

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

REGULAR MEETING MINUTES

September 12, 2023

TOUR OF INSPECTION - 3:30 p.m.

Council conducted a tour of inspection at the following locations:

1. Southeast Corner of Dolores Street and 7th Avenue (JB Pastor Building)
2. Pine Inn Parking lot NE corner of Monte Verde and 6th

OPEN SESSION 4:30 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Dave Potter called the meeting to order at 4:30 p.m.

Roll Call: Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, Mayor Pro Tem Richards, and Mayor Dave Potter were all present.

PLEDGE OF ALLEGIANCE

Mayor Potter led the pledge of allegiance.

EXTRAORDINARY BUSINESS

Proclamation for September as Childhood Cancer Awareness Month

Mayor Pro-Tem Richards read the Childhood Cancer Awareness Month Proclamation - Presented to Jacob's Heart.

Carmel High School Report Out

Shayla Dutta, Carmel High Student and CHS Mock Trial Team President gave a summary of the Mock Trial Academic Team and thanked the Council for their generous donation supporting the team last year. She said that this year they have the honor to attend the World Championship Mock Trial in Chicago again this November and asked for the Council's support to sponsor the team to attend.

PUBLIC APPEARANCES

Ovilee Kennedy spoke about concerns that 6 oak trees that were removed from her property by the previous Forester, resulting in lack of privacy and sound barrier, and requested that the Forester come back to plant replacement trees. Nancy Twomey, representing the Carmel Residents Association (CRA), asked the City to consider the results of the CRA survey results when making decisions and asked that the City provide an update on the comments received from the State on the City's Housing Element. Richard Kreitman asked the Council to consider

moving the Scout House building to another location, such as the Sunset Center lot, then the land under the Scout House could be sold.

ANNOUNCEMENTS

City Administrator - Thanked the Police Department, Public Works, and Community Activities staff for ensuring a safe Car Week event in the village and encouraged everyone to take the car week survey on the city's website. He said that last week he attended a promotional ceremony at the Fire Station for the personnel receiving their official promotions. He announced that the HCD has not mentioned any comments on the City's Housing Element.

City Attorney - City Attorney Pierik announced that there was no reportable from Closed Session on September 11, 2023.

Councilmember Dramov - Announced that the Police Flock Camera ad hoc committee met yesterday and asked anyone who has questions about the cameras to contact them.

Councilmember Ferlito - Attended a ReGen meeting and learned about the many dangers of batteries in garbage bins that end up in landfills which can cause spontaneous fires, and cautioned the public to dispose of batteries correctly by placing them on top of the garbage cans.

Mayor Pro Tem Richards - Reported that he recently visited the beautiful town of Carmel, Indiana, which is frequently confused with Carmel-by-the-Sea.

Mayor Potter - Reported that he attended the Monterey Symphony performance last week entitled "Love Letter from Carmel" at the Sunset Theater and noted the amazing performance.

CONSENT AGENDA

City Clerk Romero requested that item #8 be removed from consent and continued to October to make corrections to the Resolution verbiage.

Motion by Mayor Pro Tem Richards to adopt Consent agenda items 1-7, and 9-13, seconded by Councilmember Baron, and approved 5-0-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

Item 1 - July 31, 2023 Special Meeting Minutes, and August 1, 2023, Regular Meeting Minutes

Item 2 - July 2023 Monthly Reports

Item 3 - July 2023 Check Register Summary

Item 4 - Resolution 2023-081, authorizing the City Administrator to apply for and accept funds from the California Coastal Commission Local Coastal Program Local Assistance Grant Program for the Coastal Engineering and Adaptation Planning Project

Item 5 - Resolution 2023-082, rejecting all bids received for four Facility Renovation Projects, and directing staff to evaluate alternative contracting methods before re-advertising for Bids

Item 6 - Resolution 2023-083, authorizing the City Administrator to execute Amendment No. 1 to the Professional Services Agreement with BKF Engineers for the Concrete Streets Repair Project, for a not-to-exceed fee of \$49,092

Item 7 - Resolution 2023-084 authorizing the City Administrator to execute Amendment No.1 with Digital Deployment, Inc. for website and hosting services for a new not to exceed amount of \$181,150 and extend the contract through June 30, 2028

Item 9 - Resolution 2023-086 authorizing and approving the City of Carmel-by-the-Sea current pay rates and ranges (salary schedule)

Item 10 - Resolution 2023-087 Accepting a Donation of \$7,500 for the Carmel-by-the-Sea Police Department

Item 11 - Resolution 2023-088 Accepting a Donation of Twenty-Five Thousand Dollars (\$25,000.00) to the City of Carmel-by-the-Sea's Forest Hill Park

Item 12 - Adopt Resolution 2023-089 authorizing a refund of a Mills Act application fee in the amount of \$2,688 to Chris Fenton

Item 13 - Adopt Resolution 2023-090 authorizing a refund of a Mills Act Contract application fee in the amount of \$2,688 to Katherine Shaw

ITEMS PULLED FROM CONSENT

Item 8 - Resolution 2023-085 authorizing the City Administrator to execute a Professional Services Agreement with Carmel Chamber of Commerce for Visitor Center operations and services for a not-to-exceed amount of \$60,000 and a term expiring on June 30, 2024

City Clerk Romero requested to pull this item from consent and bring it back in October with corrections made to the Resolution verbiage. Council gave consensus approval to continue this item to the October Council Meeting.

PUBLIC HEARINGS

Item 14 - Consideration of initiating amendments to the General Plan and Local Coastal Plan to change the General Plan land use designation for the Pine Inn parking lot (APN 010-212-010) from Single-Family Residential to Multi-Family Residential and facilitate the transfer of hotel rooms from the Pine Inn to the Pine Inn parking lot.

Principal Planner Marnie Waffle gave a presentation on the item and answered questions from Council. She asked Council to provide direction to staff and the applicant regarding initiating a General Plan/Local Coastal Plan Amendment and associated rezoning of the Pine Inn parking lot.

Applicant Erik Dyar spoke and gave a presentation to Council about the potential proposed design plans to the Pine Inn parking lot.

Public Comment:

Cindy Lloyd, Ian Martin, Victoria Beach, and Donald Goodhue, spoke in favor of applicant Erik Dyar's proposed plan. Mike Brown asked about the number of parking spots that will be added, if any, to accommodate the additional units. Anne Carwile said she owns the cottage right by the Pine Inn and said she is opposed to the proposed plan due to traffic concerns and the blocking of views and would like to see regular housing rather than more hotel rooms.

Erik Dyar stated that the number of rooms at the Pine Inn would not be increased, just moved. He proposed traffic control measures for entering and leaving the parking lot, light mitigation measures.

Council discussion resumed. Council discussed the advantages and disadvantages to re-zoning the property for R-4 residential. Councilmember Dramov and Baron voiced their concerns about rezoning this property.

Council gave consensus direction supporting the initiation of a General Plan and Local Coastal Plan Amendment and associated rezoning of the Pine Inn parking lot.

Item 15 - Review the Historic Resources Board's July 17, 2023 decision to issue a Determination of Consistency with the Secretary of the Interior's Standards for the construction of a 15,351-square-foot mixed-use building with a 9,805-square-foot subterranean garage on a portion of the Northern California Savings & Loan Complex site, and consider adoption of Resolution 2023-091 upholding the Determination of Consistency and conditions of approval for the construction project DR 23-140 (Esperanza Carmel Commercial – JB Pastor Building)

Mayor Pro Tem Richards said he has a conflict of interest with this project and recused himself from the item, and left the dais at 5:38 p.m.

City Attorney Pierik read the title of the item. Evan Kort submitted a staff report for this item, which summarizes the following:

- The applicant for the project DR 23-140 (Esperanza Carmel Commercial – JB Pastor Building) proposed relocating the concrete ornamental wall (“wall”) at the Palo Alto Savings and Loan Complex on the Southeast Corner of 7th Avenue and Dolores Street.
- The Historic Resources Board (HRB) issued a Determination of Consistency with the Secretary of the Interior’s Standards to proceed with the project on July 17, 2023.
- During the 10-day appeal period, two Councilmembers, Dramov and Ferlito enacted the City Council Right of Review per CMC 2.04.160 to review the decision made by the HRB both specifically noting the relocation of the concrete wall as the primary concern.

Council Members Dramov and Ferlito addressed their specific concerns about the relocation of the wall, stating that it is a historic and artistic wall, and the project is not consistent with the Secretary of Interior’s Standards.

The applicant for the Project spoke about the project and mentioned that he has been working with the City Planners and Historian to preserve the historical element of the wall by relocating the wall. He requested that the City Council uphold the decision of the HRB. Ryan Eshman, on behalf of the applicant, spoke in favor of the HRB’s decision and said he disagreed that the proposed project is inconsistent with the Secretary of Interior’s standards, and reiterated that relocating the wall is a good compromise.

Public Comment:

Craig Gross

Neal Kruse

Logan Allison

Donald Goodhue

Ian Martin

Cindy Lloyd

Christy

Mike Brown

David O’Neil

Carolyn Walker Davis

Libby Barnes

Victoria Beach

Council considered the staff reports, attachments, recommendations, and testimony given.

Councilmember Dramov made a motion to overturn the HRB’s decision, based on violation of the Secretary of Interior Standards #2, #5 and #9, and direct staff to return with a modified Resolution in October including the following conditions and requirements: 1) require the applicant to modify their project plans to maintain spatial relationship with the wall, 2) the bulk and mass (site context) in the front of the building facing Dolores be preserved, 3) the new building be 4-5 feet away from the wall, 4) the nails be removed and nail holes be repaired, 5) the modified project design review plans be reviewed and

approved by the Planning Commission, seconded by Councilmember Ferlito, and approved 4-0-0-1 by the following roll call vote:

AYES: Councilmembers Baron, Dramov, Ferlito, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: Mayor Pro Tem Richards (recused)

RECESS

Council took a recess at 7:00 pm and returned to the dais at 7:15 pm. Mayor Pro Tem Richards returned to the dais at 7:15 pm.

Item 16 - Introduction of Ordinance No. 2023-006 (first reading), which would amend the Carmel Municipal Code (CMC) Title 17 (Zoning) by repealing and replacing chapter 17.46 (Telecommunications and Wireless Facilities) and making conforming amendments to Zoning Code sections 17.08.040, 17.12.020, 17.14.030, 17.14.220, 17.18.030, 17.40.070, 17.52.150, 17.54.010, 17.54.040, 17.54.080, 17.58.030, 17.58.040, 17.68.070, 17.70.010 and 17.70.020 and to municipal code sections 12.08.050, 12.08.060, 13.28.070; and finding the same exempt from the California Environmental Quality Act and in full conformance with the City's Local Coastal Program and the California Coastal Act; and, Adopt the "Administrative Detailed Wireless Facility Design Guidelines" approved by the Planning Commission

City Attorney Pierik read the title of Ordinance No. 2023-006. Community Building and Planning Director Swanson gave a presentation on the item and answered questions from Council. Gail Karish, Consultant Attorney from Best Best and Krieger answered legal questions from Council.

Councilmember Baron suggested amending the Ordinance so that only the Planning Commission needs to review and approve the application and remove the requirement HRB from needing to review the application to keep the process streamlined and avoid running out the "shot clock".

Public Comment:

Craig Gross

Tasha Witt

Christy Hollenbeck

Logan Allison

Ken White

Nancy Twomey

Kaliani Gilliam

Jeanne Ferrara

Dylan Witt

Michael McWalters

Hannah Borris

Motion by Mayor Pro Tem Richards to read by title only, waive full reading and introduce Ordinance 2023-006, incorporating the additional language proposed to 17.46.070 "Posted and Hand Delivered Notices" that the Director shall provide the hand delivered postcard notice to neighbors within 100-foot radius of the site, and add additional language to 17.46.080(A)1.a regarding "or have an adverse impact on property values." Motion Seconded by Councilmember Dramov.

Council discussion resumed.

Councilmember Baron made a friendly amendment to the motion to request removing Historic Resources Board (HRB) approval from the process. Amendment failed due to lack of second.

Councilmember Dramov made a friendly amendment to the original motion by Mayor Pro Tem Richards to amend the Ordinance language to state that the HRB review and Planning Commission review occur at a joint meeting. Amendment failed due to lack of second.

Mayor Pro Tem Richards re-stated his original motion, to read by title only, waive full reading and introduce Ordinance 2023-006, incorporating the additional language proposed to 17.46.070 "Posted and Hand Delivered Notices" that the Director shall provide the hand delivered postcard notice to neighbors within 100-foot radius of the site, and add additional language to 17.46.080(A)1.a regarding "or have an adverse impact on property values." Motion Seconded by Councilmember Dramov.

Council discussion resumed.

Councilmember Baron asked if Council would agree to amend the motion on the table further, to amend Ordinance section 17.46.070.C to state that the Planning Commission or HRB "may hold a special meeting if required", and 17.46.080.1.A amending the Ordinance language to state that the proposed wireless facility complies with all the applicable development design guidelines, and to move the property value section into the worksheet.

Council discussion resumed. Motion amendment by Councilmember Baron died due to lack of second.

Mayor Pro Tem Richards made a new motion, to read by title only, waive full reading and introduce Ordinance 2023-006 "clean version" proposed, with the following two amendments:

- 1) Amend the language in 17.46.070 (A) 1 to "the Director shall provide the hand delivered postcard notice to neighbors within 100-foot radius of the site"; and***
- 2) Add additional language to 17.46.080(A)1.a regarding "or have an adverse impact on property values."***

Motion Seconded by Councilmember Dramov. City Attorney Pierik read the full title of Ordinance 2023-006.

Council approved the motion and introduced Ordinance 2023-006 by the following roll call vote:

AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

Council addressed the recommendation by staff to adopt the "Administrative Detailed Wireless Facility Design Guidelines" that was approved by the Planning Commission.

Motion by Mayor Pro Tem Richards to adopt the "Administrative Detailed Wireless Facility Design Guidelines" approved by the Planning Commission, seconded by Councilmember Dramov and approved 5-0-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

FUTURE AGENDA ITEMS

None

ADJOURNMENT

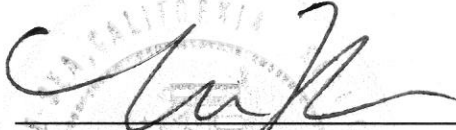
Council adjourned at 8:36 pm

SIGNED:

ATTEST:



Mayor Potter, Mayor



Nova Romero, MMC, City Clerk

