysis evaluating the project under the City's current interpretation that the existing occupancy is **Group M (Mercantile)** and concluding that no Building Code change of occupancy occurred. (Stamped by Dan Townsend, owner of Fuse Architecture)

Attachment B

Independent Fire Code Analysis

Prepared by:

Hans Henneberque
Former California Deputy State Fire Marshal

Stephen Guarino
Former California Deputy State Fire Marshal

Independent technical review concluding that no Building Code change of occupancy occurred and that the Building Code provisions relied upon in the Notice of Violation were not triggered.

Attachment C

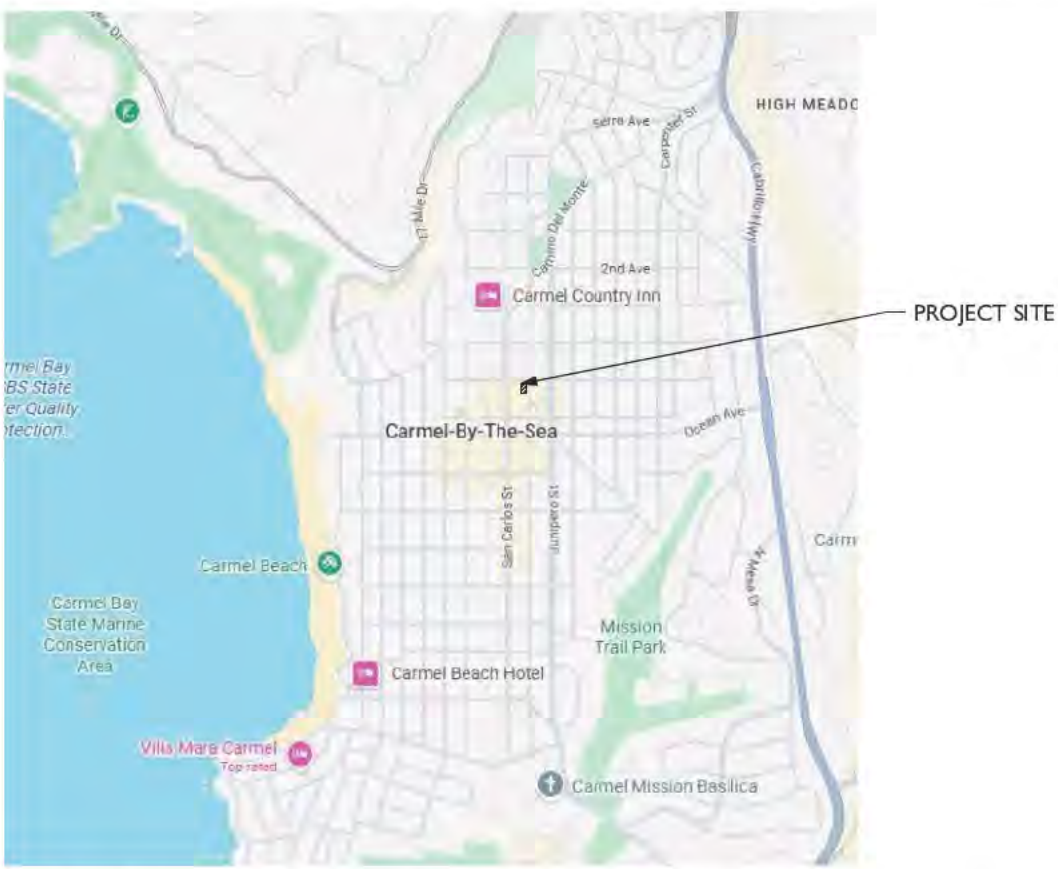
City Permit Documents and Business License Documents

Original City-issued permit documents identifying the project as **Group B (Business)** and stating **"No Change of Occupancy."**

These records establish the occupancy information relied upon during permitting and construction and provide historical context for the project's permitting history.

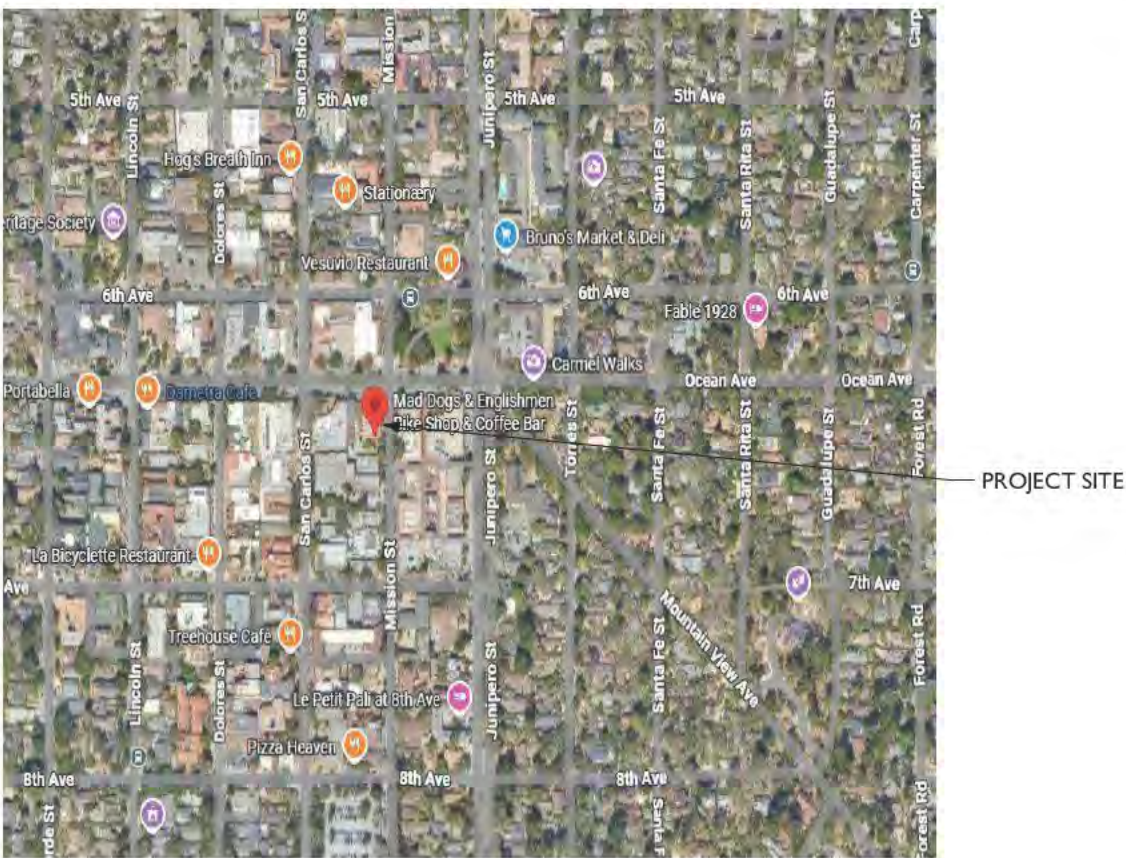
I respectfully request that the Board consider these documents together with the City's agenda packet in evaluating the technical issues presented in this appeal.

LOCATION MAP

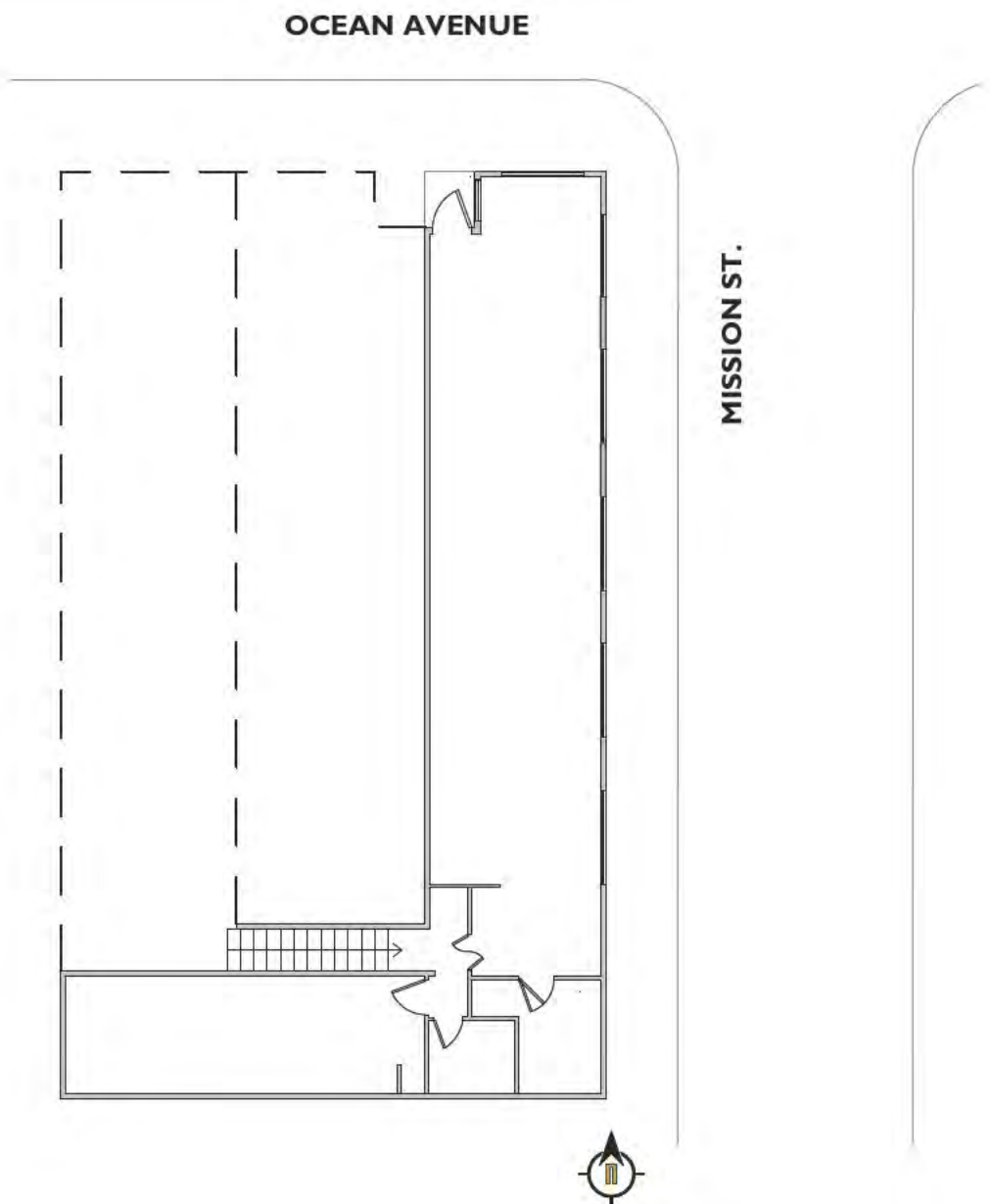


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VICINITY MAP



SITE PLAN



PROJECT DESCRIPTION

OCCUPANCY PLAN TO DEMONSTRATE THAT THE ORIGINAL/PRIMARY OCCUPANCY CLASSIFICATION IS TYPE 'M' (MERCANTILE).

ACCESSORY OCCUPANCIES USES ARE ALLOWED (PER CBC 508.2) AS EVIDENCED WITHIN SHEET A0.2 FOR OCCUPANT LOAD DRAWING W/ OCCUPANT LOAD TABLE + NOTES

PROJECT INFORMATION

SITE INFO:

APN: 010-141-001
BLOCK: 77
LOTS: 1 & 2
ZONING: CC- CENTRAL COMMERCIAL
PRIMARY OCCUPANCY CLASSIFICATION: 'M' - MERCANTILE
SPRINKLERED: NO

CONTACT INFORMATION

CLIENT: MAD DOGS & ENGLISHMEN
NAME: JENNIFER BLEVINS
ADDRESS: SW CORNER OF OCEAN AVE & MISSION
CARMEL-BY-THE-SEA, 93921
EMAIL: [REDACTED]

ARCHITECT: FUSE ARCHITECTS, INC.
NAME: DAVID BEAUCHAMP
ADDRESS: 8TH & MISSION, BTWN. SAN CARLOS / SUITE #7
EMAIL: DBEAUCHAMP@FUSEARCHITECTURE.COM
PHONE: 831 304 6244

DRAWING INDEX

ARCHITECTURAL		BLDG SUBM TTAL		BLDG SUBM TTAL	
SHEET NUMBER	SHEET NAME	02/26/2026	06/30/2026		
A0.1	PROJECT INFORMATION	X	X		
A0.2	OCCUPANT LOAD DRAWING	X	X		

APPLICABLE CODES & REGULATIONS

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CITY CODE CARMEL-BY-THE-SEA ZONING CODE

MAD DOGS & ENGLISHMEN

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CARMEL-BY-THE-SEA, CA 93921

fuse architects + builders
512 Capitola Ave + Capitola + California + 95010
fusearchitecture.com 831.479.9295

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Seal/ Signature



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Accessor's Parcel Number
APN #: 010-141-001

Sheet Title
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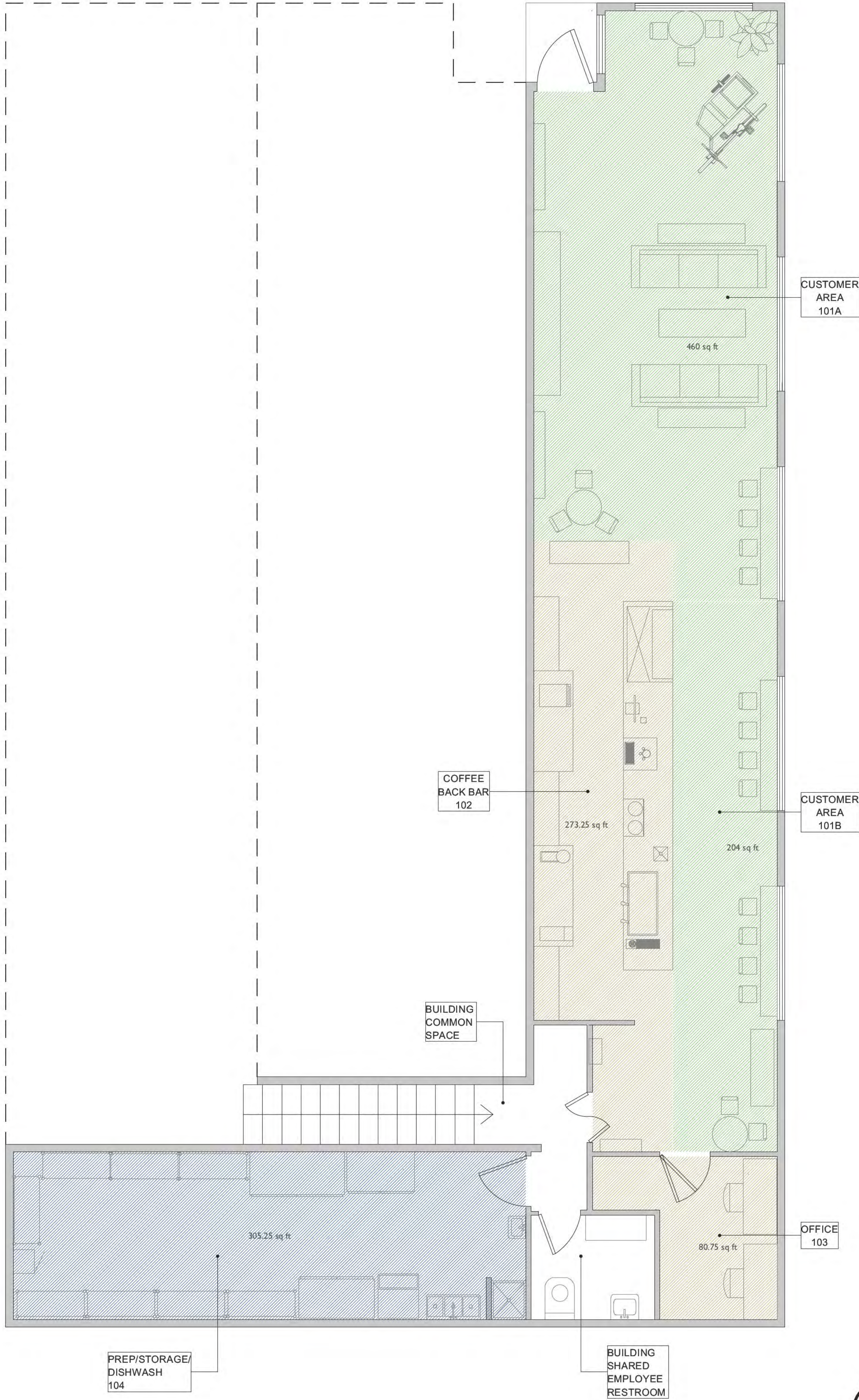
Scale
As Indicated

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OCCUPANCY LOAD TABLE						
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COFFEE BACK BAR	102	200	B	Gross	273.25	1.37
OFFICE	103	200	B	Gross	80.75	0.40
PREP. / STORAGE / DISHWASH	104	300	S	Gross	305.25	1.02
				Total	1323.25	47.05

NOTE:

*1. CUSTOMER AREA'S 101A & 101B ARE CALCULATED AS AN OCCUPANT LOAD FACTOR OF 15 FOR AN SMALL ASSEMBLY SPACE. PER 2025 CBC 303.1.2 SMALL ASSEMBLY SPACES OF LESS THAN 50 PERSONS OR LESS THAN 750 SQ.FT. AND ACCESSORY TO ANOTHER OCCUPANCY SHALL BE CLASSIFIED AS A GROUP B OCCUPANCY OR AS PART OF THAT OCCUPANCY.

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2 OCCUPANT LOAD TABLE

LEGEND

NOTE: THE OCCUPANIES BELOW ARE AN ACCESSORY OCCUPANCY TO TYPE 'M' - MERCANTILE WHICH IS THE MAIN OCCUPANCY CLASSIFICATION OF THE SPACE

- INDICATES 'B' - BUSINESS GROUP (CBC 304)
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- INDICATES 'A' - SMALL ASSEMBLY (CBC 303)

OCCUPANCY LOAD DRAWING
SCALE: 1/4" = 1'-0"

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Seal/ Signature



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Sheet Title
OCCUPANT LOAD DRAWING

Scale
As Indicated

A0.2

OCCUPANCY CLASSIFICATION & EXPERT WITNESS FIRE CODE ANALYSIS

Mad Dogs & Englishmen Bicycle Shop and Coffee Bar



EXPERT WITNESS & FIRE CODE ANALYSIS
APPROPRIATE OCCUPANCY CLASSIFICATION
for

Mad Dogs & Englishmen Bicycle Shop and Coffee Bar
Southwest Corner of Ocean Avenue and Mission Street
Carmel by the Sea, California 93921

Prepared for:

Jennifer Blevins, Owner and General Manager

June 26, 2025

Prepared by:

Hans Henneberque, Fire Code Consultant

CEO/Principal

and

Steve Guarino, Fire Code Consultant

Senior Associate

OCCUPANCY CLASSIFICATION & EXPERT WITNESS FIRE CODE ANALYSIS

Mad Dogs & Englishmen Bicycle Shop and Coffee Bar

H & S Associates**Fire Code Consulting, Education & Mentoring Programs**

6844 Nolan Road, Forestville, CA 95436

Tel: 707-887-0357

Cell: 707-849-6042

Email: Hans@handsassociates.netWebsite: www.handsassociates.net**Occupancy Classification Analysis**

This report has been created by H&S Associates, Fire Code Consultants, to provide an analysis of the requirements for the classification and/or re-classification of an occupancy per the California Building and Fire Codes for its use or change in use. This analysis is specific to the project identified in this report.

This analysis is intended to serve as an expert opinion for determining the appropriate occupancy classification of an existing occupancy that was approved to include a new coffee bar. Our opinion is based on the requirement contained in the California Building and Fire Codes, 2025 edition, and California State Fire Marshal Regulations for State Fire Marshal Regulated Occupancies

The following is a summary of applicable codes and standards for this project.

Applicable Codes

- Title 19, CCR, Public Safety, SFM Regulations
- 2025 CA Building Code (CBC) CCR Title 24, Part 2.
- 2025 CA Fire Code (CFC) CCR Title 24, Part 9.
- 2025 City of Carmel by the Sea Fire Code Ordinance

Please note that the above list is not intended to be a comprehensive list of all applicable requirements, codes, and standards for this project.

OCCUPANCY CLASSIFICATION & EXPERT WITNESS FIRE CODE ANALYSIS

Mad Dogs & Englishmen Bicycle Shop and Coffee Bar

Background for Analysis – Facts & Information as known to H&S

H&S Associates was requested by Jennifer Blevins to review architectural plans, submitted to the City of Carmel by the Sea Building Department, for a modification to her business. The modification was to appropriate part of her existing bicycle shop and install a coffee bar. She received a Use Permit approval for an accessory use for the modification and installed the coffee bar which was inspected and approved by the City's Building Inspector which noted that there was no change in use of occupancy. Subsequent to this approval the owner requested a Use Permit to also allow some seating for the coffee bar. This Use permit is in question, as the City has indicated that this requires a change in occupancy to an "A" occupancy and thus requires the space and thus the entire building to be provided with an automatic fire sprinkler system.

The California Building and Fire Codes do not allow partially sprinklered buildings, thus the entire building would have to be sprinklered throughout. The building owner indicated that there are multiple tenants in the building and the building owner determined that the cost of installing a complete automatic fire sprinkler system would be cost prohibitive. It was noted also that the local area is a low water pressure area and as the building is constructed on a hill with multiple stories, the public water system very likely would not be able to provide adequate pressure for the fire sprinkler, thus a fire pump would also be required.

Executive Summary

H&S Associates have reviewed the architectural plans for this project by Fuse Architects + Builders (see copy attached). These plans were stamped and signed by a California licensed architect. These plans show the space in question and included an occupancy load calculation.

We also reviewed a request from the Monterey County Fire Marshal for a code interpretation with regard to this issue.

Administrative History

Based on the chronology and timeline documents, the project progressed through water-credit restoration, ancillary-use review, permit issuance, construction, inspections, CUP approval, and later enforcement actions.

Questions Presented

Whether the addition of a coffee bar to an existing bicycle retail establishment resulted in a change of occupancy requiring reclassification and building-wide fire sprinkler upgrades.

OCCUPANCY CLASSIFICATION & EXPERT WITNESS FIRE CODE ANALYSIS

Mad Dogs & Englishmen Bicycle Shop and Coffee Bar

Project Proposal Review

The project proposal identifies a total area of approximately 1,323 square feet, a coffee bar area of approximately 273 square feet, and a customer seating area of 664 square feet. There is also a separate office of 81 square feet and a separate Prep/Storage/Dishwashing room of 305 square feet. The total project occupant load equals 47 persons. The total occupant load of the coffee bar and seating area equals 46 persons.

CBC §302 Occupancy Classification Analysis

Occupancy classification is based upon actual use. The available record presently does not contain a comprehensive technical analysis demonstrating conversion from Group M Mercantile occupancy to Group A-2 occupancy. It is our understanding that the building inspection for the electrical permit for the modification of the coffee bar was approved and the Building Inspector noted that there was no change in occupancy.

CBC §309 Mercantile Occupancy Analysis

The bicycle shop continues to perform mercantile functions including bicycle sales, rentals, repairs, apparel sales, and merchandise display. These activities remain characteristic of Group M occupancy.

CBC §303.1.2 Accessory Assembly Analysis

The submitted plans indicate that the occupancy calculations are accurate and remain below 750 square feet and 50 occupants. The space would be considered assembly use but as the occupant load is less than 50 it cannot be classified as a Group A occupancy. CBC 303.1.2 states the following:

303.1.2 Small assembly spaces. The following rooms and spaces shall not be classified as Assembly occupancies:

1. A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or part of that occupancy.
2. A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a Group B occupancy or part of that occupancy.

OCCUPANCY CLASSIFICATION & EXPERT WITNESS FIRE CODE ANALYSIS

Mad Dogs & Englishmen Bicycle Shop and Coffee Bar

CBC §508 Mixed Occupancy Analysis

The existence of coffee service does not automatically create a Group A-2 occupancy. Accessory occupancies may remain subordinate to a principal mercantile use as noted in CBC Section 3.3.1.2.

California Existing Building Code Analysis

If the occupancy remains Group M, the Existing Building Code provisions become highly relevant. The City should identify the specific change-of-occupancy pathway relied upon if asserting a reclassification.

Permit Record Analysis

Available permit information reportedly identifies Occupancy Change: No and Occupancy Type: B-Business. These records are significant because they reflect the City's initial processing of the project.

Administrative Consistency Analysis

The record reflects an apparent evolution from ancillary-use processing to CUP approval and ultimately to a Notice of Violation. The consistency of those actions should be evaluated.

OSFM Interpretation Analysis

The City requested a Code Determination/Code Application through the Office of the State Fire Marshal. It is noted that this was a request for a code determination or code application with regard to a change in occupancy. Code-application responses from OSFM addressing hypothetical occupancy changes do not independently establish that a change of occupancy occurred at this site.

Occupancy classification is the authority of the Chief Building Official. The City Building Official is granted that authority. The State Fire Marshal has that authority only for State Owned Building, thus their opinion on an occupancy classification is irrelevant. Once the Building Official establishes the occupancy classification, then the State Fire Marshal's authority and opinion is relevant for fire and life safety requirements for State Fire Marshal Regulated occupancy. B and M occupancy are not one of the State Fire Marshal Regulated occupancies.

CBC §903 Fire Sprinkler Analysis

Any sprinkler retrofit requirement should be supported by a specific code trigger, occupancy analysis, fire-area analysis, and existing-building evaluation.

OCCUPANCY CLASSIFICATION & EXPERT WITNESS FIRE CODE ANALYSIS

Mad Dogs & Englishmen Bicycle Shop and Coffee Bar

Findings of Fact

1. The business historically operated as a bicycle retail establishment.
2. Bicycle retail operations continue.
3. Coffee service was added to the tenant space.
4. Permit records reportedly identified no occupancy change.
5. The project underwent ancillary-use review and CUP review.
6. The City later issued a Notice of Violation.
7. OSFM correspondence does not independently determine occupancy classification.
8. The current record does not contain a comprehensive occupancy-classification report demonstrating conversion to Group A-2.

Expert Opinion

Based upon our review of the architectural plans, permit history, administrative record, occupancy calculations, applicable provisions of the California Building Code (CBC), California Fire Code (CFC), California Existing Building Code (CEBC), the City of Carmel-by-the-Sea Municipal Code, and the Office of the State Fire Marshal Code Application Response, it is our professional opinion, to a reasonable degree of fire protection and code enforcement certainty, that the available evidence supports maintaining the existing occupancy classification of the subject tenant space as a Group M Mercantile Occupancy with accessory coffee service and accessory small assembly functions, rather than reclassifying the occupancy as a Group A-2 Assembly Occupancy.

The evidence demonstrates that the primary use of the premises remains the retail sale, rental, repair, and servicing of bicycles and related merchandise. The addition of a coffee bar and limited customer seating remains subordinate and accessory to the principal mercantile use and does not independently establish a change in occupancy classification.

Recommendation to the Board of Appeals

1. The primary occupancy remains Group M Mercantile.
2. The coffee bar and seating areas are accessory uses.
3. CBC Section 303.1.2 supports continued classification as part of the principal occupancy.
4. The permit history supports continuation of the original occupancy classification.
5. The current administrative record does not sufficiently demonstrate a change in occupancy under the CBC or CEBC.
6. The OSFM Code Application Response does not independently determine occupancy classification.
7. The available evidence does not support a building-wide automatic fire sprinkler retrofit based solely upon the accessory coffee service and seating.

OCCUPANCY CLASSIFICATION & EXPERT WITNESS FIRE CODE ANALYSIS

Mad Dogs & Englishmen Bicycle Shop and Coffee Bar

Accordingly, it is our professional recommendation that the appeal be granted unless and until the City provides a complete technical analysis demonstrating, through applicable provisions of the California Building Code and California Existing Building Code, that reclassification and a building-wide sprinkler retrofit are required.

6 - DISCLAIMER

This analysis is in accordance with the 2025 Edition of the California Building and Fire Code. This analysis is limited to the Codes and Standards listed herein, the project information and electronic documentation was provided to us via email, on site visit and discussions with the project business Owner/General Manager.

Hans Henneberque

H&S Associates – Fire Code Consultants

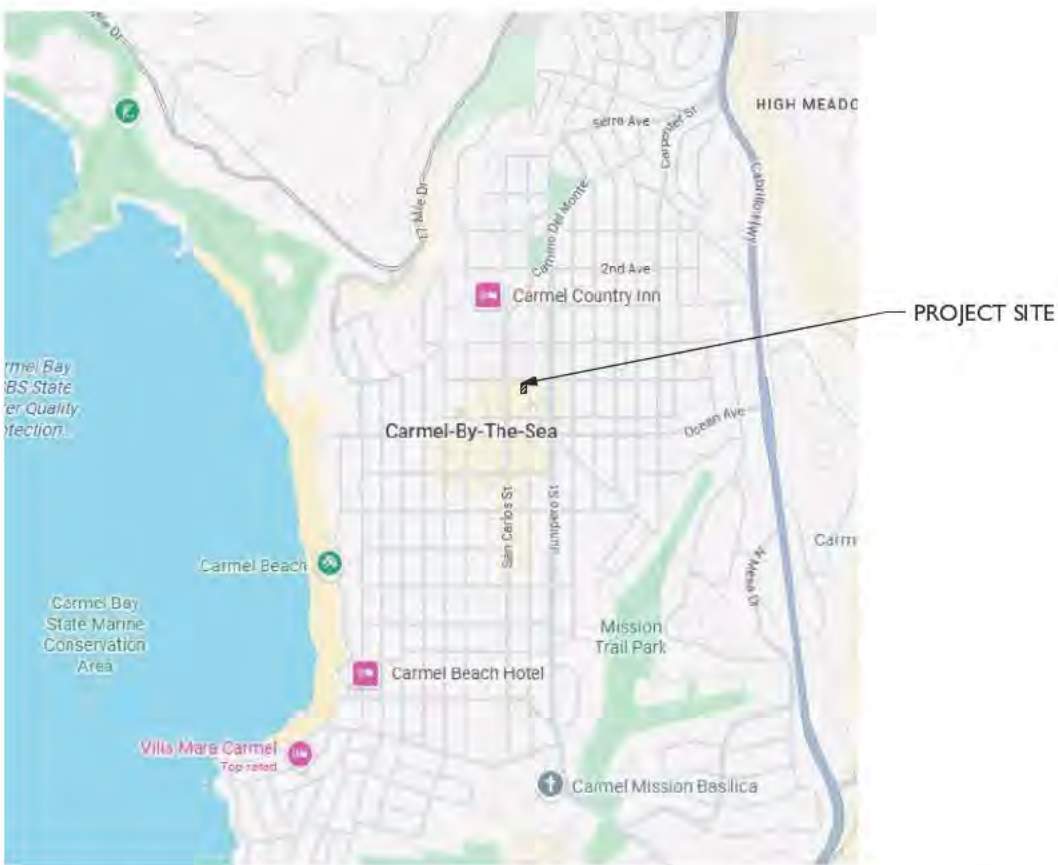
Attachment #1 – Architectural plan

Attachment #2 – Copy of Request for code determination

Attachment #3 – Hans Henneberque, Resume

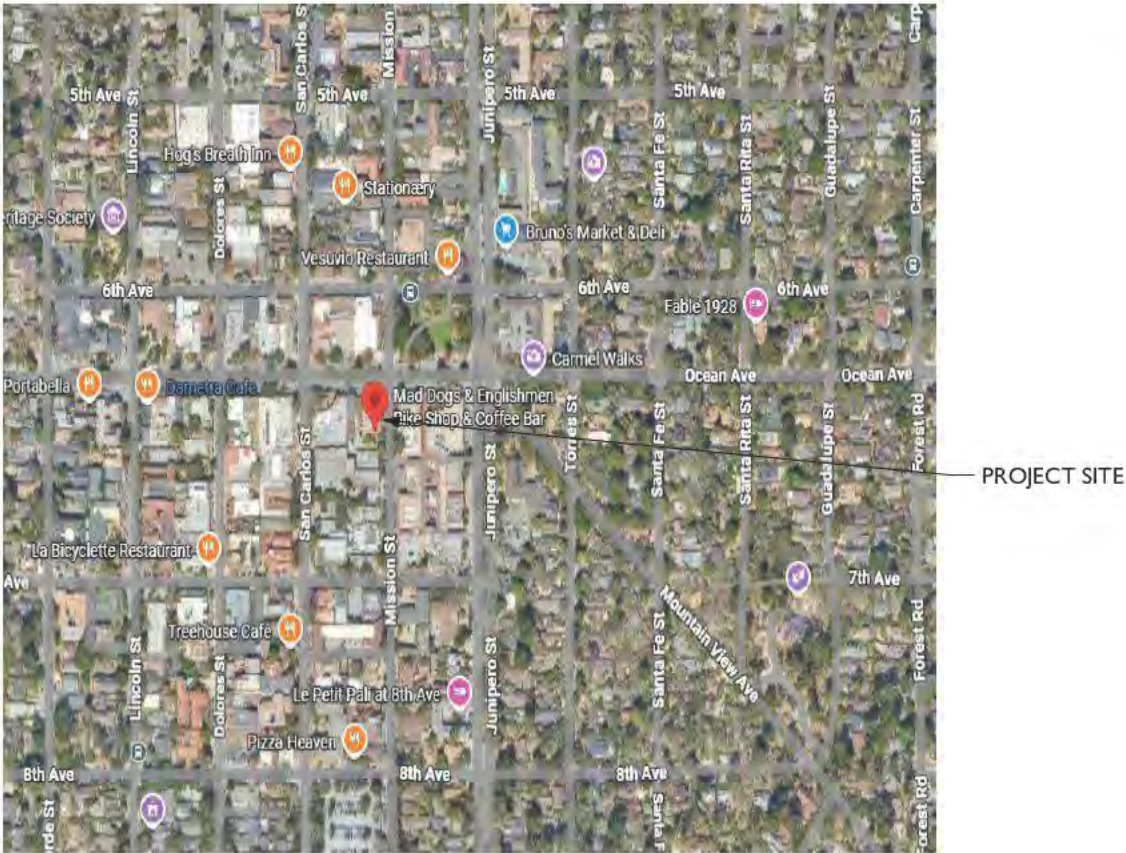
Attachment #4 – Steve Guarino Resume

LOCATION MAP

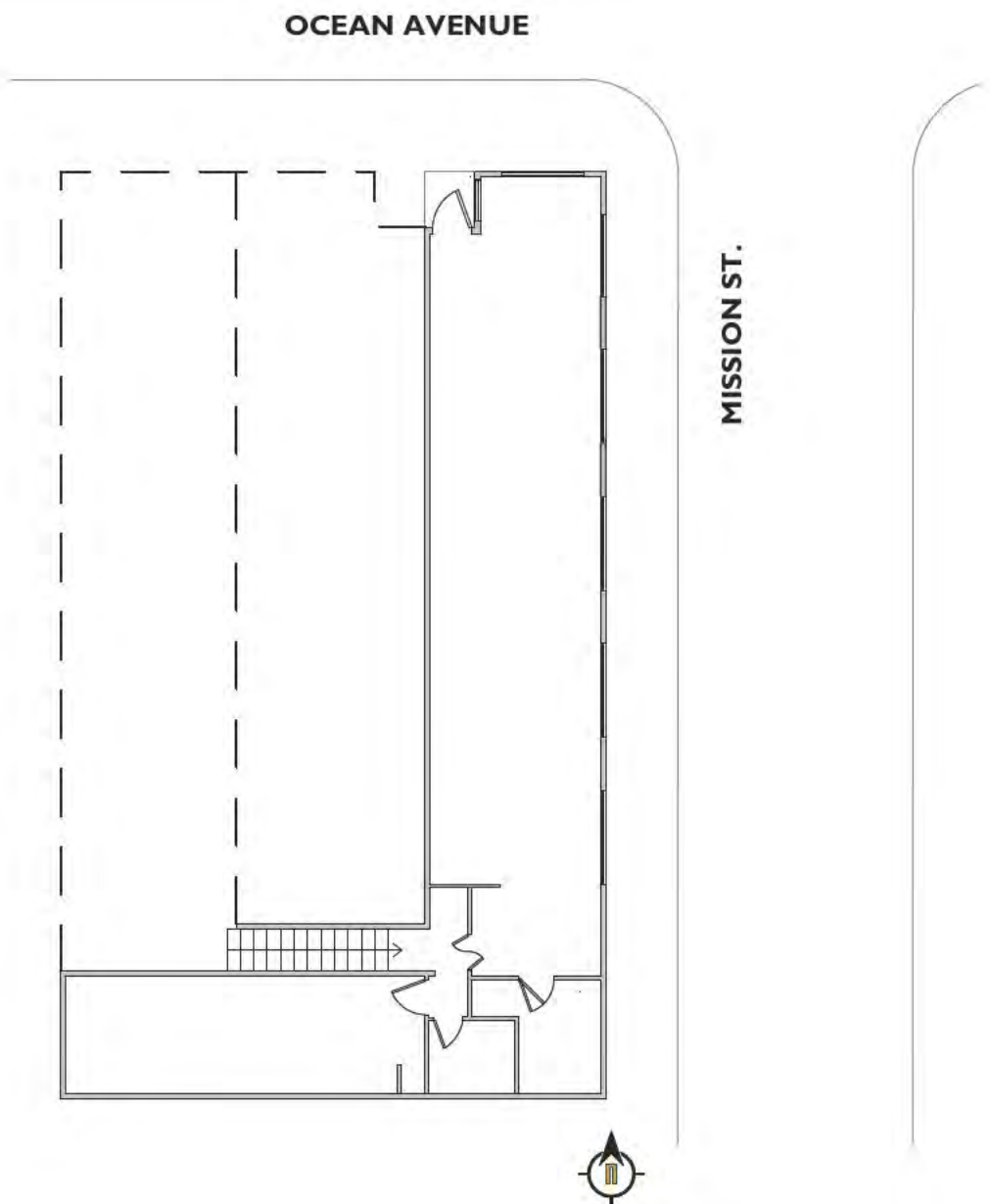


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VICINITY MAP



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BLOCK: 77
LOTS: 1 & 2
ZONING: CC- CENTRAL COMMERCIAL
PRIMARY OCCUPANCY CLASSIFICATION: 'M' - MERCANTILE
SPRINKLERED: NO

CONTACT INFORMATION

CLIENT: MAD DOGS & ENGLISHMEN
NAME: JENNIFER BLEVINS
ADDRESS: SW CORNER OF OCEAN AVE & MISSION
CARMEL-BY-THE-SEA, 93921
EMAIL: [REDACTED]

ARCHITECT: FUSE ARCHITECTS, INC.
NAME: DAVID BEAUCHAMP
ADDRESS: 8TH & MISSION, BTWN. SAN CARLOS / SUITE #7
EMAIL: DBEAUCHAMP@FUSEARCHITECTURE.COM
PHONE: 831 304 6244

DRAWING INDEX

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A0.1	PROJECT INFORMATION	X	X		
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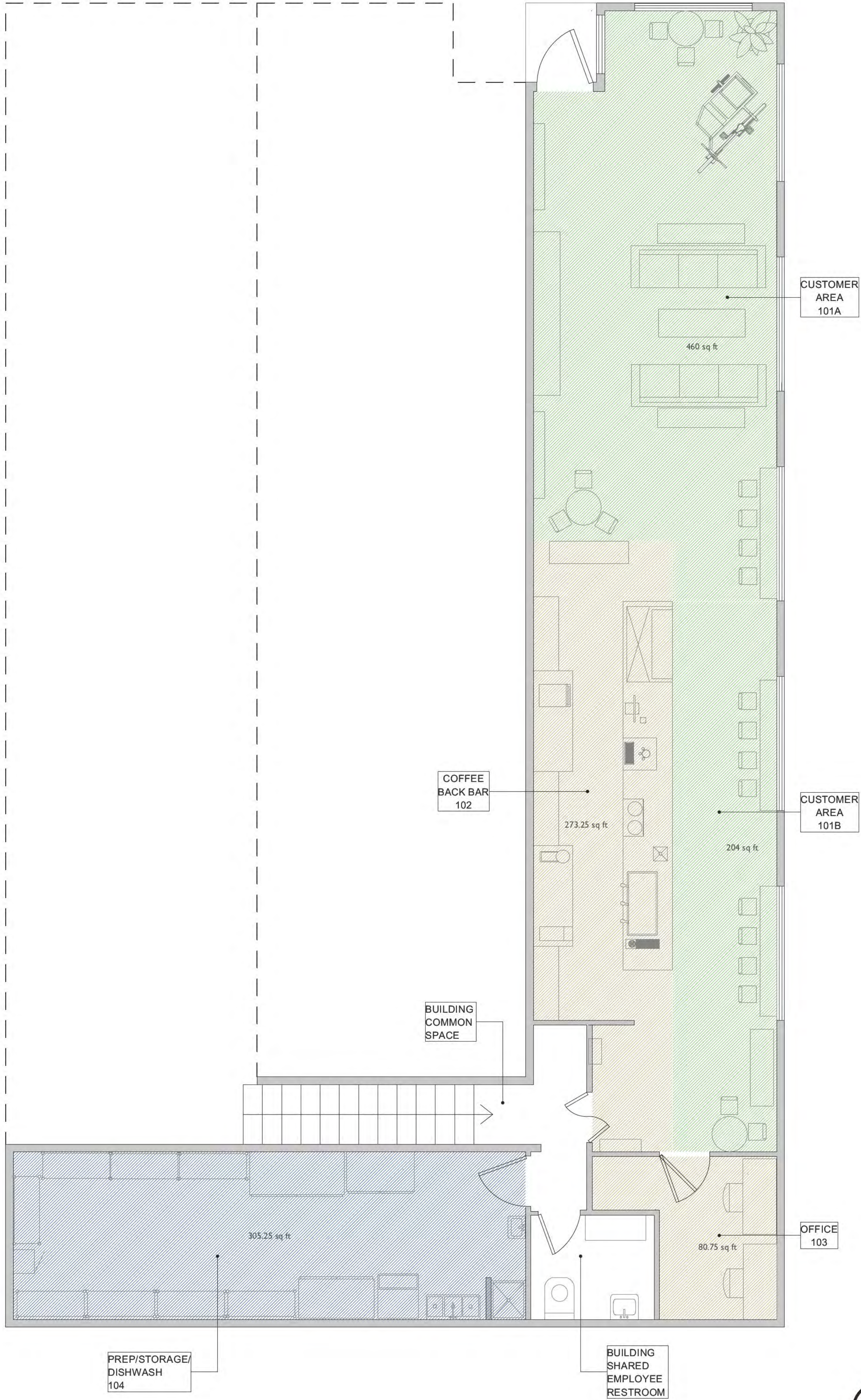
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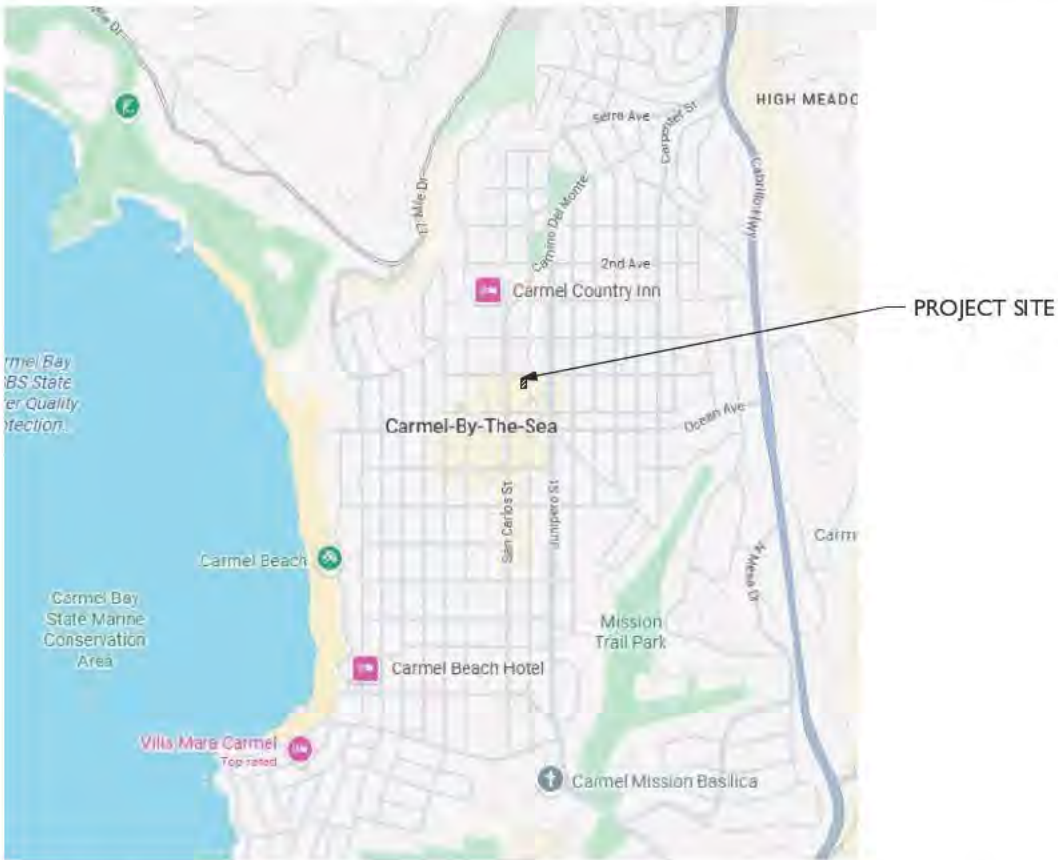
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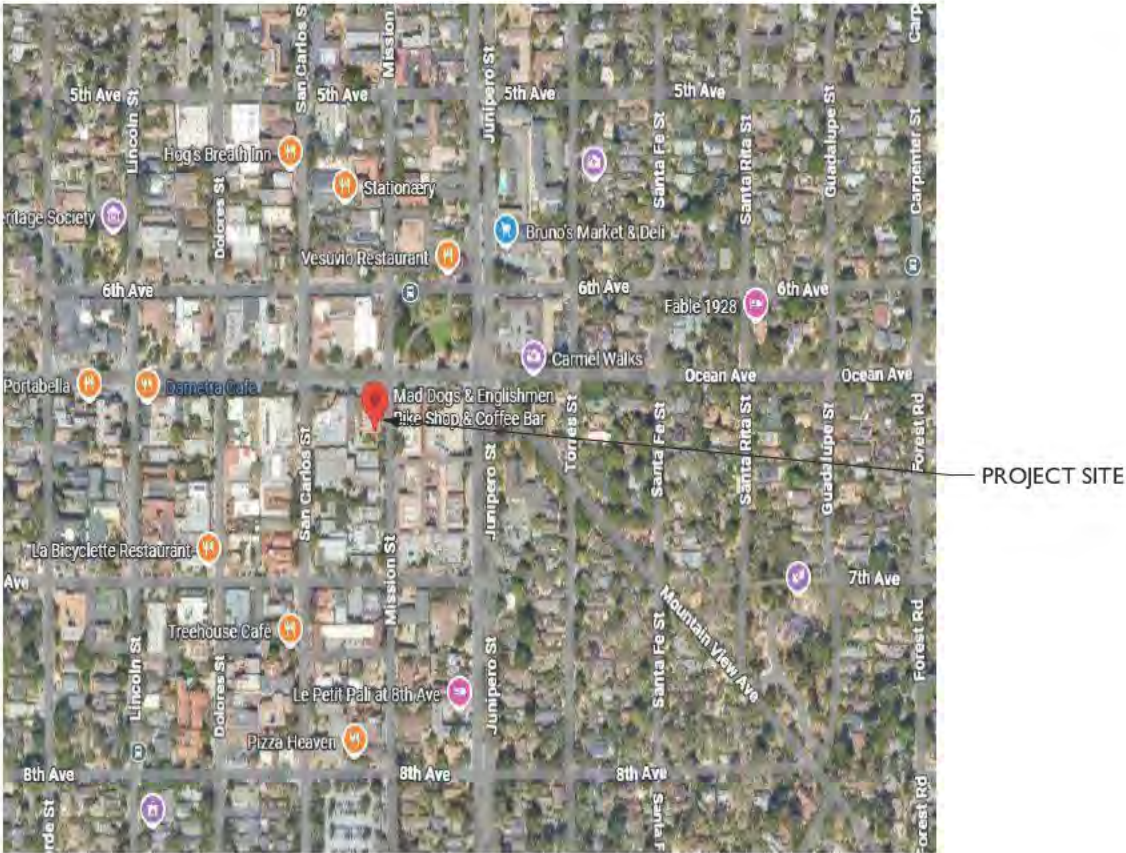
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SCALE: 1/4" = 1'-0"

LOCATION MAP

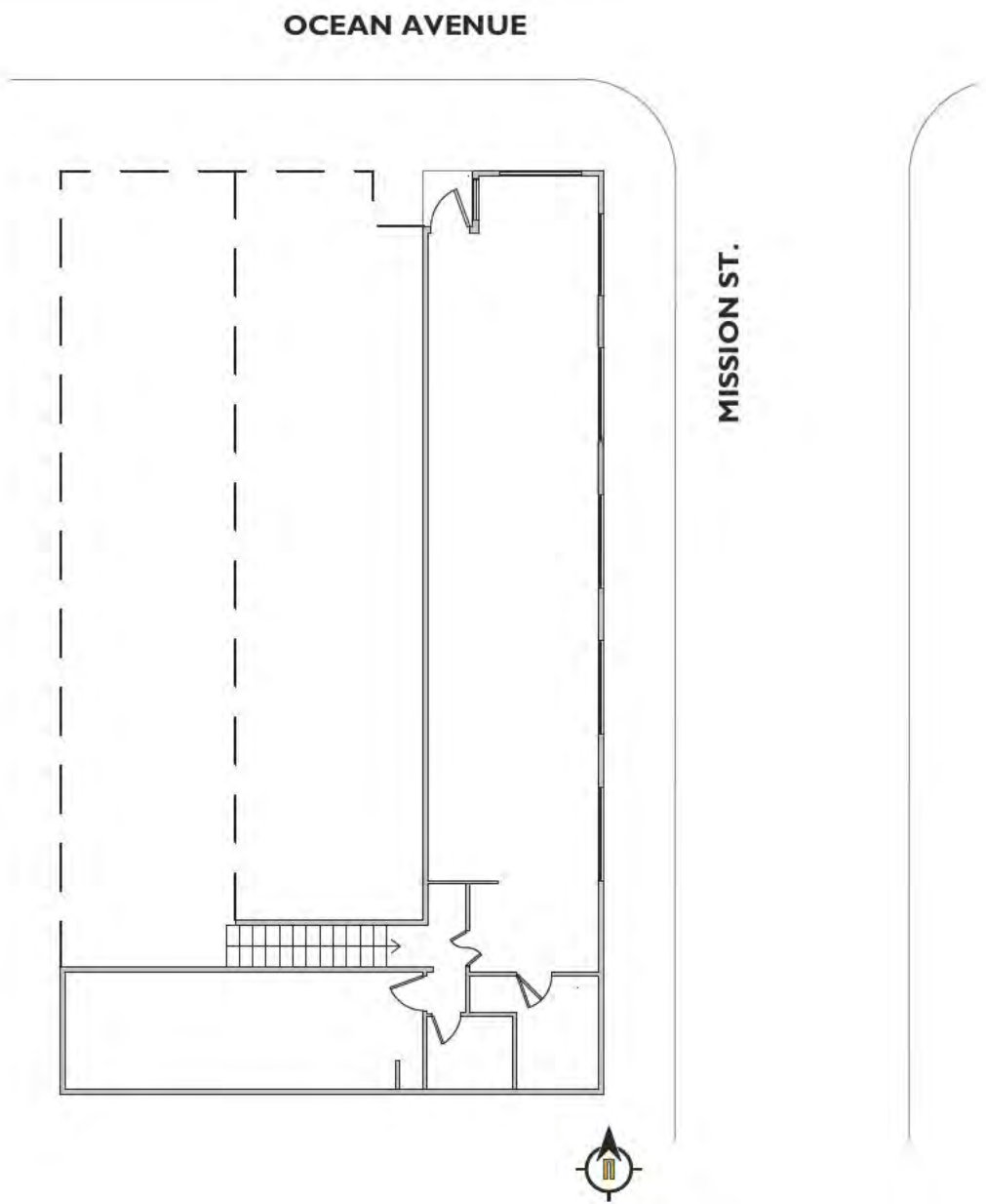


HEADED SOUTH BOUND ON HIGHWAY 1, TAKE A RIGHT ONTO OCEAN AVE. GO TOWARDS MISSION ST. MAD DOG & ENGLISHMEN IS ON THE CORNER OF OCEAN AVE. & MISSION ST.

VICINITY MAP



SITE PLAN



PROJECT DESCRIPTION

OCCUPANCY PLAN TO DEMONSTRATE THAT THE ORIGINAL/PRIMARY OCCUPANCY CLASSIFICATION OF 'B' (AS SHOWN ON PERMIT RECORDS FOR PLUMBING -# PP 23-566 & ELECTRICAL #EP 23-567) - BUSINESS HAS NOT CHANGED. SEE SHEET A0.2 FOR OCCUPANT LOAD DRAWING W/ OCCUPANT LOAD TABLE + NOTES

PROJECT INFORMATION

SITE INFO:
APN: 010-141-001
BLOCK: 77
LOTS: 1 & 2
ZONING: CC- CENTRAL COMMERCIAL
OCCUPANCY CLASSIFICATION: 'B' - BUSINESS
SPRINKLERED: NO

CONTACT INFORMATION

CLIENT: MAD DOGS & ENGLISHMEN
NAME: JENNIFER BLEVINS
ADDRESS: SW CORNER OF OCEAN AVE & MISSION
CARMEL-BY-THE-SEA, 93921
EMAIL: [REDACTED]

ARCHITECT: FUSE ARCHITECTS, INC.
NAME: DAVID BEAUCHAMP
ADDRESS: 8TH & MISSION, BTWN. SAN CARLOS / SUITE #7
EMAIL: DBEAUCHAMP@FUSEARCHITECTURE.COM
PHONE: 831 304 6244

DRAWING INDEX

ARCHITECTURAL		BLDG SUBM TTAL			
SHEET NUMBER	SHEET NAME	02/26/2026			
A0.1	PROJECT INFORMATION	X			
A0.2	OCCUPANT LOAD DRAWING	X			

APPLICABLE CODES & REGULATIONS

BUILDING CODE 2025 CBC (2025 CALIFORNIA BUILDING CODE, TITLE 24, PT 2)
2022 CEBC (2022 CALIFORNIA EXISTING BUILDING CODE)
ELECTRICAL CODE 2025 CEC (2019 CALIFORNIA ELECTRICAL CODE, TITLE 24, PT 3)
PLUMBING CODE 2025 CPC (2019 CALIFORNIA PLUMBING CODE, TITLE 24, PT 5)
FIRE CODE 2025 CFC (2025 CALIFORNIA FIRE CODE, TITLE 24, PT 9, APPENDIX B & C)
CITY CODE CARMEL-BY-THE-SEA ZONING CODE

MAD DOGS & ENGLISHMEN

SW CORNER OF OCEAN AVE & MISSION ST.
CARMEL-BY-THE-SEA, CA 93921

fuse architects + builders
512 Capitola Ave + Capitola + California + 95010
fusearchitecture.com 831.479.9295

Project Submittal Record		
Revision	Date	Issue Description
I	02/26/2026	BUILDING SUBMITTAL

Seal/ Signature



PROJECT NAME* [FILE > PROJECT INFO]

Accessor's Parcel Number
APN #: 010-141-001

Sheet Title
PROJECT INFORMATION

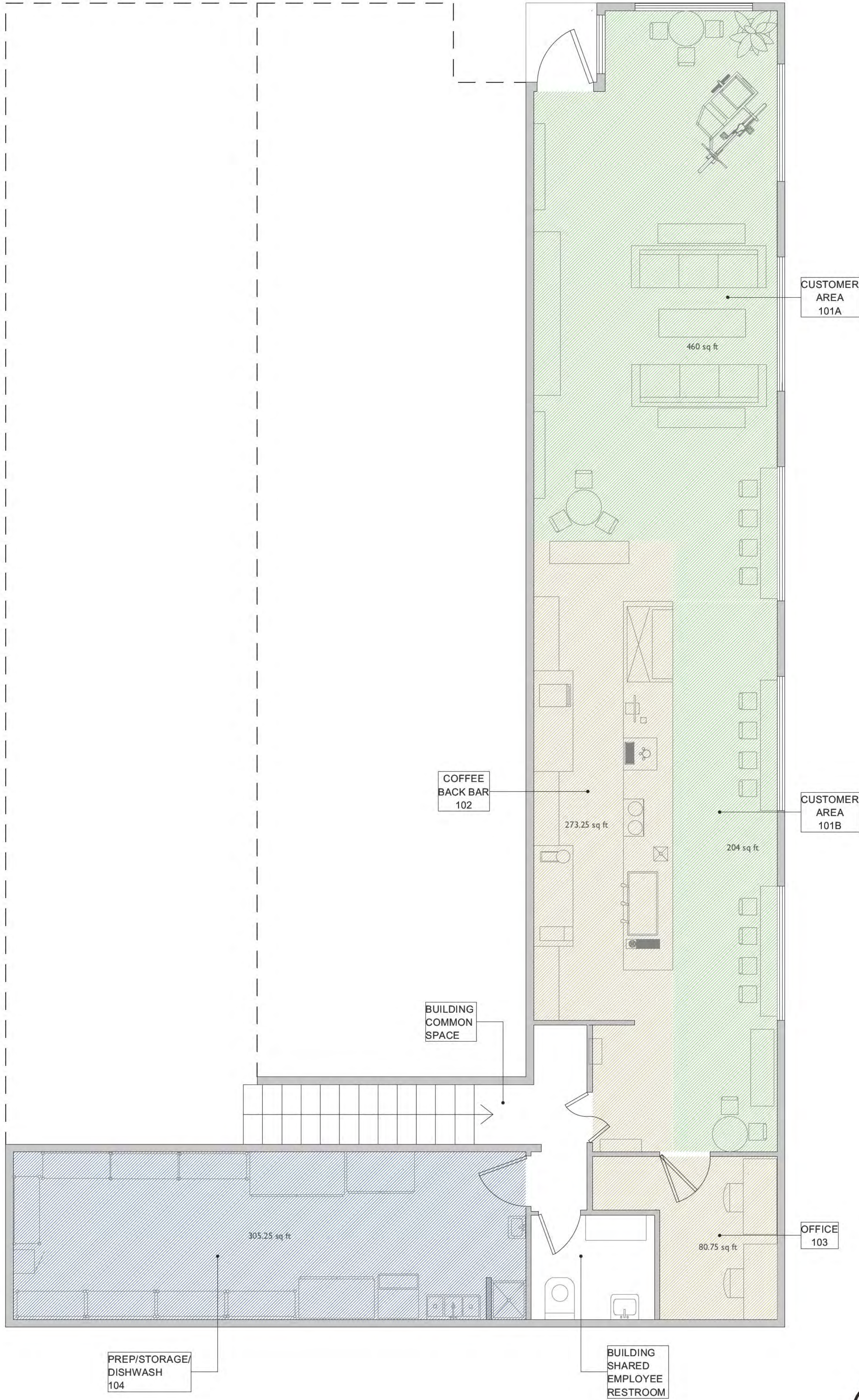
Scale
As Indicated

A0.1

MAD DOGS & ENGLISHMEN

SW CORNER OF OCEAN AVE & MISSION ST.
CARMEL-BY-THE-SEA, CA 93921

fuse architects + builders
512 Capitola Ave + Capitola + California + 95010
fusearchitecture.com 831.479.9295



OCCUPANCY LOAD TABLE						
Room Name	ROOM #:	Occupant Load Factor (Per Table 1004.5)	Occupancy Classification (Per 303, 304, & 311)	Net/Gross	Square Footage	Occupant Load
01 LEVEL / DINING HALL						
CUSTOMER AREA	101A	15	A-Small Assembly *1	Net	460	30.67
CUSTOMER AREA	101B	15	A- Small Assembly *1	Net	204	13.60
COFFEE BACK BAR	102	200	B	Gross	273.25	1.37
OFFICE	103	200	B	Gross	80.75	0.40
PREP. / STORAGE / DISHWASH	104	300	S	Gross	305.25	1.02
				Total	1323.25	47.05

NOTE:

*1. CUSTOMER AREA'S 101A & 101B ARE CALCULATED AS AN OCCUPANT LOAD FACTOR OF 15 FOR AN SMALL ASSEMBLY SPACE. PER 2025 CBC 303.1.2 SMALL ASSEMBLY SPACES OF LESS THAN 50 PERSONS OR LESS THAN 750 SQ.FT. AND ACCESSORY TO ANOTHER OCCUPANCY SHALL BE CLASSIFIED AS A GROUP B OCCUPANCY OR AS PART OF THAT OCCUPANCY.

*2. PER TABLE 1006.2.1 OCCUPANCIES WITH AN OCCUPANT CLASSIFICATION OF A, B, OR S IS ALLOWED TO HAVE ONE EXIT OR EXIT ACCESS DOORWAY IF MAXIMUM OCCUPANT LOAD OF SPACE IS LESS THAN 49 OCCUPANTS

2 OCCUPANT LOAD TABLE

LEGEND

- INDICATES 'B' - BUSINESS GROUP (CBC 304)
- INDICATES 'S' - STORAGE GROUP (CBC 311)
- INDICATES 'A' - SMALL ASSEMBLY (CBC 303)

1 OCCUPANCY LOAD DRAWING
SCALE: 1/4" = 1'-0"

Project Submittal Record		
Revision	Date	Issue Description
I	02/26/2026	BUILDING SUBMITTAL

Seal/ Signature



PROJECT NAME* [FILE > PROJECT INFO]

Accessor's Parcel Number
APN #: 010-141-001

Sheet Title
OCCUPANT LOAD DRAWING

Scale
As Indicated

A0.2

From: Justin Cooper <cooper@monterey.org>
Sent: Friday, February 13, 2026 3:08 PM
To: CodeDevelopment@fire.ca.gov <CodeDevelopment@fire.ca.gov>
Cc: Jermel Laurie <jlaurie@ci.carmel.ca.us> <jlaurie@ci.carmel.ca.us>
Subject: FCode Application Determination

Crystal,

I am looking for some assistance with Code Application Determination for a project in the City of Carmel-by-the-Sea regarding a Change of Use occupancy triggering a Fire Sprinklers based upon the CFC and the City of Carmel By The Sea Municipal Code. Is this something I can get a letter from the State Fire Marshals Office supporting the determination that Fire Sprinklers are required for the building based upon the California Fire Code and the City of Carmel-by-the-Sea Municipal Code.

The tenant is challenging the ruling, and we have started an Administrative Hearing proceeding on this. Please see the attached letter. If there is a recommended email or address, I should mail this request to, I am happy to also do this. Any guidance is greatly appreciated.

I can be reached at (831) 277-3851 if you have any questions.

Sincerely,

Justin Cooper | Division Chief | Fire Marshal / Fire Prevention Division
MONTEREY FIRE DEPARTMENT



*Proudly serving the Cities of Monterey, Pacific Grove, Carmel-by-the-Sea and Sand City,
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610 Pacific Street | Monterey, CA 93940
O (831) 646 6945 | M (831) 646 3908 | monterey.gov/fire
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MONTEREY FIRE DEPARTMENT

Subject: Request for Code Determination / Code Application
Change of Occupancy Triggering Fire Sprinkler Requirement
City of Carmel-By-The-Sea

02/11/2026

Dear California State Fire Marshal's Office,

The Monterey Fire Department respectfully requests a formal code application determination regarding fire sprinkler requirements for a mixed-use commercial building located at the southwest corner of Ocean Avenue and Mission Street in the City of Carmel-by-the-Sea.

The building in question is a non-sprinklered, mixed-use structure totaling approximately 10,000 square feet. The original tenant improvement consisted of a bike rental business (Mercantile occupancy) on the first floor. In 2016, the tenant expanded into a portion of the second floor, previously occupied by a jewelry/clothing store (also Mercantile), which did not trigger a change of use at that time.

In 2023, the business owner obtained an ancillary use permit for a small coffee bar intended to serve bike shop patrons. Subsequently, the tenant applied for an expanded scope permit, added seating for patrons, and filed for a conditional use permit for the coffee shop, which had grown beyond its original ancillary purpose. The business is now classified as a full coffee shop, which constitutes a Business Occupancy. In our interpretation, this change from Mercantile to Business occupancy triggers a Change of Use, requiring the installation of fire sprinklers throughout the building.

Applicable Codes and Local Ordinances

California Fire Code (2022 and 2025 Editions):

- [A] 102.3 Change of use or occupancy:
A change of occupancy shall not be made unless the use or occupancy is made to comply with the requirements of this code and the California Existing Building Code. Exception: Where approved by the fire code official, a change of occupancy shall be permitted without complying with the requirements of this code and the California Existing Building Code, provided that the new or proposed use or occupancy is less hazardous, based on life and fire risk, than the existing use or occupancy.

- [A] 102.4 Application of building code:
The design and construction of new structures shall comply with the California Building Code, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the California Building Code, shall be made in accordance therewith.

City of Carmel-by-the-Sea Municipal Code:

Section 903.2 has been amended to require:

Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into, or relocated within the jurisdiction. This section supersedes the square footage limitations of all subsections within Section 903.2.

Exceptions:

1. Structures not classified as Group R occupancies and not more than 500 square feet in total floor area.
2. Detached agricultural buildings located at least 100 feet from any other structure or property line.
3. Accessory structures associated with existing non-sprinklered R-3 occupancies and less than 1,500 square feet in total fire area.
4. Where insufficient water supply exists and alternate protection is approved by the fire code official.

Project Details

- Coffee shop area: 1,425 square feet with adjustable seating (architectural plans attached).
- Engineered plans were not submitted to the Fire Department.
- The change of use increases occupant load and life safety risk.
- The City of Carmel-by-the-Sea Chief Building Official has also designated this as a Change of Use.

Additionally, Carmel-by-the-Sea Ordinance No. 2022-004 mandates that any change of occupancy exceeding 500 square feet requires installation of an approved automatic fire sprinkler system throughout the affected building area as stated above.

Last, based on the California Fire Code and associated California Code of Regulations, "ancillary" refers to spaces, buildings, or facilities that are subordinate, incidental, and used in conjunction with a primary building or main use.

Basis for Determination

- Non-sprinklered mixed-use building.
- Change of occupancy exceeding 1425 square feet from Mercantile to Business Occupancy Classification.
- Local ordinance lowering sprinkler threshold to 500 square feet.
- Increased life safety risk due to Change of Use.
- The “coffee shop” is no longer referred to as ancillary based upon the definitions of the California Fire Code and is considered the primary or separate business.

Therefore, it is the determination of the City of Carmel-by-the-Sea and the Fire Department that the building must be retrofitted with an approved automatic fire sprinkler system in accordance with the California Fire Code, California Building Code, and City of Carmel-by-the-Sea Municipal Code.

We respectfully request confirmation from the California State Fire Marshal’s Office supporting this interpretation and enforcement position. Please include a statement advising:

Failure to comply with a formal code determination/application issued by the California State Fire Marshal’s Office constitutes a violation of adopted state and local fire and building codes and may subject the property owner and responsible parties to enforcement action, civil penalties, and litigation.

This request is submitted to ensure compliance with state and local life safety regulations and to protect public health and safety.

Thank you for your time and consideration. We appreciate your assistance in providing formal guidance on this matter.

Respectfully Submitted,

Justin Cooper

Justin Cooper | Division Chief | Fire Marshal / Fire Prevention Division
MONTEREY FIRE DEPARTMENT

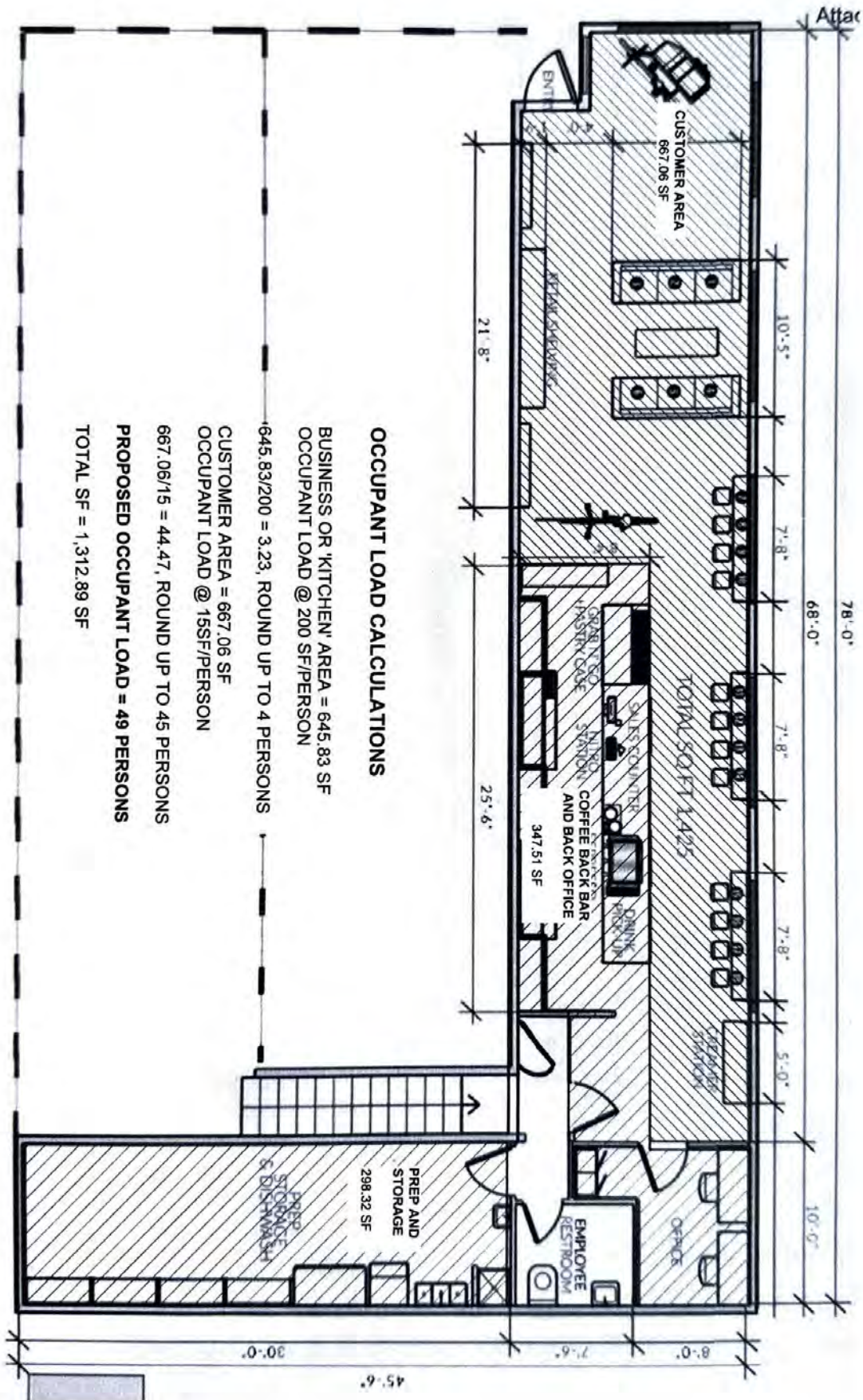


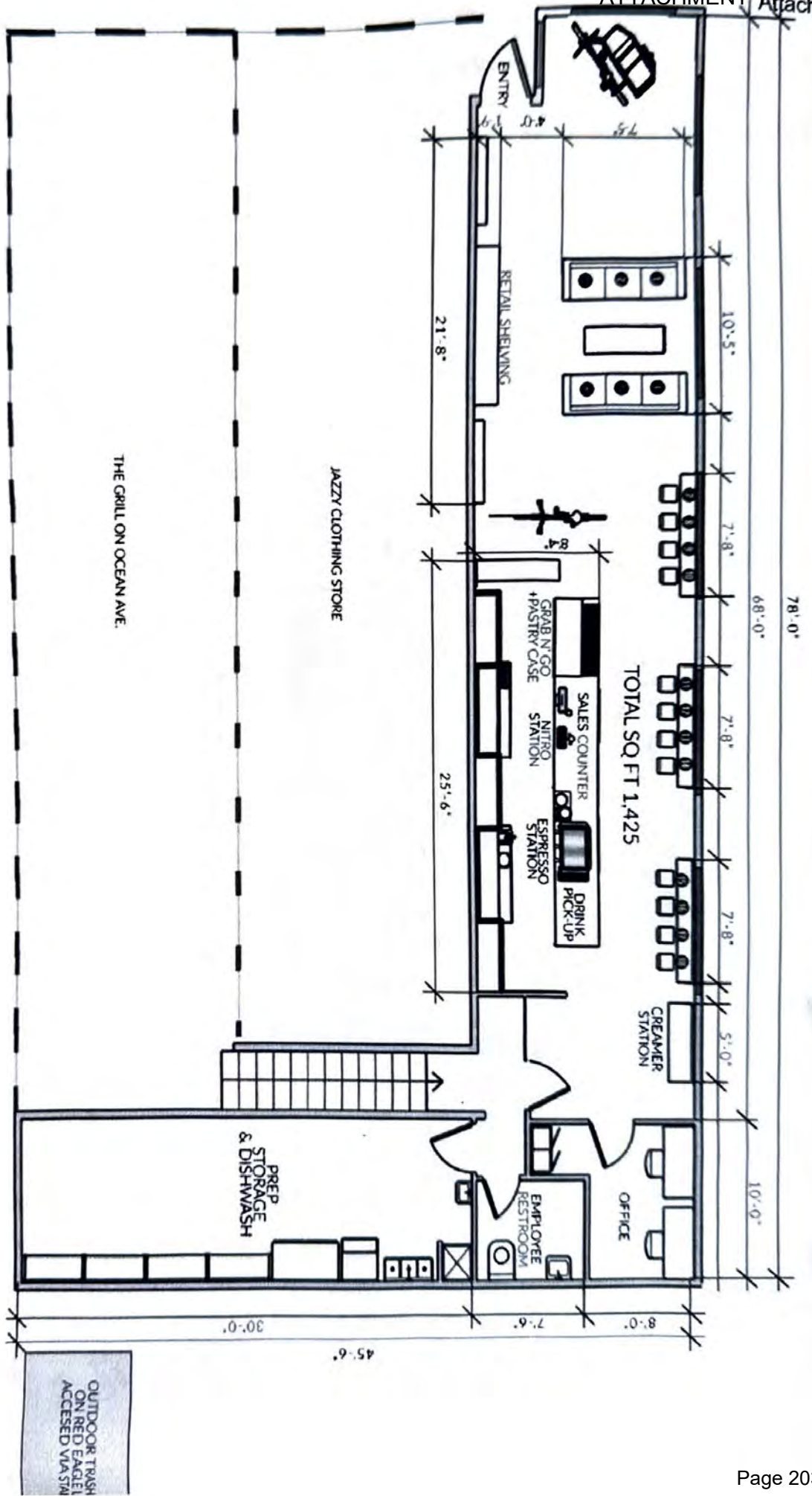
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SEATING PLAN AND LAYOUT

From: Garcia, Jena@CALFIRE <Jena.Garcia@fire.ca.gov>

Sent: Thursday, April 23, 2026 4:55 PM

To: Justin Cooper <cooper@monterey.org>

Cc: CAL FIRE Code Interpretation Request <codeinterpretationrequest@fire.ca.gov>; Mansergh, Becca@CALFIRE <Becca.Mansergh@fire.ca.gov>

Subject: Code Interpretation Request - Code Application Response

Dear Mr. Cooper,

I am a member of the Code Interpretation Committee, and I am reaching out to you to answer your question, which we believe is a code application question regarding the 2025 California Fire Code, Chapter 1, Section 102.3. If you have any additional questions regarding this response, please reach back out to me. If you have any additional Code Interpretation or Application Questions, please follow the request process outlined on the Office of the State Fire Marshal Website, just like you did on this topic.

Overview:

Code Edition:	2025 CCR, Title 24, Part 9, California Fire Code (CFC)
Code Section(s):	CFC Section 102.3
Requested By:	Justin Cooper, Fire Marshal, Monterey Fire Department
Date Received:	February 23, 2026

Question

Does a change in use from a "M" occupancy classification to a "B" occupancy require the occupancy to comply with the current code?

Answer

Yes. A change of occupancy shall not occur unless the use or occupancy complies with the CFC and the California Existing Building Code (CEBC). An exception allows the fire code official to approve a change of use that does not comply with CFC or CEBC if the fire code official determines that the proposed or new use of occupancy is less hazardous.

Thank you for your inquiry.



Jena Garcia

Deputy State Fire Marshal III (Supervisor)

Code Development and Analysis

3780 Kilroy Airport, Ste. 500, Long Beach, CA 90806

(916) 531-7650 Cell



ATTACHMENT 11

[NOTICE: This message

originated outside of the

City of Monterey mail

system **DO NOT**

CLICK on **links** or

open **attachments** unless

you are sure the content is

safe.]



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HANS HENNEBERQUE - BIO



Hans Henneberque started his career with the City of Pinole as a volunteer and subsequently as a full-time firefighter promoted up to Captain. After 10 years with the City of Pinole he moved on to the office of the California State Fire Marshal, where he worked for nearly two years as a Deputy State Fire Marshal. In 1991, was laid-off due to state budget cuts and was hired as the Assistant Chief/Fire Marshal for the Russian River Fire District and was soon promoted to Fire Chief. In 1998 he returned to the office of the State Fire Marshal until his retirement from the fire service in 2012.

During his tenure as Fire Chief of the Russian River Fire District, Hans transformed the department through a process of reorganization which included a five-year plan, 90% of which was completed within three years. As Fire Chief, Hans was instrumental in upgrading the department's aging equipment, established an equipment purchase and replacement program which included the purchase of a new Pierce Type I fire engine and the purchase of two new ambulances, replacement of all safety clothing for paid and volunteer staff, replacement and refurbishment of most small equipment, and the complete replacement of 25 year old breathing apparatus with all-new units. Hans also implemented a new and effective financial accountability system along with updated training programs.

The Russian River Fire District operates a paramedic ambulance service along with its fire protection function. As such, Hans became involved with many of the EMS issues facing the California Fire Service, greatly expanding his ability to maintain effective professional networks and positive relationships among the agencies and individuals involved in handling these issues. Hans was also an integral member of a local group of public officials that formulated and managed a flood and disaster plan for the lower Russian River area which became the model for the rest of the County other agencies.

Upon returning to the State Fire Marshal in 1998, Hans was instrumental in the development of plan review guidelines and became a top hand at plan review and large project construction management for fire code compliance specializing in design built projects. During this second term as a Deputy State Fire Marshal, he developed many fire and life safety seminars and educational programs for hospitals and large institutional agencies.

Hans has trained and developed many junior peers. He has been on the forefront of fire and life safety education in his local area for many years for both the fire services and private industry. He has facilitated many workshops and seminars promoting fire and life safety issues to local fire departments and large state institutions in Northern California and has developed the training materials for these workshops. He has also facilitated educational seminars for both state and local fire agencies and is a registered State Fire Training Instructor.

Hans has a straightforward, positive, and professional personality and believes in a participatory style of management, including as many team members as is reasonably practical in decision-making processes. He believes in delegating responsibility and decisions-making to the lowest level possible for efficient and effective management.

Hans is also considered a valuable code expert within the fire code community, based on his wide range of experiences in fire operations, management and fire prevention, and will continue his teaching endeavors along with managing this new and vibrant fire code consulting firm.

HANS HENNEBERQUE, Principal

Fire Code Consulting, Education & Mentoring Programs

6844 Nolan Road, Forestville, CA 95436
Tel: 707-887-0357 Cell: 707-849-6042
Email: Hans@handsassociates.net Website: www.handsassociates.net

OBJECTIVE: Fire & Life Safety Code Consultant/Instructor/Mentor

SUMMARY OF QUALIFICATIONS:

- * Retired as of March 30, 2012 from the California State Fire Marshal as a Senior Deputy State Fire Marshal, with over seventeen (17) years experience as a Deputy. Primary duties were managing field operations and training officer and mentoring of new Deputies. Specialist in plan review and field inspections of new institutional occupancies and large state construction projects for fire & building code regulations.
- * Over five (5) years experience as Fire Marshal and Fire Chief with Russian River Fire Protection District, managing fire and EMS operations, fire prevention bureau, administrative, finance and personnel functions. On scene incident commander for large fire incidents and numerous national flood disasters in the Russian River area of Northern California.,
- * Twelve (12) years experience as a Firefighter and company officer for local Fire Department. Possess good working knowledge of actual fire behavior, fire ground tactics and strategy, fire ground command and the Incident Command Systems.
- * Proven ability to supervise and motivate groups of people from widely varying backgrounds. Proven ability at facilitating training for small and large groups and a qualified motivational fire & life safety educator for fire safety principals and programs. Facilitator of fire safety programs for various agencies and facilities.

EXPERIENCE:

2012 – Present Principal and CEO of H&S Fire Code Associates, LLC

1998 - 2012 CAL FIRE / OFFICE of the STATE FIRE MARSHAL, Santa Rosa, California
Senior Deputy State Fire Marshal

1997 - 1998 STATE OF CALIFORNIA DIVISION OF THE STATE ARCHITECT
Fire and Life Safety Officer

1992 - 1997 RUSSIAN RIVER FIRE PROTECTION DISTRICT, Guerneville, California
Fire Chief

1990 - 1992 CALIFORNIA STATE FIRE MARSHAL'S OFFICE, San Leandro, California
Deputy State Fire Marshal

1978 - 1990 CITY OF PINOLE FIRE DEPARTMENT, Pinole, California
Fire Captain

1971 - 1975 UNITED STATES AIR FORCE
Sergeant - Military Intelligence Technician

EDUCATION:

Contra Costa College, San Pablo, California
Associate of Arts Degree (Business Administration)
Los Medanos College, Pittsburg, California
Santa Rosa Junior College, Santa Rosa, California
California State Fire Marshal, State Fire Training, Sacramento California
Fire Science courses and certifications

Details of Fire Service Training & Education:

- * A.A. Degree, Contra Costa College, San Pablo, California
- * Additional 27 units Fire Science, Los Medanos College, Pittsburg, California
- * Firefighting Strategy and Tactics (6 hours) - 1988
- * Wildland Firefighter Survival - 1986
- * ICS-220 - 1984
- * Ventilation Practices (6 hours) - 1983
- * Driver/Operator Class (144 hours) - 1983
- * EMT 1A - 1984, Recertified - 1992
- * Firefighter I – 1982, Firefighter II - 1984
- * Basic Operations II – 1980, Fire Control II & III - 1980
- * Uniform Fire Code - 1990
- * FSAB Course 13.87, Fire Sprinkler Plan Review and Field Inspections (40 hours) - 1991
- * Fire Investigation 1A – 2011, Fire Origin & Cause Update (8 hours) - 1994
- * Quake Seminar - 1995 (The Medical & Rescue aspects of a Major Earthquake)
- * PC 832 - Arrest Course - 1995
- * Residential Sprinklers NFPA-13D (6 hours) – 1996, update 2010
- * SEMS Executive Course G612 - 1996
- * Fire Prevention 1A and 1B - 2003, 1C -2004, 2A – 2006, 2B – 2000, 2C - 2011
- * Fire Instructor 1A and 1B - 2003, Regional Instructor Orientation – 2004
- * New ICC codes transition classes (40 hours) – 2007 & (24 hours) - 2013

Special Accomplishments:

- * Received a Letter of Commendation and numerous letters and certificates of recognition and appreciation from citizens, peers, and professional organizations.
- * Developed computer program in Lotus 123 for budget and statistical control for Pinole Fire Department in 1984 and plan review tracking program State Fire Marshal's office in 1990.
- * Organized cohesive Disaster Preparedness plans for several private schools.
- * Guided the Russian River Fire Protection District through a department reorganization process, involvement staff and constituents. Completed 90% of goals for five year plan in three years.
- * Developed and implemented a cohesive inspection program for local businesses and target hazards based on a concept of education and cooperation with the business community.
- * Designed and implemented a fiscal planning and accountability program for daily operations and capital outlay for current and future equipment.
- * Implemented a revitalized a training program based on realistic training standards and needs.
- * Assisted in development and planning of a Disaster plan for the lower Russian River Area.
- * Developed, organized and implemented additional disaster plan for the town of Guerneville.
- * Served as President of the Sonoma County Fire Prevention Officer's Association in 1995 and served as Secretary & Treasurer from 1998 to present.
- * Major participant in Sonoma County's "EMS Future Search" and EMS Redesign Task Force.
- * Served as member of Sonoma County's O.E.S. Emergency Coordinators Forum for 4 years.
- * Served as EMS Liaison Chief for Sonoma County Fire Chief's Association for 3 years.
- * Developed Fire & Life Safety Plan Review guidelines for DSA and SFM.
- * Developed curriculum for DSA In Depth Fire & Life Safety Class for Inspectors.
- * Primary instructor for DSA In Depth Fire & Life Safety Class for Inspectors 2007
- * 2007 Recipient of Sonoma County Fire Prevention Officer's "Harry Quinlan Award" for excellence in fire prevention for Sonoma County.
- * Lead Instructor for State Fire Marshal Legislative Mandated SFM Statutes & Regulations Class
- * Registered State Fire Training Instructor for fire prevention classes.
- * Developed, presented and facilitated numerous seminars on fire & life safety issue
- * Specialist in fire code requirements and processes for "Design Build" construction projects
- * Developed current State Fire Marshal Construction Management Program

Steve Guarino, Senior Fire Code Associate

Steve Guarino, started his fire service career in 1982 as a firefighter/paramedic and promoted to the position of Fire Chief for the City of La Quinta, California. Since 1989, Steve has been employed as a Deputy State Fire Marshal and retired in 2022 as the Chief of the Fire and Life Safety Division which includes; code enforcement, plan review, and training. Steve served on a number of committees including the State Fire Marshal's Residential Care Advisory Committee, Code Interpretation Committee and, notably as chair to the State Fire Marshal's Hydrogen Highway Advisory Committee. Steve is a registered instructor for the State Fire Marshal and taught the Statutes and Regulations Class. He is certified as a Fire Prevention Officer, Hazardous Material Manager, Criminal Hazardous Materials Investigator and State Fire Marshal Hazardous Materials Specialist. Steve is a rare expert in the California Fire and Life Regulations and requirements.

STEPHEN C. GUARINO

EDUCATION SUPPLEMENT

<u>COLLEGE</u>	<u>COURSE</u>
UC Riverside Riverside, CA	Principles of Hazardous Materials Introduction to Organic Chemistry Toxicology Fate & Transport of Haz-Mat
Materials	
UC Davis Materials Davis, CA	Health & Safety for Haz - Mat Regulatory Framework for Haz – Mat
Palo Verde Community College Blythe, CA	Hazardous Material Technician Hazardous Materials Specialist
Crafton Hills College Yucaipa, CA	Certified Prevention Officer Certified Fire Investigator Certified Firefighter II Certified Pump Operator Intro to Fire Science Emergency Medical Technician Volunteer Engineers Academy
College of the Desert	English 1 Literature1 Building Code Interpretation Physical Geology
Riverside Community College Riverside, CA	Penal Code 832 Fire Arms
Pierce College Woodland Hills	Emergency Medical Technician
San Joaquin Delta College Stockton	Public Safety Officer

STEPHEN C. GUARINO

EDUCATION SUPPLEMENT

SPECIALIZED TRAINING

COURSE

California Specialized Training
Institute

Fire Prevention 2A
Fire Prevention 2B
Fire Prevention 2C
Fire Prevention 3B
Hazardous Materials Specialist 1A
Hazardous Materials Specialist 1B
Hazardous Materials Specialist 1C
Hazardous Materials Specialist 1D

California State Fire Marshal
Sacramento

Staff Academy
Motion Picture/Television Safety Officer
Proximate Pyrotechnics & Special Effects
Statutes and Regulations

California Department of Forestry
And Fire Protection

Public Officer

California Apprenticeship Council

Hazardous Material Technician

International Conference
of Building Officials

Means of Egress

Automatic Fire Alarm Association

Fire Alarm System Testing & Inspections
Intermediate Fire Alarms

U.S. Environmental Protection Agency

Introduction to Groundwater Investigations
Environmental Enforcement
Assessment, Control & Remediation of
Contaminated Sites

Law Enforcement Officers Training
Federal Bureau of Investigation

Environmental Crimes investigation

Committee's

State Fire Marshal's Code Interpretation Committee
State Fire Marshal's Code Consolidation Committee
Southern California Fire Prevention Officer's Association Fire Code Committee
Southern California Fire Prevention Officer's Association
Joint Apprenticeship Committee

← Back

Permit Information

Permit Number: 230566
 Permit Date: 11/30/2023
 Permit Identifier: PP 23-566 (Porter/Mad Dogs and Englishmen)
 Status: Issued
 ADU: No
 Occupancy Change: No
 Occupancy Type: B-Business
 Division:
 Owner Name: Alan R Porter
 Date Submitted: 12/01/2023
 Date Approved: 01/02/2024
 Date Issued: 02/13/2024
 Date Finalized:

Project Description: Existing retail cabinets to be replaced with cabinets for portable coffee bar equipment and extend existing water/sewage from previous tenants
 Property Location: SW Corner of Ocean and Mission
 Block: 77
 Lot: 1&2
 Stormwater Required: No
 Stormwater Meeting Conducted:
 Tree Protection Required: No
 Tree Protection Approval:
 Planning Approval Required: Yes
 Planning Review Approval: 01/02/2024
 Revision Number:
 Revision Date Submitted:
 Revision Description:

Contractors

Ramirez Plumbing - C36 - Plumbing, 780 Redwood Ave Sand City CA 93955
 Primary Contact: Javier Ramirez

Property Information

Parcel #: 010141001000
 SW Corner of Ocean & Mission
 CARMEL CA, CA

Missing Building Final?
 Was done on 8/23 w/electrical

Inspections**PLUMBING - ROUGH**

Scheduled Date: 08/02/2024 @ 03:00pm

- Confirmed- capped gas pipe at the water heater, fur... [More](#)

Passed - Duane Dauphinee

Completed Date: 08/02/2024

BUILDING - DRYWALL

Scheduled Date: 08/02/2024 @ 03:00pm

- Confirmed- capped gas pipe at the water heater, fur... [More](#)

Passed - Duane Dauphinee

Completed Date: 08/02/2024

PLUMBING - ROUGH

Scheduled Date: 05/31/2024 @ 03:00pm

- Confirm- cap gas pipe at the water heater, furnace area, small water leak at the pressure pump. [Less](#)

Passed - Duane Dauphinee

Completed Date: 05/31/2024

PLUMBING - ROUGH

Scheduled Date: 05/24/2024 @ 10:00am

- Cap. gas pipe at the water heater, furnace area, small water leak at the pressure pump. [Less](#)

Corrections Given - Duane Dauphinee

Completed Date: 05/24/2024

Fees

General Plan Update: \$29.53 - Paid
 BPRF: \$100 - Paid
 SMIP- Residential: \$195 - Paid

Payments

Date:	Amount:	Type:	Paid By:
02/22/2024	\$884.29	#105	J BLEVINS

Could not connect to the reCAPTCHA service. Please check your internet connection and reload to get a reCAPTCHA challenge.

[← Back](#)

Permit Information

Permit Number:	230567	Project Description:	Extend electrical lines and install necessary equipment for new coffee bar.
Permit Date:	12/01/2023	Property Location:	SW Corner of Ocean and Mission
Permit Identifier:	EP 23-567 (Porter/Mad Dogs and Englishmen)	Block:	77
Status:	Issued	Lot:	1&2
ADU:	No	Stormwater Required:	No
Occupancy Change:	No	Stormwater Meeting Conducted:	
Occupancy Type:	B - Business	Tree Protection Required:	No
Division:		Tree Protection Approval:	
Owner Name:	Alan R Porter	Planning Approval Required:	Yes
Date Submitted:	12/01/2023	Planning Review Approval:	01/02/2024
Date Approved:	01/02/2024	Revision Number:	
Date Issued:	02/13/2024	Revision Date Submitted:	
Date Finalized:		Revision Description:	

Contractors

Cate Electrical Company - C10 - Electrical, PO Box 221369 Carmel CA 93922
 Primary Contact: Mike Cate

Property Information

Parcel #: 010141001000
 SW Corner of Ocean & Mission
 CARMEL CA, CA

Inspections

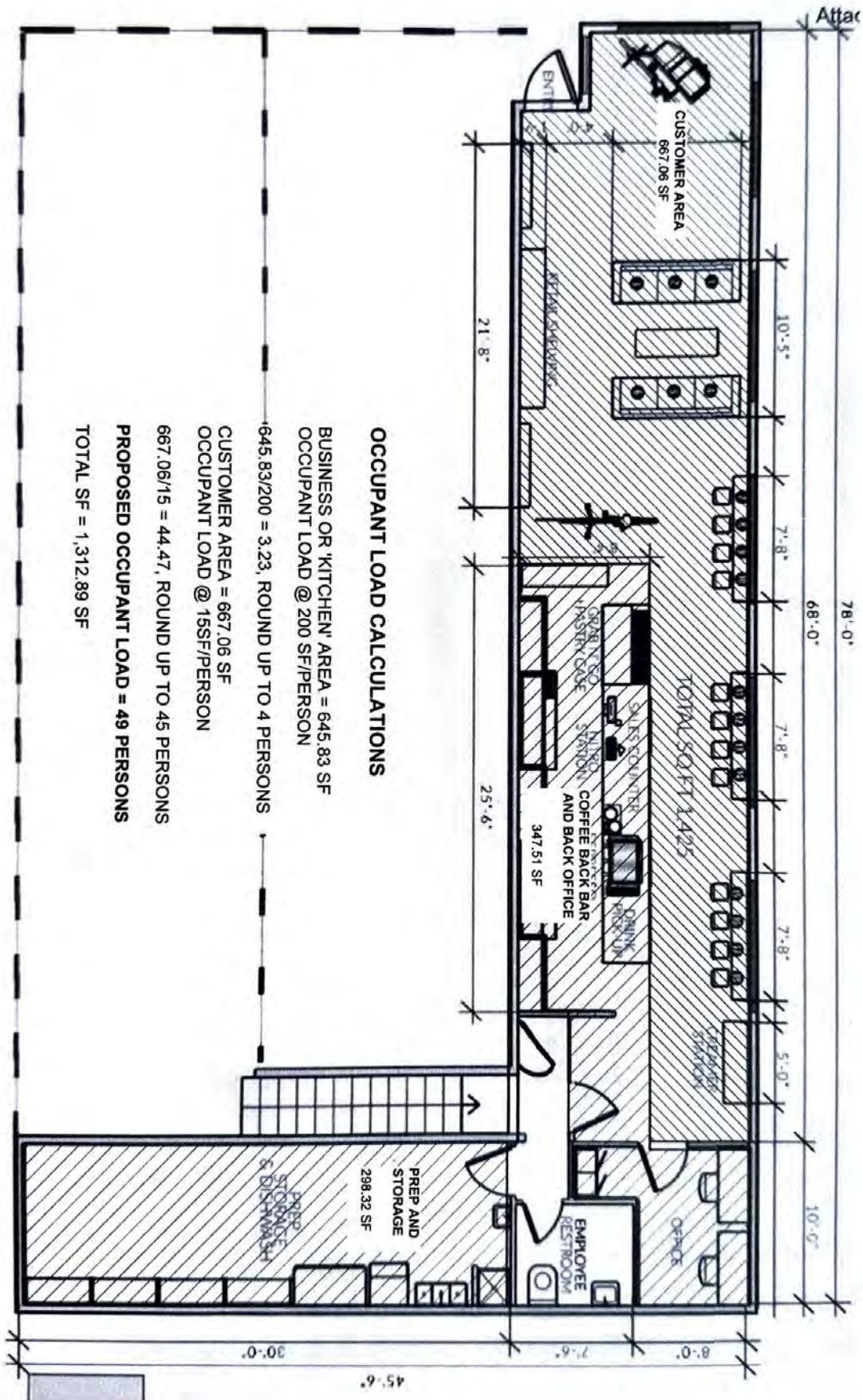
BUILDING - FINAL Partial - Duane Dauphinee
 Scheduled Date: 08/23/2024 @ 02:00pm Completed Date: 08/23/2024
 - Completed inspections with health department, water department, planning and building. Planning can only authorize TCO until ancillary use is confirmed.
[Less](#)

ELECTRICAL - ROUGH Passed - Duane Dauphinee
 Scheduled Date: 08/02/2024 @ 03:00pm Completed Date: 08/02/2024
 - Confirmed-separated and individually support all R... [More](#)

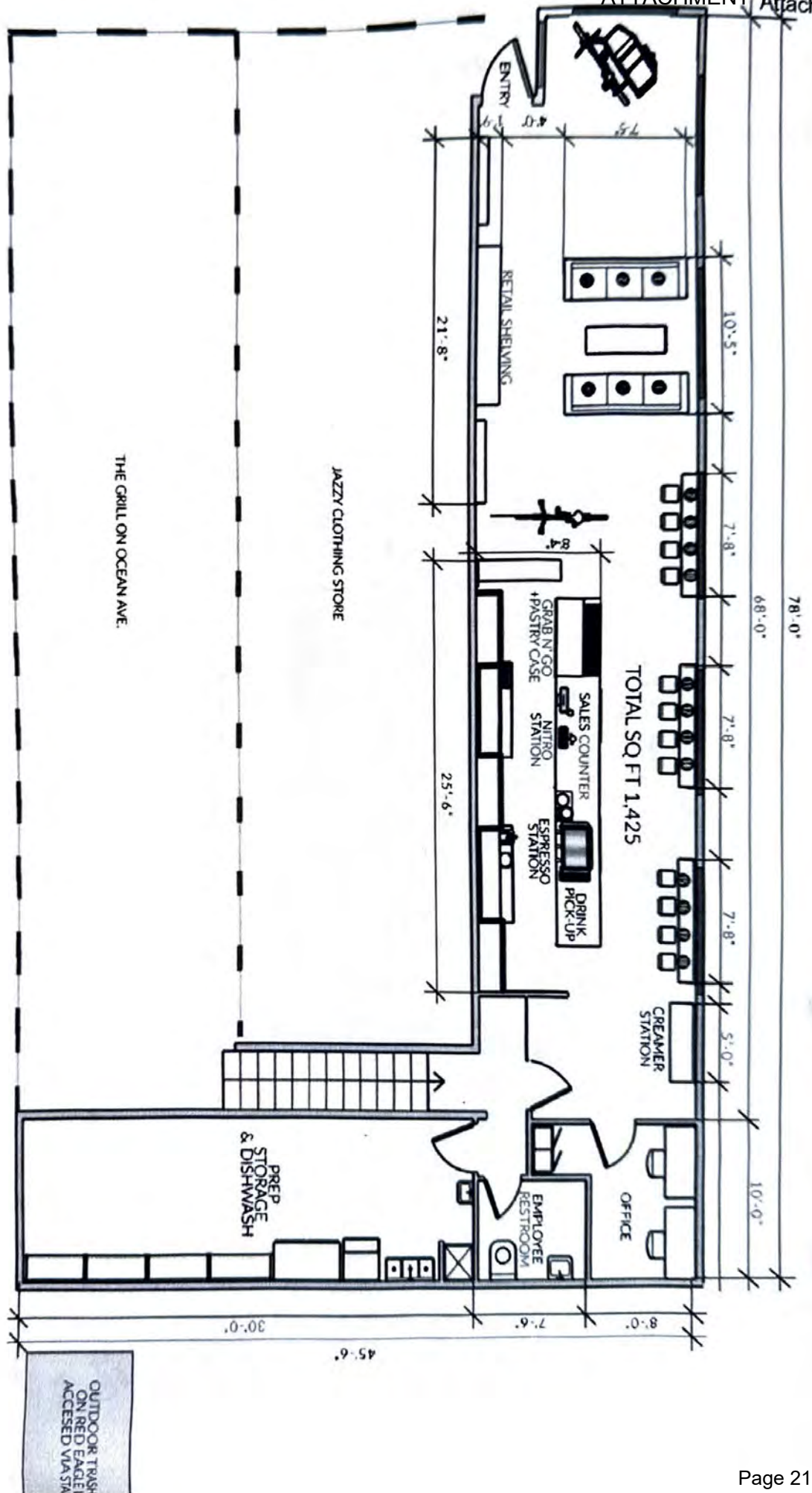
BUILDING - DRYWALL Passed - Duane Dauphinee
 Scheduled Date: 08/02/2024 @ 03:00pm Completed Date: 08/02/2024
 - Confirmed-separated and individually support all R... [More](#)

ELECTRICAL - ROUGH Passed - Duane Dauphinee
 Scheduled Date: 05/31/2024 @ 03:00pm Completed Date: 05/31/2024
 - Confirm-separate in individually support all Romex... [More](#)

ELECTRICAL - ROUGH Corrections Given - Duane Dauphinee
 Scheduled Date: 05/24/2024 @ 10:00am Completed Date: 05/24/2024
 - Separate in individually support all Romax in encl... [More](#)

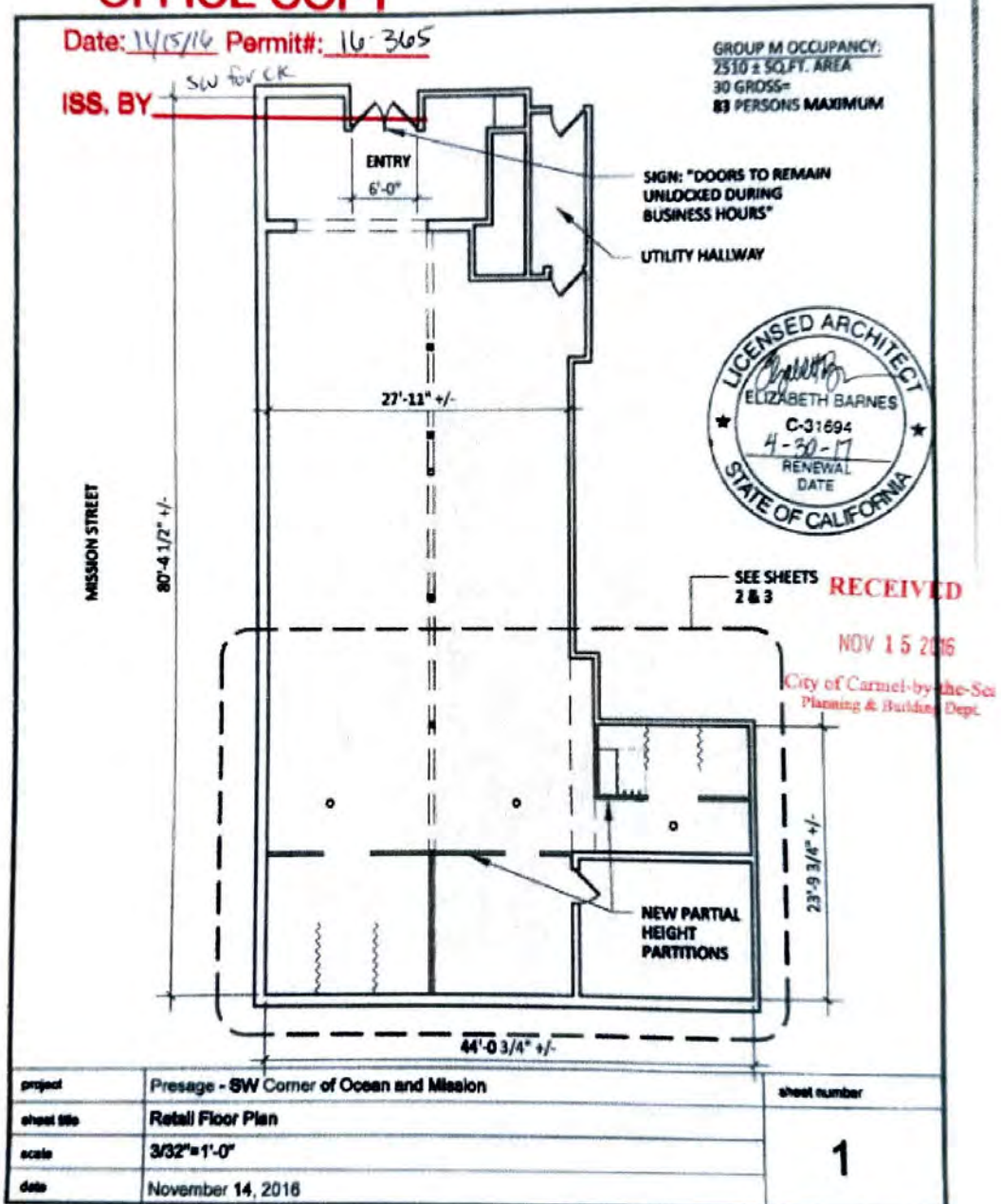


SEATING PLAN AND LAYOUT



The following rooms and spaces shall not be classified as Assembly occupancies:

1. A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.
2. A room or space used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

OFFICE COPY

City of Carmel-by-the-Sea
 Department of Community Planning and Building
 P. O. Drawer G
 Carmel, CA 93921
 (831) 620-2010 Office (831) 620-2014 FAX

Certificate of Occupancy

DATE ISSUED: APRIL 15, 1999 NUMBER: 97-242

THIS IS TO CERTIFY THAT the building, structure or space described hereon has been inspected and approved for use/occupancy:

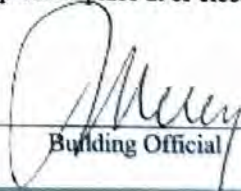
BLOCK: 077 LOT: N1 APN: 010-141-01
 ADDITION: BY-THE-SEA ZONE: CC OCCUPANCY GROUP: B
 STREET LOCATION: S/W CORNER OCEAN AND MISSION
 BUSINESS NAME: ONE OCEAN AVENUE
 BUSINESS OWNER: ROBERT WEBER ADDRESS: _____
 P. O. BOX: 2548 CITY: CARMEL STATE: CA ZIP: 93921 PHONE: 626-8663
 BUILDING OWNER: LDW: Carmel Properties Inc. ADDRESS: 23 Blair Lane
 P. O. BOX: _____ CITY: Falmouth STATE: MA ZIP: 02540
 BUSINESS LICENSE NO.: 19614 DATE ISSUED: FEBRUARY 8, 1999

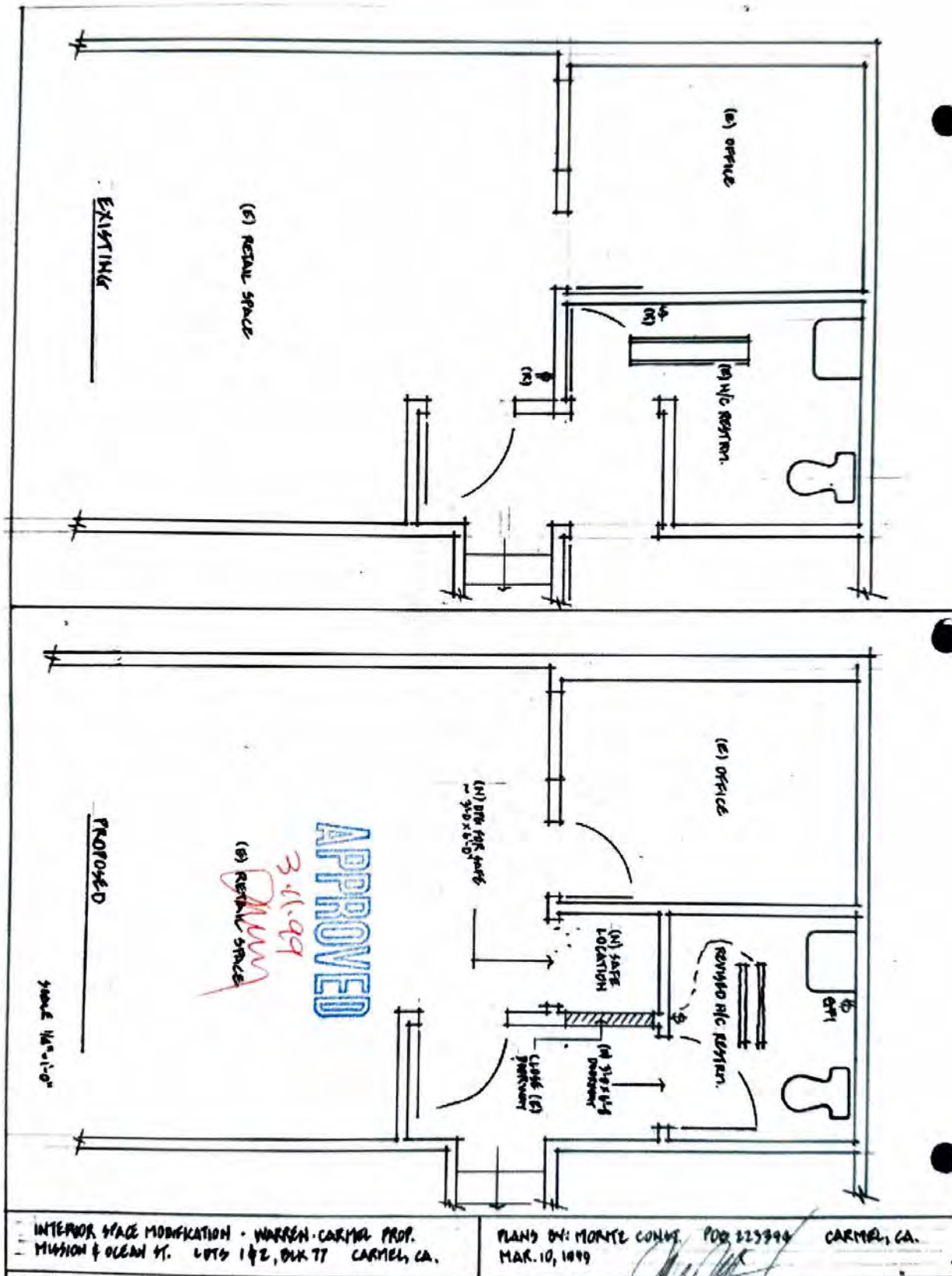
	Type of Use	Maximum Occupancy (persons)	Max. Floor Load/Sq. Ft.
BASEMENT:	<u>N/A</u>		
FIRST FLOOR:	<u>RETAIL SALES</u>	<u>35</u>	<u>50</u>
SECOND FLOOR:	<u>N/A</u>		
MEZZABINE:	<u>N/A</u>		
THIRD FLOOR:	<u>N/A</u>		
ROOF:	<u>N/A</u>		

This certificate must be posted and permanently maintained in a conspicuous place at or close to the entrance to the business/buildings at all times.


 Fire Department Inspector

COFO


 Building Official





CITY OF CARMEL BY THE SEA

COMMUNITY PLANNING AND BUILDING

PO Box CC, CARMEL, CA 93921

APPLICATION FOR BUSINESS LICENSE

ATTACHMENT 11327. —

Receipt: _____
Date: 09-07-2023

Application No: BL 23-051

SEP 07 2023

Application Type (Select Applicable): ☐ New Business ☐ Owner Change ☐ Location Change ☐ Name Change

Business Name* (DBA): Mad Dogs & Englishmen

*Name to appear on business sign

Business Location: SW Corner of Ocean Ave & Mission St

Block: 77 Lot(s): 1 & 2 Assessor's Parcel Number (APN): 010-141-001

Business Mailing Address: Box 4586 Carmel CA 93921

Business Phone: 831 250 7687 Business Email (if applicable):

Business Website/Social Media (if applicable): www.maddogsandenglishmen.com

This business is a: ☐ Sole Proprietorship ☐ Partnership ☒ LLC/Corporation ☐ Other

Name of Sole Proprietor/Partner 1/LLC or Corporation: Velo Carmel

Applicant Name: JENNIFER BLEVINS Title: OWNER/CEO

Applicant Mailing Address: [REDACTED]

Applicant Phone: [REDACTED] Applicant Email: info@maddogsandenglishmen.com

Federal ID# or Social Security Number: [REDACTED]

CA State Resale License Number (if applicable): [REDACTED]

Contractor's License Number (if applicable):

Type of Business (select one): ☒ Retail ☐ Restaurant ☐ Professional Service ☐ Contractor ☐ Transient Rental
☐ Building/Yard Maintenance ☐ Manufacturing ☐ Other

Primary Use: Sporting Goods / Retail

Ancillary Use: Coffee Bar

Please provide a full description of the ancillary use (if applicable).

Total Number of Employees: 10 Full-Time: 8 Part-Time: 2

Number of Parking Spaces: 1 Frequency of Deliveries: 2-3 (weekly/monthly)

Proposed Business Start Date: 4th 3rd qtr 2023

Business Square Footage: 2500 + 1350 = 3850 total square feet

Previous Tenant at Location*: HP → Jewell on Ocean, & orange Julius
down → Digeddy Dog & on The Beach

Previous Tenant Business Type*: Retail, & Food & Beverage

*Inquire with property owner or property manager if unknown.

Continued on next page.

Additional Information	<u>Change of Ownership Applications Only:</u>	
	Former Owners Name: _____	
	Date of Ownership Change: _____	
	<u>Change in Business Name or Corporation Name Applications Only:</u>	
	Former Business Name or Corporation Name: _____	
Acknowledgments	<u>Change in Location Applications Only:</u>	
	Former Business Location: _____	
	<u>Transient Rental Applications Only:</u>	
	Number of Existing Residential Units in Building: _____ Number of Transient Units Proposed: _____	
	Unit Numbers of Proposed Transient Rental Unit(s)*: _____	
*If a multi-unit building, please include a floor plan and/or site plan clearly indicating the location of all transient rental units and non-transient rental units.		
Acknowledgments	Property Owner Name: <u>Alan Porter</u>	
	Property Owner Signature: <u>John Plastini</u> <u>Alan Porter</u>	
	Date: <u>9/7/2023</u>	
	Property Owner Phone: <u>[REDACTED]</u>	
	Applicant Name ¹ : <u>JENNIFER BLEVINS</u>	
Acknowledgments	Applicant Signature ¹ : <u>Jennifer Blevins</u>	
	Date: <u>9/6/23</u>	
	1 I, the undersigned, under penalty of perjury, state that I am the applicant for this business license. That the information furnished by me on this application is true and correct. I understand that the administrative fee is non-refundable and that I am responsible to pay any business license taxes on all revenues collected within the city limits. I will also notify the city of any changes in ownership or address.	

For Office Use Only	Date Received	Business License Number	ID Number	Receipt Number	Received By
	Issue Date	Renewal Date	SIC	Class	Date Mailed
	Notes:				
	Approved by	Planning Department Signature			
	Date	Notes:			

FOR OFFICE USE ONLY		
Planning Division		
ZONING DISTRICT	USE CLASSIFICATION (PRIMARY)	USE CLASSIFICATION (SECONDARY)
USE PERMIT NOT REQUIRED	USE PERMIT (PERMITTED)	USE PERMIT (NONCONFORMING)
USE PERMIT REQUIRED	USE PERMIT #	USE PERMIT DATE
REVIEWED BY/DATE	NOTES	
Building Division		
OCCUPANCY CHANGE (Y/N)	CURRENT OCCUPANCY	PROPOSED OCCUPANCY
INSPECTION REQUIRED	INSPECTION PASSED	INSPECTION FAILED
FIRE CODE OPERATIONAL PERMIT REQUIRED	BUILDING PERMIT	PERMIT APPROVAL
REVIEWED BY/DATE	NOTES	

FIVE DAY APPEAL PERIOD	☐ COMPLETED	DATE	NOTES
SIGNED CONDITIONS OF APPROVAL	☐ RECEIVED	DATE	NOTES
FIRE INSPECTION	☐ PASSED	DATE	NOTES

**IT IS YOUR RESPONSIBILITY TO NOTIFY THIS OFFICE IF YOU MOVE, SELL,
OR MAKE ANY SUBSTANTIAL CHANGE TO YOUR BUSINESS.**

**THERE ARE NO REFUNDS ON BUSINESS LICENSE APPLICATIONS.
INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.**

New License/Change of Use, Location or Owner:		Change of Business Name:	
Application Fee:	\$110.00	Application Fee:	\$21.00
Administrative Fee:	\$68.00	Disability & Access	
Inspection Fee:	\$145.00	Education Funding Fee:	\$4.00
Disability & Access			
Education Funding Fee	\$4.00		
TOTAL:	\$327.00	TOTAL:	\$25.00

Mad Dog's & Englishmen

Occupancy Analysis / Summary

Prepared By: Fuse Architects

302.1 Occupancy Classification

Occupancy classification is the formal designation of the primary purpose of the building, structure or portion thereof. Structures shall be classified into one or more of the occupancy groups specified in this section based on the nature of the hazards and risks to building occupants generally associated with the intended purpose of the building or structure. An area, room or [space](#) that is intended to be occupied at different times for different purposes shall comply with all applicable requirements associated with such potential multipurpose. Structures containing multiple occupancy groups shall comply with [Section 508](#). Where a structure is proposed for a purpose that is not specified in this section, such structure shall be classified in the occupancy it most nearly resembles based on the fire safety and relative hazard. [Occupiable roofs](#) shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard, and shall comply with [Section 503.1.4](#).

*Code excerpt above is from the 2025 California Building Code

309.1 Mercantile Group M

Mercantile [Group M](#) occupancy includes, among others, the use of a building or structure or a portion thereof for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and where the public has access. Mercantile occupancies shall include, but not be limited to, the following:

- [Department](#) stores
- Drug stores
- [Greenhouses](#) for display and sale of plants that provide public access
- Markets
- Motor fuel-[dispensing facilities](#)
- Retail or wholesale stores
- Sales rooms

*Code excerpt above is from the 2025 California Building Code



508.2 Accessory Occupancies

Accessory occupancies are those occupancies that are ancillary to the main occupancy of the building or portion thereof. Accessory occupancies shall comply with the provisions of Sections [508.2.1](#) through [508.2.4](#).

*Code excerpt above is from the 2025 California Building Code

304.1 Business Group B

Business [Group B](#) occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to, the following:

311.1 Storage Group S

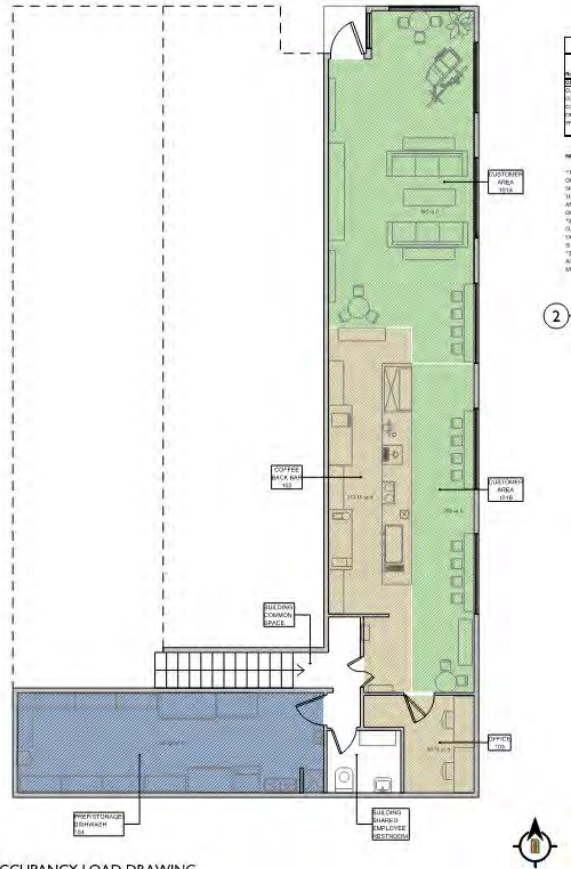
Storage [Group S](#) occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

303.1.2 Small Assembly Spaces

The following rooms and [spaces](#) shall not be classified as Assembly occupancies:

1. A room or [space](#) used for assembly purposes with an [occupant load](#) of less than 50 persons and accessory to another occupancy shall be classified as a [Group B](#) occupancy or as part of that occupancy.
2. A room or [space](#) used for assembly purposes that is less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a [Group B](#) occupancy or as part of that occupancy.

*Code excerpt above is from the 2025 California Building Code



OCCUPANCY LOAD TABLE						
Room Name	ROOM #:	Occupant Load Factor (Per Table 1004.5)	Occupancy Classification (Per 303, 304, & 311)	Net/Gross	Square Footage	Occupant Load
01 LEVEL / DINING HALL						
CUSTOMER AREA	101A	15	A-Small Assembly *1	Net	460	30.67
CUSTOMER AREA	101B	15	A- Small Assembly *1	Net	204	13.60
COFFEE BACK BAR	102	200	B	Gross	273.25	1.37
OFFICE	103	200	B	Gross	80.75	0.40
PREP. / STORAGE / DISHWASH	104	300	S	Gross	305.25	1.02
				Total	1323.25	47.05

NOTE:

*1. CUSTOMER AREA'S 101A & 101B ARE CALCULATED AS AN OCCUPANT LOAD FACTOR OF 15 FOR AN SMALL ASSEMBLY SPACE. PER 2025 CBC 303.1.2 SMALL ASSEMBLY SPACES OF LESS THAN 50 PERSONS OR LESS THAN 750 SQ.FT. AND ACCESSORY TO ANOTHER OCCUPANCY SHALL BE CLASSIFIED AS A GROUP B OCCUPANCY OR AS PART OF THAT OCCUPANCY.

*2. PER TABLE 1006.2.1 OCCUPANCIES WITH AN OCCUPANT CLASSIFICATION OF A, B, OR S IS ALLOWED TO HAVE ONE EXIT OR EXIT ACCESS DOORWAY IF MAXIMUM OCCUPANT LOAD OF SPACE IS LESS THAN 49 OCCUPANTS

*3. THE OCCUPANCIES SHOWN WITHIN THIS TABLE ARE AN ACCESSORY TO THE MAIN OCCUPANCY CLASSIFICATION OF TYPE M-MERCANTILE; ALLOWED PER CBC 508.2

OCCUPANCY LOAD DRAWING
SCALE: 1/4" = 1'-0"

OCCUPANCY LOAD TABLE						
Room Name	ROOM #:	Occupant Load Factor (Per Table 1004.5)	Occupancy Classification (Per 303, 304, & 311)	Net/Gross	Square Footage	Occupant Load
01 LEVEL / DINING HALL						
CUSTOMER AREA	101A	15	A-Small Assembly *1	Net	460	30.67
CUSTOMER AREA	101B	15	A- Small Assembly *1	Net	204	13.60
COFFEE BACK BAR	102	200	B	Gross	273.25	1.37
OFFICE	103	200	B	Gross	80.75	0.40
PREP. / STORAGE / DISHWASH	104	300	S	Gross	305.25	1.02
Total					1323.25	47.05

NOTE:

*1. CUSTOMER AREA'S 101A & 101B ARE CALCULATED AS AN OCCUPANT LOAD FACTOR OF 15 FOR AN SMALL ASSEMBLY SPACE. PER 2025 CBC 303.1.2 SMALL ASSEMBLY SPACES OF LESS THAN 50 PERSONS OR LESS THAN 750 SQ.FT. AND ACCESSORY TO ANOTHER OCCUPANCY SHALL BE CLASSIFIED AS A GROUP B OCCUPANCY OR AS PART OF THAT OCCUPANCY.

*2. PER TABLE 1006.2.1 OCCUPANCIES WITH AN OCCUPANT CLASSIFICATION OF A, B, OR S IS ALLOWED TO HAVE ONE EXIT OR EXIT ACCESS DOORWAY IF MAXIMUM OCCUPANT LOAD OF SPACE IS LESS THAN 49 OCCUPANTS

*3. THE OCCUPANCIES SHOWN WITHIN THIS TABLE ARE AN ACCESSORY TO THE MAIN OCCUPANCY CLASSIFICATION OF TYPE M-MERCANTILE; ALLOWED PER CBC 508.2



CITY OF CARMEL-BY-THE-SEA

Mad Dogs & Englishmen Appeal of Notice of Violation AP 250598

Building Code Board of Appeals

July 2, 2026



Significant hearing dates

ATTACHMENT 11

- **NOV issued November 13, 2025**
- **Appeal filed November 20, 2025**
- **Public hearing January 16, 2026 (continued)**
- **Public hearing July 2, 2026**

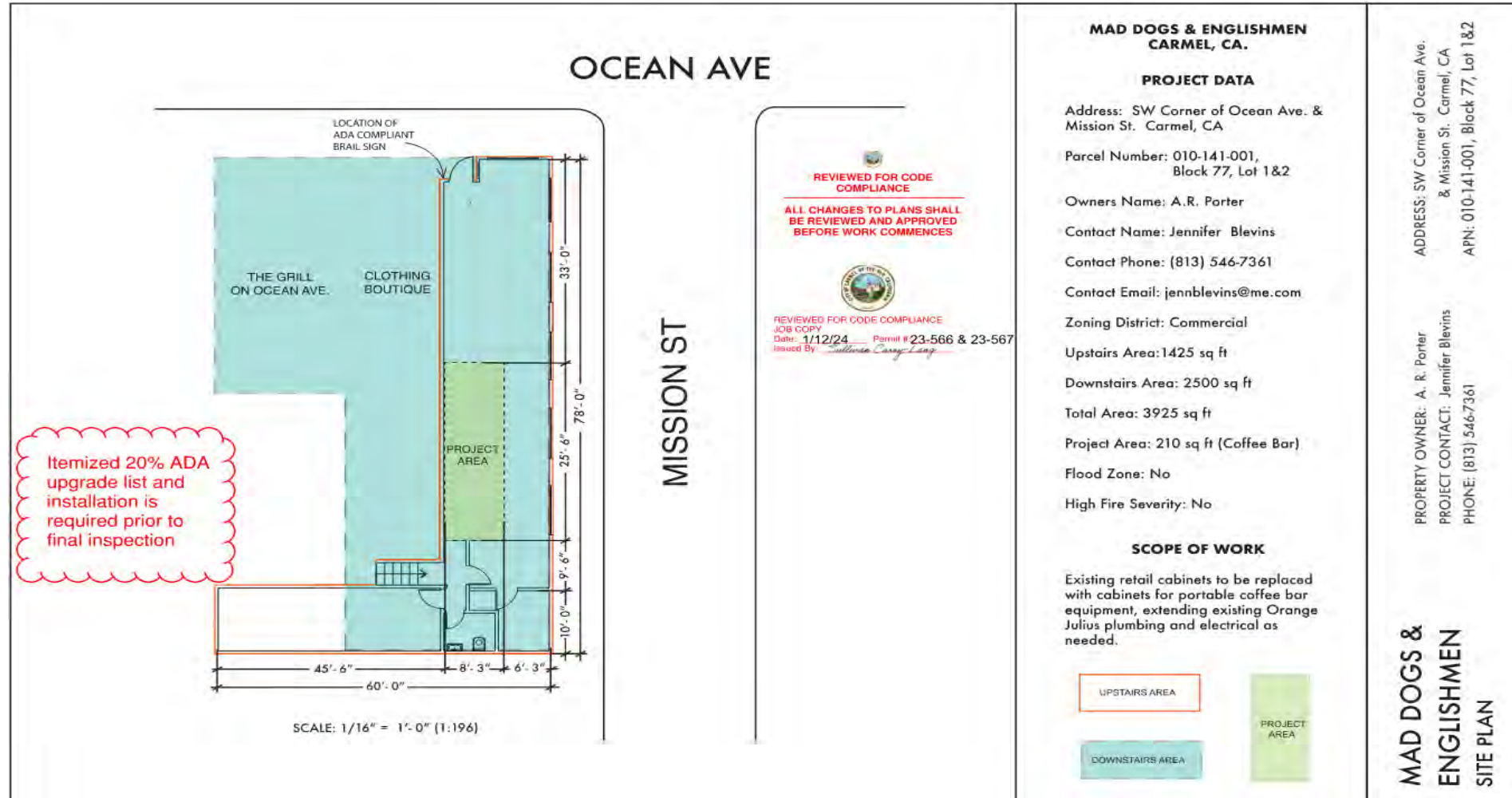


Background

- Building permits PP 23-566 and EP 23-567 were issued on February 13, 2024 under the direction of the Planning and Building Director.
- Scope of work on the plans issued for the permits stated “Existing retail cabinets to be replaced with cabinets for portable coffee bar equipment and extend existing water/sewage from previous tenants.”
- No change of use or occupancy was indicated in the application or the plans.
- Work was proposed under ancillary use to serve customers of the bike shop. No more that 10% of the space.

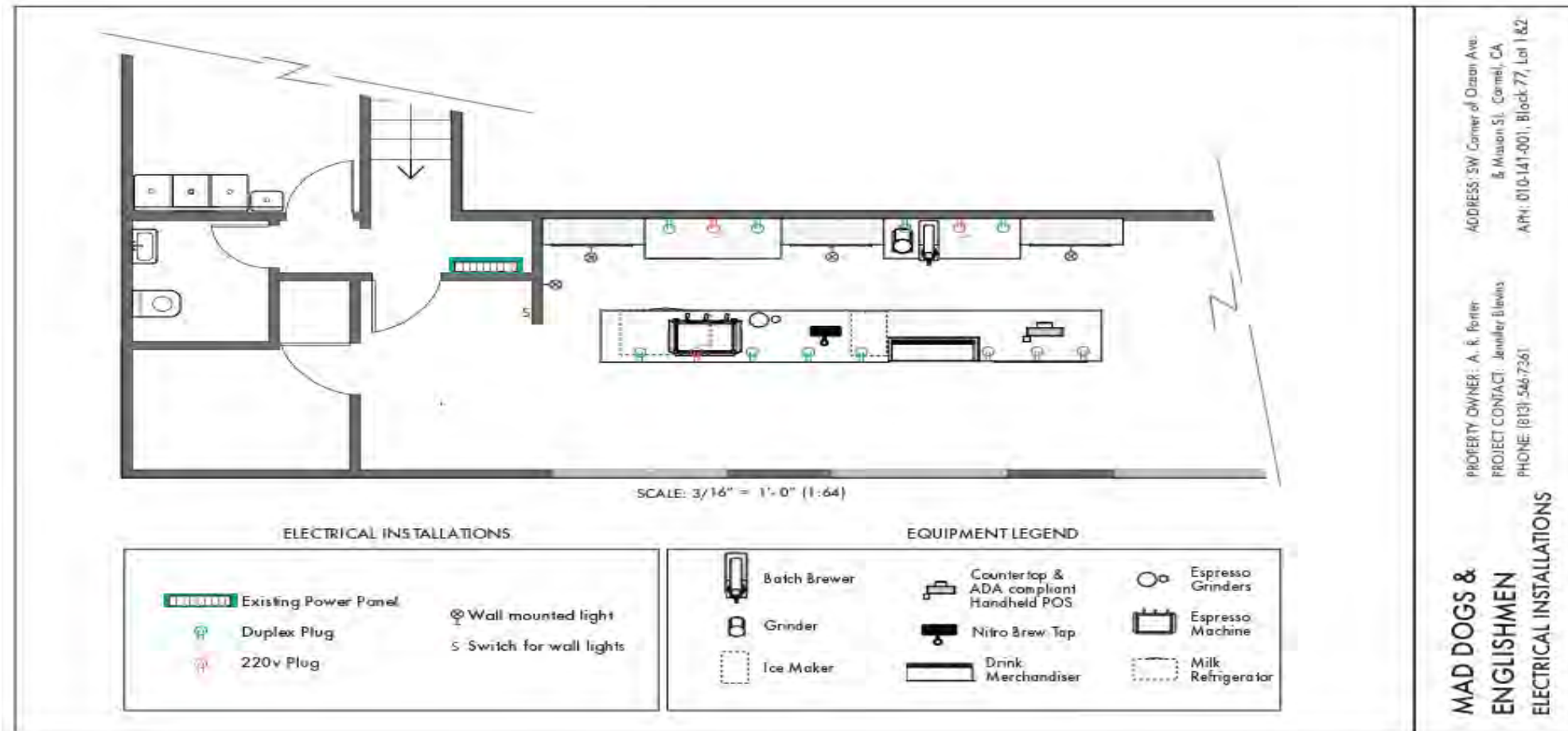


Background





Background





Background

At this point

- **No fire sprinkler requirement**
- **No restroom requirement**

Space during approx. time of final inspection



Planning has a problem during final inspection 8/26/24



Background

- **December 11, 2024**

**Planning commission approved a use permit for a specialty use
via consent agenda.**

- **Building dept was not notified about change of use and occupancy**



Definitions

- **309.1 Mercantile Group M**
- Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and where the public has access. Mercantile occupancies shall include, but not be limited to, the following:
 - Retail or wholesale stores
 - Sales rooms

Space prior to installation of
coffee bar



Space prior to installation of seating





Definitons

303.3 Assembly Group A-2

- Group A-2 occupancy includes assembly uses intended for food and/or drink consumption, including but not limited to:
- Banquet halls
- Casinos (gaming areas)
- Nightclubs
- Restaurants, cafeterias and similar dining facilities (including associated commercial kitchens)
- Taverns and bars



Definitons

303.31.2 Small Assembly Spaces

- A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.





Definitons

CBC 508.2.3 Allowable Building Area

The allowable area of the building shall be based on the applicable provisions of Section 506 for the main occupancy of the building.

Aggregate accessory occupancies shall not occupy more than 10 percent of the floor area of the story in which they are located and shall not exceed the tabular values for nonsprinklered buildings in Table 506.2 for each such accessory occupancy.



Background

- Previous occupancy – Mercantile – 60sf per person - previous occupant load – 24 max
- Current occupancy – Business – 15sf per person - current occupant load – 47 max

= change of use and occupancy

= increased occupant load/intensification of use



Background – Restroom requirement

- 2022 California **Plumbing Code** TABLE 422.1 MINIMUM PLUMBING FACILITIES

Each building shall be provided with sanitary facilities, including provisions for persons with disabilities as prescribed by the department having jurisdiction. Table 422.1 applies to new buildings, additions to a building, **and changes of occupancy or type in an existing building resulting in increased occupant load.**



Background – Restroom requirement

- CMC 17.14.040 I (c)

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



Background – Fire sprinkler requirement*

- 2022 California **Fire Code** (CFC) [A] 102.3 Change of Use or Occupancy

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



Background – Fire sprinkler requirement

- The Fire Code official denied the exception to this code
- See attachment 10 dated 6/24/2026



Background – Fire sprinkler requirement

- 2022 California Existing Building Code (CEBC)

1011.1 General

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



Background – Fire sprinkler requirement

(CEBC cont.)

1011.2.1 Fire Sprinkler System

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



Background – Fire sprinkler requirement

- Section 903 of the CBC and CFC are identical. Carmel by the Sea has adopted the following amendments to the CFC.
- Buildings or portions of building that undergo change of use and occupancy are treated as new buildings under the code.



Background – Fire sprinkler requirement

CMC 15.55.100 (24). Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction. This section supersedes the square footage limitations of all subsections within Section 903.2.



Background – Fire sprinkler requirement

(CMC 15.55.100 (24) cont.)

Exceptions:

- (1) Structures not classified as Group R occupancies and not more than 500 square feet in total floor area.
- (2) (2) Detached agricultural buildings, as defined by this code, located at least one hundred feet (100') from any other structure or the property line, whichever is closer.
- (3) (3) Accessory structures associated with existing non-sprinklered R-3 occupancies (one or two family dwellings) and less than 1500 square feet in total fire area.
- (4) (4) Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the fire code official permits alternate protection.



Summary

- There is a change of use and occupancy over 500 square feet
- The occupant load is increased
- An accessible public restroom is required within the space
- Fire sprinklers are required



Summary

- The ICC code determination is consistent with the Fire and Building code Officials determination.
- The State Fire Marshal's office supports the determination.
- The Fire Code and Building Officials agree on the determination.



Recommendation

Staff recommends the Board of Appeals adopt the resolution

1. Finding the denial of the appeal is not subject to environmental review pursuant to CEQA Guidelines Section 15378.a.3;
2. Denying the appeal filed by Jennifer Blevins (AP 250598 Mad Dogs & Englishmen); and



Recommendation (cont.)

3. Require the space be returned to the originally approved ancillary use; or
4. Uphold the Building Official's requirement to construct a public restroom within the specialty restaurant tenant space and install a fire sprinkler system at the subject property located at the southwest corner of Mission Street and Ocean Avenue (Mad Dogs and Englishmen).



Final Slide

- Should the space revert to the previously approved ancillary use, it shall be required to comply within 15 calendar days.
- Should the space come into compliance with the sprinkler and restroom requirements – a completed owner authorization form shall be required to be submitted to the Building Department within 15 calendar days. Complete permit application submittal shall be required to be submitted within 60 calendar days.



End of Presentation

Questions?



Order of Meeting Building Code Board of Appeals

July 2, 2026



Order of Meeting for Hearing

1. Chair opens the meeting
2. Board hears the request from Ms. Blevins to continue the hearing and the City's response to that request. Options include **Motion** to:
 - (1) Grant the continuance or
 - (2) Deny the continuance or
 - (3) Deny the continuance and consider request from Appellant at the end of the hearing for additional time at a future meeting.
3. If a Motion is to grant the continuance is approved (Option 1) , then set a date for the continued hearing.
4. If a Motion to deny the requested continuance is approved (Option 2 or Option 3), then proceed with the hearing as follows.



Order of Meeting (continued)

5. City Staff will make a presentation.
6. Questions to Staff from Board members
7. Open the public hearing
8. Appellant will make a presentation – Rules have 5 minutes, but Chair may ask Ms. Blevins for a time estimate and grant additional time as the Chair may decide.
9. Public Comment – 3 minutes
10. Appellant comment – Rules have 3 minutes, Chair may grant that additional time.
11. Allow Staff time to respond
12. Close public hearing
13. Board deliberates



Order of Meeting (continued)

5. City Staff will make a presentation.
6. Questions to Staff from Board members
7. Open the public hearing
8. Appellant will make a presentation – Rules have 5 minutes, but Chair may ask Ms. Blevins for a time estimate and grant additional time as the Chair may decide.
9. Public Comment – 3 minutes
10. Appellant comment – Rules have 3 minutes, Chair may grant that additional time.
11. Allow Staff time to respond
12. Close public hearing
13. Board deliberates



Order of Meeting – Options re Motions

1. If the Board decides to set a future date for Appellant to provide additional documents and/or witnesses to the Board, then:

Motion to continue the hearing to a future date to be determined and Appellant must submit the additional documents to the City at least 5 (five) calendar days before that hearing for the City to include the documents in the Agenda Packet for that meeting.

--OR--

2. If Board decides to approve the Resolution to deny the appeal in the Agenda Packet (Attachment 1), then:

Motion to approve the Resolution to deny the appeal as attached to the Staff Report

--OR--

3. If Board decides to consider an alternative Resolution, then:

Motion to direct staff to draft a Resolution and return to the Board within 30 days to review the draft Resolution. The Appeals Procedures expressly allow for continuances of the hearing when the Board requires additional information during the meeting. See Rule J4d.