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

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

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

REGULAR MEETING
Tuesday, September 10, 2024

4:30 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/83289524838 Webinar ID: 832 8952 4838 Passcode: 904814 Dial in: (253) 215-8782

HOW TO OFFER PUBLIC COMMENT

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

OPEN SESSION
4:30 PM

Tour Time - 3:30 PM

TOUR OF INSPECTION

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

A. Ocean Avenue 4 northeast of Guadalupe Street, Carmel (APP 24188 - Mardani)

B. Camino Real 4 Northwest of 11th Avenue, Carmel (APP 24117 - Rodriquez)

OPEN SESSION

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

A. Jacob's Heart - Childhood Cancer Awareness Month Proclamation

B. Ovarian Cancer Awareness Month Proclamation

C. Carmel High School Report Out

ANNOUNCEMENT ON PUBLIC APPEARANCES

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. Persons are not required to provide their names, however, it is helpful for speakers to state their names so they may be identified in the minutes of the meeting. Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. If a member of the public attending the meeting remotely violates the Brown Act by failing to comply with these requirements of the Brown Act, then that speaker will be muted.

ANNOUNCEMENTS

A. City Attorney Announcements

B. City Administrator Announcements

C. Councilmember Announcements

D. Ad Hoc Committees - Report Out

ORDERS OF BUSINESS

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

5. Resolution 2024-077 Adopting the Community Wildfire Protection Plan completed for the Cities of Monterey, Pacific Grove, and Carmel-by-the-Sea

6. Staff presents overview for proposed street address system implementation plan and a community engagement plan; City Attorney will provide a legal analysis for street address identification discussing State and City codes, a draft Ordinance, public vote and City options, and related matters, for City Council consideration and direction.

7. Update on City Council Resolution 2024-062 to develop alternative sites and programs that would allow for an amendment to the City's adopted 6th cycle Housing Element to remove Vista Lobos and Sunset Center from the Housing Sites Inventory List.

8. Consider Adoption of Resolution 2024-078 approving a Permanent Encroachment Application (EN 240031) for the legalization of, and modification to, existing encroachments in the public right-of-way, adjacent to a single-family residence located at the northeast corner of Sterling Way and Perry Newberry Way. APN: 009-162-025-

000.

PUBLIC HEARINGS

9. APP 24117 (Rodriguez) - Consideration of an Appeal of the Historic Resources Board's decision to add an individual property known as the "Henry J. Ohloff House" located at Camino Real 4 northwest of 11th Avenue to the Carmel Inventory of Historic Resources. APN: 010-275-006.

10. APP 24188 (Mardani) - Consideration of an Appeal of the Planning Commission's approval of Design Study DS 21-376 (Mardani) and associated Coastal Development Permit for one-story additions totaling 333 square feet to a one-story 562-square-foot cottage and construction of a 230-square-foot detached garage in the front yard setback located on Ocean Avenue 4 northeast of Guadalupe Street. APN: 010-033-011-000

FUTURE AGENDA ITEMS

ADJOURNMENT

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

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

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

SPECIAL NOTICES TO PUBLIC

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

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

September 10, 2024
EXTRAORDINARY BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Chip Rerig, City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Jacob's Heart - Childhood Cancer Awareness Month Proclamation

RECOMMENDATION:

Present the Jacob's Heart Childhood Cancer Awareness Month Proclamation to Yasmin Garcia, Jacob's Heart Family Support Specialist.

BACKGROUND/SUMMARY:

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Jacob's Heart Proclamation - September as Childhood Cancer Awareness Month

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

HONORING JACOB'S HEART CHILDREN'S CANCER SUPPORT SERVICES AND DECLARING SEPTEMBER 2024 AS CHILDHOOD CANCER AWARENESS MONTH

WHEREAS, the character of our community is revealed in how we treat our most vulnerable; and

WHEREAS, each year, 19.2 in every 100,000 children in our community will be diagnosed with cancer; and

WHEREAS, cancer remains the leading cause of death by disease among children— more than asthma, diabetes, cystic fibrosis, congenital anomalies, and AIDS combined; and

WHEREAS, Jacob's Heart has been keeping medically fragile children and families housed, fed, and emotionally supported by steadfastly adhering to the following commitments:

1) Parents of children with cancer and other serious illnesses will be relieved of financial fears and able to focus attention on their children;
2) No child undergoing intensive treatment in our community will be homeless;
3) Families of seriously ill children will not experience food insecurity during and after the pandemic;
4) No child seriously ill child in our community will ever miss a medical appointment because of a lack of transportation; and

WHEREAS, Jacob's Heart holds the memories and honors legacies of hundreds of children from our local community who have been lost to cancer, ensuring that their memories will never be forgotten; and

WHEREAS, the oncology department at Lucile Packard Children's Hospital at Stanford has worked closely with Jacob's Heart for the past 25 years as a trusted community partner in providing family-centered care that addresses the emotional, practical, and financial struggles of families of children with cancer in the City of Carmel-by-the-Sea; and

WHEREAS, it is important for all Carmel-by-the-Sea City residents to recognize the impact of pediatric cancer on families within our community and honor the children in our community whose lives have been cut short by cancer.

NOW, THEREFORE, I, Dave Potter, Mayor of the City of Carmel, hereby declare September 2024, as Childhood Cancer Awareness Month in our City, and honor Jacob's Heart Children's Cancer Support Services for their outstanding support to our community and their contributions to raising awareness of childhood cancer.

September 10, 2024

_____
Dave Potter, Mayor

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

September 10, 2024
EXTRAORDINARY BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Chip Rerig, City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Ovarian Cancer Awareness Month Proclamation

RECOMMENDATION:

Present the proclamation recognizing September 2024 as Ovarian Cancer Awareness Month to Jenny Hart, California Leader Advocate for the Ovarian Cancer Research Alliance.

BACKGROUND/SUMMARY:

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Ovarian Cancer Awareness Month Proclamation - September 2024

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

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA RECOGNIZING SEPTEMBER AS OVARIAN CANCER AWARENESS MONTH

WHEREAS, ovarian cancer is the fifth leading cause of cancer deaths of women in the United States and causes more deaths than any other gynecologic cancer; and

WHEREAS, in the United States, a woman's lifetime risk of being diagnosed with ovarian cancer is about 1 in 78; and

WHEREAS, all women are at risk for ovarian cancer, but approximately 20 percent of women who are diagnosed with ovarian cancer have a hereditary predisposition to ovarian cancer, which places them at even higher risk; and

WHEREAS, the lack of an early detection test for ovarian cancer combined with its vague symptoms mean that approximately 80 percent of cases of ovarian cancer are detected at an advanced stage; and

WHEREAS, improved awareness of the symptoms of ovarian cancer by the pubic and health care providers can lead to a quicker diagnosis; and

WHEREAS, ongoing investments in ovarian cancer research and education and awareness efforts are critical to closing these gaps and improving survivorship for women with ovarian cancer.

NOW, THEREFORE, I, Dave Potter, as Mayor of the City of Carmel-by-the-Sea, do hereby proclaim September 2024 as **Ovarian Cancer Awareness Month** in the City of Carmel-by-the-Sea to increase public awareness of ovarian cancer.

IN WITNESS THEREOF, I have set my hand and caused the Seal of the City of Carmel-by-the-Sea to be affixed this 10th day of September 2024.

_____
Dave Potter, Mayor

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

September 10, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Paul Tomasi, Chief of Police & Public Safety Director
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2024-077 Adopting the Community Wildfire Protection Plan completed for the Cities of Monterey, Pacific Grove, and Carmel-by-the-Sea

RECOMMENDATION:

That the City adopt Resolution 2024-077 adopting the Community Wildfire Protection Plan completed for the Cities of Monterey, Pacific Grove, and Carmel-by-the-Sea.

BACKGROUND/SUMMARY:

Monterey County and the City of Carmel-by-the-Sea are potentially vulnerable to a wide range of natural and man-made hazards. These hazards can threaten the life and safety of residents and visitors and have the potential to damage or destroy both public and private property and disrupt the local economy and overall quality of life. While the threats from hazard events may never be fully eliminated, there is much that can be done to lessen their potential impact. The purpose of a Community Wildfire Protection Plan (CWPP) is to help residents and the region better prepare for and respond to wildfires. The CWPP will be used to determine effective, prioritized wildfire mitigation and fuel reduction projects and to assist in qualifying for state and federal grant funding.

In 2022, the City of Monterey's, Pacific Grove's and Carmel-by-the-Sea's city councils expressed a desire to complete a joint CWPP due to the increase in wildfires across California. The project, coordinated by the Monterey Fire Department, began in November of 2022 and the final document was completed in November 2023. The cities created a working group with stakeholders from each city and selected Dudek as the consultant for the project. The final project resulted in a comprehensive CWPP document including a recommended action plan and an online story map with interactive maps and wildfire modeling which is still active today. The following tasks were conducted for the completion of the CWPP:

- Dudek came onsite for a field assessment and reviewed existing reports, documents, and local policies to better understand the fire environment in the plan area.
- GIS maps were created to model hazards and risks related to wildfire.
- A public survey was conducted in English and Spanish for public input on wildfire risk areas, preparedness and what the cities can do to help prepare.
- The CWPP working group met monthly for input.
- The Monterey Fire Department also met monthly with Dudek for project coordination.
- Three (3) community workshops were held for in-person public input (1 workshop was held in each

city).
- A community presentation of the CWPP was held on June 1st, at Carpenter Hall.

With the completion of a CWPP, the Monterey Fire Department is actively pursuing grant opportunities. The city will be a higher priority for grants with an adopted CWPP.

Therefore, staff recommends that the City Council adopt the attached resolution (**Attachment 1**) adopting the Community Wildfire Protection Plan completed for the cities of Monterey, Pacific Grove, and Carmel-by-the-Sea (**Attachment 2**).

FISCAL IMPACT:

There is no fiscal impact for the adoption of the Community Wildfire Protection Plan (CWPP).

PRIOR CITY COUNCIL ACTION:

No prior council action.

ATTACHMENTS:

Attachment 1) Resolution 2024-077
Attachment 2) Community Wildfire Prevention Plan

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2024-077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ADOPTING THE COMMUNITY WILDFIRE PROTECTION PLAN COMPLETED FOR THE CITIES OF MONTEREY, PACIFIC GROVE, AND CARMEL-BY-THE-SEA

WHEREAS, a Community Wildfire Protection Plan (CWPP) is a plan developed to help residents and the region better prepare for and respond to wildfires; and

WHEREAS, the cities of Monterey, Pacific Grove, and Carmel-by-the-Sea expressed a desire to complete a joint CWPP and the Monterey Fire Department was the lead on the project; and

WHEREAS, the final CWPP document was completed in November 2023 and included recommended actions; and

WHEREAS, a completed CWPP document will give the city a higher priority for grant award opportunities; and

WHEREAS, the CWPP is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(b) and (c), because adopting the CWPP will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines section 15378, as it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, or alternatively, the CWPP is exempt from CEQA pursuant to the CEQA Guidelines Sections 15262, which exempts feasibility and planning studies for possible future actions that have not been approved, adopted, or funded from the requirement to prepare an environmental impact report or negative declaration provided environmental factors are considered. The CWPP provides recommendations for potential future actions and information to plan, assess, and prioritize wildfire prevention and preparation activities, including public education and fuel reduction projects, and enables such activities to be eligible for State and federal funding. The CWPP does not commit the City or any other entity to any particular course of action. Future activities are contingent upon motivated project proponents, available funding, and review and approval by the authorizing jurisdiction. Any activities that are recommended or included in the CWPP Project List may be modified or denied in their entirety. If any wildfire prevention and preparation activities are later undertaken, the public agencies authorizing such activities will be required to comply with CEQA, as applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Adopt the Community Wildfire Protection Plan prepared by Dudek and completed for the cities of Monterey, Pacific Grove, and Carmel-by-the-Sea dated November 2023.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of September, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dave Potter, Mayor

ATTEST:

Nova Romero, MMC, City Clerk

Community Wildfire Protection Plan

Monterey, Carmel-by-the-Sea, and Pacific Grove

NOVEMBER 2023

Prepared for:

MONTEREY FIRE DEPARTMENT
610 Pacific Street
Monterey, California 93940
Contact: Gaudenz Panholzer

Prepared by:

DUDEK

621 Chapala Street
Santa Barbara, California 93101
Contact: Dana Link-Herrera

Dana Link-Herrera
Project Manager

Printed on 30% post-consumer recycled material.

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C Vegetation Management Techniques and Best Management Practices
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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
CAL FIRE	California Department of Forestry and Fire Protection
CERT	Community Emergency Response Team
CWPP	community wildfire protection plan
FHSZ	Fire Hazard Severity Zone
GIS	geographic information system
MFD	Monterey Fire Department
Plan Area	Cities of Monterey, Carmel-by-the-Sea, and Pacific Grove
SRA	State Responsibility Area
USFS	U.S. Forest Service
WUI	wildland–urban interface

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Acknowledgements

Monterey Fire Department
City Staff at Monterey, Carmel-by-the-Sea, and Pacific Grove
Working Group
Community Members
Dudek, Urban Forestry Division

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1 Introduction

The Cities of Monterey, Carmel-by-the-Sea, and Pacific Grove (Plan Area) are located on the Monterey Peninsula in Monterey County. The Plan Area landscape exhibits a complex wildfire environment that presents risks to communities, public and firefighter safety, land use practices, and the built and natural environments. Although this area has not faced many damaging wildland fires, the local microclimate, wind patterns, vegetation types, and existing built environment can exacerbate wildfire risk. With the increased severity and frequency of wildfires in California, community wildfire planning is increasingly important to help prepare for and adapt to wildfire. Community wildfire protection plans (CWPPs) are a tool to help reduce the severity and impact of wildfires and increase community resilience. This CWPP is the first to cover the Plan Area.

As a key component of the Healthy Forest Restoration Act of 2003, a CWPP serves as a mechanism for community input and identification of areas presenting high wildfire risk, as well as identification of potential projects intended to mitigate such risk. Further, the CWPP process is intended to provide the community a forum for identifying values at risk from wildfire, which may include people, property, natural resources, agricultural lands, cultural resources, economic interests, and infrastructure. The identification of these values at risk strongly influences the potential wildfire hazard mitigation projects identified in this CWPP.

This CWPP has been developed by the Monterey Fire Department (MFD), in coordination with the Cities of Monterey, Carmel-by-the-Sea, and Pacific Grove, with input and direction from interested parties, agency representatives, and community members. This CWPP is intended to serve as a fire protection planning document that presents the community's physical characteristics, wildfire hazard, assets at risk from wildfire, wildfire risk reduction approaches, vegetation/fuel management projects, and goals and action items intended to reduce wildfire risk in the Plan Area.

1.1 StoryMap

An ArcGIS StoryMap was created to accompany this CWPP and serves as an interactive mapping tool and hub for all project data and analysis. This tool was used to disseminate project information to the public and provide a platform for community members to get involved in plan development. Additionally, the StoryMap serves as an adaptive approach to community wildfire planning and allows for revisions as the plan progresses to keep the CWPP up to date. References to the StoryMap are made throughout this document to allow for a concise but effective CWPP and ensure the written CWPP remains current as edits to the StoryMap are made.

The CWPP StoryMap is accessible at the following link: https://ims.dudek.com/MontereyCarmelPacificGroveCWPP.

1.2 Purpose and Need

The Monterey Peninsula community and MFD recognize the potential for significant loss of life, property, and resources from wildland fire. The Plan Area, through MFD and city efforts, has a history of proactively addressing wildfire risk reduction through implementation of various pre-fire mitigation programs. Additionally, the Monterey Fire Safe Council has taken on a leading role in furthering plans and programs throughout Monterey County intended to mitigate wildfire risk. Through coordination and collaboration in recent years, MFD and the representative cities in the Plan Area have identified the need for a CWPP for the Monterey Peninsula.

The frequency and intensity of wildfires has increased throughout California, and the Plan Area and surrounding region are no exception. Monterey County has a significant wildfire history (see Exhibit 1), with an average of four wildfires per year and 17,000 acres burned annually since 1911 (County of Monterey 2023). To date, no significant

Exhibit 1. Major Wildfires in Monterey County History



Source: Monterey County Fire Safe Council 2023.

wildfires have burned into the Plan Area (CAL FIRE 2022). However, significant and record-breaking wildfires have burned in recent years within the surrounding areas, such as Los Padres National Forest, Ventana Wilderness, and Big Sur, as well as multiple smaller fires within local open space areas, such as Del Monte Forest, Jacks Peak County Park, along the Highway 101 corridor, and within private property. Wildfires in the surrounding area affect the Plan Area through smoke and air quality impacts and through the risk of fires spreading or spotting into the Plan Area.

The Plan Area has approximately 4,545 acres of wildland–urban interface (WUI), as shown in Table 1. The WUI is the geographic area where urban development either abuts, intermingles, or intermixes with wildland vegetation. These areas are particularly vulnerable to wildfire threats due to proximity to wildland vegetation and terrain that is capable of supporting a wildfire. Further, the Plan Area contains approximately 4,544 acres of land designated as High or Very High Fire Hazard Severity Zones (FHSZs) (as designated by the California Department of Forestry and Fire Protection [CAL FIRE]), which represents approximately 57% of the Plan Area (see Table 2). FHSZs are geographical areas designated by CAL FIRE (pursuant to California Government Code Sections 51175–51189 and Public Resources Code Sections 4201–4204) as areas of significant fire hazard based on fuels, terrain, weather, and other relevant factors.

In addition to a significant amount of land that is considered at risk of wildfire, the Plan Area has many older neighborhoods that were not developed with wildfire concerns at the forefront. As wildfires have become more frequent, severe, and impactful to communities, new communities and homes are required to build to more stringent fire protection standards that are not present in older neighborhoods and structures. For example, many older homes constructed with wood siding or wood shake roofs with varying degrees of defensible space are present throughout the Plan Area, some of which are accessed by narrow and windy streets that can make evacuation difficult.

Table 1. Wildland-Urban Interface in the Plan Area

Plan Area City	Acres of Wildland–Urban Interface	Percent of City
Pacific Grove	691	38
Carmel-by-the-Sea	334	49
Monterey	3,520	63
Total	**4,545**	**56**

Table 2. Fire Hazard Severity Zones in the Plan Area

City	Fire Hazard Severity Zone (FHSZ)	Acres	Percent of City
Pacific Grove	Non FHSZ	927	51
	Moderate	194	11
	High	618	34
	Very High	87	5
Carmel-by-the-Sea	Non FHSZ	0	0
	Moderate	53	8
	High	404	60
	Very High	219	32
Monterey	Non FHSZ	1905	35
	Moderate	413	7

Table 2. Fire Hazard Severity Zones in the Plan Area

City	Fire Hazard Severity Zone (FHSZ)	Acres	Percent of City
	High	1885	34
	Very High	1331	24

1.3 Community Wildfire Protection Plan Goals

The guiding principles and goals shown in Table 3 were developed for the CWPP, through a collaborative approach with MFD; the Cities of Monterey, Carmel-by-the-Sea, and Pacific Grove; and the Working Group. Goals for the CWPP were developed in consideration of local priorities and concerns, as well as the National Cohesive Wildland Fire Management Strategy, which focuses on three key areas: restoration and maintenance of landscapes, fire-adapted communities, and response to fire.

Table 3. Community Wildfire Protection Plan Goals

Guiding Principle	Goal
An informed community	Community members will be informed about wildfire risks through educational outreach efforts and will work together to create fire-adapted neighborhoods and communities.
Cohesive fire adaptation built on partnerships	Adjacent jurisdictions and affiliated organizations will be included in fire adaptation and management efforts to create a network of fire-safe communities.
Hardened infrastructure	Infrastructure will be hardened against wildfire to allow for safe access and the ability of structures and landscapes to withstand wildfire.
Healthy, fire-adapted ecosystems	Landscapes and open space areas will be maintained with ecosystem health, environmental protection, and respect for cultural significance as a priority.
Coordinated response to wildfires	The Monterey Fire Department and mutual aid partners will have the capacity to respond to wildfire emergencies while maintaining firefighter and community safety.
Sufficient funding and resources	Wildfire management efforts will be supported through sufficient financial investment and staffing.

1.4 Plan Development

Exhibit 2 shows the process taken to develop the CWPP. MFD is the main entity responsible for overseeing the CWPP's development, in coordination with the Cities of Monterey, Carmel-by-the-Sea, and Pacific Grove, as well as interested parties. The project involved review of existing information, community and interested party engagement, a hazard risk analysis, assessment of community scale risks, and development of an action plan and recommended priority projects. City staff served on the project Working Group, participated in community engagement and public workshops, and provided key insights into each city's issues and concerns related to wildfire. Implementation of the CWPP will require collaborative efforts between neighboring jurisdictions, landowners/managers, community groups, and the public.

Exhibit 2. CWPP Process



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2 Executive Summary

2.1 Plan Area

The Plan Area encompasses the Cities of Monterey, Pacific Grove, and Carmel-by-the-Sea (see Figure 1). The Plan Area has an estimated population of 49,000, with approximately 30,218 people in Monterey, approximately 15,090 people in Pacific Grove, and approximately 3,220 people in Carmel-by-the-Sea (U.S. Census 2022).

2.2 Fire Protection

2.2.1 Monterey Fire Department

MFD provides a complete range of fire protection, prevention, and educational services in the Plan Area (Monterey, Pacific Grove, and Carmel-by-the-Sea), as well as Sand City, the Naval Postgraduate School, La Mesa Village, and the Monterey Regional Airport. MFD has been providing fire services since 1882 and began as a brigade formed by a group of citizens. In 1890, MFD was officially chartered by the City of Monterey and has since grown to serve Monterey and surrounding communities. Due to fire service contracts and tourism, MFD services a population exceeding 100,000. MFD operates out of six fire stations in Monterey, Pacific Grove, and Carmel-by-the-Sea, shown in Table 4.

MFD employs approximately 83 full-time employees and responds to an average of over 8,500 incidents annually. Staffing consists of 25 personnel per shift plus a Division Chief, a minimum staffing of 22 personnel per shift plus a Division Chief, and administrative staffing of one fire chief, one assistant chief, three division chiefs, one training division chief, one deputy fire marshal, up to two part-time fire inspectors, and administrative support personnel. Front line fire apparatus includes six engines, one 100-foot tractor-drawn aerial truck, one urban search and rescue truck and trailer, one type 3 wildland unit, one aircraft rescue fire-fighting truck, one 37-foot fire boat, and one command vehicle. MFD also will staff one Office of Emergency Services fire engine in its fleet. Numerous reserve apparatus provide back-up capabilities to the front-line fleet (MFD 2023).

Table 4. Monterey Fire Department Plan Area Fire Stations

Station Number	Location
Station No. 11	600 Pacific Street, Monterey
Station No. 12	582 Hawthorne Street, Monterey
Station No. 13	401 Dela Vina Avenue, Monterey
Station No. 14	600 Pine Avenue, Pacific Grove
Station No. 15	On 6th Avenue between Mission and San Carlos Streets, Carmel-by-the-Sea
Station No. 16	150 Olmsted Way, Monterey Regional Airport

2.2.2 Monterey County Regional Fire District

The Monterey County Regional Fire District responds to structure, wildland, vehicle, and other types of fires in a service area of approximately 400 square miles with a population of about 40,000 residents, consisting of unincorporated areas of Monterey County. A map of the Monterey County Regional Fire District service area can be found at the following link: https://www.mcrfd.org/files/b503d8e7c/MCRFD+Map+2017.pdf. The Monterey County Regional Fire District staffs seven fire stations with 70 full-time employees and is also supported by volunteer firefighters. The Monterey County Regional Fire District also participates in the Monterey County Fire Service Mutual Aid system (Monterey County Regional Fire District 2023).

2.2.3 Presidio of Monterey Fire Department

The Presidio of Monterey Fire Department provides fire and emergency services to federal properties within its jurisdiction, which includes the U.S. Army Garrison Presidio of Monterey, the former Fort Ord U.S. Army installation (Fort Ord National Monument), and the housing areas at Ord Military Community, Presidio of Monterey, and La Mesa. The Presidio of Monterey Fire Department has mutual aid agreements with the Monterey County Regional Fire District, MFD, the Salinas Fire Department, the Seaside Fire Department, the Marina Fire Department, and the North County Fire Protection District (U.S. Army Garrison Presidio of Monterey 2023).

2.2.4 U.S. Forest Service

The U.S. Forest Service (USFS) Monterey Ranger District has jurisdiction in the Los Padres National Forest. USFS provides wildland fire suppression across national forest lands within Monterey County and also participates in mutual aid. USFS provides engine crews, hand crews, helitack crews, hotshots, and smoke jumpers. In addition to fire suppression, USFS also facilitates fuel management projects such as prescribed burns and mechanical treatments, and aids in fire prevention via community mitigation assistance teams and fire-adapted communities. The USFS Pacific Southwest Region Fire and Aviation Management is primarily responsible for fire suppression and management within the Los Padres National Forest lands and lands managed by USFS partners. The Pacific Southwest Region Fire and Aviation Management is responsible for wildland fire protection in the northeast portion of the Plan Area (USDA 2022).

2.2.5 California Department of Forestry and Fire Protection

CAL FIRE is charged with wildland fire protection for State Responsibility Areas (SRAs) within Monterey County. The San Benito-Monterey Unit of CAL FIRE encompasses over 3 million acres, of which 2.1 million acres are an SRA, representing one of the largest state responsibility jurisdictions in CAL FIRE. According to the Unit Strategic Fire Plan for San Benito-Monterey, “The San Benito-Monterey Unit is operationally divided into three divisions and further into seven battalions offering a wide variety of programs which includes: Fire Prevention, Resource Management, Law Enforcement, Air Attack, Helitack, Conservation Camp, Emergency Command Center (communications), and Cooperative Fire Protection” (CAL FIRE 2020). CAL FIRE also “maintains several Automatic and Mutual Aid Agreements” (CAL FIRE 2020).

2.2.6 Mutual Aid

MFD and surrounding agencies participate in mutual aid and automatic aid agreements. Automatic aid is a contractual agreement between agencies and/or fire districts, and aid is dispatched to all first alarms. Mutual aid agreements differ from automatic aid in that outside assistance typically is provided when the agreement is activated, and aid is requested by the primary responding agency. Fire agencies in Monterey County are party to a countywide mutual aid agreement, including the following:

Cities

- Monterey
- Pacific Grove
- Carmel-by-the-Sea
- Seaside
- Salinas
- King City
- Del Rey Oaks
- Greenfield
- Soledad
- Gonzales
- Marina
- Sand City

Fire Protection Districts

- Pebble Beach Community Services District
- Carmel Highlands Fire Protection District
- Monterey County Regional Fire District
- North Monterey County Fire District
- Aromas Tri-County Fire District
- Cachagua Fire Protection District
- Cypress Fire Protection District
- South Monterey County Fire Protection District

Volunteer Fire Departments/Brigades

- Big Sur Volunteer Fire Brigade
- Mid-Coast Volunteer Fire Department
- San Ardo Volunteer Fire Department

State

- CAL FIRE
- Department of Corrections-Correctional Training Facility Soledad
- California National Guard-Camp Roberts

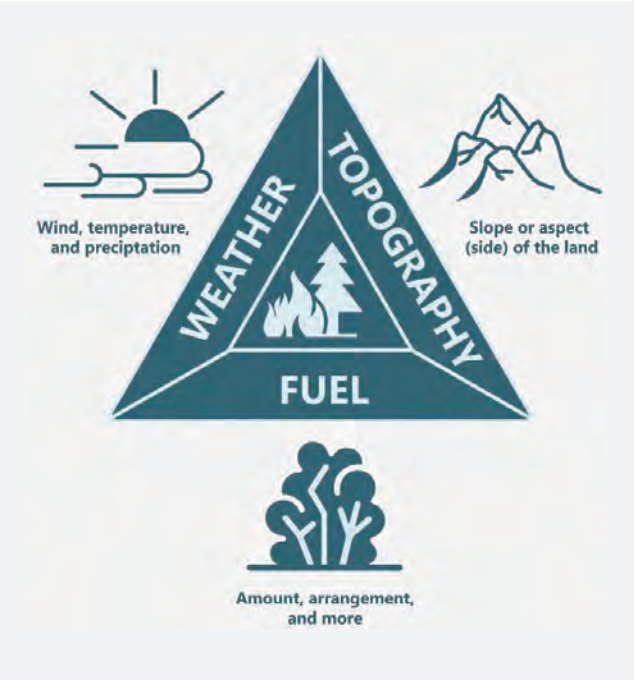
Federal

- Presidio of Monterey Fire Department
- Fort Hunter Liggett Fire Department

2.3 Existing Wildfire Conditions

Wildfire conditions can be described through the local fire environment and fire regimes. The fire environment describes the surrounding conditions that interact to influence wildfire behavior, and the fire regime is a general pattern of fire occurrence in a particular location or vegetation type. The main components that contribute to the fire environment, and, thus, wildfire behavior, include weather (temperature, wind, relative humidity), fuel conditions, and topography (see Exhibit 3). Wildfire conditions in the Plan Area are summarized below, and the project StoryMap includes detailed descriptions of the Plan Area wildfire conditions, including interactive maps that depict Plan Area slopes, vegetation cover, canopy cover, building density, fire history, and other factors that contribute to the local fire environment and fire regime.

Exhibit 3. Fire Behavior Triangle.



Climate

The Plan Area is generally characterized by a Mediterranean climate with dry summers followed by cool, wet winters. Average annual rainfall is roughly 20 inches, the majority falling between November and April (U.S. Climate Data 2023). Fog is often present during the summer months as a result of warm air from inland areas meeting cold marine air. Peak fire season is considered to be in the fall when air temperatures are highest and relative humidity drops (CAL FIRE 2020). This leads to the drying of vegetation and higher potential for wildfire spread. However, wildfires can occur during all times of the year due to local weather variations including drought conditions, high winds, or unusually high temperatures, all of which occur throughout California.

On average, the prevailing daytime wind direction is from the northwest blowing in from the Pacific Ocean. This brings cool, moist air into the region, developing a pattern referred to as the “marine layer,” which produces fog and low clouds over the Monterey Peninsula. Wildfire hazard is greatly reduced when fog is present due to an increase in relative humidity and higher fuel moistures. The presence of the Pacific Ocean causes a diurnal wind pattern known as the land/sea breeze system. During the day, onshore winds are from the northwest and at night, gentler offshore winds, derived from cooler air masses moving downslope, are from the east and travel from higher elevations to the coast. During the summer season, the diurnal winds can be slightly stronger than the winds during the winter season due to greater pressure gradient forces. These stronger onshore winds can contribute to fire hazard when appropriate conditions exist for wildfire ignition and spread, as observed during the 1987 Morse Fire, when strong onshore winds in combination with prolonged drought contributed to extreme wildfire behavior. Surface winds can also be influenced locally by topography and slope variations. The varied topography of the Monterey Peninsula affects wind velocity and patterns.

The region also experiences occasional offshore wind events from the east generally referred to as Santa Lucia winds. Santa Lucia winds are caused by high-pressure systems that form over the Great Basin area of Nevada and

Utah. These high-pressure systems create a gradient between the inland and coastal areas of California, leading to a rush of air from the high-pressure areas to the east to the lower-pressure area along the California coast. As the wind moves across the Santa Lucia mountains and descends to lower elevations, it becomes compressed and heated, pushing the marine layer far out to sea, leading to an increase in temperature and a decrease in relative humidity. This dry, warm wind can pick up speed as it moves through narrow canyons and passes, further contributing to its destructive potential. While stronger offshore wind events are more likely to occur to the south in the Big Sur region, the Monterey Peninsula is subject to infrequent periods of extreme fire weather. Santa Lucia winds are most likely to occur in the late fall and early winter, clearing out marine fog and creating dangerous fire weather conditions.

From a regional perspective, the Plan Area often experiences unique weather conditions compared to surrounding areas. This climate pattern is commonly referred to as a microclimate, meaning weather of neighboring inland or higher elevation areas often differs drastically from the Plan Area, largely dependent of the extent of the marine layer. Therefore, wildfire hazard is highly dynamic throughout the greater region and is highly dependent on localized weather conditions.

Vegetation

Monterey Pine Forests

Vegetation in the Plan Area is dominated by Monterey pine forest, one of three remaining native stands in California. Monterey pines (*Pinus radiata*) often grow tall and straight and can reach heights of 100 feet at maturity (60–80 years). Associated understory vegetation with this forest type includes young Coast live oak (*Quercus agrifolia*), coastal scrub, and native and non-native grasses. Broadly, Monterey pine forests in the Plan Area can be classified into three types:

- **Monterey Pine Forest with Grassy Understory:** These forests generally possess an open canopy, allowing substantial light to reach the forest floor. The understory is dominated by grasses and forbs including brome (Bromus), rattlesnake grass (Briza maxima), wild oats (Ava fatua), rushes (Juncaceae), and sedges (Carex). Coast live oak (Quercus agrifolia), California huckleberry (Vaccinium ovatum), and manzanita (Arctostaphylos) are often interspersed throughout this forest type.
- **Monterey Pine with Mesic Understory:** This forest type often exists where the forest floor retains moisture. This may occur in drainages, shaded areas, or when forest canopies are closed and prevent light from reaching the understory. The understory in this forest type is lush and often consists of shrubs including poison oak (Toxicodendron diversilobum), salal (Gaultheria shallon), bush monkeyflower (Diplacus aurantiacus), California blackberry (Rubus ursinus), and woodrose (Rosa gymnocarpa). Herbaceous plants are also observed in this forest type including nettles (Urtica dioica), yerba buena (Clinopodium douglasii), toothwort (Cardamine californica), and grasses.
- **Monterey Pine with Hard Shrub Understory:** This forest type is predominantly found near Huckleberry Hill and is dominated by understory shrubs with hard leaves including California huckleberry (*Vaccinium ovatum*), shaggy-barked manzanita (*Arctostaphylos rudis 'Vandenberg'*), and hooker's manzanita (*Arctostaphylos hookeri*). Herbaceous plants are common around shrubs and in openings.

Wildfire hazard in Monterey pine forests is influenced by the structural and compositional characteristics of vegetation or "fuels." High hazard forest stands generally include substantial ladder fuels, which are defined as understory fuels that can create vertical continuity between surface fuels (grasses and needle litter) and the tree

canopy. Ladder fuels can create a pathway for low severity surface fires into the upper tree canopy, resulting in extreme fire behavior known as crown fire. Crown fires pose significant threats due to greater wildfire intensity and rapid spread rates. Extreme wildfire behavior such as fast-moving crown fires is also more likely in dense forest stands where the distance between tree canopies is minimal, allowing fire to easily transition through the tree canopy. The composition of forest fuels also impacts wildfire severity in this forest type. Wildfire hazard in Monterey pine forests is influenced by the species present (many plants in the Plan Area possess volatile compounds that increase combustibility), forest health, age of fuels, and the abundance of invasive species.

Surface and ladder fuels should have the highest priority for management to reduce fire intensity, rate of spread, and crown fire potential. Active crown fires are initiated with torching but are ultimately sustained by the density of the overstory crowns. Reduction in potential surface fire behavior plus an increase in canopy base height minimizes torching potential (Agee and Skinner 2005).

Canopy thinning via selective removal of trees within a stand can achieve desired horizontal spacing between retained tree canopies to minimize potential crown fire spread. Thinning from below, a technique in which trees are removed from the lower forest/stand canopy, can reduce the severity and intensity of wildfires by reducing crown bulk density and increasing crown base height (Graham et al. 1999). Thinning or removal of overstory trees can result in higher mid-flame wind speeds and decreased fine fuel moisture, which can increase surface flame lengths, resulting in crown fires and increased fire intensities. However, sufficient treatment of surface fuels (understory, slash, and ladder fuels) results in a reduction in fire behavior sufficient to outweigh these effects (Graham et al. 1999; Agee and Skinner 2005). A major goal of these treatments is to create stand conditions that function as a shaded fuel break. Table 5 summarizes the effects and advantages associated with fuel management in tree-dominated vegetation types.

Table 5. Principles of Fire Resistance to Tree-Dominated Vegetation Types

Principle	Effect	Advantage	Concerns
Reduce surface fuels	Reduces potential flame length	Control easier; less torching	Surface disturbance is less with prescribed fire compared to other techniques
Increase height to live crown	Requires longer flame length to begin torching	Less torching	Opens understory; may allow surface wind to increase
Decrease crown density	Makes tree-to-tree crown fire less probable	Reduces crown fire potential	Surface wind may increase and surface fuels may be drier
Keep big trees of resistant species	Less mortality for same fire intensity	Generally restores historic structure	Less economical; may keep trees at risk of insect attack

The state of Monterey pine forests within the Plan Area and adjacent areas varies depending on attributes, including terrain and soils, fire history, and varying degrees of forest management. Monterey pines are highly dependent on disturbance for seedling establishment and regeneration. Historically, wildfires (natural or human caused) were the main form of disturbance in this ecosystem. Fires naturally remove surface vegetation and litter, exposing bare mineral soil, which is highly beneficial for germination and seedling establishment. Historical low- to moderate-severity wildfires would also remove hazardous dead and dying vegetation, improving the overall forest heath and wildfire resilience. However, wildfire exclusion has resulted in overstocked forests with many trees reaching the end of their lifespan. In many areas, ladder fuels are abundant, and Monterey pine regeneration is limited. These

conditions reduce plant vigor and susceptibility to pest attacks and infestations increases. Infestations of pitch canker (*Fusarium circinatum*) are known to occur within the Plan Area and adjacent areas. This disease can contribute to wildfire hazards by increasing dead surface fuel loads and hindering firefighting efforts.

Non-native and Invasive Species

Non-native and invasive species can increase the frequency of fires by providing more continuous fuels that are more easily ignited (Brooks et al. 2004). Eucalyptus (*Eucalyptus globulus*), French broom (*Genista monspessulana*), and invasive grasses are of primary concern in the Plan Area.

Of the non-native trees present in the planning area, eucalyptus present the greatest hazard. Eucalyptus stands are composed of fuel structures ranging from fine to heavy and may include an understory of grass; brush; eucalyptus seedlings, saplings, and small trees; and eucalyptus leaf, twig, branch, and bark litter. Fuel buildup in eucalyptus stands is very rapid, exceeding that of other tree species, and its litter (dead leaves and debris) is especially flammable (Agee et al. 1973; NPS 2006; Wolf and DiTomaso 2016). Like other hazardous species, eucalyptus also has a higher content of volatile organic compounds. Eucalyptus leaves produce a volatile (Gabbert 2014), highly combustible oil, and flammable gasses may be released from trees at very high temperatures, further increasing fire hazard (Gross 2013).

French broom is highly invasive and is observed in forested and disturbed areas throughout the Plan Area. French broom infestations produce large amounts of dry matter, which can create a serious fire hazard (DiTomaso 1998). This species also produces prolific seed banks, which contributes to its widespread abundance. Broom burns readily and carries fire to the tree canopy layer, increasing both the frequency and intensity of fires in invaded areas. Invasive grasses in the Plan Area are widespread and include species such as rattlesnake grass (*Briza maxima),* annual brome species (*Bromus*), pampas grass (*Cortaderia selloana*), and Jubata grass (*Cortaderia jubata*). Invasive grasses resemble flashy fuels, which can ignite easily and increase wildfire rate of spread.

Urban Vegetation

Urban vegetation greatly contributes to the unique aesthetic within the Plan Area. Many residents take pride in the Plan Area's extensive urban forest. However, the characteristics and presence of urban vegetation significantly impact the potential for wildfires and their spread within urban environments. The type, density, and condition of vegetation in urban areas influence the availability of fuel for fires. When urban areas contain dense and highly flammable vegetation like dry grasses, shrubs with volatile oils, or trees with combustible foliage, the risk of fires igniting and spreading rapidly increases. Additionally, the accumulation of dead leaves, branches, and plant debris contributes to fuel loads and elevates fire hazard. Urban vegetation also influences the ignition and spotting potential of wildfires. Wind-carried embers and burning debris can ignite new fires in urban areas, especially when highly flammable vegetation is near structures. This raises the risk of embers landing on or near buildings, leading to fire spread within urban areas and an increased likelihood of structure ignitions.

Strategic management of urban vegetation can serve as a protective buffer, limiting the extent of wildfire spread. By ensuring well-maintained green spaces, properly spaced and pruned trees, and the intentional use of fire-resistant plants, defensible space can be created. This defensible space acts as a barrier, safeguarding structures from nearby flammable vegetation. The choice of plants also significantly influences the wildfire hazard associated with urban vegetation. Different plant species and their maintenance levels determine their fire resistance. While no plant is entirely fireproof, certain characteristics, such as the following, greatly diminish the risk of wildfire hazard:

- Leaves have a high moisture content.
- Little dead material is present, and the plant does not accumulate dry and dead material within the plant.
- Sap and resin content is low.
- The plant does not produce a significant amount of leaf litter.

In contrast, certain urban species possess features that increase their ignitability. These include the accumulation of fine, dry, or dead material within the plant and the presence of volatile organic compounds, which can increase fire intensity.

Terrain

Terrain affects wildfire movement and spread. Flat areas typically result in slower fire spread, absent windy conditions. Topographic features such as saddles, canyons, and chimneys may form unique circulation conditions that concentrate winds and funnel or accelerate fire spread (i.e., land formations that collect and funnel heated air upward along a slope). Steep terrain typically results in faster upslope fire spread due to the preheating of uphill vegetation. Terrain may also buffer, shelter, or redirect winds away from some areas based on canyons or formations on the landscape. Saddles occurring at the top of drainages or ridgelines may facilitate the migration of wildfire from one canyon to the next. Various terrain features can also influence fire behavior, as summarized in Table 6.

Table 6. Effects of Topographic Features on Fire Behavior

Topographic Feature	Effect
Narrow Canyon	Surface winds follow canyon direction, which may differ from the prevailing wind; wind eddies/strong upslope air movement expected, which may cause erratic fire behavior; radiant heat transfer between slopes facilitates spotting/ignition on opposite canyon side.
Wide Canyon	Prevailing wind direction not significantly altered; aspect significant contributor to fire behavior. Wide canyons are not as susceptible to cross-canyon spotting except in high winds.
Box Canyon/ Chute	Air is drawn in from canyon bottom; strong upslope drafts. No gaps or prominent saddles to let heated air escape. Fires starting at the canyon bottom can move upslope very rapidly due to a chimney-like preheating of the higher-level fuels and upslope winds.
Ridge	Fires may change direction when reaching ridge/canyon edge; strong air flows likely at ridge point; possibility for different wind directions on different sides of the ridge. Ridges experience more wind. Fires gain speed and intensity moving toward a ridge. Fires burning at a ridge can exhibit erratic fire behavior. Strong air flows can cause a whirling motion by the fire. As the wind crosses a ridge it usually has a leeward eddy where the wind rolls around and comes up the leeward side.

Table 6. Effects of Topographic Features on Fire Behavior

Topographic Feature	Effect
Saddle	Potential for rapid rates of fire spread; fires pushed through saddles faster during upslope runs. Winds can increase when blowing through saddles due to the funneling effect of the constricted pass. On the other side, winds will slow, but erratic winds potentially occur at the saddle due to eddies.

2.4 Key Findings

2.4.1 Hazard/Risk Analysis

The wildfire hazard assessment conducted in support of this CWPP involved an evaluating field conditions, processing and analyzing spatial datasets in a geographic information system (GIS), conducting GIS-based modeling of wildfire behavior and wildfire hazard, and analyzing existing plans and data sets related to wildfire hazard. Following field evaluations and concurrent with GIS data analysis, fire hazard and fire behavior modeling was conducted to evaluate wildfire hazard and risk to communities. These analyses modeled potential wildfire behavior under average (50th percentile) and extreme weather conditions (97th percentile). Modeling efforts as further described in Appendix A, Wildfire Hazard and Risk Assessment Methodology for Monterey, Carmel-by-the-Sea, and Pacific Grove Community Wildfire Protection Plan, considered the terrain, vegetation, and weather unique to the Plan Area. For a visual representation of this assessment, please refer to the Wildfire Hazard and Risk Assessment and Community Relative Wildfire Risk Ranking sections in the StoryMap.

Wildfire hazard is variable throughout the Plan Area depending on fuels, terrain, weather, and community characteristics. Under average weather conditions (50th percentile), wildfire behavior was modeled to mostly low-moderate severity as a result of higher fuel moisture and lower wind speeds. Crown fires under this scenario are infrequently observed in select areas. However, extreme wildfire (flame lengths greater than 11 feet) was observed throughout the Plan Area and adjacent areas during extreme weather conditions with high winds and low fuel moistures (97th percentile). The occurrence of crown fire under extreme conditions is widespread throughout the Plan Area, resulting in rapid rates of spread and substantial hazard from flying embers with spotting distances of up to 0.5 miles from torching trees. The results of this analysis highlight a clear potential for destructive wildfires in the Plan Area.

Wildfire Risk to Communities

Fire Hazard Severity Zones

CAL FIRE's Fire and Resources Assessment Program database includes map data documenting areas of significant fire hazards in the state. These maps categorize geographic areas of the state into different FHSZs. The classifications include Moderate, High, and Very High FHSZs. CAL FIRE uses FHSZs to classify anticipated fire-related hazards for the entire state and includes classifications for SRAs, Local Responsibility Areas, and Federal Responsibility Areas. Fire hazard severity classifications consider vegetation, topography, weather, crown fire production, and ember production and movement.

CAL FIRE is currently in the process of updating the FHSZ map for SRA lands, with an updated LRA mapping effort to follow. The upcoming LRA mapping effort will include Moderate, High, and Very High wildfire hazard designations. The FHSZs utilizing the updated SRA data and existing LRA data for the Plan Area are shown in Figure 2.

Wildland–Urban Interface

The Cities of Monterey, Carmel-by-the-Sea, and Pacific Grove all include areas classified as the WUI (see Figure 3). The WUI includes areas of urban and suburban development within the vicinity of wildland vegetation. The wildland fire risk associated with WUI areas includes propagation of fire via house-to-house fire spread, landscaping-to-house fire spread, or ember intrusion. Refer to the StoryMap to view the distribution of the WUI in the Plan Area. WUI communities within the Plan Area are provided in Table 7.

Table 7. Wildland-Urban Interface Communities in the Plan Area by City

City	Community Name
Monterey	Presidio West
	Skyline
	Monterey Vista South
	Monterey Vista North
	Old Town South
	Alta Mesa
	Glenwood
	La Mesa Village
	Aguajito Oaks
	Deer Flats North
	Deer Flats South
	Fisherman Flats
	Casanova Oak Knoll
	Ryan Ranch West
	Ryan Ranch East
Carmel-by-the-Sea	Southeast
	Northeast
	Northwest
Pacific Grove	Del Monte Park
	Sunset Drive
	Pacific Grove Acres East
	Pacific Grove Acres West
	Forest Grove
	Seaview
	Glen
	Second Addition
	Third Addition
	Fifth Addition West
	Asilomar Dunes

Many of the WUI communities at risk contain relatively old homes that reflect the building materials and/or codes in effect at the time of construction. As such, large numbers of homes are at increased risk of ignition due to structure vulnerabilities (e.g., wood shake roofs and siding, open eaves, unscreened crawlspace, and attic vents), which research has shown to be important in most home losses during wildfires. Most WUI neighborhoods feature high building density, with the highest building density WUI communities located in Carmel-by-the-Sea and Pacific Grove. House-to-house fire spread is more likely in areas with high building density due to the proximity of structures. In these dense areas, flames, radiant heat, and embers facilitate fire moving from one structure to the next. This can lead to a more extensive fire incident referred to as an urban conflagration. The potential for house-to-house fire spread in densely developed communities is strongly influenced by the materials and techniques used in building construction. For example, houses constructed with wooden materials that have large vents and single pane windows are more easily ignited compared to those constructed with ignition-resistant materials (as identified in Chapter 7A of the California Building Code). Many WUI communities in the Plan Area also feature narrow, steep, and windy streets accessing multiple homes. These conditions can result in congested evacuations and increase the difficulty for emergency responders and fire apparatus to quickly reach impacted areas.

Parcels within the Plan Area have varying degrees of defensible space, or the buffer between structures and grasses, trees, shrubs, or any wildland area adjacent to the home. Defensible space has been proven to reduce structural ignitability from direct flames, radiant heat, and flying embers, while also providing safer conditions for firefighters to conduct structural protection during wildfires. Many homeowners face challenges when attempting to create adequate defensible space on their properties, including the 100-foot zone extending into another person's property, the cost of implementing some of these upgrades being prohibitive, limited availability of contractors to complete this work, lack of knowledge of how to properly create defensible space, and what vegetation should and should not be used in each zone.

Community Relative Risk Ranking

A community relative risk ranking was conducted for the Plan Area to identify high risk communities where wildfire risk mitigation should be prioritized. This assessment also aims to enhance resident awareness of the relative risks associated with their community. The evaluation of community wildfire risk involved quantifying key variables within the designated community areas, including community proximity to high hazard vegetation, dominant vegetation type, potential ember exposure, terrain, urban vegetation, emergency response time, and emergency access and evacuation capacity. Communities within the Plan Area and their relative risk ranking are provided below in Table 8. The distribution of communities facing very high and high risks varies across the three cities. Monterey possesses the greatest proportion of communities ranked as very high or high risk (48%), followed by Carmel-by-the-Sea (43%), and Pacific Grove (21%) (see Figure 4).

Table 8. Relative Risk Ranking of Plan Area Communities

City	Community	Risk Ranking Score
Monterey	Skyline	32 (Very High)
	Aguajito Oaks	32 (Very High)
	Monterey Vista North	27.5 (Very High)
	La Mesa Village	27 (Very High)
	Glenwood	26.5 (Very High)
	Monterey Vista South	26.5 (Very High)
	Deer Flats South	26.5 (Very High)

Table 8. Relative Risk Ranking of Plan Area Communities

City	Community	Risk Ranking Score
	Fisherman Flats	26.5 (Very High)
	Presidio West	25.5 (Very High)
	Ryan Ranch East	23.5 (High)
	Casanova Oak Knoll South	22.5 (High)
	Alta Mesa	21.5 (High)
	Old Town South	21.5 (High)
	Ryan Ranch West	18 (Moderate)
	Deer Flats North	17.5 (Moderate)
	Old Town North	14 (Moderate)
	Casanova Oak Knoll North	10 (Low)
	Navy	7 (Low)
	Presidio East	6 (Low)
	New Monterey South	5.5 (Low)
	New Monterey East	4 (Very Low)
	Del Monte Beach	4 (Very Low)
	Downtown	3 (Very Low)
	Oak Grove	3 (Very Low)
	Naval Postgraduate School	2.5 (Very Low)
	Del Monte Grove Laguna Grande	1 (Very Low)
	Villa Del Monte	0 (Very Low)
Carmel-by-the-Sea	Southeast	27 (Very High)
	Northwest	27 (Very High)
	Northeast	11 (High)
	Old Mission Tract	8 (Low)
	Central	6 (Low)
	Beach Tract	6 (Low)
	Scenic	6 (Low)
Pacific Grove	Del Monte Park	28.5 (Very High)
	Glen	24.5 (High)
	Forest Grove	24.5 (High)
	Pacific Grove Acres East	21.5 (High)
	Seaview	15.5 (Moderate)
	Sunset Drive	18.5 (Moderate)
	Hillcrest	16.5 (Moderate)
	Pacific Grove Acres West	16.5 (Moderate)
	Second Addition	15.5 (Moderate)
	Fifth Addition West	15.5 (Moderate)
	Country Club Heights	8.5 (Moderate)
	Third Addition East	7 (Low)
	Asilomar Dunes	6.5 (Low)
	Beach Tract	6 (Low)

Table 8. Relative Risk Ranking of Plan Area Communities

City	Community	Risk Ranking Score
	Pacific Grove Retreat	5 (Low)
	Downtown	5 (Low)
	First Addition	5 (Low)
	Fourth Addition	5 (Low)
	Fifth Addition East	4 (Very Low)

2.4.2 Community Engagement

The project involved a three-prong community engagement approach. Public input is a crucial component in CWPPs to ensure that the findings and recommendations presented fit the concerns, needs, and desires of the Plan Area and communities therein to help make them safer and more wildfire resilient. To ensure that the project reached the most community members, the public outreach for this project involved a Working Group, public survey, and an in-person community workshop for each city. A complete analysis of community engagement results can be found in Appendix B.

Working Group

The CWPP Working Group was formed to bring together a diverse representation of MFD staff and city staff to help advise the CWPP's developmental process (Table 9). Six Working Group meetings were held between January and July 2023, with each meeting facilitated by the consultant team. During the series of Working Group meetings, members were introduced to the project and presented with preliminary hazard and risk assessment findings, discussed desired project outcomes, worked collaboratively to develop the CWPP guiding principles and goals, and reviewed the administrative draft of the CWPP and Action Plan. Each Working Group member brought a unique perspective to the group, providing the context for local policy and regulatory perspectives, community challenges, and safety considerations. Key insight gathered from the Working Group meetings are summarized in Table 10.

Table 9. Working Group Members

Name	Title	Jurisdiction/Department
Gaudenz Panholzer	Fire Chief	Monterey Fire Department
Jeff Field	Division Fire Chief	Monterey Fire Department
Cheryl Kouretas	Fire Department Senior Admin Analyst	Monterey Fire Department
Carmyn Priewe	Deputy Fire Marshal	Monterey Fire Department
Laurie Huelga	Public Information Officer	City of Monterey
JD Sheldon	Fire Engineer	Monterey Fire Department
Christy Sabdo	Associate Planner	City of Monterey Planning
Louie Marcuzzo	Park Operations Manager	City of Monterey
Sam Mazza	Retired Fire Chief	Monterey Fire Department
Thys Norton	Assistant Urban Forester	City of Monterey – Urban Forestry
Cathy Madalone	Police Chief	Pacific Grove Police Department
Dan Gho	Public Works Director	City of Pacific Grove – Public Works

Table 9. Working Group Members

Name	Title	Jurisdiction/Department
Anastacia Wyatt	Community Development Director	City of Pacific Grove
Brandon Swanson	Director of Community Planning and Building	City of Carmel-by-the-Sea – Planning
Aaron Campbell	Code Compliance Officer	City of Carmel-by-the-Sea
Jeff Watkins	Acting Police Chief	City of Carmel-by-the-Sea
Tom Ford	Administrative Analyst	City of Carmel-by-the-Sea

Table 10. Working Group Key Insights

Topics	Working Group Insight
Community Wildfire Protection Plan Applicability	Findings from this plan can help inform safety and housing elements with new goals and policies.
Regulatory Barriers	Current tree ordinances make it difficult for hazardous trees to be removed with often vague language. Balance between removing hazardous vegetation and balancing environmental priorities is crucial for this community. Community members need more education on what is considered a hazardous tree and what the removal process entails.
Community Partnerships	Coalition/relationship building between neighborhood associations, community groups, government agencies, cultural groups, and more is necessary ongoing work to have project success.
Outreach	Communication and education are very important for these communities. Education and the methods of communication need to match the needs and demographics on the communities being served by this plan.
Fuel Treatment Areas	The Working Group discussed and compiled list of priority treatment areas based on modeling and community expertise.

Public Survey

For a broad understanding of how community members feel and are impacted by wildfire, an online survey using the SurveyMonkey platform was disseminated. The survey had 25 questions that focused on four main categories of topics.

1. Community members' perception of wildfire
2. How community members would or have prepared for wildfire in the past
3. Barriers that have or would prevent them from preparing for a wildfire effectively
4. Community members' opinions on specific wildfire mitigation activities and methods

The survey garnered 507 responses, with 468 of them being usable for analysis. The distribution of survey response from each Plan Area city are as follows:

- Monterey: 42%
- Pacific Grove: 25%

- Carmel-by-the-Sea: 24%
- Other: 9%

Key Results

When asked how concerned residents were about wildfire on a scale from 1 to 10, the average response from all residents was 7. However, when breaking it down by city, Carmel-by-the-Sea had the highest average worry of 7.4, Pacific Grove had the lowest average worry of 5.5, and Monterey was in the middle at 6.8.

When looking at the main concerns faced by residents, the top responses were fuels/vegetation on neighboring properties, limited evacuation routes, and fuels/vegetation on their own properties. When asked about barriers that would prevent community members from evacuating, the top barriers were not knowing when to leave, where to get proper evacuation information, and not having anywhere to stay when they did evacuate. Additionally, when asked if folks felt prepared to evacuate, most (86%) of respondents felt completely or partially prepared, and 14% indicated they were not prepared to evacuate.

When asked what desired actions community members would want to see to make the Plan Area safer from wildfire, the top responses were fuel management projects on public lands, fuel management projects on private lands, and defensible space creation and maintenance.

Additionally, when asked what techniques were most favorable, the fuel risk reduction techniques that had an approval rating of 90% or higher were roadside vegetation clearance, defensible space, and vegetation clearance on public property. When looking at vegetation management techniques, the majority of them also had a high approval rating, including grazing, hand treatment, and mechanical treatments all having an approval rating of 65% or higher. However, using herbicide as a vegetation management technique had majority disapproval, with only 23% of respondents in support of this activity. These results help identify the most approved methods for action in each community to help MFD match up a technique with a given community.

Community Workshops

In addition to the quantitative data received from the public survey, community workshops were conducted to get more in-depth information on how wildfire impacts community members' lives and how actions can be taken to make them feel safer. A total of three in-person public workshops were held, one in each Plan Area city, to capture the opinions and perspectives of the greatest number of residents and community members throughout the Plan Area. These workshops covered a brief overview of the project and included activities aimed at garnering discussion and gaining input from community members through passive and active activities.

Passive Activities

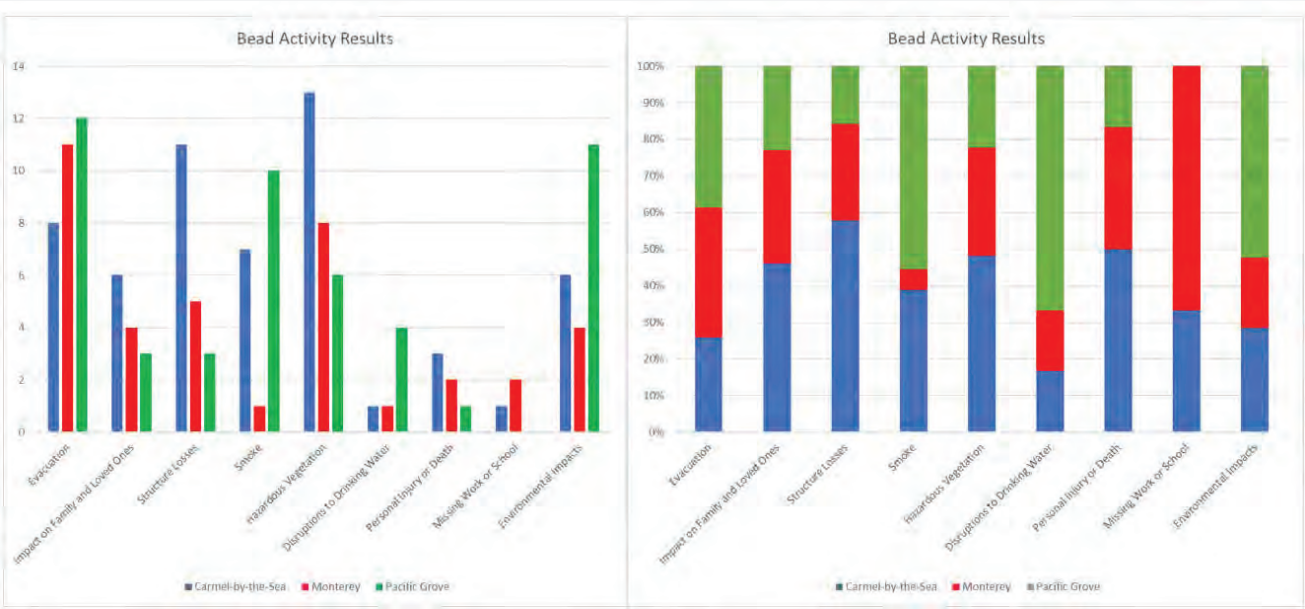
One passive activity included a map activity where community members could identify areas of concern, including limited evacuation routes and hazardous vegetation. Results of the map activity have been incorporated into the project StoryMap. Many of the identified hazard areas reflected areas that participants lived in or were familiar with.

An additional passive activity allowed residents to identify their top concerns related to wildfire by placing beads representing their concerns in corresponding jars. The responses received during these activities gave great insight into the perspective of attendees at the workshops; however, data gaps exist as community members representing

all portions of the Plan Area were not present. This is especially true for the eastern half of Monterey, including Deer Flats and Fisherman Flats.

As shown in Exhibit 4, the bead activity helped reveal that the top concerns for many of the community members were evacuation and hazardous vegetation. The graph on the left side shows the actual number of beads placed into each jar, and the right graph shows the distribution of the beads placed throughout the three cities. The right graph helps further demonstrate the concerns that resonate more within each city.

Exhibit 4. Bead activity results



Small Group Discussions

Small group discussions were a key feature of the community workshops to learn more about the community members' experience with wildfire and build upon the insights received from the public survey. The discussion groups were divided amongst five topics:

1. Home Hardening
2. Fire Experience
3. Wildfire Planning
4. Defensible Space/Vegetation Management
5. Evacuation/Community Response

Small group discussions were set up with a facilitator and notetaker who rotated to the various groups of participants and encouraged discussion of each topic in terms of challenges and opportunities that could either help or harm a community in preparing for wildfire. Table 11 highlights key insights from each workshop. Many overlapping themes from each workshop were revealed, specifically around the need for better outreach, education, and desire for action. However, there were also some nuances unique to each workshop, as presented in this table and in the word clouds found in Appendix B.

Table 11. Community Group Discussion Takeaways

City	Main Takeaways
Carmel-by-the-Sea	Communication was a key priority for Carmel-by-the-Sea residents. This involves many facets, including knowing where to get proper evacuation information, how to harden their homes and create defensible space, and how community members can get involved in helping make their community safer. Some key actions that resonated with community members include the following: ▪ Utilizing more avenues for education and outreach like Nextdoor, door to door, real estate agents, radio, Pinecone Weekly, mail, social media, texts/reverse 9-1-1, schools, and religious organizations ▪ Having more workshops to help build consensus on opposing perspectives within wildfire preparation, including helping residents have a better understanding of what they can do to prepare ▪ Revising city ordinances to allow for removal of hazardous vegetation
Monterey	Responsibility and coordination were themes that resonated with Monterey residents, from knowing who you can trust as a source for wildfire information, to wanting a deeper understanding of a community's risks, to a better picture of how different organizations coordinate around wildfire. Some of the key actions that resonated with community members include the following: ▪ Utilizing academic institutions like the University of California or the California State University Systems for more research on modeling defensible space ▪ Having more education to clearly define the desired role of different parties before/during a wildfire, including residents, community groups, and utilities; this includes residents having a clear understanding of the California Department of Forestry and Fire Protection's "Ready, Set, and Go!" steps, wider community buy in, engagement with community groups, and the creation of Firewise Communities ▪ Coordinating with neighbors, specifically neighbors with mobility challenges, to ensure that communities are working together in the event of an evacuation ▪ Focusing on outreach and engagement through multiple avenues from door tags, reverse 9-1-1, social media, inspections, community fire drills, community chipper programs, and more
Pacific Grove	Having a holistic approach to wildfire preparation and management was stressed amongst Pacific Grove residents. In addition to the themes listed for the other cities, this group wanted to ensure that actions taken would be in accordance with the community's environmental values. Some key actions and tools include the following: ▪ Having better education of how homeowners can balance hardening their home and creating defensible space in an environmentally friendly way, including permeable hardscape ▪ Providing access to tools to help residents during a wildfire, such as air purifiers

2.5 Key Strategies for Wildfire Resilience

The following describes priority project types and active community programs that should be pursued in the Plan Area to mitigate wildfire risk to communities.

Community Programs

- **Community Emergency Response Team** – The Community Emergency Response Team (CERT) educates people about disaster preparedness for hazards that may impact their area and trains people in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community. More information on the CERT program managed by MFD can be found at https://www.monterey.org/city_hall/fire/preparedness/cert_program.php.
- **Firewise Communities –** The Firewise Community program is a national community wildfire risk mitigation program administered by the National Fire Protection Association's Firewise USA program. This program provides a collaborative framework to help neighbors in a geographic area get organized, find direction, and take action to increase the ignition resistance of their homes. A Firewise Community is one that has taken appropriate measures to become more resistant to wildfire structural damage. Firewise techniques include minimizing the risk of home ignition by carefully landscaping around residential structures, such as thinning trees and brush and choosing fire-resistant plants, selecting ignition-resistant building materials, and positioning structures away from slopes.
- **AlertMontereyCounty –** AlertMontereyCounty is an emergency notification system that allows the County of Monterey to alert individuals of existing or potential emergencies. Through Aware and Prepare, the County of Monterey can alert individuals by landline, cell phone, and email. Individuals can register for emergency alerts at https://member.everbridge.net/453003085611217/new.
- **Monterey County Fire Safe Council** – The Monterey County Fire Safe Council provides education, supports community emergency planning, and helps create fire-adaptive communities through mitigation actions. Some of the education programs the Monterey Fire Safe Council offers are Ready! Set! Go! developed by CAL FIRE, Firewise USA, and One Less Spark–One Less Wildfire. The Monterey County Fire Safe Council also provides "Wildfire and You" workshops covering topics including evacuation, vegetation management, and home hardening. Interested residents can register for this workshop at https://workshops.firesafemonterey.org/courses/wild-fire-and-you.

Vegetation Management

Vegetation management plays a major role in reducing the potential for damaging and destructive wildfires through removing, rearranging, and maintaining the spatial distribution of fuels. The following lists the objectives of vegetation management in the Plan Area.

- Reduce wildfire hazard to mitigate risks to communities
- Reduce the likelihood of ignitions and extreme fire behavior to enhance public and firefighter safety

- Implement practices to avoid or minimize impacts to natural resources
- Maintain an active role in regional efforts to reduce wildfire on the Monterey Peninsula

Vegetation management may be conducted through a variety of general treatment types depending on the specific management goals, environmental constraints, and community acceptance. Treatment techniques include manual, mechanical, grazing, prescribed fire, and chemical treatments. For a detailed description of these treatment techniques and best management practices, see Appendix C. Vegetation management projects can be performed at the landscape, community, or parcel level and include the following:

- **Ladder Fuels Reduction**: Removal or reduction of fuels that provide vertical continuity allowing fire to carry from surface fuels into the crowns of trees or shrubs with relative ease
- **Community Fuel Breaks:** Strategic areas of fuels reduction near communities to reduce fire intensity near communities and provide conditions favorable for effective fire suppression
- **Roadside Fuels Reduction:** Reduction of flashy and small diameter vegetation within 30 feet of roadways to decrease the likelihood of fires igniting along roadways and reduce fire behavior to increase the capacity for safe evacuation
- **Forest Thinning:** Strategic removal of trees to create conditions non-conducive to rapid wildfire spread; trees removed often include trees that are small diameter or dead and dying
- **Defensible Space:** Fuels reduction within 100 feet of structures intended to reduce structural ignitability and increase the capacity for structure protection; vegetation management actions to create defensible space can be found at https://www.firesafemonterey.org/defensible-space.html
- **Invasive Species Management:** Removal or control of invasive species through grazing, mechanical, or chemical removal in addition to management practices designed to minimize further spread of invasives

Monterey Fire Department Defensible Space Inspections

MFD conducts wildland fire safety inspections for all properties within the Cities of Monterey, Pacific Grove, Carmel-by-the-Sea, and Sand City. These defensible space inspections are performed annually to help minimize fire spread and growth and reduce potential loss in the event a wildland fire occurs. All properties are inspected, including residential, commercial, and vacant lots. Once the inspection has been completed, a notice is left if any corrective actions should be taken by the owner/occupant. The notices are in the form of an adhesive notice left on or near the front door. Vacant lot notices are mailed to the property owner. Follow-up re-inspections occur in 30 days to ensure that owners are properly preparing their properties and following state and local regulations. The status of a property can be determined by visiting monterey.org/city_hall/departments/fire and clicking the button to check the fire defensible space status map.

City of Monterey Greenbelt Fuels Reduction Plan

The City of Monterey has identified eight specific areas in the city greenbelt system with high fire hazard due substantial fuel loads. These areas include the Skyline Forest, Veterans Park, Monte Vista, Carmelo Street, Don Dahvee, Josselyn Canyon, Fisherman Flats, and Old Capitol Site greenbelts. If a wildfire were to occur in these greenbelts, it could have severe impacts to WUI communities and natural resources.

To address this issue, the city's urban forestry division has implemented a fuels reduction program, which operates on a 5-year rotating maintenance cycle and aims to remove undergrowth, promote the growth of native plants, and

decrease the amount of fuel available for wildfires. The management of fire fuel hazards involves various measures, including but not limited to thinning out vegetation; removing trees, with a focus on dead and dying ones; trimming or pruning trees or large shrubs in defensible spaces to reduce fuel continuity both vertically and horizontally; removing exotic or invasive plants; and employing prescribed grazing techniques, using goats and sheep, to reduce and eliminate vegetation in areas with high fire risk due to dry conditions.

George Washington Park Perimeter Fuels Reduction

Fuels reduction activities are conducted annually within 100 feet of the homes surrounding the park. The management area is "U"-shaped and generally forms a 30- to 40-foot-wide strip around the perimeter of the park, beginning on the east side of the park at Gibson Avenue, wrapping around the north end of the park, and ending on the west side of the park near the intersections of 17 Mile Drive and Melrose Drive. The width of the strip widens to 100 feet at the northwest corner of the park where there is a strip of homes that back up to the park boundary. Within this strip, vegetation management actions are performed to adhere to CAL FIRE's defensible space requirements.

CAL FIRE San Benito Monterey Unit Fuels Reduction Projects

CAL FIRE San Benito Monterey Unit conducts a variety of fuels reduction projects in state responsibility area lands adjacent to the Plan Area. The Pebble Beach Fuels Reduction Project includes strategic fuel reduction treatments across 176 acres in Pebble Beach. Activities performed include the following: chipping, grazing, mastication, thinning (manual), thinning (mechanical), and removal of small diameter trees (less than 6 inches diameter at breast height).

Other ongoing CAL FIRE fuels reduction programs in adjacent ownerships include the Pescadero Canyon Fuel Reduction Grazing Project, High Meadows Fuel Reduction Program, Outlook Fire Road Maintenance Program, and Jack's Peak Goat Grazing and Mastication Program.

Take Action

Terrain, vegetation, and climatic conditions in the Plan Area combine to create a unique situation capable of supporting high-intensity, and sometimes damaging wildfires. There are two main components to reducing structural ignitability: vegetation management through defensible space and structural hardening. Plan Area residents are encouraged to implement these practices proven effective in mitigating losses from wildfires.

Defensible Space: Defensible space is an effective means of reducing the risk of loss of life and property due to wildfire in the WUI. Defensible space works to achieve four objectives: reduce the risk of direct flame contact with a structure, reduce the overall fire intensity and rate of spread near a structure, remove ember sources and provide a space for embers to fall to the ground before reaching the structure, and provide an area for firefighters to safely engage with the fire and provide access to structures. A defensible space zone that is around the entire structure has been proven to be effective for achieving these objectives (Syphard et al. 2014). Conversely, the lack of defensible space within 30 feet of a structure has been shown to be a key factor in structure ignition during wildfires (Troy 2020). The following three zones are identified for defensible space areas.

- **Zone 0 (0–5 feet):** Zone 0, sometimes referred to as the "Immediate Zone," is the area nearest the house and includes the surfaces of the structure itself, plants, decks, and outdoor furniture. Ideally, there should

be zero combustibles in this zone. This area is the most vulnerable and should be more aggressively maintained to be fire resistant.

- **Zone 1 (5–30 feet):** Zone 1, sometimes referred to as the "Intermediate Zone," extends from the house's exterior walls to a distance of 30 feet. Management actions include a combination of landscaping and hardscaping, with the goal of moderating fire behavior.
- **Zone 2 (30–100 feet):** Zone 2, sometimes referred to as the "Extended Zone," extends from 30 feet to at least 100 feet. More defensible space may be required depending on site-specific characteristics, such as topography, building construction, and vegetation types, or based on local regulations.

Structural Hardening: Vegetation management and defensible space are key components to an overall fire protection strategy; however, structural hardening also plays an important role in minimizing the potential for structure ignitions. Structural hardening refers to steps a property owner may take to enhance the survivability of an existing structure that may not be up to the current building or residential code standards for wildland areas. Homes survive wildfires through a combination of vegetation management and maintenance, management of combustible materials on the property, and installation and maintenance of fire- and ember-resistant construction materials. Hardening of the homes and other structures to enhance survivability during a wildfire would include retrofitting the most vulnerable home features, including the following:

- Roofs
- Vents
- Eaves and soffits
- Windows
- Walls
- Decks
- Rain gutters
- Patio covers
- Chimneys
- Garages
- Fences
- Driveway and access roads
- Address signage
- Water supply

Although fire-resistant construction standards are mandatory for new buildings in Very High FHSZs within the Plan Area, hardening of existing structures is voluntary. Adopting mandatory home hardening provisions of building and fire codes is problematic because existing, nonconforming structures were typically approved and built to the codes in effect at the time of construction. The problem persists, however, that a burning structure in a wildfire contributes to the fire and presents a danger to nearby structures through radiant heat exposure and other structures downwind by way of embers. Retrofits to existing structures can reduce fire risk, and some cost-sharing and grant programs are available to offset costs. Resources for hardening structures can be found on the project story map.

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3 Action Plan

This section identifies recommended actions and projects to be implemented in the Plan Area that would minimize wildfire impacts to the community. Appendix D identifies priority projects that were identified during the CWPP development projects. Projects and actions identified in this section and Appendix A would need to be funded and approved by the appropriate regulatory authority prior to implementation. In some cases, completion of environmental review would be necessary prior to project implementation (see Appendix E).

MFD, along with Plan Area interested parties and community members, intend to assess project progress annually and invite agencies, landowners, and involved community members to submit projects that would minimize wildfire risk and promote community wildfire protection. Project identification and implementation is an ongoing process, and additional projects will be evaluated by MFD. Where applicable, the projects or recommended actions presented in this section will be updated to reflect additions or changes.

This CWPP is a living document and has been created to allow for ongoing management, updates, and community input intended to reduce the impact of wildfires in the Plan Area.

3.1 Plan Monitoring and Management

Long-term monitoring and management of the CWPP is necessary to ensure successful implementation of the plan, as well as to identify new or additional projects for reducing overall community wildfire risk. Consistent review and monitoring of projects and project areas (e.g., vegetation management areas) is also important for identifying areas that need follow-up maintenance. The following actions by MFD are intended to ensure consistent monitoring of the CWPP:

- **Maintain the CWPP.** Long-term maintenance of this CWPP is essential. Maintaining the CWPP document is critical to track completed projects and ongoing vegetation management efforts, and, most importantly, to address and define new priority projects. The CWPP should be reviewed annually with an edit cycle every 3 to 5 years.
- **Review and expand on the vegetation management projects identified in this CWPP.** The prioritized list/map of vegetation management projects included in Appendix D of this CWPP should be reviewed at least annually and updated accordingly. Requests from project proponents to update the priority projects list should be considered in a timely manner.
- **Collaborate with interested parties to maintain the CWPP.** Set up a standing committee to address the long-term management and maintenance of this CWPP.

3.2 Action Plan

The following guiding principles, goals, and action items constitute the Action Plan for implementing the CWPP. The Action Plan should be implemented to serve and protect lives, property, critical infrastructure, and Plan Area resources threatened by wildland fire. MFD and partner cities recognize the catastrophic impacts of wildfire in the Plan Area community. This CWPP is intended to reduce wildfire hazards and risk through implementation of the action items outlined in this section.

Table 12. Action Plan

Guiding Principle 1: An informed community			
Goal: Community members will be informed about wildfire risks through educational outreach efforts and will work together to create fire-adapted neighborhoods and communities.			
Action	**Responsible Party/Partnerships**	**Priority (Low-Med-High)**	**Cost ($–$$$)**
Conduct biannual educational seminars to educate residents on wildfire preparedness and mitigation; educational topics may include, but are not limited to the following: ▪ Defensible Space ▪ Structural Hardening and Retrofits ▪ Evacuation ▪ Invasive Species Removal	MFD	High	$
Create educational materials depicting proper defensible space guidelines specific to homes within a Monterey pine/oak woodland forest	MFD	High	$
Maintain the project StoryMap as a hub for information sharing amongst community members and interested parties	MFD/consultant	High	$
Provide information and resources to community groups, neighborhood associations, homeowners' associations, etc. to pursue National Fire Protection Association Firewise USA Program Community Certifications to reduce wildfire risk at a local level	MFD, Monterey, PG, CBTS	High	$
Conduct outreach specific to vulnerable communities (frontline populations and communities) to provide education regarding wildfire hazards, emergency communications, and evacuation procedures in the Plan Area (outreach should address emergency notifications, materials, training and communications for non-English speakers, social networks, and community advisory councils and should engage local leaders where possible)	MFD, Monterey, PG, CBTS, Monterey County Fire Safe Council	Low/Med	$
Collaborate with Monterey County Fire Safe Council to leverage existing constituents to disseminate educational information	MFD	Med	$
Leverage existing resources and groups, such as the cities' Community Emergency Response Team (CERT), to disseminate information on wildfire risk, mitigation strategies, and evacuation procedures	MFD, Monterey, CBTS	Med	$
Host practice evacuation events throughout the Plan Area on an annual basis	MFD, Monterey, PG, CBTS	Low	$$$
Conduct public outreach/education in communities where vegetation management projects are proposed prior to initiation of work	MFD, Monterey, PG, CBTS	High	$

Table 12. Action Plan

Coordinate with the landowners near the Deer Flats community to develop strategies for conducting fuels reduction projects across multiple land ownerships	MFD, Monterey, County, City of Forester	Med	$$
Guiding Principle 2: Cohesive fire adaptation built on partnerships			
Goal: Adjacent jurisdictions and affiliated organizations will be included in fire adaptation and management efforts to create a network of fire-safe communities.			
Action	**Responsible Party/Partnerships**	**Priority (Low-Med-High)**	**Cost ($ - $$$)**
Support collaborative vegetation management projects across ownership boundaries that reduce fire hazard and protect natural and agricultural resources	MFD, Monterey, PG, CBTS, Pebble Beach Community Services District, Presidio, La Mesa, NSAM	Med	$
Collaborate with Pebble Beach Community Services District and CAL FIRE to create cohesive wildfire mitigation strategies that foster a holistic approach to wildfire risk reduction	MFD, Monterey, PG, CBTS, Pebble Beach Community Services District	High	$
Collaborate with the U.S. Army Garrison Presidio of Monterey and the U.S. Naval Postgraduate School to create cohesive wildfire mitigation strategies	MFD, Monterey, NSAM, La Mesa, Presidio	High	$
Consult with local tribes during wildfire mitigation planning	MFD, Monterey, PG, CBTS, local tribal council	Med	$
Collaborate with the Monterey County Fire Safe Council to prioritize community wildfire mitigation projects	MFD, Monterey, PG, CBTS, Monterey County Fire Safe Council	Med	$
Work with recreational facilities, campgrounds, and other guest-oriented businesses to develop evacuation preplans and preparedness for wildfire	MFD, Monterey, PG, CBTS	Low	$
Coordinate with interested parties (U.S. Forest Service, CAL FIRE, County of Monterey, Presidio, land trusts, and others) to facilitate information and data sharing, resource sharing, coordination of management activities, property access, grant funding, and cost-sharing opportunities	MFD, Monterey, PG, CBTS, regional partners as indicated	Med	$$
Update the City of Monterey General Plan Safety Element to address wildfire risk and identify goals and policies to implement risk reduction strategies, such as vegetation treatment targets (e.g., acres treated per year), defensible space requirements, and development requirements beyond Chapter 7A; and discuss requirements for areas within the City's High and Very High Fire Hazard Severity Zones as identified in Figure 14 of the General Plan	MFD, Monterey	High	$$
Update the City of Monterey General Plan Public Facilities Element to provide recent information regarding Monterey Fire Department's role and communities served	MFD, Monterey	Med	$

Table 12. Action Plan

Partner with universities and research institutions to support or conduct wildfire-related projects or research that would benefit the Plan Area	MFD, Monterey, PG, CBTS	Low	$
Develop an evacuation plan for the Community Hospital of the Monterey Peninsula	MFD, Community Hospital of the Monterey Peninsula, Monterey County Office of Emergency Services	Low	$$
Guiding Principle 3: Hardened infrastructure			
Goal: Infrastructure will be hardened against wildfire to allow for safe access and the ability of structures and landscapes to withstand wildfire.			
Action	**Responsible Party/Partnerships**	**Priority (Low-Med-High)**	**Cost ($ - $$$)**
Identify critical infrastructure and facilities in need of structural hardening	MFD, Monterey, PG, CBTS	Med	$
Conduct roadside fuels reduction along major roadways and roads identified as evacuation routes by each city (see Appendix D for recommended roadside fuel treatment projects)	MFD, Monterey, PG, CBTS	High	$$
Identify and remove hazardous trees along major evacuation corridors	MFD, Monterey, PG, CBTS	Med	$$
Revaluate City Tree Ordinances to expedite maintenance or the removal of trees that pose wildfire hazards (e.g., allow for Monterey Fire Department tree inspection to determine wildfire hazard)	MFD, Monterey, PG, CBTS	Med	$
Develop a coordinated evacuation plan for the Plan Area	MFD, Monterey, PG, CBTS, Monterey County Department of Emergency Management	Med	$
Evaluate opportunities for engaging Plan Area residents and landowners in structural retrofit programs	MFD, Monterey, PG, CBTS	Med	$$
Encourage structural retrofits for Plan Area structures through assessments, community education, and grant funding opportunities	MFD, Monterey, PG, CBTS	Low	$$$
Install evacuation signage/lighting along designated evacuation routes	MFD, Monterey, PG, CBTS	Low	$$$
Facilitate emergency vehicle access and evaluate the need for road maintenance on private and public roads	MFD, Monterey, PG, CBTS	Med	$$
Coordinate with those with jurisdiction over roadways (e.g., the California Department of Transportation, cities, landowners) to establish road maintenance agreements	MFD, Monterey, PG, CBTS	Med	$$
Establish staging areas and shelter-in-place sites throughout the Plan Area where the potential exists for	MFD, Monterey, PG, CBTS	Low	$$$

Table 12. Action Plan

road blockage due to wildfire, flood, downed trees, and other emergencies			
Conduct structural hardening retrofits at the Westland House of the Community Hospital of the Monterey Peninsula	MFD, Monterey, Montage Health	Low	$
Guiding Principle 4: Healthy, fire-adapted ecosystems			
Goal: Landscapes and open space areas will be maintained with ecosystem health, environmental protection, and respect for cultural significance as a priority.			
Action	**Responsible Party/Partnerships**	**Priority (Low-Med-High)**	**Cost ($ - $$$)**
Implement vegetation treatment activities identified in Appendix C	MFD, Monterey, PG, CBTS	High	$$$
Ensure appropriate environmental review is conducted prior to implementing fuels reduction projects	MFD, Monterey, PG, CBTS	High	$$
Consult with a qualified biologist and/or Registered Professional Forester when designing fuels treatment prescriptions	MFD, Monterey, PG, CBTS	High	$$
Promote Monterey pine regeneration through fuels reduction projects in Monterey pine forests (projects may include raking and removing/reducing the pine needle and leaf litter layer to expose mineral soil to promote seedling establishment in treated areas)	MFD, Monterey, PG, CBTS	Med	$$
Develop a French broom removal program to increase the scale of invasive species management and reduce hazardous ladder fuels across the Plan Area	MFD, Monterey, PG, CBTS	Med	$$$
Remove dead and down woody debris annually following winter storms and prior to June 1 of each year	MFD, Monterey, PG, CBTS	Med	$$$
Conduct annual monitoring of vegetation management project areas and implement treatment maintenance as needed (monitoring efforts can identify areas in need of additional vegetation management treatments)	MFD, Monterey, PG, CBTS	High	$$
Consider the use of cultural burning	MFD, Monterey, PG, CBTS	Low	$$$
Develop post-fire rehabilitation guidelines in cooperation with appropriate federal, state, and local agencies; and ensure that post-fire rehabilitation guidelines focus on reducing the importation or spread of invasive species and focus on restoring native habitats where applicable	MFD, Monterey, PG, CBTS	Low	$$$

Table 12. Action Plan

Guiding Principle 5: Coordinated response to wildfires			
Goal: The Monterey Fire Department and mutual aid partners will have the capacity to respond to wildfire emergencies while maintaining firefighter and community safety.			
Action	**Responsible Party/Partnerships**	**Priority (Low-Med-High)**	**Cost ($ - $$$)**
Hold annual meetings with mutual aid partners to discuss emergency response goals and ensure targets are being met	MFD, various partner agencies, Monterey County Department of Emergency Management	High	$
Prepare annual reports of incidents and responding mutual aid partners	MFD	Med	$
Identify additional resources needed to adequately respond to wildfires and achieve response target goals	MFD	Med	$
Guiding Principle 6: Sufficient funding and resources			
Goal: Wildfire management efforts will be supported through sufficient financial investment and staffing.			
Action	**Responsible Party/Partnerships**	**Priority (Low-Med-High)**	**Cost ($ - $$$)**
Evaluate staffing capacity annually and identify staffing needs to ensure an adequate capacity for widespread community wildfire mitigation projects	MFD	High	$
Identify and pursue grant funding opportunities for wildfire projects and apply for appropriate grants or cost-share programs (wildfire projects may include those associated with vegetation management, structural retrofits [structural hardening], planning, and community education or engagement; see Appendix F for potential funding opportunities)	MFD, Monterey, PG, CBTS	Med	$$
Pursue efforts to get Plan Area communities on California's Fire Risk Reduction Communities List to be prioritized for California Department of Forestry and Fire Protection Fire Prevention Grant Funding	MFD, Monterey, PG, CBTS	Low	$$
Pursue the development of a Home Hardening Grant Program	MFD, Monterey, PG, CBTS	Low	$$
Collaborate with the Monterey County Fire Safe Council to obtain grant funding for community wildfire mitigation projects	MFD, Monterey, PG, CBTS, Monterey County Fire Safe Council	Med	$
Increase the number of properties inspected in the Plan Area annually and set inspection targets for the Monterey Fire Department	MFD	High	$

Table 12. Action Plan

Empower neighborhood councils, community groups, homeowners' associations, etc. to pursue grant funding for community-scale retrofits	MFD, Monterey, PG, CBTS	Med	$
Evaluate opportunities for subsidies or incentive programs for property owners to complete and maintain defensible space vegetation management work	MFD, Monterey, PG, CBTS	Low	$

Notes: MFD = Monterey Fire Department; Monterey = City of Monterey; PG = City of Pacific Grove; CBTS = City of Carmel-by-the-Sea; County = County of Monterey; HOA = homeowners' association; CAL FIRE = California Department of Forestry and Fire Protection; NSAM = Naval Support Activity Monterey.

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4 Community Wildfire Protection Plan Authorization

The Monterey, Carmel-by-the-Sea, and Pacific Grove CWPP was collaboratively developed. Interested parties and local, state, and federal agencies managing land within or adjacent to the Plan Area were consulted. This document identifies and prioritizes areas for hazardous fuel reduction treatments, provides recommendations for the types and methods of treatment that will protect the at-risk communities in the Plan Area, and recommends measures to reduce the ignitability of structures and private property within the Plan Area. This CWPP is intended to better protect the community from the threat of wildfires by promoting community-level risk reduction projects.

The following entities mutually agree with the contents of the Monterey, Carmel-by-the-Sea, and Pacific Grove CWPP:

Name: Monterey Fire Department **Title:** Fire Chief

Name: _____ **Title:** _____
City of Monterey

Name: _____ **Title:** _____
City of Carmel-by-the-Sea

Name: _____ **Title:** _____
City of Pacific Grove

4/12/2024

Name: George Nunez, Jr. **Title:** Unit Chief
CAL FIRE San Benito-Monterey Unit

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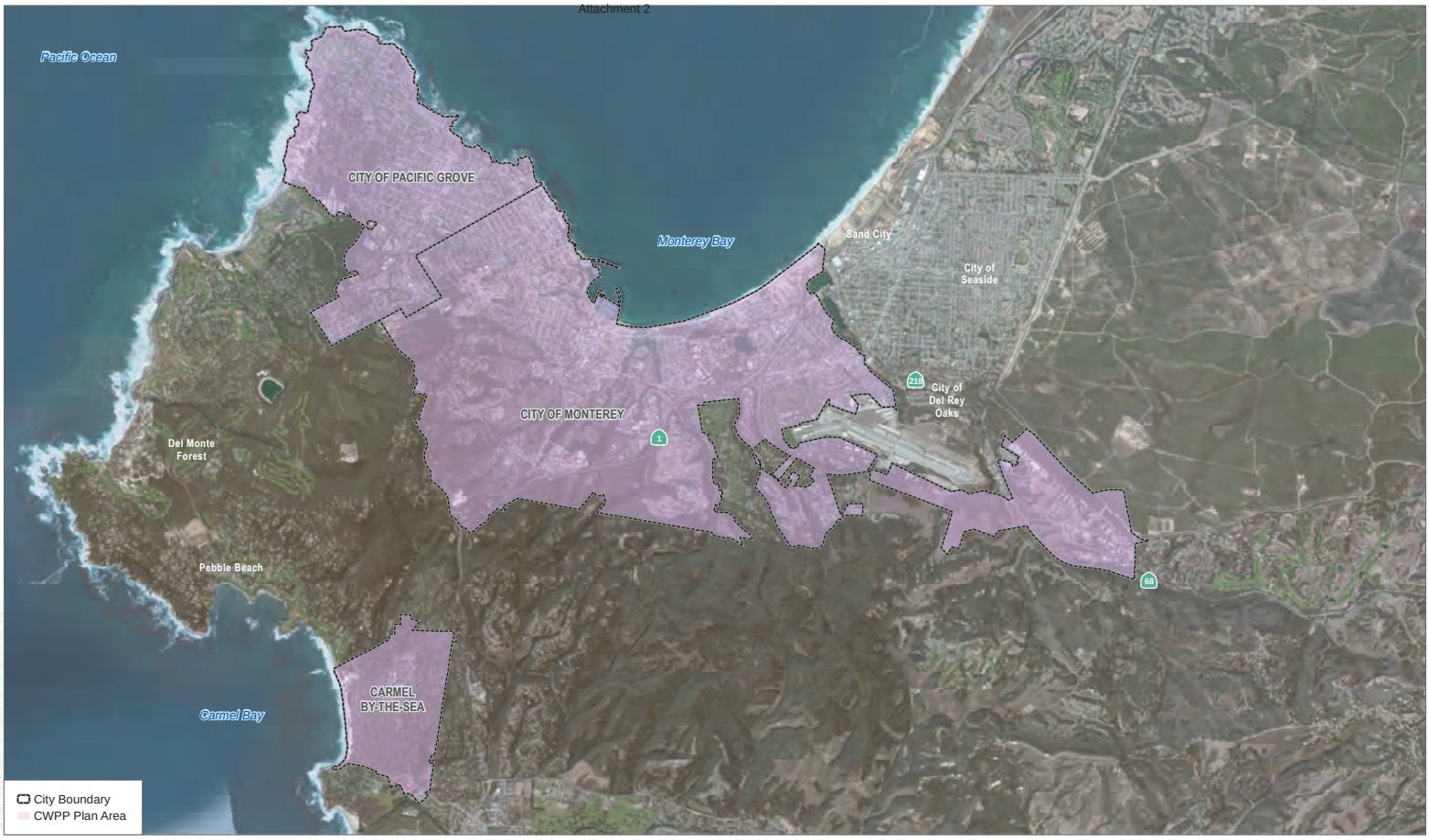
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SOURCE: Esri Clarity Basemap 2022, OpenStreetMap

DUDEK

0 2,000 4,000 Feet

FIGURE 1

Plan Area

Community Wildfire Protection Plan - Monterey, Pacific Grove, and Carmel-by-the-Sea

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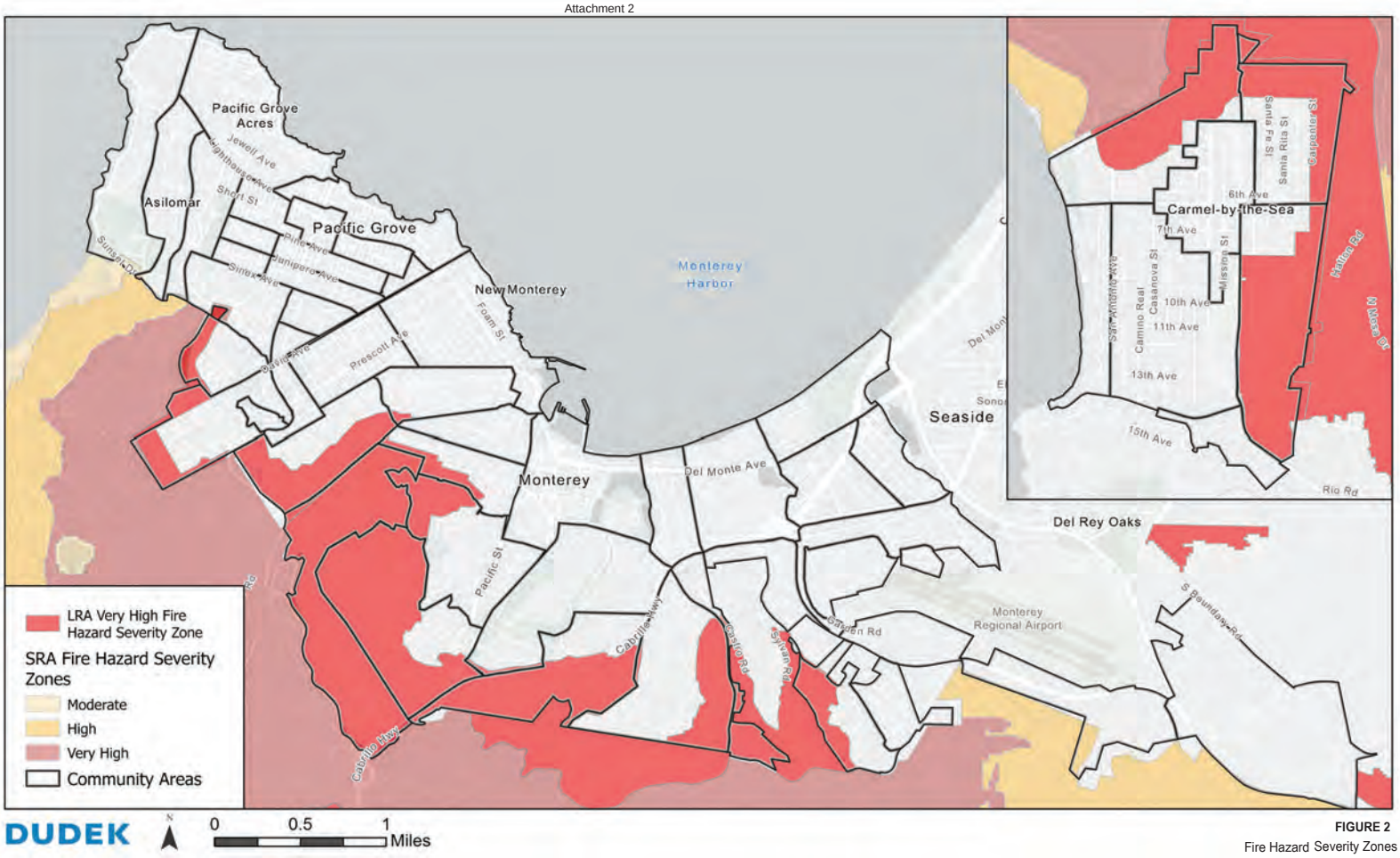


FIGURE 2

Fire Hazard Severity Zones

Community Wildfire Protection Plan - Monterey, Pacific Grove, and Carmel-by-the-Sea

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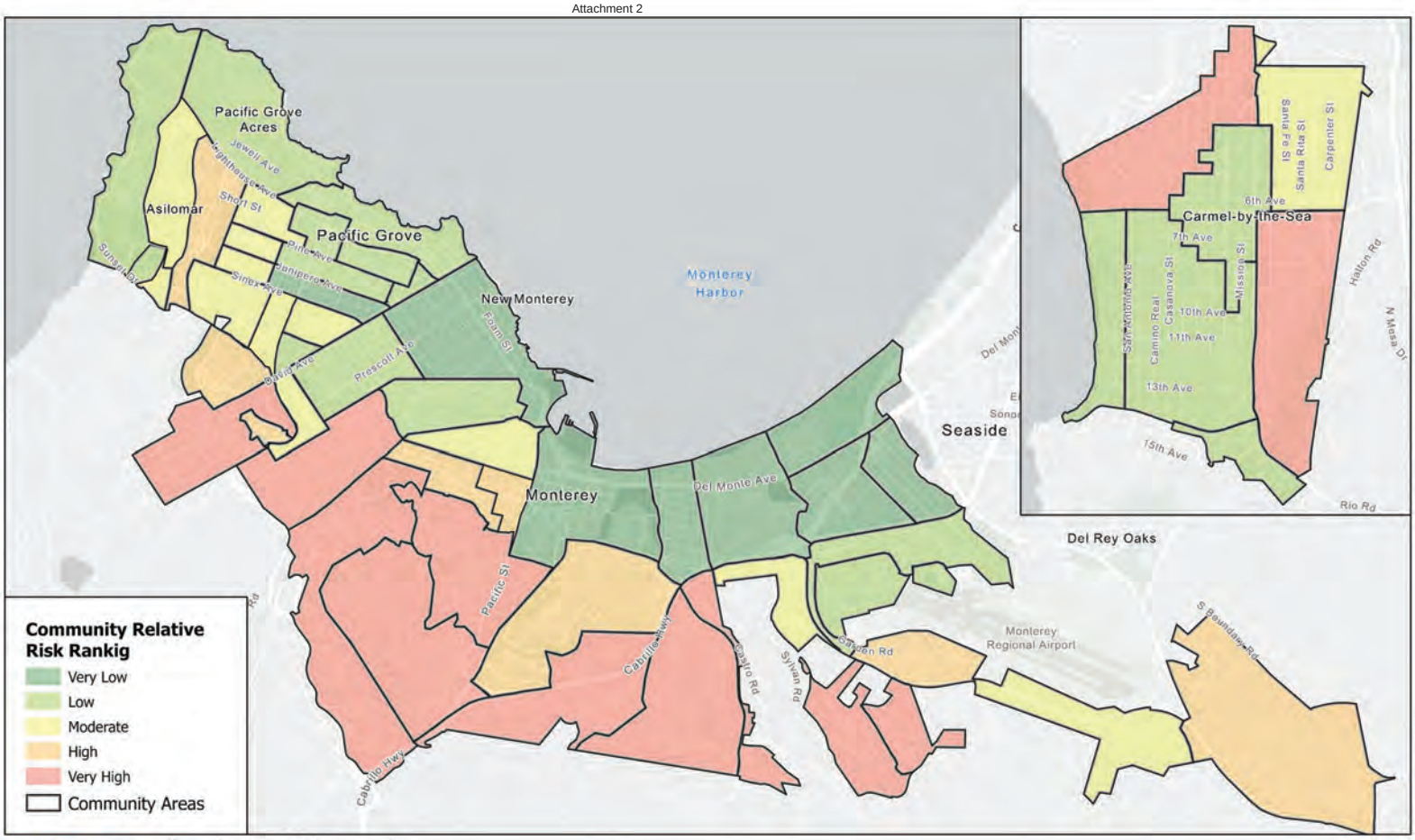
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N

0 0.5 1 Miles

FIGURE 3
Wildland-Urban Interface
Community Wildfire Protection Plan - Monterey, Pacific Grove, and Carmel-by-the-Sea

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FIGURE 4
Community Relative Risk Ranking
Community Wildfire Protection Plan - Monterey, Pacific Grove, and Carmel-by-the-Sea

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Appendix A

Wildfire Hazard and Risk Assessment Methodology for Monterey, Carmel-by-the-Sea, and Pacific Grove Community Wildfire Protection Plan

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1 Wildfire Risk Assessment

A Wildfire Risk Assessment (WRA) was conducted for the Plan Area (Cities of Monterey, Pacific Grove, and Carmel-by-the-Sea) and surrounding regions (Pebble Beach and other unincorporated areas) using the Interagency Fuel Treatment Decision Support System (IFTDSS) program (USDOI and USDA 2022). The assessment was conducted in two basic stages: the initial stage modeled wildfire hazards, and the second stage modeled wildfire risk. Wildfire hazard represents the existing wildfire environment and potential wildfire behavior occurring in that environment. Wildfire risk is the intersection of wildfire hazard and identified highly valued resources and assets and represents the potential impact of wildfire on these assets and resources. This memorandum summarizes the WRA and includes a discussion of datasets, assumptions, model inputs, and model results. The model results can be utilized to identify and prioritize vegetation management project locations intended to reduce wildfire risk.

1.1 Wildfire Hazard Assessment

A Landscape Burn Probability (LBP) analysis was performed in the IFTDSS software to evaluate Integrated Hazard. Integrated Hazard is an analysis process that combines two important measures—burn probability and conditional flame length—into a single geographic information system (GIS) output layer. The LBP model is identical to the Minimum Travel Time Burn Probability model in FlamMap. The LBP analysis has fixed input variables (see Table 1) and simulates head, backing, and flanking fire front (see Section 1.1.2, Conditional Flame Length). Conditional flame length is the mean flame length value (in feet) for all the randomly simulated fires that burn a given point of the analysis area during a model run. The Integrated Hazard modeling analysis generates seven relative hazard classes based on the intersection between burn probability and conditional flame length (see Section 1.1.4, Integrated Hazard).

To initiate the modeling effort, a Landscape Base file was selected and analyzed. The Landscape Base file consisted of eight distinct data layers representing terrain (elevation, slope, and aspect) and vegetation/fuels (fuel model designation, canopy cover, stand height, canopy base height, and canopy bulk density). The Landscape Base file was sourced from the 2016 LANDFIRE dataset embedded in the IFTDSS application. LANDFIRE base data is provided in raster format, with a ground resolution of 30 meters.[1] The 2016 Landscape Base file was evaluated to confirm fuel model accuracy.

The 2016 LANDFIRE data is the most current publicly available data in IFTDSS and includes a remap of vegetation/fuels in disturbance areas. LANDFIRE remapped disturbance areas between 2009 and 2016 (including wildfires) such that the data represents pre-disturbance conditions. The 2016 LANDFIRE dataset was evaluated for the Plan Area and compared with available fire history datasets. The 2016 LANDFIRE dataset represents fuel conditions present prior to major fires that occurred in the Plan Area from 2017 through 2021 (e.g., 2018 Woolsey Fire). The pre-burn conditions represented in this dataset include mature, sometimes decadent vegetation communities that can support higher-severity wildfires. No modifications to the 2016 LANDFIRE dataset were made. Future LANDFIRE datasets are anticipated to include the results of remapping efforts, as described, allowing for this WRA to be repeated in the future.

From a wildfire modeling perspective, the Plan Area exhibits characteristics that result in inaccuracies in the LANDFIRE Landscape file and most specifically the fuel model. LANDFIRE fuel models are determined through

[1] Individual mapping unit in the Landscape Base file representing an area measuring 30 meters by 30 meters on the ground.

satellite imagery and are generally most accurate when representing large continuous tracts of natural vegetation. The Plan Area includes patches of natural vegetation intermixed with communities and urbanized areas. When analyzing the default landscape data, it was clear that many areas of natural vegetation were not recognized due to their proximity to urbanized areas. The converse was also evident, as many urban areas (for example, Downtown Carmel) were assigned vegetative fuel models even though the ground surface is non-burnable. This is due to the considerable amount of street trees in the Plan Area, which misguide the designated surface fuel model selection.

The 2019 National Land Cover Database (NLCD) was used to modify the fuel model in the assessment area to accurately represent fuel models in urbanized areas. The NLCD is created in cooperation with the Multi-Resolution Land Characteristics Consortium, a partnership of federal agencies that produce nationally consistent land cover datasets for the United States. The NLCD includes an impervious surfaces layer, which allows for the identification of urban ground cover, including paved areas and structures. Impervious surfaces were overlayed for the assessment area and assigned to Fuel Model NB1 (Urban/Suburban) using the Landscape edit feature in IFTDSS. Irrigated and maintained golf course holes were also set to Fuel Model NB1. This resulted in an overall increase in non-burnable areas in the assessment area and a more accurate picture of surface fuel models. The fuel model was then re-examined to identify errors in the NLCD impervious surfaces layer. Areas of natural vegetation improperly classified as urban areas were assigned fuel models based on vegetation conditions observed during the field visit. The LANDFIRE fuel model dataset was further edited to reflect the California Department of Forestry and Fire Protection (CAL FIRE) state responsibility area fuel model designations for Monterey pine (*Pinus radiata*) forests. This data was obtained from CAL FIRE's 2022 State Responsibility Area Fire Hazard Severity Zone intermediary datasets (CAL FIRE 2022). The edited fuel model allows for better accuracy when modeling wildfire hazard and risk in the assessment area, especially within the wildland-urban interface.

To run LBP in IFTDSS, model inputs are required for wind, weather, ignition, and model duration. Inputs used during this assessment are provided below in Table 1.

Table 1. Wildfire Behavior Modeling Inputs

Model Input	97th Percentile	50th Percentile
Wind Speed	26 mph	6 mph
Wind Direction	40 degrees	N/A
Wind Type	Gridded	Uphill
1-Hour Fuel Moisture	5%	12%
10-Hour Fuel Moisture	7%	15%
100-Hour Fuel Moisture	11%	18%
Herbaceous Fuel Moisture	40%	60%
Live Woody Fuel Moisture	60%	80%
Crown Fire Calculation Method	Scott/Reinhart	Scott/Reinhart
Spotting Probability	40%	15%

Note: N/A = not available.

Wind speed, wind direction, and fuel moisture values were determined through local Remote Automated Weather Stations, historic wildfire reports, the National Fuel Moisture Database for the CAL FIRE San Benito-Monterey Unit using the Pebble Beach sampling site, and guidance from local fire officials. National Fuel Moisture Database data was processed to determine 97th and 50th percentile fuel moisture values (1-hour, 10-hour, and 100-hour fuel

moistures, live herbaceous moisture, and live woody moisture), wind speeds, and wind directions. The 97th percentile values, reflecting extremely low fuel moisture and very high wind speeds, were used for peak weather (August–October) scenarios. Wind data for 50th and 97th percentile weather was obtained from the Ford Ord #1 Remote Automated Weather Station using the FireFamily Plus software.

For 97th percentile weather conditions, gridded winds were used to model fire behavior, which utilize the WindNinja program embedded in IFTDSS. Gridded winds alter wind flows across the landscape based on topographic effect (e.g., drag effect vegetation has on wind flow). Gridded winds more accurately model the effects of complex terrain (e.g., funneling through narrow canyons) during directional wind events. Uphill winds were utilized to model fire behavior during 50th percentile weather conditions.

Fuel moisture values were set to "do not condition" for all three scenarios. This approach is typically used when fuel moistures are known, as was the case with this analysis (fuel moisture values were instead input directly, as identified in Table 1). The Scott/Reinhardt (2001) crown fire model method was selected for all three scenarios as it better predicts the likelihood of crown fire transition with subsequent crown fire behavior. The spotting probability feature in IFDTSS controls how many pixels launch embers where a crown fire is initiated. Spotting probability was set to 40% and 15% for 97th and 50th percentile weather conditions, respectively. In a wind-driven fire, spotting is a major factor and significantly contributes to fire growth and can cause spot fires miles away from the flaming front (see Section 1.1.3, Spotting Potential).

Ignitions were set to random. IFTDSS models a minimum of 1,000 fires for an LBP run and keeps adding ignitions until at least 98% of the burnable portions of the analysis area burn. Burn period length describes the duration of worst-case fire growth. The burn period was set to 12 hours, the maximum value in IFTDSS.

1.1.1 Burn Probability

Burn probability represents the likelihood that a given location in the analysis area would burn, considering the model inputs used. Burn probability is related to the size of fires that occur on a given landscape, where larger fires produce higher burn probabilities than smaller fires. As fire size is a function of wildfire spread rate and wildfire duration, weather conditions that reduce spread rates will lower burn probability. Burn probability is calculated as follows:

- Burn Probability = number of times burned / total number of ignitions

As noted, random ignitions were utilized for all model runs. A total of 14,107 modeled fires were run for the LBP analysis. In this example, if a pixel burned 850 times over the model run period (with 14,107 fire simulations), it would have a burn probability of 0.06, (850 / 14,107 = 0.06). If a pixel burned 14,107 times in 14,107 fire simulations, it would have a burn probability of 1.0, (14,107 / 14,107 = 1.0). If a pixel never burned during the 14,107 fire simulations, it would have a burn probability of 0 (0/14,107 = 0).

The modeling results for burn probability are displayed with seven distinct classes. The first two classes represent pixels that did not burn:

- Non-burnable – pixels have a non-burnable fuel model and cannot burn.
- Burnable but did not burn – pixels have burnable fuels but did not burn (e.g., a fire never reached the pixel, or a fire started within the pixel, but it was unable to burn out of the pixel because the fire spread rate was too slow).

The other five classes are based on the maximum value of burn probability for the model run.

- Lowest (0%–20% of maximum)
- Lower (20%–40% of maximum)
- Middle (40%–60% of maximum)
- Higher (60%–80% of maximum)
- Highest (80%–100% of maximum)

1.1.2 Conditional Flame Length

Conditional flame length is an estimate of the mean flame length for all the fires that burn at a given point on the landscape during a model run. This value is typically lower than flame length values generated from a Landscape Fire Behavior analysis in IFTDSS as it accounts for heading, flanking, and backing fires. Heading fires typically have higher flame lengths than flanking or backing fires; thus, the conditional flame length value is lower as it represents the mean of these three fire types. Conditional flame length is also the mean of all fires encountered by a pixel over the model period as compared with a single fire. Conditional flame length values have a maximum of 25 feet.

Conditional flame length is calculated as follows (where FLP_i is the probability of fire at a given intensity and FL_i is the mid-point of the given intensity level):

- Conditional Flame Length = $\sum_{i=1}^{n} FLP_i * FL_i$

The model results for conditional flame length are displayed with eight distinct classes. The first two classes represent pixels that did not burn:

- Non-burnable – pixels have a non-burnable fuel model and cannot burn.
- Burnable but did not burn – pixels have burnable fuels but did not burn (e.g., a fire never reached the pixel, or a fire started within the pixel, but it was unable to burn out of the pixel because the fire spread rate was too slow).

The remaining six classes match those of the fire intensity levels:

- Greater than 0–2 feet
- Greater than 2–4 feet
- Greater than 4–6 feet
- Greater than 6–8 feet
- Greater than 8–12 feet
- Greater than 12 feet

1.1.3 Spotting Potential

Spotting is the launching of embers that result in spot fires increasing the spread of a fire and is included in LBP models (it does not produce a separate model output). Spotting occurs in trees and taller vegetation where an active or passive crown fire is initiated. Spotting occurs in short range (proximate to the flaming front) and long range (a long distance from the flaming front). Past fire behavior has documented long-range spotting at distances over 1 mile from the fire's flaming front. Spotting probability in IFTDSS ranges from 0% to 100% and controls how many pixels where a crown fire is initiated will result in embers being launched. A spotting value of 0% effectively turns off the spotting function, and a spotting value of 100% means that all points where a crown fire is initiated will launch embers.

Spotting probability also determines if a landed ember will result in a spot fire. For embers do that land, a random number, between 0 and 100, is generated. If the random number is lower than the spotting probability, then the landed ember will result in a spot fire. If the random number is higher than the spotting probability, the ember is discarded by the model, and no spotting occurs from that cell. For example, if the spotting probability is 25% and the random number generator chooses 16 then the ember lands and creates a spot fire.

The direction of ember travel is the same as the maximum spotting direction. The distance the ember travels before landing is determined using the random number generated for the cell and the maximum spotting distance. Spotting distance is calculated as follows:

- Spotting Distance = -log (random number) × Maximum Spot Distance / 5

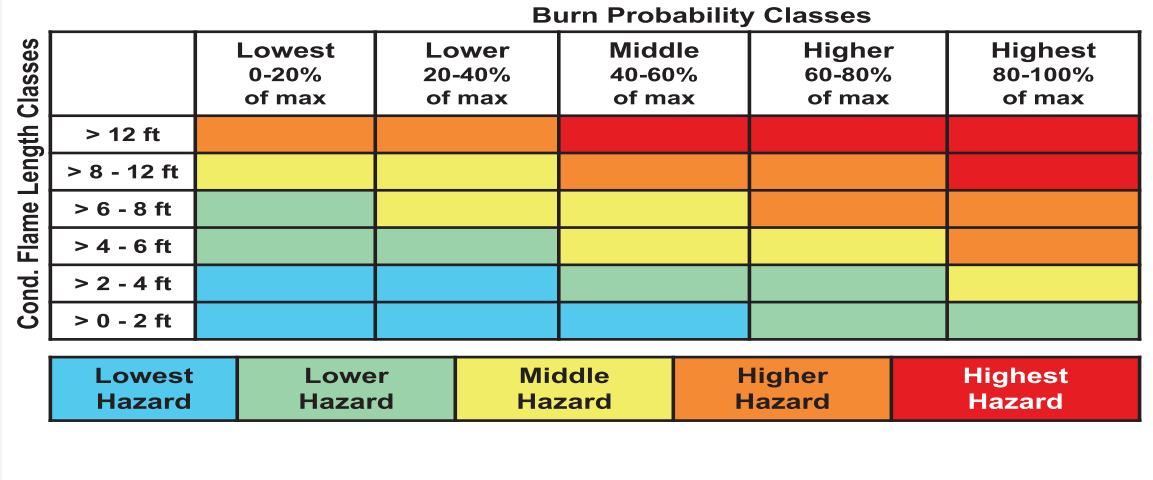
If an ember lands within the fire perimeter (already burned) or non-burnable fuels, the ember is discarded, and spotting does not occur.

1.1.4 Integrated Hazard

Integrated hazard is quantified and categorized in IFTDSS using the LBP model. This model evaluates burn probability (probability of a fire occurring at a specific point under a specified set of conditions) and conditional flame length (intensity at a specific point given a fire occurs) results. A diagram of the integrated hazard analysis process is included below (Exhibit 1). Integrated hazard is categorized into seven distinct classes: the first two are for pixels that did not burn, and the remaining five classes are based on the integrated hazard matrix presented below. The seven classes include the following:

- Non-burnable
- Burnable but not burned
- Lowest hazard
- Lower hazard
- Middle hazard
- Higher hazard
- Highest hazard

Exhibit 1. Burn probability and conditional flame length classes for determining Integrated Hazard



1.1.5 Landscape Fire Behavior

A Landscape fire behavior assessment was conducted in IFTDSS to map basic fire behavior outputs, including flame length and rate of spread. The assessment was performed under both 97th and 50th percentile weather conditions using the inputs provided in Table 1.

1.1.6 Ember Hazard Assessment

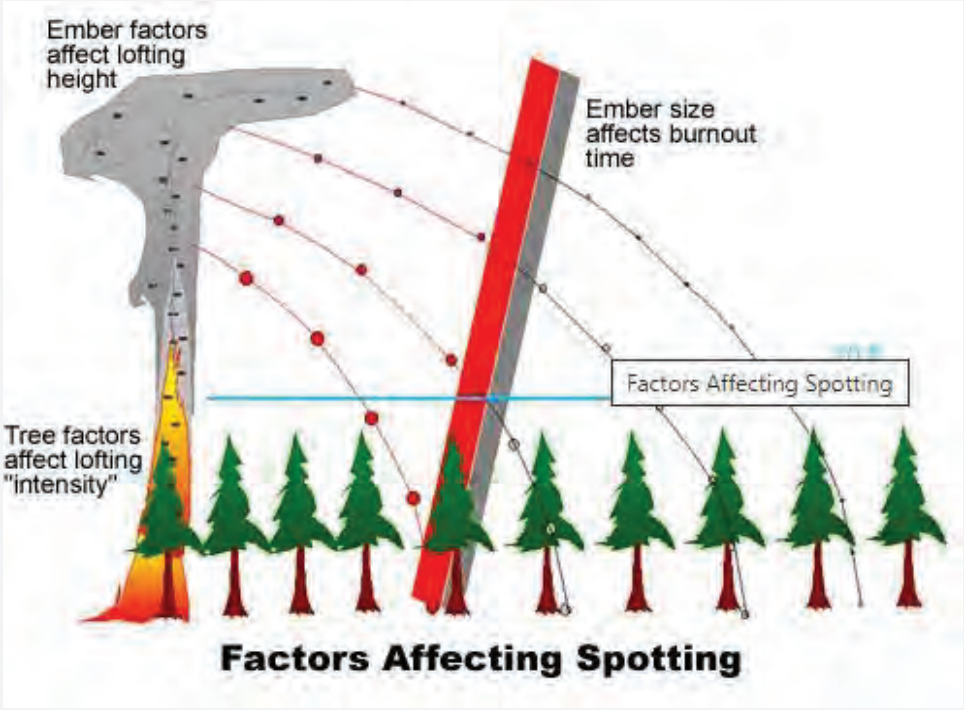
FlamMap was used to model spot fire potential for an area encompassing the Plan Area plus a buffer of approximately 2 miles. "Spotting" is the launching of embers that result in spot fires increasing the spread of a fire. In FlamMap, spotting is only simulated from torching trees when a passive or active crown fire is modeled. Spotting only occurs in trees where an active or passive crown fire is initiated. FlamMap does not model independent crown fires. The spotting component of FlamMap is intended to compute the maximum spotting distance from a given point on a fire front if torching occurs. The maximum spotting distance is determined by particle size, burnout rate, time, or distance traveled, as identified in Exhibit 2. Smaller particles are lofted higher and transported farther but will burnout sooner than larger particles. FlamMap does not simulate the number of embers, exact location of embers, or location of resulting spot fires.

Potential ember impacts at the project site were modeled using the MAXSPOT output from FlamMap. This output provides the maximum distance a fire brand should travel corresponding to weather and fuel moisture inputs provided in (Appendix).

To create the ember exposure map, the FlamMap MAXSPOT output was buffered to each fire brand pixel's maximum spread distance. This process was conducted for each pixel resulting in many overlapping circles of different sizes.

The number of overlapping circles was then counted for each pixel using the Count Overlapping Features Tool in ArcGIS Pro. The number of overlaps for each pixel is compared to other pixels to create the ember exposure map (see StoryMap: *Ember Exposure*). Areas with more overlap identify locations where embers are more likely to land during a wildfire. However, since the maximum spotting distance buffer for each fire brand pixel was applied in all directions instead of only the downwind direction (embers are likely to spot predominantly downwind), the exposure map should not be utilized as a quantitative assessment, but rather a means to generally compare ember impacts throughout the assessment area.

Exhibit 2. Spotting diagram



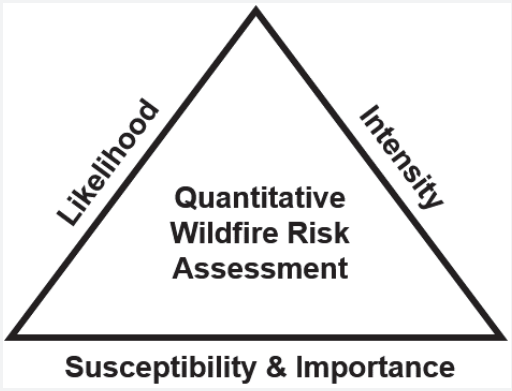
Source: Finney and McHugh 2019.

1.2 Wildfire Risk Assessment

Following the Wildfire Hazard Assessment, a Quantitative Wildfire Risk Assessment (QWRA) was conducted to evaluate wildfire risk for the Plan Area. A QWRA aids in land management by characterizing the predicted benefits and threats from a wildfire on Highly Valued Resources or Assets (HVRAs) across a landscape. Results from a QWRA can be used to identify and prioritize potential fuel treatment areas.

The QWRA considers both the threats and benefits of wildfire. Some resources may benefit from fire (e.g., fire-dependent plant species and landscapes that have departed from the historical fire regime), and others may be threatened by fire (e.g., communities). The QWRA first looks at the level of exposure of HVRAs to wildfire by comparing burn probability, conditional flame length, and integrated hazard outputs with the location of HVRAs across the analysis area. It then calculates the likelihood of a wildfire occurring and the susceptibility of HVRAs to potential wildfire intensity to determine risk (Exhibit 3). The following sections describe the QWRA process.

Exhibit 3. Quantitative wildfire risk assessment diagram.



1.2.1 Highly Valued Resources or Assets

HVRAs include natural resources or human-made assets. They can be positively or negatively affected by fire. HVRAs are categorized as either Primary HVRAs or Sub-HVRAs. Primary HVRAs are the overall categories in which the Sub-HVRAs are sorted. Sub-HVRAs are the geospatial component of Primary HVRAs. For example, if a Primary HVRA is Communities, a Sub-HVRA would be Low-Density Communities, a subset of Communities found in the Plan Area.

Communities was selected as the Primary HVRA for the QWRA. Sub-HVRAs include low- density, moderate density, and high-density communities. These communities may experience varying degrees of risk from wildfire due to differences in their composition and proximity to high hazard areas. Table 2 summarizes the HVRAs used in the QWRA.

Table 2. Primary HVRAs and Sub-HVRAs

Primary HVRA	Sub-HVRA
Communities	Low Density (>0–28 people per square mile)
	Medium Density (>28–250 people per square mile)
	High Density (>250 people per square mile)

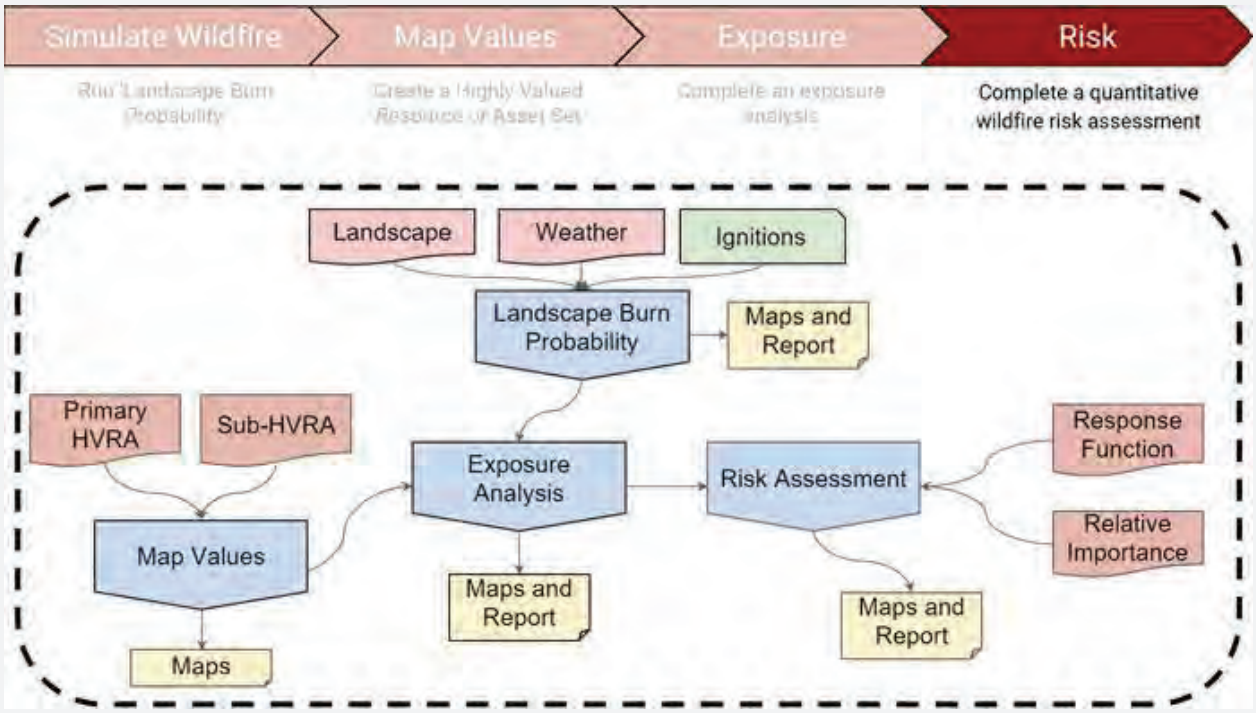
Note: HVRA = Highly Valued Resources or Assets.

The QWRA process is initiated by completing an exposure analysis (EA). EA is an assessment of wildfire hazard (likelihood and intensity) where HRVAs are located. The EA quantifies the LBP model outputs where they overlap with HVRAs. It compares burn probability, conditional flame length, and integrated hazard with the HVRAs across the analysis area. The EA was run for the Communities HVRA. The EA calculates the following for each HVRA:

- Mean burn probability
- Mean conditional flame length
- Mean integrated hazard
- Mean of product of burn probability and conditional flame length
- Relative extent
- Expected burn area

Model outputs for the EA map the intersection of HVRAs and LBP model outputs to identity the mean integrated hazard class for both the Primary and Sub-HVRAs. For this analysis, EA outputs were not exported as distinct datasets, but, rather, the outputs were incorporated into the QWRA described in the following section. Exhibit 4 provides a gpahical representation of the QWRA process.

Exhibit 4. Quantitative wildfire risk assessment flowchart



1.2.2 Quantitative Wildfire Risk Assessment

The QWRA was initiated by selecting the completed EA for Communities (which contained all the necessary inputs from the LBP analysis and the HVRA). The QWRA analysis then quantified and prioritized wildfire risk based on the susceptibility or response of the Sub-HVRA to wildfire (Response Function) and the quantitative weight to differentiate the importance of the HVRAs (Relative Importance).

Outputs for the QWRA focus on the overall change in value (Net Value Change [NVC]), whether positive or negative, on a given pixel in the analysis area. NVC has two outputs: Conditional Weighted NVC (CwNVC) (see Section 1.2.2.1, below) and Expected Weighted NVC (EwNVC) (see Section 1.2.2.2, below). NVC assesses the modeled impacts from wildfire on a given HVRA based on the HVRA's proximity to different integrated hazard classifications. It highlights the likely effects of a fire on HVRAs.

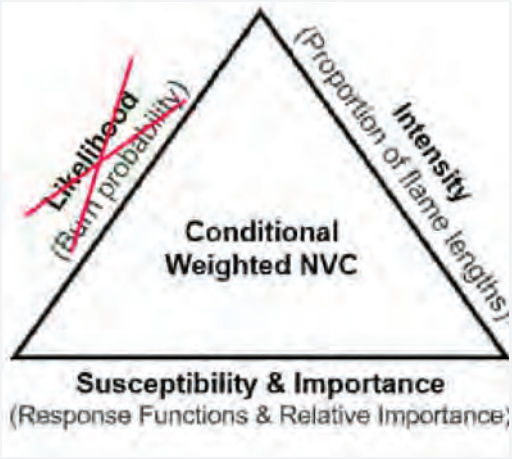
1.2.2.1 Conditional Weighted Net Value Change

CwNVC is a product of fire intensity, susceptibility, and importance (Exhibit 5). It highlights the likely effects of fire on HVRAs with the assumption that a fire will or has occurred. The CwNVC aids in planning scenarios where the presence of fire is assumed, and the goal is to understand the anticipated threats or benefits from fire. For example, CwNVC outputs could be evaluated where it is desirable to assess the impact of a wildfire on HVRAs. CwNVC is calculated using the following:

- Proportion of flame lengths (LBP output)
- Sub-HVRAs
- Response functions
- Relative importance
- Relative extent

CwNVC is calculated for every pixel in the analysis area and considers any overlapping HVRAs. Positive values are considered benefits, and negative values are considered threats. Values of zero are neither and can occur if no HVRAs are present, fire intensity is neutral, or the summation of the NVC is zero. CwNVC is used to calculate EwNVC.

Exhibit 5. Conditional weighted net value change.



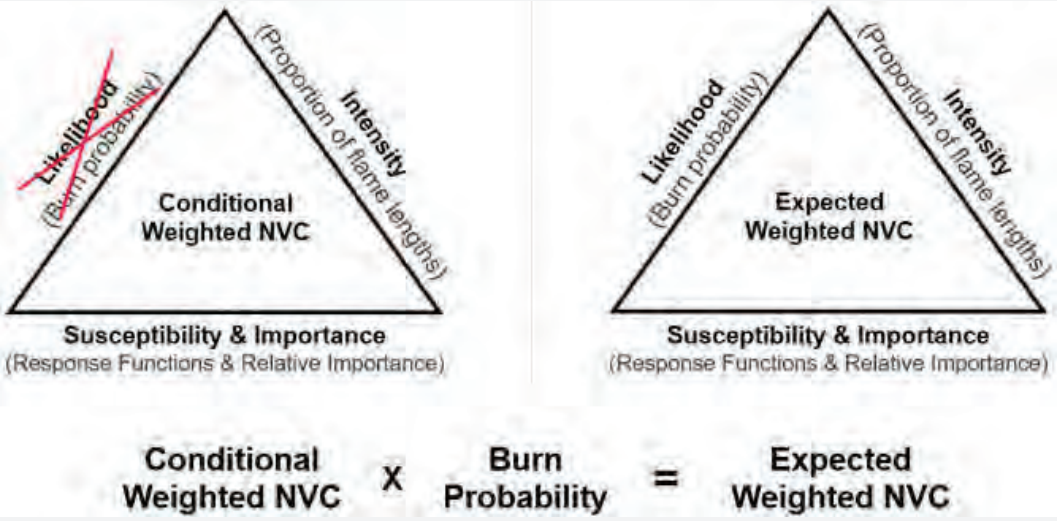
1.2.2.2 Expected Weighted Net Value Change

EwNVC analyzes the likelihood of a fire occurring and its effect on HVRAs. EwNVC is a product of CwNVC and burn probability (Exhibit 6). It determines the risk to HVRAs by intersecting wildfire hazard with the likelihood of occurrence and the potential impact on HVRAs. EwNVC is used for planning scenarios where the likelihood of a fire occurring needs to be considered (as opposed to CwNVC, which assumes a fire will occur). EwNVC is calculated based on the following:

- Burn probability (LBP output)
- Proportion of flame lengths (LBP output)
- Sub-HVRAs
- Response functions
- Relative importance

EwNVC is calculated for every pixel in the analysis area. Positive values indicate the HVRA is benefited by fire, and negative values indicate the HVRAs are threatened by fire (at-risk). As EwNVC is a product of CwNVC and burn probability, it is best used for planning scenarios where the likelihood of a fire occurring needs to be considered. EwNVC can be used to determine where best to implement fuels treatment projects.

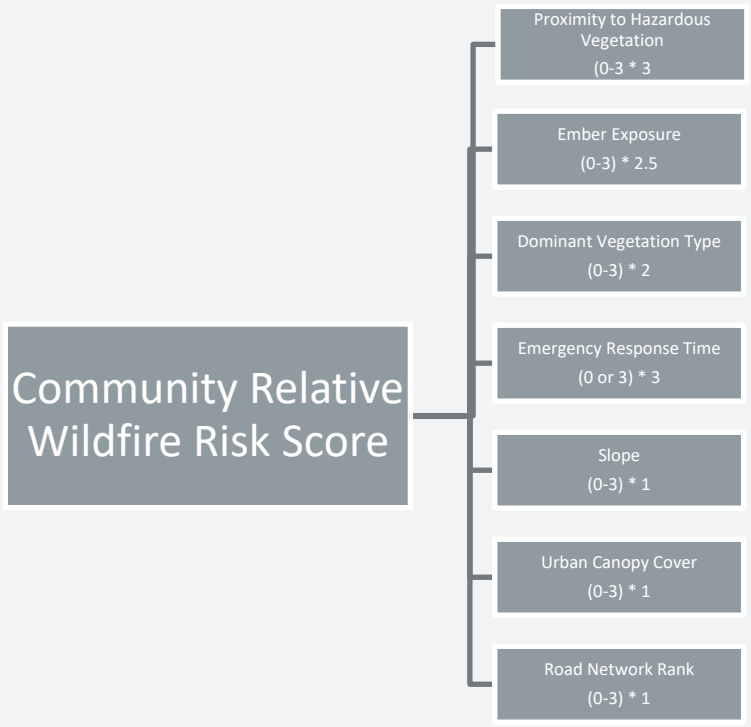
Exhibit 6. Expected weighted net value change.



2 Community Relative Risk Ranking Assessment

A community relative risk ranking was conducted for the Plan Area to identify high risk communities where wildfire risk mitigation should be prioritized. This assessment also aims to enhance resident awareness of the relative risks associated with their community. The evaluation of community wildfire risk involved quantifying key variables within the designated community areas. Each input value was then assigned a weighting value to account for the input's relative influence on wildfire hazard, with some inputs (i.e., proximity to hazardous vegetation) influencing wildfire hazard more than others (i.e., slope). Overall community wildfire risk was calculated at a 5-meter raster environment Exhibit 7 depicts the conceptual framework for calculating wildfire hazard.

Exhibit 7. Conceptual framework for calculating wildfire hazard.



Input variables were weighted dependent on their significance and combined to determine the overall risk ranking for communities (Table 3).

Table 3. Community Relative Risk Ranking Input Variables

Model Input and Weighting	Ranking Range
Proximity to Hazardous Vegetation (3)	Hazardous vegetation posing threats to communities was obtained from the Conditional Net-Value Change model results, selecting for vegetation identified as High, Higher, or Highest threat. The area of hazardous vegetation within the community and the 1,000-foot adjacent areas was compared to the overall community area to develop the input score.
Ember Exposure (2.5)	The Ember Hazard Zone layer was overlayed with community boundaries to determine the proportion of the community within the Ember Hazard Zone.
Dominant Vegetation Type (2)	Dominant vegetation within a community's vicinity was determined through the edited Fuel Model dataset. Dominant fuel models were binned as either urban, herbaceous, shrub, or timber fuels and ranked from 0 to 3, respectively.
Slope (1)	Average slope was determined within urbanized areas using a 30-meter digital elevation model (DEM) from the 2020 LANDFIRE landscape file. Urbanized areas were identified using the edited Fuel Model dataset, selecting for areas mapped as non-burnable.
Urban Canopy Cover (1)	Canopy cover data from the California Forest Observatory was overlayed with urbanized areas to determine average urban canopy cover. Communities with greater urban canopy cover were assigned higher ranking.
Emergency Response Time (3)	Emergency response time data was obtained from the Community Risk Assessment and Standards of Cover Study (Citygate Associates 2022). Communities outside of a 4-minute emergency response time were assigned a value of 3. Communities within the 4-minute emergency response window were assigned a value of 0.
Road Network Rank (1)	Street data obtained from the Monterey County geographic information system portal was utilized to determine community road network ranks. Road features including dead ends, road widths less than 20 feet, and whether the community includes a secondary access were considered. Communities with these features were assigned a relative ranking from 0 to 3 depending on the extent of these road network features.

The maximum community risk value observed within the Plan Area was 32, with a minimum value of 0. The total range of observed hazard values were binned into 5 classes including Very Low, Low, Moderate, High, and Very High using the natural breaks classification method in ArcGIS Pro. The wildfire hazard classification value breaks are provided below in Table 4.

Table 4. Community Relative Risk Ranking Classification Values

Hazard Score	Classification	Hazard Score	Classification
0–4	Very Low	>19–25	High
>4–11	Low	>25–32	Very High
>11–19	Moderate		

3 References

CAL FIRE (California Department of Forestry and Fire Protection). 2022. "State Responsibility Area Fire Hazard Severity Zone" [datasets]. https://osfmfhsz.blob.core.windows.net/public/index.html.

Citygate Associates. 2022. Community Risk Assessment and Standards of Cover Study. City of Monterey. April 29, 2022.

Finney, M., and C. McHugh. 2019. FlamMap: Fire Mapping and Analysis System. Version 6.0 [software]. http://www.firelab.org/document/flammap-software.

USDOI (US Department of the Interior) and USDA (US Department of Agriculture). 2022 (version 3.4.1.3). Interagency Fuels Treatment Decision Support System (IFTDSS). https://iftdss.firenet.gov/.

Appendix B
Community Outreach

Community Outreach

To complement the hazard risk analysis completed for the Plan Area, the project involved a three-prong community engagement approach. Public input is a crucial component in community wildfire protection plans (CWPPs) to ensure that the findings and recommendations presented are specialized to fit the worries, needs, and desires of each Plan Area community to help make them safer and more wildfire resilient. To ensure that the project reached the most amount of community members, the public outreach for this project involved a Stakeholder Working Group, a public survey, and one in-person community workshop for each city.

1 Stakeholder Working Group

The CWPP Stakeholder Working Group was formed to bring together a diverse representation of Monterey Fire Department staff and City staff to help advise the CWPP's developmental process (Table B-1). Six Working Group meetings were held between January and July 2023, with each meeting facilitated by the consultant team. During the series of Working Group meetings, members were introduced to the project, presented with preliminary hazard and risk assessment findings, discussed desired project outcomes, worked collaboratively to develop the CWPP guiding principles and goals, and reviewed the administrative draft of the CWPP and Action Plan. Each Working Group member brought a unique perspective to the group, providing the context for local policy and regulatory perspectives, community challenges, and safety considerations. Key insight gathered from the Working Group meetings are summarized in Table B-2.

Table B-1. Working Group Members

Name	Title	Jurisdiction/ Department
Gaudenz Panholzer	Fire Chief	Monterey Fire Department
Jeff Field	Fire Division Chief	Monterey Fire Department
Cheryl Kouretas	Fire Department Senior Admin Analyst	Monterey Fire Department
Carmyn Priewe	Deputy Fire Marshal	Monterey Fire Department
Laurie Huelga	Public Information Officer	City of Monterey
JD Sheldon	Fire Engineer	Monterey Fire Department
Christy Sabdo	Associate Planner	City of Monterey Planning
Louie Marcuzzo	Park Operations Manager	City of Monterey
Sam Mazza	Retired Fire Chief	Monterey Fire Department
Thys Norton	Assistant Urban Forester	City of Monterey – Urban Forestry
Cathy Madalone	Police Chief	Pacific Grove Police Department
Dan Gho	Public Works Director	City of Pacific Grove – Public Works
Anastacia Wyatt	Community Development Director	City of Pacific Grove
Brandon Swanson	Director of Community Planning and Building	City of Carmel-by-the-Sea – Planning
Aaron Campbell	Code Compliance Officer	City of Carmel-by-the-Sea
Jeff Watkins	Acting Police Chief	City of Carmel-by-the-Sea
Tom Ford	Administrative Analyst	City of Carmel-by-the-Sea

Table B-2. Working Group Key Insights

Topics	Working Group Insight
Community Wildfire Protection Plan Applicability	Findings from this plan can help inform safety and housing elements with new goals and policies.
Regulatory Barriers	Current tree ordinances make it difficult for hazardous trees to be removed with often vague language. Balance between removing hazardous vegetation and balancing environmental priorities is crucial for this community. Community members need more education on what is considered a hazardous tree and what the removal process entails.
Community Partnerships	Coalition/relationship building between neighborhood associations, community groups, government agencies, cultural groups, and more is necessary ongoing work to have project success.
Outreach	Communication and education are very important for these communities. Education and the methods of communication need to match the needs and demographics on the communities being served by this plan.
Fuel Treatment Areas	The Working Group discussed and compiled list of priority treatment areas based on modeling and community expertise.

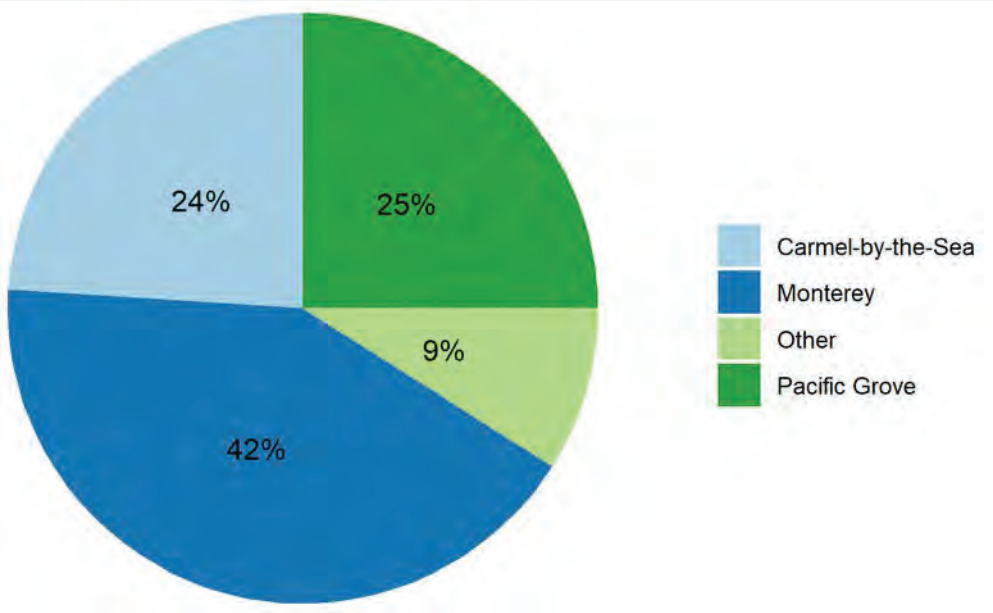
2 Public Survey

For a broad understanding of how community members feel and are impacted by wildfire, we sent out an online survey using the SurveyMonkey platform. The survey had 25 questions that focused on four main categories of topics.

1. Community members' perception of wildfire
2. How community members would or have prepared for wildfire in the past
3. Barriers that have or would prevent them from preparing for a wildfire effectively
4. Community members' opinions on specific wildfire mitigation activities and methods

The survey garnered 507 responses, with 468 of them being usable for analysis. The distribution of survey response from each Plan Area city are depicted in Exhibit B-1.

Exhibit B-1. Community wildfire survey responses distribution



2.1 Key Results

Although our survey covered a wide range of topics regarding wildfire, the key findings will focus on each city's wildfire concerns, desired actions, and methods to complete the desired action. When asked how concerned residents were about wildfire on a scale from 1 to 10, the average response from all residents was 7. However, when breaking it down by city, Carmel-by-the-Sea had the highest average worry of 7.4, Pacific Grove had the lowest average worry of 5.5, and Monterey was in the middle at 6.8 (Exhibit B-2).

Exhibit B-2. Overall wildfire concern level



When looking at the main concerns faced by residents, the top responses were fuels/vegetation on neighboring properties, limited evacuation routes, and fuels/vegetation on their own properties. When we specifically asked about barriers that would prevent community members from evacuating, the top barriers were not knowing when to leave, where to get proper evacuation information, and not having anywhere to stay when they did evacuate. Additionally, when asked if folks felt prepared to evacuate, most (86%) of our respondents felt completely or partially prepared, and 14% indicated they were not prepared to evacuate.

When asked what desired actions community members would want to see to make the Plan Area safer from wildfire, the top responses were fuel management projects on public lands, fuel management projects on private lands, and defensible space creation and maintenance.

Additionally, when asked what techniques were most favorable, the fuel risk reduction techniques that had an approval rating of 90% or higher were roadside vegetation clearance, defensible space, and vegetation clearance on public property. When looking at vegetation management techniques, the majority of them also had a high approval rating, including grazing, hand treatment, and mechanical or equipment treatments all having an approval rating of 65% or higher. However, using herbicide as a vegetation management technique had majority disapproval, with only 23% of respondents in support of this activity. These results help identify the most approved methods for action in each community to help the Monterey Fire Department match up a technique with a given community.

In addition to the results or the entire Plan Area, data analysis was performed to identify concerns and desired actions from each city. These subsets were chosen to help identify action items based on the worries and desires from each city (Exhibits B-3 through B-8).

Carmel-by-the-Sea

Exhibit B-3. Carmel-by-the-Sea top wildfire concerns

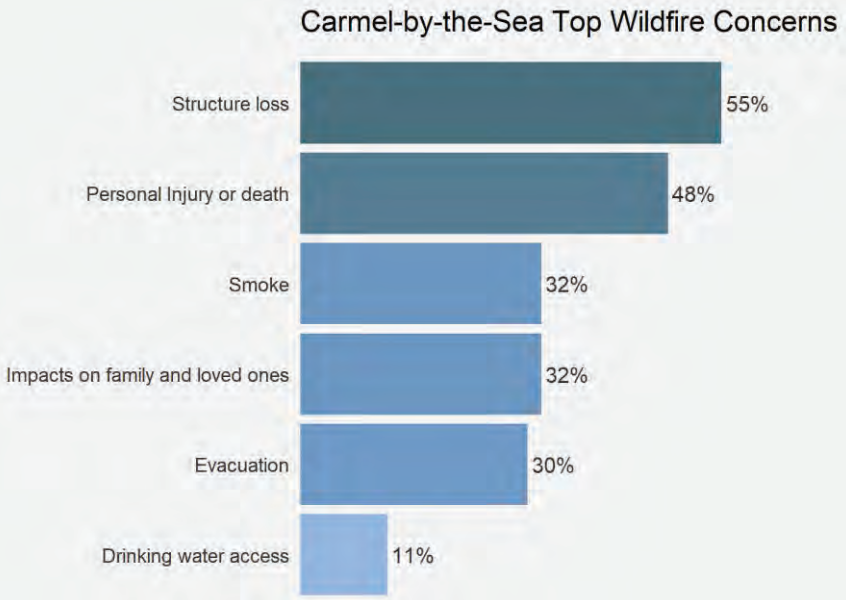
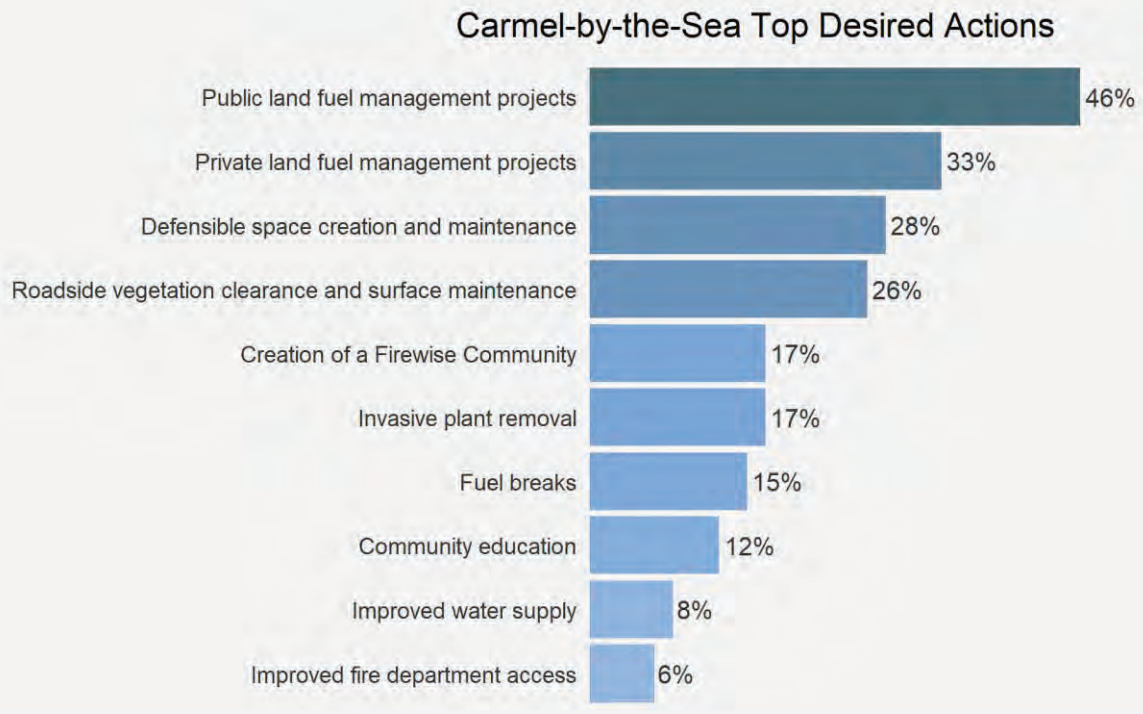


Exhibit B-4. Carmel-by-the-Sea top desired actions



Monterey

Exhibit B-5. Monterey top wildfire concerns

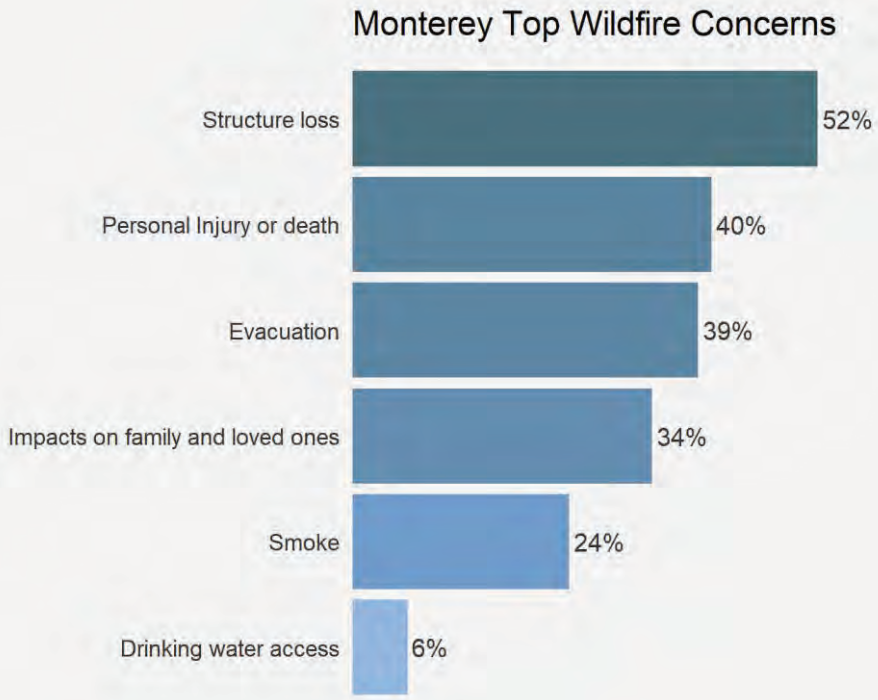
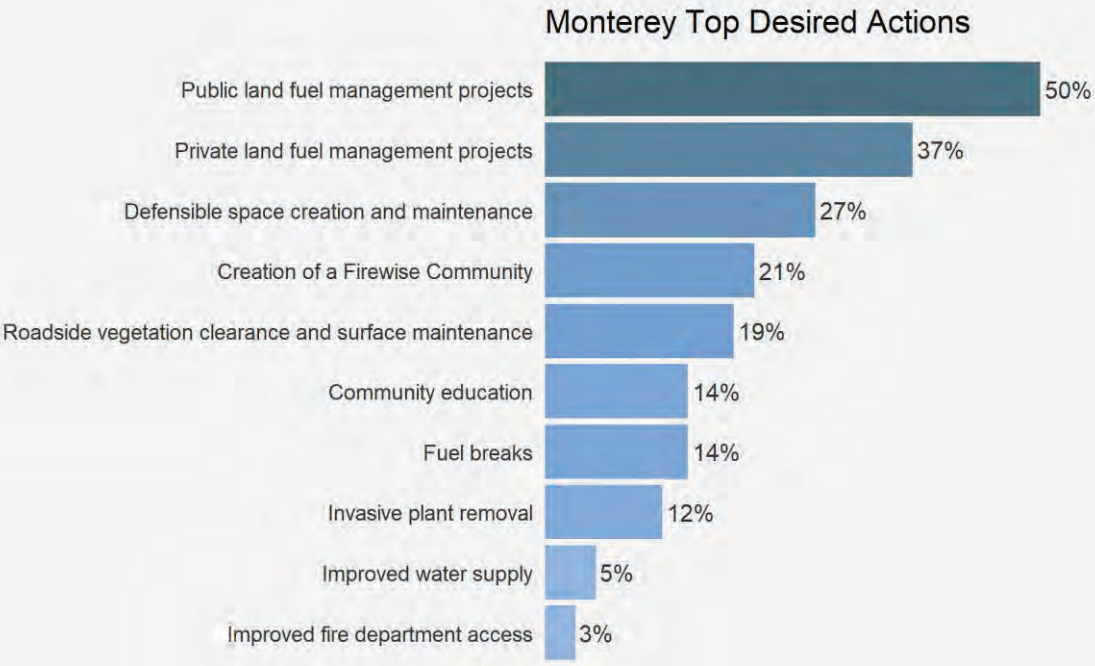


Exhibit B-6. Monterey top desired actions



Pacific Grove

Exhibit B-7. Pacific Grove top wildfire concerns.

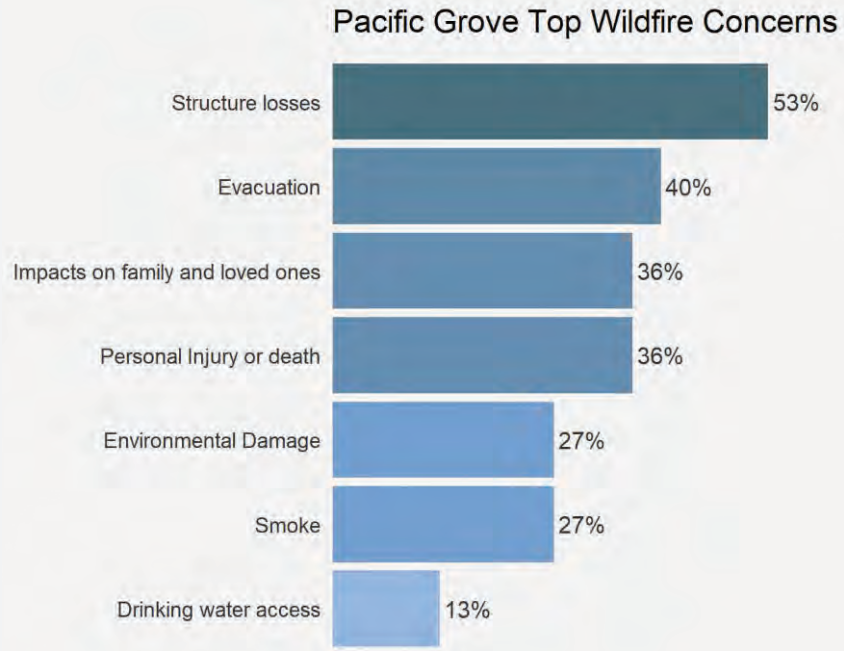
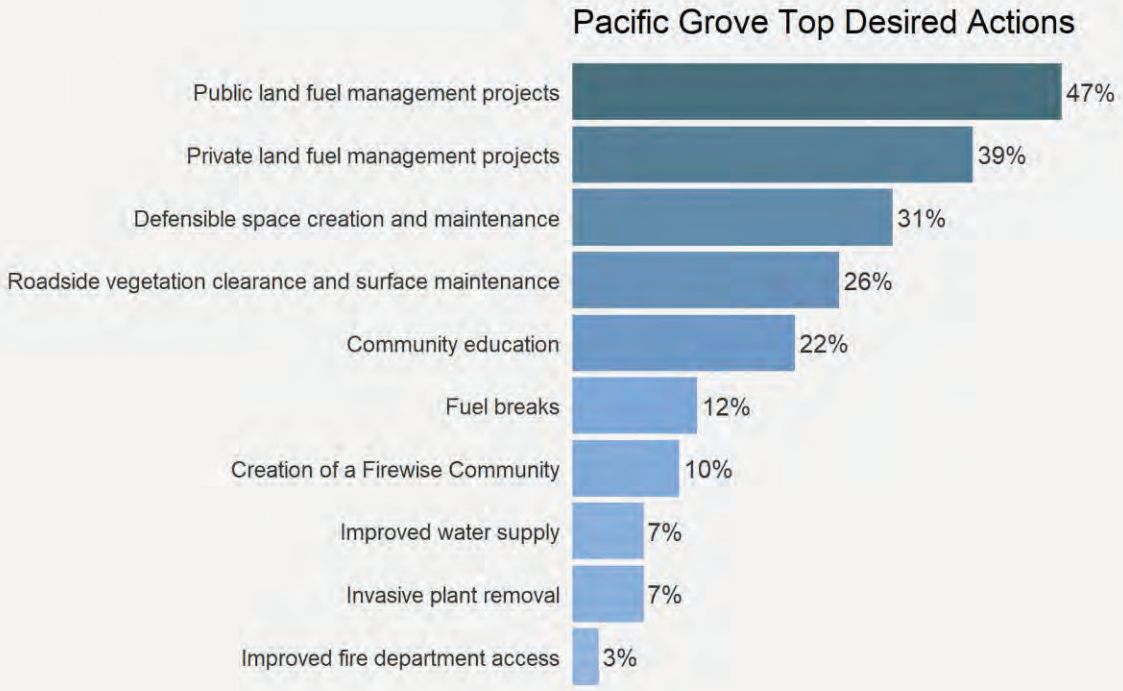


Exhibit B-8. Pacific Grove top desired actions .



3 Community Workshops

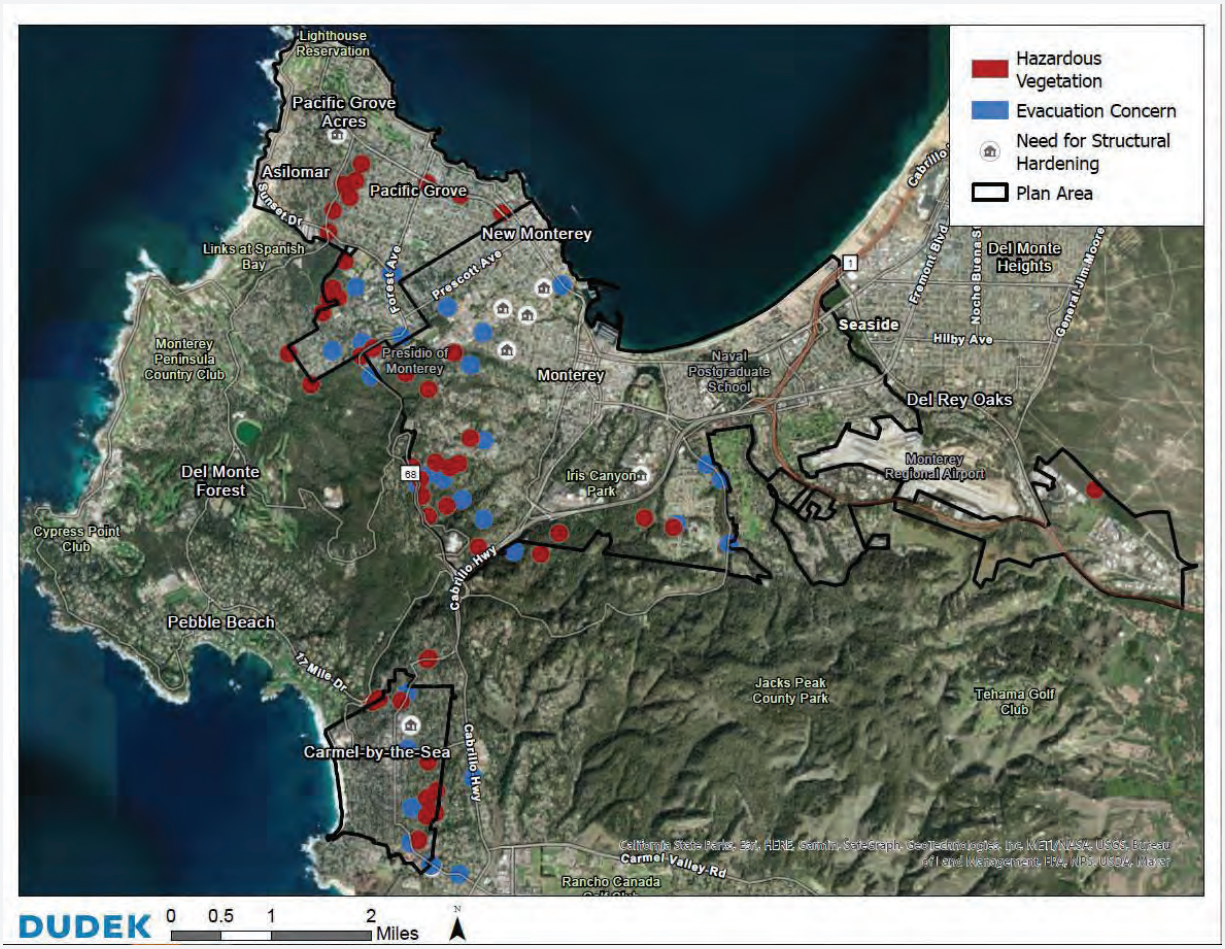
In addition to the quantitative data received from the public survey, community workshops were conducted to get more in-depth information on how wildfire impacts community members' lives and how actions can be taken to make them feel safer. We hosted one workshop each in the Cities of Carmel-by-the-Sea, Monterey, and Pacific Grove to ensure that we could encapsulate the opinions and perspectives of the greatest number of residents and community members possible. These workshops covered a brief overview of the project and included activities aimed at garnering discussion and gaining input form community members through passive and active activities focused on getting input through passive and active activities.

3.1 Passive Activities

3.1.1 Map Activity

The passive activities included a map activity where community members could identify areas of concern, including limited evacuation routes, hazardous vegetation, and structures where structural hardening is needed. Areas pinned by community members are shown in Figure B-1. Many of the pins were in areas that participants lived in or were familiar with, which gave great insight into those areas; however, it left a gap for areas for which we did not have representation at the workshops. This is especially true for the eastern half of Monterey, including Deer Flats and Fisherman Flats.

Figure B-1. Map Activity Points.

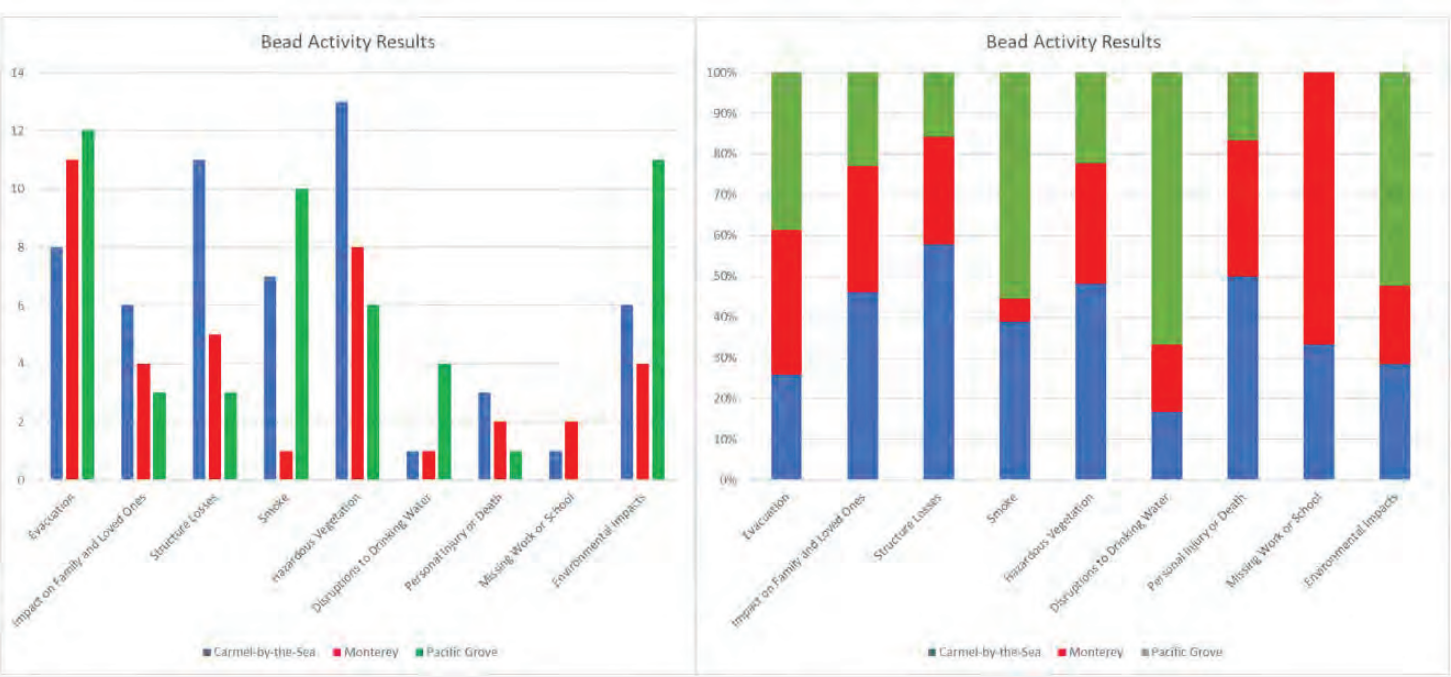


3.1.2 Bead Activity

This activity allowed residents to identify their top concern. This involved community members identifying their top concern on a poster board with various wildfire concerns listed. They then took a bead that is the same color as the concern and put it in a corresponding jar. Results are shown in Exhibit B-9.

As shown in Exhibit 9, the bead activity helped reveal that the top concerns for many of the community members were evacuation and hazardous vegetation. The graph on the left side shows the actual number of beads placed into each jar, and the right graph shows the distribution of the beads placed throughout the three cities. The right graph helps further signify the concerns that resonate more within each city.

Exhibit B-9. Bead activity results. .



4 Community Group Discussions

Group discussions were a key feature of the community workshops to learn more about the community members' experience with wildfire and build upon the insights received from the public survey. The discussion groups were divided amongst five topics:

1. Home Hardening
2. Fire Experience
3. Wildfire Planning
4. Defensible Space/Vegetation Management
5. Evacuation/Community Response

These discussions were framed to have participants think about each topic in terms of challenges and opportunities that could either help or harm a community in preparing for wildfire, as shown in Exhibit B-10 for example. This framing really helped garner input that can directly feed into actions items from the CWPP. Table B-3 highlights some key insights from each workshop. There were a lot of overlapping themes from each workshop, specifically around the need for better outreach, education, and desire for action. However, there were also some nuisances presented in this table and in the word clouds below (Exhibit B-11).

Exhibit B-10. Community group discussion poster.

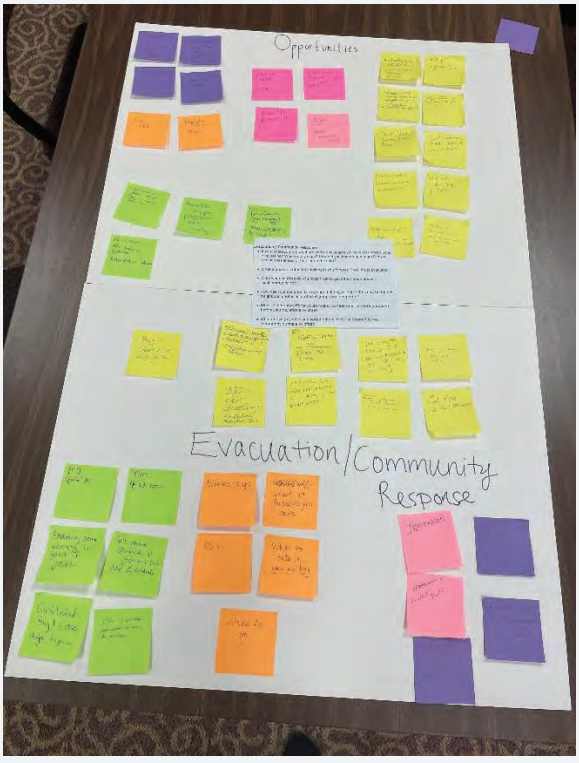


Table B-3 Community Group Discussion Takeaways

City	Main Takeaways
Carmel-by-the-Sea	Communication was a key priority for Carmel-by-the-Sea residents. This involves many facets, including knowing where to get proper evacuation information, how to harden their homes and create defensible space, and how community members can get involved in helping make their community safer. Some key actions that resonated with community members include the following: ▪ Utilizing more avenues for education and outreach like Nextdoor, door to door, real estate agents, radio, Pinecone Weekly, mail, social media, texts/reverse 9-1-1, schools, and religious organizations ▪ Having more workshops to help build consensus on opposing perspectives within wildfire preparation, including helping residents have a better understanding of what they can do to prepare ▪ Revising city ordinances to allow for removal of hazardous vegetation
Monterey	Responsibility and coordination were themes that resonated with Monterey residents, from knowing who you can trust as a source for wildfire information, to wanting a deeper understanding of a community's risks, to a better picture of how different organizations coordinate around wildfire. Some of the key actions that resonated with community members include the following: ▪ Utilizing academic institutions like the University of California or the California State University Systems for more research on modeling defensible space ▪ Having more education to clearly define the desired role of different parties before/during a wildfire, including residents, community groups, and utilities; this includes residents having a clear understanding of the California Department of Forestry and Fire Protection's "Ready, Set, and Go!" steps, wider community buy in, engagement with community groups, and the creation of Firewise Communities ▪ Coordinating with neighbors, specifically neighbors with mobility challenges, to ensure that communities are working together in the event of an evacuation ▪ Focusing on outreach and engagement through multiple avenues from door tags, reverse 9-1-1, social media, inspections, community fire drills, community chipper programs, and more
Pacific Grove	Having a holistic approach to wildfire preparation and management was stressed amongst Pacific Grove residents. In addition to the themes listed for the other cities, this group wanted to ensure that actions taken would be in accordance with the community's environmental values. Some key actions and tools include the following: ▪ Having better education of how homeowners can balance hardening their home and creating defensible space in an environmentally friendly way, including permeable hardscape ▪ Providing access to tools to help residents during a wildfire, such as air purifiers

To help synthesize to the feedback presented in the table above into a more succinct format, we decided to take the insights from the community workshop discussions and try to simplify them into key themes. This was done by taking all the Post-it notes that were used during all the discussions from the workshops and then simplifying each Post-it note into a single-word response. Then a word cloud generator was used to compile all the words. A word cloud helps signify the most important themes or takeaways by making the size of the word correspond to how many times that word was used. Therefore, themes or words that were used more often appear bigger than words or themes that were not used as much. This visualization tool is particularly useful in this case because it helps

quickly identify the similarities and differences between the cities when discussing the same topic. Below are the word clouds for each of the discussion topics for each city (Exhibit B-11). As you can see, many of the word clouds have similar keywords, like communication or education, but there are still nuances and slight differences between each of them.

Exhibit B-11. Community group discussion word clouds.

A. Home Hardening



Carmel-by-the-Sea



Monterey



Pacific Grove

B. Fire Experience



Carmel-by-the-Sea



Monterey



Pacific Grove

C. Wildfire Planning



Carmel-by-the-Sea



Monterey



Pacific Grove

D. Defensible Space



Carmel-by-the-Sea



Monterey



Pacific Grove

Appendix C

Vegetation Management Techniques and Best Management Practices

1 Vegetation Management Techniques

As identified in the community wildfire protection plan, vegetation management techniques can be classified into five categories:

- Biological
- Hand Labor
- Mechanical
- Prescribed Fire
- Chemical

The following sections present a discussion of each of the vegetation management techniques that may be implemented, including information regarding equipment, application, timing, limiting factors, special considerations, and best management practices (BMPs).

1.1 Biological Techniques

1.1.1 Grazing

Grazing is a method of using livestock to reduce the fine fuel loading of live herbaceous growth, shrubs, and new growth of trees. Livestock, such as cattle, goats, or sheep, browse on grasses, forbs, shrubs, and fresh growth of young trees, thereby removing vegetation from the overall fine fuel load of the site. Grazing is effective in managing fine fuels and preventing the expansion of brush into grasslands. Livestock each have different grazing habits, and not all livestock are ideally suited for grazing treatments in all areas. Most livestock, with the exception of goats, do not consume live or dead, tough, woody plant material in any significant quantity as this material is generally unpalatable. Additionally, livestock does not effectively create fuel breaks but is well suited to maintain new annual growth within them.

To achieve management goals, grazing typically begins in the late spring, when the growth of annual grasses has slowed, and continues through the summer in order to reduce fine fuels prior to the onset of peak fire season. Development of site-specific grazing management plans should be completed for proposed grazing treatments and should include goals and implementation actions to ensure that the timing of grazing treatment meets identified goals but minimizes potential negative effects. Grazing management plans should also identify the optimal stocking rate and grazing duration, typically measured in pounds per acre of residual dry matter. Optimal residual dry matter levels should be determined by overall management objectives, such as suppression of weeds, fuel load reduction, or minimization of erosion potential. As a fuel reduction technique, grazing does not need to be conducted each year if the intent is to control shrubs or maintain understory fuels; however, if the intent is to reduce grass or other flashy fuels, grazing should be conducted at least annually.

Grazing can be a relatively inexpensive and effective treatment method and can even generate revenue when cattle grazing is contracted for large areas. Control of livestock movements and prevention of overgrazing is critical for successful implementation. Using professional herders or portable fences may be an alternative to fixed fencing where the treatment is ephemeral. Additional controls may also be needed for the protection of retained plants, riparian zones, and sensitive resources areas, and to minimize erosion potential.

1.1.1.1 Grazing Management

Although the concept of grazing is the same regardless of which type of animal is used, how each animal type conducts its grazing varies significantly. As a result, not all animals will be ideally suited for grazing treatments in all areas. Animal selection should be determined by the fuel management goal. As noted, the development of site-specific grazing management plans should be completed considering site-specific conditions and identified management goals. The plan should specify management objectives and standards, animal stocking rates and use levels, grazing season (turn-out and turn-in dates), and monitoring requirements and performance criteria. Stocking rates are determined by a range analysis, which calculates the number of animals required for a given period to attain the desired use level, which generally ranges from 600 to 1,000 pounds per acre of residual dry matter, depending on site-specific conditions.

Timely movement of livestock to the next treatment area or other available pastures once identified goals have been met is important to minimize potential adverse effects, including soil compaction, overgrazing, and resource damage. Fencing is an important component of grazing management efforts to prohibit livestock from leaving the identified treatment area or gaining access to riparian zones, wetlands, or other sensitive resource areas. Finally, water sources are necessary for livestock and need to be provided if insufficient water is available at the treatment site. The following summarizes specific considerations for different grazing animals:

- **Goats:** Goats also have the ability to access steeper slopes in an efficient manner. Unlike other livestock, goats prefer to browse on woody vegetation (e.g., tree leaves, twigs, vines, and shrubs) and will consume materials up to 6 feet above the ground. This grazing pattern makes goats a desirable choice for fuel reduction treatments as they can effectively create and maintain vertical separation between surface vegetation and the lower limbs of overstory trees (NRCS 2005). Additionally, substantial amounts of invasive plant seed can effectively be removed from the landscape by the use of time-controlled, short-duration, high-intensity grazing in early spring (Menke 1992). However, since goats will indiscriminately damage most plants, their use in areas with desired shrub and tree retention should be minimized as goats can girdle shrubs and trees by browsing on bark. Alternatively, portable electric fences can be effectively used to control goat herds and more effectively guide the outcome of grazing efforts.
- **Sheep:** With proper management, sheep dramatically reduce the density of grasses and can be used to suppress annual grasses (Lerner 2007). Similar to goats, sheep have the ability to access steeper slopes in an efficient manner. Sheep have an intermediate diet, as they have no preference for grasses, forbs, or shrubs and commonly consume large amounts of green grass during rapid growth stages but avoid dry mature grass (Bush 2006). In addition to their diet making them versatile for grazing, sheep can also be utilized with other species such as cattle or goats for diversity fuel treatment (Bush 2006). Substantial amounts of invasive plant seed, such as yellow star-thistle (*Centaurea solstitialis*), can effectively be removed from the landscape by the use of time-controlled, short-duration, high-intensity grazing in early spring (Bush 2006). However, since predation of sheep by animals such as coyotes is common, consideration needs to be given to anti-predation techniques. Portable electric fences can be effectively used to control sheep flocks and help prevent predation of the animals.
- **Cattle:** Management of cattle herd population density is necessary to limit impacts, especially as they relate to soil compaction and erosion, plant cover retention, water quality, and animal waste concentrations. However, the steepness of the terrain significantly influences the distribution of cattle, which tend to prefer level to gently rolling hills (Bush 2006). Cattle may be better suited to larger expanses for fuels treatment rather than small, confined areas to avoid unnecessary impacts. Cattle are considered grazers and have a

diet dominated by grasses and grass-like plants such as forbs (Bush 2006). Invasive plant species, such as yellow star-thistle and medusahead (*Elymus caput-medusae*) can effectively be removed from the landscape by the use of time-controlled, short-duration, high-intensity grazing in early spring for yellow star-thistle and in late spring for medusahead (Bush 2006). Water availability and water supply also need to be considered with cattle to ensure they do not cause environmental damage to watercourses or impact water quality. Utilizing grazing for invasive species management needs to be carefully monitored to ensure the timing is correct to prevent regrowth. Fencing or cattle guards should be used to ensure cattle do not escape and unintentionally graze not prescriptive areas or interfere with adjacent land uses.

1.1.1.2 Best Management Practices for Grazing

The following BMPs should be implemented, where feasible, when utilizing grazing as a vegetation management technique. Measures addressing the BMPs below should be incorporated into grazing plans.

- Identify and assess streams, watercourses, and sensitive biological and cultural resources in potential grazing areas prior to turn-out and install exclusionary fencing where necessary
- Routinely monitor grazing activities in riparian areas to minimize the potential for stream bank damage, soil compaction, and soil deposition into streams and watercourses
- Prior to grazing in Environmentally Sensitive Habitat areas or riparian areas, identify thresholds that would trigger a cessation of grazing activity
- Avoid grazing in unstable slope areas or implement measures to minimize impacts to slope stability (e.g., reducing herd size to retain vegetation, avoiding grazing where saturated soil conditions exist)
- Consider vegetation type, terrain, access fire history, and management goals when selecting grazing animals
- Consider the timing and level of grazing practices to promote plant recruitment (e.g., timing prior to seed set of annual grasses to promote perennial species establishment)
- Minimize the spread of invasive plants and pathogens through the use of quarantine periods; holding areas; clean stock water; and personnel, equipment, and vehicle sanitation

1.2 Hand Labor Techniques

Hand labor involves pruning, cutting, or removing trees or other vegetation by hand or using hand-held equipment. Other hand labor treatments involve removing dead wood, piling material, and spreading chips/mulch. Hand labor is most effective in small treatment areas or areas with difficult access where the use of heavy equipment is infeasible. Hand labor also allows for selective management or removal of targeted vegetation and is typically used in conjunction with other techniques. Manual treatment may also include lop and scatter. Lop and scatter involves cutting vegetation (using hand tools, chainsaws, weed whips, and mowers), and cut vegetation is then reduced in size by cutting into lengths no longer than 6 inches. The cut vegetation is then left on the ground within the project area no greater than 12 inches in depth. Minimal ground disturbance results using this method since the root structure of vegetation is left intact and biomass generated from vegetation treatment is left on site.

Proper training and supervision of hand labor forces is necessary to reduce the dangers to workers using sharp tools on steep and/or unstable terrain, or where other environmental hazards exist. Hand tools include, but are not limited to, shovels, Pulaski hoes, McLeod fire tools, line trimmers, weed wrenches, chain saws, pruning shears, and loppers. Personal protection equipment typically includes long pants and long-sleeved shirts, gloves, safety goggles, hard hats, chaps, and sturdy boots.

1.2.1 Best Management Practices for Hand Labor

The following BMPs should be implemented, where feasible, when utilizing hand labor vegetation management techniques. In all circumstances, tools and equipment should be utilized only for their intended use.

- Ensure equipment operators and project personnel have appropriate personal protective equipment and are properly trained in equipment use
- Ensure that appropriate fire safety measures are implemented
- For safety purposes, provide necessary signage alerting the public to active operations
- Ensure that vehicles and equipment arrive at the treatment area clean and weed-free
- Prune trees according to International Society of Arboriculture and American National Standards Institute A300 standards
- Protect retained trees and vegetation from tool and equipment damage
- Sanitize tools between project areas to prevent the spread of pathogens
- Service and fuel tools only in areas that will not allow grease, oil, fuel, or other hazardous materials to pass into streams or retained vegetation
- Remove from the treatment area and properly dispose of all refuse, litter, trash, and non-vegetative debris resulting from vegetation treatment operations and other activity in connection with vegetation treatment operations
- When lopping and scattering, lay each piece flat and as close as feasibly possible to the ground surface (pieces that are left elevated have a much slower rate of decomposition and will contribute to the fuel loading)

1.3 Mechanical Techniques

Mechanical techniques include all methods that employ motorized heavy equipment to remove or alter vegetation. Mechanical techniques rearrange vegetation structures; compact or chip material; and move material to landings, staging areas, or burn piles. Mechanical equipment is usually equipped with either rubber tires or tracks, although skids and cables are also used. In some instances, two or more pieces of heavy equipment will work in concert to achieve a management standard. Mechanical equipment includes, but is not limited to, masticators, tractors, and chippers. Chippers are moved around as work occurs, and placement is dependent on the ability to minimize the distance vegetation must be hauled to the chipper.

Constraints to mechanical equipment use include steep slopes; dense tree cover that prohibits travel; saturated soils; and dry, high fire hazard weather conditions where equipment use could result in ignition. Use of mechanical equipment may also result in damage to retained vegetation. Use of mechanical equipment should consider the terrain, access, vegetation type, and treatment recommendation to effectively treat vegetation and minimize impact potential. Supervision and specialized training are also necessary. The use of mechanical equipment is often done in conjunction with other treatment techniques, particularly hand labor (prior to mechanical treatment) and prescribed fire (following mechanical treatment.)

1.3.1 Best Management Practices for Mechanical Techniques

The following BMPs should be implemented, where feasible, when utilizing mechanical vegetation management techniques. In all circumstances, equipment should be utilized only for its intended use.

- Utilize low ground-pressure equipment, to the extent feasible
- Ensure equipment operators and project personnel are properly trained in equipment use
- Ensure that appropriate fire safety measures are implemented
- For safety purposes, provide necessary signage and patrol alerting the public to active operations and area closures
- Ensure that vehicles and equipment arrive at the treatment area free of soil, weeds, and seeds
- Control fugitive dust resulting from equipment use by watering disturbed areas
- Protect retained trees and vegetation from potential damage resulting from heavy equipment use by using tree protection devices, training equipment operators, and designing projects to reduce potential impacts, among other methods
- To minimize impacts on soil stability, leave stumps from removed trees and shrubs intact; where feasible, reuse existing roads, trails, skid trails, and predesignated routes for equipment travel
- Limit the size and quantity of equipment to that which is necessary to meet the identified vegetation management standard
- Regrade or recontour any areas subject to soil disturbance from heavy equipment, including dragging or skidding of trees or other material; install soil stabilization structures and devices as needed
- Avoid heavy equipment use on unstable slope areas, documented slope instability areas, and slopes with gradients exceeding 50%
- Service and fuel heavy equipment only in areas that will not allow grease, oil, fuel, or other hazardous materials to pass into streams or riparian vegetation
- Remove from the treatment area and properly dispose of all refuse, litter, trash, and non-vegetative debris resulting from vegetation treatment operations and other activity in connection with vegetation treatment operations
- Ensure that hazardous materials spill kits are available on all heavy equipment

1.4 Prescribed Fire Techniques

Prescribed fires reduce the volume of fuel through combustion and are conducted under specific regulations when conditions permit both adequate combustion and proper control. Prescribed fire is the use of fire in a planned setting with low to moderate intensity fire and defined goals. Application of prescribed fire occurs in conjunction with specific land management objectives such as reducing fuel loads, increasing overall forest or habitat health, and/or protecting communities from wildfire (USDA 2018). Other land management objectives prescribed fire can accomplish are controlling undesirable vegetation, preparing sites for harvesting/seeding, controlling plant pathogens and pests, improving wildlife habitat, improving plant production or quality, removing debris, restoring ecological sites, and maintaining native plants diversity and composition. Prescribed fire can occur in small, designated areas or over larger expanses. There are two types of prescribed fire: pile burning and broadcast burning. Both pile and broadcast burning are often implemented in conjunction with hand labor and mechanical

treatment methods as a means of treating vegetative debris or in advance of an herbicide treatment to enhance the effectiveness of the application.

Prescribed burning can be a cost-effective way to quickly reduce a large volume of woody material remaining after other fuel treatment operations. A broadcast burn produces a more uniform treatment and minimizes areas of great burn intensity. Alternatively, tractors or hand crews can create piles of material on flat or gently sloping ground that can be burned during wet conditions (pile burn), although the volume of fuel in the piles can produce localized heat that may impact adjacent retained vegetation.

Prescribed burning requires proper planning and the development and approval of a prescription or burn plan, which is typically developed by the local fire protection district in consideration of fuel reduction requirements, local weather conditions, and available resources for fire management. Burning activities should consider and be managed in accordance with wildlife and habitat needs. Consideration also needs to be given to existing barriers, cultural resources, threatened or endangered species, smoke, and weather conditions. The following sections summarize the planning needs for implementing prescribed burns.

1.4.1 Pile Burning

Pile burning is fairly common and often applied in forest settings. Small pile burning is typically conducted at or near the treatment area. Pile burning involves stacking hand or machine-cut vegetation into piles and allowing the material time to dry out. Piles should be free of dirt, debris, and stumps. The material should be piled soon after cutting with the butt end of branches and limbs toward the outside of the pile so that branches are overlapping and forming a series of dense layers. The top of the pile should be covered with a small sheet of heavy paper (e.g., butcher paper) to keep the pile interior dry. One or two limbs should be placed atop the paper to keep it in place. The dry interior portion of the pile should be ignited at the appropriate time using a weed burner or other igniting tool. Alternatively, tractors or hand crews can create piles of material on the flat or gently sloping ground that can be burned during wet conditions (pile burn), although the volume of fuel in the piles can produce localized heat, which may impact adjacent retained vegetation. Pile burns should be lit when weather conditions allow, such as in winter and spring, and should be confined to the footprint of the pile. Burns should be divided over multiple days to allow for a halt of burning activities if conditions fall out of prescription (USDA 2018).

An alternative to pile burning is the utilization of an air curtain burner. Air curtain burners allow for more complete combustion of wood waste and were developed to reduce the particulate matter, or smoke, which results from burning. Using a technology called an “air curtain,” the smoke particles are trapped and reburned, resulting in a cleaner (less particulate matter) burn. Where feasible, the use of an air curtain burner is recommended to dispose of wood waste. Air curtain burners may be available as a shared resource between county and other nearby municipal or land management agencies and can be temporarily sited at work locations to facilitate wood waste treatment.

1.4.2 Broadcast Burning

Broadcast burns are usually done in larger areas where a maximum amount of fuel treatment can take place and can be used to control noxious weeds and treat cut material (slash) on the ground surface in areas treated by other techniques or to reduce surface and/or ladder fuels beneath tree canopies (understory burning). Broadcast burning can create a mosaic pattern of vegetation and allow for the regeneration of different plant species (USDA 2018). Broadcast burning can also be used to break up the continuity of vegetation to promote diversity in ecosystems or

reduce fuel loading. Treatment boundaries are often roads, trails, or other nonburnable features, reducing the number of firebreaks that need to be created. This approach reduces labor costs and preparation time and minimizes soil disturbance and the potential for soil erosion. Prescribed burns can be used in all vegetation types, where conditions allow for effective control (USDA 2018).

Broadcast burning may occur throughout the year; however, it is usually conducted during the late spring months when the ground is still wet or during fall or winter after plants have completed their yearly growth cycle and their moisture content has declined. Spring burns are sometimes preferred to ensure a greater measure of public safety; however, there may be impacts on animal and plant reproduction. Fall burns are more closely aligned with the natural fire cycle found in California. Piles of vegetation may be burned any time after the vegetation has dried. "Cool" burn prescriptions, using techniques such as backfiring, chevron burning, and flank firing, as well as timing the fires during periods of high humidity and high fuel moisture content, typically results in incomplete combustion; therefore, existing vegetation is partially retained.

Prescribed burns must be conducted by trained fire protection personnel. Utilizing personnel and equipment from neighboring fire districts provides the added benefit of joint training under prescribed rather than emergency conditions. Timing is critical to the use of this treatment technique due to variances in weather conditions and the necessity to time treatments to minimize impacts to plant and animal species. Fuel moisture content must be determined to assess if the treatment area is safe to burn. There are typically more appropriate burn days in the spring and early summer months when there is a greater chance of atmospheric conditions conducive to smoke dilution and dispersion.

1.4.3 Prescribed Fire Planning

Prescribed burning requires proper planning and the development and approval of a prescription or burn plan, which is typically developed by the local fire protection district in consideration of vegetation management requirements, local weather conditions, and available resources for fire management. Utilizing prescribed fire as a management tool should consider the following:

- **Burn Plan/Prescription:** A site-specific prescription and burn plan is developed that establishes goals and procedures for the prescribed burn and considers unique site characteristics. The prescription identifies geographic burn units, limits of the burn area, locations of control lines, acceptable fuel moisture ranges and weather conditions, and required personnel and equipment, and evaluates potential impacts to resources in compliance with the California Environmental Quality Act. This may be prepared in coordination with the California Department of Forestry and Fire Protection.
- **Smoke Management Plan:** The California Air Resources Board and the South Coast Air Quality Management District (SCAQMD) require preparation of a smoke management plan detailing the location of sensitive receptors and measures to be implemented to maximize smoke dilution and minimize smoke production. Current air quality regulations within the jurisdiction of SCAQMD limit open burning for range management projects less than 10 acres and controlled burns less than 10 acres, or that produce less than 1 ton of particulate emission to require burn authorization on a burn day. Open burning for range management projects or controlled burns that exceed 10 acres or produce more than 1 ton of emissions are required to obtain approval prior to any burn activities and submit a smoke management plan. Additionally, approval must be obtained from a local fire protection agency. In addition to the preparation and approval of a smoke management plan, SCAQMD requires notification of the burn and that burning is conducted on a permissive burn day. SCAQMD selects burn days based on air quality, weather conditions, and wind patterns, provides

the burn's acreage allocation the morning of the burn, and provides the "all clear" designation prior to initiation of the burn. Regulations regarding burning can be found in SCAQMD Rule 444.

- **Pre-broadcast Burn Site Preparation:** Hand labor or mechanical treatment techniques are often conducted prior to initiation of a prescribed burn to remove and treat larger material (trees, shrubs, slash). Treatment of larger material is done to reduce its size and spatial arrangement and to remove ladder fuels that may allow for crown fire transition. Site preparation also includes the establishment of fire lines needed to control the fire if they do not already exist. These fire lines are typically constructed using bulldozers or by hand using scraping tools. Occasionally, they are "burned in" with a strip of fire under conditions that limit fire spread.
- **Burn Notification:** Notifying the local or surrounding communities, local fire departments, media, and SCAQMD is an essential component to avoid potential misinterpretation of the prescribed burn as a wildfire. Notification to interested and affected parties and the media is also repeated on the day of the prescribed burn. Printed materials or interpretive signs are made available at the site and distributed to neighboring communities explaining the reason for the prescribed burn, the type of burn being conducted, and the intended result of the prescribed burn. Prescribed fires generate high levels of public safety concerns over the chance of fire escape from control lines, and the rapid distribution rate of smoke, ash, and particulate matter may raise additional concerns from the public many miles downwind from the actual burn site.
- **Post-Burn Follow-Up and Evaluation:** Following completion of the prescribed burn, the results are evaluated to determine if the need exists for additional treatment based on established prescriptions and whether erosion control BMPs are necessary. The burn plots should also be monitored and evaluated for invasive species establishment and long-term effectiveness in achieving the goals for each individual burn plot.

1.4.4 Best Management Practices for Prescribed Fire

The following BMPs should be implemented, where feasible, when utilizing prescribed fire. In all circumstances, equipment should be utilized only for its intended use.

- Ensure equipment operators and project personnel are properly trained in equipment use
- Ensure that appropriate fire safety measures are implemented
- For safety purposes, provide necessary signage and patrol alerting the public to active operations and area closures
- Burn pile size should be no larger than necessary to avoid soil sterilization
- Minimize excess dragging of cut materials to piles to minimize soil disturbance
- Compact, to the extent possible, piles that cannot be burned before the commencement of fire season
- Protect retained trees and vegetation from potential damage by pretreating adjacent fuels

1.5 Chemical Techniques

Chemical techniques involve the use of herbicides to kill vegetation or prevent growth and are typically used in combination with other types of fuel reduction treatments. Herbicides do not remove any vegetation from a treatment area; therefore, dead plant material remains unless otherwise treated. Application of herbicides and other chemicals is typically performed by hand and can include sponging, spraying, or dusting chemicals onto undesirable vegetation. Hand application provides flexibility in application and is ideally suited for small treatment areas. Roadside application of herbicides may employ a boom affixed to or towed behind a vehicle.

Herbicide application requires specific storage, training, and licensing to ensure proper and safe use, handling, and storage. Only personnel with the appropriate license are allowed to use chemicals to treat vegetation. Herbicide application is also only applied per a prescription prepared by a licensed pest control advisor. Personal protection equipment is essential to limit personnel exposure to chemicals and includes long pants and long-sleeved shirts, gloves, safety goggles, hard hats, sturdy boots, face masks, and, in some instances, respirators.

1.5.1 Herbicides

The application of herbicides may be used on its own or as a secondary vegetation treatment technique following manual (hand labor) or mechanical removal for controlling sprout growth and regeneration. The advantage of herbicide treatments is that they typically result in high kill rates and can prevent treated plants from setting seed. Thus, in the long run, targeted plants are eliminated as their "seed bank" is eventually eliminated. Some disadvantages include the necessity of applicators to be trained and then licensed by the State of California, the cost of application and safety equipment, the cost of the herbicide itself, the potential to affect nontarget vegetation and/or wildlife, and public concern regarding potential health impacts from herbicide use. In spite of these disadvantages, herbicides, or herbicides in combination with hand/mechanical removal, are the most widely used and effective techniques for controlling certain types of vegetation.

Herbicides are broadly classified into two basic types: pre-emergent and post-emergent. Pre-emergent herbicides are sprayed directly onto the ground and prevent plants from germinating and/or growing. As such, they have a larger potential to impact seeds of desired species remaining in the soil and often have longer persistence times in the environment. Post-emergent herbicides are applied directly onto the plants, often during the early phases of their growth, killing them before they have the chance to mature and set seed. With proper equipment and training, herbicides can be applied selectively, minimizing impacts on seeds of desired species residing in the soil. However, should the target vegetation be intermixed with growing desired vegetation, the chance of affecting desired vegetation would be increased.

Different plants vary in their response to any particular herbicide and can also vary in their response depending upon which stage of their life cycle the herbicide is applied. Herbicides applied during the "bolting" phase (when flowering stalks are being produced) may have greater kill rates than the same chemical applied during the rosette stage or the flowering stage. Some herbicides are specific to particular groups of plants (e.g., Fusilade affects only grasses), while others can kill nearly all kinds of plants. Still, others are permitted for use in California, while others are not. Systemic herbicides (as opposed to contact herbicides) are likely the most effective for control of highly flammable/rapidly spreading species due to their ability to spread via translocation into root tissue.

Herbicide application should be used following removal of all trees and other perennial species that have the ability to regenerate from root fragments when removal of all plant material is not feasible. Herbicide use should be limited to localized applications rather than foliar applications to eliminate the possibility of drift and impacts to neighboring desirable vegetation. A wide range of herbicides are available for such types of treatment. Herbicide labels and material safety data sheets list susceptible target plant species and provide proper direction in the use and handling of the products. Herbicides should be applied in accordance with state and federal law.

1.5.2 Cut and Daub

Cut and daub treatment is recommended for larger highly flammable/rapidly spreading plants, such as large trees and shrubs, to control regrowth and kill the portion of the plant remaining belowground. Cut and daub involves the

cutting of plant stalks or trunks and then the direct application of an appropriate systemic herbicide directly to the cambium layer of the freshly cut stump or stem. Other related methods include drill and fill, where holes are drilled into the trunk of a tree and herbicide is injected, or the glove method, where an herbicide-soaked glove is used to apply directly to plant foliage or freshly cut stumps. It is critical that the herbicide treatment occur immediately after the plants are severed so that the herbicide is carried into the plant tissue. If enough time elapses to allow the cut surface of the severed plant to dry out, a fresh cut should be made prior to herbicide application.

1.5.3 Best Management Practices for Chemical Techniques

The following BMPs should be implemented, where feasible, when applying herbicide. In all circumstances, equipment should be utilized only for its intended use.

- Consider herbicide use only when other treatment techniques are determined to be infeasible or ineffective in achieving desired management and maintenance standards
- Consult a state-licensed pest control advisor and/or the Los Angeles County Agricultural Commissioner to identify the appropriate site-specific herbicide application approach to meet vegetation management standards
- Consider the timing of herbicide applications to minimize impacts to adjacent retained vegetation and nearby resources, and for maximum effectiveness (typically between June 15 and November 15, with a potential extension through December 31 or until local rainfall greater than 0.5 inches is forecasted within a 24-hour period from planned application)
- For aquatic vegetation control work, use only herbicides and surfactants that have been approved for aquatic use by the United States Environmental Protection Agency and are registered for use by the California Department of Pesticide Regulation
- Apply herbicides consistent with Federal Insecticide, Fungicide, and Rodenticide Act label instructions and use conditions issued by the United States Environmental Protection Agency and California Department of Pesticide Regulation
- To achieve desired control, utilize the lowest recommended rate to achieve vegetation management objectives of both herbicides and surfactants
- Add and indicator dye to the tank mix to help the applicator identify areas that have been treated and better monitor the overall application
- Avoid application to plants whose base is submerged in stream channels
- Follow safe procedures for transporting, mixing, loading, and properly disposing of herbicides
- Minimize the use of foliar (spray) applications, prioritizing localized or direct applications

2 Best Management Practices for Vegetation Management

The following BMPs are recommended to minimize potential adverse impacts from vegetation management activities. Additional requirements, standards, or conditions may be necessary based on project-specific analyses conducted during the environmental review process or as required by county, state, or federal regulatory agencies. In general, projects should consider the following BMPs during design, layout, and prescription development.

2.1 Fire Protection

All operations conducted in the Plan Area associated with project implementation should adhere to the fire protection standards outlined in Title 14, California Code of Regulations, Chapter 4, Subchapters 4, 5, and 6, Article 8 (Fire Protection). Per state code, projects are required to take precautions to reduce the chance of ignitions, including checking fire forecast conditions, monitoring weather, maintaining spark arrestors, and having fire guards with appropriate suppression equipment on hand. Under particularly dangerous conditions, all activities with a risk of wildfire ignition are halted. The following fire protection BMPs are provided to augment current practices:

- During vegetation management project operations that require a vehicle, machine, tool, or equipment powered by an internal combustion engine operated on hydrocarbon fuels, suitable and serviceable tools for firefighting purposes shall be provided and maintained. Equipment should be located at a point accessible in the event of a fire and should include one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each person at the operation can be equipped to fight fire.
- All equipment with an internal combustion engine using hydrocarbon fuels shall be equipped with a spark arrestor, as defined in California Public Resources Code Section 4442.
- Internal project communication procedures for reporting fires shall be established. 9-1-1 shall be called in emergencies.
- Applicable standards restricting spark-generating equipment usage and spark arrestor requirements shall be complied with. Additionally, on Red Flag Warnings, High to Extreme Fire Danger days, and in High Wildfire Risk Areas, the timing and type of activities should be limited to activities that would not exacerbate fire risk or cause unintentional ignitions.
- Staging areas shall be identified before initiating operations. Staging areas should be contained within already disturbed areas or non-vegetated areas (e.g., roads, parking lots) and should account for vehicle parking and tool/equipment storage.

2.2 Pests/Pathogens

Pest and pathogen BMPs should be incorporated into project planning and implementation efforts. These practices encompass protection of the residual vegetation from mechanical damage and quarantine and sanitation practices. Outbreaks of known invasive pests, such as the invasive shothole borer (*Scolytus rugulosus*), and unknown pests and pathogens pose a threat to Plan Area forests. Sanitation of tools and equipment on project sites should be conducted to reduce the spread of pests and diseases following treatments in areas of a known infestation. If soil

is collected on equipment, rinsing the equipment on site with a portable water tank or water truck, or at a designated rinsing station, can remove soil-borne pathogens and prevent transport to new sites. Additionally, certain pest-specific measures have been developed to deal with regional pests, such as invasive shothole borer. These measures should be implemented in the Plan Area, where applicable. Specific measures can be found at https://ucanr.edu/sites/pshb/management/.

2.3 Slope Stability, Erosion Control, and Water Quality

Vegetation management activities have the potential to affect soil stability. Soil stability may be indirectly affected by the removal of overstory vegetative cover, which reduces rainfall interception and thereby increases its surface erosion potential. This may result in the detachment and transportation of soil particles across the soil surface. Soil stability may also be directly affected by the use of heavy equipment, tools, hand crews, or livestock, all of which can loosen, dislodge, or compact soils. This too can increase the potential for detachment and transportation of soil particles across the soil surface.

A procedure has been developed by the California State Board of Forestry (1990) to estimate a surface soil erosion hazard rating that considers soil characteristics (texture, depth to restrictive layer, percent of coarse surface fragments), slope, vegetative cover, and precipitation. The hazard rating is designed to evaluate the susceptibility of the soil within a given location to erosion. This rating should be determined and considered on a site-specific basis when determining the needs for erosion control BMPs in the Plan Area. In addition, areas where erosion has occurred in the past due to vegetation management activities should be avoided, or alternative methods should be implemented to minimize potential impacts to soil stability.

There are various erosion control practices and devices available for slowing the rate of erosion. Recent research indicates that mechanical rehabilitation treatments, including straw mulch, hay bales, and jute rolls, are more predictable for reducing soil erosion and post-fire hydrological problems than seeding or other treatments (Robichaud et al. 2010). Mulching may introduce exotic/weed seeds (Kruse et al. 2004) if brought in from off site (as opposed to chipped on-site material), so erosion potential should be high before the decision to use this material is finalized.

Erosion and Sediment Control BMPs include the following:

- Hydraulic mulch velocity dissipation devices
- Silt fences
- Sandbag barriers
- Hydroseeding
- Slope drains
- Sediment basins
- Straw bale barriers
- Soil binders
- Streambank stabilization
- Sediment traps
- Storm drain inlet protection
- Straw mulch
- Compost blankets
- Check dams
- Active treatment systems
- Geotextiles and mats
- Soil roughening
- Fiber rolls
- Temporary silt dikes
- Wood mulching
- Non-vegetation stabilization
- Gravel bag berms
- Compost socks and berms
- Earth dikes and drainage swales
- Street sweeping and vacuuming biofilter bags

In the event that a wildfire event occurs in the Plan Area, stabilization of soils in the burn area is a primary concern, especially in areas with steep slope gradients. Erosion control BMPs should be installed as soon as possible and prior to the onset of the winter period.

2.3.1 Access Roads

In areas where existing dirt access roads will be retained, waterbreaks[1] and drainage structures should be constructed to minimize erosion potential. All waterbreaks and drainage structures should be installed no later than the beginning of the winter period (October 15 to April 1). Outside the winter period, waterbreaks and drainage structures should be installed before sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours. Waterbreaks should be constructed immediately upon conclusion of the use of access roads that do not have permanent and adequate drainage structures. Distances between waterbreaks should adhere to the standards outlined in Table C-1. Access roads should be closed to public vehicle travel following the completion of vegetation treatment operations.

Table C-1. Maximum Distance between Waterbreaks

Estimated Erosion Hazard Rating	Road Slope Gradient (percent)			
	≤10	11–25	26–50	>50
Extreme	100 ft	75 ft	50 ft	50 ft
High	150 ft	100 ft	75 ft	50 ft
Moderate	200 ft	150 ft	100 ft	75 ft
Low	300 ft	200 ft	150 ft	100 ft

Source: 2022 California Forest Practice Rules (14 CCR, Chapters 4, 4.5, and 10).

2.4 Watercourses

Considerations need to be taken when vegetation management projects take place in or near watercourses. Vegetation management activities within a riparian zone may require additional permitting. The intent is to assure that work done will avoid or limit, to the extent feasible, negative impacts on creeks and watercourses. The primary measure to minimize impacts on creeks and watercourses in the Plan Area is avoidance, meaning all work should be conducted outside of riparian areas where feasible. Should it be necessary to conduct vegetation management activities within riparian areas, all necessary agency permits would need to be obtained. Additionally, the following BMPs should be implemented:

- Preserve creeks and riparian corridors in a natural state
- Preserve and enhance creek-side vegetation and wildlife
- Prevent activities that would contribute significantly to flooding, erosion, or sedimentation, or that would destroy riparian areas or inhibit their restoration
- Control erosion and sedimentation
- Protect drainage facilities

[1] A waterbreak (or waterbar) is a shallow trench with a parallel berm or ridge on the downslope side, angled downward across a road and installed to control surface runoff.

2.5 Air Quality

The following BMPs should be implemented, where feasible, to minimize potential negative effects on air quality:

- Control fugitive dust resulting from equipment use by watering disturbed areas
- Limit the size and quantity of equipment to that which is necessary to meet the identified vegetation management standard
- Limit traffic speeds on dirt roads to 15 miles per hour
- Clean construction vehicles and equipment to prevent dust, silt, mud, and dirt from being tracked onto paved roadways
- Limit vehicle idling time to a maximum of 5 minutes for vehicles and equipment, except where idling is required for the equipment to perform its task
- Develop and implement a burn plan and associated smoke management plan for prescribed burning activities

2.6 Reforestation/Revegetation

Revegetation of areas subject to vegetation management can minimize the potential for erosion by stabilizing soils. Revegetation is recommended only in areas where disturbed and/or bare soil exists following vegetation treatment operations as a measure to stabilize soils. The need for revegetation should be determined during project planning and design or subsequent monitoring efforts and should consider slope, soil type, access, irrigation and maintenance needs, and other BMPs being implemented on site. Qualified professionals (e.g., landscape architects, revegetation specialists) should be consulted to develop site-specific revegetation plans, as appropriate. Revegetation may include hydroseeding, direct seeding, or container plant installation. Plant species selection should be consistent with revegetation goals and should consider erosion protection value (e.g., deep-rooted species). Undesirable species should not be used for revegetation purposes.

2.7 Special-Status Plant and Wildlife Species

Vegetation treatment activities have the potential to impact special-status plant or wildlife species via ground disturbance, vegetation removal or management, or the use of vegetation management tools and equipment. To minimize the potential for impacts on special-status species, measures should be implemented, depending on the species present in the identified treatment area. In general, these measures include conducting pre-operations biological surveys, identifying and marking avoidance or buffer areas, conducting biological monitoring during vegetation management operations, and establishing work windows to avoid and minimize adverse effects on nesting birds and special-status plants and animals. Additionally, where feasible, projects should avoid impacts to riparian areas, environmentally sensitive habitat areas, and critical habitat areas. Project proponents should engage qualified biologists during project design and implementation.

Special-Status Plants

- All vehicles and equipment should be inspected and cleaned of weed seed prior to entering a project site to reduce the spread of noxious weed seeds.
- Conduct pre-operations surveys for rare plants prior to vegetation management during the appropriate time of year when target species are evident and identifiable. If no rare plants are noted in the project area

during the survey, no further rare plant avoidance or minimization measures would be necessary. If rare plant populations are observed during the survey, all populations should be documented and flagged for avoidance. Flagging may include high visibility pin flag or tape, or orange mesh construction fencing, will be temporary, and will include all individuals of the rare plant population observed. Crews should be educated on the purpose and need of avoidance of habitat areas within exclusion zones.

Special-Status Wildlife

- For the protection of nesting birds, including raptors, limit vegetation treatment to the non-nesting season. If vegetation clearing must occur during the bird breeding season, a qualified biologist should conduct pre-operations surveys for nesting birds no more than 1 week prior to vegetation treatment activities. If no nests are observed during the survey, no further measures would be necessary. If active nests are observed, avoidance buffers appropriate for the species of bird should be implemented.
- Buffers should remain in place until the activities are complete, the young have fledged, or if the qualified biologist determines that the proposed activities will not result in impacts to nesting, rearing, or breeding success.
- For the protection of other special-status species, pre-operations surveys should be conducted by a qualified biologist. Buffers or treatment exclusion areas identified by the biologist should be avoided during vegetation treatment activities. Other measures identified by the biologist (e.g., movement of nests, modifications to treat types or timeframes) should be implemented as necessary.

2.8 Cultural Resources

It is anticipated that cultural resources surveys will be conducted prior to implementation of vegetation management projects. Artifacts or features identified during surveys should be flagged and equipment excluded. Should exclusion be infeasible, equipment limitations should be implemented (e.g., use of rubber-tired equipment to lift trees off the ground). Exclusion or limitation of equipment should be specified during the specific project planning and permitting stage. A qualified archaeologist should be consulted to approve work area boundaries and allowable work in the vicinity of cultural resources. At the completion of operations, any flagging used for cultural resource site identification should be promptly removed to minimize the potential for discovery and impact.

2.9 Recreation Resources

Temporary impacts to recreation resources in the Plan Area may result from vegetation treatment project implementation. Temporary closures or use restrictions may be necessary for the safe operation of equipment and to ensure public safety. To minimize potential negative effects of vegetation treatment projects on recreation resources, the following BMPs have been identified:

- Restore disturbed areas to pre-operation conditions (e.g., clear blocked trails, recontour damaged trails to minimize the potential for erosion or the creation of unauthorized trails)
- Repair, replace, or reinstall damaged, removed, or relocated infrastructure (e.g., signs, gates, picnic tables)
- Minimize the extent or duration of closures by phasing work and/or conducting work outside of peak visitation periods, where feasible
- Where feasible, conduct operations on weekdays during daytime hours (8 a.m. to 5 p.m.)

- Control public access by posting detours, installing and maintaining appropriate and adequate signage, using flaggers/monitors where necessary, closing work areas via exclusionary fencing, and providing monitors to ensure access control measures are maintained and effective
- Disseminate information regarding planned project activities via websites, social media, in-park signage, and/or outreach to regular known user groups

2.10 Tree Protection

The general management standards outlined in the community wildfire protection plan are associated with oak woodlands and other hardwood stands where canopy retention is an overall goal. However, retained trees near vegetation management activities may be subject to impacts. The following protection measures are provided to minimize impacts to retained trees:

- Avoid disturbance to tree root zones. Root damage and soil compaction can occur through improper operation of equipment while maneuvering over the root zone. Avoid operation in the root zone under saturated soil conditions and avoid contacting aboveground roots. Use existing access roads or trails where available to reduce soil compaction.
- Avoid “skin-ups” on the boles of retained trees caused by contact with equipment, falling trees, or vegetative material being yarded for removal from the site. “Skin-ups” often expose the inner bark and cambium of the residual tree. Such wounds deplete the energy reserves of the tree in order to isolate the injury and create an easy entry point for pests and pathogens.
- Avoid disturbance to tree crowns during operations. If limb removal is necessary for equipment operation, limbs should be pruned according to American National Standards Institute A300 standards.
- Avoid piling chips, soil, or other materials against the trunk/bole of retained trees.
- For tree removal operations, directionally fell trees away from the retained trees or in a direction that would cause the least amount of damage to the surrounding tree crowns. Torn branches, like skin-ups, deplete the energy reserves of the tree in order isolate the injury, and create an easy entry point for pests and pathogens.
- For pile burning activities, site piles a sufficient distance from retained trees to minimize crown and trunk scorching and heat damage to roots.
- For broadcast burning activities, treat surface fuels and/or prune lower limbs of trees such that flame lengths and fire line intensities are low enough to minimize crown and trunk scorching.

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Appendix D

Prioritized Vegetation Management Projects

A list of prioritized vegetation management projects is presented in Table D-1. The locations of existing fuel breaks and fuel treatment projects and the locations of some recommended projects are provided in Figures D-1 through D-3.

Table D-1. Priority Vegetation Management Projects

Project Description	Coordinating Agencies/Entities
All Plan Area Cities	
Vegetation Management and Defensible Space	
Increase defensible space compliance in the Plan Area through engagement with property owners and through MFD inspection and enforcement efforts.	MFD, Monterey, PG, CBTS
Create and maintain defensible space around historic and community structures in the Plan Area.	MFD, Monterey, PG, CBTS
Encourage the use of prescribed herbivory across the Plan Area to reduce or maintain fuel loads.	MFD, Monterey, PG, CBTS, County Parks, State Parks
Roadside Fuels Reduction	
Conduct roadside fuels reduction along major roadways and evaluate City-identified evacuation routes for hazardous vegetation and fuels reduction needs. See Figures D-1, D-2, and D-3 for high priority areas for roadside fuels reduction. Update this list and identified evacuation routes as local evacuation plans are developed. ▪ Highway 11, 2 ▪ Highway 681, 3 ▪ Viejo Road ▪ Barnet Segal Lane ▪ Aguajito Road (portion within Monterey)1 ▪ Garden Road1 ▪ Josselyn Canyon Road ▪ Camino Del Monte ▪ Junipero Avenue2 ▪ Ocean Avenue2 ▪ 8th Avenue2 ▪ Olmsted Road ▪ Monhollan Road ▪ Congress Avenue ▪ Skyline Forest Drive ▪ Scenic Drive ▪ 17 Mile Drive3 ▪ Forest Lodge Road3 ▪ Lighthouse Ave3 ▪ Central Avenue3	MFD, Caltrans, Monterey County Parks, Monterey, CBTS, PG
Routinely manage roadside vegetation on all public and private roads in the Plan Area to reduce ignition potential and create fire-safe evacuation and fire access corridors.	MFD, Caltrans, Monterey County Parks, Monterey, CBTS, PG, HOAs, neighborhood councils/associations

Table D-1. Priority Vegetation Management Projects

Project Description	Coordinating Agencies/Entities
Prescribed Fire	
Evaluate the potential use of prescribed fire in the Plan Area to restore appropriate fire return intervals in fire-adapted vegetation communities.	MFD
Evaluate the potential use of prescribed fire for cultural purposes.	MFD, Native American tribal groups
City of Monterey	
Forest Health/Resilience	
Develop a Forest Management Plan for the La Mesa Village.	MFD, Monterey, U.S. Army Garrison Presidio of Monterey
Roadside Fuels Reduction	
Pursue the creation of shaded fuel breaks along Olmsted and Monhollan Road to protect the Deer Flats and Fish Flats communities from wildfires encroaching from the south.	MFD, Caltrans, County Parks, CAL FIRE San Benito Monterey Unit, HOAs
Vegetation Management & Defensible Space	
Conduct fuels reduction within the Huckleberry Hill Nature Preserve, including thinning, chipping, and fuel breaks (as identified in County CWPP).	MFD, Monterey, U.S Army Garrison Presidio of Monterey
Provide input and assist with coordinating roadside and defensible space fuels reduction in La Mesa Village and explore opportunities to expand and connect treatment sites with treatment areas outside of La Mesa Village.	MFD, Monterey, U.S Army Garrison Presidio of Monterey
Conduct fuels reduction objectives identified in City of Monterey Greenbelt Fuel Reduction Plan and explore opportunities to expand treatment areas.	MFD, Monterey
Conduct fuels reduction work within the Old Capitol Site in accordance with the Old Capitol Site Forest Management Plan.	MFD, Monterey
Create defensible space surrounding the Westland House of Community Hospital of the Monterey Peninsula.	MFD, Monterey, Westland House of Community Hospital of the Monterey Peninsula
City of Pacific Grove	
Forest Health/Resilience	
Conduct forest restoration projects in George Washington Park, including pine restoration to encourage Monterey pine regeneration as described in the park's Forest Management Plan.	MFD, PG
Vegetation Management and Defensible Space	
Create a shaded fuel break along the perimeter of the Del Monte Park neighborhood to increase defensible space and reduce community wildfire risks.	MFD, PG, Pebble Beach Community Services District, CAL FIRE San Benito Monterey Unit
Conduct fuels reduction within the Perimeter Management Zone within George Washington Park as described in the park's Forest Management Plan.	MFD, PG

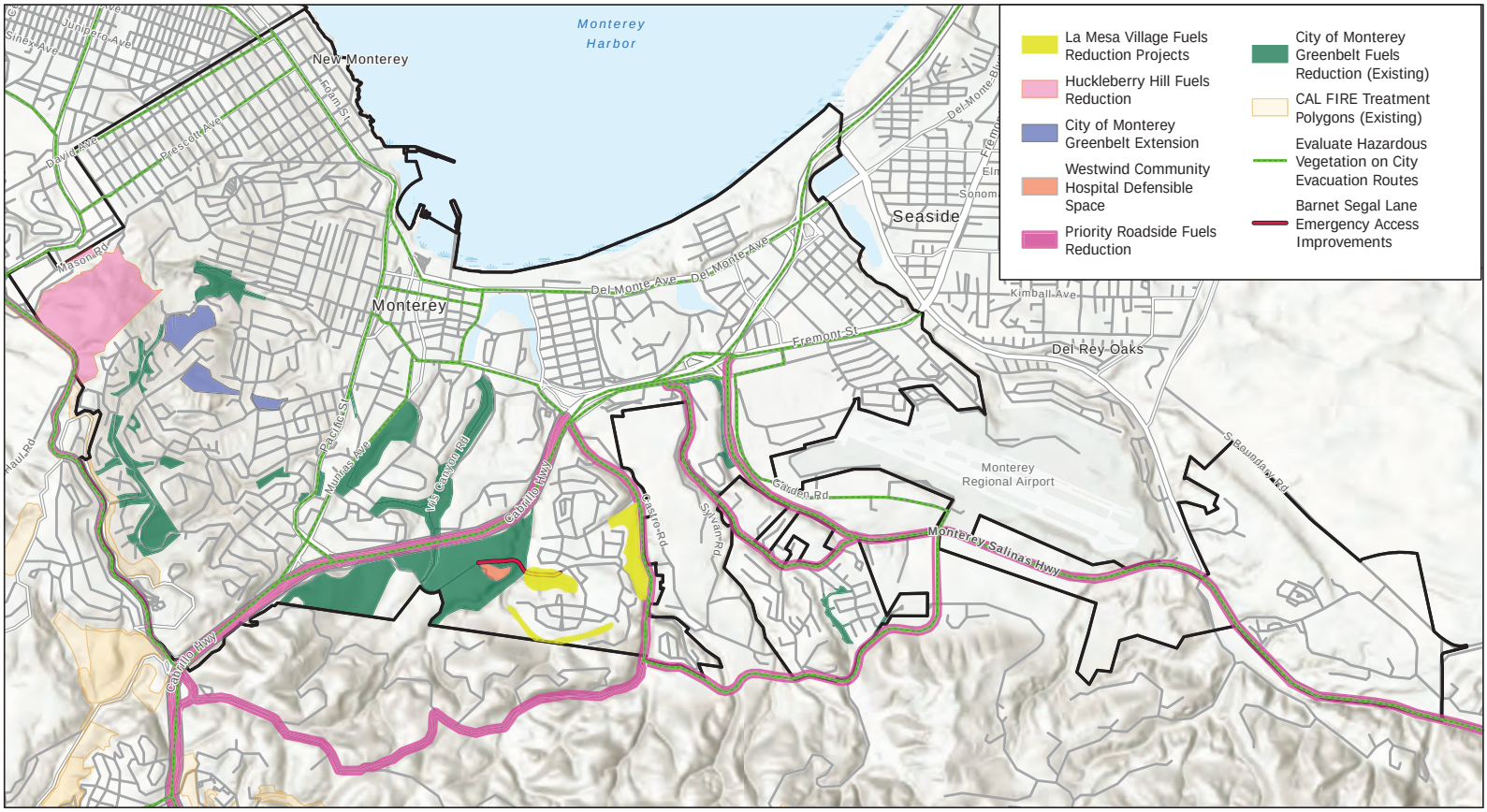
Table D-1. Priority Vegetation Management Projects

Project Description	Coordinating Agencies/Entities
Conduct fuels reduction within Rip Van Winkle Open Space.	MFD, PG
City of Carmel-by-the-Sea	
Forest Health/Resilience	
Develop a Forest Management Plan for the Mission Trails Preserve with a focus on forest health and ladder fuels reduction.	MFD, CBTS, Friends of Mission Trails Nature Preserve
Vegetation Management and Defensible Space	
Collaborate with Pebble Beach to develop a fuels reduction plan for Pescadero Canyon near the boundary of CBTS.	MFD, CBTS, Pebble Beach
Conduct fuels reduction within Forest Hill Park.	MFD, CBTS

Notes: MFD = Monterey Fire Department; Monterey = City of Monterey; PG = City of Pacific Grove; CBTS = City of Carmel-by-the-Sea; County = County of Monterey; State Parks = California Department of Parks and Recreation; Caltrans = California Department of Transportation; HOA = homeowners' association; CAL Fire = California Department of Forestry and Fire Protection; CWPP = community wildfire protection plan.

1 Monterey locally designated evacuation route.
2 Carmel-by-the-Sea locally designated evacuation route.
3 Pacific Grove locally designated evacuation route.

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FIGURE D-1

Monterey Existing and Priority Projects

Community Wildfire Protection Plan - Monterey, Pacific Grove, and Carmel-by-the-Sea

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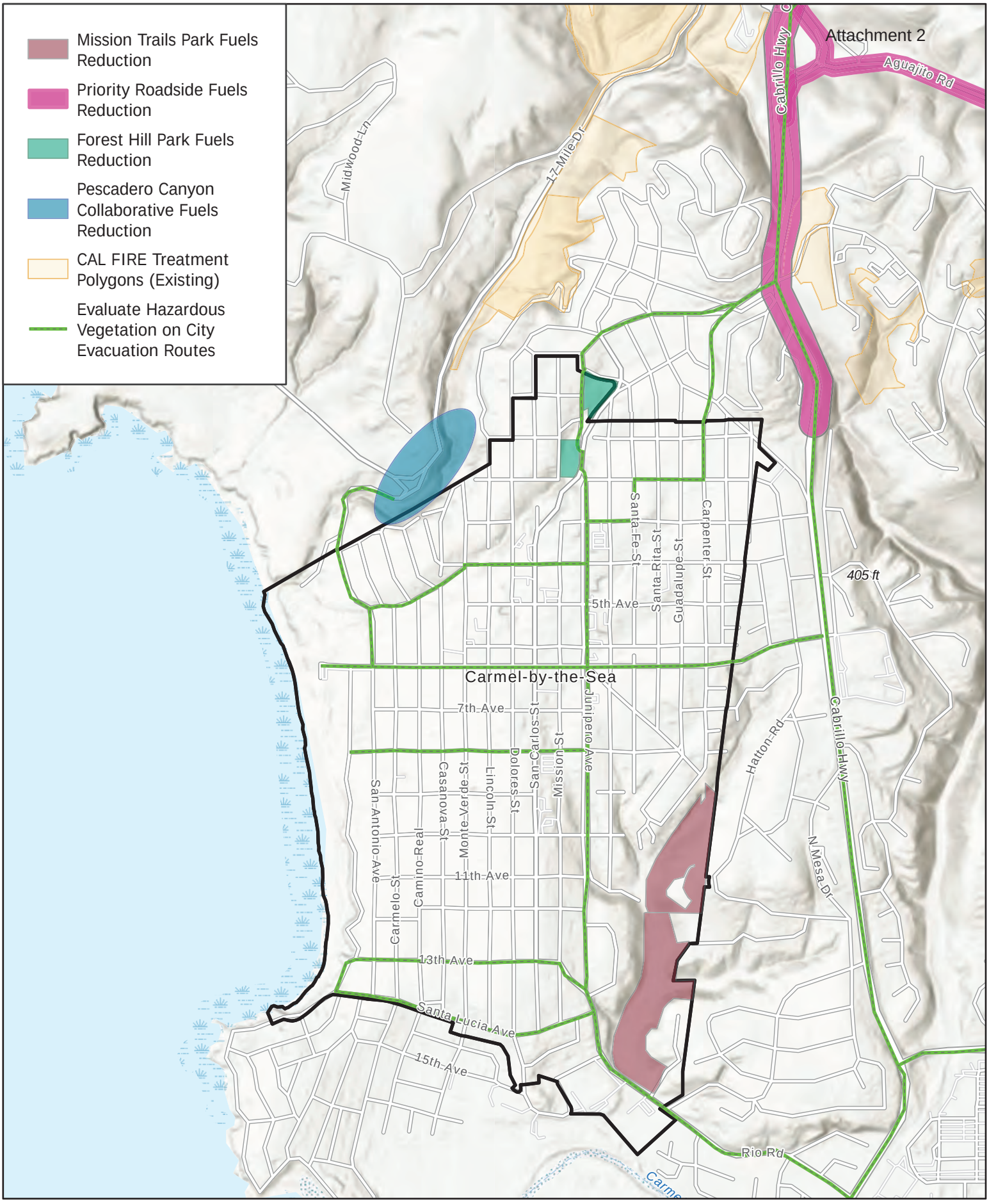


FIGURE D-2
Carmel-by-the-Sea Existing and Priority Projects
Community Wildfire Protection Plan - Monterey, Pacific Grove, and Carmel-by-the-Sea

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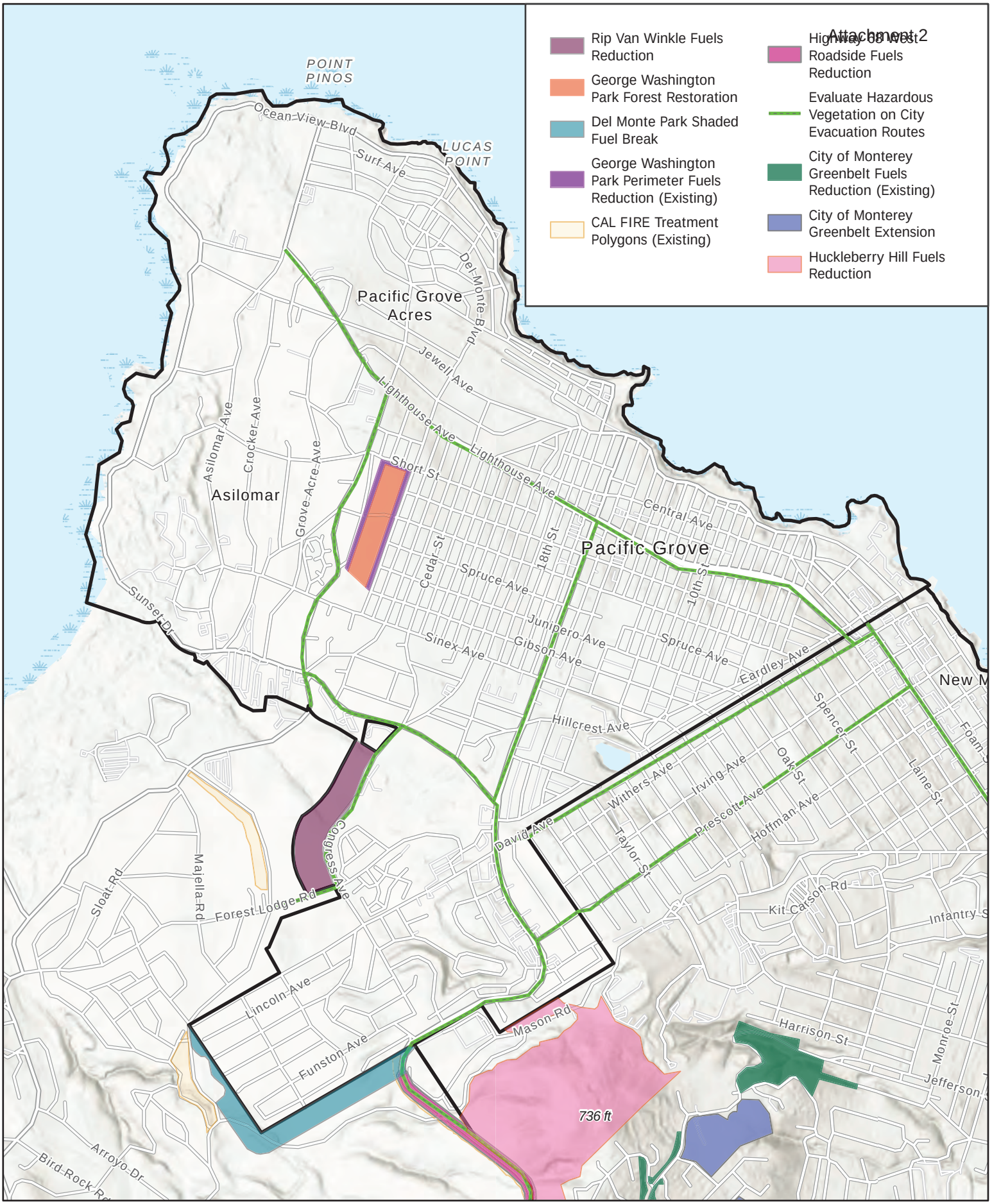


FIGURE D-3

Pacific Grove Existing and Priority Projects

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Appendix E

Planning and Regulatory Environment

1 Planning and Regulatory Environment

This section describes existing plans, codes, and standards relevant to wildfire protection and fuels management in the Plan Area.

1.1 Federal

1.1.1 Healthy Forests Restoration Act

The 2003 Healthy Forests Restoration Act (HFRA) is the legislative component of the Healthy Forest Initiative. The HFRA provides provisions for expediting the preparation and implementation of hazardous fuels reduction projects on federal land and assisting states, rural communities, and landowners with restoring healthy forest and watershed conditions. As a key component of the HFRA, a community wildfire protection plan (CWPP) serves as a mechanism for community input and identification of areas presenting high wildfire risk, as well as identification of potential projects intended to mitigate such risk. The HFRA places a priority on fuel treatments identified by communities in their CWPPs.

1.1.2 National Fire Plan

The National Fire Plan was a presidential directive in 2000 in response to severe wildland fires that had burned throughout the United States. The National Fire Plan focuses on reducing fire impacts on rural communities and providing assurance for sufficient firefighting capacity in the future. The National Fire Plan addresses five key points: firefighting, rehabilitation, hazardous fuels reduction, community assistance, and accountability. The plan continues to provide technical, financial, and resource guidance and support for wildland fire management across the United States. The U.S. Forest Service (USFS) and the Department of the Interior are working to implement the key points outlined in the National Fire Plan (U.S. Government 2000).

1.1.3 National Incident Management System

The National Incident Management System (NIMS) is a system that guides all levels of government, nongovernmental organizations, and the private sector to work together to prevent, protect against, mitigate, respond to, and recover from incidents. The National Incident Management System provides guidance regardless of the cause, size, location, or complexity of the incident, and provides shared vocabulary, systems, and processes as well as defines operational systems used during incidents.

1.1.4 Disaster Mitigation Act

The Disaster Mitigation Act of 2000 created incentives for state and local entities to coordinate hazard mitigation planning and implementation. The act is an important source of funding for fuels reduction and fire hazard reduction efforts through federal hazard mitigation grants.

1.1.5 National Forest Management Act

The National Forest Management Act governs the administration of national forests and was an amendment to the Forest and Rangeland Renewable Resources Planning Act of 1974. The act called for the management of renewable resources on national forest lands.

1.1.6 National Historic Preservation Act

The National Historic Preservation Act protects and preserves historic and cultural sites. The act also created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices.

1.1.7 Endangered Species Act

The Endangered Species Act of 1973 protects species that are listed as endangered or threatened throughout all or a significant portion of their range. The act also provides protection for critical habitats on which the listed species depend.

1.1.8 Los Padres National Forest Land Management Plan

In accordance with the National Forest Management Act, each national forest has a land and resource management plan. The Land Management Plan for the Los Padres National Forest describes the strategic direction for managing the forest's land and resources over the next 10 to 15 years (USFS 2005).

1.1.9 Los Padres National Forest Fire Management Plan

The 2008 LPNF Fire Management Plan is a strategic document that addresses the fire management program and guides fire management activities based on the 2006 Los Padres National Forest Land Management Plan (LPNF Management Plan). The Monterey Ranger District is responsible for management of USFS lands in Monterey County. Fire prevention planning and management focuses on maintaining defensible space around structures/improvements, and strategically treating hazardous fuels to interrupt fire spread and enhance suppression efforts.

1.1.10 Quadrennial Fire Review

The Quadrennial Fire Review is a strategic risk assessment that is conducted every 4 years, with the most recent assessment carried out in 2014. The purpose of the review is to forecast the conditions that may present the greatest challenge for wildland fire management over the next 10 to 20 years.

1.1.11 National Cohesive Wildland Fire Management Strategy

The National Cohesive Wildland Fire Management Strategy is a push to work collaboratively among stakeholders across landscapes to create resilient landscapes, fire-adapted communities, and safe and effective wildfire response. Its vision is "To safely and effectively extinguish fire when needed; use fire where allowable; manage our

natural resources; and as a nation, to live with wildland fire." The Cohesive Strategy addresses the nation's wildfire problems by focusing on three key areas:

- Restore and Maintain Landscapes
- Fire Adapted Communities
- Response to Fire

1.1.12 Federal Wildland Fire Management Policy

The Federal Wildland Fire Management Policy was developed in 1995, updated in 2001, and again in 2009 by the National Wildfire Coordinating Group, a federal multi-agency group that establishes consistent and coordinated fire management policy across multiple federal jurisdictions. An important component of the Federal Wildland Fire Management Policy is the acknowledgement of the essential role of fire in maintaining natural ecosystems. The Federal Wildland Fire Management Policy and its implementation are founded on the following guiding principles, found in the Guidance for Implementation of Federal Wildland Fire Management Policy (NWCG 2009):

- Firefighter and public safety is the first priority in every fire management activity.
- The role of wildland fire as an essential ecological process and natural change agent will be incorporated into the planning process.
- Fire management plans, programs, and activities support land and resource management plans and their implementation.
- Sound risk management is a foundation for all fire management activities.
- Fire management programs and activities are economically viable, based upon values to be protected, costs, and land and resource management objectives.
- Fire management plans and activities are based upon the best available science.
- Fire management plans and activities incorporate public health and environmental quality considerations.
- Federal, state, tribal, local, interagency, and international coordination and cooperation are essential.
- Standardization of policies and procedures among federal agencies is an ongoing objective.

1.1.13 International Fire Code

Created by the International Code Council, the International Fire Code addresses a wide array of conditions hazardous to life and property, including fire, explosions, and hazardous materials handling or usage (although not a federal regulation, but rather the product of the International Code Council). The International Fire Code places an emphasis on prescriptive and performance-based approaches to fire prevention and fire protection systems. Updated every 3 years, the International Fire Code uses a hazards classification system to determine the appropriate measures to be incorporated to protect life and property (often these measures include construction standards and specialized equipment). The International Fire Code uses a permit system (based on hazard classification) to ensure that required measures are instituted.

1.1.14 International Wildland-Urban Interface Code

The International Wildland-Urban Interface Code is published by the International Code Council and addresses wildfire issues in the wildland-urban interface (WUI). It is a model code that is intended to be adopted and used supplemental to the adopted building and fire codes of a jurisdiction. The International Wildland-Urban Interface Code establishes minimum special regulations for development in the WUI to safeguard life and property from wildfire hazards.

1.1.15 National Fire Protection Association Codes, Standards, Practices, and Guides

National Fire Protection Association (NFPA) codes, standards, recommended practices, and guides are developed through a consensus development process approved by the American National Standards Institute. This process brings together professionals representing varied viewpoints and interests to achieve consensus on fire and other safety issues. NFPA standards are recommended guidelines and nationally accepted good practices in fire protection but are not laws or codes unless adopted or referenced as such by a state, county, city, or other fire code or local fire agency.

- **NFPA 1140, Standard for Wildland Fire Protection (2022):** This standard provides the minimum requirements for wildland fire management and the associated professional qualifications for wildland fire positions. It is intended to specify the minimum requirements for fire protection and emergency services infrastructure in wildland, rural, and suburban areas; wildland fire management practices and policies; methods of assessing wildland fire ignition hazards; and job performance requirements for wildland fire positions.
- **NFPA 1141, Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas (2017):** This standard addresses the requirements for fire protection infrastructure in wildland, rural, and suburban areas where there is an intended change of land use or intended land development. It is intended to develop fire protection and emergency services infrastructure to reduce the impact of land use changes in wildland, rural, and suburban areas.
- **NFPA 1142, Standard on Water Supplies for Suburban and Rural Firefighting (2022):** This standard addresses a method for determining the minimum requirements for alternative water supplies for structural firefighting purposes in areas where the authority having jurisdiction (AHJ) determines that adequate and reliable water supply systems for firefighting purposes do not otherwise exits. It is intended to assist the AHJ in establishing the minimum water supply necessary for structural firefighting purposes in areas where it has been determined that there is no water or inadequate water for firefighting.
- **NFPA 1143, Standard for Wildland Fire Management (2018):** This standard provides minimum requirements to fire protection organizations on the management of wildland fire, including prevention, mitigation, preparation, and suppression. It is intended to specify management practices and policies necessary for a fire protection organization to develop a wildland fire management program.
- **NFPA 1144, Standard for Reducing Structure Ignition Hazards from Wildland Fire (2018):** This standard provides a methodology for assessing wildland fire ignition hazards around existing structures, residential developments, and subdivisions, and improved property or planned property improvement that will be located in a WUI area, and provides minimum requirements for new construction to reduce the potential of structure ignition from wildfires. It is intended to assess fuel sources in the structure ignition zone for their

potential to ignite structures, and to identify possible mitigation measures to reduce the possibility of structure ignition.

1.2 State

1.2.1 California Strategic Fire Plan

The 2018 Strategic Fire Plan for California reflects the California Department of Forestry and Fire Protection's (CAL FIRE's) focus on (1) fire prevention and suppression activities to protect lives, property, and ecosystem services, and (2) natural resource management to maintain the state's forests as a resilient carbon sink to meet California's climate change goals and to serve as important habitat for adaptation and mitigation. Strategic Fire Plan goals include the following (State Board of Forestry and Fire Protection and CAL FIRE 2018):

1. Identify and evaluate wildland fire hazards and recognize life, property, and natural resource assets at risk, including watershed, habitat, social and other values of functioning ecosystems. Facilitate the collaborative development and sharing of all analyses and data collection across all ownerships for consistency in type and kind.
2. Promote and support local land use planning processes as they relate to: (a) protection of life, property, and natural resources from risks associated with wildland fire, and (b) individual landowner objectives and responsibilities.
3. Support and participate in the collaborative development and implementation of local, county, and regional plans that address fire protection and landowner objectives.
4. Increase fire prevention awareness, knowledge, and actions implemented by individuals and communities to reduce human loss, property damage, and impacts to natural resources from wildland fires.
5. Integrate fire and fuels management practices with landowner/land manager priorities across jurisdictions.
6. Determine the level of resources necessary to effectively identify, plan and implement fire prevention using adaptive management strategies.
7. Determine the level of fire suppression resources necessary to protect the values and assets at risk identified during planning processes.
8. Implement post-fire assessments and programs for the protection of life, property, and natural resource recovery.

1.2.2 CAL FIRE Strategic Fire Plan

In 2019 CAL FIRE released its Strategic Plan. The plan is updated from the 2012 CAL FIRE Strategic Plan and focuses on the department's mission, vision, and values. The Strategic Fire Plan is the state's roadmap for reducing wildfire risk. By emphasizing what needs to be done before a fire occurs, the Strategic Fire Plan seeks to reduce firefighting costs and property losses, increase firefighter safety, and contribute to ecosystem health. Four goals were identified in the plan: (1) improve the core capabilities, (2) enhance internal operations, (3) ensure health and safety, (4) and build an engaged, motivated, and innovative workforce (CAL FIRE 2019a).

1.2.2.1 Unit Strategic Fire Plan San Benito-Monterey

The San Benito-Monterey Unit serves the state lands in and surrounding the Plan Area. The Unit Strategic Fire Plan was developed with input from key stakeholders, and intends of meeting the goals set by both the stakeholders and the California Strategic Fire Plan. Pre-fire management projects are designed to reduce costs and losses, especially during periods of severe fire weather. With the use of fire resistant landscaping, mechanical fuels treatment, prescribed burns, building construction standards, infrastructure, land use planning, and escape plans, the Unit strives to keep what would otherwise be a large, catastrophic fire, to smaller fire with less intensity, reducing suppression costs and property loss.

1.2.3 California Fire Service and Rescue Emergency Mutual Aid Plan

The California Fire Service and Rescue Emergency Mutual Aid Plan is an extension of the California Emergency Plan. The plan supports the Incident Command System, the Integrated Emergency Management System, and multi-hazard response planning. The plan provides more detailed operational plans that support fire and rescue resources at the state, regional, and local levels.

1.2.4 California State Multi-Hazard Mitigation Plan

Approved by the Federal Emergency Management Agency (FEMA) in September 2018 as an Enhanced State Mitigation Plan, the 2018 State Multi-Hazard Mitigation Plan update continues to build upon California's commitment to reduce or eliminate the impacts of disasters caused by natural, technological, accidental, and adversarial/human-caused hazards, and further identifies and documents progress made in hazard mitigation efforts, new or revised state and federal statutes and regulations, and emerging hazard conditions and risks that affect the State of California.

1.2.5 California Government Code

California Government Code Sections 51175 through 51189 provide guidance for classifying lands in California as fire hazard areas and provide requirements for management of property within those lands. CAL FIRE is responsible for classifying FHSZs based on statewide criteria and makes the information available for public review. Further, local agencies must designate, by ordinance, Very High FHSZs within their jurisdiction based on the recommendations of CAL FIRE.

Section 51182 sets forth requirements for maintaining property within fire hazard areas, such as defensible space, vegetative fuels management, and building materials and standards. Defensible space around structures in fire hazard areas must consist of 100 feet of fuel modification on each side of a structure, but not beyond the property line unless findings conclude that the clearing is necessary to significantly reduce the risk of structure ignition in the event of a wildfire. Clearance on adjacent property is only conducted following written consent by the adjacent owner. Further, trees must be trimmed from within 10 feet of the outlet of a chimney or stovepipe, vegetation near buildings must be maintained, and roofs of structures must be cleared of vegetative materials. Exemptions may apply for buildings with an exterior constructed entirely of nonflammable materials.

1.2.6 California Public Resources Code

PRC Section 4290 requires minimum fire safety standards related to defensible space that are applicable to residential, commercial, and industrial building construction in SRA lands and lands classified and designated as Very High FHSZs. These regulations include road standards for fire apparatus access, standards for signs identifying roads and buildings, fuel breaks and green belts, and minimum water supply requirements. These regulations do not supersede local regulations that equal or exceed minimum regulations required by the state.

PRC Section 4291 requires a reduction of fire hazards around buildings adjacent to a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered in flammable material. It is required to maintain 100 feet of defensible space around all sides of a structure, but not beyond the property line unless required by state law, local ordinance, rule, or regulations. Further, PRC Section 4291 requires the removal of dead or dying vegetative materials from the roof of a structure, and trees and shrubs must be trimmed from within 10 feet of the outlet of a chimney or stovepipe. Exemptions may apply for buildings with an exterior constructed entirely of nonflammable materials.

PRC Section 4741 states that CAL FIRE shall assist local governments in preventing future wildland fire and with vegetation management problems by making its wildland fire prevention and vegetation management expertise available to local governments.

PRC Sections 4292-4296 and 14 CCR 1246 address vegetation clearance standards for electrical utilities. They include standards for clearing around energy lines and conductors.

1.2.7 California Code of Regulations

Title 14, Natural Resources

California Code of Regulations (CCR) Title 14, Division 1.5, Chapter 7, Subchapter 3, Fire Hazard, sets forth requirements for defensible space and provides alternate options if the required distances cannot be achieved. For example, options that have similar practical effects include noncombustible block walls or fences; 5 feet of noncombustible material horizontally around a structure; installing hardscape landscaping or reducing exposed windows on the side of structures with less than 30-foot setbacks; or additional structure hardening, such as those required in the California Building Code, CCR Title 24, Part 2, Chapter 7A.

Title 19, Public Safety

CCR Title 19 addresses public safety and includes State Fire Marshal requirements (CCR, Title 19, Division 1), which incorporate general fire and safety standards regarding fire department access and egress, fire alarms, emergency planning, and evacuation procedures.

Title 19, Division 2, Chapter 1, Standardized Emergency Management System Regulations

The Standardized Emergency Management System (Emergency System) regulations are described in CCR Title 19, Division 2, Chapter 1. The Emergency System is required by the California Emergency Services Act to manage multi-agency and multi-jurisdictional responses to emergencies in California, and to coordinate among all levels of

government and affected agencies. The Emergency System unifies all elements of California's emergency management community into a single, integrated system, and standardizes key elements.

Title 24, California Building Standards Code

The California Building Standards Code (CCR Title 24) contains provisions for building and safety standards, including fire safety standards for new buildings that are provided in the California Building Code (CCR Title 24, Part 2) and the California Fire Code (CFC) (CCR Title 24, Part 9). These standards apply to all occupancies in California, except where state agencies and local governing bodies adopt more stringent standards.

Title 24, Part 2, California Building Code

The California Building Code includes several chapters relevant to fire safety and protection that address types of construction, fire and smoke protection features, construction materials and methods, and rooftop construction. Typical CFC safety requirements include fire sprinklers in all high-rise buildings; fire-resistance standards for fire doors, building materials, and particular types of construction; debris and vegetation clearance within a prescribed distance from occupied structures within wildfire hazard areas; and fire-flow requirements, fire hydrant spacing, and access road specifications.

Chapter 7A of the California Building Code regulates building materials, systems, and/or assemblies used in the exterior design and construction of new buildings within a fire hazard area. Fire hazard areas as defined by the California Building Code include areas identified as an FHSZ within an SRA or a WUI fire area. The purpose of Chapter 7A is to establish minimum standards for the protection of life and property by increasing the ability of structures in a fire hazard area to resist the intrusion of flames or embers projected by a wildfire, and to contribute to a systematic reduction in structural losses from a wildfire. New buildings in such areas must comply with the ignition-resistant construction standards outlined in Chapter 7A.

Title 24, Part 9, California Fire Code

Part 9 of Title 24 contains the California Fire Code (CFC), which incorporates by adoption the International Fire Code with necessary California amendments. The purpose of the CFC is to establish the minimum requirements to safeguard the public health, safety, and general welfare from the hazards of fire, explosion, and dangerous conditions in new and existing buildings, structures, and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. CFC Chapter 49 contains minimum standards for development in the WUI and fire hazard areas.

The CFC and Office of the State Fire Marshal provide regulations and guidance for local agencies in the development and enforcement of fire safety standards. The CFC is updated and published every 3 years by the California Building Standards Commission.

1.2.8 2019 California Fire Code with July 2021 Supplement

The 2019 CFC (CCR Title 24, Part 9) establishes regulations to safeguard against the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The CFC also establishes requirements intended to provide safety for and assistance to firefighters and emergency responders during emergency operations. The provisions of the CFC apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every

building and structure throughout California. The CFC includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and WUI areas.

1.2.9 Assembly Bill 3074

Assembly Bill 3074 was passed into law in 2020 and requires a third zone of defensible space. The law requires the Board of Forestry and Fire Protection to develop regulations for the ember-resistant zone (Zone 0) within 0 to 5 feet of a structure by January 1, 2023. Within this zone, fuels reduction would be more intense and be designed to keep fire and embers from ignition material that could spread fire to a structure.

1.2.10 Assembly Bill 38

Assembly Bill 38 established that, as of July 1, 2021, sellers of property located in a High or Very High FHSZ are required to provide the buyer with documentation that the property is in compliance with defensible space requirements.

1.2.11 1968 California FAIR Plan Act

The California FAIR Plan Act is composed of all insurer's licenses to write property insurance in California. The insurance pool was established to ensure the availability of property insurance to people who, beyond their control, have been unable to obtain insurance in the voluntary insurance market.

1.3 Local

1.3.1 Monterey County CWPP

The Monterey County CWPP was developed in 2010 and updated in 2016 by the Monterey Fire Safe Council, in collaboration with a Working Group, CAL FIRE, USFS, the Bureau of Land Management, and other stakeholders. The Monterey County CWPP serves as an advisory document to guide wildfire prevention and preparedness throughout the County. The Monterey County CWPP includes wildfire planning recommendations at a county-wide scale, including hazardous fuel mitigation activities and methods for reducing structural ignitability.

1.3.2 County of Monterey Multi-Jurisdictional Hazard Mitigation Plan

The Monterey County Office of Emergency Services developed the updated Monterey County Multi-Jurisdictional Hazard Mitigation Plan in 2022. Developing the plan included partnerships with incorporated cities and unincorporated county areas, as well as Special Purpose Districts. Each participating planning partner has prepared a jurisdiction-specific annex to this plan, which identifies localized hazards and mitigation strategies. Wildfire is identified as a high risk throughout the County.

1.3.3 City of Monterey General Plan

The City of Monterey General Plan serves as the City's main policy document and governs the City's physical shape and character. Monterey's General Plan was adopted in 2005 and is reviewed on an annual basis. In addition, the City has adopted specific area plans for various commercial and residential neighborhoods. The following goals and policies of the General Plan relate to wildfire and fire safety.

Safety Element

- **Goal d.** Minimize the loss of life and property from fire.
  - **Policy d.1.** Achieve the greatest practical level of built-in fire protection to confine fires.
  - **Policy d.2.** Achieve effective emergency access to all developments, installations, and fire protection equipment for emergency apparatus and for evacuation.
  - **Program d.2.1.** Discourage all dead end roads and cul-de-sacs longer than 700 feet.
  - **Program d.2.2.** Encourage alternative second access roads as emergency access for roads greater than 700 feet in length.
  - **Program d.2.3.** Locate all installations or processes considered hazardous in the safest possible areas or on individual parcels.
  - **Program d.2.4.** In hazardous fire areas, require fire retardant roofing and access to steep lots, and consider brush clearance and planting of non-flammable vegetation.
  - **Policy d.3.** Maintain a cost-effective, high level of fire protection service.
  - **Policy d.4.** Continue to work with fire protection agencies that provide fire service to unincorporated areas through mutual aid. Encourage those areas that desire fire protection services which are beyond "outside legitimate mutual aid" to annex to the City of Monterey for fire protection services instead of using contractual or automatic aid agreements.
  - **Policy d.5.** Cooperate with fire protection agencies to obtain and maintain mutual aid agreements that will augment the City's fire protection services. Continue mutual aid with the California Department of Forestry that obtain adequate aid for larger, open-range type fires involving brush, trees and grass that require specialized tactics and equipment.
  - **Policy d.6.** Work with Cal-Am to ensure adequate water pressure for fire fighting.
- **Figure 14,** Showing Fire Hazard Severity Zones
- **Figure 15**, Showing Evacuation Routes
- **Policy e.2.** Continue to work with the airport district through a fire mutual aid agreement
- **Goal h.** Ensure prompt and effective services to cope with local emergencies.
  - **Policy h.1.** Continue to provide high quality fire, police, and emergency medical services.
  - **Policy h.2.** Continue to develop emergency plans to respond to large-scale natural or man-made disasters, such as fires, earthquakes, floods, nuclear attack, terrorist attack, or releases of hazardous materials.

Public Facilities Element

- **Goal c.** Maintain facilities to provide a cost-effective, high level of fire protection service.

- **Policy c.1.** Require built-in fire protection for new and existing structures to minimize the need for additional fire facilities.
- **Policy c.2.** Identify cost-effective fire station locations using contractual or automatic aid agreements.
- **Policy c.3.** Continue to monitor and evaluate the need for a new fire station to serve the Monterey-Salinas Highway (68) and Ryan Ranch areas. Explore opportunities to co-locate at the airport's fire station to provide this additional service.
- **Policy c.4.** Provide for adequate fire facilities through capital funding.
- **Policy c.5.** Develop a plan to upgrade or replace the fire administration building
- **Policy m.2.** Encourage continued development of the City's water supply system to meet established fire flow standards (including reservoirs, mains, and hydrants).

1.3.4 City of Monterey Greenbelt Fuel Reduction Plan

This Greenbelt Fuel Reduction Plan identifies fuel reduction recommendations for eight areas within the City's greenbelt system—the Skyline Forest, Veterans Park, Monte Vista, Carmelo Street, Don Dahvee, Josselyn Canyon, Fisherman Flats, and Old Capitol Site greenbelts. The plan identifies these as areas where fire hazard is high due to high fuel loads. Wildfire in these greenbelts could result in substantial impacts to natural resources, as well as substantial health, safety, and welfare impacts to the built/human environment adjacent to these areas.

1.3.5 City of Monterey Community Risk Assessment and Standards of Cover Study

The City of Monterey Community Risk Assessment and Standards of Cover Study is a comprehensive assessment of current services and desired service levels for emergency response. The assessment was conducted to assist the City and Fire Department in ensuring a safe, effective, and appropriately sized response force for fires, medical emergencies, and other events requiring a specialized emergency response throughout the Cities of Monterey, Pacific Grove, Carmel-by-the-Sea, and Sand City, as well as at THE Monterey Regional Airport, Naval Support Activity Monterey, and La Mesa Village military housing.

1.3.6 City of Carmel-by-the-Sea General Plan

The Carmel-by-the-Sea General Plan, adopted June 2003, is a comprehensive statement of the planning goals and policies for the city and its surrounding Sphere of Influence. Carmel's General Plan has been combined with its Local Coastal Land Use Plan to ensure coordination of these two policy documents. The LCP sets forth goals, objectives, and policies that govern the use of land and water in Carmel-by-the-Sea consistent with the California Coastal Act of 1976. The Environmental Safety Element identifies fire as an issue of local significance and discusses the fire hazards in the city, factors that contribute to fire susceptibility, state and local regulations, and proactive fire safety measures being taken by the city to minimize wildfire concerns, such as tree inspections, pruning, and removal; sprinkler requirements; and roof requirements. The General Plan identifies narrow roads and limited water supply as potential challenges to emergency response in the city. The following goals (G), objectives (O), and policies (P) in the General Plan relate to wildfire and fire safety.

Environmental Safety Element

- **O8-3** Provide public education about what to do in case of emergencies and means available to avoid or minimize their effects.
- **P8-14** Educate the public regarding seismic, geologic, flood, fire, tsunami, and other potential disasters, by preparing periodic news articles for local media outlets, such as Carmel Pine Cone.
- **P8-15** Publicize the system of emergency and evacuation routes serving the City.
- **P8-16** Encourage property owners to retrofit older structures with fire detection and/or warning systems.
- **G8-2** Provide protection from natural hazards.
- **O8-4** Prevent or reduce the potential for life loss, injury, and property damage from fire hazards.
- **P8-17** Avoid and discourage locating public structures and utilities in high severity fire hazard zone.
- **P8-18** Ensure adequate water supply for fire emergencies.
- **P8-19** Encourage new development located in or adjacent to fire hazard areas to incorporate fire preventative site design, access, landscaping and building materials, and other fire suppression techniques.
- **P8-20** Control excessive buildup of flammable vegetative material on vacant lots and within and adjacent to high severity fire hazard zones (such as Mission Trails and Pescadero Canyon – refer to Figure 8.4), especially following wet springs.
- **P8-21** Develop and provide funding and/or incentives for removal of flammable vegetative material particularly in high fire severity areas around Mission Trails and Pescadero Canyon (e.g., free chipping day, free collection day for tree limbs).
- **Figure 8.6** Evacuation Routes

1.3.7 City of Pacific Grove General Plan

The Pacific Grove General Plan, adopted in 1994, is a comprehensive, integrated, and internally consistent statement of Pacific Grove's development policies for the city and its Sphere of Influence. It is the principal policy document for guiding future conservation and development of the city. The Health and Safety Element identifies the Del Monte Forest and Lynn "Rip" Van Winkle Open Space as areas that pose wildland fire hazard to Pacific Grove communities. The following goals, programs, and policies in the General Plan relate to wildfire and fire safety.

Health and Safety Element

- **GOAL 2** Provide aid to the community as needed in the event of natural or man-made disasters.
  - **Program I** Identify alternative water sources for firefighting purposes for use during a disaster.
- **GOAL 4** Prevent loss of life, injury, and property damage from fires, release of hazardous materials, natural disasters, and exposure to other hazardous conditions.
- **GOAL 5** Ensure an adequate level of fire and medical emergency service to the community.
  - **POLICY 13** Require new development to provide all necessary water service, fire hydrants, and roads consistent with Fire Department standards and City requirements which relate to the project.
  - **POLICY 14** Require new development to comply with the minimum fire-flow rates contained in Appendix III-A in the most recent and locally-adopted edition of the Uniform Fire Code.
  - **POLICY 15** Require all construction to meet the applicable current City codes for fire and life safety.

  - **Program O** Review the application of the City's requirements for on-site fire suppression systems, including sprinklers and pumps, in all new construction.
- **POLICY 16** Ensure adequate fire equipment access through the development review process.
- **POLICY 17** Ensure adequate water fire-flow throughout the city.
  - **Program P** Regularly monitor fire-flow to ensure adequacy.
  - **Program Q** Schedule the improvement of water mains in the City's Capital Improvements Program (CIP).
- **POLICY 18** Maintain an ongoing fire and life safety inspection program for all occupancies, except one- and two-family dwellings.
  - **Program R** Continue to inspect all occupancies annually, except one- and two-family dwellings.
- **POLICY 19** Maintain an ongoing comprehensive hazard abatement program that requires property owners to remove fire hazards, including vegetation, hazardous structures and materials, and debris, as directed by the Fire Department. Special conditions may apply in natural areas or where endangered species occur.
  - **Program S** Continue the current annual weed abatement program.
  - **Program T** Continue and improve current fire prevention practices, including the current annual city fuel reduction program, in close cooperation with the City Forester.
  - **Program U** Incorporate a fire safety component in the forestry management plan which takes into consideration the preservation of natural forest characteristics.
  - **Program V** Require businesses that manufacture, store, use, or transport significant quantities of hazardous and toxic materials to annually identify such materials and their quantities and to notify the Fire Department of any changes in such materials or activities.
  - **Program W** Maintain a current inventory of hazardous and toxic materials by location, for use by the Fire Department and the Community Development Department.
  - **Program X** Continue all existing health, safety, and education programs.
- **POLICY 20** Endeavor to achieve and maintain an overall fire insurance (ISO) rating of 3 or better.
  - **Program Y** Monitor fire and emergency response times, staffing levels, facilities, and equipment.
- **POLICY 21** Maintain an average response time of three minutes for Priority 1 (emergency) calls.
  - **Program Z** Work with the 911 reporting system to shorten response time.
- **POLICY 22** Maintain a high level of fire apparatus performance.
  - **Program AA** Include replacement of aging fire apparatus in the City's Capital Improvements Program (CIP)
  - **Program BB** Remove fire hydrants from Mermaid Avenue. The street is too narrow, and there is inadequate flow from the hydrants.
- **POLICY 23** Maintain and enhance the current level of emergency medical service to the community.
  - **Program CC** Maintain all line, full-time fire personnel as certified Emergency Medical/ Defibrillator Technicians (EMT-D).
  - **Program DD** Conduct a service level/cost-analysis study to determine if an increase in Fire Department personnel's current level of training would improve current emergency medical services. Implement findings as appropriate.

- **POLICY 24** Ensure that training programs sensitize emergency personnel to the special needs of persons with disabilities

- **Figure 10-2** Evacuation Routes

1.3.8 Pebble Beach Community Services District Fire Defense Plan

The 2009 Fire Defense Plan for the Pebble Beach Community Services District is included in the CAL FIRE San Benito-Monterey Unit Fire Plan. The 2009 Fire Defense Plan addresses fire and life safety related to wildland fires within the Del Monte Forest area of Pebble Beach. The plan addresses emergency access and hazardous fuel treatment standards for open space areas and undeveloped vacant parcels. The plan outlines roadside fuel treatment methods, firebreak maintenance criteria, road and access gate identification standards, and environmental protection and targets fuel break areas.

1.3.9 Cypress Fire Protection District Fire Defense Plan

The Cypress Fire Protection District, in collaboration with CAL FIRE, developed a landscape hazardous fuel reduction project in the form of a Fire Defense Plan. The plan addresses the threat of wildland fire within and around the Cypress Fire Protection District by identifying and prioritizing those actions determined by CAL FIRE to provide the greatest fire protection within the WUI. The goal of the Cypress Fire Defense Plan is to reduce the threat to life, property, and resources resulting from wildland fire within the district. This will be accomplished by reducing surface fuels, ladder fuels, and canopy density and will create conditions that improve fire suppression effectiveness.

2 Environmental Review

2.1 National Environmental Policy Act

Any proposed fuel treatment project on federal land, funded by a federal agency, or requiring a discretionary action by a federal agency requires compliance with the National Environmental Policy Act (NEPA). NEPA requires federal agencies to evaluate the potential environmental effects of proposed actions prior to making decisions on permit applications, adopting federal land management actions, and constructing highways and other publicly owned facilities. Projects implementing a community wildfire protection plan recommendation on federal land within the wildland–urban interface defined in a community wildfire protection plan are afforded expedited NEPA review. The federal agency carrying out the proposed action or that owns the land (e.g., U.S. Forest Service) typically conducts the NEPA review and decides the appropriate level of NEPA analysis to be conducted. Lead agencies typically prepare a Record of Decision, Finding of No Significant Impact, Categorical Exclusion, Environmental Assessment, and/or Environmental Impact Statement to assess the likelihood of impacts from a proposed action and alternative courses of action.

2.2 California Environmental Quality Act

Proposed fuel treatment projects on non-federal lands may require compliance with the California Environmental Quality Act (CEQA). Private landowners conducting defensible space projects under Public Resources Code 4291

guidelines are not subject to CEQA review requirements. Non-defensible space fuel treatment projects on non-federal lands that are discretionary and are to be carried out or approved by public agencies are subject to CEQA review and documentation (California Public Resources Code, Section 21080[a]). CEQA review for non-defensible space fuel reduction projects should be instituted during the project planning process. Typically, the lead agency under CEQA is the public agency with discretionary authority over a project—that is, the public agency that has principal responsibility for carrying out or approving the project. The appropriate level of CEQA analysis is decided by the lead agency, which could be a Categorical Exemption, Initial Study/Mitigated Negative Declaration, Environmental Impact Report (EIR), or a document tiered from an EIR.

2.2.1 California Vegetation Treatment Program

The California Vegetation Treatment Program (CalVTP) was developed by the California Board of Forestry and Fire Protection to address California's ongoing wildfire issues. The CalVTP includes the use of prescribed burning, mechanical treatments, manual treatments, herbicides, and prescribed herbivory activities to reduce hazardous vegetation, construct fuel breaks, and restore healthy ecological fire regimes. The CalVTP Program EIR was prepared in accordance with CEQA and was approved by the Board of Forestry and Fire Protection in December 2019. The Program EIR provides a programmatic analysis of potential impacts related to vegetation treatment activities within the "Treatable Landscape," which is defined by the CalVTP. Project proponents may tier from the CalVTP Program EIR to analyze project-related impacts for future projects within the Treatable Landscape. Fuel management projects occurring in the Treatable Landscape can complete a streamlined CEQA review via the project-specific analysis process outlined in the CalVTP Program EIR.

Initial planning efforts for fuel management projects conducted under this community wildfire protection plan should examine the project's location relative to the CalVTP Treatable Landscape to determine suitability for analysis under the CalVTP Program EIR.

2.3 California Coastal Act

The California Coastal Act defines the Coastal Zone, which is under the jurisdiction of the California Coastal Commission. The Coastal Zone covers both land and water, and the California Coastal Commission has the authority to regulate construction, buildings, housing, roads, fire, and erosion abatement, and to issue fines within the Coastal Zone. Local governments are required to prepare Local Coastal Programs under the California Coastal Act, which guide development within the Coastal Zone. Projects proposed within the Coastal Zone generally must obtain a Coastal Development Permit.

2.4 Agency Consultation/Permitting

Regulatory permits may also be required for fuel treatment actions that would adversely impact riparian areas under the jurisdiction of the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife. It is anticipated that the U.S. Army Corps of Engineers may require a fill permit under Section 404 of the Clean Water Act. The California Department of Fish and Wildlife may require a Streambed Alteration Agreement under Section 1602 of the California Fish and Game Code. The Regional Water Quality Control Board may require a Water Quality Certification under Section 401 of the Clean Water Act. Additionally, it is anticipated that the U.S. Army Corps of Engineers would consult with the U.S. Fish and Wildlife Service pursuant to Section 7 of the federal Endangered Species Act during the Section 404 permitting process for potential impacts

to special-status plants/wildlife and their habitats. Applications for each of these regulatory permits can be processed concurrently; however, some may take longer than others to process and obtain. Consultation with a qualified biologist, initiating any necessary seasonal surveys, and early coordination with the regulatory agencies are recommended.

Appendix F
Funding Opportunities

Funding

Funding is critical to implementing projects identified in this CWPP. MFD, in coordination with partner cities and Plan Area landowners, should consider pursuing grant funding opportunities to facilitate implementation of CWPP projects. Development of funding sources and incentive programs for landowners, land managers, and residents of the Plan Area can encourage reduction of wildfire hazards and risks. The following provides information on potential project funding opportunities:

- **Monterey County Fire Relief Fund Grants:** The Monterey County Fire Relief Fund was created to help individuals and families impacted by current and future wildfires throughout Monterey County. At this time, grants are focused on relief and recovery efforts. Grants from this special purpose fund will support nonprofit organizations assisting with relief, recovery and rebuilding efforts. More information can be found at https://www.cfmco.org/monterey-county-fire-relief-fund-grants/.
- **California Department of Forestry and Fire Protection (CAL FIRE):** CAL FIRE provides grant funding for various project types, including Forest Health, Wildfire Prevention, and Wildfire Resilience projects. Eligible project types under these grant programs include fuels management, fire reintroduction, treatment of degraded areas, conservation of forests, hazardous fuels reduction, wildfire prevention planning, and wildfire prevention education. More information regarding CAL FIRE grants can be found at https://www.fire.ca.gov/grants/.
- **Environmental Quality Incentives Program (EQIP):** A cost-share program for working landscapes that can address wildfire preparation or damage, including fuel reduction, reforestation, soil erosion control, and water quality protection, often on parcels 1 acre or more or smaller parcels with natural resource concerns. Neighbors can collaborate to meet acreage requirements. Information regarding EQIP can be found at https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip/.
- **Catastrophic Fire Recovery EQIP Fund Pool:** A cost-share program for working landscapes that can addresses fire recovery. Fire recovery may be cost-shared up to 90%, often on parcels 1 acre or more or smaller parcels with natural resource concerns. Neighbors can collaborate to meet acreage requirements. More information can be found at https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ca/programs/financial/eqip/?cid=stelprdb1247015.
- **California Healthy Soils Program:** The Healthy Soils Program stems from the California Healthy Soils Initiative, a collaboration of state agencies and departments to promote the development of healthy soils on California's farmlands and ranchlands. Covered management practices include but are not limited to cover cropping, no-till, reduced-till, mulching, compost application, and conservation plantings. More information can be found at: https://www.cdfa.ca.gov/oefi/healthysoils/.
- **State Fire Assistance Grants:** Program to support fire risk reduction activities by landowners and residents in at-risk communities to restore and maintain resilient landscapes and create fire-adapted communities. Projects may include fuel hazard mitigation (chipping, thinning, burning, or grazing), community hazard mitigation planning (CWPPs, Firewise assessments, hazard assessments, and similar types of planning activities), prevention, mitigation, and education (outreach, mailings, workshops, events, project-specific analysis, and other educational programs). More information regarding State Fire Assistance Grants can be found at https://cafiresafecouncil.org/grants-and-funding/2022-sfa-grant-opportunity/.
- **California Wildfire Mitigation Program:** This program, developed by the California Governor's Office of Emergency Services and CAL FIRE, institutes a home hardening initiative to retrofit, harden, and create defensible space for homes at high risk to wildfires, focusing on high socially vulnerability communities and

providing financial assistance for low- and moderate-income households. This project is in its pilot phase and currently operating only in San Diego, Shasta, and Lake Counties. More information can be found at https://www.caloes.ca.gov/cal-oes-divisions/recovery/disaster-mitigation-technical-support/california-wildfire-mitigation-program.

- **Coastal Conservancy Wildfire Resilience Program:** This program funds on-the-ground activities to restore the health and increase resilience of California forests, grasslands, and natural lands to wildfire, and for planning and capacity building to increase wildfire resilience. More information regarding Coastal Conservancy grants can be found at https://scc.ca.gov/2021/12/03/rfp-for-wildfire-resilience-projects-announced/.
- **County Coordinators Grant:** The objective of the County Coordinators Grant is to educate, encourage, and develop countywide collaboration and coordination among various wildfire mitigation groups operating within counties containing State Responsibility Area (SRA) lands. Grants to be used to cover administrative costs relevant to countywide coordination efforts (salary, support, and administrative costs) for a designated County Coordinator. More information regarding County Coordinator Grants can be found at https://cafiresafecouncil.org/grants-and-funding/2021-county-coordinators-grant-opportunity/.
- **County Evacuation Route Grant:** For completing wildfire evacuation route projects, including evacuation route planning, implementation, public education, construction, signage, maintenance, and related activities. More information regarding County Evacuation Route Grants can be found at https://cafiresafecouncil.org/2021-county-evacuation-route-grant-opportunity/.
- **United States Department of Agriculture (USDA) Community Wildfire Defense Grants:** Community Wildfire Defense Grants are intended to help at-risk local communities and Tribes plan and reduce the risk against wildfire. The program prioritizes at-risk communities in an area identified as having high or very high wildfire hazard potential, are low-income, and/or have been impacted by a severe disaster. Grants assist WUI communities restore and maintain landscapes, create fire adapted communities, and improve wildfire response. More information regarding Community Wildfire Defense Grants can be found at: https://www.fs.usda.gov/managing-land/fire/grants.
- **Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance Grants:** FEMA's hazard mitigation assistance provides funding for eligible mitigation measures that reduce disaster losses. The following programs are applicable to wildfire:
  - **Hazard Mitigation Grant Program (HMGP):** Provides funding to state, local, tribal, and territorial governments to implement hazard mitigation projects. Eligible projects include creation of defensible space, application of ignition-resistant and/or non-combustible materials on new and existing homes, and treatment of hazardous fuels proximate to at-risk structures. More information regarding FEMA's Hazard Mitigation Grant Program can be found at https://www.fema.gov/grants/mitigation/hazard-mitigation.
  - **Hazard Mitigation Grant Program Post-Fire Grant:** Post-fire assistance to help communities implement hazard mitigation measures after wildfire disasters. Eligible projects include wildfire mitigation (e.g., removal of burned trees), infrastructure retrofits (e.g., water system repairs), soil/slope stabilization, and post-fire flood prevention/sediment reduction. More information regarding FEMA's Hazard Mitigation Grant Program Post-Fire Grants can be found at https://www.fema.gov/grants/mitigation/post-fire.
  - **Building Resilient Infrastructure and Communities (BRIC) Grants:** Support states, local communities, tribes, and territories in hazard mitigation projects to reduce the risks faced from disasters and natural hazards. A wide variety of projects are eligible for Building Resilient Infrastructure and Communities Grant funding. More information regarding these grants can be found at https://www.fema.gov/grants/mitigation/building-resilient-infrastructure-communities.

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

September 10, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Emily Garay, Administrative Analyst
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Staff presents overview for proposed street address system implementation plan and a community engagement plan; City Attorney will provide a legal analysis for street address identification discussing State and City codes, a draft Ordinance, public vote and City options, and related matters, for City Council consideration and direction.

RECOMMENDATION:

Receive staff presentation for an overview of the proposed street address system implementation plan, a community engagement plan, and the City Attorney's legal analysis on the subject of address identification, to include a discussion of the following: California Health & Safety Code, Title 24 of the California Code of Regulations, the City Municipal Code, a draft Ordinance, public voting and City options, for City Council's consideration and provide staff with direction.

BACKGROUND/SUMMARY:

On July 9, 2024, the City Council received a staff presentation explaining research, findings, communication with the USPS, review of the State Fire and Building Code, and critical elements considered during the street address exploration phase.

The street address exploration phase included communicating to residents and community members:

- The City's intentions in exploring street addresses while not compelling at-home mail delivery and its intention on keeping the downtown USPS Post Office operational.
- Researching and defining at-home mail delivery and street address assignment as two separate issues.
- Street addresses/address assignments will not compel at-home mail delivery; curbside mail boxes or Cluster Box Units (CBU's) will not be installed.
- Staff's research into the USPS established processes for mail delivery to PO Boxes (centralized delivery); confirmation from USPS that delivery to PO Boxes will continue to be the delivery method/system for Carmel-by-the-Sea (**Attachment 1**).
- Continued mail service through the established system of PO Box mail delivery means that USPS mail delivery vehicles will not be deployed into neighborhoods for at-home mail delivery, operation of

USPS vehicles will remain in the established routes of regular operation for PO Box delivery to the 5th Ave. USPS Post Office.

- Ad Hoc Committee and staff's direct communication with USPS representatives.
- Questions and concerns received from residents.
- Overview of inconveniences reported by residents caused by the absence of the standard street addresses, including difficulties with financial institutions, government agencies, package delivery failures, frustration and confusion attempting to activate essential utilities.
- Research and review of the California Fire Code and Building Code compliance requirements.
- Interdepartmental review and discussion of the absence of standard street addresses, including the Fire Chief, Police Chief, Planning Director/Assistant City Administrator, City Administrator, City Attorney, and Administration staff.
- Public Safety concerns and recommendation from Fire Chief Miller and Police Chief Tomasi.

The extensive research during the exploration phase aligned with the City's Council direction to research the standard street address assignment system, explore other addressing/GPS systems, and engage with the USPS Growth Manager and USPS Address Management Systems Manager for direct information on how the USPS's systems and processes would apply to Carmel-by-the-Sea, should the City move forward implementation. Staff's research and breadth of considerations incorporated community input and questions from City Council Meetings, Strategic Priority Meetings, emails, letters, and phone calls to staff.

City Council Direction to Staff

On July 9, 2024, staff and the Ad Hoc Committee asked the City Council to provide direction on whether to maintain the status quo and conclude its research and/or consider the Ad Hoc Committee's recommendation to move forward with the assignment of street addresses in the City of Carmel-by-the-Sea and direct staff to create an implementation plan and return to City Council no later than September 2024. The City Council directed staff to return on September 10, 2024 with an implementation plan, community engagement plan, and for the City Attorney to return in September with an Ordinance to amend the municipal code removing the provision allowing directional addresses.

August 6, 2024 following City Attorney announcements, City Council directed staff to return in September with a discussion on whether street addresses should be put to the voters to decide on, and provide an analysis on the process to do so, in addition to the direction to staff that was given during the July 9, 2024 meeting.

The proposed implementation plan and community engagement plans work in synchrony to encourage community involvement and input as the process moves along. The goal of the proposed plans is to promote community participation, community education on the implementation and development of the street address system program, and City Council's guidance and direction throughout the process. The street address system program development is based in producing a street address identification system that adheres to CA Fire Code, CA Residential Code, and CA Building Code; "approved address identification". Approved Address Identification for CA Fire Code, CA Residential Code, and CA Building Code are defined as "acceptable to the fire code official," "acceptable to the chief of the fire authority or building official of the city" and "acceptable to the building official or enforcing agency", respectively.

The process begins with an introduction to the City staff that will work with community members through a series of workshops, community meetings, surveys, farmers market booth, and website resources and updates. Staff will explain the benchmarks for street address assignments by the Carmel-by-the-Sea

Planning and Building Department, and how staff plans to reach those benchmarks with community input and City Council guidance to develop and implement a street address system program that meets standard street address identification requirements and the meets the community's expectations of a system representative of the City of Carmel-by-the-Sea.

Staff's presentation to City Council will include an overview of the multi-phased approach for an implementation plan (**Attachment 2**) and community engagement plan (**Attachment 3**), should the City Council decide to implement a standard street addressing system in the City of Carmel-by-the-Sea, following the City Attorney's explanation of his legal analysis.

City Attorney's Legal Analysis

A. OVERVIEW

In this portion of the Staff Report, the City Attorney provides a legal analysis with regard to the subject of address identification which includes a discussion of the following: California Health & Safety Code (B); Title 24 of the California Code of Regulations (C); History Regarding Section 502.1 Address Identification (D); Amendments to the California Code of Regulations (E); City Municipal Code (F); Draft Ordinance (G); Public Vote (H); Limitations on Initiative and Referendum (I); Cost and Timing of Election on an Advisory Vote Ballot Measure (J); Public Comment on the Building Standards Commission's Current Rulemaking Cycle for Title 24 (K) and City Options (L).

The City Options discussion (Section K) provides the City Council with options that are available in regard to the subject of address identification. The options include direction on a proposed Ordinance and public vote options (Initiative, Referendum and Advisory Vote).

The Health and Safety Code directs the California Building Standards Commission to adopt, revise, and maintain Title 24, which provides for statewide building standards ("California Building Standards Code"). Three different parts of Title 24, the Building Code (Part 2), the Residential Code (Part 2.5) and the Fire Code (Part 9) all include identical requirements for address identification for new and existing buildings which are numbered here for reference:

(1) The address identification shall be legible and placed in a position that is visible from the street or road fronting the property.

(2) Address identification characters shall contrast with their background.

(3) Address numbers shall be Arabic numbers or alphabetical letters.

(4) Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm).

(5) Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.

(6) Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

(7) Address identification shall be maintained.

The current City Municipal Code (Section 15.55.100 (16) provides in the first sentence the following amendment to the California Fire Code: "505.1 Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department."

B. CALIFORNIA HEALTH & SAFETY CODE

There are many sections in the California Health & Safety Code which cover the subject of building standards including sections found in Division 13 "Housing", Part 1.5 "Regulation of Buildings Use for Human Habitation" and Part 2.5 "State Building Standards".

Health & Safety Code Section 17922 references building standards included in Part 2.5 and other rules and regulations in Title 24 of the California Code of Regulations.

Health & Safety Code Section 17958 provides that the provisions of the California Building Standards Code (Part 2.5) and other regulations shall become effective 180 days after the publication by the California Building Standards Commission subject to the ability of a City to make amendments under certain circumstances as provided by the Health & Safety Code.

C. CALIFORNIA CODE OF REGULATIONS – TITLE 24

California Health and Safety Code Section 18902 provides that all references to the State Building Standards Code, Title 24 of the California Code of Regulations shall mean the California Building Standards Code.

California Health and Safety Code Section 18931 provides that the duties of the California Building Standards Commission include the approval of building standards.

The International Code Council (ICC) is an organization that proposes model building standards codes. Every 3 years, the California Building Standards Commission reviews the ICC's codes, undertakes a rulemaking process to amend the ICC's model code for California-specific issues, and adopts the amended ICC model codes, which are Title 24 in the California Code of Regulations.

There are three locations in California Code of Regulations which relate to the requirement for address identification: California Building Code, California Residential Code and the California Fire Code.

The California Building Code set forth in the California Code of Regulations Title 24, Part 2, Section 502.1 reads as follows:

> "502.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained."

The California Residential Code set forth in California Code of Regulations Title 24, Part 2.5, Section R319.1 reads as follows:

> "SECTION R319 SITE ADDRESS
>
> R319.1 Address identification. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained."

The California Fire Code set forth in the California Code of Regulations Title 24, Part 9, Section 505.1 reads as follows:

> "PREMISES IDENTIFICATION
>
> 505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained."

D. HISTORY REGARDING SECTION 502.1 – ADDRESS IDENTIFICATION

There is the following 2018 Version and Commentary on the International Building Code regarding the history of Section 502.1 on address identification:

> "International Building Code (IBC)
> 2018 Version and Commentary
>
> 2018 Version and Commentary
>
> SECTION 502
> BUILDING ADDRESS
>
> [F] 502.1 Address identification.
>
> New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a

minimum of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.

- The ability of fire, police and other emergency response personnel to identify both new and existing buildings is greatly aided by the proper placement of address identification. The size and color criteria are intended to aid visibility from the street. Where several structures are remotely located on a site or set back into a property, or at locations where multiple addresses are provided (e.g., strip malls) and the address is not readily visible from the public way, an approved method of identification will also be required, which will have characters posted in a location that will help in an emergency. The fire code official has the authority to require that address numbers be placed in all locations deemed necessary to properly identify the building by street address. The primary concern is for emergency personnel to find the building without going through a lengthy search procedure. In the case of a strip mall, identification could be provided for the backs of buildings that face alleys or roads since the emergency response unit may often be directed to the back entrance. The address numbers must be maintained in a readily visible condition to provide for continuous identification. This would include the repainting of faded numbers or the trimming of trees or other vegetation that may be obscuring visibility of the address.

2018 Notes
Code Change Details

2018 International Building Code (IBC)

[F] 502.1 Address identification.

Comprehensive background on each change including the original proposal, committee action, and final action documentation. Serves to simplify researching the history of a new, revised or deleted code section between cycles by showing approved changes in legislative format helping the understanding, interpretation and intent of the I-Code provisions."

E. AMENDMENTS TO CALIFORNIA BUILDING CODES

Health & Safety Code Section 17958.5 provides that a city may make changes or modifications to the California Building Standards Code (Part 2.5) and other regulations which are "reasonably necessary because of local climatic, geological, or topographical conditions."

Health & Safety Code Section 17958.7 provides that before making changes pursuant to Section 17958.5 that the City "shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. These findings must be available as a public record and submitted to the California Building Standards Commission.

In addition to the changes or modifications referenced in Health & Safety Code Section 17958.5, there is Health & Safety Code Section 18941.5 (located in Part 2.5) which reads as follows:

Section 18941.5. Amendments, additions, deletions to standards; effective date; publication date;

more restrictive standards

"(a)(1) Amendments, additions, and deletions to the California Building Standards Code, including, but not limited to, green building standards, adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.

(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing."

Thus, there are two Sections in the Health and Safety Code which make reference to the ability for a city to make changes or modifications to the Standard Building Code and regulations. Section 17958.7 refers to findings that the changes or modifications are "reasonably necessary because of local climatic, geological or topographical conditions." Section 18941.5 refers to "the authority of a city, county, or city and county to establish more restrictive building standards, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions."

According to the Preface to the 2022 California Building Code (California Code of Regulations, Title 24, Volume 1 of Part 2 July 2022), the California Legislature delegated authority to the various state agencies, boards, commissions and departments to create building regulations to implement the State's statutes and these building regulations have the same force of law. The Preface also states that a city "may establish a more restrictive building standard reasonably necessary because of local climatic, geological or topographical conditions. "

An example of a city which adopted an amendment to the California Building Code is the City of Fremont which adopted Ordinance Nos. 2339 and 2344 on June 22, 1999 to require that apartment buildings of a certain size be retrofitted with automatic fire sprinklers. In the case of California Apartments Association v. City of Fremont (2002) 97 Cal. App. 4th 693, 697, the Court states:

"In enacting the fire sprinkler ordinances, the City made express findings that more stringent fire protection measures were required because of local conditions, such as the City's proximity to the active Hayward earthquake fault, the high fire hazard exposure, and certain topographic features of the City."

F. CITY MUNICIPAL CODE

Section 15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code reads as follows:

"16. Section 505.1 is amended to read as follows:

505.1 Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department. For multi-tenant buildings, unit identifiers shall be provided as follows:

1. Multi-family dwelling units (apartments, condominiums) – shall be designated using alphabetic characters (i.e. A, B, C…). When the building contains multiple floors, the floor number shall precede the alphabetic unit designator (i.e. 1-A, 2-B, etc.)

2. Non-residential, multi-tenant buildings – individual tenant spaces shall be assigned numeric identification (i.e. 1, 2, 3, etc.) When the building contains multiple floors, the floor number shall precede the numeric unit designator and shall be separated by the number "0" (i.e. first floor units: 10x; second floor units: 20x).

3. Mixed Use buildings – Residential units shall be designated as described in 1 above. Nonresidential units shall be designated as described in 2." (Emphasis added)

The underlined text from City Municipal Code Section 15.55.100 subsection (16) is a codification of the portion of Ordinance No. 2018-003. Pertinent pages of this 69 page Ordinance are **Attachment "4"** which includes the Recitals and the text of the change to Section 505.1 of the California Fire Code.

The Recitals in Ordinance No. 2018-003 include this statement at the bottom of page 1: "The Findings of Fact contained herein shall address each of these situations and shall present the local situation, which either singularly or in combination causes the established amendments to be adopted." However, it should be noted that:

(1) None of the "Findings of Fact" appear to relate to the amendment to the California Fire Code to replace address identification as described in the Fire Code Section 505.1 with the identification by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department;

(2) It is not clear how the change to the California Fire Code in Ordinance No. 2018-003 is a more restrictive building standard reasonably necessary because of local climatic, geological or topographical conditions; and

(3) Ordinance No. 2018-003 is limited to a proposed amendment to the Fire Code and does not appear to amend the address identification requirements in the Building Code or the Residential Code. (See Municipal Code § 15.08.010(A) and (D) [adopting California Building and Residential Codes, unless amended by Chapter 15.04]; § 15.10.010 [adopting the 2022 California Residential Code].)

(4) Ordinance No. 2018-003 was emailed by the City to the California Building Standards Commission on October 29, 2018. However, the California Building Standards Commission has no record of receiving Ordinance No. 2018-003. Amendments to the California Building Standards Code are not effective until they have been filed with the California Building Standards Commission.

G. DRAFT ORDINANCE

If the City Council direction is for the City to use address identification as described in the California Building Standards Code, then the City would need to adopt an ordinance to amend Section15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code delete the first sentence which reads: "Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department."

By removing this sentence from Section15.55.100 subsection (16) the City would then be governed by the provisions of the California Building Standards Code in regard to address identification.

Attachment "5" is a draft Ordinance which, if adopted, would remove the referenced sentence from the City Municipal Code regarding a description of Parcel location relative to the nearest cross-street intersection and then the address identification provisions of California Fire Code Section 505.1, and elsewhere in the California Building Standards Code, would apply to the City.

H. PUBLIC VOTE

There are three types of public votes which are noted here: Initiative, Referendum and Advisory Vote. The following is a summary of some, but not all, of the laws pertaining to initiative, referendum and advisory votes.

This summary is not intended to provide legal advice to the public. If any voter is considering pursuing an initiative or referendum, then it is recommended that the voter seek legal advice from an attorney of their choice.

1. INITIATIVE

Initiative is "the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them." California Constitution Article II, Section 8 (a).

The statutory procedures for city initiatives are found in Sections 9200–9226 (**Attachment 6**) which include filing a notice of intent to circulate a petition, circulation of petition for signatures and filing the petition with the City with the required number of voter signatures.

The following are some, but not all, of the Sections in the Elections Code regarding initiatives.

Elections Code Section 9215. Petition signatures equal to 10 percent of vote; adoption of ordinance; submission to voters

> "If the initiative petition is signed by not less than 10 percent of the voters of the city, according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, effective at the time the notice specified in Section 9202 was published, or, in a city with 1,000 or less registered voters, by 25 percent of the voters or 100 voters of the city, whichever is the lesser number, the legislative body shall do one of the following:
>
> (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.
>
> (b) Submit the ordinance, without alteration, to the voters pursuant to Section 1405.

(c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b)."

Elections Code Section 1405. County, municipal or district initiatives

"(a) Except as provided in subdivision (b), the election for a county initiative that qualifies pursuant to Section 9118 shall be held at the next statewide election occurring not less than 88 days after the date of the order of election. The election for a municipal or district initiative that qualifies pursuant to Section 9215 or 9310 shall be held at the jurisdiction's next regular election occurring not less than 88 days after the date of the order of election.

(b) The governing body of a county, city, or district may call a special election for the purpose of submitting an initiative measure to the voters before the date on which the initiative measure would appear on the ballot pursuant to subdivision (a). If the governing body calls a special election pursuant to this subdivision, the election shall be held not less than 88 days nor more than 103 days after the order of the election."

Elections Code Section 9222. Submission of proposition without petition

"The legislative body of the city may submit to the voters, without a petition therefor, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended, or enacted accordingly. A proposition may be submitted, or a special election may be called for the purpose of voting on a proposition, by ordinance or resolution. The election shall be held not less than 88 days after the date of the order of election."

2. REFERENDUM

Referendum is "the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State." California Constitution Article II, Section 9 (a).

The statutory procedures for city initiatives are found in Sections 9235 to 9247 (**Attachment 7**) which include circulation of petition for signatures and filing the petition with the City with the required number of voter signatures.

The following are some, but not all, of the Sections in the Elections Code regarding referendum.

Elections Code Section 9237. Petition signed by 10 percent of voters

"If a petition protesting the adoption of an ordinance, and circulated by a person who meets the requirements of Section 102, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the date the adopted ordinance is attested by the city clerk or secretary to the legislative body, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance."

Elections Code Section 9241. Submission to voters; time for holding election; effect of adverse vote

> “If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.”

Elections Code Section 9242. Circulation time limit

> “Signatures upon petitions, and sections thereof, shall be secured, and the petition, together with all sections thereof, shall be filed, within 30 days from the date of the adoption of the ordinance to which it relates. Petitions and sections thereof shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted. Petitions which are not filed within the time permitted by this section shall be void for all purposes.”

3. ADVISORY VOTE

Elections Code Section 9603 authorizes the City to set an election on by use of an advisory vote.

Elections Code Section 9603. Advisory elections; local legislative bodies; advisory vote; indication and description on ballot; elections in territories outside local entity's jurisdiction; conditions; consolidation with other elections

> "(a) Each city, county, school district, community college district, county board of education, and special district may hold, at its discretion, an advisory election on any date on which that jurisdiction is currently permitted to hold a regular or special election for the purpose of allowing voters within the jurisdiction, or a portion thereof, to voice their opinions on substantive issues, or to indicate to the local legislative body approval or disapproval of the ballot proposal.
>
> (b) An advisory vote will be indicated as a ballot heading, above the ballot proposal, and by only the following description: “Advisory Vote Only.”
>
> (c) As used in this section, “advisory vote” means an indication of general voter opinion regarding the ballot proposal. The results of the advisory vote will in no manner be controlling on the sponsoring legislative body.
>
> (d) An advisory election may be held in territory outside of the jurisdiction of the local entity calling the advisory election if the ballot proposal affects the residents of the territory. The sponsoring legislative body shall determine the territory in which the advisory election shall be held. However, the conduct of an advisory election in territory outside of the jurisdiction of the local entity shall only be held if all of the following conditions are met:
>
> (1) A regular election or special election is to be held in that territory.
>
> (2) The advisory election can be consolidated with it.

(3) The board of supervisors of the county in which the outside territory is located approves the consolidation.

(e) An advisory election shall not be consolidated with an election if the ballot's capacity will be exceeded because of the addition of the advisory election."

I. LIMITATIONS ON USE OF INITIATIVE AND REFERENDUM

There are several limitations on the use of an initiative and referendum. One of those limitations is that the subject of the initiative and referendum cannot regulate matters preempted by state law.

As noted in the above-mentioned Preface to the 2022 California Building Standards Code (California Code of Regulations, Title 24, Volume 1 of Part 2 July 2022), and Health and Safety Code section 18941.5(b), a city may establish a more restrictive building standard reasonably necessary because of local climatic, geological or topographical conditions.

CMC Section 15.55.100 subsection (16) on address identification by a description of Parcel location relative to the nearest cross-street intersection is in conflict with the address identification requirements of the California Building Code, California Residential Code and California Fire Code set forth in the California Building Standards Code.

CMC Section 15.55.100 subsection (16) on address identification by a description of Parcel location relative to the nearest cross-street intersection is preempted by state law because CMC Section 15.55.100 subsection (16) in conflict with the California Building Code, California Residential Code and California Fire Code as set forth in the California Building Standards Code. California Constitution Article 11, Section 7 provides: “A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.”

Due to the issue of preemption by state law, and the law on amendments to the California Building Standards Code, the use of either an Initiative or a referendum raises legal issues. However, the use of an advisory vote as described below under City Options would not necessarily present these same legal issues.

J. COST AND TIMING OF ELECTION ON ADVISORY VOTE BALLOT MEASURE

City Clerk Nova Romero has checked with the County of Monterey for estimates on the cost of a special election on an advisory vote ballot measure. The cost for adding an advisory vote ballot measure to the ballot for a general regular election is estimated at $8000. The cost for putting an advisory vote ballot measure on a ballot for special election is estimated to be $39,000 to $59,000.

In regard to timing for an election on an advisory vote, the next general regular election is scheduled for November 3, 2026. City Clerk Nova Romero checked with the County of Monterey and was informed that earliest date that a special election can be held for an advisory vote is March 4, 2025 if the City the City Council adopts a Resolution at the October 1, 2024 Council meeting to call for an election to be held March 4, 2025 for an advisory ballot measure and request the that the County provide the elections services. Then, there will be enough time for the City to request the County Board of Supervisors to add to their October 22, 2024 agenda to adopt a Resolution authorizing the County to call a special election in Carmel for March 4, 2025 and provide the services for a standalone election for an advisory vote.

Elections Code Section 1500 allows for the use of a mailed ballot election. However, this option is only available if there are no more than 1,000 registered voters eligible to participate in the election. The City of Carmel has 2,472 registered voters so the mailed ballot election is not an option.

K. PUBLIC COMMENT ON THE BUILDING STANDARDS COMMISSION'S CURRENT RULEMAKING CYCLE FOR TITLE 24.

The California Building Standards Commission is currently in the rulemaking process for the 2025 version of Title 24. The State Fire Marshal, the agency responsible for reviewing and updating the address identification requirements, has not proposed any amendments to the numerical address identification requirements in the Building Code, the Residential Code, and the Fire Code. Thus, the current address identification requirements will be carried over into the 2025 version of Title 24 unless, in response to public comments, the Fire Marshal to propose amendments to the address identification sections for the Building Standards Commissions' final approval and adoption.

The public comment period for Parts 2, 2.5, and 9 begins on September 6, 2024 and ends on October 24, 2024. There is no requirement that the Building Standards Commission or the Fire Marshal take any action (or even respond to) any public comments. Additional information regarding the method and manner of submitting public comment will be found at the following link on September 6, 2024 when the public comment period opens: .

L. CITY OPTIONS

Based upon the discussion above, the City options include the following:

1. Ordinance.

Direct the City Administrator to return to the City Council with an Ordinance for a First Reading (Introduction) that would delete the first sentence in CMC Section 15.55.100 (16). This would mean that the City would be required to comply with the address identification requirements of the California Fire Code and other State Codes. A copy of a Draft Ordinance to delete the first sentence in CMC Section 15.55.100 (16) is **Attachment "5"**.

If the City Council gives direction to return to the Council with an ordinance to delete the first sentence in CMC Section 15.55.100 (16), then the Staff Report at that time will provide a discussion in regard to the California Environmental Quality Act.

2. Initiative Petition.

There could be an initiative petition by the voters who are opposed to the California Fire Code address identification requirements that would present an ordinance to the City Council for consideration. However, it is not clear how such an ordinance would read since the current CMC Section 15.55.100 (16) already amends the California Fire Code. Further, as noted, there is the issue of state preemption that would raise legal issues with such an initiative.

3. Referendum.

If the City Council votes to approve the Draft Ordinance, then voters could seek to challenge that Ordinance by a Referendum Petition. However, as with an Initiative, there is the issue of state preemption that would

raise legal issues regarding a referendum petition.

4. Advisory Ballot Measure

As mentioned, Election Code Section 9603 allows for an advisory vote to obtain an indication of general voter opinion regarding the ballot proposal. A possible ballot proposal could read something like or following or whatever other wording the City Council may choose:

> Should the City Council of the City of Carmel-by-the-Sea adopt an Ordinance for address identification as described in the California Fire Code?

The vote on an advisory measure is not binding on the City Council. The advisory measure could be placed on the ballot by a Resolution adopted by the City Council and would include the opportunity for arguments for and against the ballot measure to be submitted. The following could be the next steps in this process:

(1) Yes. If a majority vote on the ballot proposal is yes, then the City Council can then adopt an Ordinance (such as the Draft Ordinance) for address identification as required in the California Fire Code and other State Building Codes.

(2) No. If the majority vote on the ballot proposal is no, then there could be submitted to the City's State Assembly Member and/or State Senator a request to sponsor legislation to provide an exception for the City of Carmel-by-the-Sea in regard to the address identification requirements in the California Building Standards Code and to allow buildings and parcels to be identified by a description of Parcel location relative to the nearest cross-street intersection.

(a) Approved. If the Legislature amends State law to exempt Carmel-by-the-Sea from the address identification requirement within the California Building Standards Code , then the City would be in compliance with California law by the provisions of the current language in CMC Section 15.55.100 (16).

(b) Not Approved. If the state legislature does not change State law to exempt the City from the address requirement in the California Building Standards Code, then the City Council can consider at that time the Draft Ordinance for address identification as described in the California Fire Code.

Note: There is a procedure to request an amendment to the California Building Standards Code from the California Building Commission. However, one of the requirements is that the amendment be based on a statewide concern. See **Attachment "8"** for Petition to the California Building Standards Commission (DGS BSC-30).

5. Other Action.

The City Council can provide other direction to the City Administrator regarding the subject of street addresses.

FISCAL IMPACT:

None at this point.

PRIOR CITY COUNCIL ACTION:

On October 4, 2022, Council gave direction to staff to continue to do research on the topic and confirm if implementing a street address system will require mail delivery service.

On November 7, 2023, Council received a presentation on staff's research and the Ad Hoc Committee for street address exploration was formed.

On July 9, 2024 Council directed staff to return with an implementation plan and community engagement plan no later than September 2024.

August 6, 2024 following City Attorney announcements, City Council directed staff to return in September with a discussion on whether street addresses should be put to the voters to decide on, and provide an analysis on the process to do so, in addition to the direction to staff that was given during the July 9th meeting.

ATTACHMENTS:

Attachment 1) USPS Letter to the City (Confirmation that delivery to PO Boxes will continute to be the delivery method)
Attachment 2) Draft Implementation Plan
Attachment 3) Draft Community Engagement Plan
Attachment 4) Ordinance No. 2018-003 Excerpts
Attachment 5) Draft Ordinance
Attachment 6) Elections Code Sections 9200 to 9226 regarding Initiative
Attachment 7) Elections Code Sections 9235 to 9247 regarding Referendum
Attachment 8) Petition to the California Building Standards Commission (DGS BSC-30)

UNITED STATES POSTAL SERVICE

February 21, 2024

Karen Ferlito
PO Box CC
Carmel by the Sea, CA 93921

Dear Karen Ferlito,

I am writing to you as the Address Management System Manager for California 3, in response to the questions you recently raised concerning the implementation of street addressing by USPS for the City of Carmel-by-the-Sea. I am pleased to inform you that I have analyzed your queries and prepared responses to address them.

Please be assured that my team and I have conducted a thorough review of the matter, and our findings are as follows:

- Will the local Post Office be required to close and /or will the City's mail delivery system change?
  -Local Post Office will not close; mail delivery system will remain as is.
- Is USPS the deciding authority for street address system incorporation into street address management systems that are used for government address verification purpose.
  -Yes, USPS is the authority for street address systems. Other entities and mailers use our mailing products to determine valid addresses.
- If Carmel-by-the-Sea develops and implements a street address system approved by the USPS, will USPS be the authority that relays that new address system for GPS findability, address verification databases, and address databases, and address databases most widely used for legal "physical addresses"?
  -USPS does not relay the new address for GPS findability as we do not have any products with that data linked. We are the authority for address verification.

The USPS offers address verification through Address Information System (AIS) products. Before an address can be certified as deliverable (CASS™ certified), it must first be standardized. Address correction software fixes spelling errors, corrects abbreviations, and standardizes capitalization so each address in a mailer/government list complies with the USPS® official format. The USPS definition of a standardized address is "one that is fully spelled out, abbreviated using the

ADDRESS MANAGEMENT SYSTEMS
UNITED STATES POSTAL SERVICE
SIERRA COASTAL DISTRICT
28201 FRANKLIN PKWY
SANTA CLARITA CA 91383-9321

Postal Service™ standard abbreviations . . . or as shown in the current Postal Service ZIP+4 file."

The Postal Service is committed to excellence in everything we do. Using all the correct elements in addressing, especially the **STE/APT/UNIT** number will help us continue to provide the outstanding service that is relied on each day.

I hope that these responses address your concerns satisfactorily.

Sincerely,

DJMoreno

Denise Moreno
Address Management System Manager
California 3

Implementation Phase: City of Carmel-by-the-Sea (City) - *Draft* Implementation Plan

	Process Sequence	Anticipated Benchmarks/Timeline
1.	**Address System Development**	Implementation Team and Engagement Team consisting of Planning and Building staff will develop an address system/map that meets the requirements of an approved and established standard addressing system ***3-6 months (development timeline runs with Public Engagement Phase)***
Post-Public Engagement Phase		
2.	**Public Mailer Notice**	Mailed to PO Boxes: Notice of City Council Decision for Address System Program Implementation Specifying: Implementation of Assigned Street Address Numbers and Posting/Display Requirements only; no implementation of at-home mail delivery, and no implementation or erection of cluster boxes (or "gang mailboxes) in the City. Continued operation of the 5th Ave. US Post Office with Centralized Delivery Mode of delivery to PO Boxes already assigned/in-use will continue as status quo ***Within 1 month of City Council's Decision***
3.	**Community Meeting**	**Meeting at Carpenter Hall – 60 Minutes** • Presentation to the community of approved Address System Program • Final Address Numbers System/Map reviewed • Explanation of acceptable locations on property to display assigned address numbers • Explain "Next Steps", or what to expect as the implementation process moves forward • Steps the City will take • Steps residents/property owners can expect to take during the implementation phase ***1-2 months after Public Mailer Notice***
4.	**Submission of Finalized Street Address System to USPS**	Carmel-by-the-Sea's Planning and Building Department submits the finalized street address system to the USPS Address Management Systems Manager for review Dependent on Implementation's Team's work capacity for any required administrative or technical updates, in any **1-4 months, depending on USPS review and required technical changes, if any**
5.	**Post-Address System Approval by USPS (Community Meeting)**	**Community Meeting – 60 Minutes** Staff Presentation/Review of Approved Address System • Explanation of City's process to provide property owners with notice of their assigned address number • Next Steps for Residents: ➢ Process to fill out and submit USPS Form 32N (attached)
6.	**Notice of Assigned Address Number**	Notice to property owners by the Planning and Building Department of assigned street address number identification
7.	**FAQ's and Public Information for Transition**	Ongoing Posted to Website as a Resource Friday Vlog Recurring in Friday Letter

Attachment 2

UNITED STATES POSTAL SERVICE®

POSTAL SERVICE USE ONLY

Eligibility Status ☐ **Yes** ☐ **No**

No-Fee (Group E) Post Office Box Renewal Notice/Annual Verification

Dear Box Customer:

The United States Postal Service® has made no-fee Post Office™ box service available to many customers who are ineligible for carrier street delivery. Each year we must verify the information provided on PS Form 1093, *Application for Post Office Box,* and confirm the continued eligibility of each box customer for no-fee Post Office box service. Please assist us by providing the information requested below.

1. **Current Address Information.** Complete the required information below by indicating your name and business/organization name (if applicable), current residence or business/organization physical address, telephone number, and email address. No-fee Post Office box service will not be renewed until the applicant's identity and current permanent physical street address where he or she resides or conducts business is verified. At the time of renewal, applicants must present two items of valid current identification; one item must contain a photograph of the applicant. This form must be presented to the Postal Service™ and cannot be mailed.

Name (Last, First, MI. *(include title if representing a business/organization)*

Business/Organization Name *(if applicable)*

Address *(Number, Street, Suite)*

City

State

ZIP+4

Telephone Number *(include area code)*

Email Address

2. **Sign and date this form.** I certify that the information I have provided above is true and complete to the best of my knowledge. I understand that anyone who furnishes false and misleading information on this notice or who fails to provide information requested on this notice may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including multiple damages and civil penalties). I have read the **Privacy Act Statement** reprinted below and understand that I may remove the statement from this form and keep it for my records.

Signature

Date

Thank you very much for your cooperation.

Notice 32-N, September 2018
PSN 7610-04-000-5093

Note: *If you would like to keep this copy of the Privacy Act Statement for your records, cut along the dotted line.*

Privacy Act Statement

Privacy Act Statement: Your information will be used to provide Post Office™ box service. Collection is authorized by 39 U.S.C. 401, 403, and 404.

Providing the information is voluntary, but if not provided, we will be unable to provide this service to you. We do not disclose your information to third parties without your consent, except to facilitate the transaction, to act on your behalf or request, or as legally required. This includes the following limited circumstances: to a congressional office on your behalf; to financial entities regarding financial transaction issues; to a U.S. Postal Service auditor; to entities, including law enforcement, as required by law or in legal proceedings; to contractors and other entities aiding us to fulfill the service (service providers); to process servers; to domestic government agencies if needed as part of their duties; and to a foreign government agency for violations and alleged violations of law. Information concerning an individual box customer who has filed a protective court order with the postmaster will not be disclosed except pursuant to court order. For more information regarding our privacy policies visit *www.usps.com/privacyoffice.*

City of Carmel-by-the-Sea (City)

***Draft* Public Engagement Plan**

1. Public Engagement Phase

Event/Engagement Type	Description
Community Informational Mailer	Mailed out to PO Boxes at downtown US Post Office Limited amount available at City Hall This document will also be available online Informs the community on "Next Steps" after Ordinance adoption and anticipated timeline
City Website Page: Community Information	https://ci.carmel.ca.us/street-addresses
Informal Community Survey (opt-in)	The community has the opportunity to get involved 1. "Jump Off Point" Survey: • Questions will be developed to guide the Engagement & Implementation Team 2. "Preferred Address System" Survey: • Public input on which system developed to move forward with • Survey will feature examples and overview of each system
Address System Program Development	The City Planning and Building Department and additional designated staff will design a numbering/addressing system that meets public safety and standard addressing requirements • Previously gathered public input will be incorporated into preliminary address system design(s)
Farmers Market Booth	Community input on map/addressing system proposal • Team will have a predetermined number of preliminary addressing systems/maps on display for public comments, suggestions, questions, etc.
Community Meetings (5 Total)	---------- ***Three Community Meetings/Workshops during Engagement Phase*** ***Two Community Meetings during Implementation Phase*** ---------- Carpenter Hall, Recorded for Community Reference Day/Time will be noticed in the Pine Cone ---------- **Meeting 1: Introduction to Engagement & Implementation Team, Background - 1 Hour** • Background, Process: "How We Got Here" • Admin Analyst: Emily Garay • Building Official: Jermel Laurie • Assigned Planner: _____ • Fire Chief Miller (or designated representative) • Police Chief Tomasi (or designated representative) • Presentation of requirements and regulations for a standard addressing system **Meeting 2: Team/Staff Presentation of developed plan/system options to the community** • What works? Which system(s) best represent the community's expectations? • Interactive Workshop – 90 Minutes • 5-10 minutes - introduction/format/agenda/process for questions submissions • 30 minutes - PowerPoint presentation of preliminary addressing systems designs • 10 minute break- for written questions, suggestions, comments gathering by staff • 45 minutes – staff answers written questions, accepts additional questions as time allows

	Meeting 3: Design Workshop - Post 1st City Council meeting • Address system program updated with City Council's Direction • 5-10 minutes - Introduction to Team/Format/Process of collecting public input • 30 minutes – Team presentation of guiding design standards for display of assigned street address numbers, including proposed examples of numbers and acceptable locations for posting on property • The Engagement & Implementation Team's design proposals will be based on the established standards and regulations of standard street addressing system program • 45-60 minutes – Public input and preferences for acceptable designs
City Council Meetings	**City Council Meeting 1:** Presentation to City Council of proposed address system program developed through public engagement • Introduction to Engagement & Implementation Team • Overview of Process/Public Engagement leading up to Council Meeting • Results of Community Engagement Analysis • Team presentation of preferred address system(s) developed through the public engagement process • City Council considers proposed system, provides staff with direction **City Council Meeting 2:** Result of design standards presented to City Council for consideration, discussion, and direction to staff: • (1) return to City Council with changes; (2) or move forward to Implementation Phase
Planning Commission	Presentation of proposed street address numbers designs developed through public engagement, if needed
Outreach	Noticing, Advertising The Carmel Pine Cone City's Friday Letter "Sign-Me Up" Email Updates Friday Vlog Updates to City website – Subpage: Street Addresses

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

ORDINANCE NO. 2018 - 003

AN ORDINANCE REPEALING CHAPTERS 8.32, 8.64, AND 8.72, AND AMENDING CHAPTER 8.56, AND TITLE 15 OF THE CARMEL MUNICIPAL CODE AND ADOPTING THE 2016 CALIFORNIA BUILDING, RESIDENTIAL, ENERGY, FIRE, MECHANICAL, PLUMBING, ELECTRICAL, AND GREEN BUILDING STANDARDS CODES WITH AMENDMENTS

Whereas, the City of Carmel-by-the-Sea has adopted the California Codes promulgated by the International Code Council related to buildings and construction and does so when the State of California adopts new or revised editions; and

Whereas, the new 2016 California Codes were adopted by the State of California under the International Code Council and the California Building Standards Commission as the new codes for this state; and

Whereas, Title 15 of the Carmel Municipal Code (see Exhibit A) has been revised to reflect the needs of our specific requirements under these codes and thereby may stand alone as the specific requirements for construction within the City of Carmel-by-the-Sea; and

Whereas, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Carmel-by-the-Sea (City) may adopt the provisions of the California Building Code, the CA Plumbing Code, the CA Mechanical Code, the CA Fire Code, and the CA Electrical Code to protect the health, welfare, and safety of the citizens of Carmel because of local climatic, geological, topographical, and environmental conditions; and

Whereas, this Ordinance was found to be exempt from environmental review, per the provisions of Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) of 1970 as amended; and

Whereas the City Council hereby finds as follows: Specific amendments have been established by the City which are more restrictive in nature than those sections adopted by the State of California (State Building Standards Code, and State Housing and Community Development Code) commonly referred to as Title 24 and Title 25 of the California Administrative Code. These "Findings of Fact" are submitted and made a part of this Ordinance pursuant to Section 17958.5 and Section 17958.7 of the California Health and Safety Code. Under the provisions of Section 17922.2 of the California Health and Safety Code, local amendments shall be based on climatic, geographical, or topographical conditions. The Findings of Fact contained herein shall address each of these situations and shall present the local situation, which either singularly or in combination causes the established amendments to be adopted.

Profile of the City of Carmel: The City of Carmel-by-the-Sea encompasses an area of approximately 1.08 square miles of land, with a resident population of approximately 3,800 people. There is a significant seasonal and visitor population to the City of Carmel making the actual daytime population significantly higher. The physical location of the City is on the Monterey Peninsula near the City of Pacific Grove, the City of Monterey, and unincorporated Monterey County.

The placement of the residential and commercial development within the City of Carmel has been carefully laid out, and works around the confined of steep slopes, forested areas and shoreline areas. Other unique environmental characteristics include relatively small parcel sized and residential streets that are not improved to the full right-of-way width but are left in a more natural state.

Throughout the City and its vicinity are major roadways and highways that create barriers.

The following points were established as causes of concern to the City and are herein established and submitted as Findings of Fact:

Climatic I: The climate weather patterns within the City of Carmel are considered to be moderately effected by the Pacific Ocean and Monterey Bay, which create a year-round vegetation growing season. The normal year's rainfall is approximately eighteen to nineteen (18-19) inches in the average calendar year. Summer conditions, with the prevalent Pacific High Cell create the mid-day fog normally associated with Carmel. This climatic fog assists natural vegetation growth.

Later in the year, the winds and drying vegetation mix to create hazardous fuel conditions, which has been responsible for wildland fires in recent years. While normal temperatures usually do not exceed 65-75 degrees, during late summer and early fall the temperatures can periodically climb higher. Recent drought conditions and typical afternoon sea breezes can contribute to rapid fire spread in the wooded, hillside areas of the City.

Because of weather patterns and population increases, the City of Carmel (like other California cities) has experienced water rationing and water allocation. Due to storage capacities and consumption, as well as climatic conditions, limited water resources are an issue.

While sound management of water resources is possible, actual demands on an already stressed water supply can be predicted.

Climatic II: The region is within a climate zone that requires compliance with energy efficiency standards for building construction. The amendment adds up-to-date design standards that will add to energy efficiency in construction while maintaining nationally recognized health and safety standards.

Geographical I: Residents and visitors alike appreciate the scenic appeal and geographical features of the City of Carmel. The forested hills to the east and dunes and shoreline area to the west accent one another. The forested areas upslope of the coastal area give a feel of balance and a sort of backdrop for the City itself. These geographical features have influenced the siting of roadways and building sites, and can create difficulties for accessibility for firefighting forces.

The forested areas of oak and pines create windbreaks from oncoming winds, while producing fuel from fallen leaves, and dry and decaying trees and branches. The dry vegetation, steep terrain, and limited water availability contribute to concerns for wildland fires.

The City of Carmel has near its boundaries potential active seismic hazards with respect to the "Navy", "Berwick Canyon", "Chupines" and "Seaside" faults. While systems have been developed to study and monitor the activity or earthquakes, science has not yet been able to reliably predict the potential for activity on these or any active fault.

Seismic activity within the City occurs periodically with little or no damage, although a real potential for damage exists relative to these four active faults. New construction may be limited by its respective distance to such faults, and replacement of existing structures will be costly.

The geographical layout of the forested areas creates hazardous conditions when a storm of gale-force winds causes trees to fall onto structures and roadways used for egress and public safety access. The Monterey Pine, a common species in the Carmel forest has a growing pattern, shallow root system, and inherent nature that lends itself to being blown over easily contributing to concerns for severe storm hazards.

Landslides have also been experienced within limited areas in the City of Carmel., particularly during and after winter storms due to excessive soil saturation. While stabilization can sometimes be provided, heavy rainfall events have caused slope failures. Landslides and soil erosion can result in impeded roadways within the City, again making accessibility difficult until properly cleared.

The hills surrounding and within the City of Carmel, have slopes that are typically an overall average of between five to ten percent; however some areas have steeper slopes in excess of 20-30%. The City's elevation starts at sea level and extends to areas in excess of 200 feet above sea level. The elevation change and hilly areas contributes to the geographical foundation on which the City has built and will continue to build.

Geographical II: The region is located in an area of high seismic activity as indicated by the United States Geological Survey and California Geological Survey. Recent earthquake activity has indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the protection of the life-safety of building occupants and increased the cost of rehabilitation of structures. Activities have indicated the need for increased levels of safety in building systems, including but not limited to means of egress, wiring systems, and fire protection systems.

Topographical: The topographical element of this report is associated closely with the geographical element noted above. While the geographic features create the topographic conditions, the findings in this section are caused by the construction and design of the City of Carmel due to the elevation changes, as well as hills and drainages that are in the City.

The water supply (domestic and fire flow) system is directly affected by the topographic layout. The distribution system consists of water lines that carry the water from storage tanks and dammed areas to the public via pipes. These street mains create lift-zones where the pressure and flows are adequate at lower elevations and minimal, sometimes critical supplies at the top. Water supply flow rates within the City of Carmel vary, presenting challenges to

development, as well as fire suppression activities.

The roadway system is designed around the topography with respect to narrow, winding roads with varying grades and overhanging tree branches. The grades on some roadway surfaces exceed 20% and widths of less than twelve (12) feet for access in some areas. Due to traffic congestion on many streets, especially the commercial downtown area, vehicles double park for loading and unloading purposes. This creates barriers that reduce response time for public safety personnel.

The topography also present challenges to construction. In many cases, existing structures are being removed and replaced with larger buildings. Those existing structures which remain cause concern tot eth Fire Department because of the potential for outdated or inadequate fire protection (firewalls, fire extinguishing systems, etc.). The hazard exposure created by these structures poses a separate problem.

It is not uncommon to see existing buildings to be torn down and replaced with larger buildings. For practical and cost reasons, these new structures are often built of wood (Type V). Building lots tend to be smaller than many other communities, and smaller setbacks are required. This presents a higher potential for conflagration within certain areas of Carmel. The concentrated commercial, as well as residential occupancies cause concern regarding the exposure elements of building-to-building and building-to-forest areas of the City.

The topographical nature of Carmel and its abundance of trees also can contribute to power failures caused when trees and tree limbs damage sections of electrical transmission lines. These power failures cause the electrical pumps to become inactive, interrupting water supplies. Vehicular accidents also have been known to interrupt these pumping operations, due to the narrow streets, which are congested with residents and visitors.

Lastly, while possibly not being within the "topographical" context of Findings of Fact, the historical significance is a major visitor draw for the City of Carmel. Buildings and roadways have been preserved to create a lasting reminder of what has been.

While many of the historical structures are small and surrounded by landscaped courtyards, etc., some buildings are constructed closer than would be presently allowed under the International Building Code. Construction methods were also less restrictive than would be required today. These structures and settings create barriers, which firefighters must work around and protect from exposure. Several historical buildings dating back to the 1800's are irreplaceable.

These Findings of Fact which identify the various "climatic, geographical, and topographical" conditions, are considered reasonably necessary to modify the requirements established pursuant to Health and Safety Code Section 17922 based upon local conditions.

While it is clearly understood that the adoption of these regulations may not prevent the incidence of fire or building related accidents, implementation of these various regulations and/or requirements may serve to reduce the severity and potential loss of life and property.

THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section One. Titles 8 and 15 of the Municipal Code of the City of Carmel-by-the-Sea are amended as shown in Exhibit "A" attached hereto and incorporated herein. All previous

amendments not identified and revised in Exhibit "A" will remain in effect.

Section Two. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section Three, Severability. If any section, subsection, or part of this Ordinance is held to be invalid or unenforceable, all other sections, subsections, or parts of subsections of this ordinance shall remain valid and enforceable.

Section Four, Effective Date. This Ordinance shall be in full force after its final passage and adoption with an effective date of ~~September 4th, 2018~~. October 10, 2018

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA THIS ~~6th day of August~~, 2018 by the following roll call vote:
11th day of September, 2018

AYES:	COUNCIL MEMBERS:	RICHARDS, HARDY, REIMERS, THEIS, DALLAS
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	
ABSTAIN:	COUNCIL MEMBERS:	

SIGNED:
Steve Dallas, by
Steve G. Dallas, MAYOR

ATTEST:
Thomas A. Graves, MMC
CITY CLERK

Exhibit "A" to City of Carmel-by-the-Sea Ordinance 2018- 003

Chapters 8 and 15 of the Carmel Municipal Code are hereby amended as follows:

1. Chapters 8.32, Fire Code; 8.64, Property Nuisances; and 8.72 Community Floodplain are hereby repealed.

2. Chapter 8.56.020, Definitions, (B) is amended as follows:

8.56.020 B. "Class B noise" includes noise created or generated within or adjacent to residential property which is necessary and normally associated with ~~residential living~~ property maintenance and construction. Class B noise includes, but is not limited to, noise created by power ~~mowers, trimmers,~~ equipment and tools ~~home~~ appliances, ~~home~~ workshops, vehicle repairs and testing, and ~~home~~ construction projects.

3. Chapter 8.56.040, Class B noise is amended as follows:

It shall be unlawful to create and emit Class B noise as defined in this chapter between the hours of ~~9:00~~ 6:30 p.m. of one day and 8:00 a.m. of the following day. (Ord. 2006-03 § 1, 2006; Ord. 80-4 § 1, 1980; Code 1975 § 699.66)

4. Title 15 is amended as follows:

Chapter 15.04 Administration of Building Codes

15.04.020 Definitions
As used in this title, unless otherwise apparent from the context, the following words and phrases shall have the stated meaning:

3. "Class B noise" includes noise created or generated within or adjacent to residential property which is necessary and normally associated with ~~residential living~~ property maintenance and construction. Class B noise includes, but is not limited to, noise created by power ~~mowers, trimmers,~~ equipment and tools, ~~home~~ appliances, ~~home~~ workshops, vehicle repairs and testing, and ~~home~~ construction projects.

~~3~~ 4. "Construction codes" means those certain building construction codes adopted by the City and made a part of the municipal code.

~~4~~ 5. "Demolition" is the complete destruction and removal/takedown of all above- and/or below-ground elements of a building or structure excluding basements that are in conformance with all building and zoning standards.

~~5~~ 6. "Existing building" is a building erected prior to the adoption of this code, or one for which a legal building permit has been issued. All additions and/or changes to any existing building shall

~~annual basis by the Planning Commission.~~

~~15.54.040 City-Owned Properties~~

~~To demonstrate a leadership position, all City building projects greater than 1,000 square feet shall exceed the standard point requirements by 15 percent.~~

~~**15.54.070 Exceptions**~~

~~If, due to unusual circumstances, an applicant determines that compliance with this chapter creates an unreasonable hardship, the applicant may apply for an exception with the Planning Commission Board of Appeals. The burden of proof shall be on the applicant to demonstrate that the requirements of this chapter create an unreasonable hardship.~~

~~15.54.080 Incentives~~

~~Incentives for exceeding the minimum standards of this chapter shall be established by City Council resolution.~~

Chapter ~~8.32~~ 15.55 California Fire Code

Sections

~~8.32~~-15.55.010 2016 California Fire Code – Adopted

~~8.32~~-15.55.020 Fire Code – Effective Date – Copy on File

~~8.32~~-15.55.030 Definitions

~~8.32~~-15.55.040 Establishment of Limits in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks Is Prohibited.

~~8.32~~-15.55.050 Establishment of Limits in Which Storage of Liquefied Petroleum Gases is Prohibited.

~~8.32~~-15.55.060 Establishment of Limits in Which Storage of Explosives and Blasting Agents is Prohibited.

~~8.32~~-15.55.070 Establishment of Limits in Which Storage of Stationary Tanks or Flammable Cryogenic Fluids is Prohibited.

~~8.32~~-15.55.080 Establishment of Limits in Which Storage of Hazardous Materials is Prohibited.

~~8.32~~-15.55.090 Fireworks Prohibited.

~~8.32~~-15.55.100 Amendments to the California Fire Code

~~8.32~~-15.55.110 Repeal of Conflicting Ordinances

~~8.32~~-15.55.120 Validity

*Prior legislation: Code 1975§§720.0 – 725.0, 726.0, 726.1, 730.0 – 730.0 (o), Ords. 325 C.S., 77-2, 79-21, 82-11, 83-25, 85-21, 86-17, 87-11, 89-24, and 95-15.

For statutory provisions authorizing cities to adopt codes by reference, see Government Code §50022.1 et seq.; for provisions on fire and fire protection generally, see Health and Safety Code §13000 et seq.

~~8.32~~ 15.55.010 2016 California Fire Code – Adopted

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2016 California Fire Code (~~2016~~ 2015

d. The maximum grade change of the approach to and from any private bridge shall not exceed 8% for a minimum distance of 10 feet.

12. Section 503.2.6.2 is added to read as follows:

503.2.6.2 Private bridge certification. Every private bridge hereafter constructed shall be engineered by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. Certification that the bridge complies with the design standards required by this code and the identified standards, and that the bridge was constructed to those standards, shall be provided by the licensed engineer, in writing, to the fire code official. Every private bridge, including existing and those constructed under this code, shall be certified as to its maximum load limits every ten (10) years or whenever deemed necessary by the fire code official. Such recertification shall be by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. All fees charged for the purpose of certification or recertification of private bridges shall be at the owner's expense.

13. Section 503.2.7 is amended to read as follows:

503.2.7 Grade. The grade of fire apparatus access roads shall be no greater than 15% unless specifically approved by the fire code official.

14. Section 503.2.7.1 is added to read as follows:

503.2.7.1 Paving. All fire apparatus access roads over eight percent (8%) shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.

15. Section 503.7 is added to read as follows:

503.7 Fire apparatus access roads. All fire apparatus access road names shall be issued by the City of Carmel –by-the-Sea.

16. Section 505.1 is amended to read as follows:

505.1 Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department.

16. Section 506.1 is amended to read as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an approved type and shall contain keys or other information to ain necessary access as required by thee fire code official.

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

DRAFT ORDINANCE

AN ORDINANCE AMENDING CITY OF CARMEL-BY-THE-SEA MUNICIPAL CODE SECTION 15.55.100 REGARDING AMENDMENTS TO THE CALIFORNIA FIRE CODE

RECITALS

A. California Health & Safety Code Division 13 "Housing", includes Part 1.5 "Regulation of Buildings Use for Human Habitation" (Section 17910 through 17998.3) and Part 2.5 "State Building Standards" (Sections 18901 through 18949.31).

B. Health & Safety Code Section 17922 references building standards included in Division 13, Part 2.5 and other rules and regulations in Title 24 of the California Code of Regulations.

C.. California Health and Safety Code Section 18931 provides that the duties of the California Building Standards Commission include the approval of building standards.

D. California Health and Safety Code Section 18902 provides that all references to the State Building Standards Code, Title 24 of the California Code of Regulations shall mean the California Building Standards Code.

E. The California Building Code set forth in the California Code of Regulations Title 24, Part 2, Section 502.1 reads as follows:

> 502.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained."

F. The California Residential Code set forth in California Code of Regulations Title 24, Part 2.5, Section R319.1 reads as follows:

> "SECTION R319 SITE ADDRESS
>
> R319.1 Address identification. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required

by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained."

G. The California Fire Code set forth in the California Code of Regulations Title 24, Part 9, Section 505.1 reads as follows:

"PREMISES IDENTIFICATION

505.1 Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained."

H. Section 15.55.100 of the City of Carmel-by-the-Sea Municipal Code ("CMC") begins as follows:

"15.55.100 Amendments to the California Fire Code.

The 2022 California Fire Code is amended and changed as follows as described in subsections (1) through (37) of this section."

I. Section 15.55.100 subsection (16) of the CMC reads as follows:

"16. Section 505.1 is amended to read as follows:

505.1 Address identification. Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department. For multi-tenant buildings, unit identifiers shall be provided as follows:

1. Multi-family dwelling units (apartments, condominiums) – shall be designated using alphabetic characters (i.e. A, B, C…). When the building contains multiple floors, the floor number shall precede the alphabetic unit designator (i.e. 1-A, 2-B, etc.)

2. Non-residential, multi-tenant buildings – individual tenant spaces shall be assigned numeric identification (i.e. 1, 2, 3, etc.) When the building contains multiple floors, the floor number shall precede the numeric unit designator and shall be separated by the number "0" (i.e. first floor units: 10x; second floor units: 20x).

3. Mixed Use buildings – Residential units shall be designated as described in 1 above. Nonresidential units shall be designated as described in 2."

J. Health & Safety Code Section 17958 provides that California Building Standards Code (Part 2.5) and other regulations shall become effective 180 days after the publication by the California Building Standards Commission subject to the ability of a City to make amendments under certain circumstances as provided by the Health & Safety Code.

K. Health & Safety Code Section 17958.5 provides that a city may make changes or modifications to the California Building Standards Code (Part 2.5) and other regulations which are "reasonably necessary because of local climatic, geological, or topographical conditions."

L. Health & Safety Code Section 17958.7 provides that before making changes pursuant to Section 17958.5 that the City "shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions." These findings must be available as a public record and submitted to the California Building Standards Commission.

M. Address identification in Buildings and parcels by a description of Parcel location relative to the nearest cross-street intersection is not reasonably necessary because of local climatic, geological or topographical conditions.

N. Health and Safety Code Section 18941.5 (b) reads as follows:

"Section 18941.5. Amendments, additions, deletions to standards; effective date; publication date; more restrictive standards. . .

"(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish **more restrictive building standards**, including, but not limited to, green building standards, reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing." (Emphasis added)

O. Address identification in Buildings and parcels by a description of Parcel location relative to the nearest cross-street intersection is not more restrictive than the address identification requirements of the California Building Code, California Residential Code and California Fire Code as set forth in State Building Standards Law.

P. The California Building Code and Residential Code and the California Fire Code, as laws of the State of California set forth in the State Building Standards Law, preempt local laws which are in conflict with the requirements of the California Building Code, California Residential Code and California Fire Code.

Q. CMC Section 15.55.100 subsection (16) on address identification by a description of Parcel location relative to the nearest cross-street intersection is in conflict with the address

identification requirements of the California Building Code, California Residential Code and California Fire Code set forth in State Building Standards Law.

R. CMC Section 15.55.100 subsection (16) on address identification by a description of Parcel location relative to the nearest cross-street intersection is preempted by state law because CMC Section 15.55.100 subsection (16) is in conflict with the California Building Code, California Residential Code and California Fire Code as set forth in the State Building Standards Law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City of Carmel-by-the-Sea does hereby find that the above referenced Recitals are true and correct and are hereby incorporated by this reference as though set forth in full.

SECTION 2. CEQA Review. As demonstrated in the staff report and other documents in the record for this matter this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000, et seq.), pursuant to the Class 1 (Minor Alterations to Existing Facilities) and Class 4 (Minor Alterations to Land) categorical exemptions in CEQA Guidelines Sections 15301 and 15304, respectively, and this Ordinance is also exempt from CEQA pursuant to the common sense exemption in CEQA Guidelines Section 15061 because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.(b)(3) of th

SECTION 3. Existing Code. The first sentence of Section 15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code currently reads as follows:

"Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department."

SECTION 4. Amendment. Section 15.55.100 subsection (16) of the City of Carmel-by-the-Sea Municipal Code is hereby amended such that the following sentence thereof shall be deleted:

"Buildings and parcels shall be identified by a description of Parcel location relative to the nearest cross-street intersection as determined by the Community Planning and Building Department."

SECTION 5. Effective Date. This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea.

SECTION 6. Severability. If any provision, section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more

sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____
Dave Potter
Mayor

ATTEST:

_____
Nova Romero, MMC
City Clerk

CALIFORNIA ELECTIONS CODE SECTIONS 9200 TO 9226

INITIATIVES

§ 9200. Ordinances

Ordinances may be enacted by and for any incorporated city pursuant to this article.

§ 9201. Petition

Any proposed ordinance may be submitted to the legislative body of the city by a petition filed with the elections official of the legislative body, in the manner hereinafter prescribed, after being signed by not less than the number of voters specified in this article. The petition may be in separate sections, providing that the petition complies with this article. The first page of each section shall contain the title of the petition and the text of the measure. The petition sections shall be designated in the manner set forth in Section 9020.

§ 9202. Notice of intent to circulate petition; signatures; publication; form; fee

(a) Before circulating an initiative petition in any city, the proponents of the matter shall file with the elections official a notice of intention to do so, which shall be accompanied by the written text of the initiative and may be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition. The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of _____ for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

(b) Any person filing a notice of intent with the elections official shall pay a fee to be established by the legislative body not to exceed two hundred dollars ($200) to be refunded to the filer if, within one year of the date of filing the notice of intent, the elections official certifies the sufficiency of the petition.

§ 9202.5. Initiative petitions; documents kept on file by elections official; public copies

From the time materials pertaining to an initiative petition are filed pursuant to Section 9202 until the day after the elections official determines that the initiative petition does not contain the minimum number of signatures required, the day after the election at which the initiative measure is put before the voters, or the day after the proposed ordinance is adopted by the legislative body of the city after being submitted to the legislative body of the city pursuant to Section 9201, as applicable, the elections official shall do both of the following:

(a) Keep on file at his or her office the notice of intention, written text of the initiative, and written statement setting forth the reasons for the proposed petition, if any, that the proponents of the initiative measure filed with the elections official pursuant to Section 9202.

(b) Furnish copies of the materials he or she is required to keep on file pursuant to subdivision (a) to any person upon request. The elections official may charge a fee to a person obtaining copies pursuant to this subdivision. The fee may not exceed the actual cost incurred by the elections official in providing the copies.

§ 9203. Request for ballot title and summary; preparation by city counsel; use of ballot title on petition

(a) Any person who is interested in any proposed measure shall file a copy of the proposed measure with the elections official with a request that a ballot title and summary be prepared. This request shall be accompanied by the address of the person proposing the measure. The elections official shall immediately transmit a copy of the proposed measure to the city attorney. Within 15 days after the proposed measure is filed, the city attorney shall provide and return to the city elections official a ballot title for and summary of the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less

the purpose of the proposed measure. In providing the ballot title, the city attorney shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(b) The elections official shall furnish a copy of the ballot title and summary to the person filing the proposed measure. The person proposing the measure shall, prior to its circulation, place upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman type not smaller than 11 point, the ballot title prepared by the city attorney. The text of the measure shall be printed in type not smaller than 8 point. The heading of the proposed measure shall be in a boldface type in substantially the following form:

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the city attorney. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

§ 9204. Writ of mandate to amend ballot title or summary

Any elector of the city may seek a writ of mandate requiring the ballot title or summary prepared by the city attorney to be amended. The court shall expedite hearing on the writ. A peremptory writ of mandate shall be issued only upon clear and convincing proof that the ballot title or summary is false, misleading, or inconsistent with the requirements of Section 9203

§ 9205. Publication; posting

A notice of intention and the title and summary of the proposed measure shall be published or posted or both as follows:

(a) If there is a newspaper of general circulation, as described in Chapter 1 (commencing with Section 6000) of Division 7 of Title 1 of the Government Code, adjudicated as such, the notice, title, and summary shall be published therein at least once.

(b) If the petition is to be circulated in a city in which there is no adjudicated

newspaper of general circulation, the notice, title, and summary shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located and the notice, title, and summary shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code.

(c) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the notice, title, and summary shall be posted in the manner described in subdivision (b).

This section does not require the publication or posting of the text of the proposed measure.

§ 9206. Proof of publication or posting; filing

Within 10 days after the date of publication or posting, or both, of the notice of intention and title and summary, the proponents shall file a copy of the notice and title and summary as published or posted together with an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the city, certifying to the fact of publication or posting.

If the notice and title and summary are both published and posted pursuant to subdivision (b) of Section 9205, the proponents shall file affidavits as required by this section made by a representative of the newspaper in which the notice was published certifying to the fact that the notice was published and by a voter of the city certifying to the fact that the notice was posted.

These affidavits, together with a copy of the notice of intention and title and summary, shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted.

§ 9207. Circulation of petition; petition contents

The proponents may commence to circulate the petitions among the voters of the city for signatures by any registered voter of the city after publication or posting, or both, as required by Section 9205, of the title and summary prepared by the city attorney. Each section of the petition shall bear a copy of the notice of intention and the title and summary prepared by the city attorney.

§ 9208. Time limit; validity

Signatures upon petitions and sections of petitions shall be secured, and the petition, together with all sections of the petition, shall be filed within 180 days from the date of receipt of the title and summary, or after termination of any action for a writ of mandate pursuant to Section 9204, and, if applicable, after receipt of an amended title or summary or both, whichever occurs later. Petitions and sections thereof shall be filed in the office of the elections official during normal office hours as posted. If the petitions are not filed within the time permitted by this section, the petitions shall be void for all purposes.

§ 9209. Declaration

Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022.

§ 9210. Filing; amendment; examination

The petition shall be filed by the proponents or by a person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Once filed, a petition section shall not be amended except by order of a court of competent jurisdiction.

When the petition is presented for filing, the elections official shall do all of the following:
(a) Ascertain the number of registered voters of the city last reported by the county elections official to the Secretary of State pursuant to Section 2187 effective at the time the notice specified in Section 9202 was published.

(b) Determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, he or she shall accept the petition for filing. The petition shall be deemed as filed on that date. If, from this examination, the elections official determines that the number of signatures, prima facie, does not equal or exceed the minimum number of signatures required, the official shall not take further action.

§ 9211. Examination of petition; signatures

After the petition has been filed, as herein provided, the elections official shall examine the petition in the same manner as are county petitions in accordance with Sections 9114 and 9115, except that for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

§ 9212. Report from city agencies on effect of proposed initiative measure

(a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9215, the legislative body may refer the proposed initiative measure to a city agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.

(4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

(5) Its impact on the community's ability to attract and retain business and employment.

(6) Its impact on the uses of vacant parcels of land.

(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Any other matters the legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

§ 9213. Report on number of proposed initiatives

On or before April 1 of each odd-numbered year, the elections official of each legislative body shall file a report with the Secretary of State containing the following information:

(a) The number of municipal initiative petitions circulated during the preceding two calendar years which did not qualify for the ballot, and the number of these proposed initiatives for which reports were prepared pursuant to Section 9212.

(b) With respect to municipal initiative measures that qualified for the ballot in the preceding two calendar years, the number that were approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9212.

(c) With respect to municipal initiative measures that qualified for the ballot in the preceding two calendar years, the number that were not approved by the voters, and the number of these ballot measures for which reports were prepared pursuant to Section 9212.

§ 9215. Petition signatures equal to 10 percent of vote; adoption of ordinance; submission to voters

If the initiative petition is signed by not less than 10 percent of the voters of the city, according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, effective at the time the notice specified in Section 9202 was published, or, in a city with 1,000 or less registered voters, by 25 percent of the voters or 100 voters of the city, whichever is the lesser number, the legislative body shall do one of the following:

(a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.

(b) Submit the ordinance, without alteration, to the voters pursuant to Section 1405.

(c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

§ 9215.5. Withdrawal of initiative

The proponent of an initiative may withdraw the initiative at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official.

§ 9216. Veto

In cities having a mayor, or like officer, with the veto power, when the passage of an ordinance petitioned for by the voters is vetoed, the failure of the legislative body to pass the ordinance over the veto shall be deemed a refusal of the legislative body to pass the ordinance within the meaning of this article.

§ 9217. Adoption of ordinance; effective date, repeal and amendment

If a majority of the voters voting on a proposed ordinance vote in its favor, the ordinance shall become a valid and binding ordinance of the city. The ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body, and shall go into effect 10 days after that date. No ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.

§ 9218. Number of ordinances; special elections

Any number of proposed ordinances may be voted upon at the same election, but the same subject matter shall not be voted upon twice within any 12-month period at a special election under the provisions of this article.

§ 9221. Conflicting ordinances adopted at same election

If the provisions of two or more ordinances adopted at the same election conflict, the ordinance receiving the highest number of affirmative votes shall control.

§ 9222. Submission of proposition without petition

The legislative body of the city may submit to the voters, without a petition therefor, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended, or enacted accordingly. A proposition may be submitted, or a special election may be called for the purpose of voting on a proposition, by ordinance or resolution. The election shall be held not less than 88 days after the date of the order of election.

§ 9223. Proposed ordinance or measure; printing; availability of copies on request

Whenever any ordinance or measure is required by this article to be submitted to the voters of a city at any election, the elections official of the legislative body shall cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request.

§ 9224. Enacting clause

The enacting clause of an ordinance submitted to the voters of a city shall be substantially in the following form:

“The people of the City of _____ do ordain as follows:”.

§ 9226. Statewide initiative measures

This article does not apply to any statewide initiative measure.

CALIFORNIA ELECTIONS CODE SECTION 9235 TO 9247

REFERENDUM

§ 9235. Effective date of ordinances

No ordinance shall become effective until 30 days from and after the date of its final passage, except:

(a) An ordinance calling or otherwise relating to an election.

(b) An ordinance for the immediate preservation of the public peace, health, or safety that contains a declaration of, and the facts constituting, its urgency and is passed by a four-fifths vote of the city council.

(c) Ordinances relating to street improvement proceedings.

(d) Other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption.

§ 9236. Revenue bonds; joint powers entity; effective date of ordinances; petitions; ballot wording

(a) Notwithstanding Section 9235, ordinances authorizing the issuance of revenue bonds by a city as part of a joint powers entity pursuant to Section 6547 of the Government Code shall not take effect for 60 days.

(b) When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the city described in subdivision (a) exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election. When the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the city is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the city for all candidates for Governor at the last gubernatorial election.

(c) For the purpose of submitting the question to the voters pursuant to subdivision (b), the ballot wording shall approximate the following:

"Shall the _____ (city name), as a member of the _____ (joint powers entity name), authorize the issuance of revenue bonds by the joint powers entity in the amount of $_____ pursuant to ordinance number _____, dated _____, the bonds to be used for the following purposes and to be redeemed in the following manner: _____?"

§ 9237. Petition signed by 10 percent of voters

If a petition protesting the adoption of an ordinance, and circulated by a person who meets the requirements of Section 102, is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the date the adopted ordinance is attested by the city clerk or secretary to the legislative body, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance.

§ 9237.2. Withdrawal of referendum by proponent; timing

The proponent of a referendum may withdraw the referendum at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official.

§ 9237.5. Petition procedure and submission of ordinance to voters to be governed by this code

The provisions of this code relating to the form of petitions, the duties of the county elections official, and the manner of holding elections shall govern the petition procedure and submission of the ordinance to the voters.

§ 9238. Petition; declaration

(a) Across the top of each page of the referendum petition there shall be printed the following:

"Referendum Against an Ordinance Passed by the City Council"

(b) Each section of the referendum petition shall contain all of the following:

(1) The identifying number or title of the ordinance.

(2) Either of the following:

(A) The text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(B) An impartial summary of the referendum not to exceed 5,000 words prepared pursuant to the following procedure:

(i) Within three business days of the final passage of the ordinance, the referendum's proponents shall file a copy of the proposed summary with the local elections official, who shall immediately transmit a copy of the proposed summary to the city attorney.

(ii) Within 10 business days the city attorney shall issue an approved summary to the local elections official and the referendum's proponents for circulation. The city attorney may edit the summary prior to approval. All edits made to the summary shall be true and impartial and shall not contain argument or any matter likely to cause prejudice for or against the referendum. The city attorney may add the full text of the ordinance, or the portion of the ordinance that is the subject of the referendum, to the summary if doing so would not exceed the 5,000-word limit.

(iii) The summary shall include a link to a public website containing the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(iv) The 5,000 word limit imposed by this subparagraph shall include all attachments, exhibits, and other supplements to the summary.

(v) If the city attorney fails to issue an approved summary within 10 business days, the proposed summary submitted by the proponents shall be considered approved.

(vi) Notwithstanding Section 9235, proponents who circulate a referendum petition pursuant to this subparagraph shall have 30 days from the date the summary is

approved to submit a petition with the required number of signatures to the local elections official. The ordinance subject to the referendum petition shall not become effective until this period has expired.

(C) After the proponents begin circulating a referendum petition prepared pursuant to subparagraph (A) or (B), the proponents shall not circulate another version of the referendum petition prepared using the other method.

(c) The petition sections shall be designed in the same form as specified in Section 9020.

(d) Each section of the referendum petition shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022.

§ 9239. Determination of number of signatures; filing

Petitions shall be accepted for filing by the elections official and the determination of the number of signatures thereon shall be made by the elections official in accordance with Section 9210. Petitions shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours, as posted.

§ 9240. Examination of signatures

After the petition has been filed as herein provided, the elections official shall examine the petition and certify the results in the same manner as are county petitions in Sections 9114 and 9115 except that, for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

§ 9241. Submission to voters; time for holding election; effect of adverse vote

If the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters,

and a majority of the voters voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.

§ 9242. Circulation time limit

Signatures upon petitions, and sections thereof, shall be secured, and the petition, together with all sections thereof, shall be filed, within 30 days from the date of the adoption of the ordinance to which it relates. Petitions and sections thereof shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted. Petitions which are not filed within the time permitted by this section shall be void for all purposes.

§ 9243. Initiative provisions; application

Elections pursuant to this article shall be held in accordance with Sections 9217 to 9225, inclusive.

§ 9244. Veto

Whenever the legislative body of a city has voted in favor of the repeal of an ordinance protested against by the voters, as provided in this article, and the mayor, or like officer, has vetoed the repeal, the failure of the legislative body to pass the repeal over the veto shall be deemed a refusal to repeal the ordinance.

§ 9245. Date of final passage

If approval of an ordinance by the mayor or like officer is necessary, the date of approval shall be deemed the date of its final passage by the legislative body within the meaning of this article.

If an ordinance becomes law when the time for approval or veto has expired, and no action has been taken, the date of the expiration of that time shall be deemed the date of its final passage by the legislative body within the meaning of this article.

§ 9246. Election duties

Any duty imposed in this chapter upon the legislative body of a city with regard to calling a municipal election, or in connection with an election called pursuant to

this chapter, is likewise imposed upon any officer having any duty to perform connected with the election, so far as may be necessary to carry out this chapter.

§ 9247. Scope of chapter

Article 1 (commencing with Section 9200) and this article do not apply to cities having a charter adopted under Section 3 of Article XI of the California Constitution, and having in their charters any provision for the direct initiation of ordinances by the voters; nor to proceedings had for the improvement of streets in or rights-of-way owned by cities, the opening or closing of streets, the changing of grades or the doing of other work, the cost of which, or any portion of the cost which is to be borne by special assessments upon real property.

Petition to the California Building Standards Commission

Regarding Building Standards in Title 24, California Code of Regulations

Instructions

1. Use this form to petition the California Building Standards Commission (CBSC) for the repeal, amendment or creation of a building standard pursuant to the repeal provisions in Title 24, Part 1, Article 3, California Administrative Code, detailed on page two of this form.
2. Attach additional sheets if necessary.
3. Mail completed form and all attachments to CBSC, 2525 Natomas Park Dr., Suite 130, Sacramento, CA, 95833-2936.

Note: This form is NOT to be used to comment on proposed building standards.

Petitioner Information

Last Name	First Name	
Representing		
Mailing Address	City, State	Zip Code
Email Address		Phone Number

Purpose of Petition (check as appropriate)

☐ Repeal Existing Building Standard ☐ Amend Existing Building Standard ☐ Create New Building Standard

If this petition proposes the repeal or amendment of existing building standards in Title 24, identify the part number(s) and section number(s).

Part	Section	Part	Section

Justification for Petition

1. Explain the problem and rationale for this petition. See page two Section 1-315(b).

2. Explain how the problem has statewide significance. See page two Section 1-315(a).

3. Is the problem giving cause for emergency action because of an imminent danger to public health, safety or welfare? See Section 1-317 on page two. ☐ Yes ☐ No If yes, explain:

Petition History

Have you previously petitioned CBSC or another state or local agency regarding this matter?
☐ Yes ☐ No If yes, explain below and attach a copy of the previous petition(s) and a copy of all related correspondence and decisions rendered.

Attachments

If this petition has attachments, enter the number of pages attached:

Regulatory References

A response to your petition will be provided in accordance with the petition provisions in the California Code of Regulations (CCR), Title 24, Part 1, California Administrative Code, Chapter 1, Article 3.

To assist in completing the petition, some applicable provisions have been provided below. However, the submitting petitioner(s) should review the full text of current regulations available online at the commission's website www.dgs.ca.gov/bsc.

Section 1-313. Petitions

(a) Any local governmental agency, firm or member of the public may petition either the Commission or the authoritative agency for the proposal, adoption, amendment or repeal of any building standard or administrative regulation in Title 24 of the California Code of Regulations.

(d) The Commission may refer received petitions to the state agency, or multiple agencies, having specific jurisdiction for the subject of the adopted building standard or for the subject of the proposed building standard as proposed by the petitioner. A state agency receiving a petition referred by the Commission shall process the petition as required by this Article, including the reporting of actions and decisions by the agency to the Commission.

(e) Petitions are not to be used to address matters relating to currently proposed buildings standards. Any concerns relating to currently proposed building standards should be brought forward during the public comment period designated for the proposed building standard.

Section 1-315. Criteria for Petition A petition for the adoption, amendment or repeal of a building standard must meet the following criteria:

(a) The subject issue must have statewide significance and must have implications for a whole category of projects or a broad range of project types, and:

(b) The rationale for the petition must take the form of at least one of the following criteria:

1. A current building standard conflicts with pertinent statute(s) and/or regulation(s). To substantiate this criterion, the petitioner must cite the subject building standard and the conflicting statute(s) and/or regulation(s), and provide a clear written description of why the two are inconsistent.
2. Compliance with a current building standard is routinely impossible or onerous. To substantiate this criterion, the petitioner must cite the current building standard, present written or photographic evidence of the difficulty in complying with it, and clearly show that the problem is common or potentially common to many different projects or project types in many different circumstances. This criterion shall not be used to justify a petition for the repeal or amendment of a current building standard that poses difficulty to a single project.
3. A current building standard is inefficient or ineffective. To substantiate this criterion, the petitioner must cite the subject building standard, provide clear and concise written or photographic evidence of its ineffectiveness or inefficiency, describe a proposed alternative, and provide clear and convincing written or photographic evidence that it is more efficient or effective.
4. A current building standard is obsolete. To substantiate this criterion, the petitioner must show at least one of the following facts:
   A. A material or product specified in the building standards is not available, or
   B. There is no statute authorizing the subject building standard, or
   C. Significant developments in procedures, materials or other issues subject to the building standard have created a need for amendment or deletion of the building standard; that current state statutes permit amendment or deletion of the building standard; and that the building standard has the effect of prohibiting the use of a material or procedure that has demonstrated satisfactory performance and meets the intended purpose of building standards.
5. There is a need for a new building standard. To substantiate this criterion, the petitioner must provide a clear written description of the proposed building standard, explain why it is necessary, and cite the statute(s) that require or authorize the new building standard.

Section 1-317. Emergency Petition

(a) A petitioner may assert that the petition requires immediate action because there is imminent danger to the public health, safety or welfare. To substantiate the existence of a potential danger, the petitioner must include in the petition a written description of the specific facts showing the need for immediate action.

(b) If the emergency petition is approved by the Commission and if the petition is accepted pursuant to this article, the proposing agency or adopting agency shall develop and/or adopt new or amended building standards necessary to satisfy the cause for the petition. The new or amended building standards shall be proposed and adopted as emergency building standards as permitted by Health and Safety Code Sections 18934.8 and 18937, and as provided for in section 1-419 of this chapter.

Authority & Reference: Health and Safety Code Sections 18931, 18934.8, 18937 and 18949.6. These provisions may be accessed at the California Legislative Information website: http://leginfo.legislature.ca.gov/faces/home.xhtml.

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

September 10, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Marnie R. Waffle, AICP, Principal Planner
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Update on City Council Resolution 2024-062 to develop alternative sites and programs that would allow for an amendment to the City's adopted 6th cycle Housing Element to remove Vista Lobos and Sunset Center from the Housing Sites Inventory List.

RECOMMENDATION:

Receive the report and provide feedback as appropriate.

BACKGROUND/SUMMARY:

On April 8, 2024, the City Council adopted the 6th Cycle Housing Element, which covers 2023-2031. The City is responsible to plan for 349 new housing units by 2031.

On April 25, 2024, the State Department of Housing and Community Development (HCD) certified the City's Housing Element. Two city-owned sites, Vista Lobos and Sunset Center, were included as potential affordable housing sites to achieve certification (Housing Element Program 1.1.B: City-Owned Sites).

On July 9, 2024, in response to concerns regarding the redevelopment of the city-owned sites, the City Council passed Resolution 2024-062 directing staff to begin work immediately exploring and developing alternative affordable housing sites and programs to submit a formal general plan housing element amendment that provides alternative affordable housing opportunities and removes the need for housing units at Vista Lobos and Sunset Center. Additionally, staff was directed to return to the City Council in September and October with updates on progress.

September Update

City staff has been participating in the weekly meetings of the Affordable Housing Alternatives (AHA) community group since July 16th. AHA has formed subcommittees of its members to focus on specific housing strategies. Four housing strategies in particular: accessory dwelling units, hotel-to-residential conversions, church sites, and downtown sites are being further explored. These strategies are discussed below in the August 21st community meeting recap.

It is important to note that these strategies already exist as programs in the certified Housing Element. The

main focus of the AHA and City collaboration has been to “supercharge” these programs to produce enough potential affordable housing units that the City sites can be removed from the Sites Inventory List altogether.

Each subcommittee is developing a “one-pager” that includes a) proposals and mechanics, b) challenges and mitigating factors, and c) questions.

Additionally, AHA contacted consulting firms with experience preparing housing elements and arranged meetings to discuss strategies to facilitate the proposed housing element amendment. Three introductory calls were conducted jointly by AHA and City staff to get early feedback on strategies that could successfully amend the City’s certified housing element.

On August 16th, city staff released a request for statements of qualifications for technical assistance with preparing an amendment to the housing element. The city received two responses to the request and is in the process of making a final selection. AHA, city staff, and the selected consultant will collaborate throughout September to refine strategies and alternatives to Vista Lobos and Sunset Center for affordable housing.

On August 21st, AHA and the City jointly sponsored a community meeting at Sunset Center, Carpenter Hall, from 6:00 to 8:00 p.m. The meeting was advertised in the Carmel Pine Cone and via Constant Contact. The Carmel Residents Association also promoted the meeting through its channels of communication. Approximately 50 attendees (in person and via Zoom) participated. Feedback was collected both orally and in writing. Another community meeting is tentatively scheduled for early October. The meeting will focus on accessory dwelling units and junior accessory dwelling units.

The four strategies discussed at the August 21st community meeting include:

1. Accessory Dwelling Units & Junior Accessory Dwelling Units (Housing Element Program 1.3.C). This program incentivizes the development of accessory dwelling units.
    a. The AHA subcommittee on ADUs is developing an educational brochure.
    b. City staff is developing a property owner interest form to better understand needs and constraints.
    c. City staff has been collecting data on ADU/JADU approvals and production to demonstrate to HCD a track record of creating new housing units.
    d. City staff is working with HCD to determine how reporting of ADUs constructed can satisfy lower-income housing requirements.

2. Hotel-to-Residential Conversions (Housing Element Program 1.3.B). This program encourages the conversion of older hotels to permanent multi-family rental housing. In exchange for providing 15 percent lower-income units, the hotel units can be transferred to another site within one of the commercial districts.
    a. The AHA subcommittee on hotel conversions is developing an enhanced program to incentivize conversions.
    b. The AHA subcommittee has reached out to industry leaders for input.
    c. The AHA subcommittee is exploring the program's financial feasibility, including what incentives may be necessary to generate more interest.

3. Housing on Church Sites (Housing Element Program 1.1.D). This program implements State law, which allows religious institutions to construct housing on their property, irrespective of local zoning.

a. Interest from the faith community was expressed following the August 21st community meeting.
b. The AHA subcommittee on churches is following up with local churches to understand needs and constraints.

4. Downtown Housing Opportunities (various Housing Element programs).
   a. The AHA subcommittee is exploring lot consolidations to create a potential project site(s) that is/are financially feasible for affordable housing development.

City staff will return at the October 1, 2024, Council meeting with another update on the efforts to identify affordable housing alternatives to Vista Lobos and Sunset Center.

FISCAL IMPACT:

There will be costs associated with securing a consultant to provide technical assistance. The cost will be billed on a time-and-materials basis not to exceed $59,999.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

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

September 10, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Evan Kort, Associate Planner
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Consider Adoption of Resolution 2024-078 approving a Permanent Encroachment Application (EN 240031) for the legalization of, and modification to, existing encroachments in the public right-of-way, adjacent to a single-family residence located at the northeast corner of Sterling Way and Perry Newberry Way. APN: 009-162-025-000.

RECOMMENDATION:

Adopt Resolution 2024-078 (**attachment 1**) approving a Permanent Encroachment Application (EN 240031) for the legalization of, and modification to, existing encroachments in the public right-of-way, adjacent to a single-family residence located at the northeast corner of Sterling Way and Perry Newberry Way. APN: 009-162-025-000.

BACKGROUND/SUMMARY:

EXECUTIVE SUMMARY

The subject encroachment permit (EN 240031, Das) was considered at the August 6, 2024 City Council hearing with a staff recommendation for denial. Following deliberation, the Council moved to approve the encroachment. Staff has returned with a resolution of approval with findings for adoption by the City Council.

BACKGROUND/SUMMARY

On May 8, 2024, the Planning Commission approved a Design Study Application, DS 23-171, Das, (Resolution 2024-034-PC) for a Final Design Study, Lot Merger, and associated Coastal Development Permit for the demolition of an existing 2,301-square-foot, one-story single-family residence with a 479-square-foot detached garage with 464-square-foot second-floor guesthouse, as well as 192 square feet of accessory structures and construction of a new 2,466-square-foot, one-story single family residence with a 478- square-foot attached garage located at the northeast corner of Sterling Way and Perry Newberry Way.

The project approved by the Planning Commission included the removal of the subject encroachments. However, as standard practice for existing encroachments, a Condition of Approval ("CoA" - CoA #35) was

included in the approval pertaining to the removal of the encroachments, which stated:

> *Prior to Building Permit Issuance, the applicant shall apply for and obtain a permanent encroachment permit for any existing unpermitted encroachments within the public right-of-way, or new improvements proposed to be located in the right-of-way. Any encroachments that are denied, or not approved, shall be noted for removal, as appropriate, on the plans submitted to the Community Planning and Building Department associated with the Building Permit application and indicate all unpermitted right-of-way encroachments shall be removed as part of the project. A right-of-way improvement plan (ex. landscaping) shall accompany the revised plan set, as appropriate.*

The application for the permanent encroachment was referred to the City Council and considered at the August 6, 2024 hearing. The item was referred to the City Council in accordance with CMC 12.08.050.D, which states: *If the proposed encroachment does not conform to these standards* (CMC 12.08.060)*, or it is the opinion of the City Administrator that the nature of the encroachment is contrary to the public interest or should be referred to the City Council for determination.* Staff found the subject encroachment did not conform to these standards as such the encroachment was referred to the city council. When referred to the City Council, the municipal code does not expressly require the council to make all findings in the affirmative unlike the administrative process.

At the August 6, 2024 hearing, Staff had recommended denial of the encroachment permit and had prepared a resolution for denial based on the project not meeting the necessary findings for approval. Following public testimony and deliberations the Council moved to approve the encroachment based on specific findings of fact. Staff has returned with an amended resolution for approval for adoption of the findings of approval by the City Council. The Council also elected to only approve a portion of the encroachment permit application, and omit a portion of the encroachment at the southeastern corner of the site –this direction has been reflected in the associated resolution.

STAFF ANALYSIS

CMC 12.08.050 outlines the process for which encroachment permits are reviewed. Encroachment permits may be approved by the City Administrator if the request conforms with the standards outlined in CMC 12.08.060, however, the City Administrator also reserves the right to refer any application to the City Council for consideration if the nature of the application is contrary to the public interested, or should be referred to the City Council for determination, as was the case with the application at the August 6, 2024 hearing.

Staff has reviewed the discussion from the August 6, 2024 hearing. Where a finding was made by the Council, staff has included the finding under the applicable subsection below. In some cases, a specific discussion was not had about a required finding, however, the encroachment was found consistent with the subsection at the previous hearing and that finding had been carried over to this report.

These findings have been incorporated into the associated resolution (**Attachment 1**).

CMC 12.08.060 - Encroachment Application Review Standards.

Need. The applicant shall be determined to have a justifiable need for the encroachment, and the encroachment shall not be contrary to the public interest.

Council Finding: No specific finding was made for this standard

Safety. The granting of an encroachment permit shall not create a hazard to public health or safety.
Council Finding: The proposed encroachment would not create a hazard to public health or safety.
Drainage. The proposed encroachment shall not adversely affect the normal drainage of surface water, unless an acceptable mitigation is included that will be advantageous to the general public and meet the standards herein.

Council Finding: The subject encroaching wall supports the drainage pattern for the block.

Circulation and Parking.

1. The proposed encroachment shall not adversely affect vehicular and/or pedestrian traffic nor the parking of vehicles.

2. The proposed encroachment shall not adversely impact existing rights-of-way nor preclude or make difficult the establishment or improvement of existing or potential streets or pedestrian ways.

Council Finding: The encroachment allows for the free and safe movements of pedestrians and vehicles as the encroachment limits vehicular parking in the street that may otherwise create a "pinch point" in the street by allowing more access to parking, should the encroachment be removed.

Public Use and Enjoyment.

a. The proposed encroachment shall not diminish public use or enjoyment, either visual or physical, of the City property or public right-of-way to be encroached upon.
b. The encroachment and enjoyment shall be in the public interest.
c. The length of time an encroachment has existed shall not by itself prejudice a decision.

Compatibility.

a. The proposed encroachment and its mitigation shall be consistent with the General Plan and the adopted ordinances of the City. Particular attention shall be given to Section [P2-3] of the General Plan, which prohibits the construction of sidewalks and concrete curbs in the R-1 district, unless necessary for drainage and/or pedestrian safety.
b. The encroachment shall not create, extend, or be reasonably likely to lead to an undesirable land use precedent.
c. Granting of a permit shall not adversely affect the usability or enjoyment of one or more adjoining parcels.
d. The proposed encroachment and its mitigation shall be compatible with the surrounding area and adjoining properties.

Council Finding: The encroachment fits the character of the surrounding neighborhood.

Public Property/Greenbelt.

a. The proposed encroachment shall not adversely affect any public property, including existing vegetation or its root structure, and shall not significantly reduce greenbelt area that may be used for tree planting.
b. Significant trees which would be affected by the proposed encroachment shall be identified by the Director of Forest, Parks and Beach and approval for removal shall follow City policy.

Council Finding: The existing vegetation contained within the area of the encroachment is significant and

removal of the encroachment would diminish landscaped area, and the walls protect the trees within the right-of-way.

Mitigation. When deemed appropriate by the City, the applicant shall include those measures appropriate to compensate the City for the loss of the use of City property or the public right-of-way, or to repair damage thereto.

Staff Analysis: Mitigation was not proposed.

PUBLIC CORRESPONDENCE:

Following the August 6, 2024 hearing, staff received one letter of correspondence. This letter was provided to the Council as late correspondence and has been re-attached to this report as **Attachment 2**. In summary, a neighbor is stating the subject encroachment is a hazard and creates parking issues for the street.

ENVIRONMENTAL REVIEW:

Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15305 (Class 5) – Minor Alterations in Land Use Limitations, and Section 15303 (Class 3) – New Construction or Conversion of Small Structures.

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including the issuance of minor encroachment permits.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures including but not limited to: accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

The project consists of approval of an encroachment permit for the legalization of existing encroachments on a site with an average slope less than 20%. Additionally, minor alterations and some removal of existing encroachment are proposed to walls, fences, and walkways within the right-of-way. The project does not present any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption exists pursuant to Section 15300.2 of the CEQA Guidelines.

FISCAL IMPACT:

The time and materials necessary for the processing of the application was previously allocated in the FY 23/24 budget.

PRIOR CITY COUNCIL ACTION:

On August 6, 2024 the City Council moved to approve the subject encroachment permit. A resolution for denial was prepared for that hearing, and as such, the item needed to be brought back to council for adoption of approval of the resolution.

ATTACHMENTS:

Attachment 1) Resolution 2024-078

Attachment 2) Public Correspondence
Attachment 3) Project Plans

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2024-078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A PERMANENT ENCROACHMENT APPLICATION (EN 24031, DAS) FOR THE LEGALIZATION OF, AND MODIFICATION TO, EXISTING ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY, ADJACENT TO A SINGLE-FAMILY RESIDENCE LOCATED AT THE NORTHEAST CORNER OF STERLING WAY AND PERRY NEWBERRY WAY. APN: 009-162-025-000.

WHEREAS, on February 20, 2024, Anatoly Ostretsov, ("Applicant") submitted an application on behalf of Tony and Bernice Das ("Owner" & "Permittee") requesting approval of a Permanent Encroachment Permit application EN 24-031 (Das) described herein as ("Application"); and

WHEREAS, the Application has been submitted for the property located at the northeast corner of Sterling Way and Perry Newberry Way in the Single-Family Residential (R-1) District; and

WHEREAS, the Applicant is requesting to legalize and maintain existing non-conforming encroachments in the right-of-way; and

WHEREAS, CMC 12.08.125.A states, *At the transfer of property ownership or the issuance of a building permit, the Building Official shall inspect the public right-of-way adjacent to the affected private property. He/she shall require the abatement of any nonconforming encroachments or the property owner may submit an application for an encroachment permit that will be processed in accordance with CMC 12.08.050; and*

WHEREAS, the Application has been referred to the City Council in accordance with CMC 12.08.050.D, which states: *If the proposed encroachment does not conform to these standards* (CMC 12.08.060)*, or it is the opinion of the City Administrator that the nature of the encroachment is contrary to the public interest or should be referred to the City Council for determination*; and

WHEREAS, on August 6, 2024, the City Council held a public hearing to receive public testimony regarding the Application, including without limitation, information provided to the City Council by City staff and through public testimony; and

WHEREAS, at the August 6, 2024 City Council hearing, Staff had recommended denial of the Application and had prepared a resolution for denial; and

WHEREAS, at the August 6, 2024 hearing, following deliberations and consideration of the facts of Application, the Council moved to approve the Application; and

WHEREAS, staff has prepared a revised resolution based on the findings and direction made by the City Council at the August 6, 2024 hearing for approval and adoption and has returned to the City Council at this September 10, 2024 meeting for adoption of the findings and conditions; and

WHEREAS, this Resolution and its findings and conditions are made based upon

evidence presented to the Council at the August 6, 2024 hearing including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the City Council did hear and consider all said reports, attachments, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

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

WHEREAS, the City Council finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15303 (Class 3) – New Construction or Conversion of Small Structures, and Section 15305 (Class 5) – Minor Alterations in Land Use Limitations, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

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

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding Encroachment Permit Application EN 24-031 (Das):

1) The proposed encroachment would not create a hazard to public health or safety;
2) The subject encroaching wall supports the drainage pattern for the block;
3) The encroachment allows for the free and safe movements of pedestrians and vehicles as the encroachment limits vehicular parking in the street that may otherwise create a "pinch point" in the street by allowing more access to parking, should the encroachment be removed;
4) The encroachment fits the character of the surrounding neighborhood; and
5) The existing vegetation contained within the area of the encroachment is significant and removal of the encroachment would diminish landscaped area, and the walls protects the trees within the right-of-way.

BE IT FURTHER RESOLVED that the City Council of the City of Carmel-by-the-Sea does hereby **APPROVE** a Permeant Encroachment Application (EN 24-031) to legalize, and modify, existing encroachments in the public right-of-way, adjacent to a single-family residence located at the northeast corner of Sterling Way and Perry Newberry Way, APN: 009-162-025-000, subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL	
No.	
1.	**Authorization.** This approval authorizes a Permeant Encroachment Application (EN 24-031) to legalize, and modify, existing encroachments in the public right-of-way, adjacent to a single-family residence located at the northeast corner of Sterling Way and Perry Newberry Way, APN: 009-162-025-000.
2.	**Validity.** The property owner (permittee) shall apply for and obtain a permanent encroachment permit from the Community Planning and Building Department in

	accordance with CMC 12.08.040 within six (6) months of the date of this action. Failure to apply for and obtain the encroachment permit within six months shall render this decision null and void.
3.	**Conditions of Approval.** All Conditions of Approval of this Resolution, Resolution 2024-078, shall be Conditions of the subject Encroachment Permit as described in Condition of Approval #2, above. This Resolution, Resolution 2024-078, shall be submitted with the Encroachment Permit Application described in Condition of Approval #2, above.
4.	**Authorized Encroachments.** The City Council of the City of Carmel-By-The-Sea does hereby authorize the encroachments expressly shown/listed in Exhibit A (attached to this Resolution) and no other encroachments provided an encroachment permit is obtained, as described in Condition of Approval #2, above.
5.	**Encroachments to be Abated.** City Council of the City of Carmel-By-The-Sea does hereby require the abatement of the encroaching brick wall and fence within the right-of-way located near the southeast corner of the site, as depicted in Exhibit A (attached to this Resolution) prior to final inspection for the associated building permit for the project (BP 240329). Further, all new improvements within this vicinity shall: 1) be located on private property (except for landscaping, which may be located in the right-of-way), 2) conform to the underlying zoning requirements and residential design guidelines, and 3) be shown on the project plans for appropriate review and approval.
6.	**Hold Harmless & Insurance.** Prior to issuance of the encroachment permit (refer to Condition of Approval #2, above), the permittee shall execute an agreement holding the City harmless from any and all claims, actions and demands of third parties of any kind, character and description arising out of or due to any accident or mishap in, on or about said encroachment so constructed or maintained or any error or omission resulting in personal injury or property damage. The permittee shall provide a certificate of insurance and an endorsement naming the City as an additional insured for the term of the maintenance of the encroachment establishing that the permittee has $2,000,000 in combined single limit insurance for personal injury and/or property damage per occurrence and $4,000,000 in aggregate caused by or due to the presence of the encroachment in the CC, SC, RC and R-4 districts and $500,000 of this coverage in the R-1 district unless some other insurance is approved by the City Administrator or the designee of the City Administrator. The limit of insurance and any other requirements relating to the insurance required may be adjusted by the City Council from time to time by resolution. The insurance carrier shall certify that the insurance is currently in force and that it will notify the City 10 days in advance of any material change in the policy, including cancellation or nonrenewal thereof. This insurance shall be primary over any other collectible or valid insurance the City may have. In addition, the bonding requirement set forth in Chapter 12.16 CMC shall be met for an encroachment involving excavation work. The City shall have the executed hold harmless agreement recorded with the Monterey County Recorder's office. The recorded document becomes a permanent record, and an encroachment permit and its conditions run with the land. In the event of change of ownership of the property, the terms and conditions of the hold harmless agreement are conveyed with the title.
7.	**Revocation.** The City Council reserves the right to revoke any encroachment permit at any time if the permit is not in the public interest or if it fails to meet the other requirements of this chapter. Failure of the permit holder to maintain the required insurance or pay an assessed fee shall result in the immediate revocation of the permit. The City Council may order the removal of the encroachment by the permittee. Should a permittee fail to comply with the Council's order for removal, the City may undertake the removal of the encroachment. In that event, the City's costs of removal shall be assessed against the

	permit holder and/or the property and become a lien against the property.
8.	**Indemnification.** The Permitee agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the Applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for resolving all such actions by the parties hereto.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of September, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____
Dave Potter
Mayor

ATTEST:

_____
Nova Romero, MMC
City Clerk

Exhibit A
Authorized Encroachments

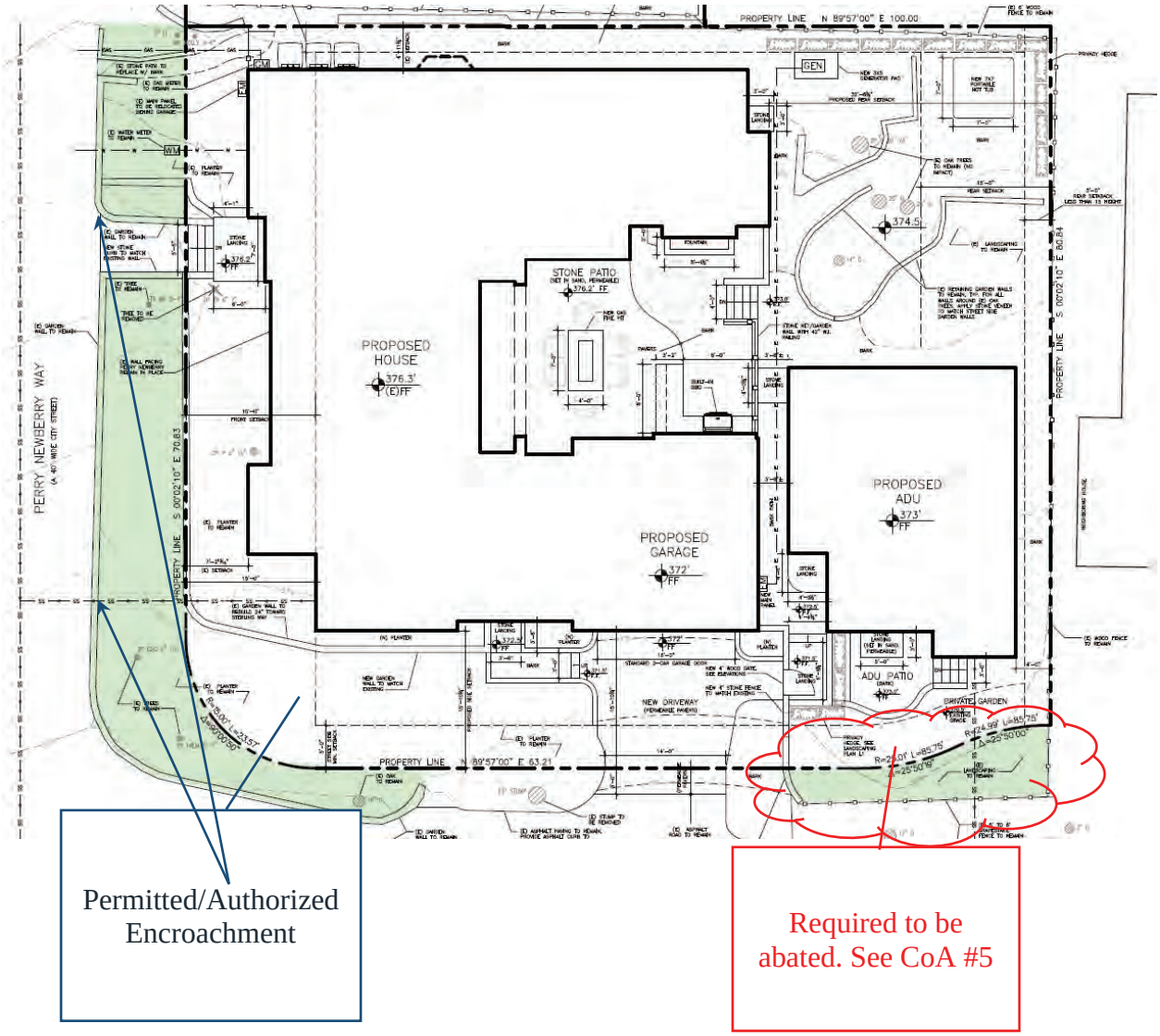


Figure 1. Applicant's proposed site plan for encroachment permit EN 24-031. Encroachments authorized under this approval include the existing and proposed encroachments in the right-of-way shown on the site plan between **Point A** and **Point B** (moving linearly along the property line from north to south, generally). The existing encroachments between **Point C** and **Point D** (moving linearly along the property line from west to east, generally) shall be abated in accordance with Condition of Approval #5. No other encroachments are authorized under this approval.

Carmel-by-the-Sea

Attachment 2

Evan Kort <ekort@ci.carmel.ca.us>

Assigned to Group - Form submission from: Contact us

2 messages

Planning Division <planning@ci.carmel.ca.us> Wed, Aug 7, 2024 at 6:44 AM
Reply-To: Planning Division <planning@ci.carmel.ca.us>
To: bswanson@ci.carmel.ca.us, dbacker@ci.carmel.ca.us, ekort@ci.carmel.ca.us, jolander@ci.carmel.ca.us, kwallace@ci.carmel.ca.us, lyoung@ci.carmel.ca.us, mwaffle@ci.carmel.ca.us, scareylang@ci.carmel.ca.us

Hi

A new ticket has been assigned to your group "Planning". Please follow the link below to view the ticket.

Form submission from: Contact us

08/07/2024 - 6:44am City of Carmel »

WEBFORM SUBMISSION

Submitted by anonymous user: [45.21.253.208]

Your name:
Jeanne

Your e-mail:
[redacted]

Message:
Good Morning,
I live across from the House that was discussed on Perry Newberry last night at the city council meeting. Unfortunately, I had to watch the meeting on the recording after the fact otherwise I would have spoken up. The wall in the Public right of way is dangerous. People park in front of it limiting the right of way on the narrow street. I have trouble getting into my driveway which is directly in front of the house that would like the Encroachment permit. I live at [redacted]. "Chez Minuit". I agree with the Staff's proposal and hope there is a way of passing along my comments to the Mayor and the two Council members that voted to retain the long low Carmel stone wall.
Thank you,

Attachment 2

Jeanne McCulloch
[redacted]

Please make sure Evan see's this. I met him briefly when he came by a couple of weeks ago with Jason, but I hadn't given it enough thought to weigh in on it. Thanks again

CONTEXT INFORMATION

Profile contacted:
Planning Division

View results Download results

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https://support.ci.carmel.ca.us/helpdesk/tickets/19499

Evan Kort <ekort@ci.carmel.ca.us> Wed, Aug 7, 2024 at 9:02 AM
To: Nova Romero <nromero@ci.carmel.ca.us>

Hi Nova,

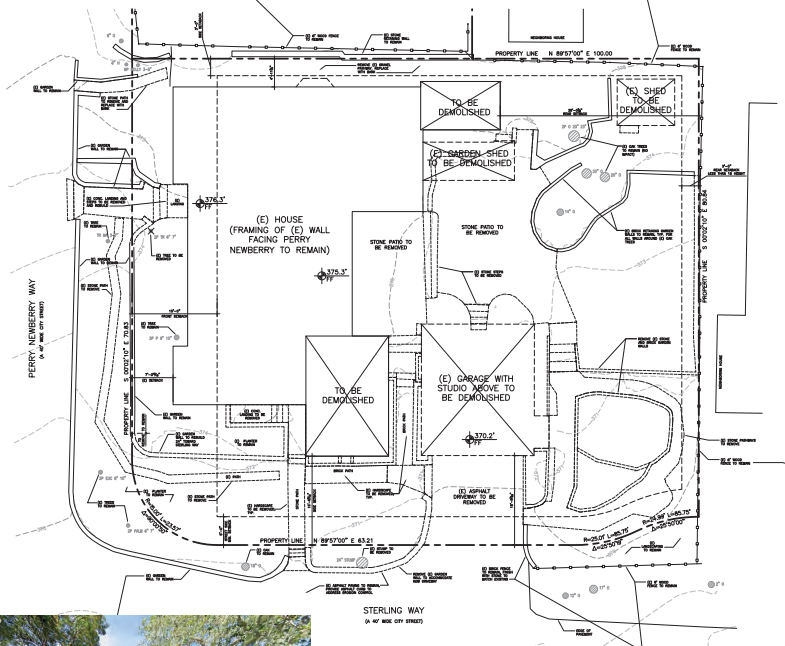
See below for late correspondence regarding the Das Encroachment Permit considered last night (received this morning).

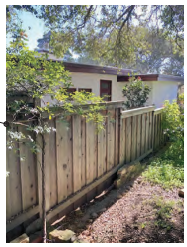
Evan Kort
Associate Planner
Community Planning and Building
City of Carmel-by-the-Sea
(831) 620-2023

[Quoted text hidden]



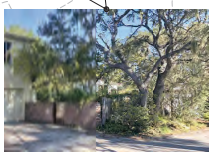












EXISTING SITE PLAN | 1/8"=1'-0"

0' 2' 10' 20'
1/8"=1'-0"

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THE DAS RESIDENCE

CARMEL, CA 93923

APN: 009-162-025

NE CORNER OF STERLING WAY AND PERRY NEWBERRY WAY

REVISIONS:
1. 11-01-23 OWNERS REVISIONS
2. 01-03-24 PLANNING REVISIONS
3. 02-17-24 PLANNING REVISIONS
4.

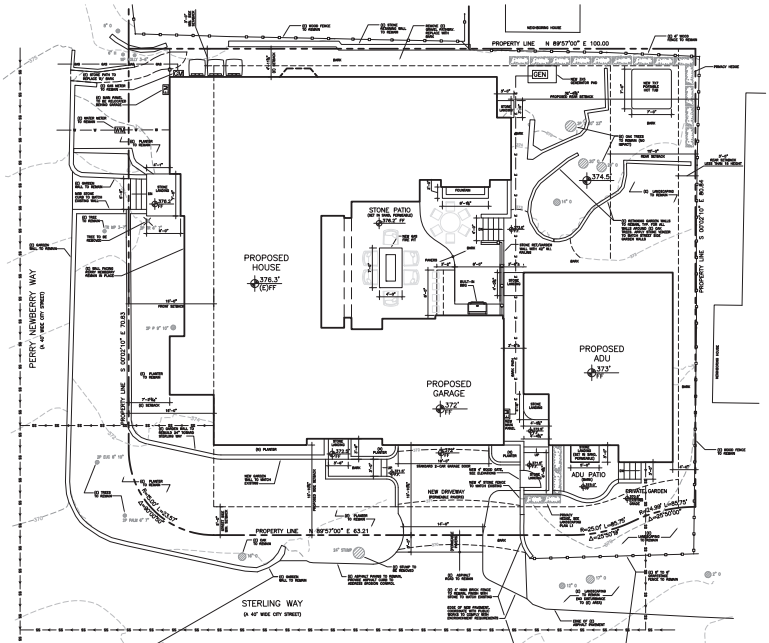
EXISTING SITE PLAN

DATE: 06-11-23

DESIGN APPROVAL

SHEET NO.

A1.0









EXAMPLE

0' 2' 10' 20'
1/8"=1'-0"

PROPOSED SITE PLAN | 1/8"=1'-0"

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4

SITE PLAN PROPOSED

DATE: 06-11-23

DESIGN APPROVAL

SHEET NO.
A1.1







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

September 10, 2024
PUBLIC HEARINGS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Chip Rerig, City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	APP 24117 (Rodriguez) - Consideration of an Appeal of the Historic Resources Board's decision to add an individual property known as the "Henry J. Ohloff House" located at Camino Real 4 northwest of 11th Avenue to the Carmel Inventory of Historic Resources. APN: 010-275-006.

RECOMMENDATION:

Adopt Resolution 2024-079 (**Attachment 1**) denying APP 24117 (Rodriguez) and upholding the April 15, 2024 decision by the Historic Resources Board to list the "J. Henry Ohloff House" located at Camino Real 4 northwest of 11th Avenue, APN 010-275-006, on the Carmel Inventory of Historic Resources.

BACKGROUND/SUMMARY:

Executive Summary:

On July 11, 2023, the City received a historic evaluation application, HE 23209 (Rodriguez) for Camino Real 4 northwest of 11th Avenue. City-contracted qualified professional, Margaret Clovis, completed an intensive review of the property and authored a Department of Parks and Recreation (DPR) 523 form (Attachment 2). Ms. Clovis and City staff concluded the "J. Henry Ohloff House" was eligible for listing on the Carmel Inventory of Historic Resources, as a good local example of a Tudor Revival style cottage constructed in 1933 by designer/builder Ernest Bixler, rebuilt to Bixler's original design by Miles Bain in 1940 following a fire. City staff informed the applicant that the property would be listed on the Inventory; the applicant challenged the decision and submitted two (2) second opinions asserting the resource was not eligible. The Historic Resources Board considered HE 23209 at the April 15, 2024 meeting and voted to add the property to the Inventory. The vote was 3-0-1 in favor of listing the resource, with one Board member absent. On April 24, 2024, the City received an appeal of the HRB decision. Decisions of the Historic Resources Board are appealable to the City Council. APP 24117 (Rodriguez) will be considered by the Council on August 6, 2024.

Background/Summary

On May 16, 2023, Design Study application DS 23147 (Rodriguez) was submitted for after-the-fact alterations to Camino Real 4 northwest of 11th Avenue, a 5,000-square-foot residential property (APN 010-275-006) in the Single-Family Residential (R-1) zoning district developed with a one-story residence and detached garage. The after-the-fact alterations include the application of stucco and stone to the original

brick chimney, divided light wood doors, a 76-square-foot rear deck extension, mortared stone driveway and pathways (in addition to extant Carmel stone front walkway), and a metal driveway gate. Carmel Municipal Code (CMC) Section 17.32.130.A requires that upon submittal of a design study application, the City shall determine if the property contains historic resources. Therefore, on July 11, 2023, the applicant submitted an application for a Historic Evaluation (HE 23209, Rodriguez).

CMC Section 17.32.030.B (Initial Assessment of Historic Significance) requires that an initial assessment be performed to determine whether the property may have historic resource potential sufficient to warrant conducting an intensive survey. The initial assessment (Attachment 3) concluded that an intensive survey was warranted due to association with Ernest Bixler and Miles Bain, two locally prominent builders described in the Carmel Historic Context Statement.

Per CMC 17.32.060.B.5 (Intensive Survey), intensive surveys are required to be performed by a qualified professional. City staff engaged the services of Ms. Margaret Clovis to perform the intensive survey; Ms. Clovis is a qualified professional who exceeds the qualifications established by the State Historic Preservation Office and who works under contract to the City. As part of the intensive survey, Ms. Clovis prepared a DPR 523 Form (Attachment 2) in August, 2023, and found the "J. Henry Ohloff House" eligible for listing in the Carmel Inventory as a good local example of a Tudor Revival style cottage constructed in 1933 by designer/builder Ernest Bixler, rebuilt to Bixler's original design by Miles Bain in 1940 after a fire.

The cottage was originally built as a vacation home for San Francisco-based owners, Jacob Henry Ohloff and his wife, Dorothy. The Ohloffs hired Ernest Samuel Bixler (1898-1978), who had relocated from the Bay Area c.1927 and partnered with his father, Harrison Edward Bixler, to grow a contracting business in Carmel. Bixler is credited as the carpenter of the Tudor-Revival style Enchanted Oaks Building (1927) on 7th Avenue 2 northeast of Dolores Street. He quickly evolved his business beyond carpentry to fill both the designer and builder role, and developed some 80 homes in the Carmel area before retiring in 1966. While he is often credited for mastery of the Spanish Eclectic style, Bixler designed in a range of styles, as reflected on the Carmel Historic Inventory. The Bixler-attributed buildings on the Carmel Historic Inventory (unless otherwise noted) are listed below.

- (1930) Mrs. Glenn Myers House, a Tudor Revival home on Carmelo Street 3 NW of 13th (not yet evaluated as a historic resource).
- (1930) Ten Winkel Spanish House, a Spanish Eclectic home on San Antonio 2 SE of 4th Avenue.
- (1931) LaFrenz/The Arbors House, a Tudor Revival home at the northeast corner of San Antonio Avenue and 8th Avenue.
- (1932) L.A. Williams Cottage, a Vernacular home on Camino Real 4 southwest of 13th Avenue.
- (1932) Alice Elder House & Guest House, and English style home on Carmelo 3 northeast of 11th Avenue.
- (1933) George E. Butler House/Lanakai, a Spanish style home at the northeast corner of Scenic and 8th Avenue.
- **(1933) Henry J. Ohloff House, a Tudor Revival home on Camino Real 4 NW of 11th Avenue (under consideration).**

- (1936) T.J. Brennan House, a Tudor Revival home at the northeast corner of Scenic Road and Martin Way (just outside City limits).

- (1936) Colonial Terrace Inn, a Colonial Revival Inn on Carmelo/San Antonio between 12th and 13th Ave.

While the buildings listed above date to the 1930s, the Carmel Historic Context Statement identifies Bixler as a prominent builder/contractor in the 1940s and 1950s. Most of Bixler's buildings have yet to be individually identified and evaluated. In addition to his work as a designer/builder, Bixler served as Carmel by the Sea Postmaster from 1939 to 1951, except for during WWII when he was chief petty officer for the US Naval Construction Battalions stationed in Rhode Island, the Philippines, and Australia. Upon his return to Carmel, Bixler served as a member of the Planning Commission in the 1950s.

The subject property at Camino Real 4 NW of 11th Avenue burned down in a fire and was reconstructed to Bixler's original plans in 1940 by Miles Bain (Building Permit #665). The extent of the fire is not known; BP#665 states: "reconstruct to original." One year later, in 1941, Bain added a small rear (west) bay addition (Building Permit #889), not visible from the street. Builder Miles Bain (b.1895) arrived to Carmel in the 1920s to work as an estimator for contractor George Mark Whitcomb. In the 1930s, Bain earned his own contractor license and constructed a number of houses in Carmel under the tagline, "Integrity of Construction." After WWII, Bain and Whitcomb partnered up again to work for Bechtel Corporation, building oil-pumping stations in Saudi Arabia. Upon his return to Carmel, Bain was hired by Frank Lloyd Wright to build the Ms. Clinton Walker House (1952) and was hired by Nathaniel Owings, American architect and founder of the architectural firm, Skidmore, Owings & Merrill, to build Owings' "Wild Bird" House (1958) in Big Sur. Bain also built Ansel Adams' Carmel Highlands home (1965). The Carmel Historic Context Statement states that Bain also built a home for American photographer Neil Weston in the Carmel Highlands; a source was not provided and staff cannot confirm. Bain operated out of a Carmel office (listed in the 1963 City Directory) and – like Ernest Bixler – is considered a local master builder.

Significance

When Ms. Clovis prepared the intensive survey (DPR 523 Form) for the subject property, she found that it meets the criterion for historic eligibility per CMC 17.32.040 because it represents at least one theme in the Historic Context Statement (the theme of Architectural Chronology); retains substantial integrity; is a minimum of 50 years of age; and meets California Register Criterion 3 (Design/Construction). The property meets CA Register Criterion 3 because it is a good example of a Tudor Revival cottage representative of Carmel's architectural chronology, and also because of its association with prominent local builders Bixler and Bain. The character defining features of the property are as follows:

- Cross gabled roof system with sloping eaves
- Compound floor plan
- Horizontal and vertical boards within the apex of the gables
- Louvered vents in the front gables
- Original old brick chimney (recently covered with stucco)
- Multi-paned casement windows
- Partial-width porch
- Stucco exterior walls

Integrity

The subject property has undergone the following permitted and unpermitted changes:

- 1933 (BP #2560): Original cottage by Bixler
- 1940 (BP #665): Cottage rebuilt to original plans following fire by Bain
- 1941 (BP #889): Small rear bay addition by Miles Bain.
- 2000 (BP #00-73): Re-roof with composition shingle.
- 2020 (DS #20-276): Site work at front property line: low stucco wall topped with iron railing (4' tall), and an arched stucco arbor with wood gate door.
- 2020 (BP #20-0312 and BP #21-0148): Window replacement of "aluminum" windows (per applicant) with new aluminum-clad wood windows. The window replacement should have triggered the historic evaluation process, but (potentially due to Covid-era challenges) an historic evaluation was not completed at that time. The original building plans do not indicate a window material, but do depict three-light casements, rather than the six-light casements installed in 2020.
- 2021 (BP #21-0321): Re-roof with cedar shake.

- Recent (unpermitted):
    - Wood replacement doors throughout. Note the original front door was a solid wood plank door with iron hinge straps, and the new door is wood with upper divided lights.
    - Stucco and stone over the original brick chimney.
    - Mortared stone driveway.
    - Mortared stone pathways (in addition to extant Carmel stone front walkway).
    - Metal driveway gate.
    - 76 square foot rear deck extension.

Ms. Clovis assessed the six relevant aspects of integrity (location, design, setting, materials, workmanship, feeling) and found the integrity of the residence to be sufficiently intact; the seventh aspect, association, is only applicable for properties eligible under CA Register criteria 1 and 2. Ms. Clovis' integrity assessment is as follows:

Location: the house is still in its original location.
Design: the house retains its original Tudor Revival cottage design.
Setting: the house is still located in a neighborhood setting.
Materials: the house retains materials from its original construction in 1933 and the rebuild in 1940.
Workmanship: the house still exhibits the workmanship associated with the Tudor Revival style such as the sweeping roof lines, casement windows, and stucco exterior walls.
Feeling: the house retains the physical features that convey its historic character.
Association: this aspect of integrity is only applicable to resources eligible under Criteria One and Two.

*Note: At the time of writing the DPR Form, based on the incomplete information in the City's files at the time, Ms. Clovis was not aware of the window replacement in 2020. When staff informed her of the window replacement, Ms. Clovis opined via email on April 12, 2024, "*The question is whether the windows have more impact on the integrity than massing, roof line, wall materials, etc. The windows openings have not been changed so technically the windows could be restored to their original panes. Another question, are there better examples by this architect/builder? A house should retain most aspects of integrity- it does not need to retain all*."

Appeal to Historic Resources Board

The applicant, on behalf of the property owners, submitted peer reviews by qualified professionals Anthony Kirk and Kent Seavey (Attachments 4 and 5). Upon receipt and review of the peer reviews from the applicant's team, Ms. Clovis maintained that the property was eligible for listing on the Inventory, and City staff concurred.

The matter was considered by the Historic Resources Board on April 15, 2024; the Board voted 3-1 (with one Board member absent) to pass Resolution 2024-002-HRB (Attachment 6), adding the property to the Inventory.

STAFF ANALYSIS

Carmel Municipal Code Section 17.32.040 sets forth the criteria for evaluating whether an individual property is eligible for the Carmel Inventory. The following is an analysis of the requirements for eligibility to be listed as a historic resource, and the reasons why the "J. Henry Ohloff House" meets those requirements. Staff recommends listing the "Henry J. Ohloff House" as a historic resource on the Carmel Inventory (Attachment 1).

***A**. Should be representative of at least one theme included in the Historic Context Statement.*

Staff Response: The "Henry J. Ohloff House" represents the theme of Architectural Development.

***B**. Shall retain substantial integrity. Integrity (association, feeling, setting location, design, materials, and workmanship) shall be documented by comparing the existing condition of the resource with the original building plans or early records and photographs, or other substantial evidence (e.g., literature review, Sanborn maps, architectural files, land records) and/or by physical inspection by a qualified professional. Integrity shall be assessed by (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance, and (4) determining which aspects of integrity are vital if the property is to qualify as a resource (see National Register of Historic Resources, Bulletin #15).*

Staff Response: The "Henry J. Ohloff House" retains substantial integrity. The footprint was very modestly expanded to the rear (west) in 1941 by Bain, with the cross-gable roof form maintained. The sweeping roof lines at the façade and south elevation are intact, as are stucco walls, porch roof beams, exposed eaves, and rough-hewn wood plank detailing in the gable peaks (present on all four elevations). The house maintains most materials specified on the 1933 original plans, re-installed after the fire in 1940. These materials include stucco siding, wood roof (replacement), and Carmel stone stone porch and front path.

The original brick chimney was altered without permits and is currently finished with stucco and stone. The original plans do not specify a window material. A single leaded glass window at the façade was replaced with a faux leaded glass window, and all other replacement windows contain double the divided lites than the original windows. The front door was originally a solid wood plank door with iron hinge straps and now features upper glazing. The Council should consider whether these alterations, and the other permitted alterations described in the Integrity section above, result in a loss of integrity for the building as a whole. Windows and doors, ideally, would have been replaced in-kind, if found to be deteriorated beyond repair. However, the aluminum-clad wood windows and wood replacement doors do not destroy the integrity of the entire building as the size and location of openings remains unchanged. Standards 9 and 10 of the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties allow compatible replacement materials. The most critical consideration regarding door and window replacement is to retain the size of the original openings and to preserve the style of the windows (ie casement configuration). Fortunately, original plans confirm the size, location, and configuration of the original fenestration openings have not been altered.

Because the identified alterations are sufficiently sympathetic to the building's architectural character, the Ohloff House continues to reflect its identity as a 1930s-era Tudor Revival cottage.

***C**. Should be a minimum of 50 years of age and shall meet at least one of the four criteria for listing in the California Register at a national or Statewide level of significance (primary resource) or at a regional or local level of significance (local resource) per CEQA Guidelines Section 15064.5(a)(3):*

Staff Response: The "Henry J. Ohloff House" is over 50 years old and meets at least one of four CA Register Criteria (Criterion 3). See analysis below.

***Criterion 1**. Is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;*

Staff Response: The "Henry J. Ohloff House" is not eligible under Criterion One (Event/Association).

***Criterion 2**. Is associated with the lives of persons important to local, California, or national history;*

Staff Response: For a property to be listed under Criterion Two (Important Person) it must be associated with a person who is considered significant within Carmel's historic context. The Ohloffs, and subsequent owners, were not found to be significant individuals within Carmel's historic context. The association with Ernest Bixler and Miles Bain is captured under Criterion 3, below; if a significant architect/builder had *themselves* lived in the subject property, or operated an office or studio out of the subject building, then it would likely be found significant under Criterion 2 (see How to Apply the National Register Criteria for Evaluation, p.16). Because the original owners and subsequent owners have not been found significant within Carmel's historic context, the "Henry J. Ohloff House" is not eligible for listing in the Carmel Inventory of Historic Resources under Criterion Two.

***Criterion 3**. Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master, an important creative individual, or possesses high artistic values; or*

Staff Response: A property is eligible under Criterion Three (Design/Construction) if it, "embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values." Carmel's Historic Preservation Ordinance includes additional qualifications for eligibility under Criterion Three.

- The "Henry J. Ohloff House" **does** meet the first part of California Register Criterion Three because it embodies the distinctive characteristics of a particular style of architecture: Tudor Revival. The residence reflects a modestly employed yet cohesive stylistic vision.

- The "Henry J. Ohloff House" **does** meet the second part of Criterion Three because the cottage was designed and constructed by master builders who are recognized as significant in Carmel's Historic Context Statement. Ernest Bixler designed and built the house in 1933, and Miles Bain rebuilt the house to Bixler's plans following a fire in 1940.

- The "Henry J. Ohloff House" does **not** meet the third part of Criterion Three because it does not possess high artistic values and does not express aesthetic ideals or design concepts. This

criterion is reserved for resources that reflect a truly elevated design ideology.

***Criterion 4**. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.*

Response: The California Register's Fourth Criterion (Information Potential) is generally reserved for archeological sites. There is no evidence in the historical record that the "J. Henry Ohloff House" meets the eligibility requirements for Criterion Four.

***D**. To qualify for the Carmel Inventory, a historic resource eligible under California Register Criterion 3 only [Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master, an important creative individual, or possesses high artistic values] should:*

1. Have been designed and/or constructed by an architect, designer/builder, or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement; or

Response: The 1933 residence is attributed to Ernest Bixler and was reconstructed to Bixler's design in 1940 by Miles Bain; Bixler and Bain are both listed in Carmel's Historic Context Statement and are both known for their work in the residential sector, reflecting a range of architectural styles. Per National Register Bulletin 15, a property is not eligible as the work of a master simply because it was designed by a prominent architect. "The property must express a particular phase in the development in the master's career, an aspect of his or her work, or a particular idea or theme in his or her craft."

The "Henry J. Ohloff House" reflects the earliest phase of development of both Bixler and Bain's careers. The Ohloff project came at a time when Bixler/Bain were gaining local experience, developing a body of work, satisfying client requests, and responding to popular trends (and economic limitations) of the time. Tudor Revival is a popular style which peaked in the United States in the 1920s and 1930s. 1933 fell during the heart of the Great Depression, which very likely influenced the design of the subject property. Rather than half-timbered beams, Bixler applied rough-hewn wood boards to the gable eaves to mimic the effect. Another likely influence on the design is the fact that the Ohloffs were not exceedingly wealthy. Ohloff was an Episcopalian minister in San Francisco for forty years. Known as the "skid row priest", he worked with those down on their luck and founded a day nursery for working mothers, known as the Canon Kip Community House. He directed Canon Kip from 1915 to 1952 and at various times was chaplain at San Quentin prison, St. Luke's Hospital, and rector at the Church of St. Mary the Virgin. In 1958 the Episcopal Church founded the J. Henry Ohloff Recovery Center in San Francisco, which is still in operation today. Likely influenced by the Great Depression time period, and the financial means (and values) of his client, Bixler's "J. Henry Ohloff House" is undeniably modest, yet still identifiable as a Tudor Revival style cottage. Thus, in addition to representing the start of Bixler's highly productive career as a local developer, the "Henry J. Ohloff House" reflects a theme in his craft: an adeptness at translating the Tudor Revival style to the Carmel context.

2. Have been designed and/or constructed by a previously unrecognized architect, designer/builder, or contractor if there is substantial, factual evidence that the architect, designer/builder, or contractor contributed to one or more of the historic contexts of the City to an extent consistent with other architects, designer/builders or contractors identified within the Historic Context Statement; or

Response: This criterion is not applicable.

3. Be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement; or

Response: The Historic Context Statement minimally describes the Tudor Revival style as it appears in the City's residential districts. The Context Statement states that "Tudor Revival buildings typically feature characteristic half timbering and gabled rooflines" (p. 52) and "Tudor homes were usually stuccoed, half-timbered, and gabled (53)." The lack of content related to Tudor Revival in the Context Statement is not a reflection of the style's insignificance. The Context Statement was updated in 2022 to cover the twenty-year period of 1966 to 1986; only architectural styles from that era are discussed in detail, while early twentieth century styles are minimally defined, or not described at all. The Carmel Inventory includes 45 listed buildings categorized as Tudor, with construction dates ranging from 1905 to 1940. The Ohloff House is a simple cottage that represents Carmel's building tradition of rustic simplicity. Like many of the hundreds of homes listed on the Carmel Inventory, it is not a "high style" architectural work. Rather, it is a simple dwelling with modestly employed Tudor Revival style influences.

Virginia McAllister, author of *A Field Guide to American Houses*, describes the Tudor style (1890 to 1940) as follows:

"Steeply pitched roof, usually side-gabled (less commonly hipped or front gabled); façade dominated by one or more prominent front-facing gables, usually steeply pitched; tall, narrow windows, usually in multiple groups; with multi-pane glazing; massive chimneys, sometimes crowned with decorative chimney pots; front door and/or entry porch with round or Tudor arch; decorative (i.e. not structural) half-timbering present on about one-third of examples." McAllister, pg. 449

The Ohloff house is side-gabled with prominent front-facing gables, tall, narrow windows, multi-pane glazing, and an entry porch. There are three distinctly elongated/sweeping roof slopes that result in an asymmetrical appearance. McAllister says, "Tudor houses are almost always asymmetrical after 1920... [variations to include] one eave curving or sweeping outward." (p.450). The chimney is a predominant exterior feature. McAllister defines "half timbering" as follows. "Decorative (i.e., false) half-timbering, mimicking Medieval infilled timber framing, is found on about one-third of Tudor houses. It is generally a wood layer of two to three inches attached to the material below. Many different designs are found; most have stucco infilling between the timbers." The subject property features rough-hewn wood horizontal and vertical boards in the stuccoed front gable apexes, and horizontal boards in the secondary elevation gable apexes. McAllister states, "After 1920, solid stucco remained the choice for those desiring a 'modern English home' – eschewing half timbering and masonry patterns for a smooth-wall appearance" (p.452).

As previously discussed (see D.1 analysis) the subject property was developed during the Great Depression for a "skid row priest." Carmel's Inventory contains hundreds of buildings that are more vernacular than high-style. A local interpretation of the style need not include every possible Tudor Revival feature. McAllister explicitly states, "Tudor houses were simplified by the Depression" (p.454). Buildings need not be the first, last, only, best, or most exceptional example of a style. As such, the J. Henry Ohloff House contains sufficient architectural character to be considered a good example of the Tudor Revival style, as viewed within our local context and the era in which it was constructed.

4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known architects, designers/builders, or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

Response: This criterion is not applicable.

Staff Summary and Response to Peer Reviews

The applicant, Jeremy McCullough, has provided second opinions by qualified professionals Dr. Anthony Kirk and Kent Seavey. Architectural historian Dr. Anthony Kirk authored a second opinion on November 29, 2023 (Attachment 4). In his letter to Planning staff, Dr. Kirk asserts the property is not eligible for the Carmel Inventory. Dr. Kirk's primary claims are listed below, followed by a staff response in italics.

- A significant builder is not a basis for listing.
    - *Staff Response: See D.1 analysis above.*

- The tall casement windows are common features of many early Carmel cottages regardless of style.
    - *Staff Response: There are many commonalities between early Carmel cottages; the DPR form simply identifies the characteristics (such as the tall, narrow casement windows) that architectural history scholars attribute to the Tudor Revival style. The fact that tall casement windows may cross stylistic "borders" doesn't mean they aren't characteristic of the Tudor Revival style, such that stucco cladding is a predominant Tudor Revival material but is also characteristic of the Spanish Revival style. A building's features viewed collectively reveal a style.*

- The north porch and the west porch were added after 1960.
    - *Staff Response: The north/west porch additions are located on the rear elevation, were completed in a manner consistent with the Secretary's Standards, and are not visible from the public right of way.*

- The original wood windows have been replaced with aluminum-clad wood windows.
    - *Staff Response: The original plans do not specify a material. The City presently supports aluminum-clad wood windows as a compatible replacement for traditional wood windows.*

- The original doors have been replaced throughout.
    - *Staff response: The recently installed front door and the north side door (not visible) were not permitted by the City. The Council should consider whether the door replacement has resulted in an overall loss of integrity of the resource.*

- The original brick chimney was stuccoed over in 2023.
    - *Staff response: The recently completed chimney work was not permitted by the City. The Council should consider whether the chimney work has resulted in an overall loss of integrity of the resource.*

- The garage interior has been remodeled.
    - *Staff response: Interior changes to the garage are not relevant; this analysis is limited to exterior features only.*

- The Context Statement says that many of the early Carmel houses feature "a detached garage, usually front-gabled, sided with board-and-batten, entered via an arched vehicular door, and set close to the street (52)." The former garage on Camino Real has a front gable with a wing, and although it is sided with board-and-batten, it was entered through a rectangular door, not an arched door, and was located at the southwest corner of the lot, not "close to the street."
    - *Staff response: Comment considered by Staff, but not deemed relevant. The main residence, not the garage, is the primary resource on this property.*

- The home lacks the distinctive half-timbering of the Tudor Revival style.
    - *Staff Response: See analysis is D.3 above, specifically, McAllister's definition of the style: "decorative (i.e. not structural) half-timbering present on about one-third of examples." McAllister, pg. 449.*

- The roofs on the Camino Real house are pitched at slightly more than 30 degrees, which according to Virginia Savage McAlester, *A Field Guide to American Houses* (New York, 2013), is at the lower end of a normal slope, which range from 30 at 45 degrees.
    - *Staff Response: There are also three roof slopes that are distinctly elongated, resulting in a sweeping, asymmetrical appearance.*

      Architectural historian Kent Seavey authored a peer review of Dr. Kirk's evaluation; the peer review (Attachment 5), dated December 28, 2023, offers support for Dr. Kirk's assessment. His primary comments are followed by staff responses in italics.

- The building is not a good example of the Tudor Revival style; rather, it is a Minimal Traditional style, found in Carmel in the 1930s, 1940s, and 1950s.
    - *Staff Response: The Carmel Historic Context Statement says the Minimal Traditional style begins in 1935; the subject property was designed in 1933. The Context Statement also states that Minimal Traditional homes have wood siding, rather than stucco.*

- The building lacks enough particular design distinction.
    - *Staff Response: This comment should be considered by the Council. See staff analysis D.3.*

City Council Options

Council Option #1: Uphold the April 15, 2024 decision by the Historic Resources Board, list the property on the Carmel Inventory of Historic Resources (Attachment 1) and direct staff to record the Resolution of Historical Resource Designation (Attachment 7) with the County of Monterey. Staff will then process the Design Study for the after-the-fact alterations.

Council Option #2: Reverse the decision of the Historic Resources Board and issue a Determination of Ineligibility (Attachment 8). Should the Council determine the property is ineligible for listing, specific findings must be adopted identifying *why* it is ineligible for listing. Staff will then process the Design Study for the after-the-fact alterations.

Environmental Review: Staff recommends that the listing of the subject property on the Carmel Inventory be found to be "not a project" pursuant to section 15378 of the CEQA Guidelines. Listing the subject property on the Carmel Inventory, or finding the property ineligible for listing, does not grant any permits or entitlements approving a project that would result in a direct or indirect physical change in the environment.

FISCAL IMPACT:

N/A

PRIOR CITY COUNCIL ACTION:

N/A

ATTACHMENTS:

Attachment 1: Resolution 2024-079
Attachment 2: DPR 523 Form for the Henry J. Ohloff House prepared by Margaret Clovis
Attachment 3: Initial Assessment (7/20/2023)
Attachment 4: Anthony Kirk peer review letter (11/29/2023)
Attachment 5: Kent Seavey peer review letter (12/28/2024)
Attachment 6: Resolution 2024-02-HRB (4/15/2024)
Attachment 7: Draft Designation Recording
Attachment 8: Draft Resolution of Ineligibility for the Henry J. Ohloff House
Attachment 9: Photos, 1933 Plans
Attachment 10: Appeal Form

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2024-079

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING AN APPEAL BY GREG AND VAN RODRIGUEZ (APP 24117, RODRIGUEZ) DATED APRIL 24, 2024; UPHOLDING RESOLUTION 2024-002-HRB PASSED BY THE HISTORIC RESOURCES BOARD ON APRIL 15, 2024; AND ADDING AN INDIVIDUAL PROPERTY LOCATED AT CAMINO REAL 4 NORTHWEST OF 11TH AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT TO THE CARMEL INVENTORY OF HISTORIC RESOURCES. APN 010-275-006.

WHEREAS, on July 11, 2023, Jeremy McCullough ("Applicant" and "Agent") submitted Historic Evaluation application HE 23209 (Rodriguez) described herein as ("Application") on behalf of Greg and Van Rodriguez ("Owner") for the 5,00-square-foot property located at Camino Real 4 northwest of 11th Avenue, APN 010-275-006, in the Single-Family Residential (R-1) District (Block Q, portion of lot 11 and all of lot 13); and

WHEREAS, in accordance with the City's Historic Preservation Ordinance (CMC 17.32), upon receipt of a Historic Evaluation application, an initial assessment of historic significance shall be conducted to determine whether the property may have historic resource potential sufficient to warrant conducting an intensive survey (CMC 17.42.060.B); and

WHEREAS, in accordance with CMC 17.32.060.B, if a property appears to meet the criteria for the inventory or, if based on the initial assessment, a definitive determination of eligibility or ineligibility cannot be made, a qualified professional under contract to the City must prepare an intensive survey of the property; and

WHEREAS, Margaret Clovis, a City-contracted historic consultant, conducted an initial assessment of the property and was unable to disqualify the residence from listing based on the criteria for listing as a historic resource as outlined in the municipal code (CMC 17.32.040) and therefore a definitive determination of ineligibility could not be made by staff; and

WHEREAS, staff retained the services of Margaret Clovis to prepare an intensive review of the property to determine whether the property meets the criteria for listing on the Carmel Inventory; and

WHEREAS, the review concluded that the subject property is eligible for listing in the Carmel Inventory as a locally significant Tudor Revival style cottage built in 1933 by master builder Ernest Bixler (and rebuilt in 1940 by master builder Miles Bain to the original design), representative of Carmel's architectural chronology; and

WHEREAS, the intensive survey dated August 2023 prepared by Margaret Clovis identified the property as the "J. Henry Ohloff House" with the following character defining features: cross-gabled roof system with sloping eaves; compound floor plan; horizontal and vertical boards within the apex of the gables; louvred vents in the front gables; original old brick chimney (recently covered with stucco); multi-paned casement windows; partial-width porch; and stucco exterior walls; and

WHEREAS, the intensive survey concluded that the residence is eligible for listing on the Carmel Inventory of Historic Resources as the property is representative of Theme 5: Architectural Development in Carmel (1888-1965) in the Historic Context Statement; retains a sufficient degree of integrity; is greater than 50 years old; and, meets California Register Criteria 3 (Architecture) as a

good example of a Tudor Revival style building and also as a work of master local builder(s) Ernest Bixler and Miles Bain; and

WHEREAS, in accordance with CMC 17.32.070.A, properties determined to be eligible by an administrative determination, or by the Historic Resources Board on appeal, shall become part of the Inventory upon completion of an inventory form documenting the resource and issuance of an administrative determination finding by the Department or adoption of a finding by the Board that the property meets the criteria for historic resources; and

WHEREAS, on behalf of the property owner, Anthony Lombardo, Attorney, challenged the administrative determination made by the Department and requested that the Historic Resources Board consider the decision to list the property on the Historic Inventory; and

WHEREAS, on April 15, 2024, the Historic Resources Board held a public hearing to receive public testimony regarding whether to list an individual property located at the Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) Zoning District on the Carmel Inventory of Historic Resources; and

WHEREAS, on or before April 5, 2024, on behalf of the property owner, Gail Hatter posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, notice of the public hearing was published in the Carmel Pine Cone on April 5, 2024 and posted in three locations on April 12, 2024 in compliance with State law (California Government Code 54956); and

WHEREAS, the Historic Resources Board did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgement to evaluate the project; and

WHEREAS, based upon evidence presented to the Board at the April 15, 2024 hearing including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department, the Historic Resources Board of the City of Carmel-by-the-Sea passed Resolution 2024-002-HRB adding an individual property, the “J. Henry Ohloff House” located at Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) zoning district, APN: 010-275-006, to the Carmel Inventory of Historic Resources; and

WHEREAS, decisions of the Historic Resources Board are appealable to the City Council per CMC 17.54.040.C; and

WHEREAS, on April 25, 2024, Greg and Van Rodriguez (Appellant) filed an appeal of the Historic Resources Board’s decision, citing lack of clear evidence the home is a Tudor style that represents a particular idea or theme, and aspect, or a particular phase of the work of a “master” builder or architect; and

WHEREAS, on August 23, 2024, a notice of the public hearing scheduled for September 10, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before September 1, 2024, the appellant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before September 6, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on September 10, 2024, the City Council did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

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

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

WHEREAS, the listing of the subject property on the Carmel Inventory is “not a project” pursuant to section 15378 of the CEQA Guidelines. Listing the subject property on the Carmel Inventory does not grant any permits or entitlements approving a project that would result in a direct or indirect physical change in the environment; and

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

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Carmel-by-the-Sea does hereby deny the appeal by Greg and Van Rodriguez, dated April 24, 2024 (APP 24117, Rodriguez); uphold Resolution 2024-002-HRB passed by the Historic Resources Board on April 15, 2024; and add an individual property, the “J. Henry Ohloff House” located at Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) zoning district to the Carmel Inventory of Historic Resources; APN: 010-275-006.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OFCARMEL-BY-THE-SEA THIS 10th DAY OF SEPTEMBER 2024, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

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

PRIMARY RECORD

Primary # _____ Attachment 2
HRI # _____
Trinomial _____
NRHP Status Code _____
Other Listings _____
Review Code _____ Reviewer _____ Date _____

 *Resource Name or #: (Assigned by recorder) J. Henry Ohloff House

P1. Other Identifier: J. Henry Ohloff House

*P2. Location: ☐ Not for Publication ☒ Unrestricted *a. County Monterey

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

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

c. Address Camino Real 4 NW of 11th City Carmel by the Sea Zip 93921

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

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)
APN 010-275-006, Block Q, Lots 11 & 13

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

Built in 1933 the one-story J. Henry Ohloff House is a Tudor Revival style cottage with a compound plan and a complex, moderately pitched roof system. Two nested front-facing gables intersect with a side-gabled block located at the rear of the composition. A section of the front gable's roof sweeps down to cover a small extension. This sweeping curve is repeated on both sides of the side gable roof. The top of the front gable is filled with vertical wood siding while the second gable has horizontal wood siding. Both gables have vertical louvred vents. The exterior of the house is covered with stucco. A Carmel stone path leads back to a partial-width porch and non-original front door. Fenestration consists of tall, multi-paned casement windows, typical of the Tudor style. The stucco chimney is located on the gable end of the south elevation and is patterned with inset stones. An L-shaped, board and batten single car garage is located in the southwest corner of the lot. A stucco arched entry gate and border wall topped with a metal railing extend across the front of the property. A decorative metal gate (continued pg. 3)

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

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



P5b. Description of Photo: (View, date, accession #) Front Elevation, 08/2023

*P6. Date Constructed/Age and Sources: 1933, 1940 ☒Historic ☐Prehistoric ☐Both
Building Permit

*P7. Owner and Address:
Greg & Van Rodriguez
POB 594
Carmel, CA. 93921

*P8. Recorded by: (Name, affiliation, and address)
Meg Clovis
14024 Reservation Rd.
Salinas, CA 93908

*P9. Date Recorded: 08/2023

*P10. Survey Type: (Describe)
Intensive

*P11. Report Citation: (cite survey report and other sources, or enter "none.") None

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

BUILDING, STRUCTURE, AND OBJECT RECORD

***NRHP Status Code**

***Resource Name or #** (Assigned by recorder) J. Henry Ohloff House

B1. Historic Name: J. Henry Ohloff House
B2. Common Name: J. Henry Ohloff House
B3. Original Use: Residence B4. Present Use: Residence
***B5. Architectural Style:** Tudor Revival
***B6. Construction History:** (Construction date, alteration, and date of alterations) Constructed in 1933 (BP# 2560); Rebuilt in 1940 (BP# 665); Addition of dining room in 1941 (BP# 889); Reroof in 2000 (BP# 00-73)

***B7. Moved?** x☐No ☐Yes ☐Unknown **Date:** **Original Location:**
***B8. Related Features:** Garage
B9a. Architect: N/A b. Builder: Ernest Bixler, Miles Bain
***B10. Significance: Theme:** Architectural Development **Area** Carmel by the Sea
Period of Significance: 1933-1940 **Property Type:** Building **Applicable Criteria:** CR3
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Address integrity.)

Jacob Henry Ohloff (1886-1957) and his wife Dorothy built a vacation home on Camino Real Street in 1933. Ohloff was an Episcopalian minister in San Francisco for forty years. Known as the "skid row priest", he worked with those down on their luck and founded a day nursery for working mothers, known as the Canon Kip Community House. He directed Canon Kip from 1915 to 1952 and at various times was chaplain at San Quentin prison, St. Luke's Hospital, and rector at the Church of St. Mary the Virgin. In 1958 the Episcopal Church founded the J. Henry Ohloff Recovery Center in San Francisco, which is still in operation today. Lansing Bliss Bailey (1891-1962) was the next owner of the house which he bought as rental property. Bailey lived in Salinas and worked in the produce industry. Captain Charles H. Coat was living in the house at the time of the fire. One bedroom was completely gutted and much of the house was smoke damaged. After hiring Miles Bain to repair the house, Lansing sold it in 1941 to Gladys Roberta Johnston (1897-1974) who was a well-known Carmel realtor. None of the previous owners are included in Carmel's Historic Context Statement.
The J. Henry Ohloff House was designed and built by Ernest S. Bixler. Bixler was born in a log cabin in the Ozark Mountains in 1898. His family moved west to Sacramento and later settled (continued pg. 4)

B11. Additional Resource Attributes (List attributes and codes):
***B12. References:**
Carmel Context Statement & Historic Preservation Ordinance
Carmel Pine Cone: 8/9/1940, p. 1;
Building File, Carmel Planning Dept.
National Register Bulletin 15
Polk's City Directories, Harrison Memorial Library
U.S. Census & Voter Registration Records
Ohloff Obit., *Daily Independent Journal,* 8/16/1957, p. 6
Lansing Bailey Obit., *Salinas Californian,* 45/30/1962, p. 29
B13. Remarks
***B14. Evaluator:** Meg Clovis
***Date of Evaluation:** 08/2023

(This space reserved for official comments.)

(Sketch Map with north arrow required.)



State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI# _____
Trinomial _____

 ***Resource Name or #** J. Henry Ohloff House
***Recorded by** Meg Clovis ***Date** 08/2023 ☒ Continuation ☐ Update

P3a. Description (continued):

extends across the driveway entrance. The garden is beautifully landscaped with many flowering plants.

In 1940 the house was damaged by fire, but it was not burned to the ground. Miles Bain repaired the house using Ernest Bixler's original plans. In 1941 Miles Bain expanded the back bedroom for use as a dining room. The house was reroofed in 2000. The original old brick chimney was plastered over in 2023.

Character defining features include:

- Cross gabled roof system with sloping eaves
- Compound floor plan
- Horizontal and vertical boards within the apex of the gables
- Louvred vents in the front gables
- Original old brick chimney (recently covered with stucco)
- Multi-paned casement windows
- Partial-width porch
- Stucco exterior walls

The J. Henry Ohloff House retains a high degree of integrity as follows:

- Location: the house is still in its original location.
- Design: the house retains its original Tudor Revival cottage design.
- Setting: the house is still located in a neighborhood setting.
- Materials: the house retains materials from its original construction in 1933 and the rebuild in 1940.
- Workmanship: the house still exhibits the workmanship associated with the Tudor Revival style such as the sweeping roof lines, casement windows, and stucco exterior walls.
- Feeling: the house retains the physical features that convey its historic character.
- Association: this aspect of integrity is only applicable to resources eligible under Criteria One and Two.

B10. Significance (continued):

in Oakland. Bixler served in World War I and then returned to Oakland to learn the building trade from his father Harrison Bixler. They were busy contractors until the Wall Street crash in 1929, which triggered a national collapse of the building industry. Bixler was offered a job as a carpenter in Pebble Beach, and it was then that he discovered Carmel. He would make the Village his home for fifty years. As the building industry started to recover Bixler found plenty of work, going on to design and build close to eighty homes in the city. The J. Henry Ohloff House is an example of his early work which conformed to Carmel's original cottage aesthetic. He made a point of studying home design and considered himself a self-taught architect. His later work is far-ranging, including diverse building styles from Tudor Revival to Ranch.

In 1940 Bixler retired from building and took a job as Carmel's postmaster, which explains why he wasn't hired to rebuild the J. Henry Ohloff House. He served as postmaster until 1951. He also served on Carmel's Planning Commission from 1946 to 1950. After leaving the post office he resumed his design and construction business until his retirement in 1966. Bixler passed away in June 1978.

The J. Henry Ohloff House was rebuilt by Miles Bain, using Ernest Bixler's original plans. Miles Bain was a prolific and popular general contractor in Carmel. Born in 1895, Bain was a native of Brainerd, Minnesota. In 1926 he came west by invitation of Carmel contractor George Whitcomb. Initially Bain worked as Whitcomb's estimator but in the 1930s he became a licensed contractor and established his own business. His tagline was "Integrity of Construction." Shortly after World War II Bains and Whitcomb joined the Bechtel Corporation and journeyed to Saudi Arabia to build oil pumping stations. When he returned, he resumed his contracting business, working with high profile architects and clients.



Carmel's Historic Context Statement includes Ernest Bixler and Miles Bain as important early designer/builders.

Figure 1: Garage.

Evaluation for Significance

Historians use National Register Bulletin 15[1] as a guide when evaluating a property's significance whether on a local, state, or national level. As a first step, to determine whether or not a property is significant, it must be evaluated within its historic context and the City of Carmel's Historic Context Statement[2] provides this context. The City of Carmel's Historic Preservation Ordinance (Section 17.32.040) reiterates the role of *National Register Bulletin 15* in the evaluation of historic resources. Adopted eligibility criteria are modeled on the California Register's four criteria with the addition of specific qualifications for Criterion 3 (Section 17.32.040.D).

[1] National Register Bulletin 15. *How to Apply the National Register Criteria for Evaluation.* National Park Service. 1998.

[2] *Historic Context Statement: Carmel-by-the-Sea (Draft).* Approved by the City Council December 6, 2022.

The J. Henry Ohloff House is not eligible under **Criterion One (Event)** as no specific event led to the construction of this residence and no important event took place in the residence.

For a property to be listed under **Criterion Two (Important Person**) it must be associated with a person who is considered significant within Carmel's historic context. An individual must have made contributions or played a role that can be justified as significant and the contributions of the individual must be compared to others who were active, prosperous, or influential in the same sphere of interest. J. Henry Ohloff built the house on El Camino Street as a vacation home and the property does not illustrate his important achievements as "the skid row priest" in San Francisco. Lansing Bliss Bailey, who oversaw repairs to the house, rented the property and lived in Salinas. The J. Henry Ohloff House is not eligible for listing in the Carmel Inventory of Historic Resources under Criterion Two.



Figure 3: Front gate.

A property is eligible under **Criterion Three (Design/Construction)** if it, "embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values." The J. Henry Ohloff House is a good example of a Tudor Revival cottage and clearly illustrates the distinctive characteristics of the style. In addition, Carmel's Historic Context Statement recognizes single-family residences that are related to Carmel's architectural chronology as significant. The J. Henry Ohloff House is eligible for listing under the first part of Criterion Three. Ernest Bixler designed and built the house in 1933. After the fire in 1940, Miles Bain rebuilt the house based on Bixler's original plans. Both men are listed in Carmel's Historic Context Statement as significant builders, therefore the J. Henry Ohloff House is eligible for listing under the second part of Criterion Three. Finally, the J. Henry Ohloff House does not meet the third part of

State of California -- The Resources Agency
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CONTINUATION SHEET

Primary # _____
HRI# _____
Trinomial _____

***Resource Name or #** J. Henry Ohloff House
***Recorded by** Meg Clovis
***Date** 08/2023 ☒ Continuation ☐ Update

Criterion Three because it does not possess high artistic values and it does not express aesthetic ideals or design concepts.

The California Register's **Fourth Criterion (Information Potential)** is generally reserved for archeological sites. There is no evidence in the historical record that the J. Henry Ohloff House meets the eligibility requirements for Criterion Four.

Summary

To be eligible for the Carmel Inventory (Section 17.32.040.D) a resource must represent a theme in the Context Statement, retain substantial integrity, be at least 50 years old, and meet at least one of the four criteria for listing in the California Register. The J. Henry Ohloff House represents the theme of Architectural Development, it retains substantial integrity, it is over 50 years old, and it meets California Register Criterion Three. In summary, Bulletin 15, the Carmel Historic Context Statement, the Carmel Historic Preservation Ordinance, and the historical record support the conclusion that the J. Henry Ohloff House is eligible for listing in the Carmel Inventory of Historic Resources.

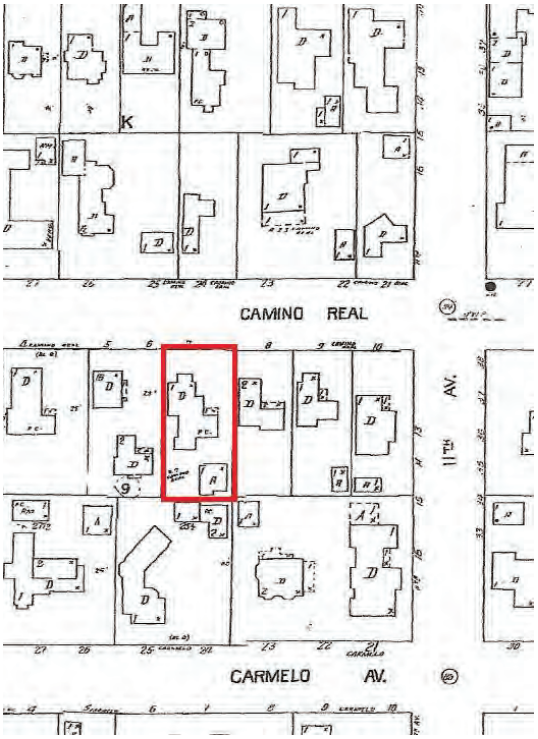


Figure 4: View looking northwest.

HE23-209 (RODRIGUEZ) Historic Evaluation

Date: 7/20/2023
Prepared by: Meg Clovis
Assessor's Parcel Number: 010-275-006
Current Owner: Greg & Van Rodriguez
POB 594
Carmel, CA. 93921
Block/Lot: Block Q, Lots 11 & 13
Street Location: Camino Real 4 NW of 11th
Lot size: 5000 sq. ft.
Date of Construction: 1933; Reconstructed in 1940 after a fire

1. **Land Use & Community Character Element, Subdivision Chronology Map:** 1908
2. **Is the property listed on the Carmel Inventory?** No
3. **Has the property been reviewed previously for historical significance?** No
4. **Is the property located within the Archaeological Overlay Zone?** Yes
5. **Is the property identified on the Sanborn Maps?** Yes, 1962



6. **Date of original building permit:** 5/16/1933 (BP# 2560); 8/17/1940 (BP# 665)

7. Original and subsequent ownership:
    a) J. Henry Ohloff
    b) L. Bailey
    c) Gladys R. Johnston
    d) S. E. Coleman
    e) Joan & Otis Kingery
    f) Lynn Woodbury

    None of the former owners are listed in Carmel's Historic Context Statement.

8. Information on the original designer/builder:
    The subject property was built by contractor Ernest Bixler in 1933. The house burned down, and Miles Bain was hired to reconstruct it per the original plans in 1941. Both Bixler and Bain are listed as significant contractors in Carmel's Historic Context Statement.

    Ernest Bixler (1898-1978): Bixler was a prominent builder/contractor in Carmel in the 1940s and 1950s. Bixler was introduced to the contracting business by his father and was trained as a carpenter in Oakland. He began working as a builder in Carmel and Pebble beach in 1940 while serving as Carmel's postmaster. After WWII, Bixler served on Carmel's Planning Commission at a time when the community's zoning standards were in a state of flux. He retired from contracting in 1966.

    Miles Bain (1895-1966): Designer/builder Miles Bain is best known for building Frank Lloyd Wright's Walker House and Nathaniel Owings house, Wild Bird. Bain arrived in Carmel in the 1920s to work as an estimator for contractor George Mark Whitcomb. In the 1930s, Bain earned his own contractor's license and constructed a number of houses in Carmel. After WWII, Bain and Whitcomb partnered up again to work for Bechtel Corporation, building oil pumping stations in Saudi Arabia. Upon his return to Carmel, Bain received building commissions for the Walker House, Wild Bird and the residences of Ansel Adams and Neil Weston.

9. Alterations and changes to the residence/property:
    a) BP# 665 (8/17/1940): House reconstructed to original after a fire
    b) BP# 889 (7/2/1941): Addition to dining room built by Miles Bain
    c) BP# 00-73 (3/23/2000): Reroof

10. Conclusions:
    The property is associated with Miles Bain and Ernest Bixler who are listed as important builders/contractors in Carmel's Historic Context Statement. A Phase One Intensive Survey is recommended.

11. Current Photographs of Residence (see next page):



View looking northwest



View from Camino Real



View of front gate

Anthony Kirk, Ph.D.
412 East Via Ensenada Circle
Palm Springs, CA 92264
831-818-2929

29 November 2023

Anthony Lombardo, Esq.
Anthony Lombardo & Associates
144 West Gabilan Street
Salinas, CA 93901

Dear Mr. Lombardo:

In August of this year, Meg Clovis surveyed and evaluated the house located on Camino Real, 4 NW of 11th Avenue, Carmel-by-the-Sea (APN 010-275-006). She concluded that the property was eligible for listing in the Carmel Inventory of Historic Resources because it "is a good example of a Tudor Revival cottage and clearly illustrates the distinctive characteristics of the style." She also states that it is eligible for listing because it was designed and built in 1933 by Ernest Bixler and rebuilt after a disastrous fire in 1940 by Miles Bain, both of whom are listed as significant builders in the *Historic Context Statement: Carmel-By-The-Sea*, rev. ed., (PAST Consultants, 2022).

The Eligibility Criteria for the Carmel Inventory of Historic Resources states in Section 17.32.040.D.1 that a resource is eligible for the Carmel Inventory if it was designed by an individual recognized as significant in the *Historic Context Statement*. But it also states, in Section 17.32.040.D.2, that a resource is eligible if it was "designed and/or constructed by a previously unrecognized architect, designer/builder or contractor if there is substantial, factual evidence that the architect, designer/builder contributed to one or more of the historic contexts of the City to an extent consistent with other architects designer/builders or contractors identified within the Historic Context Statement." That is to say, a resource is not eligible for the Carmel Inventory because it was designed by an architect listed as significant in the *Historic Context Statement*, as Meg Clovis asserts, but it may be eligible if it was designed by either a builder recognized as important or a builder previously not recognized as significant. In other words, it is only necessary to establish that the builder was significant for the resource to eligible for the Carmel Inventory. But it is not the basis for listing. The resource must be shown to be individually significant to be listed.

On 10 November 2023 I surveyed the property and subsequently conducted research on it. In my opinion it does not meet Criterion 3 of the Carmel Inventory of Historic Resources and should not be placed in it.

The single-family residence on Camino Real, 4 NW of 11th Avenue was built in 1933 and following a disastrous fire in 1940 rebuilt by a contractor using the original plans. The house is one-story in height with a partial basement and faces east toward Highway 1



Figure 1. Looking northwest at south and east elevations of the house, 10 November 2023.



Figure 3. Looking southwest at east and north sides of former garage, now an office and a library, 10 November 2023.

and the distant Santa Lucia Mountains. It encloses 1,562 square feet, including 237 square feet devoted to the partial basement, which Ms. Clovis neglects to mention. The house is irregular in plan and rests on a concrete foundation. The walls are clad with stucco painted white, while the gables are distinguished by rough-sawn siding, nailed down either horizontally or vertically. Ms. Clovis states that fenestration consists of "tall multi-paned casement windows, typical of the Tudor style," but in fact the casements, which are each distinguished by six lights, show no variation from the casement windows in many early Carmel houses that are not Tudor. On the north side of the house near the rear is a small projecting porch with a balustrade and wooden steps and decking. It was constructed after 1960, the year the Residential Building Record was prepared. At the back of the house, a modern wooden deck extends west. It should be noted that when the house was constructed and later rebuilt, wood comprised the window sash, but the replacement windows, which date to 2020 and 2021, have an exterior of aluminum with a black matte finish, despite the assertion by Ms. Clovis that "the house retains materials from its original construction in 1933 and the rebuild of 1940." Additionally, all the exterior doors in the house were replaced over the years 2020 and 2021 with French doors by the current owner, except for the pressed-wood door opening to the basement, which was replaced with a Fiberglas door. The partial exterior brick chimney on the south side of the house was coated with stucco set with scattered large stones in 2023 by the current owner. Although Ms. Clovis makes no meaningful mention of the original garage, its interior was remodeled in late 2021 or early 2022, and it currently serves as an office and a library.

The Carmel context statement was drafted in 1994 and has been updated on three occasions, most recently in 2022, when the text was brought up to date by Past Consultants. It provides relatively little information on Tudor Revival houses. The Tudor buildings in the business district are said to "typically feature characteristic half-timbering and gabled rooflines (page 52)." Many of the early Carmel houses feature "a detached garage, usually front-gabled, sided with board-and-batten, entered via an arched vehicular door, and set close to the street (52)" The former garage on Camino Real has a front gable with a wing, and although it is sided with board-and-batten, it was entered through a rectangular door, not an arched door, and was located at the southwest corner of the lot, not "close to the street."

The context statement states that "Tudor homes were usually stuccoed, half-timbered, and gabled (53)." Needless to say, there is no half-timbering in the house on Camino Real. The "fanciful Tudor cottages" designed by Hugh Comstock are conflated with the Tudor style in the context statement of 2022. These houses were characterized by "steep gables, decorative half-timbering set on stuccoed surfaces, and diamond-paned windows (53)." The roofs on the Camino Real house are pitched at slightly more than 30 degrees, which according to Virginia Savage McAlester, *A Field Guide to American Houses* (New York, 2013), is at the lower end of a normal slope, which range from 30 at 45 degrees. Steeply sloped roofs have a slope of more than 45 degrees. The house has no half-timbering and but a single small window with diamond panes, located in the façade.

Despite Meg Clovis's assertion that the house on Camino Real, 4 NW of 11th Avenue, is "a good example of a Tudor Revival cottage," it has absolutely no architectural features that suggest any particular style, including Tudor. To the pedestrian or motorist passing by, the chief interest is the splendidly landscaped yard. It should not be placed in the Carmel Inventory of Historic Reesources.

Sincerely yours,



Anthony Kirk, Ph.D.

KENT L. SEAVEY
310 LIGHTHOUSE AVENUE
PACIFIC GROVE, CALIFORNIA 93950
(831) 375-8739

December 28, 2023

Mr. Anthony Lombardo
Anthony Lombardo & Associates
144 W. Gabilan St.
Salinas, CA 93901

Dear Mr. Lombardo:

At your request I have conducted a review of a historic resource evaluation of the residential property located on Camino Real 4NW of 11th Ave., (APN# 010-275-006) in Carmel, prepared by Anthony Kirk, Ph.D. Dr. Kirk's Peer Review evaluation, was dated November 29, 2023.

Dr. Kirk concluded that the subject property had been misidentified as an example of Tudor Revival design, and that the two identified builders, Miles Bain (1933) & Ernest Bixler (1940), were listed in the 2022 Historic Context Statement for Carmel-By-The-Sea as significant craftsmen. However, he rightly noted that according to Carmel's Eligibility Criteria for historic listing in the Carmel Historic Resources Inventory, codified in Sections 17.32.040.D.1, & D.2, it's not the builders listing, but that "the resource itself must be shown to be individually significant for historic listing". In this case the misattribution of the subject property as a good example of Tudor Revival design is at issue. The subject property's architectural style is clearly an example of the Minimal Traditional Style of architecture, found throughout the country and in Carmel during the 1930s and post-war period of the 1940s & 1950s. (see drawing provided).

Virginia McAlester's authoritative "Field Guide to American Houses", describes the identifying features of the Minimal Traditional Style as, "Low or-intermediate-pitched roof, more often gabled; small house, generally one-story in height; roof eaves have little or no overhang, generally double-hung windows, typically multi-paned; minimal amounts of added architectural detail", (seen in the gable apex skirt-boarding in this example). "Gable-and-wing types may have a low-pitched front-facing gable added on one side of of a side-gabled roof", not unlike that found on the subject property.

McAlester's description of key Tudor Revival features include; facade dominated by one or more prominent front-facing gables, usually steeply-pitched; tall narrow windows, usually in multiple groups with multi-paned glazing; massive chimneys; front entry door Tudor arched. The original consultant makes no mention of the front entry door being Tudor-arched, and only visible on-site arch is the undated stucco feature as part of a garden wall at the street entry to the property.

McAlester's description of key Tudor Revival features include; facade dominated by one or more prominent front-facing gables, usually steeply-pitched; tall narrow windows, usually in multiple groups with multi-paned glazing; massive chimneys; front entry door Tudor arched. The original consultant makes no mention of the front entry door being Tudor-arched, and only visible on-site arch is the undated stucco feature as part of a garden wall at the street entry to the property (see drawing attached).

The subject property appears to retain its original location & setting, However, Dr. Kirk's careful analysis of changes to the building envelope over time, particularly after 1960, showing enough modifications to the residence, especially in its overall fenestration, to sufficiently compromise its physical integrity of materials and workmanship. The subject property, because of misguided design attribution, and lacking enough particular design distinction, does not appear to qualify for historic listing at the national, state or local levels historic significance.

In summary, having carefully reviewed the findings of Dr. Kirk who reviewed the study, I fully support his findings that the Rodriques residence, located on Camino Real, 4NW of 11th Ave. (APN# 010-275-006), in Carmel By-The-Sea, is not qualified for listing as an historic resource, for the reasons clearly identified above.

Respectfully submitted,

Kent L. Seavey



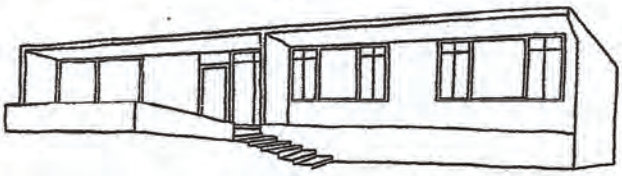
MINIMAL TRADITIONAL



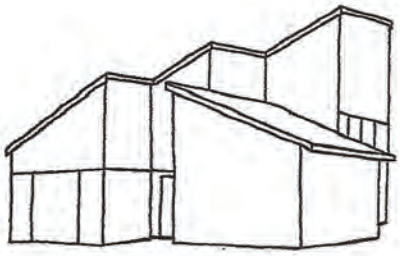
RANCH



SPLIT-LEVEL



CONTEMPORARY



SHED

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

HISTORIC RESOURCES BOARD RESOLUTION NO. 2024-02-HRB

A RESOLUTION OF THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA ADDING AN INDIVIDUAL PROPERTY LOCATED AT CAMINO REAL 4 NORTHWEST OF 11TH AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT TO THE CARMEL INVENTORY OF HISTORIC RESOURCES; APN: 010-275-006

WHEREAS, on July 11, 2023, Jeremy McCullough, ("Applicant" and "Agent") submitted a Historic Evaluation application "(HE 23-209, Rodriguez)" for the property located at Camino Real 4 northwest of 11th Avenue, in the Single-Family Residential (R-1) Zoning District (Block Q, Lot 11, 13); and

WHEREAS, in accordance with the City's Historic Preservation Ordinance (CMC 17.32), upon receipt of a Historic Evaluation application, an initial assessment of historic significance shall be conducted to determine whether the property may have historic resource potential sufficient to warrant conducting an intensive survey (CMC 17.42.060.B); and

WHEREAS, in accordance with CMC 17.32.060.B, if a property appears to meet the criteria for the inventory or, if based on the initial assessment, a definitive determination of eligibility or ineligibility cannot be made, a qualified professional under contract to the City must prepare an intensive survey of the property; and

WHEREAS, Margaret Clovis, a City-contracted historic consultant, conducted an initial assessment of the property and was unable to disqualify the residence from listing based on the criteria for listing as a historic resource as outlined in the municipal code (CMC 17.32.040) and therefore a definitive determination of ineligibity could not be made by staff; and

WHEREAS, staff retained the services of Margaret Clovis to prepare an intensive review of the property (HE 23-209, Rodriguez) described herein as "application", to determine whether the property meets the criteria for listing on the Carmel Inventory; and

WHEREAS, the review concluded that the subject property is eligible for listing in the Carmel Inventory as a locally significant Tudor Revival style cottage built in 1933 by master builder Ernest Bixler (and rebuilt in 1940 by master builder Miles Bain to the original design), representative of Carmel's architectural chronology; and

WHEREAS, the intensive survey dated August 2023 prepared by Margaret Clovis identified the property as the "J. Henry Ohloff House" with the following character defining features: cross-gabled roof system with sloping eaves; compound floor plan; horizontal and vertical boards within the apex of the gables; louvred vents in the front gables; original old brick

chimney (recently covered with stucco); multi-paned casement windows; partial-width porch; and stucco exterior walls; and

WHEREAS, the intensive survey concluded that the residence is eligible for listing on the Carmel Inventory of Historic Resources as the property is representative of Theme 5: Architectural Development in Carmel (1888-1965) in the Historic Context Statement; retains a sufficient degree of integrity; is greater than 50 years old; and, meets California Register Criteria 3 (Architecture) as a good example of a Tudor Revival style building and also as a work of master local builder(s) Ernest Bixler and Miles Bain; and

WHEREAS, in accordance with CMC 17.32.070.A, properties determined to be eligible by an administrative determination, or by the Historic Resources Board on appeal, shall become part of the inventory upon completion of an inventory form documenting the resource and issuance of an administrative determination finding by the Department or adoption of a finding by the Board that the property meets the criteria for historic resources; and

WHEREAS, the applicant disagrees with the conclusion that the building is architecturally significant and has requested that the Historic Resources Board consider the decision to list the property on the Historic Inventory; and

WHEREAS, on April 15, 2024, the Historic Resources Board held a public hearing to receive public testimony regarding whether to list an individual property located at the Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) Zoning District to the Carmel Inventory of Historic Resources; and

WHEREAS, on or before April 5, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, notice of the public hearing was published in the *Carmel Pine Cone* on April 5, 2024 and posted in three locations on April 12, 2024 in compliance with State law (California Government Code 54956); and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Board at their April 15, 2024 hearing including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Historic Resources Board did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgement to evaluate the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA"), together with State Guidelines (14 California Code Regulations §§

15000, et seq., the "CEQA Guidelines") and City Environmental Regulations (CMC 17.60) require the review of certain projects for environmental impacts and preparation of environmental documents; and

WHEREAS, the listing of the subject property on the Carmel Inventory is “not a project” pursuant to section 15378 of the CEQA Guidelines. Listing the subject property on the Carmel Inventory does not grant any permits or entitlements approving a project that would result in a direct or indirect physical change in the environment; and

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

NOW THEREFORE, BE IT RESOLVED, that the Historic Resources Board of the City of Carmel-by-the-Sea does hereby add an individual property, the “J. Henry Ohloff House” located at Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) zoning district to the Carmel Inventory of Historic Resources; APN: 010-275-006.

PASSED, APPROVED AND ADOPTED BY THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA THIS 15th DAY OF APRIL 2024, BY THE FOLLOWING VOTE:

AYES: Vice Chair Hall, Goodhue, Pomeroy

NOES: Dyar

ABSENT: Chair Chroman

ABSTAIN:

APPROVED:

_____
Karyl Hall
Vice Chair

ATTEST:

_____
Leah Young
Historic Resources Board Secretary

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

AND WHEN RECORDED MAIL TO

Carmel City Hall
Post Office Drawer CC
Carmel, CA 93921
Attn: Katherine Wallace, Associate Planner
No Fee Pursuant to Gov. Code Sec.27383

This space is reserved for the Recorder's use only

RESOLUTION OF HISTORICAL RESOURCE DESIGNATION

The City Council of the City of Carmel-by-the-Sea has passed Resolution 2024-xx-CC which finds that the property identified below meets the criteria for a historic resource as established in the City's General Plan, the Municipal Code, and the Local Coastal Program for Carmel-by-the-Sea.

Based on this determination, effective August 6, 2024, the City Council of the City of Carmel by the Sea hereby resolves to designate the property described below as a local resource on the Carmel Inventory of Historic Resources.

This Resolution is being recorded pursuant to section 5029(b) of the California Public Resources Code, which requires the City to record all historic resource determinations. This action is also taken in furtherance of the Local Coastal Program certified by the California Coastal Commission and implemented by the City of Carmel-by-the-Sea Ordinances No. 2004-01 and 2004-02.

Assessor's Parcel Number: 010-275-006
Block: Q Lot(s): S 10 FT OF L 11 & ALL OF LOT 13
Current Owner: Greg and Van Rodriguez
Street Location: Camino Real 4 NW of 11th Avenue

This Resolution alerts the owner, successors, and assigns to the existence of a historic resource on the property. This historic resource is protected under the laws of the State of California and the City of Carmel-by-the-Sea, including the California Coastal Act, the California Public Resources Code, the Carmel-by-the-Sea Municipal Code, and the Local Coastal Program. Specific regulations affecting remodels, alterations, additions, and demolitions can be found in the City of Carmel-by-the-Sea planning documents referenced above.

Date:

Certified by:

Katherine Wallace, Associate Planner
City of Carmel-by-the-Sea

DRAFT

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

CITY COUNCIL RESOLUTION NO. 2024-XX-CC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA FINDING AN INDIVIDUAL PROPERTY LOCATED AT CAMINO REAL 4 NORTHWEST OF 11TH AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT INELIGIBLE FOR LISTING ON THE CARMEL INVENTORY OF HISTORIC RESOURCES; APN: 010-275-006

WHEREAS, on July 11, 2023, Jeremy McCullough, ("Applicant" and "Agent") submitted a Historic Evaluation application "(HE 23-209, Rodriguez)" for the property located at Camino Real 4 northwest of 11th Avenue, in the Single-Family Residential (R-1) Zoning District (Block Q, Lot 11, 13); and

WHEREAS, in accordance with the City's Historic Preservation Ordinance (CMC 17.32), upon receipt of a Historic Evaluation application, an initial assessment of historic significance shall be conducted to determine whether the property may have historic resource potential sufficient to warrant conducting an intensive survey (CMC 17.42.060.B); and

WHEREAS, in accordance with CMC 17.32.060.B, if a property appears to meet the criteria for the inventory or, if based on the initial assessment, a definitive determination of eligibility or ineligibility cannot be made, a qualified professional under contract to the City must prepare an intensive survey of the property; and

WHEREAS, Margaret Clovis, a City-contracted historic consultant, conducted an initial assessment of the property and was unable to disqualify the residence from listing based on the criteria for listing as a historic resource as outlined in the municipal code (CMC 17.32.040) and therefore a definitive determination of ineligibity could not be made by staff; and

WHEREAS, staff retained the services of Margaret Clovis to prepare an intensive review of the property (HE 23-209, Rodriguez) described herein as "application", to determine whether the property meets the criteria for listing on the Carmel Inventory; and

WHEREAS, the review concluded that the subject property is eligible for listing in the Carmel Inventory as a locally significant Tudor Revival style cottage built in 1933 by master builder Ernest Bixler (and rebuilt in 1940 by master builder Miles Bain to the original design), representative of Carmel's architectural chronology; and

WHEREAS, the intensive survey dated August 2023 prepared by Margaret Clovis identified the property as the "J. Henry Ohloff House" with the following character defining features: cross-gabled roof system with sloping eaves; compound floor plan; horizontal and vertical boards within the apex of the gables; louvred vents in the front gables; original old brick

chimney (recently covered with stucco); multi-paned casement windows; partial-width porch; and stucco exterior walls; and

WHEREAS, the intensive survey concluded that the residence is eligible for listing on the Carmel Inventory of Historic Resources as the property is representative of Theme 5: Architectural Development in Carmel (1888-1965) in the Historic Context Statement; retains a sufficient degree of integrity; is greater than 50 years old; and, meets California Register Criteria 3 (Architecture) as a good example of a Tudor Revival style building and also as a work of master local builder(s) Ernest Bixler and Miles Bain; and

WHEREAS, in accordance with CMC 17.32.070.A, properties determined to be eligible by an administrative determination, or by the Historic Resources Board on appeal, shall become part of the Inventory upon completion of an inventory form documenting the resource and issuance of an administrative determination finding by the Department or adoption of a finding by the Board that the property meets the criteria for historic resources; and

WHEREAS, on behalf of the property owner, Anthony Lombardo, Attorney, challenged the administrative determination made by the Department and requested that the Historic Resources Board consider the decision to list the property on the Historic Inventory; and

WHEREAS, on April 15, 2024, the Historic Resources Board held a public hearing to receive public testimony regarding whether to list an individual property located at the Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) Zoning District on the Carmel Inventory of Historic Resources; and

WHEREAS, on or before April 5, 2024, on behalf of the property owner, Gail Hatter posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, notice of the public hearing was published in the *Carmel Pine Cone* on April 5, 2024 and posted in three locations on April 12, 2024 in compliance with State law (California Government Code 54956); and

WHEREAS, the Historic Resources Board did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgement to evaluate the project; and

WHEREAS, based upon evidence presented to the Board at the April 15, 2024 hearing including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department, the Historic Resources Board of the City of Carmel-by-the-Sea passed Resolution 2024-002-HRB adding an individual property, the “J. Henry Ohloff

House" located at Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) zoning district, APN: 010-275-006, to the Carmel Inventory of Historic Resources; and

WHEREAS, decisions of the Historic Resources Board are appealable to the City Council per CMC 17.54.040.C; and

WHEREAS, on April 25, 2024, Greg and Van Rodriguez (Appellant) filed an appeal of the Historic Resources Board's decision, citing lack of clear evidence the home is a Tudor style that represents a particular idea or theme, and aspect, or a particular phase of the work of a "master" builder or architect; and

WHEREAS, on August 23, 2024, a notice of the public hearing scheduled for August 6, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before September 1, 2024, the appellant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before September 6, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on September 10, 2024, the City Council did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

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

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

WHEREAS, the listing of the subject property on the Carmel Inventory is "not a project" pursuant to section 15378 of the CEQA Guidelines. Finding the subject property ineligible for listing on the Carmel Inventory does not grant any permits or entitlements approving a project that would result in a direct or indirect physical change in the environment; and

DRAFT

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

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Carmel-by-the-Sea makes the following findings disqualifying the property from listing on the Carmel Inventory of Historic Resources:

1. XXX
2. XXX
3. XXX

BE IT FURTHER RESOLVED, that the City Council finds an individual property located at Camino Real 4 northwest of 11th Avenue in the Single-Family Residential (R-1) zoning district **ineligible for listing in the Carmel Inventory of Historic Resources** and issues a Final Determination of Ineligibility with the basis of said determination being: 1) xxx 2) xxx and 3) xxx. The determination is final and shall remain valid for a period of five (5) years.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA THIS 10th DAY OF SEPTEMBER 2024, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: ATTEST:

_____ _____

Dave Potter
Mayor

Nova Romero
City Clerk

DRAFT



Figure 1: Façade, looking west.



Figure 2: Wood and stucco detailing.



Façade, looking northwest.



North elevation stucco and wood detailing in gable peak.





Aluminum-clad wood 6-lite replacement windows.



Replacement front door.





Original brick chimney on the south elevation covered over with stucco and stone, and replacement leaded glass window on the east elevation.



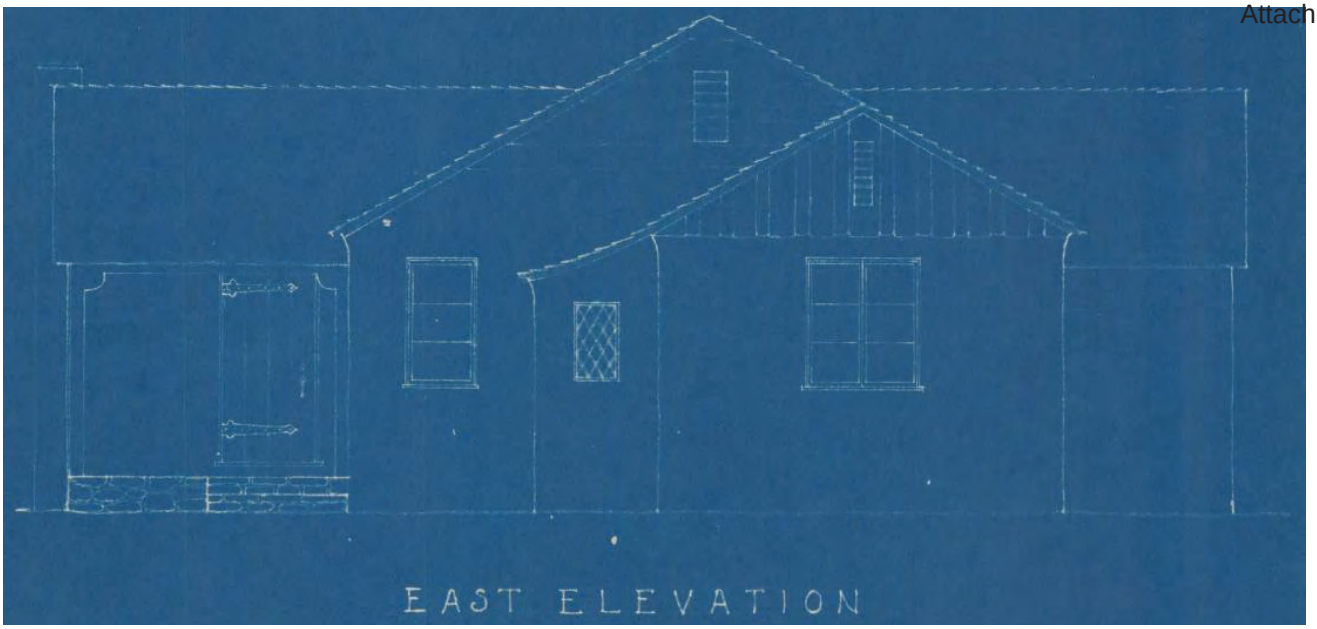
North elevation, looking southwest.



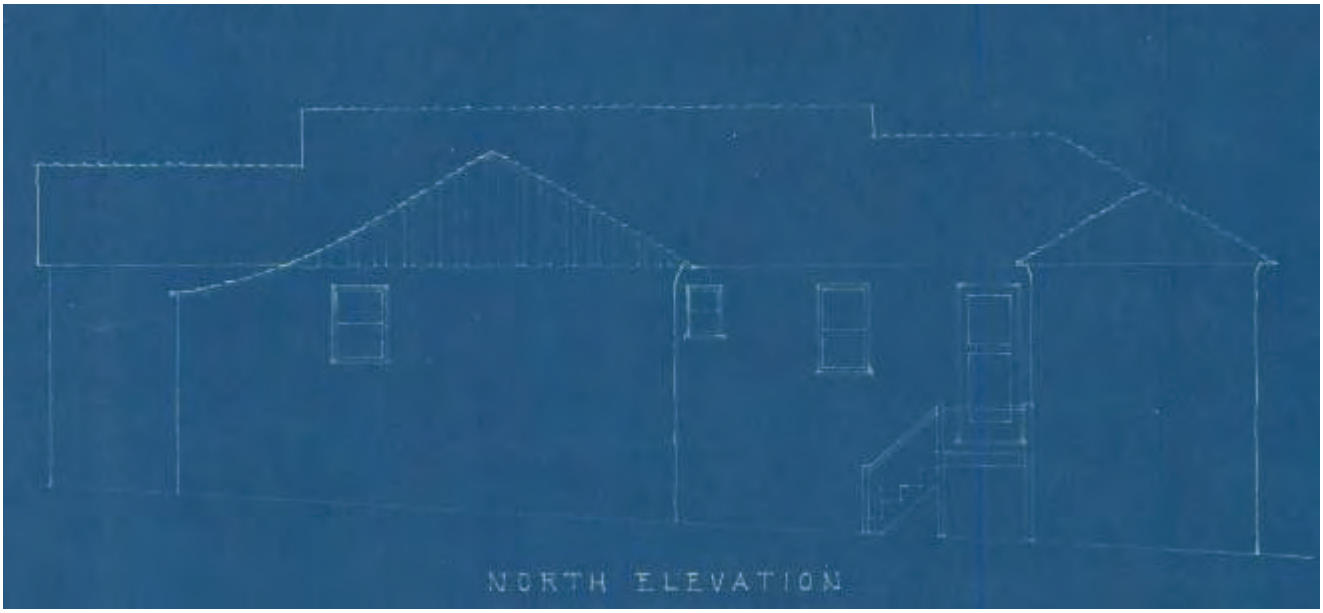
Rear (west) elevation, looking east.



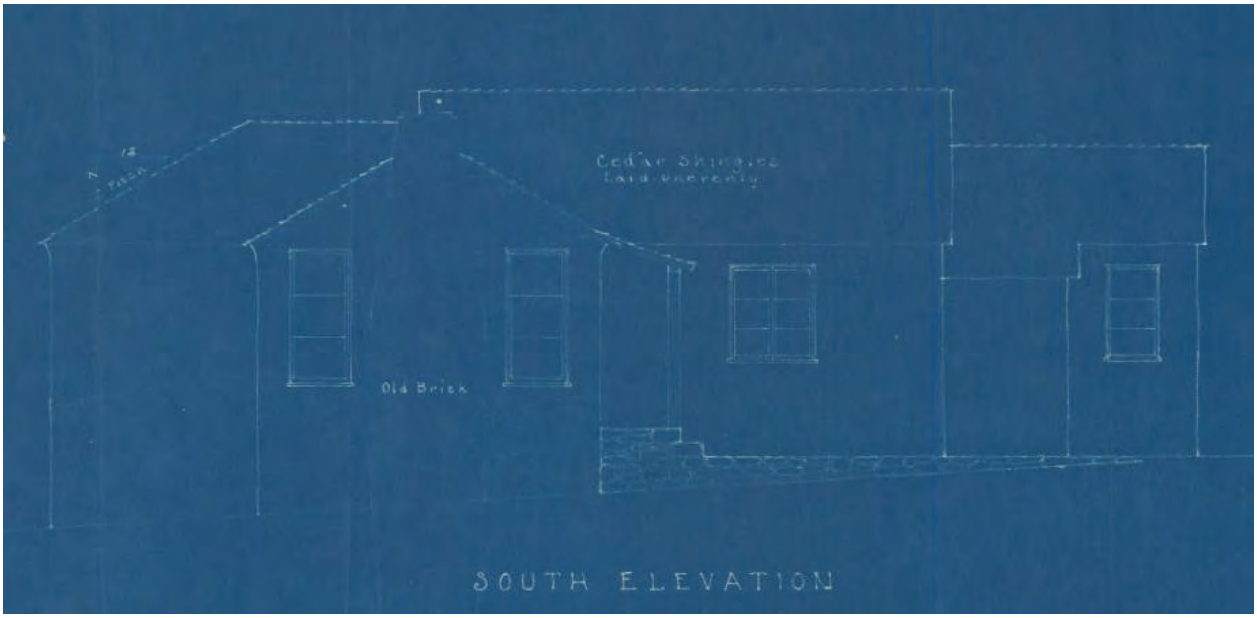
Rear (west) and south elevation, with the 1941 rear addition by Miles Bain outlined in red.



Original 1933 plan showing the façade with a wood door with iron strap hinges, diamond-pane leaded glass window, 3-lite casement windows (single and double), sweeping roofline, and gable peak detailing.



Original 1933 plan showing the north elevation with sweeping roofline and gable peak detailing.



Plan showing south elevation with “old brick” chimney and covered front porch with Carmel stone.



Plan showing west elevation, prior to small gable-roofed rear addition and construction of deck.



Stucco wall topped with iron railing along front property line, with arched entry.



Original Carmel stone walkway (left) and recent stonework and driveway gate (right).



Detached garage at the southwest rear corner of the property, looking west. The earliest Sanborn map depicting the property shows a garage in this location, however, this structure may be a reconstruction.

RECEIVED

APR 24 2024

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

Attachment 10

CITY OF CARMEL-BY-THE-SEA APPEAL FORM

*Appeals to a Board or Commission must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 calendar days following the date of action** and paying the required filing fee as established by City Council resolution.*

*Appeals to the City Council must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 working days following the date of action** and paying the required filing fee as established by City Council resolution.*

Greg and Van Rodriguez

Name of Appellant

c/o Anthony Lombardo & Associates [redacted]

Mailing Address of Appellant

[redacted] [redacted]

Phone Number Email address

Send correspondence to the following party (if different than Appellant):

[redacted]

Name

[redacted]

Mailing Address

[redacted] [redacted]

Phone Number Email address

Historic Resources Board

Commission, Board, Official or Department whose action is being appealed

Physical location of property involved (street location or address): Camino Real 4NW of 11th

11,13 Q 010-275-006

Lot Block APN

Date of decision being appealed: April 15, 2024

Specific action or decision being appealed: Finding of eligibility for listing of home as historic

Decision to add the home to the Carmel Inventory of historic resources.

Grounds for appeal (attach additional pages if necessary):

See attached

[redacted]

Signature of Appellant

Reference Chapter 17.54 of the Carmel-by-the-Sea Municipal Code "Appeals"

revised 1/2020

RECEIVED
APR 24 2024
City of Carmel-by-the-Sea
Planning & Building Dept.

The April 15th decision of the Historic Resources Board (HRB)was not supported by the evidence. The request to the HRB to add the home to the Carmel Inventory of Historic homes was initiated by planning staff despite the objections from the owner and despite information provided to staff showing that the home was not eligible for listing. The owner requests that the City Council reverse the decision of the HRB based on the lack of clear evidence that the home is a Tudor style home; and the lack of evidence that represents a particular idea or theme, an aspect, or a particular phase of the work of a "master" builder or architect.

City of Carmel-by-the-Sea
COMMUNITY PLANNING AND BUILDING DEPARTMENT
POST OFFICE DRAWER CC
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2010 OFFICE

RECEIVED
APR 24 2024
City of Carmel-by-the-Sea
Planning & Building Dept.

April 17, 2024

Jeremy McCullough
PO Box 222161
Carmel, CA, 93922

Via email: info@montereybuildingdesign.com

Subject: Historic Resources Board Decision
HE 23-209 (Rodriguez)
Camino Real 4 NW of 11th Avenue
APN: 010-275-006

Dear Dr. McCullough,

At the April 15, 2024 Historic Resources Board (HRB) meeting, a motion to list the property located at Camino Real 4 NW of 11th Avenue on the Carmel Inventory of Historic Resources passed with a vote of 3-1. As a result, the property will be listed on the Inventory and recorded with the County. The decision of the HRB is appealable. Per CMC 17.54.040.C, an appeal to the City Council can be filed with the City Clerk (nromero@cbts.us) within ten working days of the date of action (April 15, 2024). The appeal fee is $2,085. I have enclosed the fee schedule.

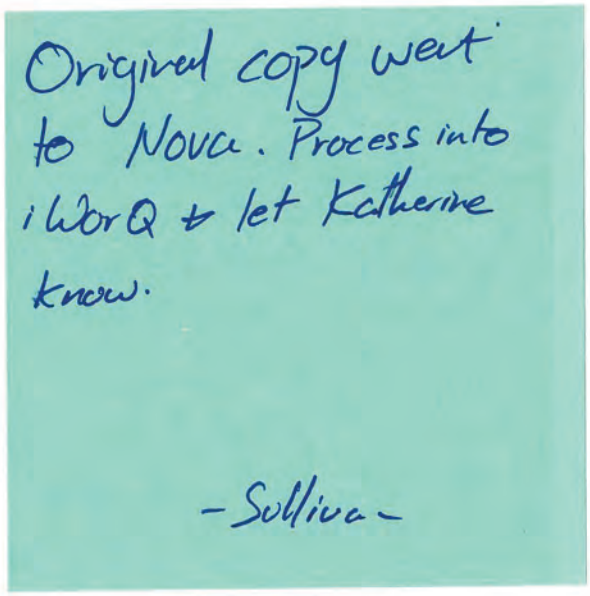
If you have any questions, please do not hesitate to contact me at (831) 620-2032 or kwallace@ci.carmel.ca.us.

Best Regards,

Katherine Wallace

Katherine Wallace, AICP, Associate Planner

CC: Marnie R. Waffle, AICP, Historic Resources Board Director, mwaffle@ci.carmel.ca.us
Anthony Lombardo, tony@alombardolaw.com
Gail Hatter, gail@alombardolaw.com
Greg Rodriguez, property owner, greg@gjrconsulting.com


Original copy went to Nova. Process into iWorQ & let Katherine know.
-Sullivan-

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

September 10, 2024
PUBLIC HEARINGS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Marnie R. Waffle, AICP, Principal Planner
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	APP 24188 (Mardani) - Consideration of an Appeal of the Planning Commission's approval of Design Study DS 21-376 (Mardani) and associated Coastal Development Permit for one-story additions totaling 333 square feet to a one-story 562-square-foot cottage and construction of a 230-square-foot detached garage in the front yard setback located on Ocean Avenue 4 northeast of Guadalupe Street. APN: 010-033-011-000

RECOMMENDATION:

Adopt Resolution 2024-080 (**Attachment 1**) denying Appeal APP 24188 (Mardani) and upholding the Planning Commission's approval of Design Study DS 21376 (Mardani) and associated Coastal Development Permit for one-story additions totaling 333 square feet to a one-story 562-square-foot cottage and construction of a 230-square-foot detached garage in the front yard setback located on Ocean Avenue 4 northeast of Guadalupe Street.

BACKGROUND/SUMMARY:

The project site is a 2,500-square-foot lot on the north side of Ocean Avenue between Carpenter and Guadalupe Streets. The 562-square-foot single-story cottage was constructed in 1946 and was one of five cottages built for Mr. & Mrs. R. D. Weaver. The cottage features a chalk rock chimney centrally located on the front elevation.

Two driveways on Ocean Avenue were constructed in December 1965 and interconnected as a semi-circular driveway to serve all five cottages. In 1966, the cottages were being used for overnight accommodations under the name Buena Vista Cottages in violation of the R-1 zoning. In 1968, the Board of Adjustments adopted Resolution 629, granting a conditional use permit for the continued operation of the motel (four motel units and one manager unit). By 1974, the five cottages had reverted to single-family use, and the conditional use permit was revoked.

The applicant proposes a substantial alteration, including demolishing more than 50 percent of the exterior walls, constructing one-story additions totaling 333 square feet, constructing a 230-square-foot detached garage in the front yard setback, and associated site improvements. The property was reviewed for historical significance and, on February 5, 2021, was found ineligible for the historic inventory. This

determination remains in effect for five years.

Prior Public Hearings

On April 12, 2023, the Planning Commission reviewed a concept design study for a substantial alteration to the existing cottage, including demolition of more than 50 percent of the exterior walls, construction of one-story additions totaling 363 square feet, construction of a 200-square-foot attached garage, and associated site improvements. The Commission adopted Resolution 2023-019-PC, accepting the concept design with conditions.

On July 19, 2023, the applicant submitted a new design study application DS 23-221 (Mardani) to construct one- and two-story additions totaling 363 square feet, a 200-square-foot detached garage in the front yard setback, and associated site improvements.

On August 10, 2023, the Forest & Beach Commission reviewed Tree Permit application TR 23-215 (Mardani) to prune limbs on a significant Coast live oak tree (tree no. 4) located on the western neighbor's property to facilitate a second-story addition to the applicant's cottage. The Forest & Beach Commission continued the public hearing to a date uncertain, pending a review of the project by the Planning Commission.

On November 8, 2023, the Planning Commission reviewed the two-story concept design and adopted Resolution 2023-056-PC, denying the project.

On November 28, 2023, the applicant submitted revised concept plans under Design Study application DS 21-376 (Mardani) for one-story additions totaling 333 square feet, a 230-square-foot detached garage in the front yard setback, and associated site improvements.

On February 13, 2024, the Planning Commission adopted Resolution 2024-012-PC, accepting the concept design with conditions (**Attachment 2**). The Staff report for this meeting is online **HERE**.

On June 11, 2024, the Planning Commission adopted Resolution 2024-043-PC, approving the project (**Attachment 3**). The Staff report of this meeting is online **HERE**.

Appeal:
On June 24, 2024, an appeal of the Planning Commission's approval of the project was filed by Cathryn J Carlson (**Attachment 4**). The appellant asserts the following:

- Project does not comply with the applicable requirements as set out under the Carmel Municipal Code and, therefore, should have never been presented to and/or considered by the Planning Commission.
- No recent, independent, land survey required or done.
- Lot does not qualify as a legal building site for two reasons.
- Non-conforming setbacks combined with demolition greater than 50% require entire cottage to be rebuilt up to current code.
- Project entails more than 50% increase in floor area, among other contentions. Below is a summary of the grounds for appeal, followed by the staff's response.

Project does not comply with the applicable requirements as set out under the Carmel Municipal Code and, therefore, should have never been presented to and/or considered by the Planning Commission in the first place.

1. There has been no recent, independent, professional topographical/land survey done on this property and the City failed to request one even though this is required as per CMC.

Staff Response: In April 2021, licensed engineer Ngoc Pham submitted an application on behalf of Azadeh Mardani for a Preliminary Site Assessment. This is the first step in the application review process for a Track 2 Design Study. Carmel Municipal Code Section 17.58.040.B.2, Step One: Preliminary Site Assessment, subsection b. Submittal Requirements states:

> *The applicant shall submit two copies of a topographic survey prepared by a **licensed surveyor or a civil engineer** prior to submittal of design plans for design review. The survey shall document property boundaries, topographic contours, the location of all trees over two inches DBH, the outline of all existing structures on the property, the location of any easements, existing access, the edge of pavement for all adjoining streets and all existing areas of site coverage.*

In accordance with the Carmel Municipal Code and the submittal requirements for a Preliminary Site Assessment (**Attachment 5**), a topographic survey stamped and signed by a civil engineer was submitted (**Attachment 6**).

2. The lot may be less than 2,500 square feet and therefore does not qualify as a legal building site.

Staff Response: The information submitted with the design study application shows the lot to be 2,500 square feet in size, which is consistent with original subdivision maps from 1888 and 1902 (**Attachment 7**), Monterey County tax assessor parcel maps (**Attachment 8**), a 2002 survey prepared by M. Doolittle with Base Line Land Surveyors Inc. (**Attachment 9**), and the historic property file. Following the filing of this appeal, the applicant, Ms. Mardani, enlisted the services of Lucido Surveyors, who also confirmed that the lot size is 2,500 square feet (**Attachment 10**). The appellant has not provided any information to substantiate the claim that the lot is less than 2,500 square feet.

3. Not only is the property likely to be less than 2,500 square feet, but also it was in the same ownership as one or more adjoining lots of record on February 4, 1948, and thus is also (doubly) disqualified as a legal building site on this basis (even it if were 2,500 square feet).

Staff Response: Carmel Municipal Code Section 17.10.020 (Dimensional Standards – Lots, Parcels and Building Sites) defines a legal building site and states:

> *A. Legal Building Site Required. Parcels not meeting the criteria for legal building sites shall not be issued any building permits, other than permits for demolition, repair or maintenance, until the parcel has been brought into compliance with this section. A parcel of land within the R-1 land use district shall meet one of the following standards to be considered a legal building site:*
>
> *1. At Least 2,500 Square Feet. A single, independent lot of record in existence on February 4, 1948, with at least 2,500 square feet of land area that was not in the same ownership as one or more adjoining lots of record on that date;*

As noted above, the project site was created as a 2,500-square-foot lot (25-foot by 100-foot) in 1888 and remains unchanged. In June of 1946 (one year and eight months prior to February of 1948), building

permits were issued for five cottages on five independent lots of record as single-family dwellings for Mr. & Mrs. R. D. Weaver. Four of the five lots, including the project site, are 25 feet by 100 feet, and one is 30 feet by 100 feet. All five cottages remain today; three are intact as originally developed, and two have been altered and expanded.

In 1966, it came to the City's attention that the cottages were being used for overnight accommodations under the name Buena Vista Cottages in violation of the R-1 zoning. In 1968, the Board of Adjustments approved a conditional use permit for the continued operation of the property as a "motel." Four years later, the motel transitioned back to single-family residential use. It was at this time that the question of whether these 2,500-square-foot lots are building sites was raised (**Attachment 11**).

After reviewing the 1970-1971 decisions by former city attorneys and consulting with the current City Attorney, staff concluded that the municipal code provision cited pertains to adjacent legal lots of record under a single ownership and *established as a single building site*. Throughout Carmel's history, it was not uncommon for a single owner to purchase multiple adjacent lots and build a cottage. The cottages were often constructed across property lines; however, this was not an issue because the lots were under single ownership. With the passage of legislation that became the precursor to the 1974 Subdivision Map Act, these building sites became non-conforming. The nonconformity could easily be rectified by merging the lots or adjusting lot lines. There remain instances today where multiple adjacent lots of record are under single ownership and utilized as a single building site. Building permits are limited to demolition, repair, or maintenance for these lots until the parcel has been brought into compliance (e.g., through a lot merger or lot line adjustment, or demolition). This is not the case with the Mardani project. The lot is a single, independent lot of record, established in 1888, developed with a single-family cottage in 1946, and existed before, on, and after February 4, 1948. Whether or not one or more adjacent cottages were owned by the same person(s) is irrelevant because each lot was independently developed as a separate legal building site.

4. Non-conforming setbacks combined with demolition of greater than 50% of a building or structure (a wall is a structure) trigger rebuilding to current code. The entire cottage must therefore be torn down and rebuilt in accordance with current code. This should be determined by calculation and acknowledged up front as part of the planning process.

Staff Response: Carmel Municipal Code Section 17.36.030 (Alterations and Enlargements of Nonconforming Buildings and Structures) allows,

> *a lawful nonconforming structure to be maintained, repaired, or altered as long as the maintenance, repair, or alteration does not increase the nonconformity*.

Section 17.36.040 further states that,

> *the demolition of any nonconforming building or structure shall require that all new construction on the site meet all requirements for new buildings and structures.*

And,

> *the substantial alteration of any nonconforming building or structure, that includes removal of any nonconforming building element or structural element shall require correction of that specific nonconforming building element or structural element in conformance with all requirements for new construction. The removed nonconformity shall not be rebuilt or reestablished at that location on the site or elsewhere on the*

site.

The minimum required side yard setback is 3 feet. The project has a nonconforming east side yard setback, where the cottage wall is within 3 feet of the property line (2.6' at the southeast corner and 2.9' at the northeast corner). The project includes the retention of this wall. All new construction must be 3' from the side property line. The rear (north) addition complies with this requirement. It has not been the City's practice to force property owners to demolish portions of their home that they wish to maintain when a project includes the removal of more than 50 percent of the exterior walls. Further, the definition of "demolition" presupposes that nonconforming portions of a wall may be retained.

> ***Demolition.*** *The act of reconstructing, removing, taking down or destroying all or portions of an existing building or structure, or making extensive repairs or modifications to an existing building or structure, if such changes involve removal or replacement of 50 percent or more of both the structural framing and cladding or of the exterior walls within a 24-month period. When determining whether a building or structure is demolished, the following applies:*
>
> *A. The nonconforming portions of any wall is counted as removed or taken down, even when retention of these portions is proposed.*
>
> *B. Any continuous run of remaining exterior wall surfaces measuring 10 feet or less in length are counted as removed or replaced.*

Staff disagrees that the City should compel the property owner to demolish the entirety of her cottage. Additionally, the appellant asserts the cottage should be torn down and rebuilt. This contradicts appeal points 2 and 3, asserting that the property is not a legal building site. The existing cottage could not be rebuilt if the property were found not to be a legal building site.

> ***5. I also challenge the Planning and Building Department/Planning Commission's June 11, 2024 decision to categorically exempt the project from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities and ask that this also be overturned. It is clear that the project entails more than a 100% increase in floor area and the exemption, therefore, does not apply.***

Staff Response: Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be categorically exempt from the provisions of CEQA. In response to that mandate, the Secretary of the Natural Resources Agency has found that thirty-three classes of projects do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement to prepare an environmental document. Those 33 classes of categorically exempt projects are found in CEQA Guidelines Sections 15301-15333.

Each Class includes a description and specific criteria that must be met in order for the exemption to apply. Some of the classes also include examples of the types of projects that are categorically exempt from CEQA; however, the list is not exclusive. The Guidelines also include "exceptions to the exemptions" found in CEQA Guidelines Section 15300.2, which include several unique conditions that, when met, can disqualify a project from reliance on a categorical exemption.

Staff Analysis of Exemptions

The following section provides a detailed analysis of how the entire project qualifies for Class 1 and Class 3 categorical exemptions and demonstrates why none of the exceptions to the exemptions apply.

The Project falls under the Class 1 Categorical Exemption in CEQA Guidelines Section 15301 for Existing Facilities.

Class 1 exemptions are defined as follows,

> *Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below [under Class 1 exemptions] are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. Examples include but are not limited to:*
>
> > *(e) Additions to existing structures provided the addition will not result in an increase of more than*
> >
> > *(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or*
> >
> > *(2) 10,000 square feet if*
> >
> > *(A) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and*
> >
> > *(B) the area in which the project is located is not environmentally sensitive.*

The existing cottage is 562 square feet. Carmel Municipal Code Section 17.10.030.D.1 (Floor Area) states, in part, *…All required parking shall be counted as floor area whether supplied by a garage, carport or other means.* Section 17.10.030.D.2.d.i (Required Parking) states,

> *On each site, a minimum of 200 square feet of base floor area and 2,200 cubic feet of exterior volume shall be reserved for each required parking space whether provided by means of a garage, carport or **parking pad**. Inability to provide on-site parking shall not authorize more floor area or exterior volume for other purposes in lieu of parking.*

Based on these provisions, the existing square footage on the project site is 762 square feet. Staff utilized the total existing square footage when calculating whether the proposed new square footage (363 square feet total) exceeds 50 percent of the existing floor area.

However, the appellant is correct that, under the existing conditions, the 200 square feet of required parking is not contained within a "structure" (carport or garage) but is satisfied by an informal parking pad.

Carmel Municipal Code Section 17.70 defines a structures as follows,

> ***Structure.** A stable assembly of parts. The term "structure" includes, but is not limited to, any building, deck, garage, carport, arbor, fence, wall, stairway, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.*

If the council agrees that the floor area for the required parking should be excluded from the existing square footage calculation for the purpose of making a CEQA determination, the existing structural square footage is 562, and the 333-square-foot addition to the existing cottage exceeds 50 percent by 52 square feet.

However, the second part of the Class 1 exemption includes additions up to 10,000 square feet. The proposed 333 square feet of additions to the existing cottage are well under 10,000 square feet. Additionally, the project meets the two qualifiers: it is located in an area where all public services and facilities are available and it is not located in an environmentally sensitive area. Therefore, the project qualifies as a Class 1 exemption.

The Project also falls under the Class 3 Categorical Exemption in CEQA Guidelines Section 15303 for New Construction or Conversion of Small Structures.

In addition to the Class 1 exemption, the project qualifies as a Class 3 exemption (New Construction or Conversion of Small Structures). Class 3 consists of the construction and location of limited numbers of new, small facilities or structures. Subsection (a) includes one single-family residence or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption. The project consists of one single-family residence in a residential zone and, therefore, qualifies for the Class 3 exemption.

Further, the project includes the construction of a new 230-square-foot detached garage. Class 3, Subsection (e) includes *accessory (appurtenant) structures, including garages, carports, patios, swimming pools, and fences.* The project qualifies for the Class 3 exemption.

None of the Exceptions to the Exemptions Apply.

The following is a list of exceptions to categorical exemptions. If any of these exceptions apply, a project cannot be found categorically exempt from CEQA. As demonstrated below, none of the exceptions apply to this project.

Location. *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

Staff Response: The project site is located on Ocean Avenue, 4 northeast of Guadalupe Street. The project is not located in an area that has been designated, precisely mapped, or officially adopted by federal, state or local agencies as an environmental resource of hazardous or critical concern. This exception does not apply to the project.

Cumulative Impact. *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant.*

Staff Response: There is only one project: 333 square feet of additions to a one-story single-family cottage and construction of a 230-square-foot detached garage. No successive projects are proposed. This exception does not apply.

Significant Effect. *A categorical exemption shall not be used for an activity where there is a reasonable*

possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Staff Response: The project involves one-story additions to a one-story cottage and the construction of a detached garage. The project site has a General Plan Land Use of Single-Family Residential and is located in the Single-Family Residential (R-1) District which provides an appropriate land area for permanent single-family residential uses and structures and to enhance and maintain the residential character of the City. The project site is surrounded on all sides by single-family residences. There are no unusual circumstances. This exception does not apply.

***Scenic Highways**. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

Staff Response: The project site is located within Block 64 on the north side of Ocean Avenue. Block 64 is bounded by Carpenter Street to the east, Guadalupe Street to the west, and 6th Avenue to the north. None of these roadways are designated as state scenic highways. This exception does not apply.

***Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

Staff Response: Government Code Section 65962.5 requires the Department of Toxic Substances Control to submit a list of (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code. (2) All land designated as hazardous waste property or border zone property pursuant to former Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code. (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land. (4) All sites listed pursuant to Article 5 (commencing with Section 78760) of Chapter 4 of Part 2 of Division 45 of the Health and Safety Code.
On September 4, 2024, City staff reviewed the California Environmental Protection Agency Cortese List of Data Sources (https://calepa.ca.gov/sitecleanup/corteselist/) and confirmed that the project site is not on any of the following lists:

- Hazardous Waste and Substances Site List (https://www.envirostor.dtsc.ca.gov/public/).
- State Water Resources Control Board GeoTracker for leaking underground storage tanks (https://geotracker.waterboards.ca.gov/search).
- State Water Resources Control Board list of solid waste disposal sites (https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CurrentList.pdf).
- State Water Resources Control Board list of active discharge of waste or hazardous materials (https://calepa.ca.gov/wp-content/uploads/sites/6/2016/10/SiteCleanup-CorteseList-CDOCAOList.xlsx).
- Additionally, the project site has not been identified as a hazardous waste facility under Health and Safety Code Section 25187.5 (https://calepa.ca.gov/sitecleanup/corteselist/section-65962-5a/).

This exception does not apply.

***Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

Staff Response: The project site was evaluated for historical significance in 2021 and was found ineligible for the Carmel Historic Inventory. This determination remains valid for five years and will expire on February 5, 2026. This exception does not apply.

Environmental Review: Staff recommends that the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, pursuant to Section 15301 (Class 1)—Existing Facilities and Section 15303 (Class 3)—New Construction or Conversion of Small Structures.

Class 1 exemptions include additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition or 2,500 square feet whichever is less. The project includes demolishing more than 50 percent of the exterior walls of a single-family residence, expanding the 562-square-foot cottage to 895 square feet, and converting a 200-square-foot parking pad to a 230-square-foot detached garage. The total existing square footage is 762 square feet. The proposed square footage is 1,125 square feet. The net increase in square footage is 363 square feet which is less than 50 percent of the existing square footage and therefore the project qualifies for a Class 1 exemption.

The project includes the demolition of more than 50 percent of the exterior walls of a single-family residence in a residential zone, the construction of additions totaling 333 square feet, and the construction of a 230-square-foot detached garage in a residential zone and therefore qualifies for a Class 3 exemption. The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.

FISCAL IMPACT:

None.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

Attachment 1) Resolution 2024-080
Attachment 2) PC Reso 2024-012-PC
Attachment 3) PC Reso 2024-043-PC
Attachment 4) Appeal
Attachment 5) PSA Submittal Requirements
Attachment 6) Pham Survey
Attachment 7) 1888 & 1902 Subdivision Maps
Attachment 8) Monterey County Tax Assessor Parcel Map
Attachment 9) Doolittle Survey
Attachment 10) Lucido Survey
Attachment 11) 1970 City Attorney Memo

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

CITY COUNCIL RESOLUTION NO. 2024-080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING APPEAL APP 24188 (MARDANI) AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF DESIGN STUDY DS 21376 (MARDANI) AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR ONE-STORY ADDITIONS TOTALING 333 SQUARE FEET TO A ONE-STORY 562-SQUARE-FOOT COTTAGE AND CONSTRUCTION OF A 230-SQUARE-FOOT DETACHED GARAGE IN THE FRONT YARD SETBACK LOCATED ON OCEAN AVENUE 4 NORTHEAST OF GUADALUPE STREET APN 010-033-011-000

WHEREAS, the project site is a 2,500-square-foot lot containing a 562-square-foot single-story cottage located on Ocean Avenue 4 northeast of Guadalupe Street in the Single-Family Residential (R-1) Zoning District (Block 64, Lot 6); and

WHEREAS, the project includes one-story additions totaling 333 square feet to a one-story cottage and the construction of a 230-square-foot detached garage in the front yard setback; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040.B (Residential Track Two Design Study), the construction of new dwellings, rebuilds, and substantial alterations requires approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, CMC Section 17.58.040.B, Step Two: Design Concept Review, requires the Planning Commission to review the design concept plans at a public hearing prior to consideration of the final details review for project approval; and

WHEREAS, a Coastal Development Permit is also required in accordance with CMC 17.52.090 (Coastal Development Permit Required); and

WHEREAS, on February 13, 2024, the Planning Commission adopted Resolution 2024-012-PC accepting the concept design with conditions; and

WHEREAS, on June 11, 2024, the Planning Commission adopted Resolution 2024-043-PC approving the project; and

WHEREAS, in accordance with Carmel Municipal Code Section 17.54.080 (Appeals), any decision to approve, deny, or conditionally approve any permit made by the Planning Commission may be appealed by any aggrieved party; and

WHEREAS, in accordance with Carmel Municipal Code Section 17.54.040.C (Appeals to the City Council), decisions to approve or deny projects made by the Planning Commission may be

appealed to the City Council by filing a notice of appeal in writing in the office of the City Clerk within ten working days following the date of action and paying the required filing fee; and

WHEREAS, on June 24, 2024, Cathryn J Carlson ("Appellant") submitted an appeal of the Planning Commission's approval of Design Study DS 21376 (Mardani) and associated Coastal Development Permit; and

WHEREAS, the Appellant asserts the following: Project does not comply with the applicable requirements as set out under the Carmel Municipal Code and, therefore, should have never been presented to and/or considered by the Planning Commission; No recent, independent, land survey required or done; Lot does not qualify as a legal building site for two reasons; Non-conforming setbacks combined with demolition greater than 50% require entire cottage to be rebuilt up to current code; and Project entails more than 50% increase in floor area, among other contentions; and

WHEREAS, on August 30, 2024, a notice of the public hearing scheduled for September 10, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before August 31, 2024, City staff posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before September 6, 2024, the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on September 10, 2024, the City Council held a duly noticed public hearing to receive public testimony regarding the Appeal, including, without limitation, the information provided to the City Council by City staff and through public testimony on the project; and

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

WHEREAS, the City Council finds the Project categorically exempt from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities and Section 15303 (Class 3) – New Construction or Conversion of Small Structures; and

WHEREAS, pursuant to CEQA Guidelines section 15300.2, no exceptions to the exemption exist; and

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

WHEREAS, the City Council did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Carmel-by-the-Sea does hereby DENY the appeal and uphold the Planning Commission's approval of Design Study application (DS 21376 - Mardani) and associated Coastal Development Permit.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 10th day of September 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

_____
David Potter
Mayor

_____
Nova Romero, MMC
City Clerk

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CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-012-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA ACCEPTING A REVISED CONCEPT DESIGN STUDY FOR ONE-STORY ADDITIONS TOTALING 333 SQUARE FEET TO A ONE-STORY, 562-SQUARE-FOOT COTTAGE AND CONSTRUCTION OF A 230-SQUARE-FOOT DETACHED GARAGE IN THE FRONT YARD SETBACK LOCATED ON OCEAN AVENUE 4 NORTHEAST OF GUADALUPE STREET
APN 010-033-011

WHEREAS, on October 29, 2021, Ngoc Pham, Engineer ("Applicant") submitted an application on behalf of MARDANI SEYEDEH ("Owner") requesting approval of Track 2 Design Study application DS 21-376 (Mardani) described herein as ("Application"); and

WHEREAS, the Application was submitted for a 2,500-square-foot lot located on Ocean Avenue 4 northeast of Guadalupe Street in the Single-Family Residential (R-1) District (Block 64, Lot 6); and

WHEREAS, the Applicant originally proposed a substantial alteration to an existing single-family residence, including demolition of more than 50 percent of the exterior walls, construction of a 363-square-foot one-story addition, construction of a 200-square-foot attached garage, and associated site improvements; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040.B (Residential Track Two Design Study), the construction of new dwellings, rebuilds, and substantial alterations requires approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, CMC Section 17.58.040.B, Step Two: Design Concept Review, requires the Planning Commission to review the design concept plans at a public hearing prior to consideration of the final details review for project approval; and

WHEREAS, on April 12, 2023, the Planning Commission reviewed the Concept design and adopted Resolution 2023-019-PC, with conditions; and

WHEREAS, following the Concept hearing, the Owner decided not to move forward with the project as proposed and submitted a new Design Study application DA 23-221 (Mardani) for a second-story addition and detached garage in the front yard setback; and

WHEREAS, on June 26, 2023, the Owner submitted Tree Permit application TR 23-215 (Mardani) for the pruning of limbs on a significant Coast live oak tree located on the neighboring property to the west to accommodate the proposed second-story addition; and

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WHEREAS, on August 10, 2023, the Forest & Beach Commission reviewed Tree Permit application TR 23-215 (Mardani) and continued the item to a date uncertain, pending review of the revised Design Study application by the Planning Commission; and

WHEREAS, on November 8, 2023, the Planning Commission reviewed the revised Concept design for a second-story addition and denied the project; and

WHEREAS, following the denial, the Owner requested that the previous Design Study application DS 21-376 (Mardani) for a one-story addition be reinstated; and

WHEREAS, on January 23, 2024, the Owner submitted the current plans proposing a 333-square-foot one-story addition and 230-square-foot detached garage in the front yard setback; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040.B (Residential Track Two Design Study), the construction of new dwellings, rebuilds, and substantial alterations requires approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, CMC Section 17.58.040.B, Step Two: Design Concept Review, requires the Planning Commission to review the design concept plans at a public hearing prior to consideration of the final details review for project approval; and

WHEREAS, a Coastal Development Permit is required in accordance with CMC 17.52.090 (Coastal Development Permit Required) and will be considered at the Final Details hearing; and

WHEREAS, on February 2, 2024, a notice of public hearing was published in the Carmel Pine Cone for the February 13, 2024, Planning Commission meeting in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before February 3, 2024, the Owner posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before February 9, 2024, the meeting agenda was posted in three locations in compliance with State law, indicating the date and time of the public hearing; and

WHEREAS, on February 13, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Application, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

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

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

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

WHEREAS, pursuant to CEQA regulations, the Application is "not be a project" pursuant to section 15378 of the CEQA Guidelines. Acceptance of a Concept Design Study does not grant any permits or entitlements approving a project that would result in a direct or indirect physical change in the environment; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Concept Design Study:

FINDINGS REQUIRED FOR ACCEPTANCE OF THE CONCEPT DESIGN STUDY For each required finding listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.64.080.A, Concept Phase Approval Findings	YES	NO
1. The project conforms with all zoning standards applicable to the site or has received appropriate use permits and/or variances consistent with the zoning ordinance.	✔	
2. The project is consistent with the City's design objectives for protecting and enhancing the urbanized forest, open space resources, and site design. The project's use of open space, topography, access, trees, and vegetation will maintain or establish a continuity of design both on the site and in the public right of way that is characteristic of the neighborhood.	✔	
3. The project avoids complexity using simple/modest building forms, a simple roof plan with a limited number of roof planes, and restrained employment of offsets and appendages that are consistent with neighborhood character yet will not be viewed as repetitive or monotonous within the neighborhood context.	✔	

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4. As conditioned, the project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of windows, doors, and entryways. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. Its height is compatible with its site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties. Mass of the building relates to the context of other homes in the vicinity.	✔	
5. The project is consistent with the City's objectives for public and private views and will retain a reasonable amount of solar access for neighboring sites. Through the placement, location, and size of windows, doors, and balconies, the design respects the rights to reasonable privacy on adjoining sites.	✔	
6. The design concept is consistent with the goals, objectives, and policies related to residential design in the general plan.	✔	
7. The development does not require the removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings are setback a minimum of 6 feet from significant trees unless otherwise agreed upon by the City Forester.	✔	
8. The proposed architectural style and detailing are simple and restrained in character, consistent and well-integrated throughout the building, and complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.	✔	
9. The proposed exterior materials and their application rely on natural materials, and the overall design will add to the variety and diversity along the streetscape.	✔	
10. Design elements such as stonework, skylights, windows, doors, chimneys, and garages are consistent with the adopted Design Guidelines and will complement the character of the structure and the neighborhood.	✔	
11. Proposed landscaping, paving treatments, fences, and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites, and the public right of way. The design will reinforce a sense of visual continuity along the street.	✔	
12. Any deviations from the Design Guidelines are considered minor and reasonably relate to good design principles and specific site conditions.	✔	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby ACCEPT the revised Concept Design Study (DS 21-376, Mardani) for a substantial alteration to an existing single-family residence, including demolition of more than 50 percent of the exterior walls, construction of a 333-square-foot one-story addition, construction of a 230-square-foot detached garage in the front yard setback, and associated site improvements located on Ocean Avenue 4 northeast of Guadalupe Street (APN 010-033-011), subject to the following conditions:

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Attachment 2

Conditions for Concept Acceptance	
No.	
1.	**Volume Study.** Following acceptance of the Concept Design, the Applicant shall revise the plans to incorporate the Planning Commission's recommendations/draft conditions, as applicable. Any revisions that may affect volume (changes in massing, heights, site planning, grading, etc.) shall be incorporated into the plans submitted for the volume study. The Applicant shall submit one full-size printed set of revised plans to the Planning Division to complete the volumetric study. Prior to scheduling the project for Final Details review, the project shall be found in compliance with volume standards.
2.	**Required Tree Planting.** Following acceptance of the Concept Design and prior to the final details review, the Applicant shall submit a revised preliminary landscape plan to the Community Planning and Building Department that includes the size, species, and location of one upper canopy tree.
3.	**Tree Permit Required.** Following acceptance of the Concept Design and prior to the final details review, the Applicant shall obtain approval from the City Forester or Forest & Beach Commission for the proposed removal of significant limbs on tree no. 5 OR remove the note on the plans.
4.	**Composite Side Yard Setback.** Following acceptance of the Concept Design and prior to conducting the volume study, the Applicant shall increase the side yard setbacks at the front addition to achieve the minimum required composite setback of 7 feet.
5.	**Building Eaves within Side Setbacks.** Following acceptance of the Concept Design and prior to the final details review, the Applicant shall submit revised plans to the Community Planning and Building Department that include an eave detail for those eaves within 2 feet of a property line. The eave shall be no more than 4 inches deep with solid blocking underneath.
6.	**Stone Wall in the Public Right-of-Way.** Following acceptance of the Concept Design and prior to the final details review, the Applicant shall submit revised plans to the Community Planning and Building Department that include a wall detail for the proposed stone wall in the public right-of-way for review and approval by the Public Works Department.
7.	**Driveway Width in Public Right of Way.** Following acceptance of the Concept Design and prior to the final details review, the Applicant shall submit revised plans to the Community Planning and Building Department that include a driveway width of no more than 14 feet as measured from the front property line to the street edge. A flare of a 30-inch radius is allowed at each side of the driveway at the street pavement edge connection.
8.	**Paint Color Sample.** Prior to the final details review, the applicant shall submit a sample of Sherwin Williams (SW7021) "Shimple White" to the Community Planning and Building Department for review.
9.	**Detached Garage – Safety.** Prior to the final details review, the applicant shall provide findings to show the location of the proposed detached garage is safe for access to Ocean Avenue (e.g., whether shifting the garage north would allow a vehicle to turn around on-site and exit facing front).
10.	**Rear Addition – Height.** Prior to the final details review, the applicant shall provide additional information regarding the floor level and height of the proposed addition in the back (e.g., whether excavation to lower the addition is feasible).

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Attachment 2

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 13th day of February 2024, by the following vote:

AYES: ALLEN, DELVES, KARAPETKOV, LOCKE, LEPAGE

NOES:

ABSENT:

ABSTAIN:

APPROVED:

DocuSigned by:
Michael LePage
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Michael LePage
Chair

ATTEST:

DocuSigned by:
Leah R. Young
2960DA9BEC1C495...

Leah Young
Planning Commission Secretary

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CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2024-043-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A DESIGN STUDY AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR ONE-STORY ADDITIONS TOTALING 333 SQUARE FEET TO A ONE-STORY, 562-SQUARE-FOOT COTTAGE AND CONSTRUCTION OF A 230-SQUARE-FOOT DETACHED GARAGE IN THE FRONT YARD SETBACK LOCATED ON OCEAN AVENUE 4 NORTHEAST OF GUADALUPE STREET
APN 010-033-011-000

WHEREAS, on October 29, 2021, Ngoc Pham, Engineer ("Applicant") submitted an application on behalf of MARDANI SEYEDEH ("Owner") requesting approval of Track 2 Design Study application DS 21-376 (Mardani) described herein as ("Application"); and

WHEREAS, the Application was submitted for a 2,500-square-foot lot located on Ocean Avenue 4 northeast of Guadalupe Street in the Single-Family Residential (R-1) District (Block 64, Lot 6); and

WHEREAS, the Applicant originally proposed a substantial alteration to an existing single-family residence, including demolition of more than 50 percent of the exterior walls, construction of a 363-square-foot one-story addition, construction of a 200-square-foot attached garage, and associated site improvements; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040.B (Residential Track Two Design Study), the construction of new dwellings, rebuilds, and substantial alterations requires approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, CMC Section 17.58.040.B, Step Two: Design Concept Review, requires the Planning Commission to review the design concept plans at a public hearing prior to consideration of the final details review for project approval; and

WHEREAS, on April 12, 2023, the Planning Commission reviewed the Concept design and adopted Resolution 2023-019-PC, with conditions; and

WHEREAS, following the Concept hearing, the Owner decided not to move forward with the project as proposed and submitted a new Design Study application DS 23-221 (Mardani) for a second-story addition and detached garage in the front yard setback; and

WHEREAS, on June 26, 2023, the Owner submitted Tree Permit application TR 23-215 (Mardani) for the pruning of limbs on a significant Coast live oak tree located on the neighboring property to the west to accommodate the proposed second-story addition; and

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WHEREAS, on August 10, 2023, the Forest & Beach Commission reviewed Tree Permit application TR 23-215 (Mardani) and continued the item to a date uncertain, pending review of the revised Design Study application by the Planning Commission; and

WHEREAS, on November 8, 2023, the Planning Commission reviewed the revised Concept design for a second-story addition and denied the project; and

WHEREAS, following the denial, the Owner requested that the previous Design Study application DS 21-376 (Mardani) for a one-story addition be reinstated; and

WHEREAS, on January 23, 2024, the Owner submitted the current plans proposing a 333-square-foot one-story addition and 230-square-foot detached garage in the front yard setback; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040.B (Residential Track Two Design Study), the construction of new dwellings, rebuilds, and substantial alterations requires approval of a Residential Track Two Design Study by the Planning Commission; and

WHEREAS, CMC Section 17.58.040.B, Step Two: Design Concept Review, requires the Planning Commission to review the design concept plans at a public hearing prior to consideration of the final details review for project approval; and

WHEREAS, on February 13, 2024, the Planning Commission adopted Resolution 2024-012-PC accepting the concept design with conditions; and

WHEREAS, a Coastal Development Permit is required in accordance with CMC 17.52.090 (Coastal Development Permit Required); and

WHEREAS, on May 31, 2024, a notice of public hearing was published in the Carmel Pine Cone for the June 11, 2024, Planning Commission meeting in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before June 1, 2024, the Owner posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before June 7, 2024, the meeting agenda was posted in three locations in compliance with State law, indicating the date and time of the public hearing; and

WHEREAS, on June 11, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Application, including, without limitation, the

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information provided to the Planning Commission by City staff and through public testimony on the project; and

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

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment to evaluate the project; and

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

WHEREAS, the Planning Commission finds the project categorically exempt from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities. Class 1 exemptions include additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition or 2,500 square feet whichever is less. The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Design Study:

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.64.080.A, Final Details Phase Approval	YES	NO
1. The proposed architectural style and detailing are simple and restrained in character, consistent and well-integrated throughout the building, and complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.	✓	
2. The proposed exterior materials and their application rely on natural materials, and the overall design will add to the variety and diversity along the streetscape.	✓	

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3. Design elements such as stonework, skylights, windows, doors, chimneys, and garages are consistent with the adopted design guidelines and will complement the character of the structure and the neighborhood.	✓	
4. Proposed landscaping, paving treatments, fences, and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites, and the public right-of-way. The design will reinforce a sense of visual continuity along the street.	✓	

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Coastal Development Permit:

FINDINGS REQUIRED FOR COASTAL DEVELOPMENT PERMITS For each of the required findings listed below, the staff has indicated whether the application, either as proposed or with conditions, supports adopting the findings. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.64.010.B, Coastal Development Permits	YES	NO
1. The project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Carmel-by-the-Sea Local Coastal Program.	✓	
2. If the project is located between the first public road and the sea, the project conforms with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE Design Study application (DS 21-376, Mardani) for a substantial alteration to an existing single-family residence, including demolition of more than 50 percent of the exterior walls, construction of a 333-square-foot one-story addition, construction of a 230-square-foot detached garage in the front yard setback, and associated site improvements located on Ocean Avenue 4 northeast of Guadalupe Street (APN 010-033-011-000), subject to the following conditions:

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	Authorization. This approval of Design Study application DS 21-376 (Mardani) authorizes one-story additions totaling 333 square feet to a one-story, 562-square-foot cottage and construction of a 230-square-foot detached garage in the front yard setback located on Ocean Avenue 4 northeast of Guadalupe Street in the Single-Family Residential (R-1) District as depicted in the plans prepared by NES Consultants approved by the Planning Commission on June 11, 2024, and stamped approved and on file in the Community Planning & Building Department unless modified by the conditions of approval contained herein.

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2.	**Codes and Ordinances.** The project shall be constructed in conformance with all requirements of the R-1 District. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.
3.	**Permit Validity.** In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for a period of 12 months from the date of action. During this time, the project must be implemented, or the approval becomes void. Implementation is effected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.
4.	**Water Use**. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is unavailable for this site, this permit will be scheduled for reconsideration, and appropriate findings will be prepared for review and adoption by the Planning Commission.
5.	**Setback and Height Certifications.** A State licensed surveyor shall survey and certify the following in writing: • The footing locations are in conformance with the approved plans prior to footing/foundation inspection; • The roof heights and plate heights of each building are in conformance with the approved plans prior to the roof sheathing inspection. Roofs and plates shall not exceed the elevation points as identified in the approved project plans, and the roofs include an appropriate allowance for roofing material thickness. Written certifications prepared, sealed, and signed by the surveyor shall be provided prior to footing/foundation inspection and roof sheathing inspection. In the event that multiple footing/foundation pours are required, a survey letter shall be submitted for each separate section.
6.	**Service Laterals.** Prior to final inspection, all electrical service laterals to any new building or structure, or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the main service equipment, shall be placed underground on the premises upon which the building or structure is located. Undergrounding will not be required when the project valuation is less than $200,000, or the City Forester determines that undergrounding will damage or destroy significant trees(s) (CMC 15.36.020).
7.	**Utility Meter Locations.** The placement of all utility meters shall be behind the front elevation and attached to either the primary residence or the detached garage. Changes to the location of any utility meter location shall require written approval of the Community Planning and Building Department prior to the change .
8.	**Fire Sprinklers - Residential.** Additions, alterations, or repairs to existing structures that involve the addition, removal, or replacement of 50 percent or more of the linear length of the walls (interior and exterior) within a 5-year period shall require the installation of

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	an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes (CMC 15.08.135).
9.	**Modifications.** The Applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the Applicant changes the project without first obtaining City approval, the Applicant will be required to submit the change in writing, with revised plans, within two weeks of the City being notified. A cease work order may be issued at any time at the discretion of the Director of Community Planning and Building until a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance with the approved plans prior to the final inspection.
10.	**Exterior Revisions to Planning Approval Form.** All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the "Revisions to Planning Approval" form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
11.	**Conflicts Between Planning Approvals and Construction Plans.** It shall be the responsibility of the Owner, Applicant, and Contractor(s) to ensure consistency between the project plans approved by the Planning Staff, the Planning Commission, or the City Council on appeal and the construction plans submitted to the Building Division as part of the Building Permit review. Where inconsistencies between the Planning approval and the construction plans exist, the Planning approval shall govern unless otherwise approved in writing by the Community Planning & Building Director or their designee. When changes or modifications to the project are proposed, the Applicant shall clearly list and highlight each proposed change and bring each change to the City's attention. Changes to the project incorporated into the construction drawings that were not clearly listed or identified as a proposed change shall not be considered an approved change. Should conflicts exist between the originally approved project plans and the issued construction drawings that were not explicitly identified as a proposed change, the plans approved as part of the Planning Department Review, including any Conditions of Approval, shall prevail.
12.	**Exterior Lighting.** Prior to the issuance of a building permit, the Applicant shall include in the construction drawings the manufacturer's specifications, including illumination information, for all exterior light fixtures. All fixtures shall be shielded and down-facing. Exterior wall-mounted lighting shall be limited to 25 watts or less (incandescent equivalent or 375 lumens) per fixture and shall be installed no higher than 10 feet above the ground or walking surface. Landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts (incandescent equivalent or 225 lumens) per fixture and shall be spaced no closer than 10 feet apart. Landscape lighting shall not be used as accent lighting, nor shall it be used

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	to illuminate trees, walls, or fences. The purpose of landscape lighting is to safely illuminate walkways and entrances to the subject property and outdoor living spaces.
13.	Window & Door Material. Prior to the issuance of a building permit, the Applicant shall include the manufacturer's specifications for the approved windows and doors in the construction drawings. Windows and doors that have been approved with divided lights shall appear to be true divided lights, including the use of internal and external mullions and muntins on insulated windows. Any windowpane dividers, which are snap-in or otherwise superficially applied, are not permitted. The finish shall be matte or low gloss.
14.	Asphalt Shingle Roofing. Prior to the issuance of a building permit, the Applicant shall include the manufacturer's specifications for the approved asphalt shingle roofing in the construction drawings. The material shall convey color and texture similar to that of wood shingles.
15.	Indemnification. The Applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the Applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for resolving all such actions by the parties hereto.
16.	Driveway. Prior to the issuance of a building permit, the Applicant shall clearly identify on the construction drawings the driveway material and asphalt connection to the paved street edge. The driveway material shall be extended beyond the property line into the public right-of-way to connect to the paved street edge. A minimal asphalt connection at the street edge may be required by the Superintendent of Streets or the Building Official, depending on site conditions, to accommodate the drainage flow line of the street. If the driveway material is proposed to be sand set, a dimensioned construction detail showing the base material shall be included in the construction drawings.
17.	Hazardous Materials Waste Survey. Prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District.
18.	Cultural Resources. Throughout construction, all activities involving excavation shall immediately cease if cultural resources are discovered on the site, and the Applicant shall notify the Community Planning & Building Department within 24 hours. Work shall not be permitted to recommence until such resources are properly evaluated for significance by a qualified archaeologist. If the resources are determined to be significant, prior to the resumption of work, a mitigation and monitoring plan shall be prepared by a qualified archaeologist and reviewed and approved by the Community Planning and Building Director. In addition, if human remains are unearthed during the excavation, no further disturbance shall occur until the County Coroner has made the necessary findings

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	regarding origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.
19.	Truck Haul Route. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary traffic control measures for the grading activities. The Applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.
20.	USA North 811. Prior to any excavation or digging, the Applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on-site until the Applicant has obtained a Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)
21.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
	Landscape Conditions
22.	Landscape Plan Required. Prior to the issuance of a building permit, the Applicant shall submit a landscape plan for review and approval by the Community Planning & Building Department and the City Forester. The landscape plan shall be included in the construction drawings and will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including, but not limited to, the following: 1) All new landscaping shall be 75% drought-tolerant; 2) Landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) The project shall meet the City's recommended tree density standards unless otherwise approved by the City based on on-site conditions. The landscape plan shall identify the location where new trees will be planted when new trees are required to be planted by the City code, the Forest and Beach Commission, or the Planning Commission.
23.	Tree Planting Requirements. Prior to issuance of a building permit, the Applicant shall identify on the landscape plan the location, size, and species of required tree plantings. All new trees shall be installed prior to the final inspection. Trees shall be recorded and monitored for at least five years to ensure their establishment and growth to maturity. Trees that do not survive or are removed shall be replaced with new trees that are equivalent in size to the measured or projected growth of the original trees and shall be planted in the same location unless otherwise directed by the City Forester or Forest & Beach Commission.
24.	Tree Removal Prohibited. Throughout construction, the Applicant shall protect all trees identified for preservation by methods approved by the City Forester. Trees on or

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	adjacent to the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission.
25.	Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the construction site. • Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved. • Excavation within 6 feet of a tree trunk is not permitted. • No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree. • Per Municipal Code Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels. • Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing. • Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots. • If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone, the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. If roots larger than 2 inches in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended, and all work stopped until an investigation by the City Forester has been completed, and mitigation measures have been put in place.
26.	Foundation Work Near Significant Trees. All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Six inches (6") of mulch shall be evenly spread across the inside the dripline of all trees prior to the issuance of a building permit.

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	Environmental Compliance Conditions
27.	**Drainage Plan.** Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a drainage plan that meets the requirements of the City's drainage guidance, SOG 17-07. At a minimum, new and replaced impervious area drainage must be dispersed around the site rather than focused on one corner of the property; infiltration features must be sized appropriately and located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-pervious areas.
28.	**BMP Tracking Form.** Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a completed BMP Tracking form.
29.	**Semi-Permeable Surfaces.** Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments cross-section details for all semi-permeable surfaces.
30.	**Erosion and Sediment Control Plan.** Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments an erosion and sediment control plan that includes locations and installation details for erosion and sediment control BMPs, material staging areas, and stabilized access.
31.	**Erosion Control in the Right-of-Way.** Prior to issuance of a building permit, the Applicant shall identify on the landscape plan any natural slope within the right-of-way immediately adjacent to the property where parking is not practical. Jute netting and a drought-tolerant ground cover to manage post-construction erosion control shall be installed. Plants installed within the drip line of trees shall be selected from the City's "List of Compatible Plants Under and Around Native Trees" in the Forest Management Plan. The Public Works Director, or their designee, may waive this requirement.
	Special Conditions
32.	**Pre-Construction Meeting.** Prior to the issuance of a building permit, the contractor overseeing the project shall schedule a pre-construction meeting with the Project Planner for the purpose of reviewing the conditions of approval and expectations during construction.
33.	**Conditions of Approval Acknowledgement**. Prior to the issuance of a building permit revision, a completed **Conditions of Approval Acknowledgment** form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.
34.	**Copper Gutters & Downspouts Not Permitted.** Prior to the issuance of a building permit, the applicant shall clearly identify the material for gutters and downspouts. Copper is not permitted.
35.	**Construction Management Plan.** Prior to the issuance of a building permit, the Applicant shall submit a Construction Management Plan for review and approval by the Community Planning & Building Director.
36.	**Required Tree Plantings.** Prior to issuance of a building permit, the applicant shall identify the type, size, and location of one upper canopy tree on the project site. The applicant

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	shall work with the City Forester in selecting an appropriate upper canopy tree and identifying the location for planting. Required tree planting shall be installed prior to final inspection.
37.	**Proposed Stone Wall in the Public Right-of-Way.** Prior to the issuance of a building permit, the applicant shall work with staff on a wall design for safe vehicular access ~~revise the plans to eliminate the proposed stone wall~~ on the east side of the driveway in the public right-of-way.
38.	**Exterior Color Scheme.** Prior to the issuance of a building permit the applicant shall submit for review and approval by the Community Planning & Building Department an alternative color scheme for the window/door color and/or body color that reflects muted earthtones.
39.	**Root Protection Zone.** Prior to the issuance of a building permit the applicant shall revise the plans to provide a minimum 6-foot setback between the addition, including the foundation system, and tree no. 4 and 5 OR shall design a foundation system that avoids any significant roots.
40.	**Number of Exterior Light Fixtures.** Prior to the issuance of a building permit the applicant shall revise the plans to show no more than one exterior wall mounted light fixture at each exterior door.
41.	**Roof Form.** Prior to the issuance of a building permit, the applicant shall revise the roof plan to reflect a hip roof on the bedroom addition.
42.	**East Elevation Window at Stairs Leading to the Bedroom Addition.** Prior to the issuance of a building permit, the applicant shall revise the window schedule to reflect obscure glass for window Type B in bedroom two on the east elevation at the stairs leading from the kitchen to the bedroom addition.

Acknowledgment and acceptance of conditions of approval:

DocuSigned by:
66BA963E9CF44FD...

Property Owner Signature

Azadeh Mardani
Printed Name

6/13/2024
Date

PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 11th day of June 2024, by the following vote:

AYES: DELVES, KARAPETKOV, LOCKE, LEPAGE

NOES:

ABSENT: ALLEN

ABSTAIN:

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APPROVED:

DocuSigned by:
4FF97D7E0A3D499...

Michael LePage
Chair

ATTEST:

DocuSigned by:
Leah R. Young
2960DA9BEC1C495...

Leah Young
Planning Commission Secretary

CITY OF CARMEL-BY-THE-SEA APPEAL FORM

Appeals to a Board or Commission must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed ***within 10 calendar days following the date of action*** *and paying the required filing fee as established by City Council resolution.*

Appeals to the City Council must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed ***within 10 working days following the date of action*** *and paying the required filing fee as established by City Council resolution.*

Cathryn J Carlson

Name of Appellant

[redacted]

Mailing Address of Appellant

[redacted]

Phone Number

[redacted]

Email address

Send correspondence to the following party (if different than Appellant):

Name

Mailing Address

Phone Number

Email address

Planning Commission

Commission, Board, Official or Department whose action is being appealed

Physical location of property involved (street location or address): Ocean Ave 4 NE of Guadalupe

6	64	010-033-011-000
Lot	Block	APN

Date of decision being appealed: June 11, 2024

Specific action or decision being appealed: Approval of Design Study DS 21-376, Mardani

Approval of categorical exemption from CEQA pursuant to Section 15301 (Class 1) - Existing Facilities

Grounds for appeal (attach additional pages if necessary): Please see attached.

Project does not comply with the applicable requirements as set out under the Carmel Municipal Code and, therefore, should have never been presented to and/or considered by the Planning Commission in the first place. 1) No recent, independent, land survey required or done; 2) Lot does not qualify as a legal building site for two reasons; 3) Non-conforming setbacks combined with demolition greater than 50% require entire cottage to be rebuilt up to current code 4) Project entails more than a 50% increase in floor area.

[redacted]

Signature of Appellant

City of Carmel-By-The-Sea

JUN 24 2024 9:00 AM

Office of the City Clerk

Reference Chapter 17.54 of the Carmel-by-the-Sea Municipal Code "Appeals"

revised 1/2020

Dear Mayor Potter and Members of the City Council:

A. Introduction

My name is Cathryn Carlson. Together with my sister, I am the owner of the house on the corner of Ocean & Carpenter (APN# 033-006-000) adjacent to Ms. Mardani's property on her east side. My family has owned our home in Carmel for the past 45 years.

In my opinion, the Planning and Building Department did not fairly, justly, and objectively present the Mardani project to the Planning Commission and the Planning Commission therefore approved a project which does not meet the requirements of the Carmel Municipal Code and the Carmel Residential Design Guidelines.

In addition, I do not believe that the project is categorically exempt from CEQA as recommended by the Planning and Building Department and (I assume) approved by the Planning Commission.

I apologize in advance for the length of my comments. However, I must ask you to read them in their entirety as the context of the points I raise reinforces their significance.

If you have any doubts and/or questions regarding any matters I raise in this appeal, I can document everything in writing so please let me know if you require me to do so to any greater extent than I have already done.

Ms. Mardani purchased her small, non-conforming cottage on a small, non-conforming lot in 2021 and has been endeavoring to expand it ever since. Much has gone on over the past 2 ½ years and I do not have the skill to convey it more succinctly. Each point I make below has been brought up to the Planning and Building Department time and again. Each point has been systematically trivialized and dismissed. I realize that I am the underdog in this exercise and that the Planning and Building Department (perhaps supported by the City Attorney) will again attempt to find ways to substantiate their questionable positions. But I am not willing to compromise my own personal integrity.

I am not wasting my time and effort (or that of the City) for the fun of it. I have made a conscientious effort to objectively study the project as it has been presented by both the Applicant and the Planning and Building Department to the Planning Commission. After all, Ms. Mardani's property is just next to mine and her cottage is around 2 feet from my fence. Please see attached photos. I am an employee of the Federal Government and I am proud to be a citizen of the United States. I endeavor to uphold the values for which our nation stands and I feel compelled to ask you to promote these values in our village as well. A lack of compliance cannot simply be brushed aside. It is an afront to the integrity of the City's planning process and must be taken seriously and acted upon.

I ask that the City Council review this project and overturn the June 11, 2024 approval of the Planning Commission on the basis that the project does not comply with the applicable requirements as set out under the Carmel Municipal Code and, therefore, should have never been presented to and/or considered by the Planning Commission in the first place.

1. **There has been no recent, independent, professional topographical/land survey done on this property and the City failed to request one even though this is required as per CMC;**

2. **Both the Applicant and I believe her lot may be less than 2500 sq ft and that it therefore does not qualify as a legal building site;**
3. **Not only is the property likely to be less than 2500 sq ft, but also it was in the same ownership as one or more adjoining lots of record on February 4, 1948 and thus is also (doubly) disqualified as a legal building site on this basis (even if it were 2500 sq ft);**
4. **Non-conforming setbacks combined with demolition of greater than 50% of a building or structure (a wall is a structure) trigger rebuilding to current code. The entire cottage must therefore be torn down and rebuilt in accordance with current code. This should be determined by calculation and acknowledged up front as part of the planning process;**
5. **I also challenge the Planning and Building Department/Planning Commission's June 11, 2024 decision to categorically exempt the project from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities and ask that this also be overturned. It is clear that the project entails more than a 100% increase in floor area and the exemption, therefore, does not apply.**

B. General Grounds for Appeal – Good Governance and Best Practice

My appeal today is an appeal to the City Council to adhere to the principles of good governance and best practice as opposed to making decisions based on other, less noble, criteria. I am asking that the decision on the Mardani project be made fairly, justly, and objectively, unbiased by any personal feelings and/or perceived obligations which I outline below.

Also, fairness, justice, and objectivity should not be compromised by a general fatigue/disinterest on the part of the Planning and Building Department and the Planning Commission brought about by the fact that this project has been presented to them thirteen and five different times, respectively, over a 2 ½ year period. I would ask you to review the last 5-10 minutes of the June 11th Planning Commission hearing on Ms. Mardani's property immediately preceding the vote which illustrate my point: the Planning Commission reached, what I would call, a spur-of-the moment consensus seemingly so that they could move on and get this project over and done with.

If a project does not meet the objective requirements of the Carmel Municipal Code, it should not be approved no matter how many times the Planning and Building Department opines favorably and no matter how many times it is presented to the Planning Commission. Compliance, in this case, is an objective legal requirement and not a subjective decision that can be made by the Planning and Building Department or by the Planning Commission.

Furthermore, it is my belief that, as a citizen of Carmel for more than 45 years, the Planning and Building Department as well as the other bodies of the City Government, owe it to me and to my fellow citizens to ensure that they carry out their duties fairly, justly, and objectively to the very best of their abilities. They cannot simply gloss over and dismiss issues that merit in-depth attention; their position of authority dictates an obligation on their part to present matters in a fair, just, and objective manner, particularly to members of the Planning Commission who may not always have the time to familiarize themselves with intricacies of the Carmel Municipal Code.

In this particular case, the Planning and Building Department has consistently come up with justifications to set aside my concerns that the Mardani project does not meet the requirements of the Carmel Municipal Code. They have done this by using opaque, convoluted, subjective reasoning that simply has no basis in the Carmel Municipal Code. In my opinion, their spurious explanations

can only be arrived at by systematically ignoring the facts and can only be understood in the context of motivations which are not rooted in good governance and best practice.

This project has been heard five times by the Planning Commission. Throughout the entire 2 ½ year process, the Planning and Building Department has clearly pronounced itself on the side of the Applicant. They have recommended approval of every set of plans put forward by the Applicant, without reservation, including one that was turned down unanimously by the Planning Commission.

It is incumbent upon the buyer of a property to understand what they are buying, particularly when they purchase a small 562 sq ft cottage on a small non-conforming lot. There is a reason that these three cottages remain today substantially unchanged since they were built in 1946; in these particular circumstances, the Carmel Municipal Code permits demolition, repair, or maintenance, but nothing more.

C. Specific Grounds for Appeal

My specific concerns, based on my reading of the Carmel Municipal Code and my general knowledge of the project, are briefly set out below (please see also Further Background for additional information):

1. **The Planning and Building Department failed to require a recent, independent, professional land survey on this property even though this is a requirement under Clause 17.58.040 of the CMC. The lack of a recent, independent, professional land survey has given rise to several issues (please see also #2 below)**

   The reason, as I understand it, that a recent, independent, professional survey has not been required by the City is because, in accordance with the CMC, the City accepts plans (which apparently also qualify as land surveys) submitted by a licensed civil engineer. However, under California State licensing requirements (which supersede those of the City), Ms. Mardani's designer/civil engineer does not qualify as a Land Surveyor and therefore is not licensed to provide an official, professional land survey. In any case, Ms. Mardani's designer/civil engineer has never performed or submitted a land survey and the City did not require her, or anyone else, to do so.

   The City argues that the stamped plans constitute a land survey, but it has been established that the stamped plans accepted in lieu of a recent, independent, professional land survey were inaccurate in terms of their portrayal of both the east and composite setbacks (please see email correspondence from May 13, 2023 and May 16, 2023 attached as Appendix 1).

   Clause 17.58.040 – B 2 (b)
   Submittal Requirements. The applicant shall submit two copies of a topographic survey prepared by a licensed surveyor or a civil engineer prior to submittal of design plans for design review. The survey shall document property boundaries, topographic contours, the location of all trees over two inches DBH, the outline of all existing structures on the property, the location of any easements, existing access, the edge of pavement for all adjoining streets and all existing areas of site coverage.

The lack of a recent, independent, professional land survey led the Planning Commission to conditionally approve the first set of plans presented to them on April 12, 2023 on the basis that the east and composite setbacks were in compliance with current Code even though they are not.

Please see Further Background below for addition discussion on this point.

2. **Both the Applicant and I believe that her lot may be less than 2500 sq ft. A property measuring less than 2500 sq ft is not a legal building site.**

   To this point, in her email of April 19, 2023 (please see Appendix 2), Ms. Mardani states:

   The story start when cass family did a new survey and then changed our joint fence by taking 2 feet from my property. I checked with the city at that time and they had a old survey report which says: only slightly different not the whole 2 feet However, city mentioned we are going with the new survey Cass, without giving me notice they took the old fence done and put the new one. (one morning my tenant called me, what is going on? Your neighbor took the fence down!!!:) Actually the whole conflict with them started at that time.
   At that time cass told me you might need to change the fence on the other side, since my lot size is 25X100.
   Over my project, my architect also noticed my lot size at this moment is 24X100 Basically instead of having 3 feet set back from your fence, I have 2 feet set back I've been advised to have a survey done to determine the exact property line.

   To make a very long story short, after telling the City that she would have her own independent survey undertaken, Ms. Mardani did not follow through, perhaps because she feared the result.

   The argument by the City that the lot was 2500 sq ft when it was established in 1888 is irrelevant. Things change over time and what is relevant today is the size of the lot TODAY, not the size of the lot in 1888. Otherwise, why would applicants be required to do a land survey? It would not be necessary if one could simply refer to the 1888 subdivision map or the 1902 subdivision map, but this is not the way things are (normally) done. And it is certainly not the way things should be done. This is not best practice.

   Please see Further Background below for additional discussion on this point.

3. **Not only is the property likely to be less than 2500 sq ft, disqualifying it as a legal building site, but also under Section 17.10.020 of the CMC, Ms. Mardani's property clearly does not qualify as a legal building site since it was under the same ownership as one or more adjoining lots of record on February 4, 1948. (Please see Appendix 3 for the relevant clause of the Carmel Municipal Code).**

   Although they have tried hard to refute it, the Planning and Building Department and the City Attorney obviously believe my argument has some merit; the Staff Report of June 11th (and the two previous Staff Reports) devote more than half a page to this matter.

The City maintains that although, according to the CMC, the property would not qualify as a legal building site, it does qualify due to the City's interpretation of the intention of the CMC and the fact that the lot was originally legally created as a 2500 sq ft lot. They contend, without objective justification, that the exact wording of the CMC is irrelevant in this case.

But I contend that their interpretation of what they think the CMC was INTENDED to mean is irrelevant. Their interpretation is subjective as opposed to objective. What is relevant is what the CMC actually says and, according to the CMC, as it is written, the lot is not a legal building site because it is almost certainly smaller than 2500 sq ft TODAY, and, on top of that, it was owned by the same person(s) as the adjoining lot on February 4, 1948.

4. **The lack of a recent, independent, professional land survey in combination with the survey commissioned by Mr. Cass, her neighbor to the west, also caused me (and presumably the Planning and Building Department and the Applicant) to become aware that Ms. Mardani's cottage is non-conforming in terms of its east and composite setbacks. Under Sections CMC 17.36.030, CMC 17.36.040, CMC 15.04.020, and CMC 17.70.020, non-conforming setbacks combined with demolition of greater than 50% of a building or structure (a wall is a structure) trigger rebuilding to current code (please see Appendix 4 for detail on relevant clauses of the CMC).**

The likely requirement to bring the entire cottage up to current code has not been thoroughly researched and acknowledged by the Planning and Building Department. To the contrary, they leave open the possibility, by way of the fact that they have not required any substantiating calculations, that non-conforming walls sitting in the setbacks (there are two) can be substantially demolished (by 50% or more) without requiring them to be rebuilt up to current code. There are many implications related to this lack of clarity upfront including the probability that the greatly increased cost of tearing down the existing structure and rebuilding it up to current code would deter and possibly prohibit the Applicant from undertaking the project.

The City Council will most likely be familiar with the similar case that was the subject of an article in the January 26-February 1, 2024 edition of the Pine Cone with the subtitle "Demolition triggered setback rule".

In the case of a wall constructed in and existing unchanged since 1946, how does one possibly take away windows and doors from one area of a wall and add them in another (filling in the resulting structural deficits and cutting new openings where the windows and doors have been removed and added, both requiring destruction of the cladding inside and out), add insulation, add required fire protection (much more onerous due to the fact that the wall is in the setback), and make necessary changes to the roof above without demolishing more than 50% of the existing structure (the wall) and triggering the requirement to rebuild up to current Code including moving the wall, the foundation, and the roof out of the setback? It is simply not a realistic assumption to believe that the substantial modifications of Ms. Mardani's property as proposed and approved, including those to the 34' east wall in the setback bordering on my property and Mr. Boyd's property, will not trigger the requirement to rebuild the east wall, the west wall, and the entire house up to current Code.

Given the circumstances, this probability should not be left open at the planning stage – the negative repercussions for everyone concerned, particularly for Ms. Mardani, are too significant.

I have examined the county records and this property has changed hands many times since it was constructed in 1946, including a number of times in the recent past. Ms. Mardani's former neighbors, Mr. Cass and his daughter Rebecca, faced the same issue in renovating their cottage on the west side of Ms. Mardani's property. They mentioned that they were compelled to modify and scale back their renovation plans because their east wall was also in the setback (please see the email from John Mandurrago to this effect contained in Appendix 8).

Is there one set of rules for one applicant and another set of rules for others?

It is incumbent upon the buyer of a property to understand what they are buying, particularly when they purchase a small 562 sqft cottage on a small non-conforming lot. There is a reason that these three cottages remain today substantially unchanged since they were built in 1946; in these particular circumstances, the Carmel Municipal Code permits demolition, repair, or maintenance, but nothing more.

Please see Further Background below for additional discussion on this point.

5. **Staff recommends that the project be found categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) – Existing Facilities on the basis that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition.**

   However, it is clear that the project entails more than a 100% increase in floor area and that the exemption, therefore, does not apply. One has only to look at the agenda for the June 11, 2024 meeting that appears on the City website to confirm this.

DS 21-376 (Mardani): Consideration of a Final Design Study, DS 21-376 (Mardani), and associated Coastal Development Permit for one-story additions totaling 333 square feet to a one-story, 562-square-foot cottage and construction of a 230-square-foot detached garage in the front yard setback located on Ocean Avenue 4 northeast of Guadalupe Street in the Single-Family Residential (R-1) District. APN: 010-033-011-000.

A recently added "parking pad" composed of a pile of carefully arranged gravel does not constitute a "structure" for the purposes of exemption from CEQA and an attempt to qualify it as such is dishonest at best. I don't know if a "parking pad" such as this would require a permit or not but I do know that it does not appear on any of the 13 sets of plans that I have reviewed, including the most recent, except on the cover page in writing only in the legend in the top righthand corner, and beginning only with the second most recent set of plans submitted**.** The "parking pad" did not appear, even in writing in the legend on the cover page, in the set of plans considered by the Planning Commission as recently as April 12th 2023 because it did not exist at that time. Please see Appendices 5 and 6.

As part of my preparation for this paper, I just went back and downloaded the plans for the April 12th 2023 Planning Commission hearing and see now that the parking pad has been

added in red (please check the plans yourselves to see what I mean). I'm not sure what is going on but I have an email (attached as part of Appendix 6) with the original April 12th plans attached and they do not show the parking pad.

It would seem to be a recent concoction with the express purpose of avoiding CEQA requirements. It is not an approved structure, it does not appear on the plans, and therefore, it must be excluded from the calculation.

Please see Further Background below for additional discussion on this point.

D. Supporting Comments by Applicant's Attorney during the Planning Commission Hearing on June 11, 2024

While I am not privy to the arrangement between the Applicant and her attorney, Thomas Trapani's LinkedIn profile states that he is a Senior Trial Counsel at Fidelity National Law Group and that he is one of the Major Claims Counsel for Title Insurance and Escrow Cases. This information begs the question why, if everything is in good order, Ms. Mardani and/or her title company would require the support of an attorney with Mr. Trapani's background. Regardless of the reason that Ms. Mardani and/or her title company would require Mr. Trapani's services:

1. During the recent Planning Commission hearing on June 11th, Mr. Trapani mentioned that the points I am making to the Planning and Building Department and to the Planning Commission are too late in coming, that they are "water under the bridge" (or something to that effect).

   He notably did not say that they were invalid. Furthermore, Ms. Mardani did not have an attorney present prior to the two most recent Planning Commission hearings so he may not be aware that I have consistently raised these points in past hearings of the Planning Commission and to the Planning and Building Department.

   As a professional Major Claims Counsel for Title Insurance and Escrow Cases, Mr. Trapani will surely understand why I continue to raise the same points; I justifiably feel compelled to bring them up again due to the fact that they have not, up until today, been satisfactorily addressed. They all have major implications with regard to the validity of the Planning Commission's approval.

2. Mr. Trapani also mentioned that Ms. Mardani had been told by the Planning and Building Department that she could expand the 562 sq ft cottage she bought, implying that there were no impediments to her doing so from the viewpoint of the City.

   Based on her email to me (please see below and Appendix 7) and discussions I have had with the Applicant, this is true and herein lies what I believe, in my personal opinion, to be a possible reason that the Planning and Building Department appears unjustifiably eager to have this project approved to the extent that it is willing to ignore careful review and analysis as well as to seemingly bend the rules to accommodate shortcomings/inconsistencies in a project that clearly does not meet City standards.

   Ms. Mardani states in her email dated November 10, 2023:

   My children's father lives in pebble beach. At the time of the divorce I could only afford to buy this house. Before closing the deal I asked seller to give me two weeks to get the

historical evaluation on this property. Seller did not have any reports and when I called city Marnie answered the phone. She checked the lot history and told me I can have maximum 1125sf. However I need a historical evaluation.

The agent said, she thinks it's easy to get a second story permit since there are 4 other second story houses on the block. My intention was clear from day one.

It seems plausible to me that Marnie Waffle, when she answered the phone, told the Applicant that she could expand her small 562 sq ft cottage on a small non-conforming lot (perhaps this was not obvious at the time since no recent, independent, professional survey was available) or that the Applicant interpreted her words in this way. The Applicant was obviously unaware of the intricacies of the planning and building process in Carmel, and therefore the Applicant bought the property based on what Ms. Waffle had told her believing that she could build whatever she wanted up to 1125 sq ft.

If this is the case, I can only imagine how Ms. Waffle must feel when the Applicant's attorney raises this point.

This project has been heard five times by the Planning Commission. Throughout the entire 2 ½ year process, the Planning and Building Department has clearly pronounced itself on the side of the Applicant. They have recommended approval of every set of plans put forward by the Applicant including one that was turned down unanimously by the Planning Commission.

It is incumbent upon the buyer of a property to understand what they are buying, particularly when they purchase a small, non-conforming 562 sqft cottage on a small, non-conforming lot. There is a reason that these three cottages remain today substantially unchanged since they were built in 1946; in these particular circumstances, the Carmel Municipal Code permits demolition, repair, or maintenance, but nothing more.

3. **Finally, Mr. Trapani mentioned that Ms. Mardani has made compromises in her plans to appease the neighbors. He mentioned that a lawsuit was filed and then dropped, implying (but carefully not stating) that it was dropped because there was no longer an issue.**

   It is true that Ms. Mardani has made compromises based on requirements and decisions of the Planning Commission although, notably, the Planning and Building Department did not recommend these changes in their Staff Reports. In spite of these forced compromises, not only has Ms. Mardani angered literally all of her neighbors in the process, but Tim Cass and his daughter, her previous neighbors to the west, made the decision to sell their beautiful, newly renovated property out of utter frustration with their new neighbor and her actions including cutting their significant oak tree illegally and attempting to block off driveway access to their house and the other neighboring cottage.

   The Cass Family dropped their lawsuit because they decided it was better for their overall well-being to simply sell their house and move away.

I ask that the City Council review this project and overturn the June 11th approval of the Planning Commission on the basis that it does not comply with the applicable requirements as set out under the Carmel Municipal Code and, therefore, should have never been presented to and/or considered by the Planning Commission in the first place.

I also challenge the Planning and Building Department/Planning Commission's June 11, 2024 decision to categorically exempt the project from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities and ask that this also be overturned.

Thank you.

The lot does not qualify as a Legal Building Site for two reasons

Likely to be less than 2500 sq ft

The argument by the City that the lot was 2500 sq ft when it was established in 1888 is irrelevant. Things change over time and what is relevant today is the size of the lot TODAY, not the size of the lot in 1888. Otherwise, why would applicants be required to do a land survey? It would not be necessary if one could simply refer to the 1888 subdivision map or the 1902 subdivision map, but this is not the way things are (normally) done. And it is certainly not the way things should be done. This is not best practice.

Second, in the very unlikely case that the lot is 2500 sq ft, it is disqualified as a legal building site because it was in the same ownership as one or more adjoining lots of record on February 4, 1948.

Although they have tried hard to refute it, the Planning and Building Department and the City Attorney obviously believe my argument has some merit; the Staff Report of June 11th (and the two previous Staff Reports) devote more than half a page to this matter. Staff (with the help of the City Attorney and based on precedent apparently set by Don Freeman, the City Attorney quite a few years back) conclude that, although the lot was owned by the same person(s) as the adjoining lot on February 4, 1948 and thus, according to the CMC, would not qualify as a legal building site, it does qualify due to the City's interpretation of the intention of the CMC and the fact that the lot was originally legally created as a 2500 sq ft lot. They contend, without objective justification, that the exact wording of the CMC is irrelevant in this case.

But I contend that their interpretation of what they think the CMC was INTENDED to mean is irrelevant. Their interpretation is subjective as opposed to objective. What is relevant is what the CMC actually says and, according to the CMC, as it is written, the lot is not a legal building site because it is almost certainly smaller than 2500 sq ft TODAY, and it was owned by the same person(s) as the adjoining lot on February 4, 1948.

The small size has been confirmed by Ms. Mardani, on the advice of her architect, in writing and would be confirmed by a land survey if an independent, professional land survey were to be carried out today. It is a fact that the property was in the same ownership as the adjoining lot on February 4, 1948.

What matters is the size of the lot today and the wording of the CMC as it stands today.

The size of the lot in 1888 or 1902 is not relevant today and the City's interpretation of what the Code was intended to mean is also not relevant.

Lack of a recent, independent, professional land survey led to the discovery that east side and composite setbacks are non-conforming

In this case, it is important to step back and consider the background as to why a recent, independent, professional land survey should have been required but wasn't and how this fact led to

the inadvertent discovery of Ms. Mardani's non-conforming east and composite setbacks (as acknowledged in her email contained in Appendix 2).

This discovery was made only after the Planning Commission had given its conditional approval to one of Ms. Mardani's previous plans on April 12, 2023. In other words, the Planning Commission was led to make a decision on an erroneous basis because the Planning and Building Department failed to require a recent, independent, professional land survey in the case of Ms. Mardani's project. The previous plan conditionally approved by the Planning Commission on April 12, 2023 incorrectly indicated that the setback of the east wall of Ms. Mardani's house was 3' as required and that the composite setback was 7' even though this is not the case.

The reason, as I understand it, that a recent, independent, professional survey has not been required by the City is because, in accordance with the CMC, the City accepts plans (which apparently also qualify as land surveys) submitted by a licensed civil engineer. However, under California State licensing requirements (which supersede those of the City), Ms. Mardani's designer/civil engineer does not qualify as a Land Surveyor and therefore is not licensed to provide an official, professional land survey. In any case, Ms. Mardani's designer/civil engineer has never performed or submitted a land survey and the City did not require her, or anyone else, to do so.

Notwithstanding the qualifications of her designer/civil engineer, Ms. Mardani's previous drawings as presented to the Planning Commission and conditionally approved, were inaccurate and failed to correctly illustrate the non-conforming setback of the east wall and the non-comforming composite side setbacks of her cottage. After much discussion, Ms. Waffle remembered a survey of Ms. Mardani's lot which had been prepared in the year 2002 by Mark Doolittle showing the non-conforming setbacks.

The event that inadvertently led to the realization of the fact that Ms. Mardani's plans did not accurately portray the non-conforming setback of the east wall and the non-conforming composite setback of her cottage, was the land survey commissioned by her (now previous) neighbor on the west side, Tim Cass. As mentioned above, his survey resulted in him moving his fence up to two feet in some places, according to Ms. Mardani, towards the east into what Ms. Mardani had thought was her property based on the previous fence line. As a result of this, Ms. Mardani feared that her lot was actually smaller than 25' X 100' as expressed in her email to me referenced above and I assume that she then (I am not sure of the exact timing) came to realize that her east wall was non-conforming in that it was sitting in the setback and that the composite setback was non-conforming as well.

To make a very long story short, after telling the City that she would have her own independent survey undertaken, Ms. Mardani did not follow through, perhaps because she feared the result. She apparently came to accept that our neighbor Marc Boyd's fence and my fence are on or within our property lines and that her east wall is in the setback adjacent to our properties. In addition, her composite setback is non-conforming in that it is not 7' as required.

This long, drawn out exercise (at one point the corner post of my fence anchored in concrete was almost dug out of the ground by someone) caused me and Ms. Mardani's two other neighbors (Mr. Cass and Mr. Boyd) a great deal of anxiety. Although I am not sure, I believe it likely that Ms. Mardani did not realize that the east wall of her cottage was situated within the setback when she bought her property, particularly given the fact that she did not have a professional survey carried out prior to her purchase.

I have examined the county records and this property has changed hands many times since it was constructed in 1946, including a number of times in the recent past. Ms. Mardani's former neighbors, Mr. Cass and his daughter Rebecca, faced the same issue in renovating their cottage on the west side of Ms. Mardani's property. They mentioned that they were compelled to modify and scale back their renovation plans because their east wall was also in the setback (please see the email from John Mandurrago to this effect contained in Appendix 8).

Is there one set of rules for one applicant and another set of rules for others?

It is incumbent upon the buyer of a property to understand what they are buying, particularly when they purchase a small 562 sqft cottage on a small non-conforming lot. There is a reason that these three cottages remain today substantially unchanged since they were built in 1946; in these particular circumstances, the Carmel Municipal Code permits demolition, repair, or maintenance, but nothing more.

Consequences of Non-Conforming Setbacks; Demolition of more than 50% of existing walls triggers rebuilding to current code

Under Sections CMC 17.36.030, CMC 17.36.040, CMC 15.04.020, and CMC 17.70.020, non-conforming setbacks combined with demolition greater than 50% of a building or structure (a wall is a structure) trigger rebuilding to current code (please see Appendix 4 for detail on relevant clauses of the CMC)

Another issue I brought up to the City, once it came to light that Ms. Mardini's east and composite setbacks are nonconforming and given the fact that more than 50% of the exterior walls of the existing building will be demolished, is whether the nonconforming walls and foundations, and most likely the entire structure (including the foundation) will have to be rebuilt up to current code. This would be a substantial departure from the current plan and this requirement would, therefore, necessarily have to be acknowledged and planned for in advance at the planning stage.

This issue will be familiar to the City Council and is particularly relevant given the article which appeared in the January 26-February 1, 2024 edition of the Pine Cone with the subtitle **"Demolition triggered setback rule"**. It is clear that the Planning and Building Department and the Planning Commission are well aware of the rules regarding alteration of nonconforming structures (please note that a wall is a structure in and of itself) and the fact that, as documented in the article in the Pine Cone, "the city defines demolition as removal of more than 50% of the walls. Doing that would trigger the requirement that nonconforming parts of the home be rebuilt to meet current codes – in this case setbacks."

The Building and Planning Department acknowledge that more than 50 percent of the exterior walls will be demolished. And yet, Ms. Waffle states in several versions of her previous Staff Reports including the most recent, "Occasionally, applicants will retain portions of existing walls to preserve a setback nonconformity." She then goes on to describe how the east and composite setbacks do not meet the required distances of 3' and 7', respectively, and mentions, once again, that the Applicant proposes to retain the nonconforming wall in order to preserve the setback nonconformity as if "preserving" the setback nonconformity were the prerogative of the Applicant. In this case, it clearly is not. What Ms. Waffle also fails to mention in her analysis is that the Applicant will be substantially modifying and adding windows and doors in the existing east, west, and front walls.

She will be adding insulation materials. Furthermore, any modification/addition of windows and doors in nonconforming walls, sitting in the setbacks, would lead to the enforcement of strict and prohibitively expensive fire code compliance. Compliance with these requirements would most likely, in and of itself, trigger the 50% demolition rule.

And yet, the Planning and Building Department continue to deny that this is the case based on their own subjective, convoluted, and opaque interpretation of the CMC.

Quoting from the Staff Report dated June 11, 2024, Ms. Waffle states:

Rather than reconstruct the walls to meet minimum setback requirements, the applicant proposes to retain the east wall of the cottage to preserve the setback non-conformity. In accordance with the definition of demolition, this wall is considered demolished even though it is proposed to be retained and is therefore included in the calculation for determining whether 50 percent or more of the exterior walls are being removed. However, because it is being retained, the Code does not require that it be altered to comply with current setback standards. That being said, if the eastern wall is identified for removal in the construction drawings (e.g. for structural reasons or otherwise) or subsequently removed by the contractor during construction, it is required to be rebuilt in conformance with the required setbacks.

In the case of a wall constructed in and existing unchanged since 1946, how does one possibly take away windows and doors from one area of a wall and add them in another (filling in the resulting structural deficits and cutting new openings where the windows and doors have been removed and added, both requiring destruction of the cladding inside and out), add insulation, add required fire protection (much more onerous due to the fact that the wall is in the setback), and make necessary changes to the roof above without demolishing more than 50% of the existing structure (the wall) and triggering the requirement to rebuild up to current Code including moving the wall, the foundation, and the roof out of the setback? It is simply not a realistic assumption to believe that the substantial modifications of Ms. Mardani's property as proposed and approved, including those to the 34' east wall in the setback bordering on my property and Mr. Boyd's property, will not trigger the requirement to rebuild the east wall, the west wall, and the entire house up to current Code.

The CMC is clear: the nonconforming walls must be considered as demolished if an area of more than 50% is modified and, therefore, must be rebuilt in accordance with current code. As the east wall is in the setback, the west wall is also affected due to the fact that the composite setback is also non-conforming. Since more than 50% of all of the exterior walls of the existing structure will be demolished, the entire house, including the east and west walls, must be rebuilt up to current Code.

If the City does not believe this to be the case, why don't they simply require the Applicant's designer/engineer to make a calculation of the percentage of each of these structures/walls that will be demolished?

Related to this issue is the fact that the Planning Commission, in its hearing of February 13, 2024, the hearing prior to the most recent hearing on June 11th, introduced a Required Condition for Concept Acceptance, stipulating that the Applicant "shall increase the side yard setbacks at the front addition to achieve the minimum required composite setback of 7 feet."

In Attachment 2 to the Staff Report dated June 11th, the Applicant stated that, "Plan has been revised to achieve the minimum required composite setback of 7 feet."

However, upon checking of the new plans, nothing has changed. The front addition is still exactly the same at 63 sq ft. The Applicant has added " 4.3' " on the plan to deceptively indicate that the composite setback (4.3+2.7) will be 7' and has changed Page A.1 to show a front width of 18'1' instead of 18'6" as shown in the previous plan. The Applicant may have even redrawn the line on the plan to indicate that the wall in question has been moved back by 5". (For illustrative proof of this, please refer to Appendices 9 and 10 containing the relevant sections of the plans before and after the supposed satisfaction of the Planning Commission's Condition.)

The fact remains that the front addition measures 63 sq ft according to the new plans even though the wall has supposedly been moved back 5". How can this possibly be correct? Is she planning to move the property line westward? If not, the proposed addition cannot have the same square footage as shown in the previous plan nor can the total square footage of the updated proposed floor area remain the same at 1125 sq ft. Something else in the plan would have had to have changed to make this possible, but needless to say, it has not. The Applicant clearly has no real intention of making this change and the City is clearly giving its tacit approval by not pointing this discrepancy out to the Planning Commission.

This demonstrates another clear lack of oversight on the part of the Planning and Building Department and is another indication of the deficit of care that has allowed the project to progress to this late stage. This failure of compliance cannot simply be brushed aside. It is an afront to the integrity of the City's planning process and must be taken seriously and acted upon.

Compliance, in this case, is an objective legal requirement and not a subjective decision that can be made by the Planning Commission or by the Planning and Building Department.

A "parking pad" composed of a pile of carefully curated gravel does not constitute a structure that can be included in the calculation of existing floor area for the purposes of CEQA requirements

Staff recommends that the project be found categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) – Existing Facilities on the basis that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition even though the project entails a 100% increase in floor area

While I am by no means an expert on this, I looked up Section 15301 myself and the project does not qualify for exemption as the addition (not counting the garage) is 333/562 = 59%. Including the garage, it is (333+230)/562 = 100%.

I learned that, for all categorical exemptions, it is the responsibility of the Lead Agency to demonstrate and determine that the proposed action falls within an exempt category, and to support this determination with factual evidence.

Following the Planning Commission hearing on June 11th, I emailed the Planning and Building Department to ask for clarification as to how the Mardani project qualifies for a categorical exemption from CEQA and they confirmed that they are including the "parking pad" in the calculation. Again, I must conclude that this is another example of the City choosing to try to bend the rules in order to facilitate/expedite approval of a project that should be subject to the just, fair, and objective application of existing regulations.

When the existing structure is 562 sq ft and the proposed structure is 1,125 sq ft, adding a new 200 sq ft pile of gravel, calling it a "parking pad", and claiming it as part of the existing structure totaling

762 sq ft cannot be done in good faith. The “parking pad” did not appear in the set of plans considered by the Planning Commission on April 12th 2023 because it did not exist at that time and it appears only in words in the legend at the top righthand corner of the cover page (but not in the plans themselves) after that date. It is a recent concoction. It is not an approved structure and therefore must be excluded from the calculation.

Appendix 3

17.10.020 Dimensional Standards – Lots, Parcels and Building Sites.

A. Legal Building Site Required. Parcels not meeting the criteria for legal building sites shall not be issued any building permits, other than permits for demolition, repair or maintenance, until the parcel has been brought into compliance with this section. A parcel of land within the R-1 land use district shall meet one of the following standards to be considered a legal building site:

1. At Least 2,500 Square Feet. A single, independent lot of record in existence on February 4, 1948, with at least 2,500 square feet of land area that was not in the same ownership as one or more adjoining lots of record on that date; or

2. Two Thousand Five Hundred Square Feet or More. Any lot of record of 2,500 square feet or more, that on February 4, 1948, was in the same ownership as one or more adjoining lots of record and qualifies under one of the criteria below:

a. A parcel of land in the form of a rectangle having at least 3,700 square feet, composed of 2,500-square-foot lots of record and/or portions thereof that existed on February 4, 1948, and which have been reconfigured either by a lot line adjustment or by a merger of lots in conformance with CMC 17.10.040, Lot Mergers.

b. A parcel of land in the form of a rectangle having at least 5,000 square feet, composed of two or more whole 2,500-square-foot lots of record that existed on February 4, 1948, and which has been formed by a merger of lots in conformance with CMC 17.10.040, Lot Mergers.

The Community Planning and Building Department Information Handout – Non-Comformities also states:

The voluntary demolition of any nonconforming building or structure shall require that all new construction on the site meet all requirements for new buildings and structures.

Please also see **CMC 17.36.030, CMC 17.36.040, CMC 15.04.020, and CMC 17.70.020** below (and in Appendices 12, 13, and 14).

Relevant sections of the CMC

17.36.030

A. A lawful nonconforming structure may be maintained, repaired, or altered as long as such maintenance, repair, or alteration does not increase the nonconformity and all work performed conforms to all of the requirements of this chapter.

B. Alterations, repairs, or remodeling that enlarge, extend or increase a nonconforming feature of a building shall be prohibited, except as provided in CMC 17.32.100 (D) for historic resources.

17.36.040

D. The demolition of any nonconforming building or structure shall require that all new construction on the site meet all requirements for new buildings and structures.

E. The substantial alteration of any nonconforming building or structure, that includes removal of any nonconforming building element or structural element, shall require correction of that specific nonconforming building element or structural element in conformance with all requirements for new construction.

15.04.020 Definitions.

A. As used in this title, unless otherwise apparent from the context, the following words and phrases shall have the stated meaning:

12. “Rebuilding” is the act of making extensive repairs and/or modifications to an existing building or structure. “Rebuilding” shall include, but not be limited to:

a. The removal/takedown from any building or structure of more than or equal to 50 percent of any of the following:

i. The external surfaces or cladding of exterior walls; and/or

ii. The structural framing of exterior walls; and/or

iii. The roof framing; and/or

b. Obscuring from view 50 percent or more of the exterior walls or wall cladding of any building or structure through construction of an addition, or by application of an exterior material over the existing exterior material.

Portions of walls, wall cladding, wall framing, or roof framing proposed to be retained shall be considered rebuilt if less than 10 feet in length for walls, wall cladding, or wall framing, or less than 100 square feet of roof framing remain. All such portions of walls, wall cladding, wall framing, or roof framing shall be included in the calculation of the total amount of walls, wall cladding, wall framing, or roof framing and considered rebuilt.

Portions of walls, wall cladding, wall framing, or roof framing that are nonconforming (Chapter 17.36 CMC, Nonconforming Uses and Buildings), and are not proposed for removal/takedown, shall not be included in the calculation of the total amount of walls, wall cladding, wall framing, or roof framing to be retained.

17.70.020 Definitions.

The words, terms, and phrases defined in this chapter shall, for all purposes connected with this title, be construed as having the meanings respectively set forth in this chapter.

Demolition. The act of reconstructing, removing, taking down or destroying all or portions of an existing building or structure, or making extensive repairs or modifications to an existing building or structure, if such changes involve removal or replacement of 50 percent or more of both the structural framing and cladding or of the exterior walls within a 24-month period. When determining whether a building or structure is demolished, the following applies:

A. The nonconforming portions of any wall is counted as removed or taken down, even when retention of these portions is proposed.

B. Any continuous run of remaining exterior wall surfaces measuring 10 feet or less in length are counted as removed or replaced.

Structure. A stable assembly of parts. The term "structure" includes, but is not limited to, any building, deck, garage, carport, arbor, fence, wall, stairway, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Furthermore, based on Ms. Mardani's response included as Attachment 2 to the project Staff Report dated June 11, 2024, it is my considered opinion that this project does not meet the Conditions for Concept Acceptance required by the Planning Commission for final approval even though the Planning and Building Department told the Planning Commission that it did.

I would also like the City Council to know that my appeal is based on my conscientious attempt to objectively study the project as it has been presented by both the Applicant and the Planning and

Building Department to the Planning Commission. I work for an agency of the US Government at the US Embassy in Jakarta and I unfortunately cannot be continuously physically present in Carmel in order to research and obtain answers to my many questions. I must therefore rely on the Planning and Building Department to answer my questions by email and this has proven problematic throughout the 2 ½ years that this project has been moving through the planning and approval process. In the instances where I do receive answers to my queries, I receive them one or two days prior to the hearing by means of the Staff Report or, in some instances, even during the Planning Commission

hearing itself. I then have no possibility to ask relevant questions, get answers to them, and to then respond based on the information received. This is not best practice by any means.

She happens to be my neighbor and her cottage happens to be lying in the setback along our common property line.

Appendix 1 p.1

Attachment 4

Cathryn

From: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
Sent: Saturday, May 13, 2023 7:34 AM
To: Cathryn
Subject: Re: DS 21-376 (Mardani)

Hi Cathryn,

The zoning code allows a licensed surveyor or civil engineer to prepare the topographic survey.
https://www.codepublishing.com/CA/CarmelbytheSea/#!/Carmel17/Carmel1758.html#17.58.040

b. Submittal Requirements. The applicant shall submit two copies of a topographic surv
design plans for design review. The survey shall document property boundaries, topogr

I also received a message from Ms. Mardani that she has commissioned a survey using the same surveyor Tim Cass used, and I should have that document next week.

Marnie R. Waffle, AICP
Principal Planner
City of Carmel-by-the-Sea
(831) 620-2057

Please take our Customer Satisfaction Survey.

On Fri, May 12, 2023 at 3:41 PM Cathryn <[redacted] wrote:

Hi Marnie,

After speaking with a couple of people, the question came up: Have you (the City of Carmel) checked if Pham (I have to look up her full name) is a licensed surveyor?

I will be checking myself. I did check that she is a licensed architect but I didn't check the surveyor part because I didn't know that she would have to be one based on the documents she is stamping and submitting. If she is not, then you cannot accept any of the surveys supposedly done and stamped by her – would that be correct?

I will let you know once I check on this, but if you have already checked, please let me know.

Best regards,

Appendix 1 p. 2

Cathryn

Attachment 4

From: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
Sent: Saturday, May 13, 2023 4:26 AM
To: Cathryn <[redacted]
Cc: Tim Cass <[redacted]
Subject: DS 21-376 (Mardani)

Cathryn,

I have attached a scanned copy of the 2002 site survey prepared by Mr. Doolittle. I have noted the discrepancy in the east side yard setback between this survey and the survey prepared by Ngoc Pham. Once I have additional information on which survey is accurate, I will share it with you.

Best regards,

2002 Site Survey.pdf

Marnie R. Waffle, AICP
Principal Planner
City of Carmel-by-the-Sea
(831) 620-2057

Please take our Customer Satisfaction Survey.

Appendix 1 p 3

Attachment 4

Cathryn

From: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
Sent: Saturday, May 13, 2023 7:41 AM
To: Cathryn
Subject: Re: Pham, Ngoc

I think your research skills are excellent. And I think you saw my other email that our code allows a civil engineer to prepare a survey. Let's wait and see what is submitted next week.

Marnie R. Waffle, AICP
Principal Planner
City of Carmel-by-the-Sea
(831) 620-2057

Please take our Customer Satisfaction Survey.

On Fri, May 12, 2023 at 4:36 PM Cathryn <[redacted]> wrote:

Hi Marnie,

I found the printout of when I looked her up. It says she is a licensed Civil Engineer. It does not say she is a licensed Land Surveyor. If she were, it would say so. Apparently, if she had gotten her license before 1982, she could have been both automatically. But she got her license in 2013 apparently so, it seems, that she is not a licensed Land Surveyor.

Therefore, whether she has stamped what you are accepting as a official land survey (for the trees or for any of the various submissions) or not, it cannot be recognized as being official because she is not correctly licensed. That is what I am now thinking.

What do you think?

Thanks.

Cathryn

Appendix 1 p.4

Attachment 4

Cathryn

From: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
Sent: Tuesday, May 16, 2023 9:46 PM
To: Cathryn
Subject: Re: Mardani Project

I did receive your message yesterday. Was in back to back meetings all day. I only have a few meetings this morning so I can connect with you before lunch.

On Tue, May 16, 2023 at 6:42 AM Cathryn <[redacted]> wrote:

> Hi Marnie,
>
> I tried to call you yesterday. I am worried. Ms. Mardani does not seem to be telling the truth. She told you that she had contracted the surveyor (Frank) and that you would have a report this week. That is obviously not true. Is she planning to hire another surveyor? I am pretty sure that my fence is not on her property so if she comes up with some survey from a surveyor that is not well-known in Carmel that shows something different (and is not a qualified surveyor like Pham for example) then I will have to engage a surveyor myself I guess.
>
> What would you do if you were me?
>
> I will try to give you a call later today. Really sorry to bother you, but this is very important to me. My fence has been in the same place for the past 45 years. Mark Dolittle did not find anything wrong and nothing has changed. Most likely, Ms. Mardani's house was not build straight with her property line just as the Cass house was not. She will have to accept this and bear the consequences.
>
> But she should be required to get a licensed surveyor in order to get to the bottom of this as this matter has significant consequences.
>
> Thanks for keeping a close eye on this.
>
> Best regards,
>
> Cathryn

Appendix 1 p. 5

Attachment 4

--
Marnie R. Waffle, AICP
Principal Planner
City of Carmel-By-The-Sea
(831) 620-2057 direct
(831) 428-3500 mobile
mwaffle@cbts.us

Appendix 2 p. 1

[redacted]

Attachment 4

From: Azadeh Mardani <[redacted]
Sent: Wednesday, April 19, 2023 7:54 AM
To: Cathryn
Subject: Re: Hello

Absolutely! No rush
I can wait until to get here.
When Cass changed the fence to my side I reached out to city What they had was different than what cass has I believe
And city told me , you need a new survey But honestly I didn't do it since I was going through lot of thing as you know
However, as I'm getting close to preparing for construction project I think this is the best time to do it.
Don't worry about it, when you get here we can figure it out.

Blessings,
Azadeh

Sent from my iPhone

> On Apr 18, 2023, at 5:43 PM, Cathryn <[redacted] wrote:
>
> Hi Azadeh,
>
> I am wondering if you can wait for a couple of weeks until early May when I am in Carmel for the gardener to trim the plants. If it is ok with you, I prefer for him to do it when I am there so that I can tell him how I want them to look (on my side of the fence). It is hard for me to describe it to him without being there.
>
> In case you can't wait, I will ask him to trim them as soon as possible, so please let me know.
>
> For the property lines, I have referred this question to the City and will wait for their response. I have asked them to look for a survey in my file as they must have required that when my house was built. The developer who built it is no longer alive. I may also have one somewhere in my garage. I am just not sure so I have asked them first and will then look at home when I am there.
>
> I believe the division of the lots for the cottages is a bigger, more complex issue which involves how they were all split (officially or unofficially) when the property ceased to be used as a hotel. The records (the City and the County records) just don't seem to add up correctly for those five properties and the entire block as you may know. I am also not sure how the City would suggest checking that. I do not have any experience with this myself.
>
> So, let's wait for them to come back. And let me see if I have a survey once I get to Carmel. I will let you know as soon as possible.
>
> Best regards,
>
> Cathryn
>
>
>
> -----Original Message-----
> From: Azadeh Mardani <[redacted]

Appendix 2 p.6

Attachment 4

> Sent: Wednesday, April 19, 2023 3:27 AM
> To: Cathryn <[redacted]
> Subject: Re: Hello
>
> Thanks for your quick response.
>
> Absolutely! Your Gardner is allowed to trim my side of fence and inside of backyard. If you know his schedule I can give heads up to my tenant (she travels a lot and won't be in the cottage by May) her name is Laurie.
>
> Regarding the property line,
> The story start when cass family did a new survey and then changed our joint fence by taking 2 feet from my property.
> I checked with the city at that time and they had a old survey report which says: only slightly different not the whole 2 feet However, city mentioned we are going with the new survey Cass , without giving me notice they took the old fence done and put the new one. (one morning my tenant called me , what is going on ? Your neighbor took the fence down!!!:) Actually the whole conflict with them started at that time .
>
> At that time cass told me you might need to change the fence on the
> other side , since my lot size is 25X100
>
> Over my project, my architect also noticed my lot size at this moment is 24X100 Basically instead of having 3 feet set back from your fence, I have 2 feet set back I've been advised to have a survey done to determine the exact property line.
> Honestly is not on my intention to argue over one feet , but unfortunately my lot is very narrow and would be really difficult to pass through 2 feet hallway even for the gardener to work there.
> On the other hand it would be very helpful to determine our property line for the future reference.
>
> Please let me know what are you suggesting?
>
> Thanks
> Azadeh
>
>
> Sent from my iPhone
>
>> On Apr 18, 2023, at 3:08 AM, Cathryn <[redacted]> wrote:
>>
>> Hi Azadeh,
>>
>> Thanks for your email.
>>
>> For the plants, just let me know what you would like him to do.
>> Sorry that they are growing into your property.
>> Do you want him to cut them straight in line with my fence so that they do
>> not hang over at all? And would you mind if he comes on to your property
>> to do the trimming?
>>
>> I will ask him to do it next time he comes to my house, so just let
>> me know the answers.
>>
>> For the property line, could you let me know what is the
>> issue/confusion? I will start checking into it. This is the first
>> time I have heard about it so please give me some more detail. My

Appendix 2 p 3

Attachment 4

>> fence has been in the exact same place since 1978 or 1979 when my
>> parents bought the house and as far as I remember it goes all the way
>> around my property - I am not sure if I can check the history of that, but I can try once you give me the background.
>> Maybe the City has the information in my file. Again, I am not sure
>> as I have never looked into it so please let me know what it is about.
>>
>> I will be coming to Carmel in early May so very soon.
>>
>> Best regards,
>>
>> Cathryn
>>
>> -----Original Message-----
>> From: Azadeh Mardani <[redacted]
>> Sent: Tuesday, April 18, 2023 10:41 AM
>> To: Cathryn Neighbor/carmel <[redacted]
>> Subject: Hello
>>
>> Hi Cathryn,
>>
>> Hope all is well. I told my gardener to not trim your fern which
>> grows on my side.
>> I do have a very small space and it does block our way.
>> Could you please ask your gardener to trim it.
>>
>> I know you will be in town next month, there is a confusion with the
>> property line as well.
>> Have you had a survey done for your property?
>>
>> Thanks
>> Azadeh
>>
>>
>





Attachment 2

AZADEH MARDANI RESIDENCE

APN: 010-033-011-000

SINGLE-FAMILY HOME REMODEL/ADDITION

OWNER: AZADEH MARDANI
4 NE GUADALUPE CARMEL, CA 93923
Phone: [redacted]
Email: [redacted]

Appendix 5 p-1

Plan Approved 11 June 2024 - Latest

Parking Pad

SCOPE OF WORK:

ADD 333 FRONT AND BACK ADDITION AND 230 SQFT ATTACHED GARAGE

BUILDING CODE:

ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LAWS, CODES AND REGULATORY AGENCIES HAVING JURISDICTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA RESIDENTIAL CODE
2019 CALIFORNIA ELECTRICAL CODE
2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA PLUMBING CODE
2019 CALIFORNIA ENERGY CODE
2019 CALIFORNIA FIRE CODE
2019 CAL GREEN

BUILDING DATA:

OCCUPANCY CLASSIFICATION: R-3/U
CONSTRUCTION CLASSIFICATION: V-B
FIRE SPRINKLERS: N
NUMBER OF STORIES: 2
MAX. EXIST BUILDING HEIGHT: 18'-0" (SINGLE STORY)
GROSS AREA OF LOT: 2,500 SQFT
GROSS AREA OF EXISTING RESIDENCE: 562 SQFT
PARKING PAD: 200 SQFT
TOTAL EXISTING FLOOR AREA: 762 SQFT
(30.48% OUT OF TOTAL LOT AREA)

AREA ADDITION:
FIRST FLOOR: 333 SQFT
ATTACHED GARAGE: 230 SQFT
TOTAL PROPOSED FLOOR AREA: 1,125 SQFT
(45% OUT OF TOTAL LOT AREA)

INDEX OF DRAWINGS:

G.0 PROJECT DATA, PARCEL MAP, SITE PHOTOS
G.1 SITE PLAN
G.2 PRELIMINARY SITE ASSESSMENT REPORT
G.3 TREE EVALUATION
D.1 DEMOLITION PLAN
A.1 EXIST AND PROPOSED FLOOR PLAN
A.2 EXIST AND PROPOSED ROOF PLAN
A.3 EXIST AND PROPOSED ELEVATIONS
A.4 ELECTRICAL PLAN
A.7 MATERIALS AND COLORS
C.1 GRADING PLAN
C.2 EROSION CONTROL PLAN
CONSTRUCTION BEST MANAGEMENT PRACTICE
L.1 LANDSCAPING PLAN

SITE COVERAGE:

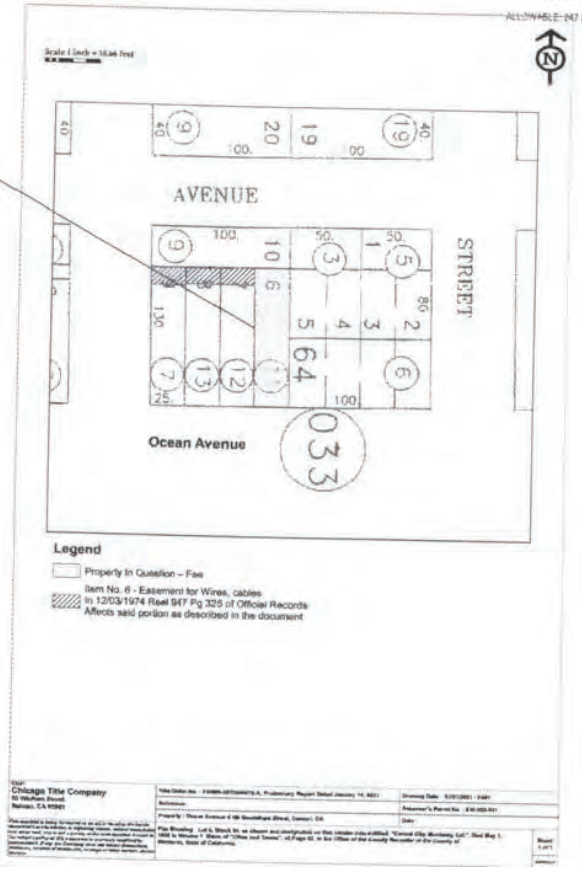
EXISTING:		
BACK PATIO	615 SQFT	IMPERMEABLE
RIGHT WALKWAY	155 SQFT	IMPERMEABLE
FRONT STEP STONE	200 SQFT	IMPERMEABLE
FRONT PLAN BOX	77 SQFT	IMPERMEABLE
FRONT CONCRETE CURB	12 SQFT	IMPERMEABLE
TOTAL EXIST:	1,065 SQFT	
PROPOSED:		
FRONT WALKWAY	80 SQFT	IMPERMEABLE
GARAGE STAIR/LANDING	44 SQFT	IMPERMEABLE
GARAGE FRONT	67 SQFT	IMPERMEABLE
FRONT PEDESTAL/WALL	5 SQFT	IMPERMEABLE
PLAN BOX/CONC SITING	36 SQFT	IMPERMEABLE
FIRE PIT	5 SQFT	IMPERMEABLE
TOTAL PROPOSED:	237 SQFT	

ALLOWABLE: 847 SQFT



PROJECT LOCATION
SCALE: NTS

PROJECT SITE



Owner:
AZADEH MARDANI
408-826-9046
AZADEHMARDANI1@YAHOO.

Coordinating Professional:
ARCHITECT
NES CONSULTANTS
1658 BRANHAM LN
SUITE F PMB 109
SAN JOSE, CA 95118
(510) 962-2008
nhpham.structural@gmail.co

STRUCTURAL ENGINE
NES CONSULTANTS, P
1658 BRANHAM LN
SUITE F PMB 109
SAN JOSE, CA 95118
(510) 962-2008
nhpham.structural@gmail.co

CIVIL ENGINEER

SPECIAL SYSTEMS

CODES: 201

USE AND OCCUPANCY:
CONSTRUCTION TYPE:

ZONING:

Issue:	Permi
Date:	10/22
Dwg File:	
Drawn By:	
Checked By:	

Sheet Title:
COVER SHEET

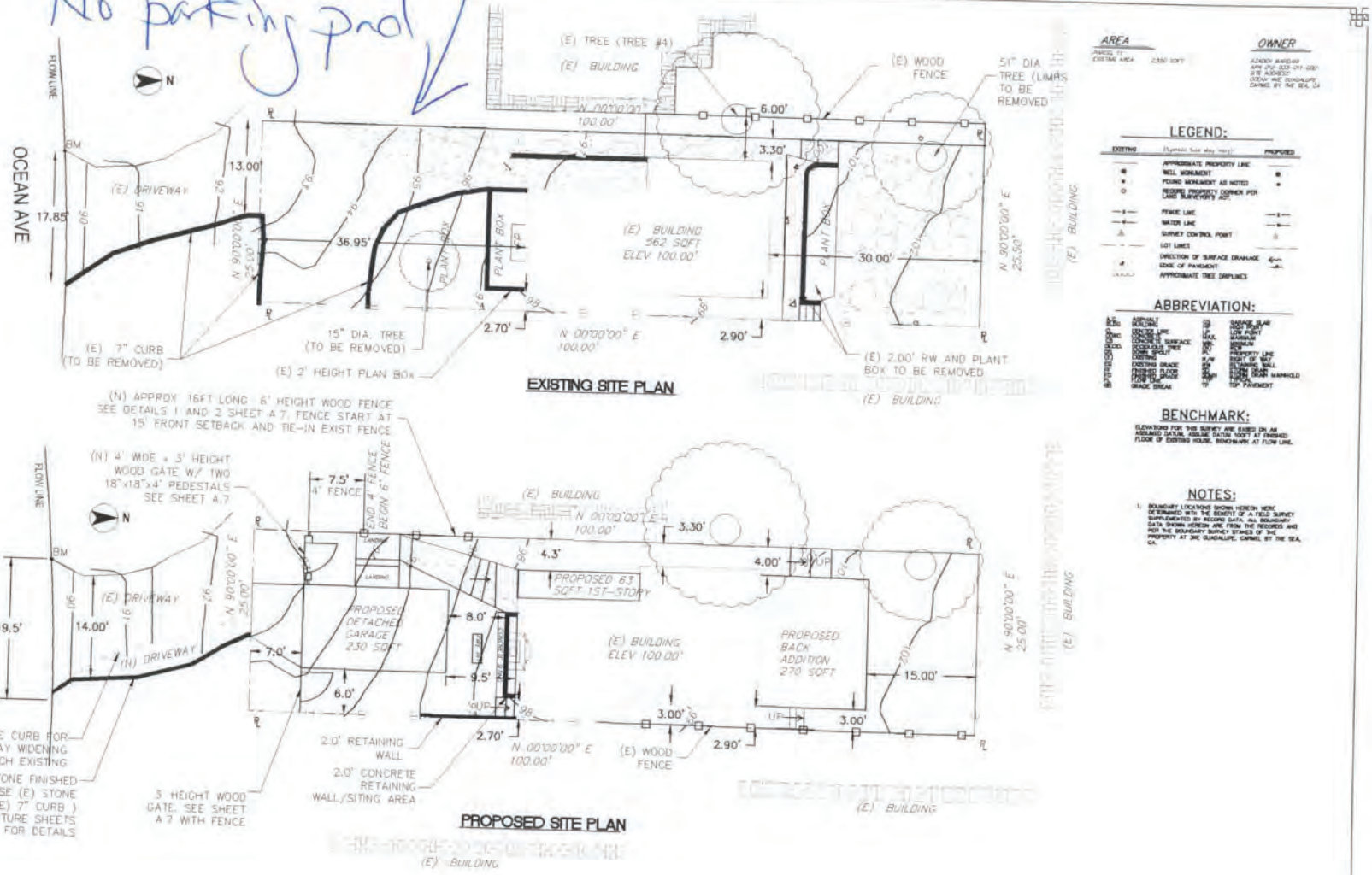
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Attachment 4

Plan Approved 11 June 2024

Appendix 5 p. 2

No parking prd



AREA

OWNER

LEGEND:

ABBREVIATION:

BENCHMARK:

NOTES:

1. BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS AND PER THE BOUNDARY SURVEY STAKED OF THE PROPERTY AT SW GUADALUPE, CARMEL BY THE SEA, CA.

SITE PLAN
OCEAN 4NE GUADALUPE
CARMEL BY THE SEA, CA

Drawn By: MP
Date: 05/11/2022
Scale: 1"=5'
Job No.: 21025
Checked:

REVISIONS
NO. | DATE | ISSUED FOR | BY

SHEET 1 OF 1

Attachment 4

Appendix 6 p.1

AZADEH MARDANI RESIDENCE

APN: 010-033-011-000

SINGLE-FAMILY HOME REMODEL/ADDITION

Plan from 12 April, 2023 with Parking Pad added in red after the fact

OWNER: AZADEH MARDANI
4 NE GUADALUPE CARMEL, CA 93923
Phone: [redacted]
Email: [redacted]

SCOPE OF WORK:

363 SQFT FRONT AND BACK ADDITION AND 200 SQFT ATTACHED GARAGE.

BUILDING CODE:

ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LAWS, CODES AND REGULATORY AGENCIES HAVING JURISDICTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA RESIDENTIAL CODE
2019 CALIFORNIA ELECTRICAL CODE
2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA PLUMBING CODE
2019 CALIFORNIA ENERGY CODE
2019 CALIFORNIA FIRE CODE
2019 CAL GREEN

BUILDING DATA:

OCCUPANCY CLASSIFICATION: R-3/U
CONSTRUCTION CLASSIFICATION: V-B
FIRE SPRINKLERS: N
NUMBER OF STORIES: 1
MAX. BUILDING HEIGHT: 22'-0" — 16' for a single story, 24' for a two story
GROSS AREA OF LOT: 2,500 SQFT
GROSS AREA OF EXISTING RESIDENCE: 562 SQFT
Parking Pad: 200 SQFT
AREA ADDITION:
FIRST FLOOR: 363 SQFT
ATTACHED GARAGE: 200 SQFT
Total Existing Floor Area: 762 SQFT
Total Proposed Floor Area: 1,125 SQFT

SITE COVERAGE:

Existing:

Proposed:

INDEX OF DRAWINGS:

G.0 PROJECT DATA, PARCEL MAP, SITE PHOTOS
G.1 SITE PLAN
G.2 PRELIMINARY SITE ASSESSMENT REPORT
G.3 TREE EVALUATION
D.1 DEMOLITION PLAN
C.1 TREE PROTECTION PLAN
A.1 EXIST AND PROPOSED FLOOR PLAN
A.2 EXIST AND PROPOSED ROOF PLAN
A.3 EXIST AND PROPOSED ELEVATIONS
A.4 ELECTRICAL PLAN
A.5 MATERIALS AND COLORS

Owner:
AZADEH MARDANI
408-826-9046
AZADEHMARDANI1@YAHOO.COM

Coordinating Professional:
ARCHITECT
NES CONSULTANTS
1659 BRANHAM LN
SUITE F, PMB 109
SAN JOSE, CA 95118
(510) 982-2008
nhpham.structural@gmail.com

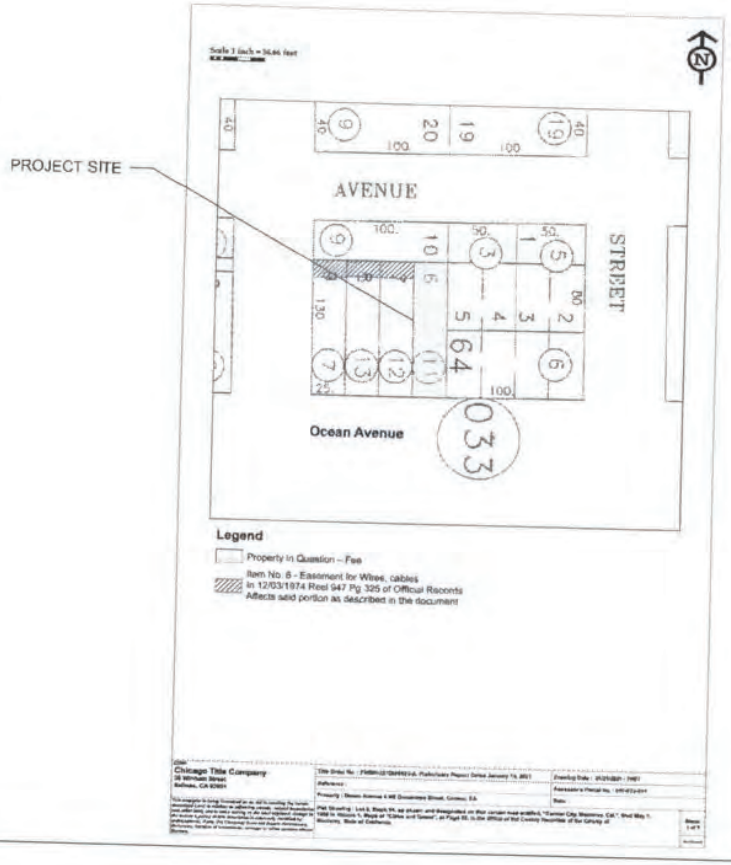
STRUCTURAL ENGINEER
NES CONSULTANTS, INC.
1659 BRANHAM LN
SUITE F, PMB 109
SAN JOSE, CA 95118
(510) 982-2008
nhpham.structural@gmail.com

CIVIL ENGINEER

SPECIAL SYSTEMS



PROJECT LOCATION
SCALE: NTS



CODES: 2019 IBC

USE AND OCCUPANCY: R3/U
CONSTRUCTION TYPE: VB

ZONING:

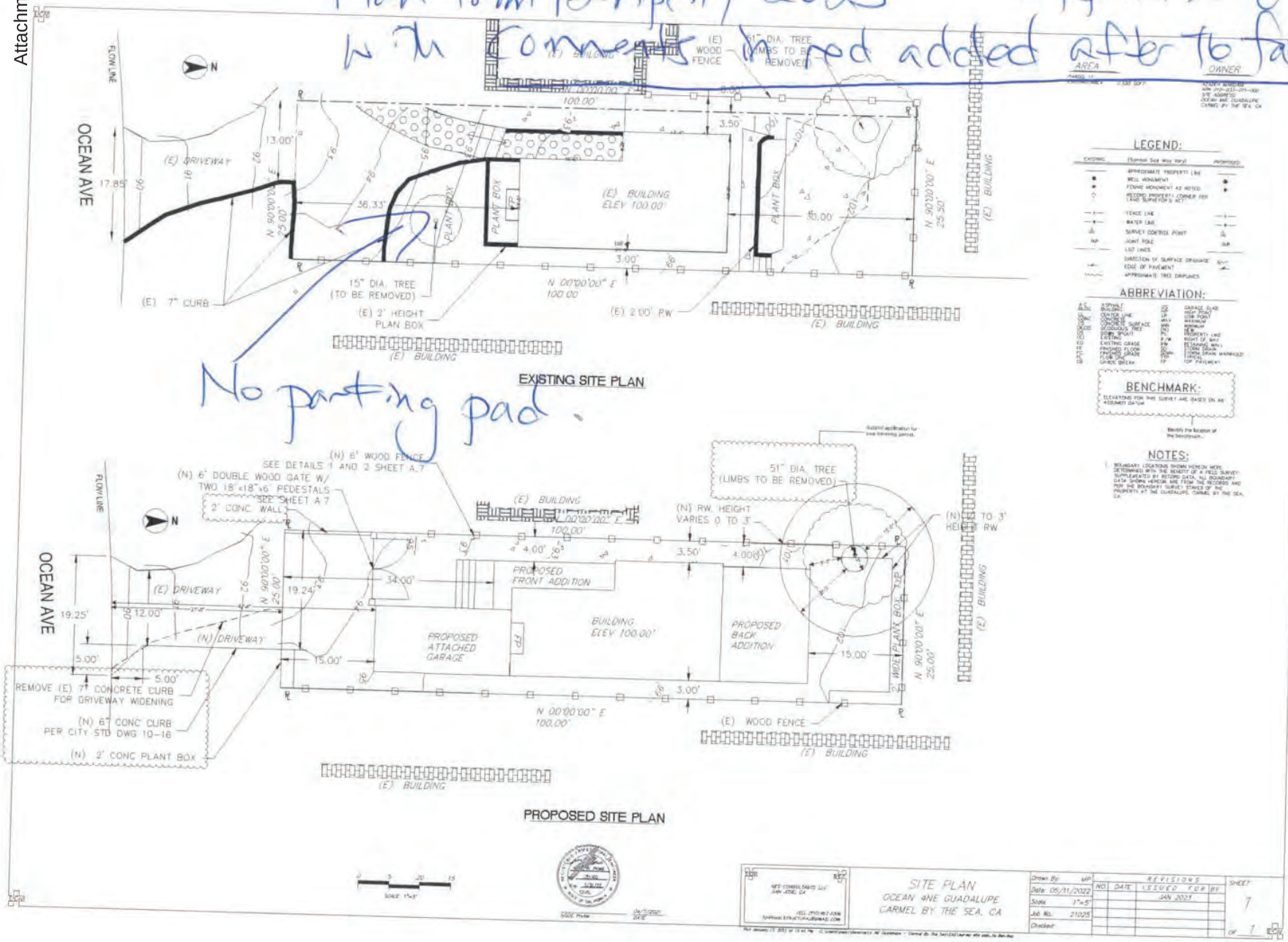
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Date:	10/22/2021
Dwg File:	4 NE
Drawn By:	NP
Checked By:	NP

Sheet Title:
COVER SHEET

Sheet Number:
G.0

Attachment 4

Plan from 12 April, 2023 Append:x 6 p.2
with comments hand added after to fact



Email announcing 12th April hearing Appendix 6 p.3

Cathryn

Attachment 4

From: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
Sent: Wednesday, March 29, 2023 8:35 AM
To: Marnie R. Waffle
Subject: Fwd: DS 21-376 (Mardani) - Revised Project Plans
Attachments: 4NE GUADALUPE Planning Drawing Set Jan 2023.pdf

All,

The subject project has been scheduled for concept review by the Planning Commission on **Wednesday, April 12th, at 4:00 pm**. The meeting will be held in the Council Chambers at City Hall. You can attend in person or via Zoom.

A Tour of Inspection (i.e., site visit) will occur on the day of the meeting between **2 pm and 4 pm**. If you would like the Planning Commission to visit your property to view the project from your perspective, please let me know before April 12th.

The plans submitted on January 17, 2023, will be what the Planning Commission is considering (attached). The meeting agenda and staff report will be published between April 5th and April 7th. I will email you all a link to the agenda and staff report when available.

If you have public comments you would like me to include as an attachment to the staff report, please email them to me by the end of this week. Any written comments received after the staff report is finalized WILL be forwarded to the Planning Commission under separate cover. If you prefer, you may present your comments orally at the meeting in lieu of submitting written comments, or you can do both.

Best regards,

Marnie R. Waffle, AICP
Principal Planner
City of Carmel-by-the-Sea
(831) 620-2057

Please take our Customer Satisfaction Survey.

---------- Forwarded message ---------
From: **Marnie R. Waffle** <mwaffle@ci.carmel.ca.us>
Date: Mon, Jan 23, 2023 at 9:03 AM
Subject: Re: DS 21-376 (Mardani) - Revised Project Plans
To: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>

Hello,

You are receiving this email because you have expressed interest in the subject project. The attached plans were submitted to the City on **1/17/23.** The plans have not yet been reviewed by staff, and a

Appendix 6 p.4

hearing date has not been set for this project. The Planning Commission meets regularly on the 2nd Wednesday of each month. Once a hearing date has been scheduled, I will email you to let you know.

Attachment 4

Best regards,

Marnie R. Waffle, AICP
Principal Planner
City of Carmel-by-the-Sea
(831) 620-2057

Please take our Customer Satisfaction Survey.

On Fri, Dec 16, 2022 at 3:00 PM Marnie R. Waffle <mwaffle@ci.carmel.ca.us> wrote:

Good afternoon,

The applicant has asked the City not to review the attached plans. The MPWMD (water district) confirmed there are not sufficient water credits for the project as proposed. The applicant is working on a redesign and will submit revised plans at a later date.

Best regards,

Marnie R. Waffle, AICP
Principal Planner
City of Carmel-by-the-Sea
(831) 620-2057

Please take our Customer Satisfaction Survey.

---------- Forwarded message ---------
From: **Marnie R. Waffle** <mwaffle@ci.carmel.ca.us>
Date: Thu, Dec 15, 2022 at 12:36 PM
Subject: DS 21-376 (Mardani) - Revised Project Plans
To: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>

Hello,

You are receiving this email because you have expressed interest in the subject project. The attached plans were submitted to the City on **12/8/22.** The plans have not yet been reviewed by staff, and a hearing date has not been set for this project. The Planning Commission meets regularly on the 2nd Wednesday of each month. Once a hearing date has been scheduled, I will reach out via email to inform you.

Best regards,

Appendix 6 p. 5

Attachment 4

Marnie R. Waffle, AICP
Principal Planner
City of Carmel-by-the-Sea
(831) 620-2057

Please take our Customer Satisfaction Survey.

Attachment 4

Plan from 12 April, 2023 as heard by the Planning Commission and (attached to email from Marnie Waffle 29 March 2023

Appendix 6 p 76

AZADEH MARDANI RESIDENCE
APN: 010-033-011-000
SINGLE-FAMILY HOME REMODEL/ADDITION

OWNER: AZADEH MARDANI
4 NE GUADALUPE CARMEL, CA 93923
Phone: [redacted]
Email: [redacted]

SCOPE OF WORK:

363 SQFT FRONT AND BACK ADDITION AND 200 SQFT ATTACHED GARAGE.

BUILDING CODE:

ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LAWS, CODES AND REGULATORY AGENCIES HAVING JURISDICTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA RESIDENTIAL CODE
2019 CALIFORNIA ELECTRICAL CODE
2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA PLUMBING CODE
2019 CALIFORNIA ENERGY CODE
2019 CALIFORNIA FIRE CODE
2019 CAL GREEN

BUILDING DATA:

OCCUPANCY CLASSIFICATION: R-3/U
CONSTRUCTION CLASSIFICATION: V-B
FIRE SPRINKLERS: N
NUMBER OF STORIES: 1
MAX. BUILDING HEIGHT: 22'-0"
GROSS AREA OF LOT: 2,500 SQFT
GROSS AREA OF EXISTING RESIDENCE: 562 SQFT

AREA ADDITION
FIRST FLOOR: 363 SQFT
ATTACHED GARAGE: 200 SQFT

INDEX OF DRAWINGS:

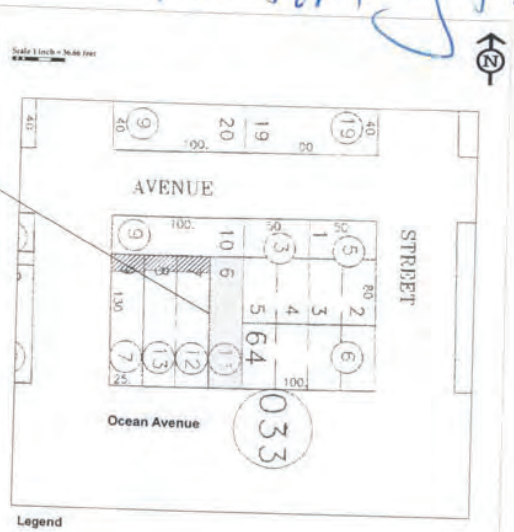
G.0 PROJECT DATA, PARCEL MAP, SITE PHOTOS
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A.1 EXIST AND PROPOSED FLOOR PLAN
A.2 EXIST AND PROPOSED ROOF PLAN
A.3 EXIST AND PROPOSED ELEVATIONS
A.4 ELECTRICAL PLAN
A.5 MATERIALS AND COLORS

No Parking Pad



PROJECT LOCATION
SCALE: NTS

PROJECT SITE



Chicago Title Company
99 Wrights Street
Salinas, CA 93901

Owner:
AZADEH MARDANI
408-826-9046
AZADEHMARDANI1@YAHOO.COM

Coordinating Professional:
ARCHITECT
NES CONSULTANTS
1659 BRANHAM LN
SUITE F, PMB 109
SAN JOSE, CA 95118
(510) 962-2008
nhpham.structural@gmail.com

STRUCTURAL ENGINEER
NES CONSULTANTS, INC.
1659 BRANHAM LN
SUITE F, PMB 109
SAN JOSE, CA 95118
(510) 962-2008
nhpham.structural@gmail.com

CIVIL ENGINEER

SPECIAL SYSTEMS

CODES: 2019 IBC
USE AND OCCUPANCY: R3/U
CONSTRUCTION TYPE: VB
ZONING:

Issue: Permit Set
Date: 10/22/2021
Dwg File: 4 NE
Drawn By: NP
Checked By: NP

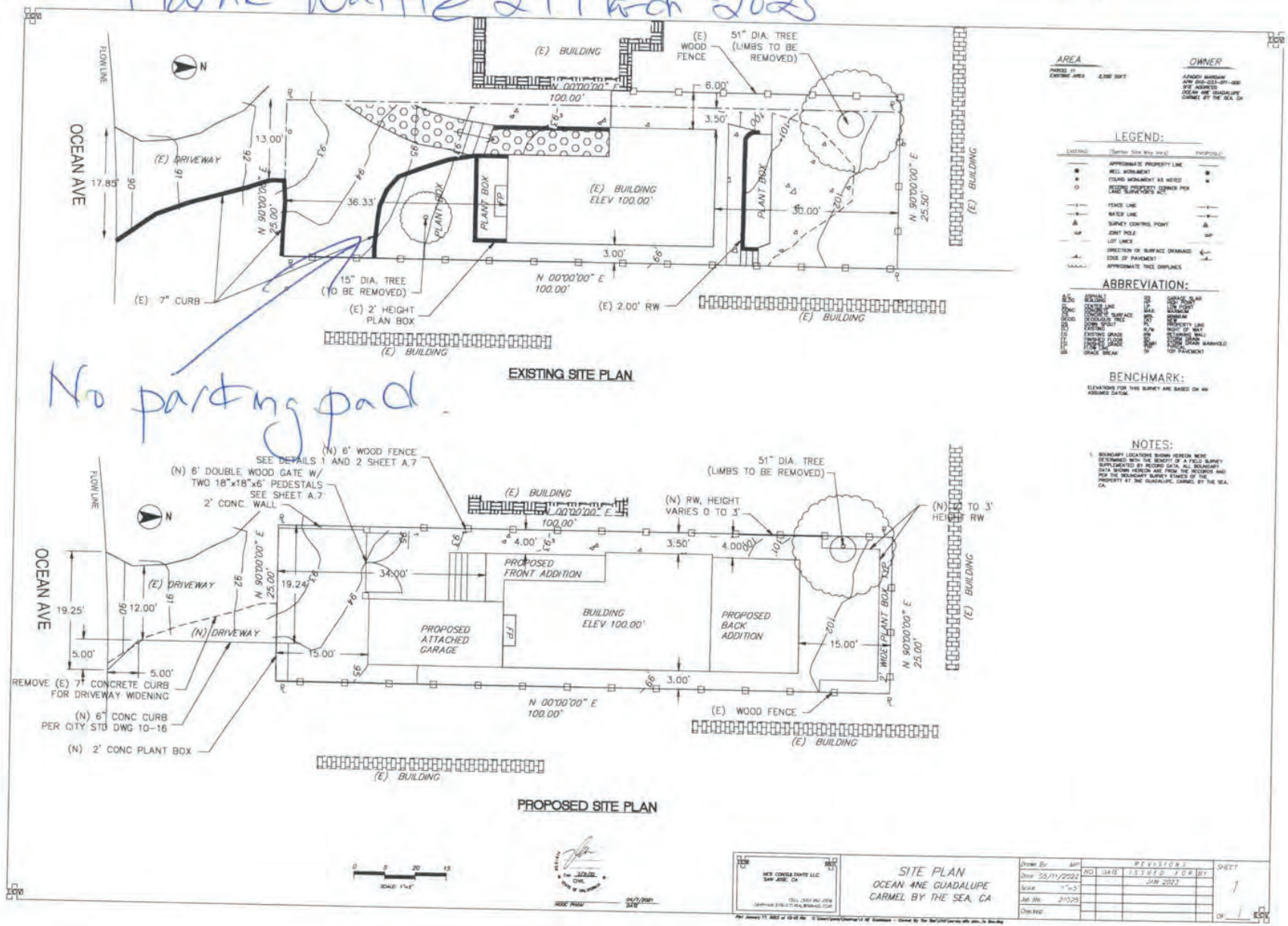
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Sheet Number:
G.0

Attachment 4

Plan from RApril, 2023 attached to email from Marnie Waffle 29 March 2023

Appendix bp. 7



Appendix 7

Attachment 4

Cathryn

From: Azadeh Mardani <[redacted]>
Sent: Friday, November 10, 2023 1:42 PM
To: Cathryn Neighbor/carmel
Subject: Please let me explain
Attachments: image0.jpeg; image1.jpeg; image2.png; Untitled attachment 00348.txt

Hi Cathryn,

Hope all is well. I reached out to you to explain about the negative vibes that is going around with us regarding my project. Please allow me to express my real feelings about this situation.
My children's father lives in pebble beach. At the time of divorce I could only afford to buy this house. Before closing the deal I asked seller to give me two weeks to get the historical evaluation on this property. Seller did not have any reports and when I called city Marnie answered the phone. She checked the lot history and told me I can have maximum 1125sf. However I need a historical evaluation.
The agent said , she thinks it's easy to get a second story permit since there are 4 other second story houses on the block. My intention was clear from day one.

I got my bachelor in chemistry, then got my dentistry degree from Pécs university of Hungary. I got my registered dental hygiene in alternative practice from UOP, San Francisco in 2007, It's been over 16 years that I work as a RDHAP in Palo Alto, Mountain View and San Jose.
You can find me on Instagram as " azii.coco"
I'd like you to know me more, since I'm not going to sell my house and will be your neighbor perhaps for many years. I am going to tell you more about my personal life when we get to know each other more if we get a chance.
Just know that , I'm a nice person and I love you with my whole heart. In my heart there is no reason to feel other than that, even though you don't let me built my house still no hard feelings. Just want to make sure that you know that. It does matter to me!

When I met Rebecca Cass, she told me they are remodeling the house to sell. She said , they already renovated several houses in carmel and if I need help or contractor, she can help me with that. I am pretty positive that was their plan and they did a great job on that and sold it with 50% higher than they bought.

Today, the new owner of middle cottage called me and wants to meet me since she loves the idea of having a nice renovated driveway. Some people may have a different perspective view and some others have same opinion!

The single story plan with rear bedroom, will cost a lot for foundation and roofing. In the other hand, I can't have a windows and I should reduce the celling(they even suggest flat ceiling). Also, I'm losing the whole backyard.

I want to kindly ask you, to think more about this situation. How about I reduce the size of balcony in half , higher balcony wall? Do you think that may work for you? And still proceed with current plan?

Here are my kids pictures, and this is my Instagram account if you like to get some idea about us.

Have a blessed day
Azadeh

Appendix B p. 1

Attachment 4

Cathryn

From: Timothy Cass <[redacted]>
Sent: Thursday, June 1, 2023 7:49 AM
To: Cathryn
Subject: Fwd: DS 21-376 (Mardani) - Revised Project Plans 5/24/2023

Cathry, This just came from Marine on the 24th of May. John is my architece. Tim

Begin forwarded message:

From: John Mandurrago <john@mandurrago.com>
Subject: RE: DS 21-376 (Mardani) - Revised Project Plans 5/24/2023
Date: May 31, 2023 at 4:35:09 PM PDT
To: "[redacted]" <[redacted]>

Marnie :

At first glance it seems that the 35 ft long wall without an offset rule seems to not be followed.
A 0'-2" offset on the east side and 0'-8" offset on the west side does not follow the intent of the rule. In the past I was told that a minimum offset would be 24" required.
Also, a new roof, new overhang, and new window on the east side violates the existing non-conforming rule as to a min 3' rule.
I was told by the Building Department that if we touch such a wall not meeting the minimum 3 ft setback (2.7' is the existing setback) we would have to move the wall back to the required setback.

JM

From: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
Sent: Wednesday, May 31, 2023 2:50 PM
To: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>
Subject: DS 21-376 (Mardani) - Revised Project Plans 5/24/2023

Hello,

I am sending this email because you have expressed interest in the subject project. The attached plans were submitted to the City on **5/24/2023.** The plans still need to be reviewed by staff, and a hearing date has not been set for this project. The Planning Commission meets regularly on the 2nd Wednesday of each month. Once a hearing date has been scheduled, I will email you to let you know.

Best regards,

Appendix B p. 2

Attachment 4

Marnie R. Waffle, AICP
Principal Planner
City of Carmel-by-the-Sea
Community Planning & Building
(831) 620-2010 main
(831) 620-2057 direct

Attachment 4

AZADEH MARDANI RESIDENCE

APN: 010-033-011-000

SINGLE-FAMILY HOME REMODEL/ADDITION

OWNER: AZADEH MARDANI
4 NE GUADALUPE CARMEL, CA 93923
Phone: [redacted]
Email: [redacted]

Old Appendix 9 p.1

Plan presented to Planning Commission on 13 Feb. 2024 showing ~~Rear~~ first floor addition of 333 Sq ft.

1. HOME ADDITION AND REMODEL INCLUDES ADDING 83 SQFT FRONT ADDITION, AND 270 SQFT REAR ADDITION
2. ADD 230 SQFT DETACHED GARAGE.
3. ADD 16FT OF 4FT TALL FENCE AND APPROX. 16FT OF 6FT FENCE TO TIE IN EXISTING FENCE ON THE EAST SIDE.

BUILDING CODE:

ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LAWS, CODES AND REGULATORY AGENCIES HAVING JURISDICTION, INCLUDING BUT NOT LIMITED TO, THE FOLLOWING:

2022 CALIFORNIA BUILDING CODE
2022 CALIFORNIA RESIDENTIAL CODE
2022 CALIFORNIA ELECTRICAL CODE
2022 CALIFORNIA MECHANICAL CODE
2022 CALIFORNIA PLUMBING CODE
2022 CALIFORNIA ENERGY CODE
2022 CALIFORNIA FIRE CODE
2022 CAL GREEN

BUILDING DATA:

OCCUPANCY CLASSIFICATION: R-3/U
CONSTRUCTION CLASSIFICATION: V-B
FIRE SPRINKLERS: N
NUMBER OF STORIES: 2
MAX. EXIST BUILDING HEIGHT: 16'-0" (SINGLE STORY)
GROSS AREA OF LOT: 2,500 SQFT
GROSS AREA OF EXISTING RESIDENCE: 562 SQFT
PARKING PAD: 200 SQFT
TOTAL EXISTING FLOOR AREA: 762 SQFT
(30.48% OUT OF TOTAL LOT AREA)

PROPOSED AREA
FIRST FLOOR: 895 SQFT
DETACHED GARAGE: 230 SQFT
TOTAL PROPOSED FLOOR AREA: 1,125 SQFT

SITE COVERAGE:
EXISTING:

BACK PATIO	615 SQFT	IMPERMEABLE
RIGHT WALKWAY	214 SQFT	IMPERMEABLE
FRONT STEPS	22.5SQFT	IMPERMEABLE
FRONT PLANT BOX	12 SQFT	IMPERMEABLE
FRONT CONCRETE CURB	12 SQFT	IMPERMEABLE
TOTAL EXIST	1,065 SQFT	

PROPOSED

RIGHT WALKWAY	127.5 SQFT	IMPERMEABLE
GARAGE STAIR	23 SQFT	IMPERMEABLE
GARAGE FRONT	35.5 SQFT	IMPERMEABLE
FRONT PLANT BOX	9 SQFT	IMPERMEABLE
FRONT PEDESTAL	2 SQFT	IMPERMEABLE
BACK YARD STAIRS	28.5 SQFT	IMPERMEABLE
TOTAL PROPOSED	225.5 SQFT	

ALLOWABLE: 247 SQFT

INDEX OF DRAWINGS:

G.0 PROJECT DATA, PARCEL MAP, SITE PHOTOS
G.1 SITE MAP
G.2 PRELIMINARY SITE ASSESSMENT REPORT
G.3 TREE EVALUATION 1
G.4 TREE EVALUATION 2
D.1 DEMOLITION PLAN
A.1 EXIST AND PROPOSED FLOOR PLAN
A.2 EXIST AND PROPOSED ROOF PLAN
A.3 EXIST AND PROPOSED ELEVATIONS
A.4 ELECTRICAL PLAN
A.5 PROPOSED GARAGE PLAN
A.6 DOORS AND WINDOWS SCHEDULE
A.7 MATERIALS AND COLORS
C.1 GRADING PLAN
C.2 EROSION CONTROL PLAN
CONSTRUCTION BEST MANAGEMENT PRACTICE
L.1 LANDSCAPING PLAN

AZADEH MARDANI
408-826-9046
AZADEHMARDANI1@YAHOO.C

Coordinating Professional:
ARCHITECT
NES CONSULTANTS
1659 BRANHAM LN
SUITE F, PMB 109
SAN JOSE, CA 95118
(510) 962-2008
nhpham.structural@gmail.com

STRUCTURAL ENGINEER
NES CONSULTANTS, INC.
1659 BRANHAM LN
SUITE F, PMB 109
SAN JOSE, CA 95118
(510) 962-2008
nhpham.structural@gmail.com

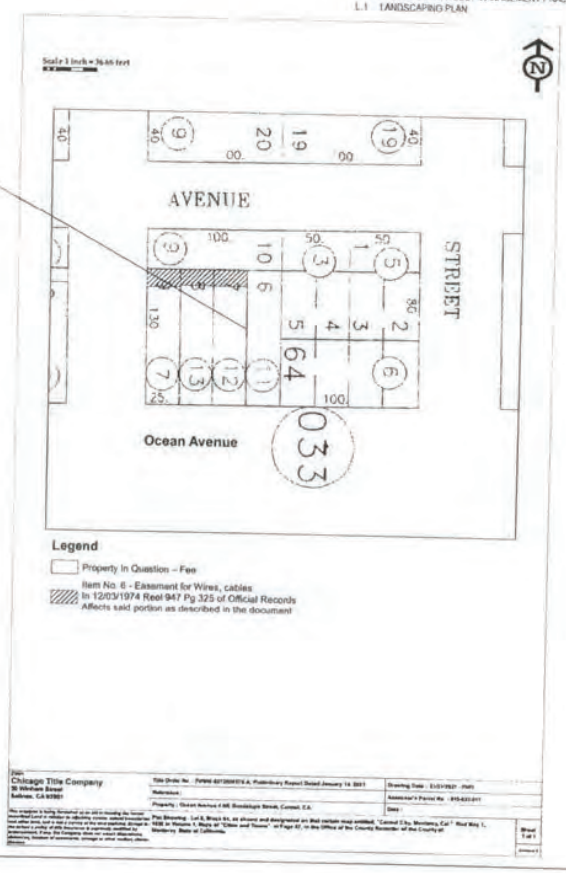
CIVIL ENGINEER

SPECIAL SYSTEMS



PROJECT LOCATION
SCALE: NTS

PROJECT SITE



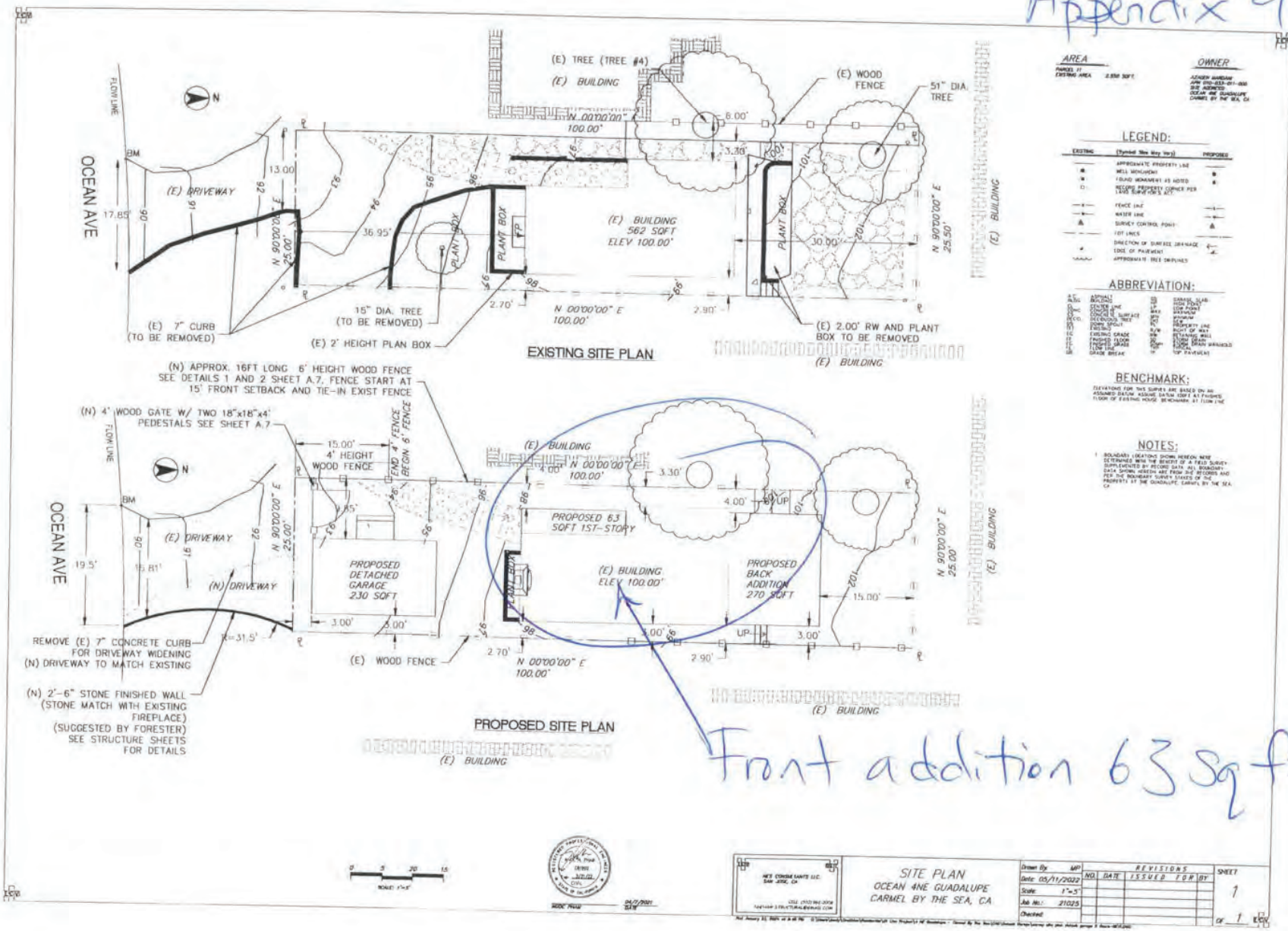
CODES:	2022 IBC
USE AND OCCUPANCY:	R3/U
CONSTRUCTION TYPE:	VB
ZONING:	
Issue:	Permit Set
Date:	8/18/23
Dwg File:	4 NE
Drawn By:	NP
Checked By:	NP

Sheet Title:
COVER SHEET

Sheet Number:
G.0

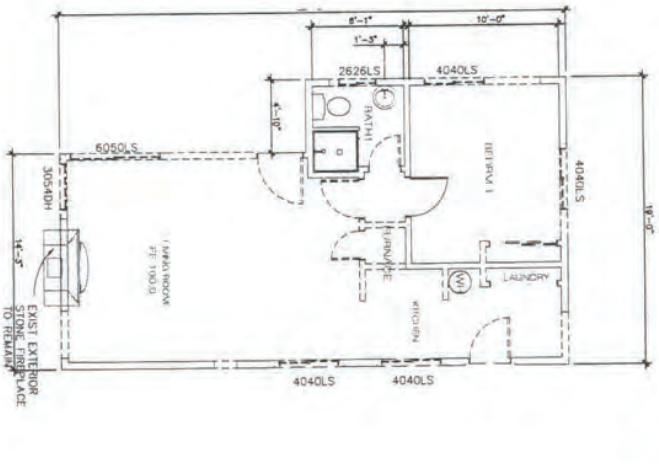
Attachment 4

Appendix 9 p 2



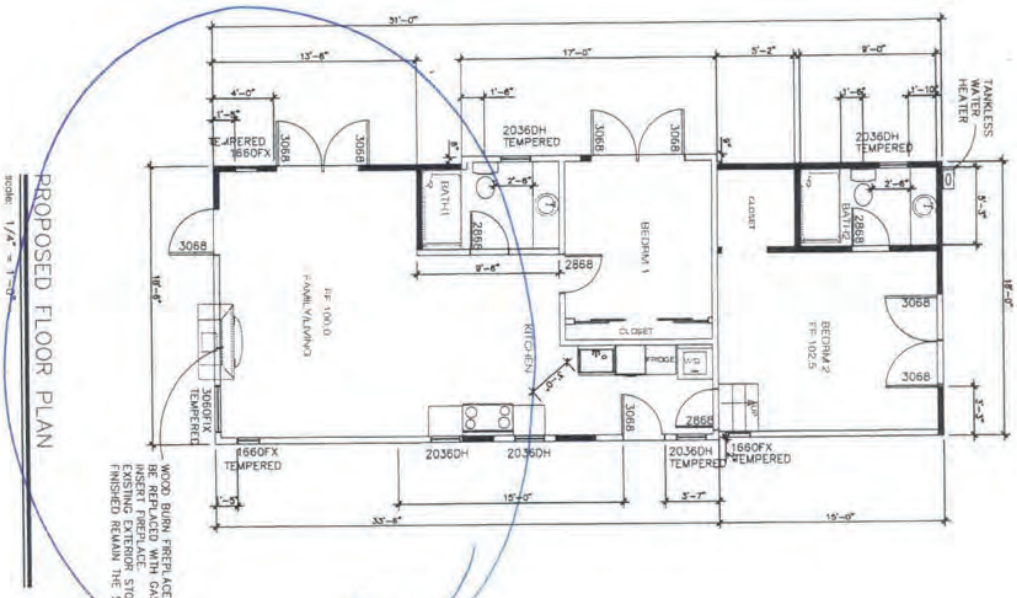
Front addition 63 sq ft.

Attachment 4



EXISTING FLOOR PLAN

scale: 1/4" = 1'-0"



PROPOSED FLOOR PLAN

scale: 1/4" = 1'-0"

Appendix Pg 3

Dimensions - Front Wall 18'-6"

KEYNOTES

1 PARTITIONS
A. 2" X 4" STUDS @ 16" O.C. SEE C-R SEC. 8 FOR INSULATION IN WALLS AND CEILING PER TITLE 24.
B. INTERIOR 5/8" GYP. BD. BOX. SEE 5 PAINT THROUGH-OUT TEXTURE AND TAPE.
C. AT WET WALLS (PLUMBING FIXTURES), PROVIDE MOISTURE-RESISTANT, DURAROCK, OR EQUAL AS FINISH SURFACE AT SHOWER/BATHTUB WALLS UNDER TILE.

2 PROVIDE 4MIL VISTAIL DOOR AS PER SPECS HAVE ALL GLASS TEMP. DOORS SHOULD BE TEMPERED GLASS

3 PROVIDE AND INSTALL WINDOW PER MFRS' SPECS

4 PROVIDE AND INSTALL PLUMBING FIXTURE:
A. LAVATORY
B. TOILET
C. SHOWER
D. BATHTUB
E. KITCHEN SINK

JOB NO. 21021	EXISTING AND PROPOSED FLOOR PLAN	NGOC PHAM (C81902) REGISTERED CIVIL ENGINEER — SIGNATURE
3 of 10 Sheets	AZADEH MARDANI RESIDENCE	NES CONSULTANTS LLC
DWG. NO. A.1	OCEAN 4NE GUADALUPE CARMEL-BY-TH-SEA, CA	CIVIL & STRUCTURAL ENGINEERING 1528 BRAHHAM LN. SUITE F, PMB150 SAN JOSE, CA 95118 (510) 962-2006
REF. NO.		
Date 4/22/21		
Scale AS NOTED		

VL	SUBMITTAL	12/
Designed VL		
Drawn NP		
Checked		
	DESCRIPTION MARK	D.
	REVISIONS	

Attachment 4

AZADEH MARDANI RESIDENCE

APN: 010-033-011-000

SINGLE-FAMILY HOME REMODEL/ADDITION

OWNER: AZADEH MARDANI
4 NE GUADALUPE CARMEL, CA 93923
Phone: [redacted]
Email: [redacted]

Appendix 10p. 1
Plan presented to
Planning Commission on
11 June 2024 showing
same first floor
addition of 333 sq ft.

SCOPE OF WORK:

ADD 333 FRONT AND BACK ADDITION AND 230 SQFT ATTACHED GARAGE

BUILDING CODE:

ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LAWS, CODES AND REGULATORY AGENCIES HAVING JURISDICTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

2019 CALIFORNIA BUILDING CODE
2019 CALIFORNIA RESIDENTIAL CODE
2019 CALIFORNIA ELECTRICAL CODE
2019 CALIFORNIA MECHANICAL CODE
2019 CALIFORNIA PLUMBING CODE
2019 CALIFORNIA ENERGY CODE
2019 CALIFORNIA FIRE CODE
2019 CAL GREEN

BUILDING DATA:

OCCUPANCY CLASSIFICATION: R-3/U
CONSTRUCTION CLASSIFICATION: V-B
FIRE SPRINKLERS: N
NUMBER OF STORIES: 2
MAX. EXIST BUILDING HEIGHT: 18'-0" (SINGLE STORY)
GROSS AREA OF LOT: 2,500 SQFT
GROSS AREA OF EXISTING RESIDENCE: 562 SQFT
PARKING PAD: 200 SQFT
TOTAL EXISTING FLOOR AREA: 762 SQFT
(30.48% OUT OF TOTAL LOT AREA)

AREA ADDITION
FIRST FLOOR: 333 SQFT
ATTACHED GARAGE: 230 SQFT
TOTAL PROPOSED FLOOR AREA: 1,125 SQFT
(45% OUT OF TOTAL LOT AREA)

SITE COVERAGE:

EXISTING		
BACK PATIO	615 SQFT	IMPERMEABLE
RIGHT WALKWAY	155 SQFT	IMPERMEABLE
FRONT STEP STONE	200 SQFT	IMPERMEABLE
FRONT PLAN BOX	77 SQFT	IMPERMEABLE
FRONT CONCRETE CURB	12 SQFT	IMPERMEABLE
TOTAL EXIST	1,065 SQFT	
PROPOSED:		
FRONT WALKWAY	80 SQFT	IMPERMEABLE
GARAGE STAIR LANDING	44 SQFT	IMPERMEABLE
GARAGE FRONT	67 SQFT	IMPERMEABLE
FRONT PEDESTAL WALL	5 SQFT	IMPERMEABLE
PLAN BOX/CONC SITING	36 SQFT	IMPERMEABLE
FIRE PIT	5 SQFT	IMPERMEABLE
TOTAL PROPOSED:	237 SQFT	

ALLOWABLE=247 SQFT

INDEX OF DRAWINGS:

G.0 PROJECT DATA, PARCEL MAP, SITE PHOTOS
G.1 SITE PLAN
G.2 PRELIMINARY SITE ASSESSMENT REPORT
G.3 TREE EVALUATION
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A.1 EXIST AND PROPOSED FLOOR PLAN
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C.2 EROSION CONTROL PLAN
CONSTRUCTION BEST MANAGEMENT PRACTICE
L.1 LANDSCAPING PLAN

AZADEH MARDANI
408-826-9046
AZADEHMARDANI1@YAHOO

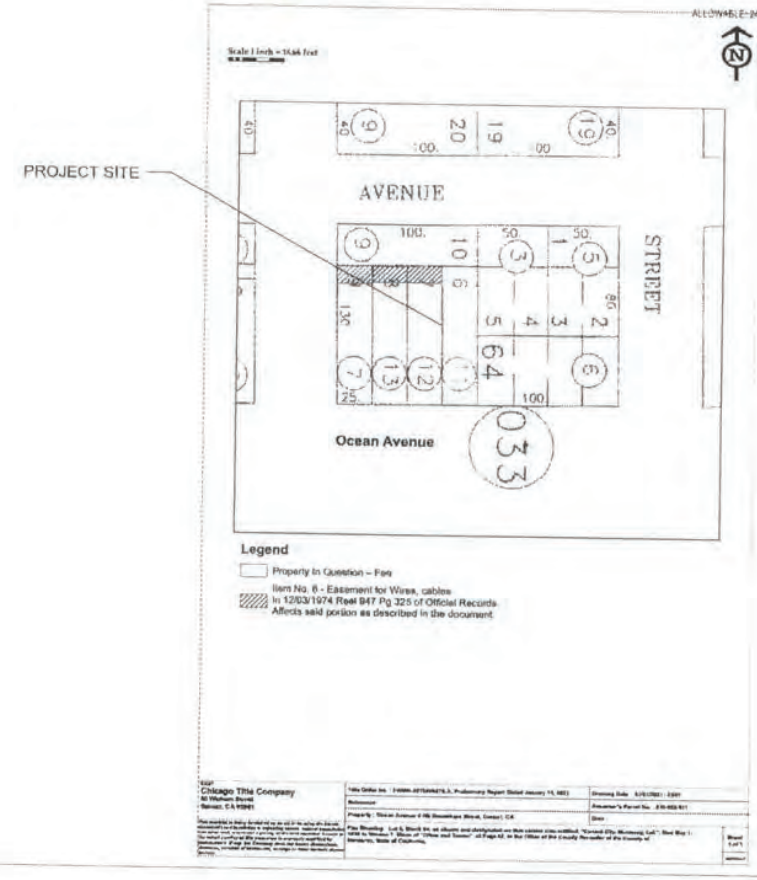
Coordinating Professional
ARCHITECT
NES CONSULTANTS
1658 BRANHAM LN
SUITE F PMB 109
SAN JOSE, CA 95118
(510) 962-2008
nhpham.structural@gmail.co

STRUCTURAL ENGINE
NES CONSULTANTS, IN
1658 BRANHAM LN
SUITE F PMB 109
SAN JOSE, CA 95118
(510) 962-2008
nhpham.structural@gmail.co

CIVIL ENGINEER

SPECIAL SYSTEMS

PROJECT SITE





PROJECT LOCATION
SCALE: NTS

CODES: 20[illegible]

USE AND OCCUPANCY:
CONSTRUCTION TYPE:

ZONING

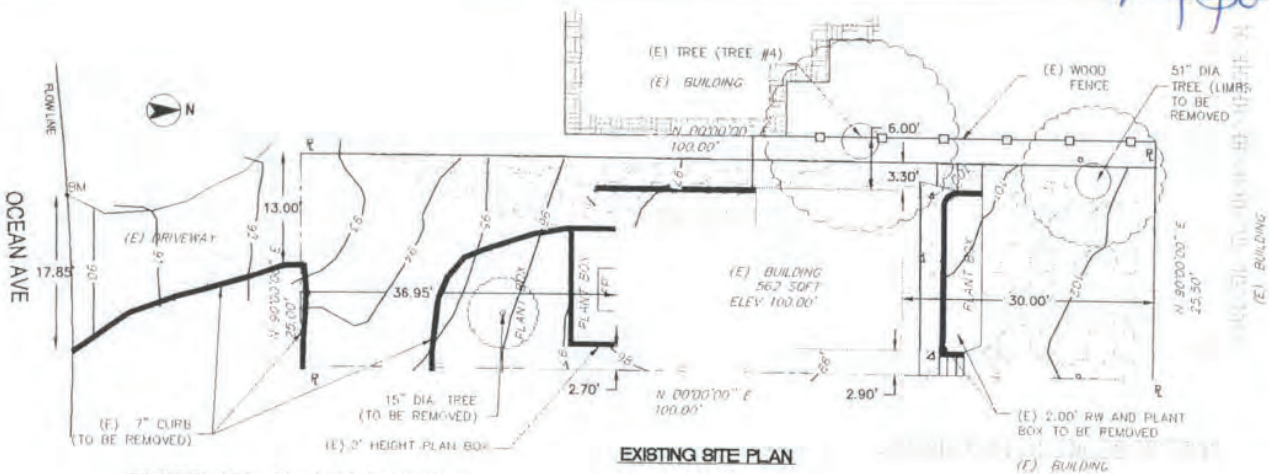
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Date:	10/22
Dwg File:	
Drawn By:	
Checked By:	

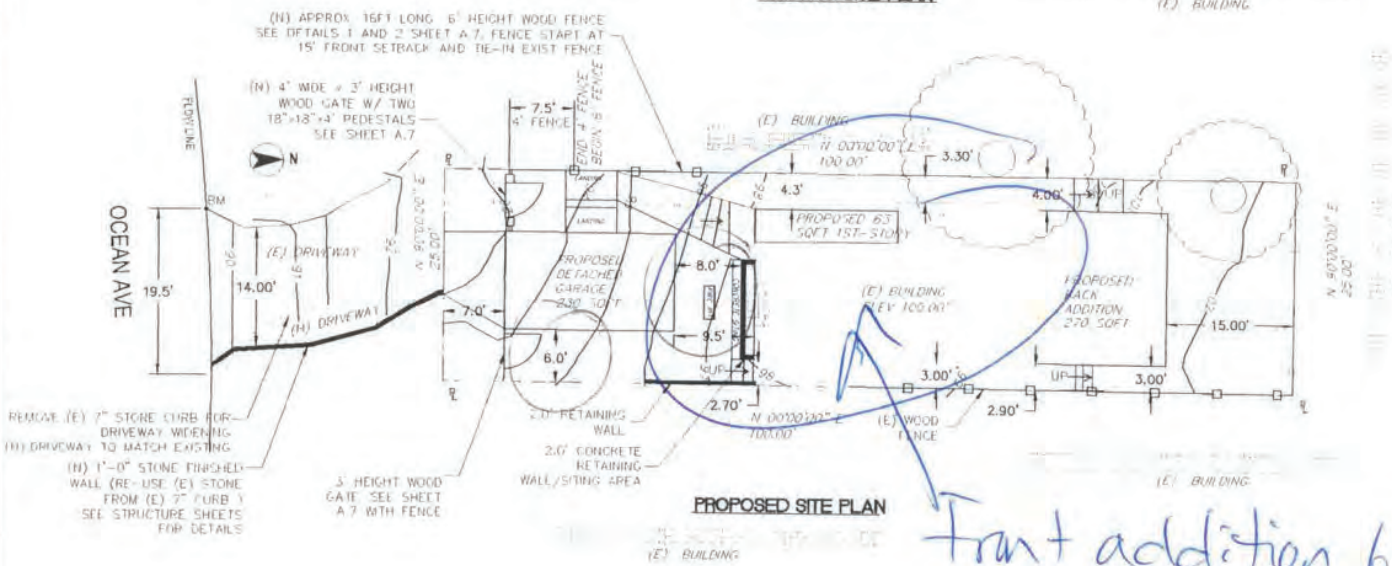
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Sheet Number:
G.0

Attachment 4

Appendix 10 p-2



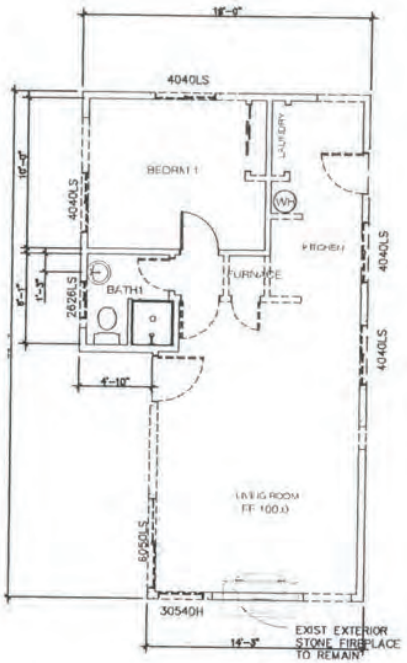


front addition 63 sq ft. Same as previous plan although front

wall is 18'1" instead of 18'6" Does not add up properly.

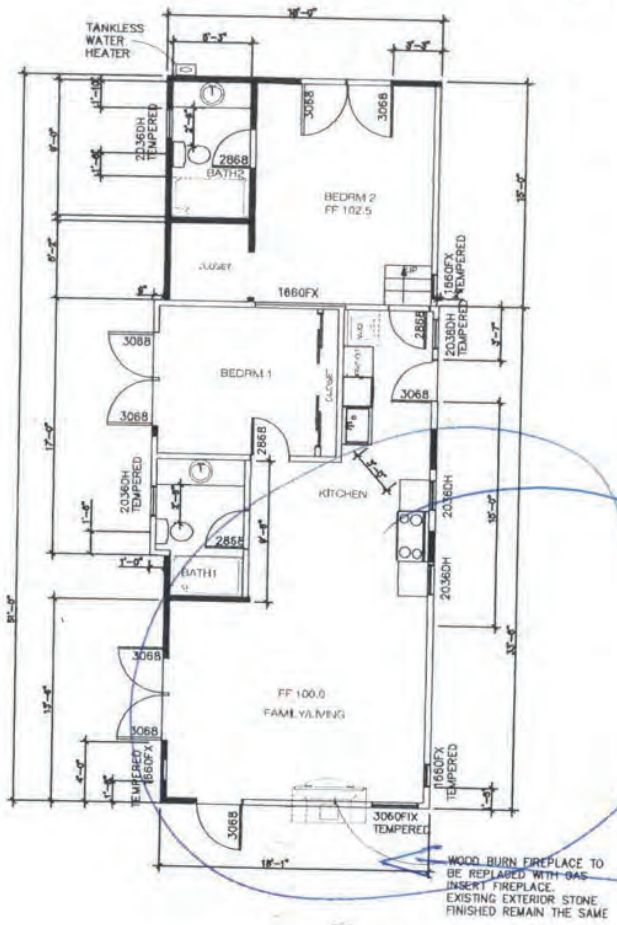
Attachment 4

Appendix 10p-3



EXISTING FLOOR PLAN

scale: 1/4" = 1'-0"



PROPOSED FLOOR PLAN

scale: 1/4" = 1'-0"

KEYNOTES

1. PARTITIONS
   - A. EXTERIOR: LAP SIDING @ EXT. SIDE, GYP. BD @ INT SIDE. INSULATION AT WALLS AND CEILING PER TITLE-24
   - B. INTERIOR: 5/8" GYP. BD. BOTH SIDES, PAINT THRO/OUT TEXTURE AND TAPE.
   - C. AT WET WALLS (PLUMBING FIXTURES), PROVIDE "WONDERBOARD", "DURAROCK" OR EQUAL AS FINISH BACKING MATERIAL AND WATERPROOFED MATERIAL AT SHOWER/BATH/TUB WALLS UNDER SLATE-ON TILE
2. PROVIDE AND INSTALL LOOP AS PER SPECS. NOTE: ALL GLASS PATIO DOORS SHOULD BE TEMPERED GLASS
3. PROVIDE AND INSTALL WINDOW PER MARK/ SPECS. EXAMPLE: 2050H WINDOW = 1'-0" x 1'-6" DOUBLE HANGED WINDOW
4. PROVIDE AND INSTALL PLUMBING FIXTURE
   - A. LAVATORY
   - B. TOILET
   - C. SHOWER
   - D. BATHTUB
   - E. KITCHEN SINK

Dimensions changed on writing but front addition is still 63 sq ft.

18'1" instead of 18'6"

Scale	AS NOTED
Date	4/22/21
REF. NO.	
DWG. NO.	A.1
	3 of 10 Sheets
JOB NO.	21021

EXISTING AND PROPOSED FLOOR PLAN

AZADEH MARDANI RESIDENCE
OCEAN 4NE GUADALUPE
CARMEL-BY-THE-SEA, CA

NES CONSULTANTS LLC

NGOC PHAM (CB19612) REGISTERED CIVIL ENGINEER

REGISTERED PROFESSIONAL ENGINEER NGOC H. PHAM C61952 3/31/22 CIVIL STATE OF CALIFORNIA

SUBMITTAL | DESCRIPTION | MARK

V.L. Designed | V.L. Drawn | N.P. Checked

DESIGN DETAIL SHEET (ENGLISH) (REV.12/24/15)
O:\VIEWS\2021\ENGRAVE\RESIDENTIAL\21 LIVE PROJECT\4 NE GUADALUPE – CARMEL BY THE SEA\VIEWS\ARCHITECTURAL PLAN DETACH GARAGE 1 STORY 11-18-21.DWG

FILE =>

ORIGINAL SCALE IN INCHES FOR REDUCED PLANS

Residential Track 2 Design Study Submittal Process

When is a Preliminary Site Assessment Required?
A Preliminary Site Assessment (PSA) is required **prior** to the submission of a Track 2 Design Study:

Process
The applicant is required to submit two copies of a topographic survey that is stamped and signed by a licensed surveyor. The survey will be reviewed by the City Forester and a Planning representative during a site visit to the subject residence. The Forester will review all trees on site and will classify each tree according to its significance and note important limbs that are low enough to encroach into potential building areas, as well as areas where excavation or fill should be avoided to protect tree roots. Additionally, the forester will note the species, approximate drip line, and state of health of each tree.

The Planner will note design characteristics of the public right-of-way, including landscaping, excess paving, and access opportunities or constraints; design patterns and context of the immediate neighborhood, including the number of stories, exterior materials, setbacks, and open space/landscaping features; potential view and privacy issues on neighboring lots; the potential for using setback exceptions, garden levels, basements, and other features of the Zoning Ordinance; and unusual grade conditions or prior excavations that may require an approximation of natural grade in planning the building or calculating heights. The Planner will also conduct an initial assessment of historical significance and potentially issue a Notice of Ineligibility for the Historic Resources Inventory.

After the site visit, the Forester will annotate copies of the survey, and the Planner will complete a Preliminary Site Assessment report. A copy of the report and the survey will be provided to the applicant by the Community Planning and Building Department.

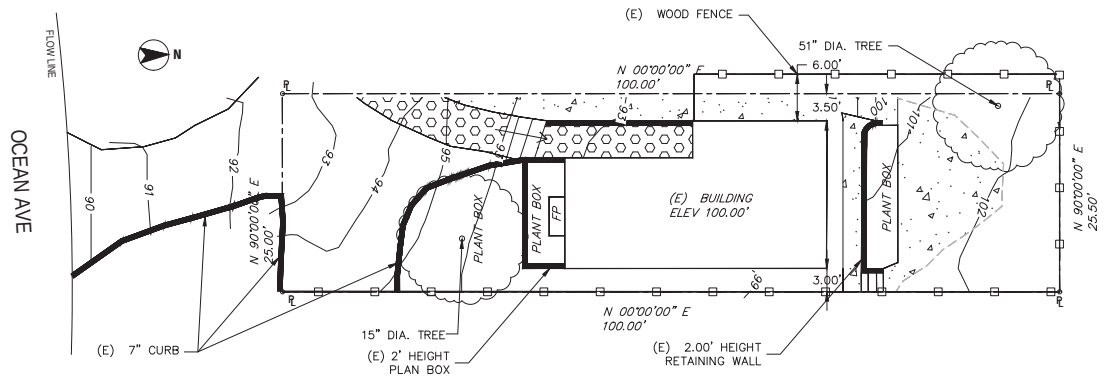
Submittal Checklist

1. General Planning Application
2. A dimensioned topographic survey prepared by a licensed surveyor or a civil engineer. The survey shall document property boundaries, topographic contours, the location of all trees with a diameter at breast height (DBH) over two inches, the outline of all existing structures on the property, the location of any easements, existing access, the edge of pavement for all adjoining streets, and all existing areas of site coverage.

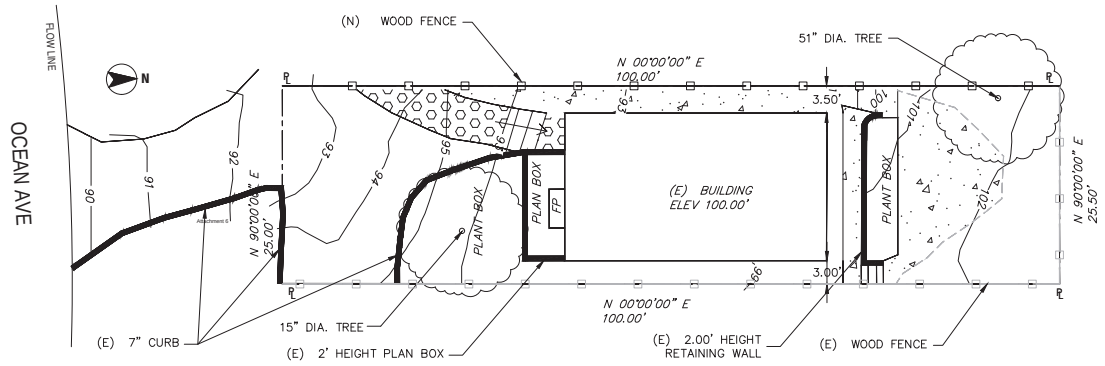
❑ The property owner authorizes City Staff to visit the site and conduct the site assessment

❑ The property owner requires that a specific time be scheduled for the site assessment, but the owner or the owner's representative need not be present

❑ The property owner or agent must be present during the site assessment.



EXISTING SITE PLAN



PROPOSED SITE PLAN

AREA

PARCEL 11
EXISTING AREA 2,550 SQFT.

OWNER

AZADEH MARDANI
APN 010-033-011-000
SITE ADDRESS:
OCEAN 4NE GUADALUPE
CARMEL BY THE SEA, CA

LEGEND:

EXISTING	(Symbol Size May Vary)	PROPOSED
	APPROXIMATE PROPERTY LINE	
●	WELL MONUMENT	●
●	FOUND MONUMENT AS NOTED	●
○	RECORD PROPERTY CORNER PER LAND SURVEYOR'S ACT.	
—x—	FENCE LINE	—x—
—w—	WATER LINE	—w—
⚠	SURVEY CONTROL POINT	⚠
D.P	JOINT POLE	D.P
	LOT LINES	
	DIRECTION OF SURFACE DRAINAGE	
	EDGE OF PAVEMENT	
	APPROXIMATE TREE DRIPLINES	

ABBREVIATION:

A.C.	ASPHALT	GS	GARAGE SLAB
BLDG	BUILDING	HP	HIGH POINT
CL	CENTER LINE	LP	LOW POINT
CONC	CONCRETE	MAX.	MAXIMUM
CS	CONCRETE SURFACE	MIN.	MINIMUM
DECID.	DECIDUOUS TREE	(N)	NEW
DS	DOWN SPOUT	PL	PROPERTY LINE
(E)	EXISTING	R/W	RIGHT OF WAY
EG	EXISTING GRADE	SCCO	SANTA CLARA COUNTY
FF	FINISHED FLOOR	SD	STORM DRAIN
FG	FINISHED GRADE	SDMH	STORM DRAIN MANHOLD
FS	FINISH SLAB	TYP	TYPICAL
GB	GRADE BREAK	TP	TOP PAVEMENT

BENCHMARK:

ELEVATIONS FOR THIS SURVEY ARE BASED ON AN ASSUMED DATUM.

NOTES:

1. BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY DETERMINED BY RECORD DATA. ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS AND PER THE BOUNDARY SURVEY STAKES OF THE PROPERTY AT 3NE GUADALUPE, CARMEL BY THE SEA, CA.

0 5 20 15
SCALE: 1"=5'

REGISTERED PROFESSIONAL ENGINEER
NGOC PHAM
CIVIL
STATE OF CALIFORNIA

NGOC PHAM 04/7/2021
DATE

HES CONSULTANTS LLC.
SAN JOSE, CA
CELL: (510) 962-2008
NHPHAM.STRUCTURAL@GMAIL.COM

SITE PLAN
OCEAN 4NE GUADALUPE
CARMEL BY THE SEA, CA

Drawn By:	MP
Date:	04/07/2021
Scale:	1"=5'
Job No.:	21025
Checked:	

REVISIONS			
NO.	DATE	ISSUED FOR	BY

SHEET 1 OF 1 ECV

Plot April 16, 2021 at 3:09 PM C:\Users\Dhvj\OneDrive\Residential\01 Live Project\4 NE Guadalupe - Carmel By The Sea\CAD\01-003 V-2013.dwg

Vol 1, Pg 52



Copied from original map filed in Vol No 1, Page 52, Cities & Towns

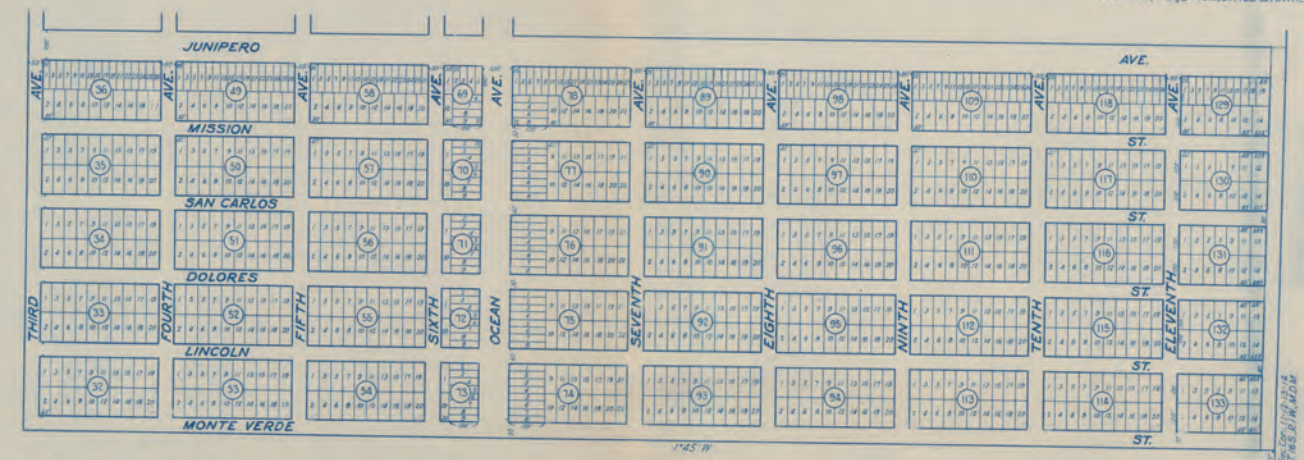
Filed for Record at request of S.J. Duckworth, May 1 1888, at 9 A.M.
David Wallace
County Recorder
Monterey County

15304 1-11-35

Exhibit 16

MAP
OF
CARMEL CITY
MONTEREY COUNTY, CAL.
SURVEYED BY W.C. LITTLE
APRIL 1888
Scale 1 in. = 250 ft.

Copied from original map filed in Book No. 1, Page No. 2, Cities & Towns



Filed at the request of WELLS FARGO
Mar. 7, 1902, at 45 minutes past 1 P.M.
in Vol. of
page
Records of Monterey County, Calif.
J.A.G. ADCOCK, Recorder.
By G.L. Dexter, Deputy.
Recorder's Fee - $ .50 Paid
D.

15304 1-11-35

EXHIBIT 17

State of California
City and County of San Francisco } ss

The accompanying plat is hereby offered by Frank H. Powers, who is the owner of said property, as a map of the town of Carmel-by-the-Sea, on the condition that the streets as mapped thereon are offered to the public for public use for all purposes save and except for railroads and street car lines, whatever may be the means of their propulsion, whether by horses, mules, electricity, steam or other power, and the owner of said property hereby specifically reserves for himself, his successors and assigns, the right to lay rails, ties and other material for tracks on the said streets, either single or double tracks, and with such switches, turnouts and appurtenances as he shall deem necessary, and to maintain street car and railroad tracks thereon, and to run cars, locomotives and rolling stock thereon with any and all kinds of motive power, including horses, mules, electricity and steam power, and only such streets as shall have been accepted by the governing body of the said property, whether of Municipal or County, with said reservations specifically recognized, shall be and become offered for dedication for public use.

It is not the intention of the undersigned owner to dedicate said property indicated by said streets except for said public use under the restrictions herein set forth, and owner hereof specifically reserves for himself, his successors and assigns, the right to revoke this offer of dedication as to any and all of said streets, or any part thereof at any time prior to the date on which the municipal or County governing body controlling said territory shown hereon shall officially accept the same.

Signed, FRANK H. POWERS
Owner.

On this Seventh day of February, 1902, before me, N.E.W. SMITH, a Notary Public in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared FRANK H. POWERS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in said City and County of San Francisco, the day and year last above written.

Signed, N.E.W. SMITH
Notary Public in and for the City and County of San Francisco, State of California.

SEAL.

MAP OF CARMEL-BY-THE-SEA
MONTEREY COUNTY
CALIFORNIA

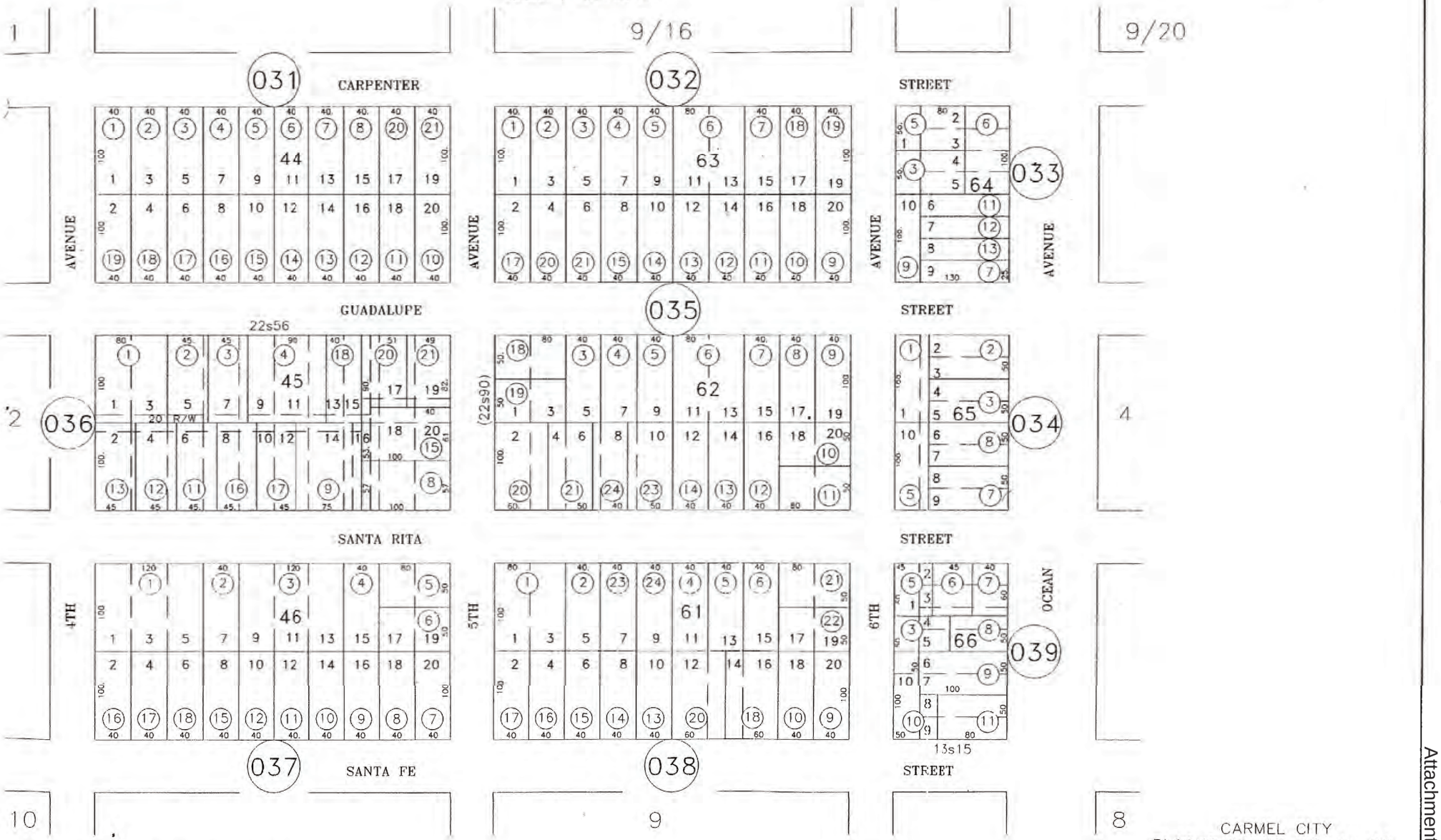
Scale 1 in. = 200 ft.

Provided by:
PARCELQUEST

TAX CODE AREA 001-000

SCALE: 1 IN.=100 FT.

COUNTY OF MONTEREY
ASSESSOR'S MAP
BOOK 10 PAGE 3

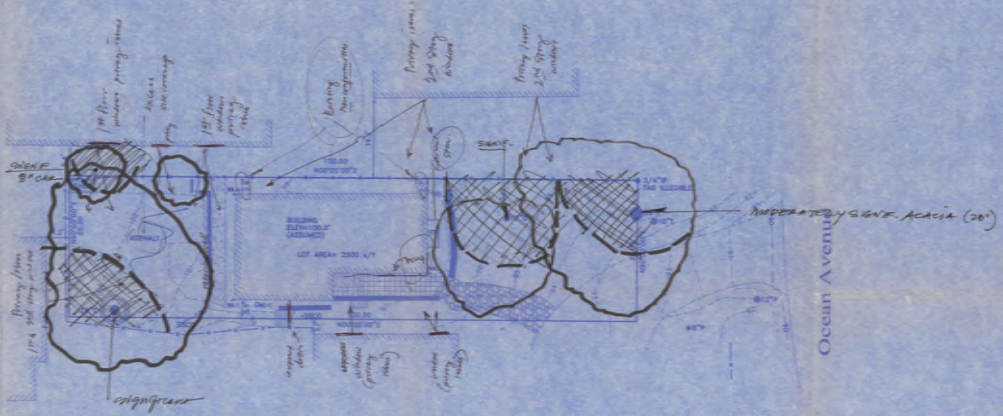


CARMEL CITY
BLOCKS 44, 45, 46, 61, 62,

THIS MAP IS INTENDED TO BE USED FOR

Attachment 8

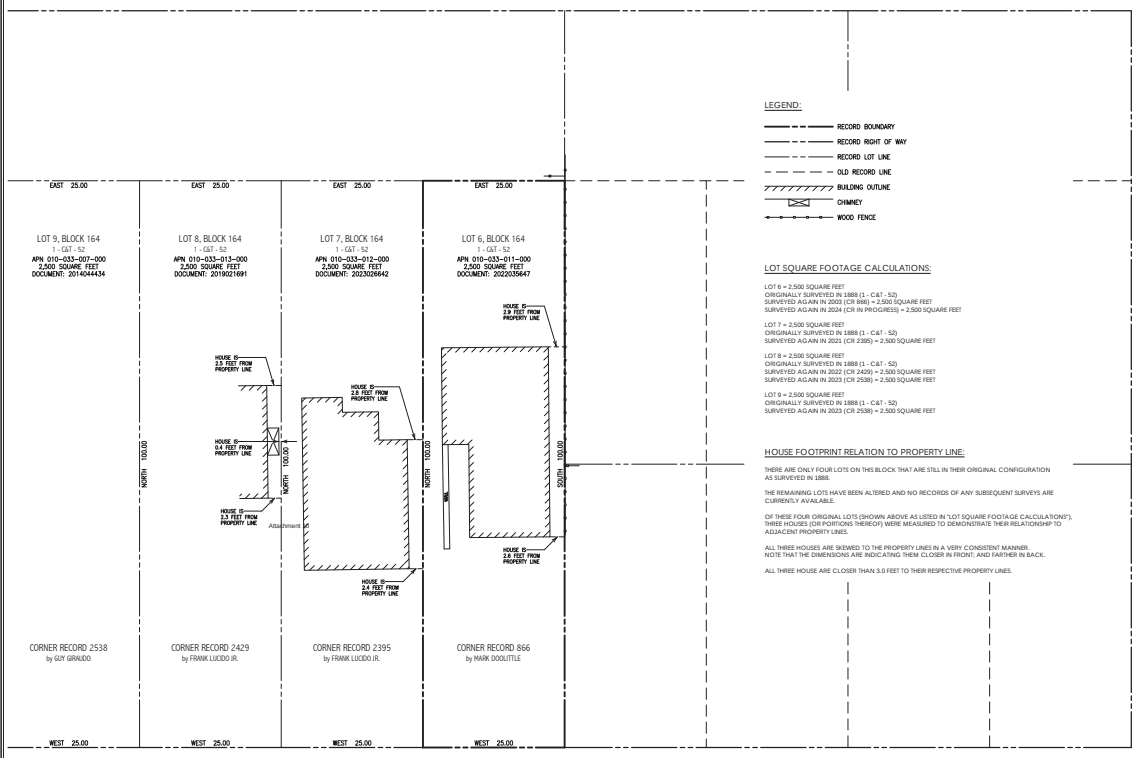
Attachment 9



SITE PLAN
APN 010-033-011
4 N/E Guadalupe St./ Ocean Ave., CArmel, Ca.
prepared for:
Robert Edgren

SHEET 1
OF
1 SHEETS

PRELIM. SITE ASSESS.
MIKE BRANDT
ELAINE HANTEN
6/12/02



OCEAN AVENUE
(A 100 FOOT WIDE CITY STREET)

LEGEND:

- RECORD BOUNDARY
- RECORD RIGHT OF WAY
- RECORD LOT LINE
- OLD RECORD LINE
- BUILDING OUTLINE
- CHIMNEY
- WOOD FENCE

LOT SQUARE FOOTAGE CALCULATIONS:

LOT 6 = 2,500 SQUARE FEET
ORIGINALLY SURVEYED IN 1888 (1 - C&T - 52)
SURVEYED AGAIN IN 2003 (CR 866) = 2,500 SQUARE FEET
SURVEYED AGAIN IN 2024 (CR IN PROGRESS) = 2,500 SQUARE FEET

LOT 7 = 2,500 SQUARE FEET
ORIGINALLY SURVEYED IN 1888 (1 - C&T - 52)
SURVEYED AGAIN IN 2021 (CR 2395) = 2,500 SQUARE FEET

LOT 8 = 2,500 SQUARE FEET
ORIGINALLY SURVEYED IN 1888 (1 - C&T - 52)
SURVEYED AGAIN IN 2022 (CR 2429) = 2,500 SQUARE FEET
SURVEYED AGAIN IN 2023 (CR 2538) = 2,500 SQUARE FEET

LOT 9 = 2,500 SQUARE FEET
ORIGINALLY SURVEYED IN 1888 (1 - C&T - 52)
SURVEYED AGAIN IN 2023 (CR 2538) = 2,500 SQUARE FEET

HOUSE FOOTPRINT RELATION TO PROPERTY LINE:

THERE ARE ONLY FOUR LOTS ON THIS BLOCK THAT ARE STILL IN THEIR ORIGINAL CONFIGURATION AS SURVEYED IN 1888.

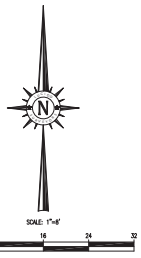
THE REMAINING LOTS HAVE BEEN ALTERED AND NO RECORDS OF ANY SUBSEQUENT SURVEYS ARE CURRENTLY AVAILABLE.

OF THESE FOUR ORIGINAL LOTS (SHOWN ABOVE AS LISTED IN "LOT SQUARE FOOTAGE CALCULATIONS"), THREE HOUSES (OR PORTIONS THEREOF) WERE MEASURED TO DEMONSTRATE THEIR RELATIONSHIP TO ADJACENT PROPERTY LINES.

ALL THREE HOUSES ARE SKEWED TO THE PROPERTY LINES IN A VERY CONSISTENT MANNER. NOTE THAT THE DIMENSIONS ARE INDICATING THEM CLOSER IN FRONT, AND FARTHER IN BACK.

ALL THREE HOUSE ARE CLOSER THAN 3.0 FEET TO THEIR RESPECTIVE PROPERTY LINES.

CARPENTER STREET
(A 50 FOOT WIDE CITY STREET)



NOTES:

1. BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS.
2. ENTITLEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY MAY NOT NECESSARILY BE SHOWN.
3. DISTANCES SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
4. A CORNER RECORD IS CURRENTLY IN THE SUBMITTAL PROCESS WITH THE COUNTY.
5. POSITION AND DIMENSIONS (IF ANY) OF BUILDINGS AND OTHER STRUCTURES ARE SHOWN HEREON APPROXIMATE ONLY DUE TO MEASUREMENT LIMITATIONS, IRREGULAR SHAPE OF BRICK FACING, POP-OUTS, BULL NOSE CORNERS, ETC. SQUARE FOOTAGE OF BUILDINGS (IF ANY) IS SHOWN APPROXIMATE ONLY, AND SUBJECT TO REVISION AT ANY TIME.
6. THIS MAP CORRECTLY REPRESENTS A SURVEY PREPARED BY ME AND/OR UNDER MY DIRECTION, FROM FIELD DATA COLLECTED IN JULY OF 2024.

PROFESSIONAL LAND SURVEYOR
FRANK LUCIDO JR.
No. 8305
STATE OF CALIFORNIA

TOPOGRAPHIC SITE SURVEY

OF

Lot 6, Block 164

PER

Voluem 1 of Cities & Towns at Page 52
Records of Monterey County

PREPARED FOR

Azadeh Mardani

BY

LUCIDO SURVEYORS
Boundary and Construction Surveys · Topographic and Planimetric Mapping
ALTA Surveys and GIS Database Management · Land Planning and Consulting

2 Saucito Avenue
DEL REY OAKS, CALIFORNIA 93940

info@lucidosurveyors.com
(831) 620-5032

SCALE: 1"=8'	PROJECT No. 3547	JULY 2024
CARMEL-BY-THE-SEA	COUNTY OF MONTEREY	STATE OF CALIFORNIA

ONE SHEET ONLY

MEMORANDUM

From: City Attorney
To: Chief Building Inspector

March 24, 1970

RE: Buena Vista Cottages

This memorandum is written in response to your office memorandum of January 19, 1970, concerning the proposed breakup and distribution of the motel known as the Buena Vista Cottages. The motel units were originally built as single family residences on 25-foot frontage lots with only 2500 square feet, in 1946. Since that date they came under one ownership and have been operated as a motel. Now the present owner is considering re-establishing the single family building sites.

The first question concerns whether Section 1310.72 of the Municipal Code requires that 25-foot frontage lots of record in one ownership must be combined into 37.5-foot frontage lots if in one ownership on February 4, 1948. I feel that this code section presupposes that there has been no construction or building permits granted for the 25-foot frontage lots. Any other interpretation would no doubt mean the loss of use of a residence, and potential liability of the City for condemnation. Since the residences were constructed before the 1948 section, with proper building permits, I feel that they do not have to combine adjoining lots for larger lot frontages. In other words, it is my opinion that each 25-foot frontage lot is a single building site in itself in spite of being under one ownership.

The next question is whether or not the present owner can sell the motel units separately as single family residences and as single 25-foot frontage sites. Since the motel is operating under a use permit, the use permit would have to be revoked and abandoned before the units could be separately sold. That would be necessary in order that City records accurately reflect the change in status of the residences and in order that the R-1 regulations apply rather than the specific motel ordinance. The present owner should, then, apply to the Planning Commission to revoke and abandon the motel use permit.

The final question is whether or not these units can be reconstructed in the event they are burnt down. Inasmuch as each unit is a legal separate building site, I feel that they can be reconstructed under the provisions of Section 1315.1 concerning non-conforming uses and buildings in the R-1 district. Since the lots are quite small, there would be the practical problem of dealing with the setback, lot coverage, and other restrictions, but they would nevertheless be entitled to rebuild.

If you have any further questions concerning the Buena Vista Cottages, please contact me.

Very truly yours,

William B. Burleigh

WBB:ELW

B[illegible] 64
Lots 6, 7, 8, 9, 10

Attachment 11

MEMORANDUM

TO: Fred Cunningham, Building Inspector

FROM: William B. Burleigh, City Attorney

RE: Buena Vista Cottages

On March 24, 1970, in response to a query from your office, I wrote an opinion regarding the transfer of the Buena Vista Cottages from a permitted motel to single family residences. In that opinion, in the third paragraph, I indicated that in order to keep the City records accurate that when the motel was sold as residences the owner should apply to the Planning Commission to revoke and abandon the motel use permit. I would like to modify that opinion in a small way. I do not think it is necessary for a formal application to be made to the Planning Commission or Board of Adjustments to revoke the use permit. A use permit is like a license; if a contractor is licensed by the state, and chooses to engage in a different profession, he need not take formal action to abandon his license as a contractor. To require the owner of Buena Vista Cottages to apply to the Board of Adjustments to revoke a permit would impose an unnecessary delay and hardship on the owner, and serve no useful purpose to the City. We can maintain accurate records by requiring the owner to submit to the City the details of the sale and how the property is being reverted to single family residences . If you put this in your files, our records will

be sufficiently accurate. Accordingly, I feel that the sale may be completed and that City records will be satisfied if the details of the transfer are submitted to you for inclusion in your files.

If you have any questions, please contact me.

DATED: November 26, 1971.

Respectfully submitted,

WILLIAM B. BURLEIGH
City Attorney

WBB:dmc