



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

Mayor Dave Potter, Council Members Jeff Baron,
Karen Ferlito, Bobby Richards, and Carrie Theis
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, June 1, 2021

TOUR TIME: 12:00 p.m.

TOUR OF INSPECTION

- A. 1. DS 20-392 (Jung) Camino Real 3 Southwest of 13th Avenue
- 2. DS 15-349 (O' Day) southeast corner of Casanova Street and 4th Avenue

Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our residents is the top priority for the City of Carmel-by-the-Sea. To that end, this meeting will be held via teleconference and web-streamed on the City's website ONLY.

Click the following link to attend via Zoom (or copy and paste the link into your browser); <https://zoom.us/j/95806441379?>; Meeting ID (if needed): 958 0644 1379; Passcode (if needed): 173007; or to attend via telephone, dial 1-669-900-9128

The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received 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 added to the agenda and made part of the record.

OPEN SESSION

4:30 PM

CALL TO ORDER AND ROLL CALL

EXTRAORDINARY BUSINESS

- A. Proclamation recognizing June 2021 as LGBTQ Pride Month.
- B. Local Hazard Mitigation Presentation
- C. Presentation on 211 Services

PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

ANNOUNCEMENTS

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

CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Council, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. May 3, 2021 Special Meeting Minutes, May 4, 2021 Regular Meeting Minutes, May 12, 2021 Special Meeting Minutes, and May 18, 2021 Special Meeting Minutes
2. Monthly Reports for April: 1) City Administrator Contract Log; 2) Community Planning and Building Department Reports; 3) Police, Fire, and Ambulance Reports; 4) Public Records Act Requests, and 5) Public Works Department Report
3. April 2021 Check Register Summary
4. Resolution 2021-020 authorizing a partial refund of a Track 2 Design Study application fee in the amount of \$3,783.75 plus the full amount of the volumetrics deposit of \$1,500 to Laurel Pavesi
5. Resolution 2021-021 accepting donations from Carmel Gives and Carmel Cares, both nonprofit, volunteer organizations
6. Resolution 2021-022 ratifying an appointment to the Historic Resources Board
7. Resolution 2021-023 accepting the 2021 updates to the existing Emergency Operations Plan
8. Resolution 2021-024 authorizing the City Administrator to execute a professional services agreement with Visit Carmel for marketing services for the period of July 1, 2021 to June 30, 2024
9. Ordinance 2021-001 amending sections 2.28.030, 2.28.060, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and updating the Community Activities Commission Mission Statement
10. Ordinance 2021-002 adding Chapter 12.48 "Special Events" to the Carmel-by-the-Sea Municipal Code
11. Resolution 2021-025 authorizing the City Administrator to execute an agreement with

Netkiller for Google WorkSpace products for the term of July 1, 2020 to July 1, 2023 in an amount not to exceed \$50,112

ORDERS OF BUSINESS

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

12. Resolution 2021-026 authorizing the closure of certain streets and the erection of tents on public property for Concours on the Avenue, Prancing Ponies, and Ferrari of North America.
13. Resolution 2021-027 authorizing the City Administrator to implement modifications to the home mail delivery program to include the use of eligibility criteria effective on August 15, 2021 and provide direction to staff regarding fees for this program

PUBLIC HEARINGS

14. Consideration of an Appeal by Peter Smith (APP 21-165) of a Design Study Approval (DS 20-392, Jung) and associated Coastal Development Permit for a 233 square foot addition to an existing 1-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage located on Camino Real 3 Southwest of 13th Avenue in the Single-Family Residential (R-1) Zoning District.
15. Consideration of an Appeal by Scott Hulett (APP 21-166, 'O' Day) of a decision made by the Planning Commission on April 14, 2021, denying a one-time extension of a Design Study (DS 15-349, O' Day) for the construction of a detached carport in the front and side-yard setbacks and enclosure of the existing carport for storage located at the southeast corner of Casanova Street and 4th Avenue in the Single-Family Residential (R-1) Zoning District. (APN 010-214-028)

FUTURE AGENDA ITEMS

CLOSED SESSION

- A. Public Employee Performance Evaluation pursuant to Government Code Section 54957; Title: City Administrator

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, outside the Park Branch Library, NE corner of Mission Street and 6th Avenue, 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

June 1, 2021
TOUR TIME: 12:00 p.m.

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Chip Rerig, City Administrator

APPROVED BY: Chip Rerig, City Administrator

SUBJECT:

1. DS 20-392 (Jung) Camino Real 3 Southwest of 13th Avenue
2. DS 15-349 (O' Day) southeast corner of Casanova Street and 4th Avenue

RECOMMENDATION:

BACKGROUND/SUMMARY:

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

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

A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RECOGNIZING JUNE 2021 AS LGBTQ PRIDE MONTH

Whereas, many cities across the United States recognize June as Lesbian, Gay, Bisexual, Transgender and Queer Pride Month, as June has become a symbolic month during which the LGBTQ community and its allies come together to remember the Stonewall riots of 1969 and to celebrate the progress that has been made and will be made for LGBTQ rights, and

Whereas, the City of Carmel-by-the-Sea has a diverse Lesbian, Gay, Bisexual, Transgender and Queer community and is committed to celebrating and supporting visibility, dignity and equality for all people in the community, and

Whereas, the City of Carmel-by-the-Sea has a long and proud history of celebrating diversity, promoting inclusion and defending civil rights, and

Whereas, continued discrimination against LGBTQ persons makes it important for cities to stand up and show solidarity and support for our LGBTQ residents and those in the community at large, and

Whereas, in these days it is most important to be kind and to show respect to all of our community members.

NOW, THEREFORE, BE IT PROCLAIMED THAT I, Dave Potter, Mayor of the City of Carmel-by-the-Sea, on behalf of the City Council and the citizens of Carmel hereby declare June 2021 as LGBTQ Pride Month.

David Potter, Mayor



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

June 1, 2021
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Britt Avrit, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: May 3, 2021 Special Meeting Minutes, May 4, 2021 Regular Meeting Minutes, May 12, 2021 Special Meeting Minutes, and May 18, 2021 Special Meeting Minutes

RECOMMENDATION:

Approve May 3, 2021 Special Meeting Minutes, May 4, 2021 Regular Meeting Minutes, May 12, 2021 Special Meeting Minutes, and May 18, 2021 Special Meeting Minutes as presented.

BACKGROUND/SUMMARY:

The City Council routinely approves the Minutes of its meetings.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

None for this action.

ATTACHMENTS:

- Attachment #1 - May 3, 2021 Special Meeting Minutes
- Attachment #2 - May 4, 2021 Meeting Minutes
- Attachment #3 - May 12, 2021 Special Meeting Minutes
- Attachment #4 - May 18, 2021 Special Meeting Minutes

**CITY COUNCIL SPECIAL MEETING
Monday, May 3, 2021**

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:34 p.m.

Present: Council Members Baron, Ferlito, Theis, Mayor Pro Tem Richards, Mayor Potter

EXTRAORDINARY BUSINESS

Item A: Visit Carmel Presentation

Item B: Monterey County Convention & Visitors Bureau (MCCVB) Presentation

Item C: Sunset Center Presentation

PUBLIC APPEARANCES

The following member of the public spoke:

Denny Levett

ANNOUNCEMENTS

Item A: City Administrator Announcements

The City Administrator thanked the Police Department, Fire Department and CERT Team for hosting the recent vaccination clinic.

Item B: City Attorney Announcements

None

Item C: Councilmember Announcements

Mayor Pro Tem Richards discussed a recent evening spent in town and discussed his excitement at the return of live music and people attending an event at the Forest Theater.

Council Member Baron discussed the upcoming Climate Committee Meeting.

Mayor Potter discussed upcoming City Council meetings May 4, 2021, the Council Retreat on May 12, 2021, and Special Budget Meeting on May 18, 2021.

CONSENT AGENDA

Council Member Theis requested that Item No. 5 be removed for separate discussion.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Ferlito, the City Council approved the Consent Agenda with the exception of Item No. 5 by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 5:

Council Member Theis discussed her concerns with approving street closures related to the event without understanding how the event organizers are planning to scale back the event due to COVID-19 restrictions.

Chief Tomasi and the Director of Library & Community Activities provided progress on the event and discussed the background regarding the challenges associated with events and outdoor gatherings in the City due to COVID-19 restrictions.

Questions from the City Council to staff included clarification of the safety measures being considered by the event organizers, options for scaling back the event, how other cities' events and Car Week events are being handled, the challenges associated with holding an event in a public place and hiring of security guards to enforce mask wearing and social distancing.

The following members of the public spoke:

Gerard Mattimoe
Mitch & Marsha Taylor
Kimberly Willison
Jenny MacMurdo
Jill Sheffield
Dale Byrne
Doug Freeman
Stacy Steele
Judy Refuerzo
Ashley Bennet Stoddard
Richard Kreitman
Mike Brown

Discussion among the City Council and staff included discussion of reducing the number of cars and discussion of requiring applicants to submit a budget. The City Council discussed their support of the event and discussed the current unique situation regarding County and State restrictions for outdoor, large-scale events. Staff stated the item is being presented at this time so that in the event restrictions are lifted, planning for the event can continue. Discussion of the importance of the need for the event organizers to be flexible and work with City staff took place. The City Council discussed concerns with moving forward without a safety plan.

Item 5 continued...

Mayor Pro Tem Richards made a motion to adopt Resolution 2021-013 authorizing the closure of certain streets and the erection of tents on public property for Concours on the Avenue.

The motion failed due to lack of a second.

Council Member Baron made a motion to continue the item to the June City Council meeting with direction to staff to develop a safety plan with the applicants and bring back to Council.

Council Member Theis seconded the motion.

Discussion took place regarding the Council's desire to ensure the public will be safe at the event.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council continued Item 5 to the June City Council meeting with direction to staff to develop a safety plan with the applicants and bring back to Council, by the following roll call vote:

AYES: BARON, THEIS, POTTER
NOES: FERLITO, RICHARDS
ABSENT: NONE
ABSTAIN: NONE

Item 1: April 6, 2021 Regular Meeting Minutes

Item 2: Monthly Reports for March: 1) City Administrator Contract Log; 2) Community Planning and Building Department Reports; 3) Police, Fire, and Ambulance Reports; 4) Public Records Act Requests, and 5) Public Works Department Report

Item 3: March 2021 Check Register Summary

Item 4: Resolution 2021-012 approving a Memorandum of Understanding (MOU) for the Central Coast Community Energy (3CE) shared seats with the Cities of Monterey and Pacific Grove and appointing Council Member Baron as the Policy Board Alternate pursuant to the MOU

Item 5: Resolution 2021-013 authorizing the closure of certain streets and the erection of tents on public property for Concours on the Avenue.

ORDERS OF BUSINESS

Item 6: Update on paid parking in Carmel-by-the-Sea and provide direction to staff

The Community Planning & Building Director provided the staff report for this item.

Questions from the City Council to staff included clarification of the specific area to be included in the Ocean Avenue plan, clarification of the residential permit system, costs involved if a consultant is needed and clarification regarding the construction vehicle permit system.

Item 6 continued...

The following members of the public spoke regarding this item:

Richard Kreitman

Steve Dallas

Discussion among the City Council and staff included discussion of the goal of increased revenue and addressing parking congestion issues. The City Council and staff discussed the theory behind not charging for parking at Vista Lobos and the Sunset Center parking lots and discussed getting employees and business owners to park outside of the paid parking zones. Discussion took place regarding the importance of getting the plan for Del Mar to the Coastal Commission as quickly as possible. Concerns of the impact on side streets, the importance of permits being needed for construction vehicles and consideration of an RFP for development of a public/private parking lot option at the north lot at Sunset Center were discussed.

It was the consensus of the City Council to include the entire Commercial District in the Ocean Avenue Plan and to provide the Del Mar plan to the Coastal Commission as soon as possible.

No action necessary, direction provided to staff.

Mayor Potter requested a brief recess at this time.

Mayor Potter reconvened the meeting at 7:10 p.m.

Item 7: Resolution 2021-015 authorizing the City Administrator to execute a Lease Agreement with GTE MOBILNET of California Limited Partnership, a California Limited Partnership, D/B/A Verizon Wireless and a Memorandum of Building and Rooftop Lease Agreement

The City Attorney provided the staff report for this item.

Questions from the City Council to staff included clarification of why approval of the lease is being requested before the application goes to either the Historic Resources Board or the Planning Commission and clarification of the consideration of alternate locations other than the roof at the Sunset Center.

The following members of the public spoke regarding this item:

Mike Brown

Brian Cayne

Sue McCloud

Judy Refuerzo

Michael McWalters

Neils Reimers

Jan Reimers

Kristi Hollenbeck

Wayne Moon

Item 7 continued...

Discussion among the City Council and staff included discussion of the choices for the Council to consider, what can be done to satisfy the residents and discussion of the impact of the City's Zoning Ordinance on cell sites. The City Attorney's Office stated the City Council is only considering the Lease at this time; the decision regarding potential related permits may come to the City Council at another time; consideration of this item does not prejudice the Council for future review (if any) of the application. The City Attorney's office read a sentence from paragraph 34 from the Lease regarding no guarantees with the Lease regarding the permitting process. Discussion took place regarding the public process.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Theis, the City Council adopted Resolution 2021-015 authorizing the City Administrator to execute a Lease Agreement with GTE MOBILNET of California Limited Partnership, a California Limited Partnership, D/B/A Verizon Wireless and a Memorandum of Building and Rooftop Lease Agreement, by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

FUTURE AGENDA ITEMS

None.

ADJOURNMENT

Mayor Potter adjourned the meeting at 8:06 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk

REGULAR MEETING
Tuesday, May 4, 2021

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:31 p.m.

Present: Council Members Baron, Ferlito, Theis, Mayor Pro Tem Richards, Mayor Potter

EXTRAORDINARY BUSINESS

Item A: Proclamation recognizing May 2-8, 2021 as Municipal Clerks Week

Item B: Proclamation recognizing May 16-22, 2021 as National Public Works Week "Stronger Together"

PUBLIC APPEARANCES

The following member of the public spoke:

Dale Byrne

CONSENT AGENDA

Council Member Baron requested that Item No. 2 be removed for separate discussion.

Council Member Ferlito provided comments related to Item No. 1 when paving projects take place in the next Fiscal Year.

On a motion by Mayor Pro Tem Richards and seconded by Council Member Ferlito, the City Council approved Consent Agenda Item No. 1, by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Council Member Baron discussed his concerns regarding Ordinance 2021-002, specifically regarding the lack of a section for applicants to appeal decisions made by staff.

CONSENT AGENDA continued...

The City Attorney stated Council Member Baron contacted him prior to the City Council meeting and provided proposed language to be included in the Ordinance:

12.48.060 Permit Review Procedures and Fees.

F. Appeals

1. *Within ten days of the date of written notification of action by the Reviewing Authority, an Applicant for a Permit may appeal any denial of the application or any condition of approval to the City Administrator or designee. The City Administrator or designee shall hear appeals within ten days following filing of the appeal. Such appeal shall set forth, with particularity, the facts upon which the appeal is being made. On appeal, the City Administrator or designee shall approve the application unless he or she makes one or more of the findings for denial set out in subsection E of this section 12.48.060, in which case the City Administrator may deny the application. In approving a special event permit, the City Administrator or designee may exercise the authority of the Reviewing Authority to impose conditions of approval.*

2. *The City Administrator or designee's determination to grant or deny the appeal shall be the final decision of the City, unless timely appealed by the Applicant to the City Council by filing a notice of appeal with the City Clerk within ten days of the decision of the City Administrator. The City Council shall consider any such timely appeal at the next regularly scheduled council meeting, unless the appeal is filed within ten days of the next regularly scheduled council meeting, in which case such appeal shall be heard at the subsequent regular meeting. On appeal, the City Council shall consider the application de novo and shall approve the application unless the Council makes one or more of the findings for denial set out in subsection E of this section 12.48.060 and shall exercise the authority of the Reviewing Authority to impose conditions of approval in accordance with this chapter.*

Council Member Baron made a motion to amend Ordinance 2021-002 adding the revised language, re-introduced the ordinance as amended, and requested reading of the title of the ordinance.

Council Member Theis seconded the motion.

Mayor Pro Tem Richards requested clarification if the option of applying for multi-year permits is included in the Ordinance. Discussion took place about placing this on a future agenda or discussing the option at the upcoming Retreat on May 12, 2021.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council amended Ordinance 2021-002 adding the revised language, re-introduced the ordinance as amended, and requested reading of the title of the ordinance, by the following roll call vote:

AYES:	BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Following discussion of Item No. 4, the City Attorney stated, in response to Mayor Pro Tem Richards' question regarding multi-year permits that he had confirmation there is no prohibition in submitting permit applications in advance.

Item 1: Resolution 2021-018 approving a list of street projects for Fiscal Year 2021/22 funded by SB 1: the Road Repair and Accountability Act of 2017

Item 2: Ordinance 2021-002 adding Chapter 12.48 "Special Events" to the Carmel-by-the-Sea Municipal Code

ORDERS OF BUSINESS

Item 3: Ordinance 2021-001 amending sections 2.28.030, 2.28.060, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and updating the Community Activities Commission Mission Statement and Resolution 2021-014 amending Policy C89-06, Appointments to Boards and Commissions

The City Clerk provided the staff report for this item.

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council requested a reading of the title of the ordinance, waived further reading and introduced Ordinance 2021-001 amending sections 2.28.030, 2.28.060, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and updating the Community Activities Commission Mission Statement, by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

On a motion by Council Member Baron and seconded by Mayor Pro Tem Richards, the City Council adopted Resolution 2021-014 amending Policy C89-06, Appointments to Boards and Commissions, by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 4: Resolution 2021-017 authorizing the City Administrator to restore voluntary compensation reductions, in whole or in part, for At Will Executives and for classifications covered under the Memorandum of Understanding between the City and the City of Carmel-by-the-Sea Police Officers Association

The City Administrator provided the staff report for this item.

Questions from the City Council to staff included clarification if approving partial restoration could mean there would be enough funds to bring back staff.

Item 4 continued...

Discussion among the City Council and staff included discussion of the City Council's appreciation for staff's willingness to take salary reductions and give up their salary increases to assist with addressing the anticipated budget shortfall and their belief it is time to restore the salaries that were deferred. Discussion took place regarding the proposed budget includes bringing some staff back.

On a motion by Council Member Ferlito and seconded by Council Member Theis, the City Council adopted Resolution 2021-017 authorizing the City Administrator to fully restore salary deferral and/or other compensation reductions incurred since July 1, 2020 for At Will Executives and for classifications covered under the Memorandum of Understanding between the City and the City of Carmel-by-the-Sea Police Officers Association, by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 5: Consider applications submitted as part of the Fiscal Year 2021-2022 Council Discretionary Grant Program and provide funding recommendations to staff

The Director of Budgets and Contracts provided the staff report for this item.

Questions from the City Council to staff included clarification of the timing for the revised application received from Community Human Services.

The following members of the public spoke regarding this item:

Robert Rapp
Moir LaMountain
Dale Byrne
JC Myers
Marci Meaux

Discussion among the City Council and staff included discussion of following staff's recommendation provided in the matrix in the Staff Report plus funding Community Human Services and partially funding the request from C4G2 to provide total funding for the amount listed in the proposed budget. The City Council thanked the groups for the work they do for the Community.

On a motion by Council Member Theis and seconded by Mayor Pro Tem Richards, the City Council approved staff recommendations for funding the Council Discretionary Grant Program as listed in the staff report and added \$3,000 for Community Human Services and \$2,000 for Connections 4 Growth 2 Communities 4 Good for a funding total of \$20,000, by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 6: Receive the Fiscal Year 2021-2022 Recommended Budget

The Director of Budgets and Contracts provided the staff report for this item.

The following member of the public spoke regarding this item:

Paul Martin

Discussion among the City Council and staff included discussion of funding for specific projects, and clarification of what is included in the vehicle equipment fund. The City Council thanked staff for increasing staff related to customer service, discussed projects residing in the Capital Improvement Project list vs Operating Budgets, the timing for hiring and recruitment and using potential savings of holding off on this towards sprucing up downtown. The City Council stated many topics related to the budget may be discussed as part of Council's priorities at the upcoming Retreat.

On a motion by Council Member Baron and seconded by Mayor Potter, the City Council received the Fiscal Year 2021-2022 Recommended Budget, by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Mayor Potter requested a brief recess at this time.

Mayor Potter reconvened the meeting at 6:40 p.m.

It was the consensus of the Council to hear Item 8 at this time.

PUBLIC HEARING

Item 8: Resolution 2021-019 adopting the Fiscal Year 2021- 2022 Fee Schedule for Administrative Services, Community Planning and Building, Public Safety and Public Works Services

The City Administrator and Director of Budgets and Contracts provided the staff report for this item.

Questions from the City Council to staff included clarification of how and when the parking garage fees will be increased and clarification when mail delivery fees will be included.

Discussion among the City Council and staff included discussion of increasing the fee for the parking garage.

On a motion by Council Member Baron and seconded by Council Member Theis, the City Council adopted Resolution 2021-019 adopting the Fiscal Year 2021- 2022 Fee Schedule for Administrative Services, Community Planning and Building, Public Safety and Public Works Services and gave direction to staff to bring back an increase to the parking garage fees, by the following roll call vote:

AYES: BARON, FERLITO, THEIS, RICHARDS, POTTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Item 7: Progress report on the Outdoor Seating Ad-Hoc Committee and consideration of expiration dates for parklet permits

The Community Planning & Building Director provided the staff report for this item.

Questions from the City Council to staff included clarification of what “100% open” means in terms of Covid-related restrictions.

The following members of the public spoke regarding this item:

Jim Schulz
Kim Stemler
Jenny MacMurdo
Anthony Camazzo
Parker Logan
Ashley Bennet Stoddard
Jack Galante
Bashar Sheeh
Dan McDonnal
Kenny Spilfogel
Jo Todd
Scott
Shaheen's iPhone
Dawn Galante
Sue McCloud
Richard Kreitman

The City Council thanked the Community Planning & Building Director for the outstanding presentation. Discussion included current expiration date of temporary permits, the challenges with making a decision without knowing if the Governor will open the State up on June 15th as he has indicated, and determining the monetary value of a parklet as it relates to a potential fee for permanent parklets. The City Council and staff discussed the need for an end date or a “methodology” for determining an end date such as setting the end of temporary parklets after certain metrics have been met, discussed the negative impacts to retailers due to the parklets, the difference between restaurant and wine tasting parklets and the impact the parklets will have on the Concourse on the Avenue event if it takes place. Additionally, the City Council discussed the amount of enforcement needed by staff related to the parklets and how this will be handled in the future including potentially imposing a fee after metrics have been met. The City Council stated residents want their sidewalks back and understand people still want to be outside even after the pandemic. Discussion took place regarding ensuring ABC regulations are followed as it relates to wine tasting rooms. The City Council discussed allowing wine tasting parklets to stay in place for 30 days after wine tasting rooms are allowed to return to 100% occupancy and then they must be removed. The City Council discussed allowing restaurant parklets to stay in place for 90 days after restaurants return to 100% occupancy – without social distancing requirements, pre-pandemic situation – and then they must be removed. It was the consensus of the City Council if the situation changes regarding Covid-related restrictions, the clock stops until the establishments are allowed to be at 100% occupancy with a “hard-stop” at the end of December. Staff will analyze the use/cost of part-time code compliance assistance and “getting the sidewalks back.”

No action necessary, direction provided.

FUTURE AGENDA ITEMS

None

ADJOURNMENT

Mayor Potter adjourned the meeting at 8:44 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk

CITY COUNCIL SPECIAL MEETING - WORKSHOP
Wednesday, May 12, 2021
9:00 AM

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 9:01 a.m.

Present: Council Members Baron, Ferlito, Theis, Mayor Pro Tem Richards, Mayor Potter

PUBLIC APPEARANCES

The following members of the public spoke:

Michael Rafetto
Lynette Zimmerman
Ken White
Dale Byrne
Amy Herzog
Christine Sandin

ORDERS OF BUSINESS

Item 1: City Council Retreat - Strategic Planning

ADJOURNMENT

Mayor Potter adjourned the meeting at 3:03 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk

CITY COUNCIL SPECIAL MEETING
Tuesday, May 18, 2021
4:30 PM

This meeting was held via teleconference due to the Shelter in Place Order issued by Monterey County and Governor Newsom's Executive Order N-29-20

CALL TO ORDER AND ROLL CALL

Mayor Potter called the meeting to order at 4:32 p.m.

Present: Council Members Baron, Ferlito, Theis, Mayor Pro Tem Richards, Mayor Potter

PUBLIC APPEARANCES

The following members of the public spoke:

Beth Bowman
Michael Raffetto

ORDERS OF BUSINESS

Item 1: Receive a presentation on the Fiscal Year 2021-2022 Recommended Budget and provide direction to staff

The Director of Budgets and Contracts provided the staff report for this item.

Questions from the City Council to staff included clarification of the timing for establishing an agreed upon reserve, confirmation if the requested .50 additional FTE will be adequate, clarification of the figures provided for the General Fund, the General Fund Reserve and Funds 101, 102 and 206. Additionally the City Council requested clarification regarding filling the requested Assistant Planner position.

The following members of the public spoke regarding this item:

Irene Long
Beth Bowman
Teresa Holman
Katy Castagna
Moir LaMountain

Discussion among the City Council and staff included discussion of increasing reserves from 10% to 15% or 20%, where the funds will come from if the increase is instituted with the coming Fiscal Year, waiting until next Fiscal Year to increase the reserve and potentially waiting until Mid-Year to institute the increase. Discussion took place regarding the proposed conservative budget and the optimism associated with the anticipated ending fund balance as it relates to increasing the reserve at this time. The City Council discussed the proposed projects that do not take money and take staff to implement, discussed the associated impacts to staff and discussed concerns that .50 position will not be enough to handle the projects.

It was the consensus of the City Council to direct staff to return with information regarding increasing the reserve to 15%.

The City Council thanked staff for an outstanding budget presentation.

Discussion regarding the proposed budget included the City Council's desire to address deferred maintenance, discussion regarding the windows at the Sunset Center and Harrison Memorial Library, the use of concrete vs. pavers with regard to sidewalk repairs and inclusion of a landscape maintenance contract in the budget. Additionally the City Council discussed prioritizing projects, placement of funds for pension mitigation, and the increase in leisure travel and the impacts to the City's revenues. The City Council requested that staff look at the intersection of Ocean Avenue and Scenic, various locations in the City where ivy has spread and determine if code enforcement actions can be augmented. Discussion of downtown beautification took place.

ADJOURNMENT

Mayor Potter adjourned the meeting at 6:33 p.m.

APPROVED:

ATTEST:

Dave Potter, Mayor

Britt Avrit, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

June 1, 2021
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Britt Avrit, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Monthly Reports for April: 1) City Administrator Contract Log; 2) Community Planning and Building Department Reports; 3) Police, Fire, and Ambulance Reports; 4) Public Records Act Requests, and 5) Public Works Department Report

RECOMMENDATION:

Review and receive monthly reports.

BACKGROUND/SUMMARY:

This is a monthly series of reports.

Based upon Council direction provided during the April 7, 2020 meeting, staff have added a new section to the monthly staff report regarding the home mail delivery program.

The invoice submitted by Peninsula Messenger Service for the month of April shows 156 residents are receiving mail delivery service.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

Monthly approvals.

ATTACHMENTS:

- Attachment #1 - City Administrator Contract Log
- Attachment #2 - Community Planning & Building Report for April 2021
- Attachment #3 - Police, Fire & Ambulance Report
- Attachment #4 - Public Records Act Request Logs
- Attachment #5 - Public Works Report for April 2021

City Administrator Contract Log

Nothing to report for April, 2021



CITY OF CARMEL-BY-THE-SEA Monthly Report

April 2021

Community Planning and Building Department

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Marnie R. Waffle, AICP, Senior Planner
SUBMITTED ON:	May 4, 2021
APPROVED BY:	Brandon Swanson, Community Planning & Building Director

APRIL 2021 – DEPARTMENT ACTIVITY REPORT

I. PLANNING APPLICATIONS:

In April of 2021, **49** planning permit applications were received.

II. BUILDING PERMIT APPLICATIONS:

In April of 2021, **66** Building Permit applications were received.

III. CODE COMPLIANCE CASES:

In April of 2021, **6** new code compliance cases were created.

IV. ENCROACHMENT APPLICATIONS:

In April of 2021, **26** encroachment permit applications were received.

V. YEAR-TO-DATE TRENDS

Table 1 includes the April 2021 totals, for planning and building permit applications, encroachments and code compliance cases with a comparison to April 2020 totals. As shown in the table, in 2021 there was a **40% increase** in planning permit applications, a **16% increase** in building permit applications, **77% decrease** in code compliance cases, and a **17% increase** in encroachment permit applications compared to the same period 2020.

Table 1. Permit Application Totals

	<u>Planning</u>	<u>Building</u>	<u>Code Compliance</u>	<u>Encroachments</u>
2020 Totals	103	161	93	89
2021 Totals	144	187	21	104
% Difference	40%	16%	-77%	17%



Planning Permit Report

04/01/2021 - 04/30/2021

Permit #	Permit Type	Project Description	Address/Location	Date Received	Date Approved	Status
21149	Use Permit	Skin Care Product, soaps bath items	Ocean Avenue 2 NE of Dolores Street	5/3/2021		In Review
21148	Business License	Women's Clothing and related accessories	1 NW Dolores at Ocean	5/4/2021		In Review
21147	Use Permit	Merge two 4,000 sf lots into one 8,000 sf lot, replace one existing two story 1,802 SF single family residence with a new one-story 500 sf guesthouse with attached 17 sf pool equipment shed and separate in-ground swimming pool	Scenic Road 3 & 4 SE of 9th Avenue			In Review
21146	Lot Merger	Merge two 4,000 sf lots into one 8,000 sf lot, replace one existing two-story 1,802 sf residence with a new one-story 500 sf guesthouse with attached 17 sf pool equipment shed and a separate in-ground swimming pool	Scenic Road 3 & 4 SE of 9th Avenue			In Review
21145	Design Study	Associated with DS 20-346 - minor relocation and reconfiguration of window #16 in Dining Room to new location in the NWC of dining room, installed in a new wood framed pop-out clad in wood with smooth matte black painted finish. The minor reconfiguration of window numbers 1,2,5,8 and the addition of a 1'-6" x 5'-6" skylight in bathroom #1 to have automatic night shade operation.	26185 Dolores Street, 2 SE of Santa Lucia	4/30/2021		In Review
21144	Notice of Exempt Work	Prefab Shed	Dolores St 3rd SW of 2nd St			In Review
21143	Design Study	Install narrow dg walkway from street to property entrance, Install stones along walkway, install handrail by back patio 4.5 feet tall,	Dolores 3 SW of 13th	4/29/2021		In Review
21142	Design Study	Re-facing of existing automobile entry gate, modification of existing fencing, and new exterior doors to be added to area under existing deck for outdoor access laundry and storage	SEC of Palou and Casanova	5/3/2021		In Review
21141	Preliminary Site Assessment	Preliminary Site Assessment	Junipero St, 3NE of 12th			In Review

21140	Preliminary Site Assessment	Grandfather built the original house which burned down in '96 and was rebuilt as a rental. I am taking over the house and remodeling to live in with my wife. We hope to expose beamed ceilings everywhere possible, add a small 2nd story in the back for guests and children when they visit and hope to re-landscape to widen walkways and make the grounds more appealing after years of rental neglect.	3 NW Carpenter and 4th	5/3/2021		In Review
21139	Business License	Handmade rugs, home decor and gift items	San Carlos 2 NW of 7th	4/26/2021		In Review
21138	Design Review	Reroof with different material - Commercial Building	NEC 5th and Junipero Street	5/3/2021		In Review
21137	Preliminary Site Assessment	Prelim. Site Assessment App. for Remodel	Carmelo (2) SW of 10th	4/27/2021		In Review
21136	Design Study	merge two 4000 sf lots into one 8,000 sf lot, replace one existing two-story 1,802 sf single family residence with a new one-story 500 sf guesthouse with attached 17 sf pool equipment shed and a separate in-ground swimming pool	Scenic Road 3 & 4 SE of 9th			In Review
21135	Preliminary Site Assessment	preliminary site assessment	Southwest Corner of San Carlos Street and 8th Avenue	5/3/2021		In Review
21134	Design Study	Demo existing garage and rebuilt 220 sf garage - no change. Exterior materials and colors to match existing. F	Scenic Road 7 SW of Ocean Avenue	4/22/2021		In Review
21133	Use Permit	Demolition of 3 buildings, trash enclosure, 2 trellis structures and 2 parking areas. The whole lot shall be excavated for underground parking garage and 2 story building shall be constructed above it. Ground floor shall serve commercial uses with 11 tenant spaces and the 2nd floor shall contain 8 apartments of various sizes, 2 and 1 bedroom.	Dolores Street 2 southeast of 7th	4/21/2021		In Review
21132	Design Study	2 new skylights and additional window treatment	Casanova 5 SE of 12th	4/20/2021		In Review
21131	Preliminary Site Assessment	Remodel and existing two story single family dwelling and expand the lower lever under the portion of the rear deck. Project includes the exterior and interior modifications. The project will consist of the changes to the rear and side deck and front porch entrance with no excavation or tree removal.	9 Crespi SW of Mountain View Carmel-By-The-Sea CA 93921			In Review
21130	Notice of Exempt Work	Deck Repair	11 Vizcaino			In Review
21129	Business License	Expansion of Restaurant	San Carlos 3 NE of 6th	4/26/2021		In Review

21128	Business License	This business license authorizes use of an existing 2nd floor office space located in the Central Commercial (CC) Zoning District providing the following goods and services: a. Primary Use: This use is classified as an office providing Administrative Service for a Dog Treat Company (NAICS 561110): This industry comprises establishments primarily engaged in providing a range of day-to-day office administrative services, such as financial planning; billing and record keeping; personnel; and physical distribution and logistics, for others on a contract or fee basis. These establishments do not provide operating staff to carry out the complete operations of a business.	Southwest side of San Carlos between 7th and 8th - Stonehouse	4/22/2021	5/3/2021	Approved
21127	Design Study	1) The installation of a new 4' x 6' gas fire pit with stone siding located 6' from the south property line. 2) The removal of the existing deck in front of the residence on the south side. 3. The installation of stairs and a landing at the entry of the residence. 4) New 2' tall planter located 1'-8" from the south property line as garden walls are allowed in the side setback. The garden wall will have a low Carmel stone bench attached to the planter wall. 5) A second planter will be located on the north side of the patio. 6) Replace all existing paving with new sand-set pavers. The removal of the brick walkway to the west of the tree and the installation of the planter near the entry and on the north side of the patio replacing paving offset the coverage added to the patio. 7) Install a new Dutch door replacing an existing steel door. 8) The addition of two new French doors to the south side of the existing studio.	San Carlos Street, 4 Southeast of Alta	4/16/2021	4/30/2021	Approved
21126	Use Permit	Update facade, revision to initial submittal on 4/1/21, moved bar on the interior and removed 2nd sign	Ocean Ave & Mission St			In Review
21125	Design Review	replace gate and pillars	4 NE of 8th on Juniperro	4/15/2021		In Review
21124	Historic Evaluation	New detached ADU, New Carport roof with photovoltaic system, new 55 sq. ft. addition between carport and residence	25965 Junipero Street	4/19/2021		In Review
21123	Preliminary Site Assessment	Add 604 Sq. ft. to the existing house which includes 78 sq. ft. on the first floor and 526 sq. ft. on the 2nd floor. 2. Add 95 sq. ft. balcony on the back of the 2nd floor and 19.75 sq. ft. balcony on the front of the 2nd floor. 3. Add additional 3 ft. height privacy wall to the existing 1 ft. curb for front patio	Ocean Avenue 4 NE Guadalupe,	4/19/2021		In Review

21122	Landscape Plan Check/Inspection	New garden installation, with irrigation, drought tolerant plants, prune podacarpus hedge, repair fence on left side, stepping stones, water feature, paver patio	Northeast Corner of Ocean Avenue and San Antonio Avenue	4/15/2021		In Review
21121	Business License	New Skin Care Business	North side of Ocean Avenue 2nd store front east of Dolores Street	4/13/2021		In Review
21120	Design Review	Reverse direction outdoor stairway and possible window change	Ocean Avenue 3 Northeast of Lincoln Street	4/15/2021		In Review
21119	Historic Evaluation	Historic Determination of SFD	Carpenter	4/13/2021		In Review
21118	Design Review	The installation of a new beige-colored fabric awning over the entry of a commercial business, Jan de Luz, located on Dolores Street, 2 NE of 6th Avenue. The awning will be printed with the name of the business, Jan de Luz, and will function as the business's only sign. The fabric awning will be 7' wide, 1' high and 1'-4" in depth. The proposed dimensions of the lettering are 10.34" x 34.77" and 2.49 square feet in area. The sign lettering will be blue. The bottom of the awning will be even with the top of the entry door, which the plans depict is 7'-2" from the walkway below.	Dolores Street, 2 NE of 6th Avenue	4/12/2021	4/29/2021	Approved
21117	Design Study	Remodel of two (E) single-family houses with attached garage: House #1: install new exterior windows and doors, install new horizontal wood siding, stone wainscoting and a metal standing seam room. Construct new front entrance, add 41 sq. feet of new floor area to house. House #2: Install new exterior windows and doors, install new horizontal wood siding, stone wainscoting, and a metal standing seam room. Install new stairs up to front entrance, remodel (E) garage on lower level, replace (E) storage room with new storage room & Gym on lower level, add 45 sf of new floor area to house. Site work includes new perimeter fencing, flagstone walkways & patios, paver driveway, an outdoor gas fireplace, outdoor water fountain, outdoor shower and outdoor spa	Northwest Corner of 10th and San Carlos			In Review
21116	Business License	Furniture and Home Decor Sales	Ocean Avenue and Mission St.	4/9/2021		In Review
21115	Design Review	Install a wireless facility consisting of equipment attached to a replacement PG&E utility pole and ground mounted equipment cabinets for electrical power battery back-up				In Review

21114	Design Review	Remodel and structural seismic retrofit of an historic 5,857 SF structure. Addition of a 986 SF Interior balcony, staircase, elevator and elevator mechanical room. 20 SF basement addition. Repair leaking roof and install new solar panel array. New Electrical, hvac, plumbing and acoustic infrastructure. New skylight and exterior windows. No exterior changes on Dolores St are proposed. No grading changes	6 SW of Ocean and Dolores			In Review
21113	Design Review	Install a rooftop wireless facility consisting of equipment inside the building, on the flat roof behind the roof ridge, and a "cantenna" mounted above the roof ridge line. Project is an eligible facilities request under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. Sprint (now T-Mobile operates an existing wireless facility on the roof and inside the building	Sunset Center, San Carlos at 9th Avenue			In Review
21112	Authorized Work	horizontal 1x2 redwood screen with 3/4 inch space in between this will sit on top of the existing handrail at just above eye level on east and north sides of deck, to shi	S.W. corner of Monte Verdi St. and 7th ave	4/13/2021	4/21/2021	Approved
21111	Business License	1. This business license BL 21-111 (Mad Dogs and Englishmen) authorizes use of a 1,100 square foot commercial space offering the following goods and services. a. Primary Use: This use is classified as a Sporting Good Store (NAICS 451110): I. This industry comprises establishments primarily engaged in retailing new sporting goods, such as bicycles and bicycle parts; camping equipment; exercise and fitness equipment; athletic uniforms; specialty sports footwear; and other sporting goods, equipment, and accessories. II. These uses may be combined with apparel stores. III. No sales of ebikes are permitted on the upper floor, however, ebikes may be displayed. IV. No rentals of any bikes (motorized or non-motorized) are authorized on the new upper floor without a use permit. All rental operations (booking, payment, orientation, repair, etc.) will need to occur in the existing business downstairs business location ("Mad Dogs and Englishmen Bikeshop").	SWC Ocean and Mission	4/6/2021	4/9/2021	Approved
21110	Design Study	58 sf. addition and bathroom and kitchen renovation. Replacement of existing wood windows with new wood / clad doors and	1st Avenue 2 Southwest of Valley Way	4/12/2021		In Review

		windows. Replace existing stone patio with new wood deck. New paint on exterior siding and trim.				
21109	Design Study	Re-roof	2996 Franciscan Way, Carmel CA	4/6/2021		Corrections Required
21108	Preliminary Site Assessment	Two Story addition to existing one-story historic cottage. Cottage 594 square feet. Proposed addition total 1,006 square feet. No garage, 200 square foot parking pad.	Santa Rita 3 NE of 3rd	4/8/2021		In Review
21107	Business License	1. This business license BL 21-107 (Brazen) authorizes use of an existing retail space offering the following goods and services. a. Primary Use: This use is classified as an Art Gallery (NAICS 453920): i. This industry comprises establishments primarily engaged in retailing original and limited edition art works. Included in this industry are establishments primarily engaged in displaying works of art for retail sale in art galleries. ii. The use features a single artist representing at least 80 percent of the art for sale in the use.	ES Lincoln between Ocean and 7th , space #7	4/1/2021	4/8/2021	Approved
21106	Business License	New Business as Doggie Daycare	Mission 2 NE of 8th			In Review
21105	Use Permit	Transforming Dance Studio into a Doggie Daycare	Mission 2 NE of 8th	4/2/2021		In Review
21104	Business License	This business license BL 21-104 (Carmel Home Collection on Ocean) authorizes use of a commercial business space offering the following goods and services. a. Primary Use: This use is classified as a Home Furnishing Store (NAICS 442299): i. This U.S. industry comprises establishments primarily engaged in retailing new home furnishings	Ocean 2 NW of Dolores	4/2/2021	4/8/2021	Approved
21103	Sign	New sign for Business	NWC San Carlos and 6th	4/1/2021	4/9/2021	Approved
21102	Design Review	Commercial TI with changes to storefront	Ocean Ave and Mission Street			In Review
21055	Preliminary Site Assessment	Interior Remodel, Kitchen extension, New windows, new fence replacement and revise driveway and roof extension	CARPENTER 2SW OF 4TH	4/6/2021		In Review

Total Records: 49

5/4/2021



Building Permit Report

04/01/2021 - 04/30/2021

Permit #	Date Submitted	Date Approved	Project Description	Valuation	Permit Type	Property Location
210190	4/30/2021		Residential. Install 97% AFUG 60,000 BTU modulating communicating ECM furnace. Install Bryant 26 Seer A/C Evolution 3t variable speed compressor, model brac-18cnv036000. Contact: Chris Wilson Plumbing (831) 393-9321	18,077	Mechanical	Junipero 2 SW of 8th
210189	4/30/2021		Residential. Interior remodel of existing single family home to include kitchen, baths, millwork, finishes, and lighting. Replacement of some existing windows. Paint throughout interior and exterior. New front door.	250,000	Building	SE Corner of Palou and Casanova
210188	4/30/2021	5/4/2021	Residential. Repair and replace rotted siding with identical materials. Contact: RMC Builders (831) 917-4700	11,000	Exempt Work	Crespi 2 SW of Mountain View Ave
210187	4/29/2021		Residential. Update main service and all wiring in home.	12,000	Building	Monte Verde 2 NW of 10th
210186	4/29/2021	4/29/2021	Residential. Installation of new prefab shed. Contact: Paul Rauber (831) 915-3078	0	Exempt Work	Dolores 3 SW of 2nd
210185	4/29/2021		Residential. Clear stop work order case #20-103 Demo existing deck	2,800	Demolition	Junipero 4th SW of 8th
210184	4/27/2021		Commercial. Superstructure package for interior auditorium, lobby & accessible exiting. This permit is the second submission for a phased permit approach. Contact: Otto Construction (831) 657-9805	0	Building	Monte Verde 4 SW of 8th
210183	4/27/2021		Residential. Remove and replace floor tile in living room and kitchen with electric heating under tile. Replace kitchen cabinets, sink, replace kitchen backsplash.	20,000	Building	NW Corner of Scenic & 8th
210182	4/27/2021		Residential. Demo Existing Residence & Construct New 2-Story 1,794 SF Residence.	630,000	Building	Carmelo 2 NW of 12th
210181	4/26/2021		Residential. Rooftop solar system installation and grid-tied electrical connection. Contact: Premo Solar (831) 443-3605	46,786	Electrical	Camino Real 3 SE of 4th
210180	4/26/2021		Residential. Reroof- Remove existing tile and new installation of Presidential CertainTeed Shingles.	16,000	Plumbing	Lincoln 2 SE of 1st

210179	4/26/2021	4/26/2021	Residential. Reroof house and garage, remove old wood shingles, install 72#&40# felt, install wood shingles 16" Class A, 5" exposure, stainless steel nails, and reuse all metal. Contact: Ross Roofing & Construction (831) 394-8581	92,450	Roofing	5912 Carmelo St
210178	4/23/2021		Residential. Run electrical line to outbuilding	400	Electrical	Dolores 2 SE of 1st
210177	4/23/2021		Residential. Moisture reduction efforts for crawlspace: installing liner in crawlspace, installing 2 vent fans and 2 electrical outlets to be run from existing electrical for powering fans.	6,200	Building	Dolores 2 SE of 1st
210176	4/23/2021	4/23/2021	Residential. Straightening approx. 30' fence located in the front of property, on the western side. To be repaired with in-kind materials. Contact: Doug Campbell Construction (831) 809-0655	0	Exempt Work	2nd 3 SE of Santa Fe
210175	4/23/2021	4/26/2021	Commercial. Re-roofing. Damaging leak found and emergency fixing needed to be done immediately without risking property or guest damage taken care of immediately. Contact: Peter Radler (831) 747-0033	1,683	Roofing	SW Corner of Ocean and Torres
210174	4/22/2021	4/23/2021	Residential. Remove old damaged fence. Install 50' linear feet of 6' tall grape stake fence on north side of the property along driveway. Line post, 4x4 pressure treated on 8' max center set, set in 2' concrete footings and 2x4 rail boards. Furnish and install (4) 5 gallon plants and (12) 1 gallon plants with new irrigation system. Contact: Daniel's Landscaping Service (831) 915-6567	0	Exempt Work	NE Corner of San Antonio & 12th
210173	4/22/2021		Commercial. Reroof from existing wood shake material to clay tile. Contact: Rakesh Vasant (831) 915-7723	30,000	Roofing	NE Corner of Junipero & 5th
210172	4/21/2021	4/22/2021	Residential	0	Building	Lincoln 4 SW of 12th
210171	4/22/2021	4/22/2021	Residential. Remove approx. 40' of old dilapidated fencing and replace with a new fence that will match the fence to the east. New fence will be built on the property line and be no greater than 6' in height. Contact: Nathan May (831) 601-6232	0	Exempt Work	Camino Real 3 NE of Ocean
210170	4/22/2021	4/22/2021	Repair to existing deck--replacing old trex with new trex, replace in kind. Contact: Carol Kahn (831) 622-9727	8,000	Exempt Work	8th Avenue 2 SW of Torres
210169	4/21/2021		Residential. Replace 85' of 4" sewer drain line using a trenchless system from under the house going through foundation to street. Contact: Chris Wilson Plumbing & Heating (831) 393-9321	18,064	Plumbing	
210168	4/21/2021	4/21/2021	Residential. Upgrade main electrical panel from 100 amp to 200 amp. Contact: Wright Electrical Company (831) 207-7039	3,100	Electrical	4th 2 NE of Lobos

210167	4/21/2021	4/21/2021	Residential. Replace 40 gallon water heater with external on-demand condensing water heater, Navien 240A unit. Contact: Steven's Plumbing (831) 917-7065	2,000	Plumbing	5013 Lobos St
210166	4/20/2021		Commercial. Interior remodel for SVR office including new partitions, lighting, electrical, painting and flooring. Contact: Jerry Stepanek (831) 915-2730	100,000	Building	NW Corner of Mission & 8th
210165	4/20/2021	4/21/2021	Residential. Repair of dry rot damages of window and door frames, extending into house walls. Contact: J. Stepanek Construction (831) 915-2730	8,000	Building	SW Corner of Casanova & 11th
210164	4/19/2021		Residential. Repair of existing rear deck.	6,800	Building	Vizcaino 11 SW of Mtn View
210163	4/19/2021		Residential. Replace existing front and back rotten wood decks with same or similar redwood and same existing dimensions.	3,000	Building	Lincoln 3 SE of 2nd
210162	4/19/2021	4/20/2021	Residential. Re-roof, remove (e) shake roof and install 1/2" osb plywood and presidential TL shingles. Contact: Lord Roofing (831) 917-7289	14,000	Roofing	11th 2 NE of Monte Verde
210161	4/16/2021		Residential. Kitchen and Bath remodel with 2 new windows	40,000	Building	Perry Newberry 2 SE of 4th
210160	4/16/2021	4/20/2021	Residential. Remodel of guest and master bathroom. Remove tub in master bathroom and replace with a tile shower. Re-tile guest shower. All other changes are cosmetic only, no fixture changes. Contact: Malachi Boyce Construction (650) 388-6789	5,000	Building	Dolores 3 SW of 13th
210159	4/16/2021	4/16/2021	Residential. Replace furnace with Bryant 98% Efficient furnace and add Bryant 26 SEER air conditioner. Contact: R&S Heating & Sheetmetal (831) 641-0508	14,183	Mechanical	5th 2 NE of Santa Rita
210158	4/15/2021	4/15/2021	Residential. Remove roof, install Owens Corning Titanium UDL 30, new prepainted edge metal, OC starter Shingles at all rake and eaves, new pipe jack flashing, paint to match singles, new chimney saddle flashing, 4ply hot-mopped fiberglass tar & gravel roof in Pacific Wave. Contact: Ross Roofing and Construction (831) 394-8581	23,707	Roofing	Camino Real 3 SW of 9th
210157	4/15/2021		Residential. Demo of 85% of (E) SFR and grading.	50,000	Demolition	San Antonio 5 SE of 8th
210156	4/15/2021		Residential. Rebuild of (E) SFR and (N) partial second story.	400,000	Building	San Antonio 5 SE of 8th
210155	4/14/2021	4/16/2021	Residential. Replace (e) gas fireplace insert with new fireplace insert. Contact: Warner Construction (831) 809-9215	9,875	Building	NW Corner of San Carlos & 9th
210154	4/14/2021	4/14/2021	Commercial. Remove leaking water heater and replace with new Bradford White BUCH80H2703N. Contact: A & R Plumbing (831) 394-7221	8,000	Building	Mission 2 NW of 7th

210153	4/14/2021	4/14/2021	Residential. Replace a water heater. Contact: Galvan's Custom Plumbing (831) 840-4049	2,700	Plumbing	NE Corner of Scenic & 12th
210152	4/14/2021	4/15/2021	Residential. Remove (e) wood shake shingles and replace with (n) Presidential Tri-laminate Autumn Blend shingles. Contact: Jimmy Shrull Roofing (408) 595-9093	24,000	Roofing	NW Corner of Carmelo & 9th
210151	4/14/2021	4/14/2021	Residential. In-kind replacement of 100amp meter main overhead service. Contact: Adam Trosky (831) 901-0990	2,500	Electrical	NW Corner of Mission & 11th
210150	4/13/2021	4/13/2021	Residential. Remove and replace tankless water heater. Install Noritz NR6620D-NG. Contact: A&R Plumbing (831) 394-7221	2,500	Plumbing	SE Corner of Lobos & 1st
210149	4/12/2021		Residential. Install separate PG&E meter for ADU. Upgrade current knob & tube wiring to current codes. Contact: Young Seon Myong (831) 238-4075	5,000	Electrical	San Carlos 4 SW of 8th
210148	4/12/2021	4/21/2021	Residential. Replace 5 (e) windows in same locations. No structural modification to existing opening. CONDITION: WINDOWS TO MATCH WINDOWS REPLACED IN 2020. Contact: Greg Rodriguez (626) 977-0209	0	Exempt Work	Camino Real 4 NW of 11th
210147	4/12/2021		Residential. Convert separate guest unit into an ADU. Contact: Young Seon Myong (831) 238-4075	0	Building	San Carlos 4 SW of 8th
210146	4/12/2021		Residential. Remodel of (e) SFR. Main floor - kitchen, bathroom, and guest bathroom remodel. Upper floor - master bathroom interior remodel. Contact: Brian Gaylord General Contractor (408) 712-7332	130,000	Building	Junipero 3 NW of Vista
210145	4/12/2021	4/14/2021	Commercial. Remove carpet flooring, carpet from walls, and plywood from walls which carpet is applied to. Paint interior walls and install new flooring. Contact: Craft Timber Construction (831) 241-1589	0	Exempt Work	Ocean 2 NW of Dolores
210144	4/12/2021	4/12/2021	Commercial. Painting of the steel handrails at the front ramp and entrance to the Harrison Memorial Library Park Branch. Contact: Cleve Waters (831) 901-7127	0	Exempt Work	NE Corner of Mission & 6th
210143	4/12/2021		Commercial. Interior remodel of 1,108sf of retail space in (e) commercial building. Contact: Patrick James (831) 915-8076	135,000	Building	NE Corner of Ocean & Lincoln
210142	4/12/2021	4/12/2021	Residential. Remove old furnace. Install a 100k BTU 96% American Standard furnace. Contact: Chris Wilson Plumbing (831) 393-9321	8,780	Mechanical	San Antonio 2 SE of 4th
210141	4/8/2021	4/8/2021	Residential. Replace (e) entry door with new entry door. Entry door is not visible from public right of way. New door to have same size as existing and paint color will match existing. Contact: Wayfinder Development Inc. (831) 521-2489	0	Exempt Work	Torres 3 SW of 2nd
210140	4/8/2021	4/8/2021	Residential. Replacing windows in-kind utilizing same materials, paint color, and sizing. Contact: All Cal Construction (831) 596-5969	0	Building	Mission 4 SE of 10th

210139	4/8/2021	4/8/2021	Commercial. Replacement of entry tiles which total 48"x48". New material to be of a white finish. Contact: Jolley Builders (831) 238-6044	0	Exempt Work	Ocean 4 SW of Dolores
210138	4/7/2021		Residential. Remodel kitchen and bathrooms	100,000	Building	Camino Del Monte 4 NW of San Carlos
210137	4/7/2021	4/8/2021	Residential. Replace (e) knob and tube wiring. Update all outlets to tamper-resistant devices. Add dedicated circuits as required by code. Contact: C B Electric (831) 392-7644	16,800	Electrical	Mission 3 NE of 11th
210136	4/7/2021	4/8/2021	Residential. Re-pipe supply lines. Replace (e) accessible galvanized piping with PEC pipe with copper stub-outs. Install new high-efficiency tankless water heater with integrated recirculating pump. Contact: Monterey Bay Plumbing Inc (831) 393-9777	14,000	Plumbing	Mission 3 NE of 11th
210135	4/7/2021	4/8/2021	Residential. Replace (e) ductwork using (e) air return and registers. Install a (n) high-efficiency furnace. Contact: Carswell Sheet Metal (831) 372-0728	9,000	Mechanical	Mission 3 NE of 11th
210134	4/7/2021	4/7/2021	Residential. Replace leaking water service from meter to house. Install new shut off and pressure regulator. Contact: A & R Plumbing (831) 394-7221	2,500	Building	Monte Verde 5 NW of 4th
210133	4/7/2021	4/7/2021	Commercial. Replace 50-gallon water heater. Install new Bradford White water heater. Contact: A&R Plumbing (831) 394-7221	2,000	Plumbing	SW Corner Ocean & Lincoln
210132	4/6/2021		Residential. Replace kitchen and five bathrooms, plumbing and electrical where needed and heating system in house and cottage. Replace landscape with new drought sensitive types. Contact: Dru Jensen (831) 402-9490	500,000	Building	San Antonio 4 SE of 13th
210131	4/5/2021	4/7/2021	Residential. Remove comp shingles and replace with 30-year comp shingles. Contact: D Cooper Roofing (831) 455-9168	11,700	Roofing	Santa Fe 4 NE of 6th
210130	4/5/2021	4/13/2021	Residential. Install a 20 module (8 kW DC) grid-tied, roof-mounted AC PV solar system and a 13 kWg battery backup system. Contact: Western Sun Systems (831) 277-6001	30,000	Electrical	SW Corner Ocean & Scenic
210129	4/5/2021		Residential. Window replacement with new sliding door	20,000	Building	Scenic 5 SE of Ocean
210128	4/5/2021		Residential. Add a garage door to enclose an existing 60sf covered area below the residence and extend the garage space. Gate to be wood on metal structure, sand/beige color and frame to match the residence. New plaster in the garage. New electrical and new car charger. Contact: Lewis Builders (831) 888-6980	15,000	Building	Camino Real 4 NE of 4th
210127	4/1/2021		Residential. 2x2 redwood slats privacy screen 38 inches up from top of existing deck handrail on three sides to shield the homeowners from direct street view.	1,300	Building	S.W. Monte Verdi

210126	4/1/2021		Residential. Install 4 tesla powerwalls, 2 gateways, 1 125amp subpanel. Contact: Scudder Solar (831) 364-1500	52,850	Electrical	Scenic 7 NW of 8th
210125	4/1/2021		Residential. Convert Guesthouse to Accessory Dwelling Unit (ADU).	50,000	Building	25921 Ridgewood Road

Total Records: 66

5/4/2021



Code Compliance Report

04/01/2021 - 04/30/2021

Case #	Case Type:	Status	Location	Problem Description	Date Received	Date Closed
21023	Right of way Violation	Open	8th 2 NW of Scenic	Gate built in ROW	4/23/2021	
21022	Building Violation	Open	SW Corner of Ocean and Torres	Roofing without a permit	4/23/2021	
21020						
21019						
21018						
21017						

Total Records: 6

5/4/2021



Encroachment Permit Report

04/01/2021 - 04/30/2021

Permit #	Permit Type	Date Submitted	Project Description	Property Location	Date Issued	Status
210104	Temp Ench	4/30/2021	4'x4' asphalt patch for CalAm job #0345. Contact: Coastal Paving & Excavating (831) 262-1425	Intersection of San Antonio & 11th	5/4/2021	Approved
210103	Temp Ench	4/29/2021	Place a tarp on roof and over the sidewalk over to the work truck on the street, in front of the building as a safety measure to pedestrian traffic to complete reroof. Contact: Ross Roofing (831) 394-8581	San Carlos 2 SE of 5th	4/30/2021	Approved
210102	Temp Ench	4/29/2021	Sewer lateral replacement, install SRV & BWV. 811 #X111803110. Contact: Easy Drains Plumbing (831)521-6882	Monte Verde 2 NW of Santa Lucia	4/30/2021	Approved
210101	Driveway	4/28/2021	Replace existing pea gravel driveway with paved driveway. New driveway will be 12' wide and constructed with Calstone Quarry Stone pavers in Sequoia Sandstone color. The last 3 feet of the driveway will be asphalt. Contact: Black Diamond Landscape (831) 206-8795	San Carlos 4 SE of 1st		In Review
210100	Temp Ench	4/28/2021	Applicant to trench, backfill & install electric substructures. PG&E to install electric facilities: addition of new transformer to existing system. PM# 35232125. Contact: PG&E (408) 478-1894	Carmelo 3 SW of 9th	4/28/2021	In Review
210099	Temp Ench	4/27/2021	Applicant to trench, backfill & install electric substructures. PG&E to replace transformer. Contact: PG&E (408) 478-1894	4 Oak Knoll Way		In Review
210098	Temp Ench	4/26/2021	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	Perry Newberry 2 SW of 5th	4/26/2021	Approved
210097	Temp Ench	4/26/2021	Install two-way clean out and back water valve near street. CONDITION: NO EXCAVATION OR STREET OPENING AUTHORIZED ON OCEAN AVENUE. Contact: Rooter King (831) 394-5315	NW Corner of Ocean & Dolores	4/26/2021	Approved
210096	POD	4/23/2021	Placement of a POD in driveway from June 7 - June 10, 2021. Contact: Kenn Yoshizato (757) 663-2600	NE Corner of Perry Newberry & 5th	4/23/2021	Approved
210095	Temp Ench	4/23/2021	Reserve three parking stalls in front of project for PG&E trenching. Contact: Giles Healey (831) 601-1152	Monte Verde 3 NE of 6th	4/23/2021	Approved

210094	Temp Ench	4/21/2021	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	Casanova 3 NW of Palou	4/21/2021	Approved
210093	Driveway	4/21/2021	Replace asphalt driveway with new asphalt driveway. Contact: Coastal Paving & Excavating (831) 262-1425	26162 Ladera Drive		In Review
210092	Perm Ench	4/20/2021	Repair (e) retaining wall on the east property line.	Junipero 4 SW of 8th		In Review
210091	Temp Ench	4/19/2021	PG&E to replace decayed pole. PM#35236148. Contact: PG&E (408) 478-1894	Ocean 2 NE of Camino Real	4/20/2021	Approved
210090	Temp Ench	4/16/2021	POD placement in the public right of way. Contact: Conall Jones (831) 238-7455	Junipero 2 SW of 10th	4/16/2021	Approved
210089	Temp Ench	4/16/2021	Trench on street in order for PG&E to install a new gas line. Contact: Rooter King (831) 394-5315	Monte Verde 3 SW of 10th	4/19/2021	Approved
210088	Temp Ench	3/23/2021	Outdoor seating for wine tasting	E/S Dolores between Ocean & 7th	4/15/2021	Approved
210087	Temp Ench	4/14/2021	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	SE Corner of Dolores & 2nd	4/14/2021	Approved
210086	Temp Ench	4/9/2021	Replace sewer lateral using pipe bursting. 811# X109501301. Contact: Rooter King (831) 394-5315	12th 2 SW of Carmelo	4/9/2021	Approved
210085	Temp Ench	4/8/2021	Applicant to trench, backfill & install electric substructures. PG&E to install underground electric services. Contact: PG&E (408) 478-1894	Scenic 2 NW of 8th	4/9/2021	Approved
210084	Perm Ench	4/7/2021	Install a wireless facility consisting of equipment attached to a replacement PG&E utility pole and ground mounted equipment cabinets for electrical power battery back-up	Carmelo SE of 8th - in ROW		
210083	Temp Ench	4/7/2021	PG&E to trench and backfill all. PG&E to abandon gas service. PM#35235317. Contact: PG&E (408) 478-1894	Monte Verde 3 SW of 10th	4/7/2021	Approved
210082	Temp Ench	4/7/2021	Installation of a shallow Anode Bed with 4 anodes spaced 10' apart. Abandonment of (e) shallow anode bed by cutting the wire at the existing G-5 box. Work will include: excavation, trenching, backfill, surface restoration and will require traffic control. Contact: Underground Construction Co (707) 741-0256	2nd 100' W of Carpenter	4/7/2021	Approved
210081	Temp Ench	4/7/2021	Add new SRV and BWV to house. Expose connection at street main and find out impasse, correct and replace as needed. Contact: Corinthian Construction (832) 601-1268	Carpenter 2 NW of 4th	4/7/2021	Approved
210080	Temp Ench	4/6/2021	Applicant to trench, backfill & install electrical substructures. PG&E to install new underground electric service. PM#35198740. Contact: PG&E (408) 478-1894	Intersection of Santa Rita & 5th		In Review

210079	POD	4/1/2021	Storing items into moving pod, to store at their location. Contact: Sariah May (831) 288-5151	2nd 2 NW of Lincoln	4/1/2021	Approved

Total Records: 26

5/4/2021



CITY OF CARMEL-BY-THE-SEA

Monthly Report

Public Safety

April 2021

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Paul Tomasi, Director of Public Safety
APPROVED BY:	Chip Rerig, City Administrator

AMBULANCE REPORT

Summary of Carmel Fire Ambulance April Calls for Service

AMBULANCE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of April 2021 the ambulance was able to meet the performance measure. The response time was 96% with (1) code-3 call over 5 minutes.

42 Calls for service in CBTS Average response time: 3:19 min.
25 Code 3 medical calls for service –One call over 5:00 min.

4/28/21; 1:01am; **(5:26min)**; Carpenter & 1st (early AM call)

MONTEREY FIRE REPORT

Summary of Monterey Fire April Calls for Service

FIRE PERFORMANCE MEASURE

The performance goal for Code-3 (life threatening emergency-lights & siren) fire calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of April 2021 the fire department was able to meet the performance measure. The response time was 97% with (1) code-3 calls over 5 minutes.

58 total calls for service in CBTS- Average response time: 3:29 min.
37 total Code-3 calls – One with a response over 5:00 min.

4/24/21; 03:15 pm; (6:52 min); Lincoln & 5th. (Response delayed as Engine was off site at training)

BEACH FIRES

There were 12 illegal beach fires recorded during the month of April

*The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%.



RESPONSE SUMMARY REPORT BY DISTRICT

27015 CARMEL-BY-THE-SEA FIRE AMBULANCE

Alarm Dates: 4/01/2021 to 4/30/2021



MEDICAL RESPONSES CARMEL CITY

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEAR	STREET
210401-CFA00400	Emergent	4/1/2021	1:28:13 AM	1:31:53 AM	0:03:40	1:39:23 AM	DOLORES ST / 8TH AVE
210401-CFA00400	Emergent	4/1/2021	1:28:13 AM	1:31:53 AM	0:03:40	10:10:26 PM	OCEAN AVE / CAMINO REAL S
210401-CFA00401	Emergent	4/1/2021	1:44:23 AM	1:45:09 AM	0:00:46	1:45:29 AM	DOLORES ST / 8TH AVE
210403-CFA00413	Emergent	4/3/2021	2:00:59 PM	2:02:25 PM	0:01:26	2:06:34 PM	MONTE VERDE ST / OCEAN A
210404-CFA00418	Emergent	4/4/2021	3:54:34 AM	3:59:38 AM	0:05:04	4:34:17 AM	LINCOLN ST / 8TH AVE
210404-CFA00420	Emergent	4/4/2021	2:13:11 PM	2:16:02 PM	0:02:51	2:51:23 PM	7TH AVE / SAN CARLOS ST
210404-CFA00421	Emergent	4/4/2021	3:28:36 PM	3:31:05 PM	0:02:29	3:43:07 PM	11TH AVE / DOLORES ST
210405-CFA00426	Emergent	4/5/2021	10:47:31 AM	10:50:06 AM	0:02:35	10:55:00 AM	OCEAN AVE / SCENIC RD
210405-CFA00431	Emergent	4/5/2021	4:40:07 PM	4:41:27 PM	0:01:20	4:50:00 PM	GUADALUPE ST / OCEAN AVE
210410-CFA00447	Emergent	4/10/2021	10:36:00 AM	10:39:00 AM	0:03:00	11:10:00 AM	SANTA FE/ 5TH
210410-CFA00452	Emergent	4/10/2021	11:24:25 PM	11:26:44 PM	0:02:19	11:37:19 PM	LINCOLN ST / OCEAN AVE
210411-CFA00453	Emergent	4/11/2021	11:01:30 AM	11:03:38 AM	0:02:08	11:42:00 AM	SAN CARLOS ST / 4TH AVE
210412-CFA00464	Emergent	4/12/2021	11:35:00 PM	11:40:00 PM	0:05:00	12:20:00 AM	CARPENTER AND 6TH
210414-CFA00468	Emergent	4/14/2021	9:44:18 AM	9:46:25 AM	0:02:07	10:01:00 AM	MISSION ST / OCEAN AVE
210414-CFA00469	Emergent	4/14/2021	2:54:34 PM	2:57:37 PM	0:03:03	3:38:00 PM	OCEAN AVE / MISSION ST
210415-CFA00471	Emergent	4/15/2021	7:50:09 AM	7:54:40 AM	0:04:31	8:31:17 AM	CARMELO ST / 13TH AVE
210417-CFA00480	Emergent	4/17/2021	1:22:32 AM	1:25:43 AM	0:03:11	1:40:08 AM	MONTE VERDE ST / 4TH AVE
210417-CFA00482	Emergent	4/17/2021	4:59:00 PM	5:01:29 PM	0:02:29	5:05:32 PM	OCEAN AVE / SAN CARLOS ST
210421-CFA00497	Emergent	4/21/2021	8:59:49 AM	9:04:00 AM	0:04:11	9:57:22 AM	MISSION ST / 8TH AVE
210422-CFA00502	Emergent	4/22/2021	1:35:51 PM	1:36:57 PM	0:01:06	1:49:40 PM	MISSION ST / 7TH AVE
210422-CFA00504	Emergent	4/22/2021	10:42:21 PM	10:45:35 PM	0:03:14	11:19:54 PM	SAN CARLOS ST / 13TH AVE
210423-CFA00509	Emergent	4/23/2021	6:01:14 PM	6:03:54 PM	0:02:40	6:42:00 PM	LINCOLN ST / 7TH AVE
210425-CFA00519	Emergent	4/25/2021	6:01:02 AM	6:05:47 AM	0:04:45	7:20:00 AM	CASANOVA ST / PALOU AVE
210426-CFA00522	Emergent	4/26/2021	1:01:10 AM	1:06:36 AM	0:05:26	2:30:37 AM	CARPENTER ST / 1ST AVE
210428-CFA00531	Emergent	4/28/2021	12:30:19 PM	12:33:43 PM	0:03:24	12:51:49 PM	DOLORES ST / 9TH AVE

NUMBER OF EMS INCIDENTS 25 AVERAGE RESPONSE 0:03:03

FIRE RESPONSES CARMEL CITY

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEAR	STREET
210402-CFA00408	Emergent	4/2/2021	3:27:05 PM	3:29:34 PM	0:02:29	3:30:57 PM	8TH AVE / JUNIPERO AVE
210403-CFA00411	Emergent	4/3/2021	11:26:46 AM	11:30:21 AM	0:03:35	11:34:24 AM	JUNIPERO AVE / 6TH AVE
210405-CFA00424	Emergent	4/5/2021	4:23:00 AM	4:28:00 AM	0:05:00	4:35:00 AM	TORRES/3RD
210405-CFA00432	Emergent	4/5/2021	6:23:22 PM	6:24:54 PM	0:01:32	6:26:29 PM	6TH AVE / SAN CARLOS ST
210410-CFA00448	Non-Emergent	4/10/2021	11:50:29 AM	11:56:13 AM	0:05:44	12:00:00 PM	MONTEREY ST / 1ST AVE
210410-CFA00449	Emergent	4/10/2021	1:34:36 PM	1:37:36 PM	0:03:00	3:55:56 PM	JUNIPERO AVE / 7TH AVE

210415-CFA00476	Non-Emerger	4/15/2021	8:17:11 PM	8:22:11 PM	0:05:00	8:25:54 PM	CARPENTER ST / 5TH AVE
210416-CFA00478	Emergent	4/16/2021	2:00:06 PM	2:04:11 PM	0:04:05	2:10:05 PM	11 VIZCAINO
210419-CFA00487	Emergent	4/19/2021	7:49:23 AM	7:51:58 AM	0:02:35	8:03:31 AM	JUNIPERO AVE / 4TH AVE
210423-CFA00507	Non-Emerger	4/23/2021	12:53:17 PM	12:58:20 PM	0:05:03	12:59:56 PM	SAN ANTONIO AVE / 7TH AVE
210424-CFA00513	Non-Emerger	4/24/2021	8:15:16 AM	8:19:01 AM	0:03:45	8:21:36 AM	TORRES ST / 1ST AVE
210424-CFA00515	Emergent	4/24/2021	3:17:03 PM	3:22:35 PM	0:05:32	3:32:01 PM	LINCOLN ST / 5TH AVE
210425-CFA00520	Emergent	4/25/2021	1:55:10 PM	1:57:55 PM	0:02:45	2:10:00 PM	SCENIC RD / OCEAN AVE
210426-CFA00525	Emergent	4/26/2021	2:49:15 PM	2:51:50 PM	0:02:35	3:05:41 PM	LINCOLN ST / 12TH AVE
210427-CFA00529	Emergent Do	4/27/2021	6:11:27 PM	6:14:30 PM	0:03:03	6:16:18 PM	FOREST RD / OCEAN AVE
210428-CFA00532	Non-Emerger	4/28/2021	1:18:06 PM	1:22:25 PM	0:04:19	1:35:07 PM	CAMINO REAL ST / 7TH AVE
210429-CFA00537	Emergent	4/29/2021	6:54:21 AM	6:57:00 AM	0:02:39	6:57:12 AM	MONTE VERDE ST / 8TH AVE

NUMBER OF FIRE INCIDENTS	17	AVERAGE RESPONSE	0:03:41
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TOTAL CARMEL CITY INCIDENT	42	AL AVERAGE RESPONSE TIME	0:03:19
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RESPONSES BY DISTRICT

INCIDENT	PRIORITY	DATE	ALARM	ARRIVAL	RESPONSE	CALL CLEAR	STREET
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CARMEL HIGHLANDS

INCIDENT							
210412-CFA00461	Emergent	4/12/2021	11:51:21 AM	11:58:35 AM	0:07:14	12:10:28 PM	HWY 1 / POINT LOBOS STATE
210420-CFA00496	Emergent Do	4/20/2021	8:45:10 PM	8:56:02 PM	0:10:52	9:45:00 PM	92 CORONA RD
210424-CFA00517	Emergent	4/24/2021	6:14:05 PM	6:23:55 PM	0:09:50	6:41:04 PM	83 CORONA RD
210427-CFA00526	Emergent	4/27/2021	8:06:27 AM	8:15:35 AM	0:09:08	9:15:00 AM	2952 CUESTA WAY
210427-CFA00528	Emergent	4/27/2021	12:52:37 PM	12:59:33 PM	0:06:56	1:14:51 PM	245 HWY 1
210430-CFA00540	Emergent	4/30/2021	2:09:03 AM	2:18:00 AM	0:08:57	2:26:28 AM	120 HIGHLAND DR
Subtotal		6	Average Response Time		0:08:49	Carmel Highlands	

CYPRESS FIRE

INCIDENT							
210401-CFA00403	Emergent	4/1/2021	4:47:23 PM	4:54:02 PM	0:06:39	5:50:00 PM	
210401-CFA00404	Emergent	4/1/2021	11:10:45 PM	11:17:10 PM	0:06:25	12:09:15 AM	4000 RIO RD
210402-CFA00405	Emergent	4/2/2021	1:44:27 AM	1:51:00 AM	0:06:33	2:30:00 AM	3665 RIO RD
210402-CFA00406	Emergent	4/2/2021	10:49:21 AM	10:56:13 AM	0:06:52	11:21:27 AM	26509 WILLOW PL
210402-CFA00407	Emergent	4/2/2021	1:05:44 PM	1:13:22 PM	0:07:38	2:14:00 PM	6 CROSSROADS MALL
210402-CFA00409	Emergent	4/2/2021	7:23:14 PM	7:26:58 PM	0:03:44	8:32:43 PM	26188 CAMINO REAL
210402-CFA00410	Emergent	4/2/2021	11:48:49 PM	11:53:53 PM	0:05:04	12:13:24 AM	HWY 1 / SAN LUIS AVE
210403-CFA00414	Emergent	4/3/2021	3:45:45 PM	3:50:44 PM	0:04:59	3:57:57 PM	3535 MESA CT
210403-CFA00415	Emergent	4/3/2021	6:35:40 PM	6:40:02 PM	0:04:22	7:19:29 PM	24936 LINCOLN ST
210403-CFA00416	Emergent Do	4/3/2021	9:36:52 PM	9:44:15 PM	0:07:23	10:22:03 PM	
210404-CFA00417	Emergent	4/4/2021	12:43:55 AM	12:51:01 AM	0:07:06	1:01:10 AM	SCENIC RD / OCEAN VIEW AV
210405-CFA00425	Emergent	4/5/2021	8:37:58 AM	8:41:40 AM	0:03:42	9:23:00 AM	3600 OCEAN AVE
210405-CFA00427	Emergent	4/5/2021	11:33:38 AM	11:38:28 AM	0:04:50	12:30:00 PM	26415 CARMEL RANCHO BLVD
210405-CFA00428	Emergent	4/5/2021	12:59:29 PM	1:04:54 PM	0:05:25	1:24:12 PM	26245 CARMEL RANCHO BLVD

210405-CFA00430	Emergent	4/5/2021	3:37:46 PM	3:42:24 PM	0:04:38	4:42:00 PM	26245 CARMEL RANCHO BLVE
210406-CFA00436	Emergent	4/6/2021	11:37:05 AM	11:45:03 AM	0:07:58	11:55:00 AM	25420 ARRIBA DEL MUNDO D
210406-CFA00437	Emergent	4/6/2021	7:20:02 PM	7:24:47 PM	0:04:45	7:33:08 PM	
210407-CFA00439	Emergent	4/7/2021	10:54:56 AM	10:58:15 AM	0:03:19	11:20:41 AM	3650 RIO RD
210408-CFA00441	Emergent	4/8/2021	7:53:41 AM	7:59:15 AM	0:05:34	8:27:46 AM	26245 CARMEL RANCHO BLVE
210409-CFA00445	Emergent	4/9/2021	10:31:48 PM	10:38:08 PM	0:06:20	11:22:52 PM	225 CROSSROADS BLVD
210410-CFA00446	Emergent	4/10/2021	12:19:26 AM	12:24:05 AM	0:04:39	1:02:43 AM	24785 VALLEY WAY
210410-CFA00450	Emergent	4/10/2021	4:14:03 PM	4:18:56 PM	0:04:53	5:05:00 PM	26135 CARMEL RANCHO BLVE
210411-CFA00455	Non-Emerger	4/11/2021	7:01:45 PM	7:08:22 PM	0:06:37	7:39:20 PM	3775 RIO RD
210412-CFA00457	Emergent	4/12/2021	3:18:00 AM	3:22:00 AM	0:04:00	4:05:00 AM	
210412-CFA00458	Emergent	4/12/2021	7:40:34 AM	7:44:42 AM	0:04:08	8:25:00 AM	25245 WARD PL
210412-CFA00459	Emergent	4/12/2021	9:50:53 AM	9:56:22 AM	0:05:29	10:54:00 AM	3850 RIO RD
210412-CFA00463	Emergent	4/12/2021	6:24:55 PM	6:31:09 PM	0:06:14	7:15:33 PM	26245 CARMEL RANCHO BLVE
210413-CFA00465	Emergent	4/13/2021	1:59:27 PM	2:05:18 PM	0:05:51	2:11:19 PM	26600 CARMEL CENTER PL
210413-CFA00466	Emergent	4/13/2021	3:34:11 PM	3:39:16 PM	0:05:05	4:28:44 PM	101 CROSSROADS BLVD
210414-CFA00467	Emergent	4/14/2021	2:40:02 AM	2:47:12 AM	0:07:10	3:42:00 AM	RIVERSIDE WAY / SYCAMORE
210415-CFA00472	Emergent	4/15/2021	9:55:18 AM	10:03:09 AM	0:07:51	10:48:22 AM	
210417-CFA00483	Emergent	4/17/2021	8:09:27 PM	8:13:55 PM	0:04:28	9:12:00 PM	26245 CARMEL RANCHO BLVE
210418-CFA00485	Emergent	4/18/2021	9:23:51 AM	9:27:32 AM	0:03:41	10:10:00 AM	26135 CARMEL RANCHO BLVE
210418-CFA00486	Emergent	4/18/2021	4:45:16 PM	4:49:26 PM	0:04:10	5:02:36 PM	CARPENTER ST / CAMINO DEL
210419-CFA00488	Non-Emerger	4/19/2021	9:02:16 AM	9:05:34 AM	0:03:18	9:06:35 AM	3210 RIO RD
210420-CFA00492	Emergent	4/20/2021	3:23:14 PM	3:26:39 PM	0:03:25	4:07:11 PM	26039 MESA DR
210420-CFA00493	Emergent	4/20/2021	5:03:07 PM	5:08:53 PM	0:05:46	5:11:00 PM	CARMEL VALLEY RD / CARMEL
210421-CFA00499	Emergent	4/21/2021	8:38:49 PM	8:45:01 PM	0:06:12	9:17:40 PM	24670 LOWER TRL
210422-CFA00500	Emergent	4/22/2021	10:26:02 AM	10:32:34 AM	0:06:32	11:28:51 AM	26135 CARMEL RANCHO BLVE
210422-CFA00503	Emergent	4/22/2021	9:27:39 PM	9:36:23 PM	0:08:44	10:18:00 PM	534 AGUAJITO RD
210423-CFA00505	Emergent	4/23/2021	9:03:03 AM	9:08:19 AM	0:05:16	9:15:08 AM	25848 HATTON RD
210423-CFA00508	Emergent	4/23/2021	1:35:23 PM	1:43:34 PM	0:08:11	2:05:00 PM	25255 PINE HILLS DR
210423-CFA00510	Emergent	4/23/2021	8:12:41 PM	8:19:51 PM	0:07:10	9:20:00 PM	25357 CARMEL KNOLLS DR
210424-CFA00511	Emergent	4/24/2021	12:24:58 AM	12:31:23 AM	0:06:25	12:55:00 AM	25654 MORSE DR
210426-CFA00523	Emergent	4/26/2021	9:16:25 AM	9:21:31 AM	0:05:06	10:18:34 AM	4380 CARMEL VALLEY RD
210426-CFA00524	Emergent	4/26/2021	12:57:02 PM	12:59:31 PM	0:02:29	2:00:40 PM	24656 GUADALUPE ST
210427-CFA00527	Emergent	4/27/2021	11:59:36 AM	12:04:55 PM	0:05:19	12:39:20 PM	25245 WARD PL
210427-CFA00530	Emergent	4/27/2021	8:48:21 PM	8:56:02 PM	0:07:41	9:33:11 PM	3650 RIO RD
210428-CFA00533	Emergent	4/28/2021	1:59:01 PM	2:01:30 PM	0:02:29	2:37:44 PM	207 CROSSROADS BLVD
210428-CFA00535	Emergent	4/28/2021	9:32:45 PM	9:39:20 PM	0:06:35	9:47:28 PM	
210429-CFA00538	Emergent	4/29/2021	10:33:40 AM	10:41:40 AM	0:08:00	10:48:33 AM	3945 RIO RD
210430-CFA00542	Non-Emerger	4/30/2021	1:41:44 PM	1:51:18 PM	0:09:34	2:44:05 PM	26135 CARMEL RANCHO BLVE
210430-CFA00543	Emergent	4/30/2021	5:18:41 PM	5:27:18 PM	0:08:37	5:33:28 PM	4860 CARMEL VALLEY RD
Subtotal		53	Average Response Time		0:05:45	CYPRESS FIRE	

PEBBLE BEACH

INCIDENT							
210401-CFA00402	Emergent	4/1/2021	11:54:12 AM	12:03:29 PM	0:09:17	1:04:28 PM	3201 SEVENTEEN MILE DR
210410-CFA00451	Emergent	4/10/2021	8:51:32 PM	9:00:53 PM	0:09:21	9:58:00 PM	3301 SEVENTEEN MILE DR
210415-CFA00473	Emergent	4/15/2021	11:34:42 AM	11:42:38 AM	0:07:56	11:45:23 AM	1500 CYPRESS DR

210416-CFA00477	Emergent	4/16/2021	11:04:48 AM	11:14:40 AM	0:09:52	11:38:19 AM	3137 SEVENTEEN MILE DR
210420-CFA00491	Emergent	4/20/2021	12:04:38 PM	12:12:02 PM	0:07:24	1:30:00 PM	1468 PADRE LN
210424-CFA00514	Emergent	4/24/2021	10:14:59 AM	10:24:57 AM	0:09:58	11:31:15 AM	3217 SEVENTEEN MILE DR
Subtotal		6	Average Response Time		0:08:58	PEBBLE BEACH	

MID COAST

INCIDENT							
210407-CFA00440	Emergent	4/7/2021	4:35:19 PM	4:45:08 PM	0:09:49	6:45:47 PM	33600 HWY 1
210409-CFA00444	Emergent	4/9/2021	2:29:10 PM	2:42:05 PM	0:12:55	5:40:49 PM	32600 HWY 1
210420-CFA00494	Emergent	4/20/2021	6:35:04 PM	6:47:09 PM	0:12:05	7:06:29 PM	34065 HWY 1
210424-CFA00516	Emergent	4/24/2021	5:08:14 PM	5:24:06 PM	0:15:52	5:39:17 PM	HWY 1 / GARRAPATA CREEK
210429-CFA00539	Emergent	4/29/2021	3:19:12 PM	3:38:00 PM	0:18:48	4:42:38 PM	38109 PALO COLORADO RD
Subtotal		5	Average Response Time		0:13:54	MID COAST	

MARINA

INCIDENT							
210409-CFA00443	Emergent	4/9/2021	11:54:25 AM	11:59:58 AM	0:05:33	1:05:46 PM	208 PALM AVE
Subtotal		1	Average Response Time		0:05:33	MARINA	

SEASIDE/SAND CITY

INCIDENT							
210405-CFA00433	Emergent	4/5/2021	6:44:43 PM	6:56:23 PM	0:11:40	7:06:05 PM	32 CARLTON DR
210405-CFA00435	Emergent	4/5/2021	7:36:51 PM	7:42:09 PM	0:05:18	7:55:00 PM	1385 JUDSON ST
210415-CFA00475	Emergent	4/15/2021	6:55:18 PM	7:07:14 PM	0:11:56	8:00:00 PM	
210420-CFA00495	Emergent	4/20/2021	7:14:34 PM	7:25:32 PM	0:10:58	8:15:00 PM	
210426-CFA00521	Emergent	4/26/2021	12:25:47 AM	12:37:48 AM	0:12:01	12:48:07 AM	
210430-CFA00541	Emergent	4/30/2021	9:15:00 AM	9:26:00 AM	0:11:00	10:08:00 AM	343 DEL VINA AVE
Subtotal		2	Average Response Time		0:08:37	SEASIDE/SAND CITY	

MONTEREY

INCIDENT							
210430-CFA00544	A Emergent	A 4/30/2021	I 7:52:47 PM	A 8:00:03 PM	0:07:16	9:04:00 PM	51 VIA ENCINA
Subtotal		1	Average Response Time		0:07:16	MONTEREY	

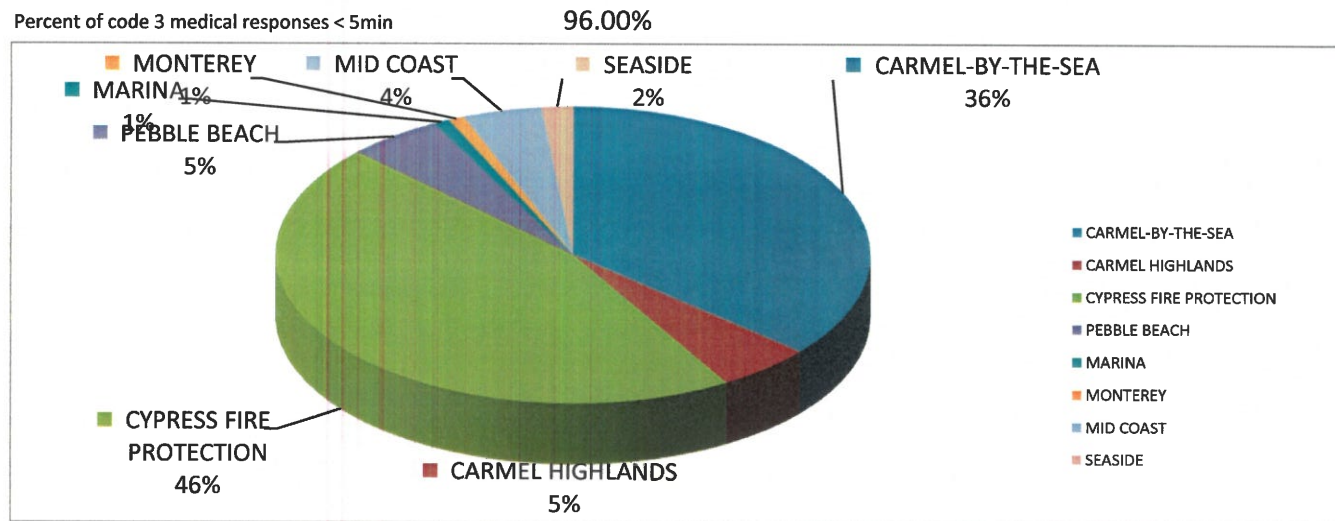
TOTAL ALL CALLS		116	AL AVERAGE RESPONSE TIME		0:05:45		
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CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT
APRIL 2021

Response Summary Report by District Type

<u>District Response</u>	<u>Number</u>	<u>Average Response Time</u>
CARMEL-BY-THE-SEA	42	0:03:19
CARMEL HIGHLANDS	6	0:08:49
CYPRESS FIRE PROTECTION	53	0:05:45
PEBBLE BEACH	6	0:08:58
MARINA	1	0:05:33
MONTEREY	1	0:07:16
MID COAST	5	0:13:54
SEASIDE	2	0:08:37
Total Responses	116	0:05:45

Percent of code 3 medical responses < 5min





RESPONSE SUMMARY REPORT BY INCIDENT TYPE
27060 CARMEL-BY-THE-SEA
Alarm Date From: 4/1/2021 To: 4/30/2021



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
300-321 Series (EMS)						
Medical assist, assist EMS crew	4/11/2021 11:00 AM	210411-MNT02144	0:02:20	SAN CARLOS ST	4TH AVE	3
Medical assist, assist EMS crew	4/22/2021 1:34 PM	210422-MNT02389	0:01:47	MISSION ST	7TH AVE	3
Medical assist, assist EMS crew	4/22/2021 10:41 PM	210422-MNT02400	0:03:26	SAN CARLOS ST	13TH AVE	3
EMS call, excluding vehicle accident with injury	4/1/2021 1:43 AM	210401-MNT01929	0:01:00	DOLORES ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	4/4/2021 2:12 PM	210404-MNT02005	0:02:05	7TH AVE	SAN CARLOS ST	3
EMS call, excluding vehicle accident with injury	4/5/2021 10:46 AM	210405-MNT02018	0:02:55	OCEAN AVE	SCENIC RD	3
EMS call, excluding vehicle accident with injury	4/5/2021 4:36 PM	210405-MNT02021	0:01:55	GUADALUPE ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	4/10/2021 10:36 AM	210410-MNT02122	0:03:53	5TH AVE	SANTA FE ST	3
EMS call, excluding vehicle accident with injury	4/14/2021 9:43 AM	210414-MNT02219	0:01:54	MISSION ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	4/14/2021 2:53 PM	210414-MNT02224	0:02:39	OCEAN AVE	MISSION ST	3
EMS call, excluding vehicle accident with injury	4/15/2021 7:49 AM	210415-MNT02235	0:04:20	CARMELO ST	13TH AVE	3
EMS call, excluding vehicle accident with injury	4/17/2021 4:58 PM	210417-MNT02285	0:02:20	OCEAN AVE	SAN CARLOS ST	3
EMS call, excluding vehicle accident with injury	4/21/2021 8:59 AM	210421-MNT02366	0:02:26	MISSION ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	4/22/2021 9:47 PM	210422-MNT02398	0:02:51	JUNIPERO AVE	5TH AVE	3
EMS call, excluding vehicle accident with injury	4/23/2021 6:00 PM	210423-MNT02409	0:02:41	LINCOLN ST	7TH AVE	3
EMS call, excluding vehicle accident with injury	4/25/2021 5:59 AM	210425-MNT02432	0:04:43	N CASANOVA ST	PALOU AVE	3
EMS call, excluding vehicle accident with injury	4/26/2021 1:00 AM	210426-MNT02449	0:02:21	CARPENTER ST	1ST AVE	3
EMS call, excluding vehicle accident with injury	4/30/2021 9:45 PM	210430-MNT02568	0:02:36	OCEAN AVE	CAMINO REAL ST	3
18			0:02:41			
322-399 Series (Rescues)						
Motor vehicle accident with no injuries.	4/4/2021 3:27 PM	210404-MNT02006	0:03:31	11TH AVE	DOLORES ST	3
1			0:03:31			
400 Series (Hazardous Material)						
Chemical hazard (no spill or leak)	4/10/2021 1:33 PM	210410-MNT02127	0:03:41	JUNIPERO AVE	7TH AVE	3
Electrical wiring/equipment problem, other	4/2/2021 3:26 PM	210402-MNT01962	0:02:41	8TH AVE	JUNIPERO AVE	3
Electrical wiring/equipment problem, other	4/12/2021 10:48 AM	210412-MNT02172	0:04:48	CASANOVA ST	10TH AVE	3
Electrical wiring/equipment problem, other	4/27/2021 6:10 PM	210427-MNT02488	0:03:12	FOREST RD	OCEAN AVE	3
Heat from short circuit (wiring), defective/worn	4/25/2021 1:53 PM	210425-MNT02440	0:02:53	SCENIC RD	OCEAN AVE	3
5			0:03:27			
500 & 600 Series (Service Calls)						
Water or steam leak	4/28/2021 1:17 PM	210428-MNT02501	0:03:45	CAMINO REAL ST	7TH AVE	2
Water or steam leak	4/30/2021 2:38 PM	210430-MNT02556	0:03:31	OCEAN AVE	FOREST RD	2
Public service assistance, other	4/28/2021 11:05 PM	210428-MNT02513	0:02:59	13TH AVE	SAN ANTONIO AVE	2
Public service	4/23/2021 12:52 PM	210423-MNT02408	0:04:46	SAN ANTONIO AVE	7TH AVE	2
Public service	4/24/2021 8:14 AM	210424-MNT02420	0:04:56	TORRES ST	1ST AVE	2
Assist invalid	4/6/2021 2:24 PM	210406-MNT02040	0:02:42	4TH AVE	SANTA FE ST	2

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
500 & 600 Series (Service Calls) cont.						
Assist invalid	4/15/2021 8:16 PM	210415-MNT02251	0:09:43	CARPENTER ST	5TH AVE	2
Assist invalid	4/26/2021 2:48 PM	210426-MNT02463	0:03:47	LINCOLN ST	12TH AVE	2
Unauthorized burning	4/30/2021 5:28 PM	210430-MNT02561	0:02:07	OCEAN AVE	SCENIC RD	2
Good intent call, other	4/11/2021 4:16 PM	210411-MNT02153	0:03:57	MONTE VERDE ST	8TH AVE	2
Police Matter	4/10/2021 11:23 PM	210410-MNT02138	0:03:05	LINCOLN ST	OCEAN AVE	3
Police Matter	4/17/2021 1:21 AM	210417-MNT02275	0:08:37	MONTE VERDE ST	4TH AVE	2
Dispatched & canceled en route	4/1/2021 1:27 AM	210401-MNT01928	0:03:12	DOLORES ST	8TH AVE	3
Dispatched & canceled en route	4/3/2021 1:59 PM	210403-MNT01985	0:02:07	MONTE VERDE ST	OCEAN AVE	3
Assist police or other governmental agency	4/10/2021 11:49 AM	210410-MNT02125	0:03:27	MONTEREY ST	1ST AVE	2
Dispatched & canceled en route	4/28/2021 12:29 PM	210428-MNT02499	0:03:18	DOLORES ST	9TH AVE	3
No incident found on arrival at dispatch address	4/4/2021 11:10 AM	210404-MNT02002	0:04:56	OCEAN AVE	SCENIC RD	3
No incident found on arrival at dispatch address	4/14/2021 5:16 PM	210414-MNT02227	0:03:06	TORRES ST	3RD AVE	2
No incident found on arrival at dispatch address	4/18/2021 12:27 PM	210418-MNT02299	0:00:00	CARPENTER ST	6TH AVE	2
EMS call, party transported by non-fire agency	4/4/2021 3:53 AM	210404-MNT01993	0:04:55	LINCOLN ST	8TH AVE	2
EMS call, party transported by non-fire agency	4/22/2021 3:27 PM	210422-MNT02391	0:03:31	MISSION ST	7TH AVE	2
EMS call, party transported by non-fire agency	4/22/2021 9:59 PM	210422-MNT02399	0:04:05	OCEAN AVE	CASANOVA ST	2

22

0:03:56

700 Series (False Alarms)

Smoke detector activation due to malfunction	4/5/2021 6:22 PM	210405-MNT02023	0:01:51	6TH AVE	SAN CARLOS ST	3
Smoke detector activation due to malfunction	4/24/2021 3:15 PM	210424-MNT02427	0:06:52	LINCOLN ST	5TH AVE	3
Heat detector activation due to malfunction	4/3/2021 11:25 AM	210403-MNT01978	0:04:14	JUNIPERO AVE	6TH AVE	3
Heat detector activation due to malfunction	4/4/2021 5:36 AM	210404-MNT01994	0:02:40	JUNIPERO AVE	6TH AVE	3
Alarm system sounded due to malfunction	4/5/2021 9:00 AM	210405-MNT02020	0:04:00	FOREST RD	7TH AVE	2
Alarm system sounded due to malfunction	4/19/2021 7:48 AM	210419-MNT02321	0:02:40	JUNIPERO AVE	4TH AVE	3
Unintentional transmission of alarm, other	4/9/2021 6:56 PM	210409-MNT02108	0:04:14	12TH AVE	CASANOVA ST	2
Smoke detector activation, no fire - unintentional	4/16/2021 1:59 PM	210416-MNT02265	0:04:14	11 VIZCAINO		3
Detector activation, no fire - unintentional	4/5/2021 4:23 AM	210405-MNT02013	0:05:00	TORRES ST	3RD ST	3
Detector activation, no fire - unintentional	4/12/2021 1:06 PM	210412-MNT02179	0:03:20	SAN CARLOS ST	5TH AVE	2
Detector activation, no fire - unintentional	4/14/2021 3:14 PM	210414-MNT02225	0:03:30	TORRES ST	8TH AVE	3
Detector activation, no fire - unintentional	4/19/2021 2:05 PM	210419-MNT02331	0:03:57	SANTA FE	2ND AVE	2

12

0:03:53

Over 5 Minute Response Times Cause of Delay: Code 3 Responses

210424-MNT02427 Delay on arrival was due to distance traveled from drill.

Code 2 Calls	21
Code 3 Calls	37
Total # of Incidents	58
% Under 5 Minute Response Time	97.3%



CARMEL-BY-THE-SEA APRIL 2021

Response Summary Report by Incident Type

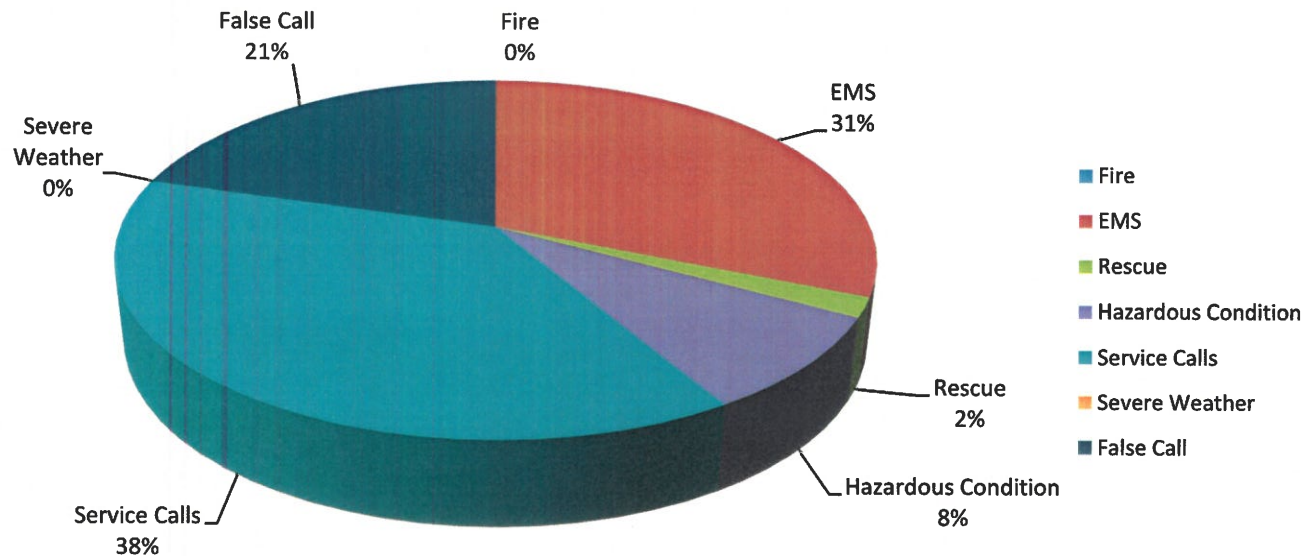


Type of Call	Number	Average Response Time
Fire	0	0:00
EMS	18	2:41
Rescue	1	3:31
Hazardous Condition	5	3:27
Service Calls	22	3:56
Severe Weather	0	0:00
False Call	12	3:53

Total Responses

58

3:29



Total Code 3 Calls:

37

Response Times for Code 3
Calls ≤ 5 minutes:

97.3%



CITY OF CARMEL-BY-THE-SEA

Monthly Report

April 2021

City Clerk's Office

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
SUBMITTED ON:	May 18, 2021
APPROVED BY:	Chip Rerig, City Administrator

In the month of April, the City handled 17 requests for public records.

	This Month	Calendar YTD
City Clerk's Office	1	29
Police Department	16	56
TOTAL REQUESTS/RESPONSES	17	85

April 2021 PRA

request number	Date Requested	10-day response date	records requested	requestor	date completed	notes
2021-029	4/14/2021	4/26/2021	information on unclaimed/uncashed checks:Date issued (please include all dates over six months eligible for reissuance) If you would like a specific range 7/2016 – 11/2020, Check/warrant number, Amount (Great than \$500), Payee and additional payee, Address where original check was mailed	Kelly A. Mills, Cochran Investment Company, Inc.	4/16/2021	

Request No.	Request Date & Received By	10-Day Due Date	14-Day Ext. Date	Date Completed by PSO	Requestor	Phone	Info Requested	Status	Date & PSO Mailed
2021-0001	4/2 Ida	4/12		4/15 DA	Metropolitan Reporting Bureau		CG210082	completed	redacted report mailed
2021-0002	4/6/2021 can	4/16/2021		4/8/2021	Nella Wichman	925-783-9634	CA2100170	released	4/8/21 CAN
2021-0003	4/6 MJR	4/6/2021		4/6/2021	Wallis, Craig		CG2000486	completed	picked up at door MJR
2020-0004	4/12 MJR			14-Apr	Cardoza, Bruce		CA2100170	completed	picked up at door MJR
2020-0005	04/12/21 mw	4/22/2021		04/13/21 mw	Metropolitan Reporting Bureau		CA2100170	completed	mailed
2020-0006	4/8/2021	4/18/2021		4/14 DA	Silva Injury Law		CG2100122	completed	emailed
2020-0007	4/9/21 DA	4/19/2021		4/14 DA	Bruce Cardoza	831-915-1556	CA210070	completed	mailed by DA
2020-0008	4/14 DA	4/24/2021		4/14 DA	Lexis Nexis	800-934-9698	Accident report for Larry Miller	no record	mailed back no record by DA
2020-0009	4/14 DA	4/24/2014		4/14 DA	Lexis Nexis		accident report for Dorothy Weil	No record	mailed by no record by DA
2020-0010	4/16/2021	4/26/2021		17-Apr	Lexis Nexis		CG2100150	completed	mailed by DA
2020-0011	4/16/2021	4/26/2021		4/17 DA	Lexis Nexis		CG2100167	completed	mailed by DA
2020-0012	4/16/2021	4/26/2021		4/17 DA	Lexis Nexis		CA2100179	completed	mailed by DA
2020-0013	04/17/21 mw	4/27/2021		04/17/21 mw	Lexis Nexis		CA2100160	completed	mailed by mw
2020-0014	4/13/2021	4/23/2021		4/21 DA	Lexis Nexis		CA2100161	completed	mailed by DA
2020-00015	4/22/2021	5/2/2021		4/22 DA	Luke Neal		CA2100011	completed	mailed by DA
2020-00016	04/26/21 mw	5/6/2021		04/27 mw	Lexis Nexis		CG2000259	completed	mailed by MW



CITY OF CARMEL-BY-THE-SEA

Monthly Report

Public Works Department Report – April 2021

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Robert Harary, P.E., Director of Public Works

SUBMITTED ON: May 7, 2021

APPROVED BY: Chip Rerig, City Administrator

City Council Meeting of April 6, 2021

- The Public Works Director presented the second review of the draft Capital Improvement Program (CIP) for Fiscal Year (FY) 2021/22, recommending 15 new CIP and 6 Special (no City funds) projects, 10 alternates, and a brief review of the 5-year Capital Improvement Plan.
- Council approved six (6), public safety-related capital improvement projects for FY 2020/21, collectively valued at \$232,497, including the emergency fire pump replacement at Sunset Center, renovation of the Police dispatch room, replacement of the water filtration system at the Public Works Yard, a Greenhouse Gas Emissions Forecast Study, replacement of a Police vehicle, and seed money for re-opening City Hall with CDC-recommended accommodations (i.e. plexiglass, barriers).
- The proposed Integrated Pest Management Policy was pulled off agenda for further research.

Forest and Beach Commission Meeting of April 8, 2021

- The meeting was canceled. Next meeting is May 13, 2021.

Climate Action Committee Meeting of April 15, 2021

- Main topic was reviewing and commenting on the draft Vulnerability Report prepared by the Environmental Compliance Manager.

Planning Commission Meeting of April 14, 2021

- Obtained Commission approval, on behalf of Friends of the WWI Memorial Arch, to install five traffic bollards around the Memorial, posts and a chain to keep climbers off, and new up-lights.

Special Planning Commission Meeting of April 28, 2021

- Obtained Commission concurrence that the six new CIP projects for FY 2020/21, and up to 33 potential CIP Projects for FY 2021/22, are in compliance with the City's General Plan.

Public Works Administration

- Tree Care Specialist Giuliano Picciuto passed an exam and became a Certified Arborist in accordance with the International Society of Arboriculture.
- Met with former Mayor Ken White regarding CRA's request to install split rail fencing along the Ocean Avenue median islands if funded by a \$55,000 donation from the CRA.
- Met with CAWD regarding geotechnical borings for a near-future, sewer pipe-bursting project along Scenic Road, from Ocean Avenue past Martin Way, and associated public outreach.

- Attended TAMC TAC meeting and requested that Carmel be tentatively included in a regional pavement condition survey, which proved to be cost-effective three years ago.
- Continued to hold weekly meetings with Carmel Cares to coordinate improvements to the Scenic Pathway, Devendorf Park, Forest Theater, median islands, and other initiatives.
- Supported the Library and Community Activities Director at the Tour of Forest Theater for tentative firms proposing on the Theatrical Programming and Facility Management RFP.
- Prepared the 5-Year Capital Improvement Plan based on infrastructure deficiencies, project phasing, and programming of needed projects.

Environmental Programs

- The Carmel Garden Club removed 200 pounds of invasive ripgut brome grass out of the North Dunes Habitat Restoration Area.
- Expended the last \$1,500 of the \$120k Cal Recycle Grant for new trash container liners.
- Monterey County's Division of Environmental Health conducted an annual inspection of the PW Yard, fuel tank, generator, and hazardous materials storage. No problems were reported.
- Met with SiteLogiQ again to discuss the level of detail needed for proposed energy-efficiency projects. SiteLogiQ is tentatively proposing to design and install all identified energy reduction strategies under an umbrella contract with no out of pocket cost to the City.
- Submitted a grant application to the California Coastal Conservancy for a Wildfire fuel reduction grant for the Mission Trail Nature Preserve (MTNP).
- Short-listed two firms to prepare proposals for the Greenhouse Gas Emissions Forecast.
- Drafted a staff report and exhibits for the Planning Commission's May meeting to extend the Coastal Development Permit for the MTNP for five years.

Facility Maintenance

- The Brown Company manufactured the \$53,000 fire pump assembly and shipped it to Sunset Center. Removal of the burned out system and installation of the new pump begins in May.
- Coordinated with the successful fire pump installation bidder, Cosco Fire Protection, regarding technical plan submittals to the Fire Marshall, schedule, change orders, and electrical issues.
- Installed an ADA-compliant drinking fountain at Piccadilly Park.
- At Forest Theater, painted restroom and concession stand floors, replaced the water heater, and constructed a concrete, ADA-accessible ramp to the restrooms.
- Carmel Cares donated a new commercial-grade power washer and tool kits to Public Works. They also purchased a new refrigerator for the Vista Lobos building, and Public Works purchased a new refrigerator for the Police Department.
- Carmel Cares painted the handrails in front of the Park Branch Library and installed a Sea Serpent topiary in the front planter.
- Continued to support the main library plans by installing shelves, relocating furniture, etc.
- Hired a vendor who performed required annual inspections of the fire alarm systems.

Street Maintenance

- Coordinated with PG&E during installation of four anodes in Second Avenue, just west of Carpenter Street, to provide corrosion protection of their steel gas line, a safety upgrade.
- From a webinar, discovered that purchase of a street sweeper is eligible using California's Road Maintenance and Rehabilitation Account (RMRA) funds. The Street Sweeper is under consideration for the FY 2022/23 budget.

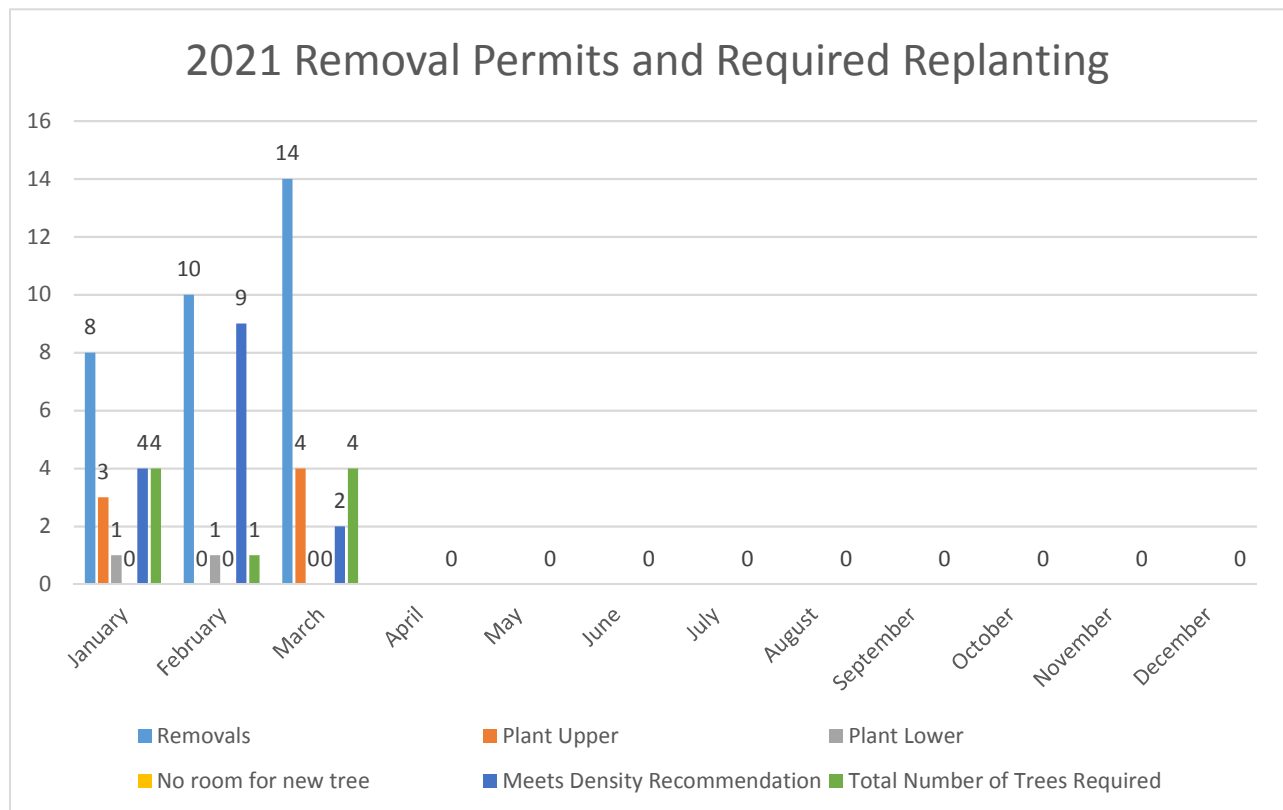
- The surface of the Scenic Pathway's Tenth Avenue beach stairway landing was reconstructed to eliminate deformations.
- Graffiti was again found at various locations around the City and had to be cleaned off.
- The old tires on the daily-used backhoe were replaced.
- Purchased a trailer for the beach ATV vehicle.
- CalTrans successfully re-opened Highway 1 at Rat Creek, reconnecting Carmel to Big Sur.

Forestry, Parks and Beach (Forester's Report)

- Carmel Cares continues to perform landscape maintenance and upgrades on the Scenic Pathway, Devendorf Park, and the Forest Theater.
- Stumps are being removed throughout the City by our tree contractors.
- Ten (10) new City trees were planted by staff. We are trying to plant some trees every week.
- Potted plants were placed in empty tree wells on Dolores Street between Ocean and Seventh Avenues.
- There were no tree failures of significance.

Private and Development Activities

The graphs and tables below have been updated after a review of all permit applications filed in 2021.

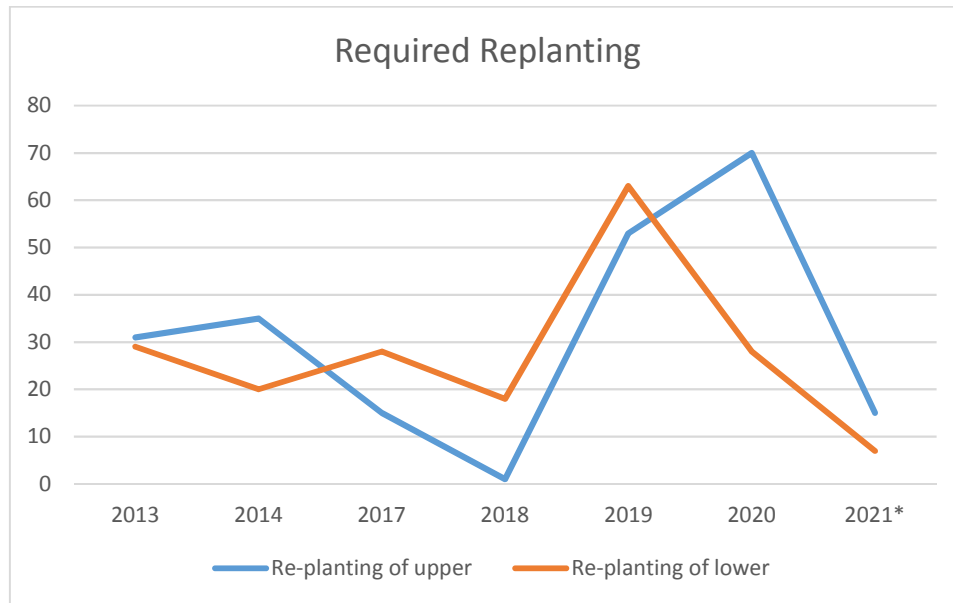


2021 Permitted Removals and Required Planting

	Removals	Plant Upper	Plant Lower	No room for new trees	Meets Density Recommendation	Total Number of Trees Required
January	6	2	2	0	2	4
February	35	4	3	2	4	7
March	16	3	1	2	0	4
April	15	6	1	1	3	7
May						0
June						0
July						0
August						0
September						0
October						0
November						0
December						0
2021 Totals	72	15	7	5	9	22

Historic Permitted Removals and Required Planting

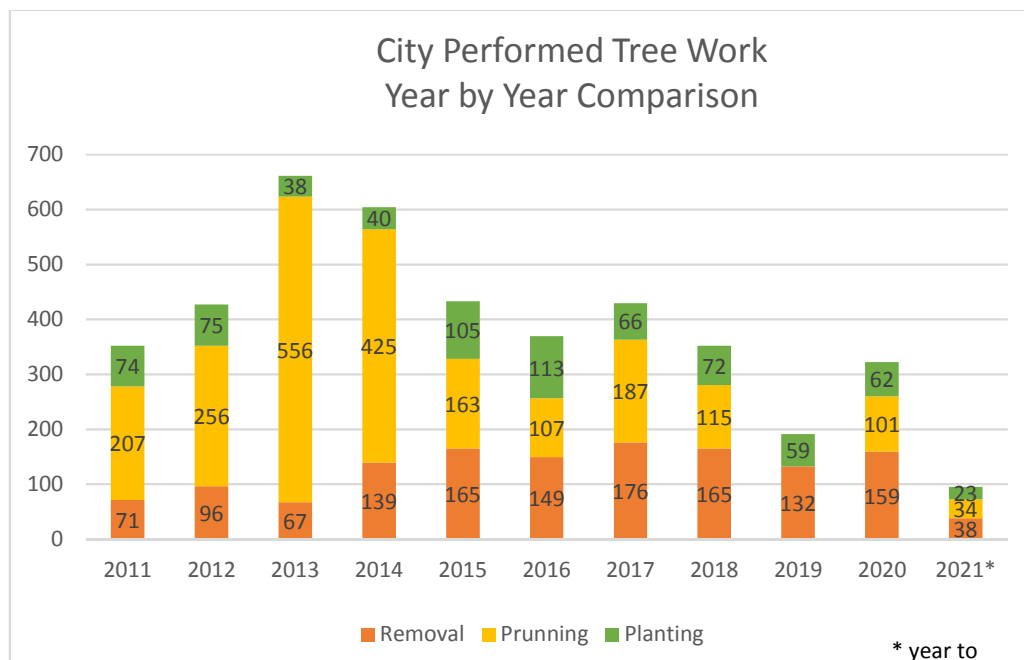
	Removal Permits	Removal of upper	Removal of lower	Replanting Required	Replanting of upper	Replanting of lower	Replanting %
2012	96			20			20.83%
2013	123	60	63	59	31	29	47.97%
2014	145	64	81	49	35	20	33.79%
2016	90			37			41.11%
2017	119	50	69	43	15	28	36.13%
2018	77	37	60	20	1	18	20.62%
2019	170	107	63	116	53	63	68.24%
2020	175	57	41	120	67	26	122.45%
2021	43	24	48	22	15	7	30.56%



City Forestry, Parks, and Beach Activities

City Tasks April 2021

Work Type	Count
Failure - limb	1
Inspection	56
Planting	10
Removals	19
Stump removal	18





CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

June 1, 2021
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Robin Scattini, Finance Manager

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: April 2021 Check Register Summary

RECOMMENDATION:

Approve the check register for April 2021.

BACKGROUND/SUMMARY:

The check register is produced from the City's financial system. The report groups the checks by the respective department or function. The check register includes the check number, the name of the vendor, a description of the purchase, the check issue date and the amount of the check. Per the California Supreme Court's decision in the case of Los Angeles County Board of Supervisors v. Superior Court (Dec. 29, 2016) (2016 WL 7473802), the check register excludes the specific invoice payments for legal services incurred for pending and active investigations, pending and active litigation, as well as recently concluded matters. The Supreme Court has ruled that these specific invoices are protected under attorney-client privilege and need not be disclosed under the Public Records Act.

On the last page of the report, staff have included the contract balance for the respective vendors that were paid in April.

FISCAL IMPACT:

The check register summary for April 2021 totals \$667,675.

PRIOR CITY COUNCIL ACTION:

Council ratified the March 2021 check register at its May 3 special meeting.

ATTACHMENTS:

April 2021 check register

April 2021 Check Register

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Department: 000 Marketing & Economic Development				
46861	Monterey County Convention & Visitors Bureau	TID remittance Jan-Feb 2021	04/28/2021	24,906.42
46877	Visit Carmel	CHID remittance for Jan-Feb 2021	04/28/2021	40,874.71
Total for Department: 000 Marketing & Economic Dvlpmnt				65,781.13
Department: 110 City Council				
46744	California Coastal Trail Association	Annual membership dues	04/02/2021	300.00
46773	Coastal TPA, Inc	Dental and vision reimbursement claims	04/12/2021	177.00
46788	Peninsula Messenger LLC	Mail sorting and delivery	04/12/2021	6,396.00
46810	Coastal TPA, Inc	Dental and vision reimbursement claims	04/19/2021	46.20
46846	Coastal TPA, Inc	Dental and vision reimbursement claims	04/28/2021	512.16
Total for Department: 110 City Council				7,431.36
Department: 111 City Administration				
46739	Alhambra	Water service-City Hall	04/02/2021	30.93
46741	AT&T	Telephone service citywide	04/02/2021	3,908.96
46751	Government Finance Officers Assoc.	Annual dues	04/02/2021	160.00
46752	Hinderliter, De Llamas & Associates	Sales tax audit and review	04/02/2021	1,799.50
46753	Iron Mountain	Records management and storage fees	04/02/2021	210.98
46762	Sprint	Usage: voice, messaging, data	04/02/2021	323.36
46764	US Bank	Admin subscription	04/02/2021	17.00
46773	Coastal TPA, Inc	Dental and vision reimbursement claims	04/12/2021	877.20
46780	Hinderliter, De Llamas & Associates	Sales/Transaction tax auditing services	04/12/2021	1,978.70
46790	TCS Total Compensation Systems Inc	GASB 75 Full evaluation- 1st installment	04/12/2021	1,350.00
46792	T-Mobile	Usage: voice, messaging, data	04/12/2021	1,458.39
46809	Carmel Pine Cone	Legal noticing	04/19/2021	375.00
46810	Coastal TPA, Inc	Dental and vision reimbursement claims	04/19/2021	103.95
46811	Comcast Business	CALNET NGEN billing	04/19/2021	644.82
46814	Ergovera	Ergonomic evaluation and report	04/19/2021	360.00
46816	Image Sales	Employee ID badges	04/19/2021	22.08
46819	Layer 1 Networks Inc	IT repairs	04/19/2021	260.00
46822	National Testing Network	Annual NTN membership for firefighter testing	04/19/2021	750.00
46823	NHA Advisors	Consulting services Carmel 2020 Pension	04/19/2021	11,058.33
46824	Office Depot, Inc.	Office supplies	04/19/2021	175.36
46833	Wageworks, Inc	Healthcare monthly Admin and Compliance fee	04/19/2021	160.00
46834	Zoom Imaging Solutions, Inc.	Admin copier usage fees	04/19/2021	283.41
46842	Carmel Pine Cone	Legal noticing	04/28/2021	202.50

46846	Coastal TPA, Inc	Dental and vision reimbursement claims	04/28/2021	172.00
46847	Code Publishing Company	Muni Code updates-Paper and electronic	04/28/2021	480.00
46848	Comcast	Business cable services-City Hall	04/28/2021	73.16
46862	Monterey County Elections Department	Charges for Nov 3, 2020 election	04/28/2021	11,194.27
46872	Toshiba Financial Service	Copier contract Admin ESTUDIO 5506ACT	04/28/2021	373.06
46873	US Bank	IT & HR Subscription services	04/28/2021	3,815.95

Total for Department: 111 City Administration	42,618.91
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Department: 112 City Attorney

46791	Telecom Law Firm PC	Legal services: wireless ordinance	04/12/2021	2,136.00
46807	Burke,Williams & Sorensen, LLP	February legal services	04/19/2021	21,050.60

Total for Department: 112 City Attorney	23,186.60
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Department: 115 Community Planning & Building

46773	Coastal TPA, Inc	Dental and vision reimbursement claims	04/12/2021	148.00
46810	Coastal TPA, Inc	Dental and vision reimbursement claims	04/19/2021	93.25
46815	FedEx	Plan delivery for volume study	04/19/2021	8.51
46830	Ryan Ranch Printers	Business Cards for Director	04/19/2021	60.09
46846	Coastal TPA, Inc	Dental and vision reimbursement claims	04/28/2021	100.00
46850	De Lage Landen Financial	Front copier lease	04/28/2021	202.11
46853	Engineered Fire Systems	Plan review services for fire systems	04/28/2021	450.00
46873	US Bank	AICP Exam fee for B. Swanson	04/28/2021	220.00

Total for Department: 115 Community Planning & Bu	1,281.96
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Department: 116 Police

46745	Caltronics Business Systems, Inc.	Copy machine usage fee per contract	04/02/2021	178.96
46757	Pacific Gas & Electric	Video cameras citywide	04/02/2021	177.07
46759	Same Day Shred	Shredding services	04/02/2021	45.00
46767	Alhambra	Bottle Water Service for PD	04/12/2021	208.30
46770	Carmel Towing & Garage	Police Dept-Fuel	04/12/2021	3,164.10
46773	Coastal TPA, Inc	Dental and vision reimbursement claims	04/12/2021	959.84
46781	Legal Notification Services Inc	Subpoena services: 3 quarters	04/12/2021	129.97
46793	US Bank	Training registration fees	04/12/2021	281.00
46806	Anthony Gotelli	SWAT training expenses	04/19/2021	500.00
46810	Coastal TPA, Inc	Dental and vision reimbursement claims	04/19/2021	231.00
46812	County of Monterey IT Dept	PD Cellular access	04/19/2021	993.60
46817	Interstate All Battery Center	Car battery	04/19/2021	32.66
46824	Office Depot, Inc.	Office supplies	04/19/2021	362.97
46828	Proforce Law Enforcement	Supplies	04/19/2021	739.89
46830	Ryan Ranch Printers	Business cards	04/19/2021	60.09

46848	Comcast	Cable TV/High Speed Internet for PD	04/28/2021	234.68
46863	Monterey County Sheriff-Coroner	Annual Criminal Justice Information System fee	04/28/2021	19,368.20
46871	T2 Systems Canada Inc.	Digital Iris Services	04/28/2021	125.00
46873	US Bank	Vehicle maintenance, supplies,	04/28/2021	1,297.07
46874	US Bank Voyager Fleet	Fuel Police Dept	04/28/2021	130.38
46876	Verizon Wireless	Air Cards for PD Vehicles for FY 20/21	04/28/2021	14.04

Total for Department: 116 Police	29,233.82
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Department: 117 Fire

46746	City Of Monterey	FY 20/21 Fire Contract Monthly Charges	04/02/2021	217,409.76
46755	Mission Linen Service	Linen maintenance	04/02/2021	247.30
46768	American Supply Company	Cleaning supplies	04/12/2021	228.51
46770	Carmel Towing & Garage	Fuel purchases for fire vehicles	04/12/2021	320.36
46812	County of Monterey IT Dept	Fire Dept: Cellular access	04/19/2021	298.08
46821	Mission Linen Service	Linen maintenance	04/19/2021	261.85
46837	Alhambra	Water service: Fire Dept	04/28/2021	142.21
46845	City Of Monterey	FY 19-20 True Up Fire Admin Contract	04/28/2021	37,402.00

Total for Department: 117 Fire	256,310.07
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Department: 118 Ambulance

46742	Bound Tree Medical LLC	Medical supplies	04/02/2021	903.88
46746	City Of Monterey	Ambulance administration	04/02/2021	1,672.41
46769	Bound Tree Medical LLC	Medical supplies	04/12/2021	234.32
46770	Carmel Towing & Garage	Fuel purchases for ambulance	04/12/2021	783.55
46773	Coastal TPA, Inc	Dental and vision reimbursement claims	04/12/2021	303.97
46775	De Lage Landen Financial	Ambulance-Copier lease	04/12/2021	71.01
46789	Peninsula Welding & Medical Supply, inc.	Oxygen cylinder rentals	04/12/2021	90.30
46795	Verizon Wireless	Cell Phone Service for Ambulance	04/12/2021	247.04
46810	Coastal TPA, Inc	Dental and vision reimbursement claims	04/19/2021	57.75
46838	Bound Tree Medical LLC	Medical supplies	04/28/2021	373.33
46845	City Of Monterey	City of Monterey OT Coverage for Ambulance Depa	04/28/2021	11,133.34
46876	Verizon Wireless	Cell Phone Service for Ambulance	04/28/2021	380.12

Total for Department: 118 Ambulance	16,251.02
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Department: 119 Public Works

46738	Ailing House Pest Control	Pest control services	04/02/2021	150.00
46740	Applied Marine Sciences	Watershed sampling services	04/02/2021	5,441.20
46748	DMV Renewal	Renewal fees 2018 Polaris	04/02/2021	54.00
46749	Ferguson Enterprises, Inc.	Plumbing supplies	04/02/2021	589.69
46750	First Alarm	Burglar alarm monitoring	04/02/2021	275.94
46754	M & S Building Supply	Building supplies	04/02/2021	133.86

46756	Monterey Auto Supply Inc/Napa Auto Parts	Vehicle supplies for PW	04/02/2021	17.47
46760	Scarborough Lumber & Building	Supplies for PW	04/02/2021	116.51
46761	Sentry Alarm Systems	Replacement of fire alarm panel at Forest Theater	04/02/2021	2,458.00
46763	Tope's Tree Service Inc.	Tree work citywide	04/02/2021	1,946.00
46764	US Bank	Supplies	04/02/2021	591.21
46766	Ailing House Pest Control	Pest control services	04/12/2021	598.00
46771	Cintas Corporation	Uniforms for PW crew	04/12/2021	281.08
46772	Cleve Waters	Work boot reimbursement per MOU	04/12/2021	176.56
46773	Coastal TPA, Inc	Dental and vision reimbursement claims	04/12/2021	215.85
46774	Core Management Services, LLC	Annual smart inspect quality program fee	04/12/2021	600.00
46775	De Lage Landen Financial	Copier lease and usage	04/12/2021	205.39
46776	Drought Resistant Nursery	Plants for rain garden project	04/12/2021	420.98
46777	Ferguson Enterprises, Inc.	Plumbing supplies	04/12/2021	717.11
46778	Hana Gardens Del Rey Oaks	Pebbles for rain garden project	04/12/2021	684.28
46779	Hayward Lumber	Lumber supplies for PW	04/12/2021	97.25
46782	MJ Murphy Lumber and Hardware	Lumber supplies for PW	04/12/2021	820.44
46783	Monterey Auto Supply Inc/Napa Auto Parts	Vehicle supplies for PW	04/12/2021	309.04
46786	Nicole Nedeff	MTNP tasks	04/12/2021	150.00
46793	US Bank	Sweeper tires, supplies, GIS annual software fee	04/12/2021	3,132.15
46794	Valley Hills Nursery	Landscaping supplies for rain garden project	04/12/2021	24.23
46810	Coastal TPA, Inc	Dental and vision reimbursement claims	04/19/2021	173.25
46818	Jane Wilson	Reimbursement: air filter devices for reopening	04/19/2021	3,277.24
46829	Rental Depot - Monterey	Aerator rental	04/19/2021	43.33
46835	Ailing House Pest Control	Pest control services	04/28/2021	112.00
46836	Airtec Inc	Remove & replace failed heating valve admin dept	04/28/2021	730.07
46837	Alhambra	Water service Public Works	04/28/2021	152.42
46840	Caltronics Business Systems, Inc.	Copy machine usage fee per contract	04/28/2021	37.71
46841	Carmel Area Wastewater District	Restaurant Inspection service	04/28/2021	3,891.78
46843	Carmel Towing & Garage	March 2021 fuel	04/28/2021	1,989.15
46844	Cintas Corporation	Uniforms for PW crew	04/28/2021	438.11
46846	Coastal TPA, Inc	Dental and vision reimbursement claims	04/28/2021	225.22
46849	Community Tree Service	Tree work citywide	04/28/2021	7,950.00
46851	East Bay Tire Co.	New tires for the backhoe	04/28/2021	1,795.09
46852	Edges Electrical Group	Electrical supplies	04/28/2021	76.47
46854	Giuliano Picciuto	Reimburse: ISA Certified Arborist examination fee	04/28/2021	405.00
46855	Golden State Portables	Handicap unit Forest Theater	04/28/2021	380.88
46856	Granite Rock Company	Supplies for PW	04/28/2021	235.98
46857	Griggs Nursery Inc	Plants, trees and supplies	04/28/2021	436.43
46858	John Ley's Tree Service	Tree work citywide	04/28/2021	2,350.00
46860	Monterey Auto Supply Inc/Napa Auto Parts	Vehicle supplies for PW	04/28/2021	250.76
46864	Monterey Sanitary Supply	Trash cans for restroom stalls	04/28/2021	62.58
46865	Monterey Signs	Signs for PW rain garden	04/28/2021	136.56
46866	Mutt Mitt	Mutt Mitt purchases	04/28/2021	11,787.00
46867	Pureserve Building Service	Janitorial Services	04/28/2021	15,695.75
46868	Sara Davis	Reimbursement for purchase of plants	04/28/2021	18.59
46869	Scarborough Lumber & Building	Supplies for PW	04/28/2021	21.79

46870	Scudder Roofing	Roof leak repairs at City Hall	04/28/2021	730.00
46873	US Bank	Tools, supplies, registration fee, testing fee	04/28/2021	1,887.94
46875	Valley Hills Nursery	Plants for rain garden	04/28/2021	136.20
Total for Department: 119 Public Works				75,633.54
Department: 120 Library				
46773	Coastal TPA, Inc	Dental and vision reimbursement claims	04/12/2021	256.53
46810	Coastal TPA, Inc	Dental and vision reimbursement claims	04/19/2021	80.85
46826	Pacific Grove Self Storage	Storage unit for city art	04/19/2021	279.00
Total for Department: 120 Library				616.38
Department: 121 Community Activities				
46764	US Bank	Canva monthly subscription	04/02/2021	12.95
46873	US Bank	Canva monthly subscription	04/28/2021	12.95
Total for Department: 121 Community Activities				25.90
Department: 122 Economic Revitalization				
46784	Monterey County Convention & Visitors Bureau	FY20-21 Jurisdiction Investment: Q4	04/12/2021	30,010.00
46796	Visit Carmel	FY20-21 Regional destination marketing: Q4	04/12/2021	24,000.00
Total for Department: 122 Economic Revitalization				54,010.00
Department: 130 Non-Departmental				
46757	Pacific Gas & Electric	Gas & electric service citywide	04/02/2021	16.60
46764	US Bank	Dragon Professional: voice recognition software	04/02/2021	499.99
46787	Pacific Gas & Electric	Gas & electric service citywide	04/12/2021	9,799.49
46808	Cal-Am Water Company	Water service citywide	04/19/2021	11,777.75
46825	Pacific Gas & Electric	Gas & electric service citywide	04/19/2021	587.27
Total for Department: 130 Non-Departmental				22,681.10
Department: 411 Debt Service				
46785	MUFG Union Bank, N.A.	Interest on 2020 Refunding Lease Revenue Bond	04/12/2021	72,612.92
Total for Department: 411 Debt Service				72,612.92
Grand Total				667,674.71

April Contract Payments:

Vendor	Contract Amt	Paid through April	Contract Balance	
Pen Messenger	\$ 58,000.00	\$ 34,481.00	\$ 23,519.00	
Pureserve	\$ 198,349.00	\$ 156,957.50	\$ 41,391.50	
City of Monterey	\$2,493,245.00	\$ 1,956,687.84	\$ 536,557.16	Fire admin services
Tope's Tree Svc	\$ 25,000.00	\$ 20,831.00	\$ 4,169.00	
Telecom Law Firm PC	\$ 10,000.00	\$ 7,619.00	\$ 2,381.00	
J. Ley's Tree Svc.	\$ 25,000.00	\$ 9,353.00	\$ 15,647.00	



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

June 1, 2021
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Catherine Tarone, Ass't. Planner
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2021-020 authorizing a partial refund of a Track 2 Design Study application fee in the amount of \$3,783.75 plus the full amount of the volumetrics deposit of \$1,500 to Laurel Pavesi

RECOMMENDATION:

Adopt Resolution 2021-020 authorizing a partial refund of a Track 2 Design Study application fee in the amount of \$3,783.75 plus the full amount of the volumetrics deposit of \$1,500 to Laurel Pavesi.

BACKGROUND/SUMMARY:

The Applicant, Laurel Pavesi, submitted a Track 2 Design Study application (DS 20-159) fee for a remodel and a 265-square-foot addition to their residence located on Monte Verde, 2 northwest of 10th Avenue. The applicant paid \$5,045.00 for a Track 2 Design Study application plus a \$1,500 volumetrics deposit. On September 8, 2020, Planning Department Staff issued a Completeness Review Letter for the project (DS 20-159) determining that a height variance application would be required to construct the proposed 2nd story addition since the existing residence's plate height exceeds the allowed 2nd story plate height.

On April 19, 2021, staff reached out to the applicant and asked if they wished to withdraw their application and receive a partial refund for the fees they paid. On April 20, 2021, the owners of the residence contacted staff stating their request to withdraw their application and receive a partial refund (Attachment 2).

This item is on the Council's agenda to authorize a refund of 75% of the permit fee costs, \$3,783.75, plus the full amount of the volumetrics deposit, \$1,500, in accordance with CMC Section 17.02.120 (Fees) which allows a partial refund of fees in the amount of 75% for applications that are withdrawn before a determination has been made as to whether the application is complete. The applicant submitted an application on July 23, 2020 and withdrew the application on April 20, 2021, prior to staff making a determination as to the completeness of the application. The total amount of the refund for both the application fee and volumetrics deposit would be \$5,283.75.

CMC Section 3.06.060 (Return of Funds) requires refunds of \$1,000 or more to be approved by Council. Specifically, Section 3.06.060 states that "from time to time it becomes necessary to refund certain permit fees, taxes, licenses, etc., in the normal course of City business. Upon recommendation from the Assistant

City Administrator, the City Administrator or his/her duly authorized representative is authorized to approve such refunds in an amount not to exceed \$1,000. All refunds over \$1,000 shall require approval by the City Council.”

FISCAL IMPACT:

Other than the cost of processing the refund, there is no fiscal impact to the City for issuing the permit fee refund.

PRIOR CITY COUNCIL ACTION:

None for this item.

ATTACHMENTS:

Attachment #1 - Resolution 2021-020 Authorizing a partial refund for Laurel Pavesi

Attachment #2 - Applicant Withdrawal Request

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

RESOLUTION NO. 2021-020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AUTHORIZING A REFUND OF \$3,783.75 FOR TRACK 2 DESIGN STUDY FEES AND \$1,500
FOR THE VOLUMETRICS ANALYSIS DEPOSIT**

WHEREAS, an applicant has withdrawn an application for a Track 2 Design Study application (DS 20-159 (Pavesi), located on Monte Verde, 2 northwest of 10th Avenue; and

WHEREAS, in accordance with Carmel Municipal Code §17.020.120, the Planning Department is able to refund 75% of the application fee if the application is withdrawn before a determination is made that the application is incomplete;

WHEREAS, the amount of the refund is \$3,783.75 plus \$1,500 for a total refund amount of \$5,283.75. and Carmel Municipal Code §3.06.060, requires refunds of certain permit fees, taxes, licenses, etc., over \$1,000 be approved by the City Council.

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

Authorize the processing of a refund of is \$3,783.75 plus \$1,500 for a total refund amount of \$5,283.75 to the applicant and homeowner, Laurel Pavesi, for a portion of the Track 2 Design Study application fee and the full amount of the volumetrics deposit.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of June, 2021 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

**Carmel-
by-the-Sea**

Catherine Tarone <ctarone@ci.carmel.ca.us>

Re: Withdrawal of Design Study Track 2 Application DS 20-159 (Pavesi)

L Pavesi [REDACTED] >

Tue, Apr 20, 2021 at 11:47 AM

To: Catherine Tarone <ctarone@ci.carmel.ca.us>

Cc: Eric Wynkoop <eric@wynkoop.design>

Dear Catherine: thank you for contacting us about our Design Study application. Yes, we want to withdraw our plans and application and formally request a refund of 75% of our application fee and a full refund of the volumetrics deposit. We recognize the refund will take time and won't expect to see a check until early June. Please mail the check to L Pavesi, PO Box 700, Carmel, CA 93921

Please confirm, once our application is withdrawn, the application's documents will be purged from the files and records for APN 010-186-007-000 at Monte Verde, 2 NW of 10th Avenue

Thank you for your assistance,
Laurel Pavesi

On Apr 19, 2021, at 9:05 AM, Catherine Tarone <ctarone@ci.carmel.ca.us> wrote:

Good morning Mr. and Mrs. Pavesi and Mr. Wynkoop,

I am writing in regard to your Track 2 Design Study application DS 20-159 (Pavesi) which you submitted on July 23, 2020 for a 1st and 2nd story addition to your residence located on Monte Verde, 2 NW of 10th Avenue. Carmel Planning staff issued a Completeness Review Letter on September 8, 2020 requiring corrections to the proposal. In the letter, staff identified a plate height issue that would require a variance to resolve. Your permit is still active, however since it has been 9 months and no activity has occurred, and no response to the Completeness Review Letter has been submitted, please indicate whether you would like to request to withdraw your permit. Staff can then provide you with a partial refund of 75% of the \$5,045 Design Study Track 2 application fee, which is a refund of \$3,783.75, and a full refund of your \$1,500 volumetrics deposit. Please confirm whether you would like to withdraw your application.

If you would like to request a refund, it will take another month to provide since the Municipal Code requires that refund amounts that exceed \$1,000 require review and approval by the City Council first. So, if you wish to proceed with a refund, your refund request will be placed on the May 4, 2021 City Council consent agenda. And you would receive the refund 3 to 4 weeks after that.

Please let me know if you would like to formally request a refund for your Design Study application

If you have any questions, you may reach me at (831) 620-2027 or ctarone@ci.carmel.ca.us.

Thank you,
Catherine Tarone

--

Catherine Tarone
Assistant Planner
City of Carmel-by-the-Sea
o: (831) 620-2027
c: (831) 869-0185

PLEASE NOTE: Due to the issuance of a shelter in place order by the Monterey County Health Officer, the Community Planning & Building Department is currently **CLOSED**. We apologize for any inconvenience.

Staff will be working remotely to receive and review electronic application submittals as well as respond to emails. If you have a general Planning question, please email planning@ci.carmel.ca.us. For Building questions, please

email building@ci.carmel.ca.us.

Attachment 2

To request a building inspection, please go on-line to: <https://ci.carmel.ca.us/post/electronic-inspection-scheduling> or call the inspection line at (831) 620-2065.

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

Help Improve Community Planning & Building, [Click here to take our survey!](#)



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

June 1, 2021
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Robert Harary, P.E, Director of Public Works

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2021-021 accepting donations from Carmel Gives and Carmel Cares, both nonprofit, volunteer organizations

RECOMMENDATION:

Adopt Resolution 2021-021 accepting donations from Carmel Give and Carmel Cares, both nonprofit volunteer organizations.

BACKGROUND/SUMMARY:

The City of Carmel-by-the-Sea continues to benefit from a number of volunteers and non-profit organizations who have helped maintain and beautify the City during difficult economic times resulting from the COVID-19 pandemic. At the December 7, 2020 Special City Council Meeting, Carmel Cares President, Dale Byrne, gave a presentation regarding the purpose, arrangement, accomplishments, and pursuits of Carmel Cares. Carmel Cares works closely with Carmel Gives to execute grants and provide donations. The City's partnership with Carmel Cares and Carmel Gives has been productive, diverse, and exciting for nearly a year.

According to their website, "Carmel Cares is a movement that was created to help local businesses while providing assistance to those in need in surrounding communities through creative Win/Win programs and grants to nonprofits and City government. Working closely with other organizations, including Carmel Cares, the Carmel Chamber of Commerce and the Carmel Residents Association, Carmel Gives encourages grassroots support to quickly and efficiently get community projects up and running. Over the past year we have successfully executed over 40 projects and contributed over \$500,000 to help organizations and families make it through the COVID-19 pandemic." To learn more, please visit <http://www.carmelgives.org>. Carmel Gives is a fund of the Community Foundation of Monterey County which is a 501(c)3 organization.

Carmel Cares is continuing to champion volunteer community engagement groups as well. "Tree Tenders" is a program which guides residents to adopt seedlings and raise them until they are ready to be planted in Carmel's urban forest. "Median Minders" allow residents to maintain and improve nearby median islands or easements throughout the City, and the "Pick up Posse" supports trash pickup wherever encountered in the public right-of-way. Participation in these groups has been continuously increasing since the City's partnership with Carmel Cares was established last year.

Carmel Cares, and these community engagement groups, operate under the guidance of the Public Works Director, City Forester, Public Works Superintendent, Environmental Compliance Manager, Facilities Maintenance Supervisor, and Community Planning and Building Director.

The City's Donation and Gift Policy No. 2017-02 established a formal process for the acceptance and documentation of donations made to the City in a responsible, transparent, and accountable manner. Donations of items valued at \$2,499 or below may be accepted by the City Administrator. Donations of items valued at \$2,500 or more must be accepted by the City Council. A Donation Acceptance Form is filled out and issued to the donor for all non-labor donations.

At this time, the City Council should accept the following generous donations from Carmel Gives:

- Five (5) Dewalt cordless, 6-tool combination kits - \$3,005
- Milwaukee cordless, 7-tool combination kit - \$1,205
- Frigidaire 20.4 cf stainless steel refrigerator for Vista Lobos - \$928
- Dewalt 3,600 psi pressure washer - \$655

The City Council should also accept the following generous donations from Carmel Cares:

- Landscaping fees for Scenic Pathway, Devendorf Park, Forest Theater, and Sunset Center - \$12,567
- Materials, equipment rental, and tools for Forest Theater restroom ADA ramp - \$4,126
- Two (2) Stihl fuel-injected chainsaws, 36-inch and 32-inch - \$3,124
- Plants and topiary for Devendorf Park, Park Branch Library, and Sunset Center - \$1,898
- Approximately one ton of natural stone pavers - \$1,000
- Professional painting fee for Park Branch Library railings - \$700
- Alaskan portable saw mill and accessories - \$592
- Six (6) padlocks - \$177

The above-listed donations from Carmel Gives is \$5,793 and from Carmel Cares is \$24,184, for a **combined total of \$29,977**.

In addition to donations of materials and equipment, Carmel Cares has many volunteers that contribute their time and expertise to executing beautification and public safety projects throughout the Village. Carmel Cares have contributed hundreds of labor hours to benefit the City. Council should recognize their efforts over the past few months including:

- Extensive weeding, pruning, sweeping, watering, and graffiti removal along the Scenic Pathway, including removing ice plant off the face of stone beach walls – Over 500 volunteer hours
- Weeding, gardening, and cleaning Vista Lobos Park and the Lincoln Pathway - 250 volunteer hours
- Weeding, pruning, and cleaning Forest Theater grounds, inside and out – 150 volunteer hours
- Pick Up Posse picking up trash along Scenic Pathway, Del Mar parking area, and other areas – 150 volunteer hours
- Weeding, pruning, and cleaning Sunset Center grounds – 80 volunteer hours
- Weeding, gardening, and other improvements at Park Branch Library and Devendorf Park - 60 volunteer hours
- Managing the Tree Tender and Median Minder Programs – 40 volunteer hours

The total number of volunteer hours in the first quarter of 2020 is estimated to be **1,230 volunteer hours**.

FISCAL IMPACT:

City Donation and Gift Policy No. 2017-02 requires City Council acceptance of donations with a value over \$2,500. There were several items listed above that exceed that threshold.

Carmel Gives and Carmel Cares have donated an array of equipment and performed significant labor over the past several months. All donations are very much appreciated at this time when the City's revenue has been impacted by the COVID-19 Pandemic. The combined total cost of items donated to the City from Carmel Gives and Carmel Cares is approximately \$29,977.

To keep these volunteer projects properly moving forward, project scope and decisions are reviewed together during weekly videoconference meetings. Public Works staff provides guidance, equipment support, materials on hand, and other support as warranted, provided that essential City maintenance services are provided.

PRIOR CITY COUNCIL ACTION:

Council approved the City's Donation and Gift Policy No. 2017-02 in July 2017 (Resolution 2017-079).

In October 2020, Council adopted Resolution 2020-067 accepting donations from Carmel Gives and Carmel Cares, including a roll-up window at the Forest Theater concession stand and other landscape maintenance tools and equipment, and recognized Carmel Gives and Carmel Cares for their generous donations of time, tools, and materials to enhance the Village.

At the December 2020 Special City Council Meeting, Carmel Cares Chief, Dale Byrne, gave a presentation regarding the arrangement, accomplishments, and pursuits of Carmel Gives and Carmel Cares.

In January 2021, Council adopted Resolution 2021-001 accepting donations from Carmel Gives and Carmel Cares, including a John Deer Gator utility vehicle with water tank, iPhones for the Police department, a Toyota sidewalk cleaning machine, plumber's snakes, paid landscaping fees, and a variety of other improvements collectively valued at \$86,441.

ATTACHMENTS:

Attachment #1 - Resolution 2021-021 Carmel Gives Donation

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

RESOLUTION NO. 2021-021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ACCEPTING DONATIONS FROM CARMEL GIVES AND CARMEL CARES, BOTH
NONPROFIT VOLUNTEER ORGANIZATIONS, AND APPROVING A BUDGET AMENDMENT
TO THE FISCAL YEAR 2020-2021 ADOPTED BUDGET**

WHEREAS, the City of Carmel-by-the-Sea's budget for Fiscal Year 2020/21 was significantly reduced due to lower revenue projections resulting from the COVID-19 Pandemic; and

WHEREAS, a local nonprofit volunteer group, known as "Carmel Cares," has teamed up with the nonprofit organization "Carmel Gives," and is credited with the creation of unique, community engagement groups known as "Tree Tenders," "Median Minders," and "Pick up Posse," all of which desire to help the City by maintaining and beautifying Carmel under the guidance of the City's Public Works Department; and

WHEREAS, the City's Donation and Gift Policy No. 2017-02 requires the City Council to accept donations of \$2,500 or more; and

WHEREAS, Carmel Gives has donated six combination tool kits, a pressure washer, and refrigerator, collectively valued at \$5,793; and

WHEREAS, Carmel Cares has donated professional landscaping fees, materials for the Forest Theater ADA ramp, two chainsaws, plants and stone pavers for Devendorf Park, painting fees, padlocks, and a portable saw mill, collectively valued at \$24,184; and

WHEREAS, Carmel Cares and its partners have donated over 1,230 hours of voluntary service in the first quarter of 2020 to improve the Scenic Pathway, Forest Theater grounds, Vista Lobos Park, Sunset Center, and other grounds and facilities, as well as implement community engagement programs such as "Tree Tenders," "Median Minders," and "Pick-Up Posse," for which the City is greatly appreciative.

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

Accept the following donations, with a total value of is \$5,793, from Carmel Gives:

- Five (5) Dewalt cordless, 6-tool combination kits - \$3,005
- Milwaukee cordless, 7-tool combination kit - \$1,205
- Frigidaire 20.4cf stainless steel refrigerator for Vista Lobos - \$928
- Dewalt 3,600 psi pressure washer - \$655

Accept the following donations, with a total value of is \$24,184, from Carmel Cares:

- Landscaping fees for Scenic Pathway, Devendorf Park, Forest Theater, and Sunset Center - \$12,567
- Materials, equipment rental, and tools for Forest Theater ADA ramp - \$4,126
- Two (2) Stihl fuel-injected chainsaws, 36-inch and 32-inch - \$3,124
- Plants and topiary for Devendorf Park, Park Branch Library, and Sunset Center - \$1,898
- Approximately one ton of natural stone pavers - \$1,000
- Professional painting fee for Park Branch Library railings - \$700
- Alaskan portable saw mill and accessories - \$592
- Six (6) padlocks - \$177

Approve a budget amendment to the Fiscal Year 2020-2021 Adopted Budget, as shown in the attached Exhibit A, to recognize the donations of equipment and other goods.

Recognize the following efforts by 1,230 volunteer hours over the past few months:

- Extensive weeding, pruning, sweeping, watering, and graffiti removal along the Scenic Pathway, including removing ice plant off the face of stone beach walls – Over 500 volunteer hours
- Weeding, gardening, and cleaning Vista Lobos Park and the Lincoln Pathway – 250 volunteer hours
- Weeding, pruning, and cleaning Forest Theater grounds, inside and out –150 volunteer hours
- Pick-Up Posse picking up trash along Scenic Pathway, Del Mar parking area, and other areas – 150 volunteer hours
- Weeding, pruning, and cleaning Sunset Center grounds – 80 volunteer hours
- Weeding, gardening, and other improvements at Park Branch Library and Devendorf Park - 60 volunteer hours
- Managing the Tree Tender and Median Minder Programs – 40 volunteer hours

Recognize and extend our sincere gratitude to all volunteer groups who have stepped up to help the City in so many ways during these difficult times.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this 1st day of June, 2021, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

EXHIBIT A

General Ledger Account	Account Name	Purpose	FY 2020-21 Adopted/ Amended Budget	Adjustment Amount	FY 2020-21 Amended Budget
101-000-00-36621	General Fund Revenue Donations-Public Works	To recognize donations from Carmel Gives	\$105,952.86	\$5,793	\$111,745.86
101-119-40-42106	General Fund Expenditures PW Admin Small Tools & Equipment	Donated items-Five (5) Dewalt cordless drill/tool kits	\$7,977.86	\$3,005	\$10,982.86
101-119-40-42106	General Fund Expenditures PW Admin Small Tools & Equipment	Donated item-Milwaukee cordless drill/tool kit	\$10,982.86	\$1,205	\$12,187.86
101-119-40-42106	General Fund Expenditures PW Admin Small Tools & Equipment	Donated item-Dewalt pressure washer	\$12,187.86	\$655	\$12,842.86
101-119-00-42415	General Fund Expenditures PW Admin Other Expenditures	Donated item-Frigidaire refrigerator	\$0	\$928	\$928
101-000-00-36621	General Fund Revenue Donations-Public Works	To recognize donations from Carmel Cares	\$111,745.86	\$24,184	\$135,929.86
101-119-45-42001	General Fund Expenditures PW Forest & Beach Contract Services	Donated-landscape fees-Scenic Pathway, Devendorf Park, Forest Theater, Sunset Center	\$125,000	\$12,567	\$137,567

101-119-42-42201	General Fund Expenditures PW Facilities Building Maintenance	Donated items- Forest Theater ADA ramp materials, equipment rental, tools	\$13,280	\$4,126	\$17,406
101-119-45-42106	General Fund Expenditure PW Forest & Beach Small Tools & Equipment	Donated items-Two (2) Stihl chainsaws	\$0	\$3,124	\$3,124
101-119-45-42106	General Fund Expenditure PW Forest & Beach Small Tools & Equipment	Donated item-Alaskan portable sawmill and accessories	\$3,124	\$592	\$3,716
101-119-45-42105	General Fund Expenditures PW Forest & Beach Materials & Supplies	Donated items-Plants and topiary for Devendorf Park, Park Branch Library, Sunset Center	\$25,000	\$1,898	\$26,898
101-119-45-42105	General Fund Expenditures PW Forest & Beach Materials & Supplies	Donated item-One ton of natural stone pavers	\$26,898	\$1,000	\$27,898
101-119-42-42001	General Fund Expenditures PW Facilities Contract Services	Donated item- Professional painting fee Park Branch Library railings	\$268,949	\$700	\$269,649

101-119-42-42105	General Fund Expenditures PW Facilities Materials & Supplies	Donated items-Six (6) padlocks	\$45,000	\$177	\$45,177
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CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

June 1, 2021
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Britt Avrit, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2021-022 ratifying an appointment to the Historic Resources Board

RECOMMENDATION:

Adopt Resolution 2021-022 ratifying an appointment to the Historic Resources Board.

BACKGROUND/SUMMARY:

City Boards and Commissions perform a valuable service to the City by providing means by which the City Council can obtain advice, opinions, and recommendations of City residents and other members of the community.

Thomas Hood resigned his position on the Historic Resources Board effective April 20, 2021.

Mayor Potter and Mayor Pro Tem Richards comprised the Ad Hoc Committee and interviewed the applicants for the Board and Commission vacancy. The applicants demonstrated a strong commitment to service and a desire to serve the Carmel-by-the-Sea community. The Ad Hoc Committee is appreciative of all community members of diverse backgrounds and exceptional skill sets, who filled out an application and participated in the interview process.

The Ad Hoc Committee has identified Kathy Pomeroy as a qualified and ideal candidate to fill the unexpected vacancy.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

The City Council annually ratifies appointments to vacancies occurring on the City's Commissions and Boards each year.

ATTACHMENTS:

Attachment #1 - Resolution 2021-022 Historic Resources Board Appointment
Attachment #2 - HRB Applications

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

RESOLUTION NO. 2020-022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RATIFYING AN APPOINTMENT TO THE HISTORIC RESOURCES BOARD**

WHEREAS, City Boards and Commissions perform a valuable service to the City by providing means by which the City Council can obtain advice, opinions, and recommendations of City residents and other members of the community; and

WHEREAS, Thomas Hood resigned his position as a Board Member of the Historic Resources Board effective April 20, 2021 and his term expires September 30, 2024; and

WHEREAS, on May 4, 2021, the City Council introduced Ordinance 2021-001 amending the Carmel-by-the-Sea Municipal Code regarding appointments to Board and Commissions including changing the terms so that terms “shall be extended approximately seven months in duration so that the expiration of such member’s term shall now be on the first regular meeting in May; and

WHEREAS, the Mayor and Mayor Pro Tempore comprised the Ad Hoc Committee and interviewed the applicants for the Board and Commission vacancies; and

WHEREAS, the applicants demonstrated a strong commitment to service and a desire to serve the Carmel-by-the-Sea community; and

WHEREAS, the Ad Hoc Committee is appreciative of all community members of diverse backgrounds and exceptional skill sets, who filled out an application and participated in the interview process.

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

Appoint Kathy Pomeroy to the Historic Resources Board for a term ending May 6, 2025.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 1st day of June 2021, by the following vote:**

AYES:

NOES:

ABSENT:

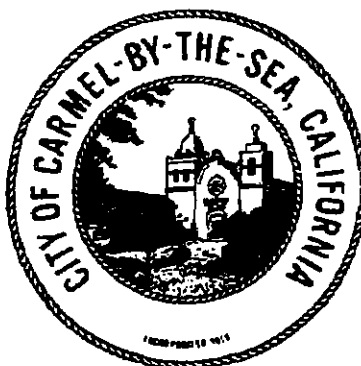
ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

[illegible]

APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

in accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME RONALD CHAPLAN MD DATE 9/10/20
RESIDENCE ADDRESS CITY CARMEZ BY THE SEA ZIP 93921
MAILING ADDRESS CITY CARMEZ BY THE SEA ZIP 93921
RESIDENCE PHONE BUSINESS PHONE
EMAIL

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 2 years Carmel by
The Sea
Board or Commission Selection: 40 years Carmel

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	X
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	X
Board of Appeals (once annually and on an as-needed basis)	

Will you be available to attend board/commission meetings regularly? yes

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES ☒ NO ☐

Reason for Interest in the Position:

WAS APPLYING FOR THE PLANNING COMMISSION RECENTLY INTERVIEWED WITH POTTER/BOBBY. HAD TO WITHDRAW APPLICATION HAD MAJOR SURGERY HAVE OWNED PROPERTY IN CARMEL - RAN BUSINESS NGTE PLANNING COMMISSION MULTIPLE TIMES TO REVIEW CONSTRUCTION OF 12 CONDOS ON MY PROPERTY HAVE BUILT OFFICE COMPLEX MONTEREY & CARMEL

Please list any relevant qualifications or experience you possess that would enhance the mission and goals

of the board(s) or commission(s) for which you are applying:

- ① PLANNING COMMISSION - MULTIPLE MEETINGS OVER MANY YEARS FOR CARMEL BUSINESS. ALSO BUILT 3 STORY MEDICAL COMPLEX MONTEREY. UNDERSTAND REVIEW PROCESSES
- ② HISTORIC BOARD - HAVE DEALT WITH ISSUES ON PROJECTS IN CARMEL AREA, IN MONTEREY. MAJOR INTEREST IN PLANNING COMMISSION

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

- 1) CARMEL YOUTH CENTER BOARD
- 2) HOSPITAL REVIEW BOARD (NEW PHYSICIANS)
- 3) EAST BOARD MONTEREY MEDICAL SOCIETY MEDIATION COMMITTEE

Education:

Institution	Course of Study	Degree Year (s)
UCLA	PRE-MED	1967-71
UC SAN FRANCISCO	MEDICAL DEGREE	1971-75
UNIV OF COLORADO	SURGICAL TRAINING	1975-79
HARVARD	ORTHOPEDIC PROGRAM	1977-81

Attachment 2

Employment Experience (Start with Most Recent):

Organization: <u>ORTHOPEDIC SURGEON (SELF EMPLOYED)</u>	
Position: <u>SURGEON</u>	Year: <u>1981 → 2020</u>
Organization: <u>ALPHA OMEGA WINERY</u>	
Position: <u>OWNER POSITION</u>	Year: <u>2007 → 2020</u>
Organization: <u></u>	
Position: <u></u>	Year: <u></u>

Prior public service, civic or volunteer activities:

Organization: <u>CARMEL YOUTH CENTER</u>	
Position: <u>BOARD MEMBER</u>	Year: <u>2017 - 2020</u>
Organization: <u>MEDICAL BOARD OF MONTEREY</u>	
Position: <u>BOARD (MEDICAL) PHYSICIAN COMPLAINTS</u>	Year: <u>1990's</u>
Organization: <u>CHROME CREDENTIAL COMMITTEE - PHYSICIAN REVIEW</u>	
Position: <u>MEMBER</u>	Year: <u></u>

Signature _____

Date 9/10/20

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.

JUN - 3 2020

Received by City Clerk



APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

In accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME Kathy Pomeroy DATE 6/3/2020
 RESIDENCE ADDRESS _____ CITY Carmel ZIP 93921
 MAILING ADDRESS _____ CITY CARMEL ZIP 93921
 RESIDENCE PHONE _____ BUSINESS PHONE _____
 EMAIL _____
 HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 31 years

Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	☒
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	☒
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	☒
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	☒
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	☒
Board of Appeals (once annually and on an as-needed basis)	☒

Will you be available to attend board/commission meetings regularly? yes

Revised July 16, 2019

first
choice*

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES ☒ NO ☐

Reason for Interest in the Position:

I would like to be more involved with my city

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

* Planning Commission: Law classes in Land Use Appraisal license & Real Estate Broker License California. Owner Builder and real estate investor.

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

None currently

Education:

Institution	Course of Study	Degree Year (s)
Monterey College of Law	Law	JD 1994
Cal Poly Pomona	Agriculture / Biology	BS 1977

Employment Experience (Start with Most Recent):

Organization:	Keller Williams Coastal Estates, Carmel	
Position:	Realtor	Year: 2018 → Present
Organization:	Appraisals by the Sea/owner	Year: 2003 → Present
Position:	Appraiser	
Organization:		Year:
Position:		

Prior public service, civic or volunteer activities:

Organization:	Red Cross - Carmel	Year:
Position:		
Organization:	Junior League Monterey Co.	Year:
Position:		
Organization:	Professional Womens Network	Year:
Position:		

Women's Council of Realtors
Monterey County Board of Realtors

June 3, 2020
Date

Signature

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.



APPLICATION TO SERVE ON A CARMEL-BY-THE-SEA CITY BOARD OR COMMISSION

In accordance with the Public Records Act, submitted applications and attachments are considered public records and will be disclosed upon receipt of a public records request. Applications may also be published (with signatures and personal contact information redacted) in the agendas of relevant meetings of the City Council, boards and commissions.

NAME ROGER SMITHSON DATE 9-9-2020

RESIDENCE ADDRESS _____ CITY CARMEL ZIP 93921

MAILING ADDRESS _____ CITY CARMEL ZIP 93921

RESIDENCE PHONE _____ BUSINESS PHONE _____

EMAIL _____

HOW LONG HAVE YOU LIVED IN CARMEL-BY-THE-SEA? 1 YEAR

Board or Commission Selection:

You may apply for more than one Board or Commission. Please note, however, that members shall not serve simultaneously on more than one Council-appointed Board or Commission.

Community Activities & Cultural Commission (meets the second Tuesday of the month at 9:30 a.m.)	☒
Harrison Memorial Library Board of Trustees (meets the fourth Wednesday of the month at 9:00 a.m.)	☐
Planning Commission (meets the second Wednesday of the month at 4:00 p.m., tour of inspection at 2:00 p.m.)	☐
Forest & Beach Commission (meets the second Thursday of the month at 3:30 p.m., tour of inspection at 3 p.m.)	☒
Historic Resources Board (meets the third Monday of the month at 4:00 p.m., tour of inspection at 3:15 p.m.)	☒
Board of Appeals (once annually and on an as-needed basis)	☐

Will you be available to attend board/commission meetings regularly? YES

All members of boards and commissions are subject to the Conflict of Interest Laws of the State of California and are required to submit Form 700, "Statement of Economic Interest," within 30 days of assuming office. Form 700 must be filed annually thereafter, and within 30 days of leaving office as well.

In accordance with Assembly Bill (AB) 1234 appointed members are required to attend Public Service Ethics Education upon appointment and every two years thereafter.

Do you agree to file all required statements in a timely manner as prescribed by law or the City's Conflict of Interest Code? YES ☒ NO ☐

Reason for Interest in the Position:

I AM FACINATED WITH THE HUMAN EXPERIENCE
ESPECIALLY LISTENING TO IDEAS AND HELPING
TO FULFILL THE COLLECTIVE DIRECTION THE
COMMUNITY WANTS TO TAKE

Please list any relevant qualifications or experience you possess that would enhance the mission and goals of the board(s) or commission(s) for which you are applying:

OWNER GREENLINE CONSTRUCTION LIC # 916865
GREW UP IN CARMEL 6 YRS. TO 18 YRS OLD
FAMILIAR WITH BUILDING CODES, EASEMENT, SETBACKS
TITLE SEARCH
STUDIED DENDROLOGY, EARTH SCIENCES COLUMBIA
COLLEGE, COLUMBIA CA.
ASSISTANT TROOP LEADER (BSA) SONORA TROOP

Please list any local area associations, boards, commissions, foundations, or companies in which you have an investment, or serve as an officer or director:

N / A

Education:

Institution	Course of Study	Degree Year (s)
CARMEL HIGH SCHOOL	GENERAL	GED
COLUMBIA JUNIOR COLLEGE	ARTS, FORESTRY	2 YR

Employment Experience (Start with Most Recent):

Organization:	NETFLIX "THE PROM"	
Position:	PROPMAKER	Year: 2019
Organization:	SILVERCUP	
Position:	PROPMAKER	Year: 2019
Organization:	PARAMOUNT STUDIOS "UNICORN"	
Position:	PROPMAKER	Year: 2019

Prior public service, civic or volunteer activities:

Organization:	BOY SCOUTS OF AMERICA	
Position:	ASSISTANT TROOP LEADER	Year: 2010
Organization:		
Position:		Year:
Organization:		
Position:		Year:

Sigr

9-9-20
Date

Citizen knowledge, interest and participation are vital ingredients to the delivery of high-quality public services. The richness that comes from citizens serving in advisory roles to the City Council contributes to making Carmel by the Sea the special place it is. The City of Carmel-by-the Sea thanks you for your interest in serving on a City board or commission.

Return application to the City Clerk's Office, East side of Monte Verde Street, between Ocean and Seventh Avenues or mail to PO Box CC, Carmel-by-the-Sea, 93921, attention: City Clerk's Office.



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

June 1, 2021
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Chip Rerig, City Administrator

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2021-023 accepting the 2021 updates to the existing Emergency Operations Plan

RECOMMENDATION:

1. Receive the 2021 updated Emergency Operations Plan and a brief update on activities and actions taken over the previous two years.
2. Adopt Resolution 2021-023 accepting the 2021 updates to the existing Emergency Operations Plan

BACKGROUND/SUMMARY:

Government Code 8610, contained within the California Emergency Services Act, requires the City to have an Emergency Operations Plan. The purpose of the plan is to provide legal framework to manage emergencies and to provide guidance of operations in the Emergency Operations Center (OES). In 1979, Carmel-by-the-Sea established Chapter 2.64 within the Carmel Municipal Code. Chapter 2.64, titled "Emergency Organization," defines the authorities and process of how the City will manage disasters.

In 1981, the City developed an emergency plan, which was supplemented in 1993, by the "Carmel-by-the-Sea Management Operations Plan (MOP). The MOP was developed as a result of the State Office of Emergency Services (OES) establishing Standardized Emergency Management System (SEMS) as the standard for managing disasters.

Following the 2001 terrorist acts, the Federal government issued a response mandate known as the "National Incident Management System" (NIMS), to address disaster management. In 2006, the City Council adopted a Resolution approving NIMS as the official regulatory guidance for emergency responses. Although SEMS meets the intent of NIMS, it is important the City's Emergency Operations Plan be updated in a manner to assure full compliance with policies and requirements of both SEMS and NIMS.

The existing Emergency Operations Plan (EOP) was created in 2008 to meet these requirements. The plan is updated every two years and presented to council. The plan was most recently updated in June 2019. A majority of the changes in the plan were merely administrative changes involving personnel names and contact information.

The following are highlights of the past two years, including incidents, training, planning, and preparation by the City.

The Emergency Operations Center (EOC) was utilized on three occasions this past year. The first activation is still on-going and is a result of the Novel-Coronavirus (COVID) pandemic. We are nearing 450 continuous days of a level three-activation with low-level monitoring and input. The second activation occurred in August of 2020, as a result of three major fires surrounding our area; The Dolan, Carmel, and River Fires. City resources involving Fire and Police personnel were utilized as part of mutual aid assistance to fight fires and provide evacuation notices to county residents. The third activation occurred in January 2021 as a result of a winter storm that brought an Atmospheric River and several inches of rain. The rain and lack of vegetation as a result of the August fires produced an increase in water runoff and mudslide activity in fire scared areas. As a result, the Carmel River breached its banks and flooded the residential area of Carmel Point. Fire and Police personnel along with our Community Emergency Response Team (CERT) responded to aid in evacuation efforts and traffic control.

Over the past two years, the City has worked in collaboration with the County Office of Emergency Services on three multi-jurisdiction plan updates, including; A countywide Evacuation and Transportation Plan, Updating the County Hazard Mitigation Plan, and Updating the Tsunami Hazard Area Maps for Monterey County.

Each of the three updates were significantly delayed due to the countywide focus related to the pandemic, local fires, and impacts of the winter storms in 2021. The Tsunami Hazard Area map was completed in March 2021 and both the Evacuation Transportation Plan and Hazard Mitigation Plan are scheduled to be completed in 2022.

Over the next two years, the emphasis will be on the completion of the two remaining county plans, recovery from the pandemic, including cost reimbursement from the Federal Emergency Management Administration (FEMA) and a focused effort on fire fuel reduction and education within the City. An additional goal will be to develop condensed versions of the Emergency Operations Plan into event specific playbooks.

With a number of new positions in the City, we will continue to focus on training personnel. This training will include ICS 100 for all City Staff involved in EOC operations, ICS 100 & 200 for all police department personnel and ICS specific training for Public Works staff. Section specific training will also be scheduled for each of the City's directors and assigned back-ups to include the use of WebEOC.

Attached are the details regarding changes made to the existing Emergency Operation Plan. Following review of the Emergency Operation Plan (EOP), the new 2021 EOP will replace the 2019 version and the City Website will be updated.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

The existing EOP was presented to City Council for adoption in December 2008. The plan was revised in June 2011, 2013, 2015, 2017 and 2019.

ATTACHMENTS:

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

RESOLUTION NO. 2021-023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ACCEPTING THE 2021 UPDATES TO THE EXISTING EMERGENCY OPERATIONS PLAN**

WHEREAS, the City established Carmel Municipal Code, Chapter 2.64, which defines the authorities and process of how the City will manage disasters; and

WHEREAS, Government Code 8610 requires the City to have an Emergency Operations plan; and

WHEREAS, The City adopted the original Emergency Operations Plan in 2008 to meet those requirements; and

WHEREAS, the Emergency Operations Plan is updated every two years.

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

Accept the 2021 updates to the Emergency Operations Plan.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of June 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

ATTACHMENT A:

Itemized list of changes made to the 2019 Emergency Operations Plan

05/10/2021

Pg. 1- City Council members updated

Pg. 11- Change date to June 2021 from June 2019

Pg. 14 – Change next update to June 2023

Pg. 32 - Fixed Typo

Pg. 35 - Fixed Typo

Pg. 40 - Fixed Typo

Pg. 84 – Date changed September 2019 to June 2022

Annex D – Clean-up language

Annex F – Update contact information

Annex O- Updated dates

Annex P- Add language re: Beach Closure -Pandemic



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

June 1, 2021
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Sharon Friedrichsen - Director, Contracts and Budgets

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2021-024 authorizing the City Administrator to execute a professional services agreement with Visit Carmel for marketing services for the period of July 1, 2021 to June 30, 2024

RECOMMENDATION:

Adopt Resolution 2021-024 authorizing the City Administrator to execute a professional services agreement with Visit Carmel for marketing services for the period of July 1, 2021 to June 30, 2024.

BACKGROUND/SUMMARY:

As illustrated by the economic impacts associated with COVID-19, the City is dependent on travel and leisure spending to support the revenues it receives from sales and use tax and transient occupancy tax. Recognizing Carmel-by-the-Sea's potential as a regional, national and international destination, the City has historically worked with outside agencies to develop a destination-marketing plan and to allocate funding for marketing efforts, including Visit Carmel.

The purpose of this agenda item is to authorize the City Administrator to execute a three-year agreement with Visit Carmel to serve as the City's marketing administrator. The City's current contract with Visit Carmel expires on June 30, 2021. Staff recommends entering into a new agreement with Visit Carmel based on the organization's expertise in marketing; understanding of Carmel and its marketing objectives responsible and sustainable travel; to ensure continuity and consistency of brand messaging and to leverage various marketing dollars.

Visit Carmel has served as the Owners' Association for the Carmel Hospitality Improvement District since March 2016 and for the Carmel Restaurant Improvement District since its formation in January 2019. It has used the marketing dollars generated through the assessments to promote mid-week overnight stays within the Village and to increase food and beverage sales respectively. The City also contracts with Visit Carmel and provides funding to augment marketing efforts to encourage visitors to stay, dine and shop in the Village.

Visit Carmel has promoted responsible travel by visitors in its messaging, be it by encouraging sustainability in terms of recycling, no littering, and use of the beach, or adherence to COVID-19 protocols. During the

pandemic, Visit Carmel has been instrumental in designing a marketing campaign to encourage people to travel responsibly, and has assisted in producing marketing collateral such as median islands banners and placards for restaurants, shops and hotels. Visit Carmel has also proved to be a partnering agency regarding other City initiatives and projects.

By continuing to serve as the marketing administrator for the City, Visit Carmel is able to leverage the City's general fund marketing dollars with the assessments and develop a cohesive and consistent marketing strategy.

FISCAL IMPACT:

The Fiscal Year 2021-2022 (FY 21-22) Recommended Budget allocates \$100,800 to Visit Carmel to manage visitors and help promote guests to stay overnight, dine and shop within the Village. The amount for the first year of the agreement is \$100,800, contingent on Council approval and adoption of the FY 21-22 budget. The amount of the agreement for the next two fiscal years is subject to appropriations as determined by Council as part of the annual budget adoption process.

PRIOR CITY COUNCIL ACTION:

Council adopted a resolution to execute an agreement with Visit Carmel for marketing services on January 9, 2018.

ATTACHMENTS:

Attachment #1 - Resolution 2021-024 Authorizing Visit Carmel Marketing Agreement

Attachment #2- Visit Carmel Marketing Agreement

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

RESOLUTION NO. 2021-024

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES
AGREEMENT WITH VISIT CARMEL FOR MARKETING SERVICES FOR THE TERM OF JULY
1, 2021 TO JUNE 30, 2024**

WHEREAS, the City of Carmel-by-the-Sea Council recognizes the importance of tourism to the City's economic vitality and fiscal health; and

WHEREAS, the City Council also desires to have a consistent and cohesive marketing campaign to promote responsible and sustainable travel; and

WHEREAS, the City wishes to enter into an agreement with an organization with advertising and marketing expertise to help promote the City as a destination; and

WHEREAS, Carmel Municipal Code Section 3.12.140 allows for the dispensation of the bidding process when a professional services involves specialized knowledge; and

WHEREAS, Visit Carmel has specialized marketing knowledge; is responsible for implementing marketing programs for the Carmel Hospitality Improvement District and the Carmel Restaurant Improvement District and has worked collaboratively with the City and its partner agencies to promote Carmel-by-the-Sea as a visitor destination; and

WHEREAS, Visit Carmel is well suited to continue to serve as brand ambassador for the City and promote the interests of the retail, restaurants and eating establishments and lodging industries and entering into an agreement with Visit Carmel for marketing service is in the best interest of the City as it allows for continuity, consistency and cohesion of the City's brand messaging and marketing campaigns.

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

Authorize the City Administrator to execute a three year agreement with Visit Carmel for marketing services to promote travel and tourism in Carmel-by-the-Sea for a term of July 1, 2021 through June 30, 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 1st day of June, 2021, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

PROFESSIONAL SERVICES AGREEMENT
Visit Carmel
City Marketing Administrator

Attachment 2

THIS AGREEMENT is executed this ____ day of June, 2021, by and between the City of Carmel-by-the-Sea, a municipal corporation, (hereinafter "City"), and Visit Carmel, a nonprofit corporation, (hereinafter "Consultant"). City and Consultant are sometimes referred to herein individually as a "Party" and collectively as the "Parties".

WHEREAS, the City wishes to engage Consultant to perform the services required by this Agreement; and

WHEREAS, Consultant is willing to render such professional services, as hereinafter defined, on the following terms and conditions; and

WHEREAS, Consultant represents that it is trained, experienced and competent and holds all necessary licenses and certifications to perform the services required by this Agreement.

NOW, THEREFORE, in consideration of the terms and conditions herein contained, the parties hereby covenant and agree as follows:

1. SERVICES

- A. **Scope of Services.** Consultant agrees to provide to the City, as the scope of services ("Scope of Services") under this Agreement, the following: marketing services to promote visitors to stay overnight, dine and shop in the City. The Scope of Services is attached hereto as Exhibit "A." Consultant agrees to all of the following:
- i. Consultant will furnish all of the labor, technical, administrative, professional and other personnel, all supplies and materials, equipment, printing, vehicles, transportation, office space and facilities, and all tests, testing and analyses, calculations, and all other means whatsoever, except as otherwise expressly specified in this Agreement, necessary to perform the services required of Consultant under this Agreement.
 - ii. Consultant's designated representative(s) who are authorized to act on its behalf and to make all decisions in connection with the performance of services under this Agreement is the Visit Carmel Executive Director.
 - iii. Consultant represents that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant will at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described in this Agreement. In meeting its obligations under this Agreement, Consultant must employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.
 - iv. City may inspect and accept or reject any of the Consultant's work under this Agreement, either during performance or when completed. Acceptance of any of Consultant's work by City will not constitute a waiver of any of the provisions of this Agreement.

B. **Change Orders.**

PROFESSIONAL SERVICES AGREEMENT
Visit Carmel
City Marketing Administrator

Attachment 2

- i. Agreements and Change Orders exceeding \$24,999 require City Council approval to be valid.
- ii. The City may order changes to the Scope of Services, consisting of additions, deletions, or other revisions, and the compensation to be paid to Consultant will be adjusted accordingly. All such changes must be authorized in writing, and executed by Consultant and City. The cost or credit to the City resulting from changes in the services will be determined by the written agreement between the parties. However, any increase in compensation beyond the compensation limit amount approved by the City Council must be authorized in advance by Council.
- iii. Consultant will not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to or outside of those set forth in the Scope of Services or otherwise required by this Agreement, unless such additional services are authorized in advance and in writing by the City.
- iv. If Consultant believes that additional services are needed to complete the Scope of Services, Consultant will provide the City Administrator with written notification describing the proposed additional services, the reasons for such services, and a detailed proposal regarding cost.

C. Familiarity with Services and Site.

- i. By executing this Agreement, Consultant represents that Consultant:
 - a. has thoroughly investigated and considered the Scope of Services to be performed;
 - b. has carefully considered how the services should be performed;
 - c. understands the facilities, difficulties, and restrictions attending performance of the services under this Agreement; and
 - d. possesses all licenses required under local, state or federal law to perform the services contemplated by this Agreement, and will maintain all required licenses during the performance of this Agreement.

2. COMPENSATION

- A. **Total Fee.** Subject to any limitations set forth in this Agreement, the City agrees to pay and Consultant agrees to accept as full and fair consideration for the term of July 1, 2021 to June 30, 2022 (Fiscal Year 2021-2022), a total amount not-to-exceed One Hundred Thousand and Eight Hundred Dollars (\$100,800.00), subject to the appropriation of funds by City Council as part of the adoption of the Fiscal Year 2021-2022 Budget.

For fiscal years 2022-2023 and 2023-2024, the annual fiscal year compensation shall be subject to the annual appropriation of funds by the Carmel-by-the-Sea City Council during the annual budget process for each fiscal year during the remainder of the term.

Such compensation is the "Maximum Authorized Expenditure" under this Agreement. The Fee Schedule includes, but is not limited to, fees for each phase and task, not-to-exceed total fee, hourly rates, reimbursable rates and subconsultant mark-up rates. The use of subconsultants will not be considered a reimbursable expense, and such costs must be applied towards the approved budgeted amount. Payment of any compensation to Consultant is contingent upon performance of the terms and conditions of this Agreement to the satisfaction of the City. If the City determines that the Services set forth in the written

PROFESSIONAL SERVICES AGREEMENT

Visit Carmel

Attachment 2

City Marketing Administrator

invoice have not performed in accordance with the terms of this Agreement, the City is not responsible for payment until the Services have been satisfactorily performed.

The City may increase or decrease the Maximum Authorized Expenditure by issuing a Change Order to the Agreement in accordance with Section 1.B "Change Orders" above. Should Consultant consider that any request or instruction from the City's Project Representative constitutes a change in the scope of services, Consultant will advise the City's Project Representative, in writing, within fourteen (14) calendar days of such request or instruction. Without said written advice within the time period specified, the City is not obligated to make any payment of additional compensation to Consultant.

- B. **Implementation of Budget.** Once approved by the City, Visit Carmel shall implement the budget and shall be authorized, without the need for further approvals by City, to make the expenditures and incur the obligations provided for in such budget. During any fiscal year, either party may propose an amendment to the budget based on changed circumstances, which amendment must be approved by both parties in writing.
- C. **Invoicing.** All payments made by the City to Visit Carmel shall be made in equal quarterly payments no later than July 10, October 10, January 10 and April 10 of each year or on such other basis as agreed to by the parties. Visit Carmel agrees that all funds received from the City shall be expended only for those activities set forth in this Agreement, and that it shall render a full and accurate accounting for all expenditures annually in accordance with this Agreement. Visit Carmel shall be liable to and shall reimburse the City for any and all expenditures of funds contrary to this Agreement.

Consultant agrees to remit and is responsible for all withholding taxes, income taxes, unemployment insurance deductions, and any other deductions required by applicable federal, state or local laws and regulations for Consultant, its employees, subconsultants and vendors of services or goods.

D. **Audit and Examination of Accounts:**

- i. Consultant must keep and will cause any assignee or subconsultant under this Agreement to keep accurate books of records and accounts, in accordance with sound accounting principles, which pertain to Services to be performed under this Agreement.
- ii. Any audit conducted of books of records and accounts must be kept in accordance with generally accepted professional standards and guidelines for auditing.
- iii. Consultant must disclose and make available any and all information, reports, books of records or accounts pertaining to this Agreement to the City and any city of the County of Monterey, or other federal, state, regional or governmental agency which provides funding for these Services.
- iv. Consultant must include the requirements of Section 2E, "Audit and Examination of Accounts", in all contracts with assignees or subconsultants under this Agreement.
- v. All records provided for in this Section are to be maintained and made available throughout the performance of this Agreement and for a period of not less than four (4) years after full completion of the Services. All records, which pertain to actual disputes, litigation, appeals or claims, must be maintained and made available for a

PROFESSIONAL SERVICES AGREEMENT
Visit Carmel
City Marketing Administrator

Attachment 2

period of not less than four (4) years after final resolution of such disputes, litigation, appeals or claims.

3. AGREEMENT TERM

- A. **Term.** The work under this Agreement will commence on July 1, 2021 and shall be completed by June 30, 2024, subject to annual appropriations of the City Council for each fiscal year and unless terminated by either party or the City grants an extension of time in writing pursuant to the terms of this Agreement, except for provisions in this Agreement that will survive the termination or completion of this Agreement.
- B. **Timely Work.** Consultant will perform all Services in a timely fashion. Failure to perform is deemed a material breach of this Agreement, and the City may terminate this Agreement with no further liability hereunder, or may authorize, in writing, an extension of time to the Agreement.

4. CONSULTANT'S EMPLOYEES AND SUBCONSULTANTS

- A. **Sub-agreements with Subconsultants.** Consultant will incorporate the terms and conditions of this Agreement into all sub-agreements with subconsultants in respect of the Services necessary to preserve all rights of the City under this Agreement. Consultant is fully responsible to the City of all acts and omissions of subconsultants and of persons employed by any subconsultant.
- B. **Not an Agent of the City.** Nothing in this Agreement will be interpreted to render the City the agent, employer, or partner of Consultant, or the employer of anyone working for or subcontracted by Consultant, and Consultant must not do anything that would result in anyone working for or subcontracted by Consultant being considered an employee of the City. Consultant is not, and must not claim to be, an agent of the City.
- C. **Independent Contractor:** Consultant is an independent contractor. This Agreement does not create the relationship of employer and employee, a partnership, or a joint venture. The City may not control or direct the details, means, methods or processes by which Consultant performs the Services. Consultant is responsible for performance of the Services and may not delegate or assign any Services to any other person except as provided for in this Agreement. Consultant is solely liable for the work quality and conditions of any partners, employees and subconsultants.

No offer or obligation of permanent employment with the City or particular City department or agency is intended in any manner, and Consultant may not become entitled by virtue of this Agreement to receive from the City any form of employee benefits including but not limited to sick leave, vacation, retirement benefits, workers' compensation coverage, insurance or disability benefits. Consultant will be solely liable for and obligated to pay directly all applicable taxes, including federal and state income taxes and social security, arising out of Consultant's performance of Services under this Agreement. Consultant will defend, indemnify and hold the City harmless from any and all liability, which the City may incur because of Consultant's failure to pay such taxes.

5. REPRESENTATIVES AND COMMUNICATIONS

PROFESSIONAL SERVICES AGREEMENT

Visit Carmel

Attachment 2

City Marketing Administrator

- A. **City's Project Representative.** The City appoints the individual named below as the City's Project Representative for the purposes of this Agreement ("City's Project Representative"). The City may unilaterally change its Project Representative upon notice to Consultant.

Name: Chip Rerig
Title: City Administrator
Address: City of Carmel-by-the-Sea
P.O. Box CC, Carmel-by-the-Sea, CA 93921
Telephone: 831.620.2058
Email: crerig@ci.carmel.ca.us

- B. **Consultant's Project Manager.** Consultant appoints the person named below as its Project Manager for the purposes of this Agreement ("Consultant's Project Manager"). Consultant may unilaterally change its Project Manager upon notice to City.

Name: Amy Herzog
Title: Executive Director
Address: Visit Carmel
P.O. Box 3921, Carmel-by-the-Sea, CA 93921
Telephone: 831.238.1849
Email: amy.herzog@carmelcalifornia.com

- C. **Meet and Confer.** Consultant agrees to meet and confer with the City's Project Representative, its agents or employees with regard to Services as may be required by the City to insure timely and adequate performance of this Agreement.
- D. **Communications and Notices.** All communications between the City and Consultant regarding this Agreement, including performance of Services, will be between the City's Project Representative and Consultant's Project Manager. Any notice, report, or other document that either Party may be required or may wish to give to the other must be in writing and will be validly given to and received by the addressee, if delivered personally, on the date of such personal delivery, if delivered by email, on the date of transmission, or if by mail, seven (7) calendar days after posting.

6. INDEMNIFICATION

- A. **Indemnification of City by Consultant:** To the fullest extent permitted by law (including, without limitation, California Civil Code Sections 2782 and 2782.6), Consultant will defend (with legal counsel reasonably acceptable to the City), indemnify and hold harmless the City and its officers, designated agents, departments, officials, representatives and employees (collectively "Indemnitees") from and against claims, loss, cost, damage, injury expense and liability (including incidental and consequential damages, Court costs, reasonable attorneys' fees as may be determined by the Court, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation) to the extent they arise out of, pertain to, or relate to, the negligence, recklessness, or willful misconduct of Consultant, any subconsultant or subcontractor, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold

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harmless and indemnify any Indemnitee will not apply to the extent that such Liabilities are caused in part by the active negligence or willful misconduct of such Indemnitee.

Notwithstanding the provisions of the above paragraph, Consultant agrees to indemnify and hold harmless the City from and against all claims, demands, defense costs, liability, expense, or damages arising out of or in connection with damage to or loss of any property belonging to Consultant or Consultant's employees, subconsultants, representatives, patrons, guests or invitees.

Consultant further agrees to indemnify the City for damage to or loss of City property to the proportionate extent they arise out of Consultant's negligent performance of the work associated with this Agreement or to the proportionate extent they arise out of any negligent act or omission of Consultant or any of Consultant's employees, agents, subconsultants, representatives, patrons, guests or invitees; excepting such damage or loss arising out of the negligence or willful misconduct of the City or any of its Indemnitees.

B. Indemnification of Consultant by the City: To the fullest extent permitted by law (including, without limitation, California Civil Code Sections 2782 and 2782.6), City will defend (with legal counsel reasonably acceptable to the Consultant), indemnify and hold harmless the Consultant and its officers, designated agents, departments, officials, representatives and employees (collectively "Indemnitees") from and against claims, loss, cost, damage, injury expense and liability (including incidental and consequential damages, Court costs, reasonable attorneys' fees as may be determined by the Court, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation) to the extent they arise out of, pertain to, or relate to, the negligence, recklessness, or willful misconduct of City, any subconsultant or subcontractor, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify any Indemnitee will not apply to the extent that such Liabilities are caused in part by the active negligence or willful misconduct of such Indemnitee.

Notwithstanding the provisions of the above paragraph, City agrees to indemnify and hold harmless the Consultant from and against all claims, demands, defense costs, liability, expense, or damages arising out of or in connection with damage to or loss of any property belonging to City or City's employees, subconsultants, representatives, patrons, guests or invitees.

City further agrees to indemnify the Consultant for damage to or loss of Consultant property to the proportionate extent they arise out of City's negligence or to the proportionate extent they arise out of any negligent act or omission of City or any of City's employees, agents, subconsultants, representatives, patrons, guests or invitees; excepting such damage or loss arising out of the negligence or willful misconduct of the Consultant or any of its Indemnitees.

7. INSURANCE

Consultant must submit and maintain in full force all insurance as described herein. Without altering or limiting Consultant's duty to indemnify, Consultant must maintain in effect throughout the term of this Agreement a policy or policies of insurance with the following minimum limits of liability:

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- A. Commercial General Liability Insurance including but not limited to premises, personal injuries, bodily injuries, property damage, products, and completed operations, with a combined single limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- B. Directors and Officers Insurance with limits of not less than \$1,000,000 per occurrence or claim and \$2,000,000 in the aggregate. Consultant will either maintain or cause to be maintained professional liability coverage in full force or obtain extended reporting (tail) coverage (with the same liability limits) for at least three (3) years following the City's acceptance of the work.
- C. Automobile Liability Insurance covering all automobiles, including owned, leased, non-owned, and hired automobiles, used in providing Services under this Agreement, with a combined single limit of not less than \$1,000,000 per occurrence.
- D. Workers' Compensation Insurance. If Consultant has no employees and is using independent contractors, then workers compensation insurance is not required. If Consultant employs others in the performance of this Agreement, Consultant must maintain Workers' Compensation insurance in accordance with California Labor Code section 3700 and with a minimum of \$1,000,000 per occurrence.
- E. Other Insurance Requirements:
 - i. All insurance required under this Agreement must be written by an insurance company either admitted to do business in California with a current A.M. Best rating of no less than A:VI; **or** an insurance company with a current A.M. Best rating of no less than A:VII. An exception may be made for the State Compensation Insurance Fund when not specifically rated.
 - ii. Each insurance policy required by this Agreement may not be canceled, except with prior written notice to the City.
 - iii. The general liability and auto policies must:
 - a. Provide an endorsement naming the City of Carmel-by-the-Sea, its officers, officials, employees, and volunteers as additional insureds. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used).
 - b. Provide that such Consultant's insurance is primary as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City of Carmel-by-the-Sea is excess to the Consultant's insurance and will not contribute with it.
 - c. Contain a "Separation of Insureds" provision substantially equivalent to that used in the ISO form CG 00 01 10 01 or their equivalent.
 - d. Provide for a waiver of any subrogation rights against the City via an ISO CG 24 01 10 93 or its equivalent.
 - iv. Prior to the start of work under this Agreement, Consultant will file certificates of insurance and endorsements evidencing the coverage required by this Agreement with the City. Consultant will file a new or amended certificate of insurance promptly

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after any change is made in any insurance policy, which would alter the information on the certificate then on file.

- v. Neither the insurance requirements hereunder, nor acceptance or approval of Consultant's insurance, nor whether any claims are covered under any insurance, may in any way modify or change Consultant's obligations under the indemnification clause in this Agreement, which will continue in full force and effect. All coverage available to the Consultant as named insured will also be available and applicable to the additional insured. Notwithstanding these insurance requirements, Consultant is financially liable for its indemnity obligations under this Agreement.
- vi. All policies must be written on a first dollar coverage basis or contain a deductible provision. Any deductibles or self-insured retentions ("SIR") must be declared to and approved by the City. At the option of the City, either: the insured will reduce or eliminate such deductibles or SIR as respects the City, its officers, officials, employees and volunteers; or Consultant will provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses. In no event will any SIR or insurance policy contain language, whether added by endorsement or contained in the policy conditions, that prohibits satisfaction of any self-insured provision or requirement by anyone other than the named insured, or by any means including other insurance, or which is intended to defeat the intent or protection of an additional insured.
- vii. City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances, upon thirty (30) days' notice to Consultant.
- viii. Consultant shall require and verify that all sub consultants and subcontractors maintain insurance meeting all the requirements stated herein, with the exception of 7(B) Directors and Officers Insurance coverage. Instead sub consultants shall be required to carry Professional Liability Insurance with limits of not less than \$1,000,000 per occurrence or claim and \$2,000,000 in the aggregate. Subconsultant will either maintain or cause to be maintained professional liability coverage in full force or obtain extended reporting (tail) coverage (with the same liability limits) for at least three years following the Consultant's acceptance of the work. Sub consultants will name both Visit Carmel and the City of Carmel-by-the Sea as additional insured on the policy.
- ix. If Consultant, for any reason, fails to have in place at all times during the term of this Agreement all of the required insurance coverage, the City may, but is not obligated to, obtain such coverage at Consultant's expense and deduct the cost from the sums due Consultant. Alternatively, City may terminate the Agreement.
- x. The existence of the required insurance coverage under this Agreement will not be deemed to satisfy or limit Consultant's indemnity obligations under this Agreement. Consultant acknowledges that the insurance coverage and policy limits set forth in this Agreement constitute the minimum coverage and policy limits required. Should any coverage carried by the Consultant or any subcontractor of any tier have limits of liability that exceed the limits or have broader coverage than required in this Agreement, those higher limits and that broader coverage are deemed to apply for the benefit of any person or organization included as an additional insured and those limits and broader coverage will become the required minimum limits and insurance

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coverage in all sections of this Agreement. Any insurance proceeds available to City in excess of the limits and coverages required by this Agreement, and which is applicable to a given loss, must be made available to City to compensate it for such losses.

- xi. Consultant must give City prompt notice of claims made of lawsuits initiated that arise out of or result from Consultant's performance under this Agreement, and that involve or may involve coverage under any of the required liability insurance policies.

8. ASSURED PERFORMANCE

- A. Consultant, its agents, employees, and subconsultants must perform all Services in a safe and skillful manner consistent with the usual and customary standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields in accordance with sound professional practices. All work product of Consultant must comply with all applicable laws, rules, regulations, ordinances and codes. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and will advise City of any changes in any laws that may affect Consultant's performance of this Agreement. All Services performed under this Agreement that are required by law to be performed or supervised by licensed personnel must be performed in accordance with such licensing requirements.
- B. Consultant must furnish, at its own expense, all materials, equipment and personnel necessary to carry out the terms of this Agreement. Consultant may not use the City premises, property (including equipment, instruments, or supplies) or personnel for any purpose other than in the performance of its obligations under this Agreement.
- C. If at any time the City has a reasonable and objective basis to believe Consultant may not be adequately performing its obligations under this Agreement or that Consultant may fail to complete the Services required under this Agreement, the City's Project Representative or his or her designee may, in his/her discretion, meet with Visit Carmel to review the quality of work and resolve the matters of concern, and may request from Consultant a written plan acceptable to the City to correct the observed deficiencies in Consultant's performance. Consultant shall provide written assurances and a written plan within thirty (30) days from its receipt of the City's request and shall thereafter diligently commence and fully perform such written plan. Consultant acknowledges and agrees that any failure to provide such written assurances and written plan within the required time is a material breach of this Agreement.

9. OWNERSHIP AND USE OF MATERIALS

- A. **Ownership of the Materials.** A specific breakdown as to Ownership of Materials is attached hereto as Exhibit "B." Consultant hereby agrees to provide to a private, not-for profit, successor, and if there is none, then assigns to the City and its assignees all copyright and other use rights in any and all proposals, plans, specification, designs, drawings, sketches, renderings, models, reports and related documents (including computerized or electronic copies) respecting in any way the subject matter of this Agreement, whether prepared by the City, the Consultant, the Consultant's subcontractors or third parties at the request of the Consultant (collectively, "Documents

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and Materials"). This explicitly includes the electronic copies of all above stated documentation. Consultant shall be permitted to retain copies, including reproducible copies and computerized copies, of said Documents and Materials. Consultant agrees to take such further steps as may be reasonably requested by City to implement the aforesaid assignment. If for any reason said assignment is not effective, Consultant hereby grants City and any assignee of the City an express royalty-free license to retain and use said Documents and Materials. The City's rights under this paragraph shall apply regardless of the degree of completion of the Documents and Materials and whether or not Consultant's Services as set forth in Exhibit "A" of this Agreement have been fully performed or paid for. Consultant shall pay all royalties and license fees which may be due for any patented or copyrighted materials, methods or systems selected by the Consultant and incorporated into the work as set forth in Exhibit "A", and shall defend, indemnify and hold the City harmless from any claims for infringement of patent or copyright arising out of such selection. The City's rights under this Paragraph shall not extend to any computer software used to create such Documents and Materials.

- B. **No Patent or Copyright Infringement.** Consultant guarantees that in its creation of the Materials produced under this Agreement, no federal or state patent or copyright laws were violated. Consultant agrees that all copyrights, which arise from creation of the work or Services pursuant to this Agreement, will be vested in the City and waives and relinquishes all claims to copyright or intellectual property rights in favor of the City. Consultant covenants that it will defend, indemnify and hold City harmless from any claim or legal action brought against the City for alleged infringement of any patent or copyright related to City's use of Materials produced by Consultant and its employees, agents and subconsultants under this Agreement.
- C. **Survival of Ownership and Use Provisions.** The provisions contained in Section 9, Ownership and Use of Materials survives the expiration or earlier termination of this Agreement, and that this Section is severable for such purpose.

10. CONFIDENTIALITY

- A. **No Disclosure.** Consultant must keep confidential and may not disclose, publish or release any information, data, or confidential information of the City to any person other than representatives of the City duly designated for that purpose in writing by the City. Consultant may not use for Consultant's own purposes, or for any purpose other than those of the City, any information, data, or confidential information Consultant may acquire as a result of the performance of the Services under this Agreement. Consultant must promptly transmit to the City any and all requests for disclosure of any such confidential information or records. The obligations under this Section will survive the expiration or earlier termination of this Agreement.
- B. **California Public Records Act.** Consultant acknowledges that the City is subject to the California Public Records Act (Government Code Section 6250 et seq.), known as the "PRA", and agrees to any disclosure of information by the City as required by law. Consultant further acknowledges that it may have access to personal information as defined under the PRA, and Consultant will not use any such personal information for any purposes other than for the performance of Services under this Agreement without the advance written approval of the City.

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All Scopes of Services and related documents received will be public records, with the exception of those elements, identified by the Consultant as business trade secrets and are plainly marked "Trade Secret", "Confidential" or "Proprietary". If disclosure is required under the PRA or otherwise by law, the City will not be liable or responsible for the disclosure of any such records and the Consultant will indemnify, defend, and hold the City harmless for any such disclosure.

11. CONFLICT OF INTEREST

Consultant covenants that neither Consultant, nor any officer, principal or employee of its firm, has or will acquire any interest, directly or indirectly, that would conflict in any manner with the interests of City relating to this Agreement or that would in any way hinder Consultant's performance of services under this Agreement. Consultant's attention is directed to the conflict of interest rules applicable to governmental decision-making contained in the Political Reform Act (California Government Code Section 87100 and following) and its implementing regulations (California Code of Regulations, Title 2, Section 18700 et seq.), and California Government Code section 1090.

In addition, Consultant, Consultant's employees, and subconsultants agree as follows:

- A. That they will conduct their duties related to this Agreement with impartiality, and must, if they exercise discretionary authority over others in the course of those duties, disqualify themselves from dealing with anyone with whom a relationship between them could bring the impartiality of Consultant or its employees into question;
- B. May not influence, seek to influence, or otherwise take part in a decision of the City knowing that the decision may further their private interests;
- C. May not accept any commission, discount, allowance, payment, gift, or other benefit connected, directly or indirectly, with the performance of Services related to this Agreement, that causes, or would appear to cause, a conflict of interest;
- D. May have no financial interest in the business of a third party that causes, or would appear to cause, a conflict of interest in connection with the performance of the Services related to this Agreement, and if such financial interest is acquired during the term of this Agreement, Consultant must promptly declare it to the City, and;
- E. May not, during the term of this Agreement, perform a service for, or provide advice to, any person, firm, or corporation, which gives rise to a conflict of interest between the obligations of Consultant under this Agreement and the obligations of Consultant to such other person, firm or corporation.

12. DISPUTE RESOLUTION

- A. **Dispute Resolution Procedures.** The parties will make reasonable efforts to promptly resolve any dispute, claim, or controversy arising out of or related to this Agreement ("Dispute") using the Dispute Resolution Procedures set forth in this Section.
- B. **Negotiations.** First, the City's Project Representative and Consultant's Project Manager will make reasonable efforts to resolve any Dispute by amicable negotiations and will provide frank, candid, and timely disclosure of all relevant facts, information, and documents to facilitate negotiations. Should these negotiations be unsuccessful in resolving the Dispute, the matter will be promptly referred to the Mayor or Mayor Pro

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Tempore and the Consultant's Chairperson of the Board of Directors, who will meet and confer, in good faith, to resolve the Dispute to mutual satisfaction of the parties.

- C. **Mediation.** If all or any portion of a Dispute cannot be resolved by good faith negotiations as set forth above within thirty (30) days of the date that the matter was referred to the Mayor or Mayor Pro Tempore pursuant to subsection B above, either Party may, by notice to the other Party, submit the Dispute for formal mediation to a mediator selected mutually by the parties from the Monterey Superior Court's Court-Directed Mediator Panel list. The duration of any such mediation may not exceed 2 hours unless otherwise agreed to by the parties. The cost of the mediation (including fees of mediators) will be borne equally by the parties, and each Party will bear its own costs of participating in mediation. The mediation will take place within or in close proximity to the City of Carmel-by-the-Sea.

In any mediation conducted pursuant to this section, the provisions of California Evidence Code section 1152 will be applicable to limit the admissibility of evidence disclosed by the parties in the course of the mediation. In the event the parties are unsuccessful in resolving the dispute through the mediation process, then the parties agree that the dispute will be submitted to Binding Arbitration to a single Arbitrator in accordance with the existing Rules of Practice and Procedure of the Judicial Arbitration and Mediation Services, Inc. (JAMS) within thirty (30) days of the close of mediation as declared by the mediator.

- D. **Arbitration.** The submission to Mediation and Arbitration in accordance with the requirements of this section of any and all agreements, differences, or controversies that may arise hereunder is made a condition precedent to the institution of any action or appeal at law or in equity with respect to the controversy involved. The award by the arbitrator will have the same force and effect and may be filed and entered, as a judgment of the Superior Court of the State of California and is subject to appellate review upon the same terms and conditions as the law permits for judgments of Superior Courts. A "Prevailing Party" will be determined in the Arbitration, and the Prevailing Party will be entitled to reasonable attorney's fees and costs incurred, and accrued interest on any unpaid balance that may be due. Costs will include the cost of any expert employed in the preparation or presentation of any evidence. All costs incurred and reasonable attorney fees will be considered costs recoverable in that proceeding, and be included in any award.

13. TERMINATION OF AGREEMENT

- A. **Termination by City for Cause or Default.** The City reserves the right to terminate this Agreement if Consultant fails to perform the required Services within the term and/or in the manner provided under this Agreement and fails to correct the performance as stipulated within Section 8, Assured Performance, of this Agreement.

14. LEGAL ACTION / VENUE

- A. Should either Party to this Agreement bring legal action against the other, the validity, interpretation and performance of this Agreement will be controlled by and construed under the laws of the State of California, excluding California's choice of law rules.

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- B. Venue for any such action relating to this Agreement will be in Monterey County.
- C. If any legal action or proceeding, including action for declaratory relief, is brought for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement, the Prevailing Party may recover reasonable attorneys' fees as may be determined by the Arbitrator, experts' fees, and other costs, in addition to any other relief to which the Party may be entitled.

15. MISCELLANEOUS PROVISIONS

- A. **Non-discrimination**. During the performance of this Agreement, Consultant, and its subconsultants, may not unlawfully discriminate against any person because of race, religious creed, color, sex, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, or sexual orientation, either in Consultant's employment practices or in the furnishing of services to recipients. Consultant further acknowledges that harassment in the workplace is not permitted in any form, and will take all necessary actions to prevent such conduct.
- B. **Acceptance of Services Not a Release**. Acceptance by the City of the Services to be performed under this Agreement does not operate as a release of Consultant from professional responsibility for the Services performed.
- C. **Force Majeure**. Either Party is absolved from its obligation under this Agreement when and to the extent that performance is delayed or prevented, and in the City's case, when and to the extent that its need for vehicles, materials, or Services to be supplied hereunder are reduced or eliminated by any course, except financial, for reasons beyond its control. Such reasons include, but are not limited to: earthquake, flood, epidemic, fire, explosion, war, civil disorder, act of God or of the public enemy, act of federal, state or local government, or delay in transportation to the extent that they are not caused by the Party's willful or negligent acts or omissions, and to the extent that they are beyond the Party's reasonable control.
- D. **Headings**. The headings do not govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Agreement. The headings are for convenience only.
- E. **Entire Agreement**. This Agreement, including the Exhibits attached hereto, constitutes the entire agreement between the parties hereto with respect to the terms, conditions, and Services and supersedes any and all prior proposals, understandings, communications, representations and agreements, whether oral or written, relating to the subject matter thereof pursuant to Section 1B, "Change Order of Services". Any Change Order to this Agreement will be effective only if it is in writing signed by both parties hereto and will prevail over any other provision of this Agreement in the event of inconsistency between them.
- F. **Conflict between Agreement and Exhibits**. In the event of a conflict between a provision in this Agreement and a provision in an Exhibit attached to this Agreement, the provisions in this Agreement will take precedence.

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- G. **Counterparts**. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, and may be signed in counterparts, but all of which together will constitute one and the same Agreement.
- H. **Multiple Copies of Agreement**. Multiple copies of this Agreement may be executed, but the parties agree that the Agreement on file in the office of the City's City Clerk is the version of the Agreement that governs should any difference exist among counterparts of this Agreement.
- I. **Authority**. Any individual executing this Agreement on behalf of the City or Consultant represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such Party and bind the Party to the terms and conditions of this Agreement.
- J. **Severability**. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions will not be impaired thereby. Limitations of liability and indemnities will survive termination of the Agreement for any cause. If a part of the Agreement is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this Agreement is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.
- K. **Non-exclusive Agreement**. This Agreement is non-exclusive and both the City and Consultant expressly reserve the right to enter into agreements with other Consultants for the same or similar services, or may have its own employees perform the same or similar services.
- L. **Assignment of Interest**. The duties under this Agreement are not assignable, delegable, or transferable without the prior written consent of the City. Any such purported assignment, delegation, or transfer constitutes a material breach of this Agreement upon which the City may terminate this Agreement and be entitled to damages.
- M. **Laws**. Consultant agrees that in the performance of this Agreement it will reasonably comply with all applicable federal, state and local laws and regulations. This Agreement will be governed by and construed in accordance with the laws of the State of California and the City of Carmel-by-the-Sea.

IN WITNESS WHEREOF, the parties enter into this Agreement hereto on the day and year first above written in Carmel-by-the-Sea, California.

CITY OF CARMEL-BY-THE-SEA

CONSULTANT

Mayor, City Administrator, or Designee Signature

Consultant Signature

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Chip Rerig

Printed Name

City Administrator

Title

Visit Carmel

APPROVED AS TO FORM:

By: _____
Brian Pierik, City Attorney

Date: _____

ATTEST:

By: _____
Britt Avrit, MMC, City Clerk

Date: _____

EXHIBIT “A”

Scope of Services

- i. Cooperate with the City, its partner agencies, and the private sector for the purposes of inviting, attracting and welcoming tourists, business travelers and visitors to Carmel-by-the-Sea as the destination of choice through promotion, advertising and other services;
- ii. Act as a source of information to inform, educate and advise visitors, travel trade and media about the overall visitor experience Carmel-by-the-Sea has to offer;
- iii. Provide an annual strategic marketing and operational plan that outlines the proposed use of City marketing funds to accomplish promoting tourism and travel to the City, with such plan including a line item budget for each fiscal year with planned activities and services and a timetable for the accomplishment of the services contained within Section 1;
- iv. Build awareness of Carmel-by-the-Sea as an attractive and unique travel destination;
- v. Prepare promotional materials to facilitate as well as participate in promotional, marketing, and sales activities.
- vi. Provide electronic and/or printed collateral pieces including guides, maps and publications;
- vii. Assist and prepare articles and news stories for print and social media, compile data, gather and assemble news items, photographs, printed materials and brochures descriptive of the City's resources whereby businesses and individuals outside of Carmel-by-the-Sea may be encouraged to visit the City;
- viii. Generally promote visitor activities that will bring additional revenue to the City and to businesses within the City;
- ix. Regularly track marketing results and the economic impact of tourism to Carmel-by-the-Sea;
- x. Review analysis of tourism trends, conditions and opportunities within Carmel-by-the-Sea and the Monterey Peninsula region;
- xi. Identify target audiences for tourism marketing expenditures and activities;
- xii. Maintain a website and participate in social media and e-mail marketing for the purposes of dissemination of information promoting Carmel-by-the-Sea and its services;
- xiii. Serve as the destination brand steward in conjunction with the City and its partner agencies; and
- xiv. Furnish to the City an annual report detailing the extent to which the annual activity plan for the previous year has been met.

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EXHIBIT “B”
Ownership of Materials

- A. **Ownership of Materials.** Each party possesses the ownership rights to property as detailed below:
- i. It is understood that the City of Carmel-by-the-Sea owns the rights to the domain name www.carmelcalifornia.com, however Visit Carmel has ownership of the content of said website, the Visit Carmel branding and logo, and the registered trademark for “Visit Carmel-by-the-Sea... Pure Inspiration”.
 - ii. It is understood that Visit Carmel owns the rights to the domain name www.visitcarmel.com. This address currently auto-forwards to the website www.carmelcalifornia.com.
 - iii. Visit Carmel maintains ownership of the following social media channels:
 - a. Facebook – www.facebook.com/visitcarmel/
 - b. YouTube – www.youtube.com/user/CarmelCalifornia
 - c. Twitter – www.twitter.com/visitcarmel
 - d. Instagram – www.instagram.com/visitcarmel/
 - e. Google+ - plus.google.com/104931555600012043499
 - f. LinkedIn – www.linkedin.com/company/visit-carmel/
 - g. Pinterest – www.pinterest.com/visitcarmelbythesea/
 - iv. The City maintains ownership of the *Official City Guide & Maps* brochure, both the physically printed pieces as well as the digital art.
 - v. Visit Carmel owns both the *Insiders Guide to Runs, Walks & Hikes* and *Beginners Guide to Mindful-by-the-Sea* brochures, both the physically printed pieces as well as the digital art.
 - vi. Visit Carmel is licensed to use Carmel-by-the-Sea Wine Walk, (with future option to purchase trademark from Carmel Chamber), and owns the Carmel Wine Walk logo and branding, and owns all digital and printed promotional materials related to the Carmel Wine Walk.
 - vii. Visit Carmel owns the Carmel-by-the-Sea Take Out & Dining Guide logo and branding, as well as Carmel Culinary Week/Month logo and branding, and all related digital and printed promotional materials related to Carmel Restaurant promotional programs.
 - viii. All photography and video is co-owned.
 - ix. Ownership of future marketing materials will be dependent upon which portion of the budget (funds provided by the City pursuant to this Agreement versus Carmel Hospitality Improvement District funds) is used to fund the project. If the project is co-funded (from both sources) then it will be owned in proportion to the funding.
 - x. It is understood that upon the dissolution or winding up of Visit Carmel, after payment of, or provision for payment of, all debt and liabilities of Visit Carmel, the remaining assets shall be distributed to another corporation which has been formed to promote tourism in the City of Carmel-by-the-Sea and which has established its tax exempt status under §501(c) of the Internal Revenue Code. If no such corporation as described above is in existence at the time of dissolution, then the remaining assets shall be distributed to the City of Carmel-by-the-Sea.



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

**June 1, 2021
CONSENT AGENDA**

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Britt Avrit, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Ordinance 2021-001 amending sections 2.28.030, 2.28.060, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and updating the Community Activities Commission Mission Statement

RECOMMENDATION:

Adopt Ordinance 2021-001 amending sections 2.28.030, 2.28.060, 2.32.030, 2.36.030, 2.72.030 and 2.74.010 of the Carmel-by-the-Sea Municipal Code related to timing of Board and Commission appointments and updating the Community Activities Commission Mission Statement which constitutes reading of the title and waiver of reading of the ordinance.

BACKGROUND/SUMMARY:

City Boards and Commissions perform a valuable service to the City by providing means by which the City Council can obtain advice, opinions, and recommendations of City residents and other members of the community. Currently these appointments are made at the City Council meeting in September each year with the appointees' terms beginning in October each year. The appointments took place after the City's General Municipal Election which was held in April of even-numbered years. Beginning in 2018, the City's General Municipal Election was moved to November of even-numbered years.

The City Clerk worked with the City Attorney's Office to update the Municipal Code. The attached ordinance changes the timing for the Board/Commission appointments to take place in May each year to be more in line with the timing of the City's General Municipal Election. The Ordinance would extend existing terms in order to effectuate the timing change.

Additionally, the Community Activities Commission recently updated its mission statement to more accurately reflect the current state of community gatherings.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

None

ATTACHMENTS:

Attachment #1 - Ordinance 2021-001 Amending the Municipal Code regarding timing of Board and Commission appointments

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

ORDINANCE NO. 2021-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AMENDING SECTIONS 2.28.030, 2.28.060, 2.32.030, 2.36.030, 2.72.030, AND 2.74.010 OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE RELATED TO TIMING OF BOARD AND COMMISSION APPOINTMENTS AND UPDATING THE COMMUNITY ACTIVITIES COMMISSION MISSION STATEMENT

WHEREAS, to ensure for the orderly administration of the City of Carmel-by-the-Sea, the City Council has determined it necessary to amend provisions of the municipal code regarding the timing of appointments to the City's boards and commissions and to update the Community Activities Commission Mission Statement.

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

SECTION 1. Amendment of Section 2.28.030. Section 2.28.030 of Title 2, Chapter 2.28 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.28.030 Appointment Process.

A. Members of the Community Activities Commission shall be nominated by the Mayor, whose nomination shall be ratified by at least three of the five members of the City Council.

B. Terms of the members shall be staggered so that at least one term, but no more than two terms, shall expire annually. Terms of office for new members shall begin at the commencement of the first regular meeting in the month of ~~October~~ May of the appropriate year. Terms of outgoing members shall end simultaneously. The newly appointed member(s) shall be sworn in by the City Clerk.

C. In the event an appointment cannot be made in a timely manner, ~~the City Council, with the consent of the incumbent, may extend the incumbent's term for up to 90 days.~~ the incumbent may continue to serve until a new member is appointed.

SECTION 2. Amendment of Section 2.28.060. Section 2.28.060 of Title 2, Chapter 2.68 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.28.060 Duties, Responsibilities and Authority.

The Community Activities Commission's mission is to encourage and support the interaction of neighbors, friends, families and visitors through the shared experience of special events, programs, and gatherings which bring the community together ~~safely~~ virtually on the City's streets and in its parks ~~and weave the fabric of our community~~ by creating opportunities to interact, celebrate, enrich people's lives, and promote inclusiveness.

SECTION 3. Amendment of Section 2.32.030. Section 2.32.030 of Title 2, Chapter 2.32 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.32.030 Appointment Process.

A. Members of the Forest and Beach Commission shall be nominated by the Mayor, whose nomination shall be ratified by at least three of the five members of the City Council.

B. Terms of the members shall be staggered so that at least one term, but no more than two terms, shall expire annually. ~~Appointments shall be, where possible, made prior to the beginning of the term of office, in order that the new member(s) shall be able to become familiar with the functions of the commission.~~ Terms of office for new members shall begin at the commencement of the first regular meeting in the month of ~~October~~ May of the appropriate year. Terms of outgoing members shall end simultaneously. The newly appointed member(s) shall be sworn in by the City Clerk.

C. In the event an appointment cannot be made in a timely manner, ~~the City Council, with the consent of the incumbent, may extend the incumbent's term for up to 90 days~~ the incumbent may continue to serve until a new member is appointed.

SECTION 4. Amendment of Section 2.36.030. Section 2.36.030 of Title 2, Chapter 2.36 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.36.030 Appointment Process.

A. ~~Members of the Planning Commission shall be appointed in accordance with City policy adopted by resolution of the City Council~~ shall be nominated by the Mayor, whose nomination shall be ratified by at least three of the five members of the City Council.

B. Terms of the members shall be staggered so that at least one term, but no more than two terms, shall expire annually. ~~Appointments shall be, where possible, made prior to the beginning of the term of office, in order that the new member(s) shall be able to become familiar with the functions of the commission prior to being seated.~~ Terms of office for new members shall begin at the commencement of the first regular meeting in the month of ~~October~~ May of the appropriate year. Terms of office for outgoing members shall end simultaneously. The newly appointed members shall be sworn in by the City Clerk.

C. In the event an appointment cannot be made in a timely manner, ~~the City Council, with the consent of the incumbent, may extend the incumbent's term for up to 90 days.~~ the incumbent may continue to serve until a new member is appointed.

SECTION 5. Amendment of Section 2.72.030. Section 2.72.030 of Title 2, Chapter 2.72 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.72.030 Appointment Process.

A. Members of the Harrison Memorial Library Board of Trustees shall be nominated by the Mayor, whose nomination shall be ratified by at least three of the five members of the City Council.

B. Terms of the members shall be staggered so that at least one term, but no more than two terms, shall expire annually. ~~Appointments shall be, where possible, made prior to the beginning of the term of office, in order that the new member(s) shall be able to become familiar with the functions of the board.~~ Terms of office for new members shall begin the date of the regular meeting in ~~October~~ May of the appropriate year. Terms of office of outgoing members shall end simultaneously. The newly appointed members shall be sworn in by the City Clerk.

C. In the event an appointment cannot be made in a timely manner, ~~the City Council, with the consent of the incumbent, may extend the incumbent's term for up to 90 days. the incumbent may continue to serve until a new member is appointed.~~

SECTION 6. Amendment of Section 2.74.010. Section 2.74.010 of Title 2, Chapter 2.74 of the Carmel-by-the-Sea Municipal Code is amended to read in its entirety as follows:

2.74.010 Historic Resources Board.

A. Establishment. There is hereby established in the City a Historic Resources Board consisting of five members with powers and duties to administer the City's historic preservation program. Specific duties, responsibilities and functions of the Board are established in this title.

B. Board Member Qualifications.

1. Members of the Board shall have demonstrated interest in and knowledge of architectural history, architecture, archaeology, anthropology, paleontology, architecture, historic architecture, local history or fields related to historic preservation such as construction, planning, geography, landscape architecture, urban design, ethnography, fine arts, or real estate.

2. The Board shall be comprised of three professional members, consisting of one member each, from the following combined fields: (1) history, architectural history, or urban design, (2) architecture or historic architecture, and (3) archaeology, anthropology, or paleontology. The remaining two public members may represent any of the related historic preservation fields noted above.

3. All members shall be residents and electors of the City, except in the event that no resident with the requisite expertise needed for a professional member can be found. In such case one professional member appointee may reside outside the City limits but within the sphere of influence. In any event, a majority of the Board shall at all times be composed of resident-electors of the City and all public members shall at all times be resident-electors.

4. If professional members with the required expertise cannot be found, the City Council may substitute one or more additional public members with a demonstrated interest in historic preservation.

C. Term.

~~1-~~ Board members shall serve for a term of four years. Terms of the members shall be staggered so that at least one term, but no more than two terms, shall expire annually. ~~Appointments shall be made, where possible, prior to the beginning of the term of office, in order that the new member(s) may become familiar with the functions of the Board.~~

2. Terms of office for new members shall commence at the beginning of the first regular meeting in the month of ~~October~~ May. Terms of outgoing members shall end simultaneously.

D. Board Member Appointment.

1. Members of the Historic Resources Board shall be nominated by the Mayor whose nomination shall be ratified by at least three members of and appointed by the City Council. The newly appointed members shall be sworn in by the City Clerk. ~~The City Clerk shall swear in the newly appointed member(s).~~

2. In the event an appointment cannot be made in a timely manner, ~~the City Council, with consent of the incumbent, may extend the incumbent's term for up to 90 days. the incumbent may continue to serve until a new member is appointed. Any new appointee to a scheduled or unscheduled vacancy shall hold office until the expiration date of that position.~~

3. All members shall serve at the pleasure of the City Council. Any member may be removed from the Board upon a majority vote of the City Council.

SECTION 7. Effect on Existing Terms. The term of each current member of the Community Activities Commission, Forest and Beach Commission, Planning Commission, Harrison Memorial Library Board of Trustees, and Historic Resources Board,.

SECTION 8. Environmental Review. The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

SECTION 9. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 10. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-
THE-SEA this 1st day of June, 2021.**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

June 1, 2021
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

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

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Ordinance 2021-002 adding Chapter 12.48 "Special Events" to the Carmel-by-the-Sea Municipal Code

RECOMMENDATION:

Adopt Ordinance 2021-002 adding Chapter 12.48 "Special Events" to the Carmel-by-the-Sea Municipal Code which constitutes reading of the title and waiver of reading of the ordinance.

BACKGROUND/SUMMARY:

Chapter 12.48 was introduced at the April 6 regular City Council meeting by unanimous Council vote with an amendment to section 12.48.050 (C) to read "unlawful or impermissible uses, ensure accessibility for event attendees and the general public".

Chapter 12.48 was further amended at the May 4 regular City Council meeting by unanimous Council vote with an amendment to section 12.48.060 (F) Appeals, to update the process by which applicants may submit an appeal.

Special events, including public assemblies, parades, processions, block parties, car show events, and similar public gatherings provide cultural enrichment, economic vitality, enhance community identity, and generally provide a community benefit by enriching the lives of Carmel-by-the-Sea residents and business owners and visitors to the village.

The use of streets, sidewalks, and parks, and other traditional public forum for expressive activity is an inalienable and protected right under the First Amendment of the United States Constitution and Article I of the California Constitution, but may be subject to content-neutral time, place and manner restrictions as might be necessary to protect public property, the rights of other citizens to access and make use of such fora, and minimize public safety and traffic concerns related to such activity.

Public assemblies, parades and other special events also require a commitment of significant city resources, including public safety to regulate vehicular and pedestrian traffic, public works crews to mitigate maintenance impacts and ensure trash impacts do not cause environmental hazards, enforcement staff to issue citations, and administrative staff to administer and oversee such special events.

City Council Policy C16-01 “Special Events” was adopted in 2016 to provide guidelines for the administration of the application and permitting process for special events occurring in Carmel-by-the-Sea.

In May 2018, staff was directed by Council to work with an ad hoc committee of the Community Activities Commission (CAC) to update policy C16-01, including eliminating the “Special Event Support Program” section of the policy. Further in February 2020 Council directed staff to return to Council with a further augment to Policy C16-01 regarding Car Week specifically to limit the number of Car Week events to the Tuesday and Thursday events.

As part of the policy review and revision process, staff undertook a survey of other California city policies to conduct comparisons in process. As part of this research process, staff discovered that the majority of cities that issue permits for special events have a section of their municipal codes that governs special event permitting.

Staff is recommending the adoption of an ordinance to provide a more thorough coordinated process for managing special events on public property to ensure the public health, safety and welfare of event patrons, residents and other visitors, and to provide for fees, charges and procedures required to administer the permit process.

This ordinance also places some restrictions on locations of events. Special events are not appropriate in all locations of the City of Carmel by the Sea, due to significant impacts that such events may have on key transportation thoroughfares, and on protected environmental resources.

It is proposed that more stringent permit requirements will be imposed for Forest Hill Park and Picadilly Park to regulate organized gatherings of more than twenty-five or more persons based on the small size of such parks. Further because of their designations as Environmentally Sensitive Habitats, it is proposed that Special events be prohibited at the Mission Trail Nature Preserve and on the North Dunes and Del Mar Dunes.

It should be noted that as part of continuing efforts to improve customer service, staff conduct regular reviews of the special event application for efficiency, effectiveness, and opportunities to streamline.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

PRIOR CITY COUNCIL ACTION:

City Council Policy C16-01 “Special Events” was adopted in 2016 to provide guidelines for the administration of the application and permitting process for special events occurring in Carmel-by-the-Sea.

In May 2018, staff was directed by Council to work with an ad hoc committee of the Community Activities Commission (CAC) to update policy C16-01, including eliminating the “Special Event Support Program” section of the policy. Further in February 2020 Council directed staff to return to Council with a further augment to Policy C16-01 regarding Car Week specifically to limit the number of Car Week events to the Tuesday and Thursday events.

ATTACHMENTS:

ORDINANCE NO. 2021-002**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA TO ENACT CHAPTER 12.48 (SPECIAL EVENTS ORDINANCE) OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE**

The City Council ordains as follows:

SECTION 1. Findings. The City Council finds as follows:

A. Special events, including public assemblies, parades, processions, block parties, car show events, and similar public gatherings provide cultural enrichment, economic vitality, enhance community identity, and generally provide a community benefit by enriching the lives of the citizens of Carmel-by-the-Sea and members of the public from other jurisdictions.

B. The use of streets, sidewalks, and parks, and other traditional public forum for expressive activity is an inalienable and protected right under the First Amendment of the United States Constitution and Article I of the California Constitution, but may be subject to content-neutral time, place and manner restrictions as might be necessary to protect public property, the rights of other citizens to access and make use of such fora, and minimize public safety and traffic concerns related to such activity.

C. Public assemblies, parades and other special events also require a commitment of significant city resources, including public safety to regulate vehicular and pedestrian traffic, public works crews to mitigate maintenance impacts and ensure trash impacts do not cause environmental hazards, enforcement staff to issue citations, and administrative staff to administer and oversee such special events.

D. Special events are not appropriate in all locations of the City of Carmel by the Sea, due to significant impacts that such events may have on key transportation thoroughfares, and on protected environmental resources. More stringent permit requirements should be imposed for Forest Hill Park and Picadilly Park to regulate organized gatherings of more than twenty-five or more persons based on the small size of such parks, and anticipated health, safety, and traffic impacts that would arise out of larger public gatherings at such parks, which are not likely to accommodate such larger gatherings without the dedication of additional City resources.

E. Special events should be prohibited at the Mission Trail Nature Preserve, as a formally designated Environmentally Sensitive Habitat Area, and includes key habitat such as wetlands, Arroyo Willow thickets, Monterey pine forest and coastal prairie. The Preserve is also home to protected species, including the federally endangered Yadon's rein-orchid, Hickman's onion (a California Rare Plant), and Monterey dusky-footed woodrat (Species of Concern). Special events should also be prohibited at the North Dunes and Del Mar Dunes, which have been designated as Environmentally Sensitive Habitat Area (ESHA) and are maintained as a preserve under the North Dunes & Del Mar Dunes Habitat Restoration Plan. The North Dunes and Del Mar Dunes are home to sensitive native coastal habitats, including dune strand, coastal scrub, coastal prairie, and oak woodland. The Preserve is home to the Federally Endangered Tidestrom lupine, and the California legless lizard (Species of Concern). These areas have been designated as sites for the preservation and restoration of these habitats and species, while providing opportunities for passive recreation and enjoyment of the outdoors, and as such, they are not suitable for holding public events and receiving large numbers of visitors.

F. The purpose of this ordinance is to provide a coordinated process for managing special events on public property to ensure the public health, safety and welfare of event patrons, residents and other visitors, and to provide for fees, charges and procedures required to administer the permit process.

SECTION 2. Environmental Review. The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

SECTION 3. Chapter 12.48 (Special Events) Enacted. Chapter 12.48 (Special Events Ordinance) of Title 12 (Streets, Sidewalks, and Public Places) of the Carmel-by-the-Sea Municipal Code is hereby enacted as set forth in Exhibit A.

SECTION 4. Effective Date. This ordinance shall become effective 30 days from final passage.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL BY-THE-SEA
this 1st day of June, 2021.**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

ATTACHMENT A

Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES

Chapter 12.48 – Special Events Ordinance

12.48.010 Title

12.48.020 Purpose and intent

12.48.030 Definitions

12.48.040 General Provisions

12.48.050 Standards and Requirements

12.48.060 Permit Review Procedures and Fees.

12.48.070 Deposits for special events

12.48.080 Indemnification and Insurance

12.48.090 Permits and Fees Not Exclusive

12.48.100 Interference with Special Events

12.48.110 Penalties

12.48.010 Title

This chapter shall be known as the City of Carmel-by-the-Sea “Special Events Ordinance”.

12.48.020 Purpose and Intent.

To provide regulations allowing for special events while mitigating impacts on residents, visitors and businesses, maintaining traffic circulation, and ensuring public safety.

It is not the intent of this ordinance to prohibit conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas which are protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution, but to provide for reasonable time, place, and manner restrictions related to the same in order to protect public safety.

12.48.030

Definitions

“Applicant” means any person who seeks a permit under this chapter to organize a special event.

“Attendance” means the number of attendees anticipated to attend or who participate in a special event, whichever number is greater.

“Attendee” means any person anticipated to attend or participate or who actually does participate in a special event.

“City” means the City of Carmel-by-the-Sea.

“City Administrator” means the City Administrator of the City of Carmel-by-the-Sea.

“City Council” or “Council” means the City Council of the City of Carmel-by-the-Sea.

“City property” means all real property and improvements owned, operated or controlled by City within the City’s jurisdiction. City property includes, but is not limited to City Hall, police and fire facilities, recreational facilities, parks, beaches, libraries, and streets and sidewalks.

“Concert” shall mean any concert or performance of non-recorded or recorded musical selections which is open to the general public, whether or not for charge. The term shall not include the presentation of non-recorded or recorded musical selections in connection with any public gathering where the presentation of such musical selection is only incidental to such public gathering and not a primary purpose thereof.

“Expressive Activity” means conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas. Expressive Activity includes, but is not limited to, public oratory and the distribution of literature.

“Organize” means to organize, operate, manage, stage, promote, sponsor or carry on a special event.

“Organizer” means the person who organizes, operates, manages, stages, promotes, sponsors or carries on a special event.

“Outdoor(s)” means any place other than in a permanent building. Outdoor(s) shall include tents, canopies and temporary structures.

“Permittee” shall mean any person that has been issued a permit to organize a special event in accordance with this chapter.

“Person” means and includes an individual, corporation, partnership, trust, non-profit organization, association, group or other business entity or organization.

“Public Property” for the purposes of this chapter means any publicly owned property within the City, and shall include all parks, beaches, and streets.

“Reviewing Authority” means the Community Activities Director, or such other person as may be designated by the City Administrator, who is authorized under the provisions of this chapter to review and act upon a special event application.

“Special Event” means any of the following:

1. Any organized formation, parade, procession, demonstration or assembly which may include persons, animals, vehicles, or any combination thereof, which is to assemble or travel in unison on any street, sidewalk or other public right-of-way owned or controlled by the City which does not comply with applicable traffic regulations, laws or controls; or
2. Any organized assemblage of seventy-five (75) or more persons at any public place, public property or public facility which is to gather for a common purpose under the direction or control of a person, and any organized assemblage of twenty-five (25) or more persons at Forest Hill Park or Piccadilly Park.
3. Any other organized activity conducted by a person for a common or collective use, purpose, or benefit which shall require the use of city public services for street closure, erecting barriers, or traffic control, or that will interfere with normal use and operation of public right-of ways for vehicular travel.

For illustrative purposes, examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, block parties, street fairs, community events, on the water activities (such as boat races) with spectators on public land, mass participation sports (such as marathons and other running events), athletic or sporting events, and community celebrations and observances conducted on public property or public rights of way.

"Special Event Venue" means that area for which a special event permit has been issued.

12.48.040 General Provisions

A. Permit Required. Except as provided by the terms of a permit, lease or contract which has been specifically authorized by the City Council, no person shall operate any special event regulated by this chapter without first obtaining a permit in accordance with the provision of this chapter, unless exempt as set forth below.

B. Exempt Activities. The following activities are specifically exempt from the provisions of this chapter:

1. Commercial filming regulated by Chapter 5.28.
2. Activities conducted by a governmental agency acting within the scope of its authority, including events organized by the City;
3. Activities or events authorized under a conditional use permit under Title 17 of this Code.
4. Funeral processions by a licensed mortuary or funeral home.
5. Expressive Activity, provided that the Expressive Activity will abide by all applicable traffic regulations, laws or controls, and does not require any street closures, traffic or pedestrian barriers or traffic control. If practicable, the organizers should give notice to the City's Reviewing Authority at least four (4) hours prior to the event informing the City of the date and time of the event and provide an estimate of the approximate number of persons who will be participating.

12.48.050 Standards and Requirements.

A. Event Venue and Hours of Operation. Special event activities shall be limited to the venue area so designated in the permit approval. Special events shall not be conducted between the hours of ten p.m. and seven a.m. unless the Reviewing Authority determines that such hours of operation will not result in conditions materially detrimental to nearby property owners, residents, or businesses, or to public health or safety.

B. Prohibited Locations. Permits will not be issued for the closure of the following streets and thoroughfares: San Antonio Street, Junipero Avenue, Carpenter Street, Santa Lucia Avenue, or streets with designated bus or truck routes. Permits for special events will not be issued for the use of the Mission Trail Nature Preserve, nor the North Dunes or Del Mar Dunes areas as identified in the Del Mar Master Plan and the North Dunes & Del Mar Dunes Habitat Restoration Plan.

C. Other Requirements. In addition to the requirements set out in this section, the Reviewing Authority may also impose reasonable conditions of approval as is necessary to coordinate multiple uses of public property, assure preservation of public property and public places, prevent dangerous, unlawful or impermissible uses, ensure accessibility for event attendees and the general public, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements shall not be imposed in a manner that will unreasonably restrict expressive or other activity protected by the California or United States constitutions. These conditions may include conditions relating to waste management and restoration of the special event venue, environmental protection, conditions to ensure safe accommodation of an event's pedestrian and vehicular traffic, including restricting events to city sidewalks, portions of a city street, or other public right-of-way, and reasonable designation of alternate sites, times, dates, or modes for exercising expressive activity.

12.48.060 Permit Review Procedures and Fees.

A. Application Filing. Applications for special events shall be made in advance of the start of the special event. Applications shall be submitted to the Reviewing Authority. Applications shall be processed in the order of receipt and shall be processed within 14 days, unless, by written notice to the Applicant, the Reviewing determines to extend the period for an additional fourteen days.

If an application for a special event is submitted for a date less than 28 days before the proposed event, the Reviewing Authority shall determine if there is sufficient time remaining for proper review of the application under the provisions of this chapter. If the Reviewing Authority determines that there is sufficient time for review, the Reviewing Authority shall process the application. If the Reviewing Authority determines that there is not sufficient time, the Applicant shall be given the option of rescheduling the special event, or withdrawal of the application, or denial of the application. If the application is withdrawn prior to processing, the Applicant would be given a full refund of fees.

B. Submission Requirements. Applications for special events shall be completed in their entirety on forms supplied by the Reviewing Authority, and shall include information such as the Applicant, a description of the special event, a site plan or route plan, and any other information deemed necessary by the Reviewing Authority to complete review of the proposal. If the special event is proposed to be operated with another person different than the Applicant, the application shall include the name, address and telephone number of each person who will operate the special event. Any person who applies for a permit as an authorized agent of the Applicant shall provide written authorization of such agency.

C. Application Fees. Applications shall be accompanied by a fee established by resolution of the City Council. The fee shall be established at a rate to cover the City's actual costs of review and processing of the application.

D. Use and Service Fees. Where a special event requires street closure, barriers, or other infrastructure, the Applicant shall pay such fees as may be established by resolution of the City Council for traffic control and related municipal expenses. Additionally, use of City buildings or facilities shall be subject to any use or rental fees established by the City which shall be deposited by the Applicant prior to use.

E. Review Process. The Reviewing Authority shall review and act on complete permit applications in accordance with the procedures set out below.

1. Filing. Applications shall undergo initial staff review. Within ten business days of filing, the Reviewing Authority shall cause the Applicant to be notified in writing whether the application is complete. If an application is determined to be incomplete, the notification shall identify those parts of the application that are incomplete and shall indicate the manner in which they can be made complete. The Director may reject the application if the Applicant fails to complete the application after having been notified of the additional information request.

2. Action by Reviewing Authority. After determination that the application is complete, the Reviewing Authority shall conduct an appropriate investigation, including consultation with other departments and site visits as deemed necessary. The Reviewing Authority shall then approve a special event permit, with or without conditions, upon finding that:

a. The proposed use of the property is not governed by or subject to any other permit procedures provided elsewhere in this code or other applicable laws, rules or regulations;

b. The event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its location;

c. The event will not conflict with construction or development in the public right of way or on public property;

d. The event will not require the diversion of public safety or other city employees from their normal duties so as to unreasonably reduce adequate levels of service to any other portion of the City, and the event will not adversely affect the City's ability to reasonably perform municipal functions or furnish city services;

e. The concentration of persons, animals or vehicles will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets;

f. The event will not unreasonably interfere with any other special event for which a permit has already been granted or with the provision of City services in support of other scheduled events or scheduled government functions; and

g. The proposed use, event or activity will not have a significant adverse environmental impact.

h. The event will not have an unmitigatable adverse impact upon residential or business access and traffic circulation in the same general venue area.

3. Denial or Revocation by Reviewing Authority. The Reviewing Authority shall deny, and may revoke an issued permit, if the Reviewing Authority finds that:

a. The special event will unreasonably disrupt traffic or create an unreasonable danger to the health or safety of the applicant, spectators, city employees, or members of the public, which may not be adequately remedied by reasonable traffic control and other safety measures.

b. The special event is scheduled to occur at a location and time in conflict with another special event permitted or that will be permitted to a prior applicant;

- c. The special event will unreasonably interfere with access to police or fire stations, or other public safety facilities, or will require the diversion of so many public employees that allowing the event would create inadequate levels of service to the remainder of the City;
- d. The location of the special event is reasonably likely to substantially interfere with any construction or maintenance work scheduled to take place upon or along the City streets, or a previously granted encroachment permit;
- e. The special event is in conflict with applicable provisions of any federal, state and/or local laws;
- f. Information in the application or supplemental information is found to be incomplete, materially false or misleading;
- g. The applicant fails to comply with all terms of this chapter including failure to remit all fees and deposits, or fails to provide proof of insurance and/or an indemnification agreement as required by this chapter; or
- h. The proposed area for the special event or for the set up or dispersal of the special event could not physically accommodate the number of participants expected to participate in the special event.

Nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of special event participants with the number of police officers available to police the special event.

- 4. Permit Issuance. If the permit is approved, the Director shall cause the permit to be issued subject to confirmation that all information and documents required by this chapter have been filed, all required fees, and deposits have been paid or posted, and all conditions of approval have been provided for.

F. Appeals

- 1. Within ten days of the date of written notification of action by the Reviewing Authority, an Applicant for a Permit may appeal any denial of the application or any condition of approval to the City Administrator or designee. The City Administrator or designee shall hear appeals within ten days following filing of the appeal. Such appeal shall set forth, with particularity, the facts upon which the appeal is being made. On appeal, the City Administrator or designee shall approve the application unless he or she makes one or more of the findings for denial set out in subsection E of this section 12.48.060, in which case the City Administrator may deny the application. In approving a special event permit, the City Administrator or designee may exercise the authority of the Reviewing Authority to impose conditions of approval.

2. The City Administrator or designee's determination to grant or deny the appeal shall be the final decision of the City, unless timely appealed by the Applicant to the City Council by filing a notice of appeal with the City Clerk within ten days of the decision of the City Administrator. The City Council shall consider any such timely appeal at the next regularly scheduled council meeting, unless the appeal is filed within ten days of the next regularly scheduled council meeting, in which case such appeal shall be heard at the subsequent regular meeting. On appeal, the City Council shall consider the application de novo and shall approve the application unless the Council makes one or more of the findings for denial set out in subsection E of this section 12.48.060 and shall exercise the authority of the Reviewing Authority to impose conditions of approval in accordance with this chapter.

12.48.080 Deposits for special events.

A. Deposit. For special events using barriers or structures, displaying or using horses or other large animals, operation of water stations, food distribution or sales, beverage distribution or sales, and/or sale of other goods or services, the applicant shall provide a deposit prior to the issuance of a special event permit. The amount of the deposit shall be the amount established in the most recent fee schedule adopted by City Council resolution.

B. Refund of Deposit. The deposit shall be refunded after the special event when the Reviewing Authority determines that the area used for the permitted special event has been cleaned and structures and personal property removed, such that the property is restored to the same condition as existed prior to the special event.

12.48.090 Indemnification and Insurance.

A. Indemnification. Each Permittee shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the willful or negligent acts or omissions of Permittee or its officers, employees, and agents. Nothing in this provision shall require a permittee to indemnify the City from claims or losses occasioned by the reaction of third parties to Expressive Activity at the permittee's event.

B. Except as otherwise prohibited by law, the permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance from a reliable insurance company authorized to do business in the state, which policy includes the City, its boards, officers, agents, employees, and volunteers as either named insureds or additional named insureds and which provides the coverage that the Reviewing Authority determines to be commercially reasonable and adequate under the circumstances. The Reviewing Authority shall maintain a list of applicable insurance limits and coverages required that is determined solely on the size of the event, the use of vehicles, and the nature of the facilities involved. If the Reviewing Authority determines that a particular use, event, or activity which is for a permit period of no more than one day does not present a substantial or significant public liability or property damage exposure for the City or its officers, agents, employees, or volunteers, the Reviewing Authority may give a written waiver of the insurance requirements of this Section.

12.48.100 Interference with Special Events.

It is unlawful for any person to obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in a special event for which a special event permit has been issued.

12.48.110 Penalties.

Any person willfully violating any provision of this chapter shall be deemed guilty of a misdemeanor, and shall be subject to penalty in accordance with Chapter 1.16.



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

June 1, 2021
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Joel Staker, Information Network Services Manager

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2021-025 authorizing the City Administrator to execute an agreement with Netkiller for Google WorkSpace products for the term of July 1, 2020 to July 1, 2023 in an amount not to exceed \$50,112

RECOMMENDATION:

Adopt Resolution 2021-025 authorizing the City Administrator to execute an agreement with Netkiller for Google WorkSpace products for the term of July 1, 2020 to July 1, 2023 in an amount not to exceed \$50,112.

BACKGROUND/SUMMARY:

The City currently uses various Google Workspaces (previously known as G Suite) products as part of daily operations. These products include email, collaboration tools (Google Meets) and other related online services associated with the Google Workspaces Enterprise product. The City seeks to enter into a multi-year agreement with Netkiller, an authorized Google Workspaces (Previously G Suite) dealer, in order to achieve cost savings. This item is on the agenda to authorize the City Administrator to execute a multi-year lease with Netkiller in accordance with the Carmel Municipal Code, which requires Council approval of purchases of \$25,000 or more. While the annual fees are under \$25,000, the proposed three year agreement totals \$50,112.

FISCAL IMPACT:

The annual fees are included within the Administration Budget, Information Technology Division, budget.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

Attachment #1- Resolution Authorizing Agreement
Attachment #2 - Netkiller Agreement

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

RESOLUTION NO. 2021-025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH
NETKILLER FOR GOOGLE WORKSPACES PRODUCTS FOR THE TERM OF JULY 1, 2020
TO JULY 1, 2023 IN AN AMOUNT NOT TO EXCEED \$50,112**

WHEREAS, the City of Carmel-by-the-Sea utilizes computer applications and products as part of its daily operations for email, virtual meetings, and collaboration tools; and

WHEREAS, the City previously solicited bids and selected Netkiller, an authorized dealer of these products known as Google Workspaces; and

WHEREAS, the City has been satisfied with the performance by Netkiller and is able to achieve cost savings by entering into a multi-year agreement with Netkiller; and

WHEREAS, Section 3.12 of the Carmel Municipal Code requires Council approval, by resolution, for contracts for supplies and services of \$25,000 or more, and, while the annual fee is under this amount, the three-year agreement with Netkiller exceeds \$25,000.

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

Authorize the City Administrator to execute a three-year agreement, in a form acceptable to the City Attorney, with Netkiller for Google Workspaces products for a term of July 1, 2020 through July 1, 2023 in an amount not to exceed \$50,112

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of June, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk

NETKILLER SOLUTION AND SERVICE AGREEMENT

THIS AGREEMENT is made and entered into effective as of February _ 2021, by and between NETKILLER, INC., a California corporation (hereinafter "Netkiller"), and City of Carmel-by-the-Sea, a California municipal corporation (hereinafter "City").

RECITALS

The City wishes to retain Netkiller to further its goals and purposes in accordance with the terms and conditions set forth herein. Netkiller has extensive education, experience and qualifications to provide "service and solution"(hereinafter "Services") to the City, and Netkiller wishes to provide such Services to the City in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, the City and Netkiller, in consideration of the material advantages accruing to the parties hereto, and the mutual covenants, promises and other consideration set forth herein, agree as follows:

1. **Appointment of Netkiller.** The City hereby appoints and retains Netkiller, and Netkiller hereby accepts such appoint, to provide the City with Services as more fully and specifically described in Exhibit A attached hereto, which exhibit is, by this reference, incorporated into and made a part hereof (collectively, the "Services"). Netkiller shall perform the Services in a diligent and professional manner. Netkiller is not expected to observe regular office hours, and no office or other facilities will be made available to Netkiller on a regular or daily basis.

2. **Responsibilities of Netkiller.** Netkiller shall provide all of Services described in Exhibit A attached hereto. In providing such Services, Netkiller shall obey and comply with any and all applicable laws, rules, and regulations.

3. **Independent Contractor.** The Parties hereto acknowledge and agree that they shall at all times be and be deemed to be independent contractors. Neither Party shall be deemed an employee or an agent of the other Party for any purpose whatsoever. Netkiller agrees that no income, social security, or other taxes or amounts shall be withheld or accrued

by the City for Netkiller's benefit, and no statutory insurance shall be written on Netkiller's behalf by the City. Neither Party shall, under any circumstances, have any authority to act for or to bind the other Party in any way, to sign the name of the other Party, and neither Party shall be responsible for the acts or omissions of the other. Neither Party has the authority to create any contract or obligation, express or implied, on behalf of, in the name of, or binding upon the other Party, or to pledge the other Party's credit or to extend credit in the other Party's name.

4. Professional Fees. For the Services rendered by Netkiller to the City, the City shall pay to Netkiller the fees described in Exhibit A attached hereto in accordance with the schedule set forth therein. Netkiller acknowledges and agrees that Netkiller shall not be entitled to any other or further compensation, payments, or fees of any kind or nature whatsoever, unless specifically set forth herein or otherwise separately agreed to in writing.

5. Warranties. Netkiller hereby represents and warrants that Services will not infringe any third party's intellectual property, or violate applicable laws. Netkiller hereby represents and warrants that it has taken no proprietary, trade secret or confidential information from any third party or from any prior employer or employers, and Netkiller will not knowingly disclose such information to the City, or improperly use any such information of which he had knowledge on behalf of the City.

6. Benefits. Netkiller acknowledges and agrees that as an independent contractor he shall not be entitled to any benefits which the City generally provides to its employees, unless otherwise set forth herein.

7. Confidential, Proprietary, and Trade Secret Information. During the term of this Agreement, one Party to this Agreement (the "Disclosing Party") may disclose to the other Party (the "Receiving Party") confidential, proprietary and trade secret information of the Disclosing Party (collectively, the "Confidential Information"). The Receiving Party hereby covenants and agrees that it will not, either during the term of this Agreement or at any time thereafter, disclose any such Confidential Information of the Disclosing Party to any person, firm, corporation, association, partnership or other entity, except to the extent such disclosure is required by law, including but not limited to the California Public Records Act. The restrictions herein shall not apply to Confidential Information that the Receiving Party has independently developed, received or obtained prior to disclosure under this Agreement without breach of any confidentiality obligations, or that is in the public domain.

8. Return Of Property. All Confidential Information, and all other documents, records, apparatus, equipment and other physical property which is furnished to or obtained by the Receiving Party during the term of this Agreement shall be and remain the sole property of the Disclosing Party. The Receiving Party agrees that, upon the expiration or termination of this Agreement, it shall return all such property, and agrees not to make or retain copies, reproductions or summaries of any such property without the express written consent of the Disclosing Party.

9. Term.

9.1 Termination The term of this Agreement shall be set forth in Exhibit A attached hereto. This Agreement may be terminated by either party with or without cause with thirty (30) days prior written notice. The City shall promptly pay for all Services rendered to the City through the effective date of termination.

10. Inventions and Intellectual Property

10.1 Definition of Inventions. As used in this Agreement, the term "Inventions" shall mean any new or useful art, discovery, contribution, finding, or improvement, whether or not patentable, all related know-how, and any product or result arising from Netkiller's performance of the Services. Inventions include, but are not limited to, all designs, discoveries, improvements, business models, business plans, concepts and ideas.

10.2 Ownership of Inventions. Notwithstanding anything herein to the contrary, and unless expressly and specifically set forth in Exhibit A, the Parties hereto acknowledge and agree that all Inventions shall be owned solely and exclusively by Netkiller and/or any third party software vendor or provider, as the case may be, and regardless of whether any such Invention was disclosed to the City.

11. No Assignment. No Party may assign or transfer all or part of its rights and obligations under this Agreement to a third party without the prior written consent of the other Parties.

12. Entire Agreement. This Agreement constitutes the entire agreement between the City and Netkiller relating to the Services to be provided by Netkiller hereunder, and it supersedes any prior written and oral agreements or understandings regarding the subject

matter hereof. Except as expressly provided herein, this Agreement may not be changed, amended, altered, or terminated orally unless signed by both the City and NetKiller.

13. Anti-corruption. Each Party hereby undertakes that, at the Effective Date of this Agreement, (a) itself, its directors, officers or employees have not offered, promised, given, authorized, solicited or accepted any undue pecuniary or other advantage of any kind (or implied that they will or might do any such thing at any time in the future) in any way connected with this Agreement and (b) if discovered any breaches of this warranty the breaching Party shall be liable to any damages and legal claims or any civil or criminal litigations at its own cost and responsibility.

15. Applicable Law. This Agreement shall be construed and interpreted in accordance with the laws of the State of California.

16. Indemnity and Insurance. To the fullest extent permitted by law, NetKiller shall defend (with legal counsel reasonably acceptable to City), indemnify and hold harmless City and its officers, elected officials, employees, agents, and volunteers (collectively "Indemnitees") from and against any and all claims, loss, cost, damage, injury (including, without limitation, injury to or death of an employee of NetKiller or its subconsultants), expense and liability of every kind, nature and description (including, without limitation, fines, penalties, incidental and consequential damages, reasonable court costs and attorneys' fees, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith, and costs of investigation), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by NetKiller or by any individual or entity for whom NetKiller is legally liable, including but not limited to, NetKiller's officers, agents, employees, subcontractors or consultants of NetKiller. The termination of this Agreement or the completion of services contemplated herein shall not release NetKiller from its obligations under this section, as long as the event giving rise to the claim, loss, cost, damage, injury, expense or liability occurred prior to the effective date of any such termination or completion, and this section shall survive the termination of the Agreement.

The following minimum levels of insurance coverage shall be provided during the term of this Agreement. Prior to the execution of the Agreement, NetKiller shall provide proof of insurance required. Insurance is to be placed with insurers authorized to conduct business in

the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

NetKiller shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive NetKiller's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Coverage shall be at least as broad as:

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 05 09 or 25 04 05 09) or the general aggregate limit shall be twice the required occurrence limit.

3. Workers' Compensation: as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

4. Technology Professional Liability Errors and Omissions Insurance appropriate to NetKiller's profession and work hereunder, with limits not less than \$1,000,000 per occurrence. Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by NetKiller in this agreement and shall include, but not be limited to, claims involving infringement of intellectual property, copyright, trademark, invasion of privacy violations, information theft, release of private information, extortion and network security. The policy shall provide coverage for breach response costs as well as regulatory fines and penalties as well as credit monitoring expenses with limits sufficient to respond to these obligations.

a. The above policy shall include, or be endorsed to include, property damage liability coverage for damage to, alteration of, loss of, or destruction of electronic data and/or information "property" of the City in the care, custody, or control of NetKiller.

If not covered under NetKiller's liability policy, such "property" coverage of the City may be endorsed onto NetKiller's Cyber Liability Policy as covered property as follows:

- b. Cyber Liability coverage in an amount sufficient to cover the full replacement value of damage to, alteration of, loss of, or destruction of electronic data and/or information "property" of the City that will be in the care, custody, or control of Vendor.

The insurance obligations under this Agreement shall be the greater of (1) all the Insurance coverage and limits carried by or available to NetKiller; or (2) the minimum insurance requirements shown in this Agreement. Any insurance proceeds in excess of the specified limits and coverage required, which are applicable to a given loss, shall be available to City. No representation is made that the minimum insurance requirements of this Agreement are sufficient to cover the indemnity or other obligations of NetKiller under this Agreement

The insurance policies are to contain, or be endorsed to contain, the following provisions:

The City of Carmel-by-the-Sea, its Council Members, directors, officers, agents and employees shall be named as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of NetKiller including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Independent Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).

For any claims related to this contract, NetKiller's insurance coverage shall be primary insurance coverage (at least as broad as ISO CG 20 01 04 13) with respect to the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the NetKiller's insurance and shall not contribute with it.

NetKiller hereby grants to City a waiver of any right to subrogation which any insurer of NetKiller may acquire against the City by virtue of the payment of any loss under such insurance. NetKiller agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

NetKiller shall require the insurer to provide City with 30-day prior notice of termination or material change in coverage and ten (10) days prior notice of cancellation for non-payment.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

Netkiller: NETKILLER, INC.

By: _____
Sungwook Jung, President

The City: Carmel-by-the-Sea

By: _____
Chip Rerig, City Administrator

EXHIBIT A**DESCRIPTION OF PROFESSIONAL SERVICES,
TERM AND FEES FOR SERVICES****1. PROFESSIONAL SERVICES:**

In consideration for the payment of the Fees described below, Netkiller shall provide the following solution and service to the City:

Item	Description	Unit Cost	Quantity	Line Total
G Suite Enterprise	Upgrade to G Suite Enterprise for Domain (12 months)	300.00	120	36,000.00
Discount	Discount (50% OFF)	-150.00	120	-18,000.00
Credit/Refund	Credit for G Suite Business for ci.carmel.ca.us (3 month)	-32.40	120	-3,888.00
Support	Managed support 24x5 w/ Netkiller Customer Portal(support.netkiller.com) and escalation to Google Global Support	0.00	1	0.00
Total				14,112.00
Amount Paid				0.00
Balance Due (USD)				\$14,112.00

Terms

- 3 Year Contract. MoQ 120 users and annual prepayment required.
- This invoice is for first year from Jul-2020 to Jul-2021.
- 2nd year invoice amount would be \$18,000 for 120 users. (Period: Jul-2021 to Jul-2022)
- 3rd year invoice amount would be \$18,000 for 120 users. (Period: Jul-2022 to Jul-2023)

Make all checks payable to: Netkiller, Inc.
5255 Stevens Creek Blvd., #250, Santa Clara, CA 95051

* You have to bear all wire fees

* Inquiry about invoice, please contact billing@netkiller.com

2. TERM/SCHEDULE:

Netkiller and the City acknowledge and agree that this Agreement is effective as of Aug 17, 2020 (the "Effective Date"), and it shall continue in full force and effect until Aug 17, 2023.

3. TOTAL CONTRACT FEES

\$50,112.00 USD.

4. PAYMENT SCHEDULE

- First payment shall be to Netkiller before or at Aug 17, 2020 with an amount of \$14,112.00 USD.
- Second payment shall be to Netkiller before or at Aug 17, 2021 with an amount of \$18,000.00 USD.
- Last payment shall be to Netkiller before or at Aug 17, 2022 with an amount of \$18,000.00 USD.



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

**June 1, 2021
ORDERS OF BUSINESS**

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Ashlee Wright, Director, Libraries & Community Activities
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2021-026 authorizing the closure of certain streets and the erection of tents on public property for Concours on the Avenue, Prancing Ponies, and Ferrari of North America.

RECOMMENDATION:

Adopt Resolution 2021-026 authorizing the closure of certain streets for the 14th Annual Concours on the Avenue Event and the placement of tents in Devendorf Park on Tuesday, August 10, 2021, the closure of certain streets for the 4th Annual Prancing Ponies Event on Wednesday, August 11, 2021, and the closure of certain streets for a Ferrari of North America Event on Thursday, August 12, 2021.

BACKGROUND/SUMMARY:

INTRODUCTION

Due to the COVID-19 pandemic Car Week events were cancelled throughout the peninsula during 2020.

At this point in time Monterey County is in the Orange Tier of the State's Blueprint for a safer economy. Under the Orange Tier large-scale gatherings are not allowed, nor are they allowed in the yellow tier. However, on April 6, 2021 the California Department of Health issued an announcement that California will fully open its economy June 15 if: 1. If vaccine supply is sufficient for Californians 16 years or older who wish to be inoculated; and 2. Hospitalizations are stable and low, and specifically, hospitalizations among fully vaccinated individuals are low. Current trends indicate that the State is headed in this direction.

Per Policy C16-01, all events that require downtown street closures receive City Council approval. In addition per Carmel Municipal Code section 12.32.060, it is unlawful to construct or erect any tent upon any public property. The City Council may, however authorize exceptions to the code for specific events of limited duration by adopting a resolution.

SAFETY MEASURES

Understanding the broader economic impacts of Car Week staff have been working with event organizers for Concours on the Avenue event throughout the spring on their event application, in particular discussing the impacts of potential COVID-19 restrictions that may still be in place this summer. Discussions have included mask requirements, social distancing, handwashing/handsanitizing stations, directional walking,

reducing the size of the event, and having a ticket event. As it is still unclear, what the State and County will mandate in terms of large-scale gatherings COVID-19 protocols have not been finalized and these discussions will continue until further mandates are issued.

In particular staff have focused on reducing the number of vehicles in the event venues to further support social distancing; messaging around masking; and increasing hand sanitizing options. Attached are proposed event layouts.

In order to keep the permit process moving forward Council can authorize conditional approval of the requested street closures contingent upon State and County mandates regarding large-scale gatherings. Permit applications will not be approved until it is clear what the State and County will require and until event organizers demonstrate how they will comply with these requirements.

EVENTS

Concours on the Avenue

The 14th Annual Concours on the Avenue event is scheduled to take place Tuesday, August 10, 2021 throughout the entirety of downtown Carmel-by-the-Sea. The event features classic German, French, and British cars and American muscle cars that are displayed along Ocean Avenue and certain side streets.

The Concours on the Avenue event organizer is requesting the following street closures for the event:

- West and east bound Ocean Avenue between Junipero and Monte Verde Streets
- Mission, Dolores, San Carlos, and Lincoln Streets between Ocean and Sixth Avenues
- Dolores and Lincoln Streets between Ocean and Seventh Avenues
- A portion of San Carlos and Mission Streets from Ocean Avenue to the entrance of Red Eagle Alley based on the number of entries accepted (access will remain open to the Wells Fargo parking lot and the Carmel Plaza parking garage)

The event organizer is also requesting permission to place one 20 x 40 tent and a 10 x 10 storage tent in Devendorf Park.

Prancing Ponies

The Prancing Ponies Car Show event was held in Carmel on the Wednesday of Car Week for the past three years. This event required the closure of Sixth Avenue between San Carlos and Lincoln Streets and Dolores Street from Ocean Avenue to the driveway of the Post Office. Previously, Council had provided direction regarding the number of events during Car Week and 2020 was scheduled to be the last year for Prancing Ponies would occur in Carmel-by-the-Sea. However, all events were cancelled in 2020 and since Prancing Ponies missed its last year in Carmel-by-the-Sea staff is recommending that Council consider approving this street closure, and that 2021 be the last year for this event in the City. Event set-up will be from 1:00 a.m. to 9:00 a.m. The event is proposed to occur from 11:00 a.m. to 3:30 p.m. on Wednesday, August 11, 2021, with breakdown from 3:00 p.m. to 5:00 p.m.

Ferrari of North America

The Pebble Beach Tour d'Elegance will not pass through Carmel this year on the Thursday of Car Week due to budget issues and logistical challenges with holding a large-scale gathering during a pandemic.

Ferrari of North America is proposing a one (1) block event on Dolores Street between Ocean and Seventh Avenues, featuring a display of Ferrari's Monza's, worth 1.8 to 2 million dollars per car. It will be the first time these cars are displayed in one location at the same time. Cars would be visible for public viewing and a private luncheon for the car owners would be held at a local restaurant. Event set-up will be from 5:00 a.m. to 11:00 a.m.. The proposed event will be from 11:00 a.m. to 5:00 p.m. on Thursday, August 12 with

breakdown from 5:00 p.m. to 10:00 p.m.

FISCAL IMPACT:

Car Week provides an economic boon to the entire Monterey Peninsula each summer.

PRIOR CITY COUNCIL ACTION:

At its May Council meeting Council requested that staff return with further safety protocols for Car Week events.

ATTACHMENTS:

Attachment #1 - Resolution 2021-026 Authorizing street closures for COTA, Prancing Ponies and Ferrari of N America

Attachment #2 - Event layout Concours on the Avenue

Attachment #3 Event layout Prancing Ponies

Attachment #4 - Event Layout Ferrari

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

RESOLUTION NO. 2021-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CLOSURE OF CERTAIN STREETS FOR THE 14TH ANNUAL CONCOURS ON THE AVENUE EVENT AND THE PLACEMENT OF TENTS IN DEVENDORF PARK ON TUESDAY, AUGUST 10, 2021, THE CLOSURE OF CERTAIN STREETS FOR THE 4TH ANNUAL PRANCING PONIES EVENT ON WEDNESDAY, AUGUST 11, 2021, AND THE CLOSURE OF CERTAIN STREETS FOR A FERRARI OF NORTH AMERICA EVENT ON THURSDAY, AUGUST 12, 2021

WHEREAS, the 14th annual Concours on the Avenue event featuring classic German, French, and British cars and classic American Muscle Cars displayed along Ocean Avenue and certain side streets will be held Tuesday, August 21, 2021; and

WHEREAS, the 4th annual Prancing Ponies event will be held Wednesday, August 11, 2021; and

WHEREAS, a Ferrari of North America event will be held Thursday, August 12, 2021; and

WHEREAS, the event utilizes tents in Devendorf Park and per the Carmel by the Sea Municipal Code Chapter 12, Section 32.060 City Council authorization is required for the construction of tents in Devendorf Park; and

WHEREAS, per City Policy C16-01 any event that requires a downtown street closure requires City Council permission.

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

Authorize closure of the following streets for the 14th annual Concours on the Avenue event and the placement of tents in Devendorf Park on Tuesday, August 10, 2021:

- West and east bound Ocean Avenue between Junipero and Monte Verde Streets
- Mission, Dolores, San Carlos, and Lincoln Streets between Ocean and Sixth Avenues
- Dolores and Lincoln Streets between Ocean and Seventh Avenues (access will remain open to the Wells Fargo parking lot and the Carmel Plaza parking garage)
- San Carlos Street between Ocean and Seventh Avenue
- San Carlos Street between Seventh and Eighth Avenues until 11:00 a.m.
- A portion of San Carlos and Mission Streets to the entrance of Read Eagle Alley (based on the number of entries accepted)

Authorize the closure of the following streets for the 4th annual Prancing Ponies event on Wednesday, August 11, 2021:

- Sixth Avenue between San Carlos and Lincoln Streets and Dolores Street from Ocean Avenue to the driveway of the Post Office

Authorize the closure of the following streets for a Ferrari of North America:

- Dolores Street between Ocean and Seventh Avenues

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 1st day of June 2021, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk



CONGLETON ARCHITECT



CAR SHOW LAYOUT

Attachment 3

40 Cars

5th Ave.

5th Ave.

Lincoln St.

San Carlos St.



19'x10' ADA Restroom Trailer
Banner

AUTO BARRICADE
& 2 Flags

Judges Parking

Mail Mart Driveway

Post Office Driveway

17

17

GREEN WASTE

GREEN WASTE

AUTO BARRICADE

VP Lounge & Banner

& 2 Flags

6th Ave.

6th Ave.

Lincoln St.

San Carlos St.

AUTO BARRICADE

12

8

2 Flags

14'x14' Main Stage

2 Flags

GREEN WASTE DELIVERY

8

GREEN WASTE

10'x10' Retail Tent & 2 Flags

AUTO BARRICADE

Ocean Ave.

Ocean Ave.





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

June 1, 2021
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Sharon Friedrichsen - Director, Contracts and Budgets
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2021-027 authorizing the City Administrator to implement modifications to the home mail delivery program to include the use of eligibility criteria effective on August 15, 2021 and provide direction to staff regarding fees for this program

RECOMMENDATION:

Adopt Resolution 2021-027 authorizing the City Administrator to implement modifications to the home mail delivery program to include the use of eligibility criteria effective on August 15, 2021 and provide direction to staff regarding fees for this program.

BACKGROUND/SUMMARY:

Home Mail Delivery Program

The United States Postal Service (USPS) operates under a Universal Service Obligation (USO) that states that everyone in America be able to receive at least a minimum level of mail service at a reasonable and uniform price. The USO includes a requirement that the USPS provide delivery to all persons, regardless of where in the country they live. The USPS typically delivers residential mail to homes in areas that have assigned house numbers. In areas that do not have assigned house numbers, such as the City of Carmel-by-the-Sea, the USPS will deliver residential mail to a centralized location (such as the local post office).

As Carmel-by-the-Sea has neither assigned house numbers or has supported the use of group, or cluster, mailboxes throughout town, the USPS provides mail delivery service to residents of Carmel-by-the-Sea through post office boxes at the post office located on 5th Avenue between San Carlos Street and Dolores Street. Community residents must travel to the post office to collect their mail, unless they make alternative arrangements to have their mail retrieved.

During Fiscal Year 2000-2001, the City Council decided to contract with a courier service to provide home mail delivery to residents. As part of the Fiscal Year 2003-04 budget process, Council considered reducing service from six to three days a week to achieve cost savings. However, as stated within Resolution 2003-091, the "Council has determined that continuing full mail delivery are an essential community service for those residents who are physically unable or who for some other reason cannot obtain their mail on a regular basis."

Consideration of Program Changes

On March 3, 2020, Council received a report regarding options to modify the program, which included imposing eligibility criteria, as a mechanism to achieve cost savings and better align the program with its intended beneficiaries. Council considered age, disability, and full-time residency as possible eligibility criteria. During this meeting, Council provided direction to staff to (1) impose an eligibility criterion based on disability and (2) charge ineligible residents for the cost for the service. Subsequently, Council adopted Resolution 2020-007 on April 7, 2020 to affirm the modification to the program to impose a disability eligibility criterion whereby eligible residents may receive services at either no cost or for a reduced fee based upon the City's receipt and review of documentation (the "disability exemption waiver" form). However, as the program changes coincided with the emergence of the coronavirus pandemic, Council directed staff to make the program modification date effective 60 days after the April 3, 2020 County of Monterey Shelter in Place Order has been lifted.

Effective Date for Program Changes:

Since that time, the City has received an increase in demand for this service due, in part, to COVID-19 protocols, shelter in place restrictions and decreased hours at the local post office. There has been much fluidity regarding the shelter in place restrictions with different business sectors being able to re-open in June 2020 followed by a regional stay at home order issued in December 2020. Therefore, this item is on the Council's agenda to affirm the lifting date as June 15, 2021, which is the date Governor Newsom announced that California would fully open its economy and allow everyday activities to resume. As such, the 60-day effective date for changes to the program is August 15, 2021. Since the courier service bills monthly, as of September 1, 2021, the City will no longer pay for mail delivery service unless the City (1) either receives a disability exemption waiver from the holder of the respective post office box account prior to August 15, 2021 or (2) receives payment to continue service from an ineligible applicant. Upon Council adoption of this resolution, City staff will commence with outreach regarding the changes to the program, which should allow sufficient time to obtain documentation to submit with the program application or make alternative arrangements in lieu of the program.

Eligibility Determination

Based upon prior direction from Council, a resident will be required to submit a disability exemption waiver form to receive this service at no or reduced cost. The form may be completed by a licensed medical provider authorized to practice in the State of California certifying that an individual has a physical limitation that renders the individual unable to pick up his/her mail directly at the post office. Alternatively, an individual may either present in person, or submit to the City, a photograph of a State of California Department of Motor Vehicles (DMV) issued Disabled Person Placard/Identification Card Receipt or DMV Vehicle Registration for a Disabled Person License Plate.

Charging for Service

Ineligible Applications

As previously, presented, staff proposes to charge ineligible residents that wish to use the service a fee to cover the cost of administration and the direct cost of the courier service. The proposed fee to become effective on September 1, 2021 is \$45 a month (\$4 for administration and \$41 for courier service). Staff proposes to bill annually each fiscal year for this service with a typical start date of July 1. This option results in new requirements for Finance staff to manage the billing, the receipt of payments and to coordinate with the vendor on adding and removing accounts.

Preferably, Council has the option to have residents deemed ineligible for this service coordinate directly with a courier service. Currently City staff receive the request for the service, determine if the resident lives within the City and then notifies the courier service of the added post office box. Staff are responsible for coordinating with both the USPS and the courier regarding service issues pertaining to deliveries as well as keeping track of changes to service and the removal of post office boxes. If the City is no longer the

facilitator for some of the accounts, it is feasible that the amount of time existing staff currently spends on administering the program decreases with less post office box accounts to manage. Similarly, residents coordinating directly with the private mail delivery vendor eliminates the need to increase the workload of existing Finance staff by adding new billing responsibilities.

Eligible Applications

In April 2020, Council affirmed changes to the program and that residents eligible for the service would receive the service at no cost or at a reduced cost. However, there was no further direction as to whether the service would be free or at a reduced cost, such as a 25-75% subsidy of the cost to the City for providing the service. Staff seeks direction from Council as to whether there should be a charge for this service for eligible applicants. Upon receiving direction regarding the proposed fees, staff will return to Council with a resolution to adopt the fees.

FISCAL IMPACT:

The Fiscal Year 2021-2022 Recommended Budget allocates \$81,000 for mail service. This amount assumes an average of 150 addresses a month and a possible rate increase to \$45. The budget does not account for any possible offsetting revenue at this time.

PRIOR CITY COUNCIL ACTION:

Council adopted Resolution 2020-027 affirming modification to the program to include the use of eligibility criteria on April 7, 2020.

ATTACHMENTS:

Attachment #1- Resolution 2003-091

Attachment #2- Resolution 2020-007

Attachment #3 - Resolution 2021-027 Authorizing Implementation of Mail Service Changes

CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

RESOLUTION NO. 2003-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE SEA AUTHORIZING MODIFICATION OF THE RESIDENTIAL HOME MAIL DELIVERY SERVICE PROGRAM FROM THREE TO SIX DAYS EACH WEEK AND INCREASING ANNUAL PROGRAM FUNDING FROM \$24,000 TO \$40,000

WHEREAS, the City has been providing home mail delivery to residents wishing to receive these special services; and

WHEREAS, during the Fiscal Year 2003/04 budget review the City Council initially authorized a reduction of mail delivery service from six days (6) to three (3) days reducing annual program costs by \$16,000; and

WHEREAS, many residents of the community have requested reinstatement of five (5) day delivery service as originally conceived; and

WHEREAS, the City Council has determined that continuing full mail delivery are an essential community service for those residents who are physically unable to visit the post office or who for some other reason cannot obtain their mail on a regular basis.

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

1. Authorize expanding the Residential Home Mail Delivery Service Program from three (3) days to six (6) days each week.
2. Authorize increasing the budget by \$16,000 from \$24,000 to \$40,000 annually.
3. Authorize the \$16,000 budget increase to be funded from the City's General Fund Reserve.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of July 2003 by the following roll call vote:

AYES: COUNCIL MEMBERS: Ely, Rose, McCloud

NOES: COUNCIL MEMBERS: Hazdovac

ABSENT: COUNCIL MEMBERS: Livingston

SIGNED:



SUE MCCLOUD, MAYOR

ATTEST:



Karen Crouch, City Clerk

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

RESOLUTION NO. 2020-027

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AFFIRMING MODIFICATION TO THE HOME MAIL DELIVERY PROGRAM TO INCLUDE THE
USE OF ELIGIBILITY CRITERIA**

WHEREAS, the United States Postal Service delivers mail to Carmel-by-the-Sea residents' post office boxes rather than directly to their physical locations as the community has not supported the use of individual house numbers or cluster mailboxes located throughout town; and

WHEREAS, the City of Carmel-by-the-Sea contracts for courier service for home mail delivery with the intended purpose of providing "an essential community service for those residents that are physically unable to visit the post office or who, for some other reason, cannot obtain mail on a regular basis" as referenced in Resolution 2003-91; and

WHEREAS, on March 3, 2020, the City Council considered establishing eligibility criteria regarding participation in the home mail delivery program in an effort to control costs and better align the program with its intended purpose; and

WHEREAS, on March 3, 2020, the City Council directed staff to modify the program to impose disability criteria whereby residents that are able to document that they are physically unable to obtain their mail directly from the post office will be considered eligible to participate in the City-administered home mail delivery program either at no or a reduced cost to the resident; and

WHEREAS, on March 3, 2020, Council also authorized staff to continue to administer the program on behalf of non-eligible residents so long as ineligible residents pay the full cost of the service, which includes City administration costs and the cost of the courier service.

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

Affirms modifying the home mail delivery program to impose a disability eligibility criteria whereby eligible residents may receive home mail delivery services at either no cost or for a reduced fee based upon the City's receipt and review of a disability exemption waiver form and non-eligible residents so long as ineligible residents pay the full cost of the service, which includes City administration costs and the cost of the courier service.

Direct City staff to commence with undertaking programmatic changes so that the modified program is effective 60 days after the April 3, 2020 County of Monterey Shelter in Place Order has been lifted.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 7th day of April, 2020 by the following vote:**

AYES: COUNCIL MEMBERS BARON, REIMERS, THEIS; MAYOR PRO TEM
RICHARDS; MAYOR POTTER

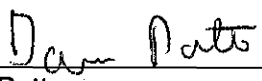
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:

ATTEST:



Dave Potter
Mayor



Britt Avrit, MMC
City Clerk

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

RESOLUTION NO. 2021-027

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT MODIFICATIONS TO THE
HOME MAIL DELIVERY PROGRAM TO INCLUDE THE USE OF ELIGIBILITY CRITERIA
EFFECTIVE ON AUGUST 15, 2021**

WHEREAS, the United States Postal Service delivers mail to Carmel-by-the-Sea post office boxes rather than directly to residential homes; and

WHEREAS, the City has contracted with a courier service to provide residential home mail delivery services and, as stated in Resolution 2003-019, "Council has determined that continuing full mail delivery are an essential community service for those residents that are physically unable to visit the post office or who, for some other reason, cannot obtain mail on a regular basis"; and

WHEREAS, on March 3, 2020, Council considered establishing eligibility criteria regarding participation in the home mail delivery program and directed staff to modify the program; and

WHEREAS, on April 7, 2021, Council adopted Resolution 2020-027 affirming the modification to the home mail delivery program to impose a disability eligibility criteria whereby eligible residents may receive home mail delivery services at either no cost or for a reduced fee based upon the City's receipt and review of a disability exemption waiver form; and

WHEREAS, the proposed home mail delivery program changes coincided with the emergence of the coronavirus pandemic and Council directed staff to make the program modification date effective 60 days after the April 3, 2020 County of Monterey Shelter in Place Order has been lifted; and

WHEREAS, Governor Newsom announced that California will fully open its economy if the vaccine supply is sufficient for Californians age 16 or older who wish to be inoculated and if hospitalization rates are stable and low, and everyday activities will be allowed; and

WHEREAS, staff proposes June 15, 2021 be deemed the effective date for the shelter in place order being modified, and, as such, will begin providing notification and outreach that the changes to the program are effective as of August 15, 2021; and

WHEREAS, as the courier service bills monthly, as of September 1, 2021, the City will no longer pay for mail delivery service unless the City receives a disability exemption waiver from holder of the respective post office box account prior to August 15, 2021.

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

Authorize the City Administrator to begin implementation of modifications to the home mail delivery service program to impose the disability eligibility criteria effective on August 15, 2021.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 1st day of June, 2021 by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk



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

June 1, 2021
PUBLIC HEARINGS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Evan Kort, Associate Planner

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Consideration of an Appeal by Peter Smith (APP 21-165) of a Design Study Approval (DS 20-392, Jung) and associated Coastal Development Permit for a 233 square foot addition to an existing 1-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage located on Camino Real 3 Southwest of 13th Avenue in the Single-Family Residential (R-1) Zoning District.

RECOMMENDATION:

Adopt Resolution 2021-028 denying the appeal by Peter Smith (APP 21-165) and upholding the Planning Commission's decision to approve a Final Design Study (DS 20-392) and associated Coastal Development Permit for a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a 240 square foot detached garage in the front setback located on Camino Real 3 Southwest of 13th Avenue in the Single-Family Residential (R-1) Zoning District, APN 010-284-003.

BACKGROUND/SUMMARY:

The project site is a 4,000 square foot lot located on Camino Real 3 Southwest of 13th Avenue. The property contains an existing 1,640 square-foot residence, that includes a 281 square-foot attached garage. The applicant proposes to demolish 136 square feet of the existing residence to accommodate a 233 square foot addition (net increase of 97 square feet) and the construction of a new 240 square foot detached garage located in the front setback. The existing attached garage would be converted to an accessory dwelling unit (ADU), which is not part of the discretionary decision pursuant to state law.

The residence is proposed to maintain its stucco finish while integrating new stone cladding to the portions of the residence closest to the street. The existing composition shingle roof is proposed to be replaced with a clay tile roof and all windows will be metal clad wood. The proposed project also includes the addition of a new 165 square foot roof top deck, which ultimately was the catalyst for the appeal to the City Council.

The Concept Design Study was accepted via adoption of Resolution 2021-12-PC by the Planning Commission on March 10, 2021 with direction to make minor revisions to the plans prior to the Final Details

hearing (refer to Attachment 3). The Final Details review and the associated Coastal Development Permit were considered at the April 14, 2021 Planning Commission hearing and were unanimously approved via adoption of Resolution 2021-16-PC (refer to Attachment 4).

STAFF ANALYSIS

Since the roof deck is the basis of appeal, staff analysis will focus on that portion of the project. Additional analysis on other project components can be found in the previously approved Planning Commission staff reports (Attachments 3 and 4)

The subject roof deck is proposed to be 12'10" x 12'10" and to have a parapet height of 4'. The roof deck was discussed at both the Concept and Final Planning Commission Hearing with no direction from the Planning Commission to make changes to the proposed deck or deck design (refer to Attachments 3 & 4). At the Concept Hearing, the roof deck privacy impacts were discussed and considered for all adjacent neighbors. As part of the discussion at the Concept Hearing, the project applicant proposed a screening tree which was not shown on the project plans presented at the concept hearing, but was later included in the project plans considered for the Final Hearing.

After the Concept Hearing, the Appellant reached out to Staff regarding continued privacy concerns relating to the proposed roof deck. The neighbor expressed concern that when people were on the rooftop deck, they would be able to see into his home, and that it would impact the private enjoyment of his property. Staff visited the neighbor's property and observed a portion of the story poles outlining the area of the roof deck which are visible from the neighbor's living room and kitchen (refer to Attachment 5). This observation by Staff as well as the neighbor's continued concerns were noted in the Final Details Hearing Staff Report as well as presentation; the Planning Commission also toured the Appellant's residence as part of the Tour of Inspection as part of the April hearing. Ultimately, after considering all of the facts of the case, the Planning Commission approved the Design Study and associated Coastal Development Permit on April 14, 2021.

Following approval of the Final Design Study and associated Coastal Development Permit, the adjacent neighbor to the west filed an appeal citing privacy concerns regarding the roof deck included as part of the project proposal (refer to Attachment 1). According to the Appellant's appeal document, *"Due to technical difficulties at the hearing I don't feel I was able to request a compromise. The head commissioner focused on the west side of the roof deck but the north side has the most impact. Reducing the north side 2' would still leave a 10'x12' deck (120 sf)."*

Regarding privacy, views, light and air, Residential Design Guideline section 5.1 states that development should:

Organize functions on a site to preserve reasonable privacy for adjacent properties.

- Position a building to screen active areas of adjacent properties when feasible.
- Locate windows and balconies such they avoid overlooking active indoor and outdoor use areas for adjacent properties.
- Preserve significant trees that will help to screen views into adjacent properties.
- Screen patios, terraces and service areas.

As proposed, the roof deck is consistent with the Residential Design Guidelines pertaining to privacy impacts. The closest edge of the proposed roof deck is 21'11" from the rear property line with the Appellant's living room windows approximately 38' from the shared rear property line (Google Maps measurement; approximately 59'11" total separation from roof deck to Appellant's living room windows). In addition to the linear distance separating the roof deck and neighbor's windows, the existing landscaping on the appellant's property and proposed landscaping on the subject property will help to screen the roof deck from the neighboring residence. Together, the combination of the landscape screening and physical

separation between the roof deck and neighbor's residence provide for reasonable privacy to the neighbor to the west. Therefore, the project is consistent with the Residential Design Guidelines pertaining to privacy and views.

Given this analysis, staff is recommending that the City Council deny the appeal and uphold the Planning Commission's decision to approve Design Study DS 20-392 with Special Conditions of Approval (refer to Attachment 4).

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 15301 (Class 1) – Existing Facilities. Class 1 exemptions include, alterations to existing private structures involving negligible or no expansion of the existing or former use such as additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area or 2,500 square feet, whichever is less. The project consists of interior and exterior alterations and additions to an existing single-family residence and the addition of an ADU. The 387 square-foot net increase in floor area (including the ADU) for the site represents a 23.5% increase in floor area of the existing site. The project does not change the existing or former use of the property as a single-family residence and the project does not present any unusual circumstances that would result in a potentially significant environmental impact.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

Attachment #1 - Appeal Form

Attachment #2 - Resolution 2021-028 Denying Smith Appeal, App 21-165

Attachment #3 - Concept Hearing Staff Report and Resolution

Attachment #4 - Final Hearing Staff Report and Resolution

Attachment #5 - Site Photographs

Attachment #6 - Project Plans



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.

Peter Smith

Name of Appellant

PO Box 2468 Carmel Ca 93921

Mailing Address of Appellant

520 591 5956

Phone Number

peterdsmith88@GMail.Com

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): *Jung Property -*

Camino Real 3 SW 137th AVE

Lot

Block

APN

Date of decision being appealed: *4/14/21*

Specific action or decision being appealed: *Reduction of Deck size*

From 12'x12' TO 10'x10' Reducing 2' From N side and 2' From West side

Grounds for appeal (attach additional pages if necessary):

Due To Technical difficulties at the hearing I don't feel I was able to request a compromise. The Head commissioner focused on the west side of the roof deck but The North side has the most impact. reducing The north side 2' would still leave a 10'x12' deck 120 sq ft

Signature of Appellant

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
RESOLUTION NO. 2021-028**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING THE APPEAL BY PETER SMITH (APP 21-165) AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE A FINAL DESIGN STUDY (DS 20-392) AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR A 233 SQUARE FOOT ADDITION TO AN EXISTING ONE-STORY, 1,640 SQUARE FOOT SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A 240 SQUARE FOOT DETACHED GARAGE IN THE FRONT SETBACK LOCATED ON CAMINO REAL 3 SOUTHWEST OF 13TH AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, APN 010-284-003

WHEREAS, Erik Dyar ("Applicant") submitted an application requesting approval of a Design Study and associated Coastal Development Permit (DS 20-392, Jung) described herein as ("Application"); and

WHEREAS, the Application has been submitted for the property located on Camino Real 3 southwest 13th in the Single-Family Residential Zoning District; and

WHEREAS, the Applicant is proposing a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage in the front setback; and

WHEREAS, a Coastal Development Permit is also required in accordance with CMC 17.52.090 (Coastal Development Permit Required); 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 project is categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15301 (Class 1) – Existing Facilities. Class 1 exemptions include, alterations to existing private structures involving negligible or no expansion of the existing or former use such as additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area or 2,500 square feet, whichever is less. The project consists of interior and exterior alterations and additions to an existing single-family residence and the addition of an attached ADU. The 387 square-foot net increase in floor area (including the ADU) for the site represents a 23.5% increase in floor area of the existing site. The project does not change the existing or former use of the property as a single-family residence and 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.; and

WHEREAS, notice of the public hearing was published in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on March 10, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Concept Design Study, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the conceptual design of the project; and

WHEREAS, the Planning Commission adopted Resolution 2021-012-PC, accepting the Concept Design Study with recommendations/draft conditions; and

WHEREAS, on April 14, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Final Design Study, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the conceptual design of the project; and

WHEREAS, on April 14, 2021, the Planning Commission adopted Resolution 2021-16-PC, approving the Final Design Study DS 20-392 with Conditions of Approval; and

WHEREAS, on April 28, 2021, an Appeal of the approval of DS 20-392 was filed with the City Clerk; and

WHEREAS, the Appeal (APP 21-165), filed by Peter Smith, stated the grounds for the appeal are, "Due to technical difficulties at the hearing I don't feel I was able to request a compromise. The head commissioner focused on the west side of the roof deck but the north side has the most impact. Reducing the north side 2' would still leave a 10'x12' deck (120 sf)"; and

WHEREAS, on June 1, 2021, the City Council held a de novo hearing to consider the appeal and Design Study DS 20-392; and

WHEREAS, on June 1, 2021, the City Council held a public hearing to receive public testimony regarding the Appeal and Design Study, including without limitation, information provided to the City Council by City staff and through public testimony on the conceptual design of the project; and

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

WHEREAS, the City Council did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

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

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

Make the following findings and determinations regarding the denial of the Appeal:

Findings for Denial of Appeal APP 21-165	
No.	
1.	As proposed, the project is consistent with the Residential Design Guidelines pertaining to privacy.
2.	The proposed roof deck is located approximately 21'11" to the shared rear property line and approximately 59'11" to the neighbor's living room windows. The proposed roof deck is adequately setback from the neighbor's site to preserve reasonable privacy.
3.	Landscape screening has been proposed to be located between the roof deck and appellant's residence to screen the residence from the deck.

BE IT FURTHER RESOLVED that the City Council of the City of Carmel-by-the-Sea does hereby DENY the Appeal by Peter Smtih (APP 21-265) and uphold the April 14, 2021 Planning Commission's decision to approve Design Study (DS 20-392, Jung) and associated Coastal Development Permit for a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage in the front setback located on Camino Real 3 southwest 13th in the single-family residential (R-1) zoning district, (APN: 010-284-003), as found in Planning Commission Resolution: Resolution 2021-16-PC approved on April 14, 2021.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of June, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit
City Clerk



CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

March 10, 2021
PUBLIC HEARINGS

TO: Chair LePage and Planning Commissioners

SUBMITTED BY: Evan Kort, Associate Planner

APPROVED BY: Brandon Swanson, Community Planning and Building Director

SUBJECT: **DS 20-392 (Camino Real 3 SW 13th):** Consideration of a Concept Design (DS 20-392, Jung) for a 233 square foot addition to an existing 1-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage located on Camino Real 3 SW 13th Avenue in the Single-Family Residential (R-1) Zoning District (APN 010-284-003).

CEQA Action: Staff recommends the project be found categorically exempt from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities.

Application: DS 20-392 (Jung)

APN: 010-284-003

Block: 54

Lot: 6

Location: Camino Real 3 SW 13th

Applicant: Erik Dyar, Architect

Property Owner: Joel and Allison Jung

Executive Summary:

The applicant is proposing a 233 square foot addition to an existing 1-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage as well as the conversion of an existing garage to a new 332 square foot attached accessory dwelling unit, and site coverage and landscaping improvements located on Camino Real 3 SW 13th Avenue.

Recommendation:

Staff recommends that the Planning Commission adopt a Resolution approving a Concept Design Study for a 233 square foot addition to an existing 1-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage, APN: 010-284-003 (Attachment 1).

Background and Project Description:

The project site is a 4,000 square foot lot located on Camino Real 3 SW 13th. The property contains an

existing 1,640 square-foot residence, that includes a 281 square-foot attached garage. The applicant is proposing to demolish 136 square feet of the existing residence to accommodate a 233 square foot addition (net increase of 97 square feet) and the construction of a new 240 square foot garage located in the front setback; the existing attached garage would be converted to an accessory dwelling unit (ADU) and would be expanded by 51 square feet for a total of 332 square feet. State law generally precludes local jurisdictions from exercising discretion over the approval of ADU's except in cases where there are conflicts with the adopted Local Coastal Program (LCP) or the larger Coastal Act. These conflicts would include things like impacts to Environmentally Sensitive Habitat Areas (ESHA) or other impacts to coastal resources. In this case, none of those conflicts exist so the scope of the project under the Planning Commission's purview is a 97 square foot (net) addition to the residence and the construction of a 240 square-foot detached garage in the front setback. The improvements would result in an increase of 233 square feet of floor area for the site totaling 1,695 square feet for the main residence and parking as well as the addition of a 332 square foot attached ADU.

The residence is proposed to maintain its stucco finish while integrating new stone cladding to the residence. The existing composition shingle roof is proposed to be replaced with a new clay tile roof and all windows (new and existing, to be replaced) will be metal clad wood. The project also proposed the addition of a new 165 square foot roof top deck, and site coverage and landscaping modifications throughout including the inclusion of new flagstone paver walkways, a cobble stone paver driveway, the addition of a rear deck and roof deck, the creation of a southern courtyard, and improvements to an existing northern courtyard.

The primary purpose of this conceptual review meeting is to review and consider the site planning, privacy and views, and mass and scale related to the project. However, the Commission may provide input on other aspects of the design. Staff will use direction from this concept review to work with the applicant on a final design that will ultimately be brought back to the Planning Commission for consideration and decision which will include the consideration of a Coastal Development Permit.

Staff Analysis:

Forest Character: Residential Design Guidelines 1.1 through 1.4 encourage preserving significant trees and minimizing impacts on established trees; protecting the root systems of all trees to be preserved; and, maintaining a forested image on the site.

The site contains one significant Cypress which is not proposed to be removed as part of the project, however, the new detached garage would be located within the structural root zone of the tree. Staff reviewed the proposal with the City Forester, who determined the garage would not impact the significant tree if protection measures are taken during construction. The tree protection measures required by the Forester have been included as Draft Conditions of Approval #1-2 (refer to Attachment 1) stating:

1. An airspade shall be used for all excavation within the structural root zone of the Cypress Tree.
2. The City Forester shall be onsite for excavation of the proposed garage foundation to ensure protection of the Cypress tree. The forester may determine bridged footing or other foundational treatments may be necessary for the garage to be incorporated into the building permit application to protect tree roots unearthed during excavation.

Additionally, the Forester has recommended planting 1 upper and 1 lower canopy tree on site. The applicant has included the planting requirement on sheet 17 (refer to Attachment 5) of the project plans and Draft Condition of Approval #3 has been included to ensure the tree planning is maintained.

As conditioned, the project is consistent with the Design Guidelines pertaining to the forest character.

Privacy and Views: Residential Design Guidelines 5.1 through 5.3 encourages designs that preserve reasonable privacy for adjacent properties and maintain view opportunities to natural features.

Staff has not identified any view impacts associated with the project, nor has staff received correspondence on the project from the neighbors regarding view impacts. While the roof ridge height is proposed to increase from 16'6" to 17'5" (18' maximum), the increase in height does not create any view impacts.

A new 165 square foot roof deck is proposed for the residence with an exterior stair access that may create privacy impacts to neighboring properties (refer to Attachment 5, Sheets: 1, 5, 16). The roof deck is proposed to be centrally located on the residence with the walking surface located 12'3" from the southern (side) property line, 21'11" from the western (rear) property line, and 16'1" from the northern (side) property line. The roof deck will be accessed via an exterior staircase located on a patio alcove created by the removal of an exterior bedroom wall (refer to Attachment 5, Sheets 4 and 7). While the patio creates a more useable space, it is not anticipated the new patio will have a significant privacy impact as an existing bedroom window was located in the same location as the new patio.

The roof deck will be screened to the south by existing landscape screening. The applicant has provided a photograph from the existing roof at the location of the proposed deck looking south showing the extent of the existing screening (refer to Attachment 3, Figure 8). The applicant has also provided a line of sight elevation (refer to Attachment 1, Sheet 16) showing the relation of the roof deck and a smaller lower deck at the rear to the neighbor to the west, as well as photographs from the neighbor's rear yard toward the subject property (Attachment 3, Figures 6-7). The lower deck will be screened nearly in its entirety through an existing trellis with landscaping, and based on the applicant's photos, the roof deck is nearly completely screened from the adjacent neighbor's yard with the exception of a small corner. The residence to the north is unscreened and has potential privacy impacts to an existing second story deck and into a second floor window and potentially windows on the ground floor. According to the applicant, the applicant has met with the neighbors to the north discuss the project when public notices were distributed and the expressed no objections. Staff has not received correspondence (either in favor or against) specific to the inclusion of the roof deck or relating to privacy concerns. The applicant has also provided a written project description (refer to Attachment 4) which describes the design features of the proposed deck.

The Planning Commission should consider whether the roof deck creates a significant privacy impact to the adjacent neighbors. In staff's opinion, the applicant has provided adequate evidence indicating the proposed roof deck would not create a significant impact, however, if the Commission determines there is an impact, the Commission should consider if additional screening should be included, if design changes should be made, or if the deck should be removed and provide direction in their motion accordingly.

Mass and Bulk: Residential Design Guidelines 7.1 through 7.7 encourages a building's mass to relate to the context of other homes nearby; minimize the mass of a building as seen from the public way or adjacent properties; and, relate to a human scale in its basic forms.

The proposed addition does not significantly increase the mass and bulk of the main residence as seen from the public way. The maximum plate height would be maintained at 12'4" and the ridge height is proposed to be increased from 16'6" to 17'8". The residence maintains the single-story form and is compatible with the scale of the adjacent homes (refer to Attachment 5, Sheet 12).

The detached garage is proposed to be 12'11" tall at the street frontage and will maintain a maximum height of 13'11" (15' max) at the rear. As viewed on the project plans the proposed residence and detached garage is consistent with the scale of the residence and surrounding homes. However, upon inspection of

the story poles, the new garage appears to dominate the street frontage and appears to be out of scale with adjacent properties and the established context of the neighborhood.

Residential Design Guideline 6.2 does encourage the use of a detached garage to break up the mass of the residence, and encourage a variety of designs along the block, however, residential Design Guideline 6.1 states, “facilities for parking should not dominate the design of the house or site,” and to “keep the mass of a garage subordinate to that of the house.” Additionally Design Guidelines 7.1 and 7.2 speak to a building’s mass relating to the context of other homes nearby and minimizing the mass of a building as seen from the right of way or adjacent properties. Furthermore, to allow for a detached garage in the front setback, CMC 17.10.030.A.1 requires that all development on site will be in scale with adjacent properties.

The appearance of additional mass of the garage is likely due to the fact that the garage is located at the property line whereas the rest of the development and adjacent residence to the south is setback away from the street as well as at a lower grade. As viewed from the right of way, the garage is the most prominent structure on the west side of the street.

To ensure compliance with Design Guideline 6.1, 7.1, and 7.2, and to allow for the proposed garage to be in scale with the adjacent properties as required by CMC 17.10.030.A.1, Staff has included Draft Condition of Approval #4 stating “the applicant shall set the garage back a minimum of 3’ front the front property line” which would reduce the mass of the garage as seen from the right of way and allow for the context of neighborhood to be maintained while still allowing the garage to be located in the front setback.

As conditioned the project meets the design guideline objectives for mass and bulk.

Building and Roof Form: Residential Design Guidelines 8.1 through 8.5 encourages traditional building forms; using restraint with variations in building planes; using simple roof forms that are in proportion to the scale of the building; and, roof eave lines that are low in scale. Guideline 8.3 states to “*limit the number of subordinate attachments, such as dormers, to avoid cluttered design.*”

The proposed location of the additions and modifications to the building form are primarily dictated by the existing building form. The existing building is a simple U-shape with a central patio located on the northern end of the building. An additional patio is proposed to be located on the south elevation to accommodate access to the roof, as described above, and will create an additional recess within the building form. Small additions are proposed for the east and west elevations as well, and as a result, the existing U-shape building form appears to become more of an S-shaped building form. Notwithstanding the changes in building form, each elevation, when viewed individually, either from the street or from a neighboring site, is not overly complex and are consistent with the Residential Design Guidelines relating to building form.

The existing roof forms proposed to remain, and new street facing additions, will maintain the existing 4:12 pitch throughout; the proposed addition at the rear would be pitched at 3:12. The entire roof is proposed to be refinished with clay tiles. The roof tiles would extend up to form the guardrails of the roof deck and will be supported by a small stucco wall. The project meets the design guideline objectives for roof forms.

The existing building does maintain non-conforming minimum side yard and composite side yard setbacks (refer to Attachment 2). The non-conforming portions of the residence are proposed to be maintained in accordance with CMC 17.36.030.A which states, “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.” However, the new additions will comply with the current setback requirements.

Detached Garage: According to CMC 17.10.030.A.1, “*To encourage variety and diversity in*

neighborhood design, detached garages and carports may be authorized by the Planning Commission within the front yard setback facing the street and within an interior side yard setback," provided that the proposal is compliant with the following Municipal Code requirements:

- 1) Garages in the front setback shall not exceed 12 feet in width, 250 square feet in floor area and 15 feet in height.

Staff Response: The foundation of the garage is proposed to be 12 feet wide, 240 square feet in area, and 13'10" high at the highest point (12'11" at street frontage). While the foundation is the maximum allowed width, a bay window projects from the northern (interior side) elevation increasing the width of the garage to 13' wide. This projection adds to the mass of the structure which already dominates the streetscape. Draft Condition of Approval #5 has been included stating the bay window shall be eliminated from the garage to reduce the mass of the garage and maintain the 12' width throughout. The Commission may strike this condition should they feel the bay window does not add significant mass to the garage.

- 2) At least 50% of the adjacent right-of-way is landscaped.

Staff Response: The applicant is proposing to leave the existing adjacent right-of-way in its natural state with the exception of a new driveway and decomposed granite walkway. The existing driveway is proposed to be removed and the right-of-way will be returned to its natural state.

- 3) The proposed setback encroachment would not impact significant trees.

Staff Response: The City Forester reviewed the proposed project and indicated the detached garage will not impact the significant tree on site provided the tree protection measures and conditions described in the Forest Character section of this report are maintained.

- 4) The protection of the free and safe movement of pedestrians.

Staff Response: The inclusion of Draft Condition of Approval #4 will increase the setback from 3-inches to 3-feet from the front property line. The garage location (proposed or conditioned) would not impact the free and safe movement of pedestrians or vehicles. The garage door is proposed to be a roll up style and therefore the garage doors will not open into the public right of way.

- 5) All development on site will be in scale with adjacent properties.

Staff Response: As conditioned (Draft Condition of Approval #4), all development on site will be in scale with adjacent properties. Refer to Mass and Bulk analysis above.

- 6) Placement of the garage within the front setback will add diversity to the neighborhood streetscape.

Staff Response: The inclusion of a new detached garage in the front setback on the subject site would add diversity to the neighborhood. None of the residences in the immediate vicinity maintain garages in the front setback.

Considerations for Final Details: Prior to final details review, staff is requesting the Planning Commission consider the appropriateness of the proposed entry feature for the site (refer to Attachment 5, Sheet 11). The applicant has proposed a 3' tall stone wall with a 7'8" stone archway and 6'8" door within the arch. Table 17-10 within CMC 17.14.030.E states Arbors/Trellis' located within the front setback are limited to a maximum height of 7' and gates are limited to a maximum height of 6'. While the archway and doors are

not expressly addressed in the code, they effectively are the same feature as an arbor/trellis and a gate.

The proposed features exceed the allowable heights identified in the municipal code, however, the maximum heights of these features are permitted to be altered through Design Review by the Planning Commission. Due to the massing issues identified related to the garage and potential for view to onto the site to be eliminated, in staff's opinion, the archway and gate should be limited to the height limitations prescribed in the municipal code. Staff has included Draft Condition of Approval #6 stating, "The archway and gate shall be redesigned to comply with the height standards established in CMC 17.14.030.E." If the Commission is supportive of these features, as proposed, the Commission may strike Draft Condition of Approval #6. The Commission should consider the following Design Guidelines as part of their determination:

Residential Design Guideline 11.3 *When designing a fence or wall along a street, preserve the open space resources of the immediate neighborhood.*

- Continue the pattern of fences, walls and landscaping on other properties nearby and respect any existing patterns on nearby properties (height, materials, vegetation, visibility into the site).
- Keep a sense of openness into the site as seen from the street.
- Fences and walls along street frontages should be kept low and should not impede visibility for motorists at street intersections.
- Fences and gates should have open, transparent qualities, such as open pickets, that permit filtered views into the front garden.

Residential Design Guideline 11.6 *A gate should help create a sense of entry and therefore should be distinguishable from the adjoining fence or wall.*

- The use of distinctive design details is encouraged. This provides an opportunity for individuality and craftsmanship.
- Gates should have open or transparent qualities that allow filtered views into the property.

Design Guidelines 11.7 *An arbor should be integral to the fence or wall design and should not dominate the street.*

- Maintain a narrow, low and "light" scale. Avoid the use of tall or wide entryways and avoid massive timbers or other heavy building elements when creating an arbor.
- Incorporate vines or other landscaping to blend the arbor into the adjoining fence or wall and garden.

Regardless of the direction provided, the archway is proposed to maintain a light recessed into the top of the archway pointing down on the door. As the fixture is not affixed to the building, the light would be considered landscape lighting. CMC 15.36.070.B.2 requires that "landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts per fixture and shall be spaced no closer than 10 feet apart. Landscape lighting shall not be used for tree, wall, fence or accent lighting of any type. The purpose of landscape lighting is to safely illuminate walkways and entrances to the subject property." As such Draft Condition of Approval #7 has been included requiring the light be removed from the top of the arch and any entry lighting be located no more than 18" above the ground.

Accessory Dwelling Unit: The applicant is proposing to cover the existing attached garage to a 332 square foot attached Accessory Dwelling Unit (ADU) on the subject site. State law allows the establishment of an ADU by-right in all single-family zoning districts. In accordance with Government Code Section 65852.2, "A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing." There are exception to this ministerial approval requirement in the Coastal Zone when there are conflicts with a Local Coastal Program

(LCP) or the Coastal Act relative to coastal resources. However, there are no conflicts associated with this project, so it can be approved ministerially. Review of this design study application shall be independent of the application to establish an ADU. The proposed ADU will be reviewed by staff at the time the building permit is submitted for compliance with the applicable zoning standards. This Design Study Application shall be limited to reviewing the primary residence and detached garage only. The ADU has been included on the plans to allow staff to perform a cursory review of the applicable zoning standards and state law.

Public Correspondence: Staff has received public correspondence from a neighbor directly across the street from the subject site in support of the project. The correspondence has been included in Attachment 4.

Other Project Components:

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 15301 (Class 1) – Existing Facilities. Class 1 exemptions include, alterations to existing private structures involving negligible or no expansion of the existing or former use such as additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area or 2,500 square feet, whichever is greater. The project consists of interior and exterior alterations and additions to an existing single-family residence and the addition of an ADU. The 387 square-foot net increase in floor area (including the ADU) for the site represents a 23.5% increase in floor area of the existing site. The project does not change the existing or former use of the property as a single-family residence and the project does not present any unusual circumstances that would result in a potentially significant environmental impact.

Attachment 1 - Resolution

Attachment 2 - Data Table

Attachment 3 - Site Photographs

Attachment 4 - Applicant and Public Correspondence

Attachment 5 - Project Plans

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION**

PLANNING COMMISSION RESOLUTION NO. 2020-12-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA) ACCEPTING
THE CONCEPT DESIGN STUDY FOR A 233 SQUARE FOOT ADDITION TO AN EXISTING 1-STORY, 1,640
SQUARE FOOT SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A NEW 240 SQUARE FOOT
DETACHED GARAGE AT CAMINO REAL 3 SW 13TH IN THE SINGLE FAMILY RESIDENTIAL (R-1) ZONING
DISTRICT., APN: 010-284-003**

WHEREAS, Erik Dyar ("Applicant") submitted an application requesting the approval of a Design Study "DS 20-392" described herein ("Application"); and

WHEREAS, project site is comprised of a 4,000 square-foot lot of record located at Camino Real 3 SW 13th; and

WHEREAS, the site is currently developed with an existing 1,358 square foot single family residence with a 282 square foot attached garage; and

WHEREAS, the applicant is seeking approval of a Design Study application for a partial demolition of the residence and construction of a 233 square foot addition to the main residence, the construction of a new 240 square foot detached garage, and the addition of a new 332 square foot attached accessory dwelling unit to replace the existing garage; and,

WHEREAS, a Coastal Development Permit is required in accordance with CMC 17.52.090 and will be considered at the Final Details hearing; 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 categorically exempt under Section 15301 (Existing Facilities); and

WHEREAS, notice of the public hearing was published in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of all public hearings for the Application; and

WHEREAS, on March 10, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, information provided to the Planning Commission by City staff and public testimony on the conceptual design of the project in accordance with CMC 17.58.040.B; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Commission at its March 10, 2021 hearing including, without limitation, the staff report submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

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

NOW THEREFORE, BE IT RESOLVED, that the 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 CONCEPT DESIGN STUDY ACCEPTANCE		
For each of the required design study findings listed below, staff has indicated whether the concept plans submitted support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate decision-making by the Planning Commission. Findings checked "yes" may or may not be discussed in the staff report depending on the issues.		
CMC Section 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 or variances consistent with the Zoning Ordinance.	✓	
2. The project is consistent with the City's design objectives for protection and enhancement of 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-site and in the public right-of-way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple building forms, a simple roof plan and a 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.	✓	
4. 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 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 set back a minimum of six feet from significant trees.	✓	

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Carmel-by-the-Sea does hereby accept a concept Design Study (DS 20-392, Jung) for a 233 square foot addition to an existing 1-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage as well as the addition of a new 332 square foot attached accessory dwelling unit located at Camino Real 3 SW 13th (APN: 010-284-003) subject to the draft conditions/recommendations listed below:

Recommendations/Draft Conditions		
No.		
1.	Excavation. An airspade shall be used for all excavation within the structural root zone of the Cypress Tree.	✓
2.	Forester Supervision. The City Forester shall be onsite for excavation of the proposed garage foundation to ensure protection of the Cypress tree. The forester may determine bridged footing or other foundational treatments may be necessary for the garage to be incorporated into the building permit application to protect tree roots unearthed during excavation.	✓
3.	Tree Planting. One upper canopy tree and one lower canopy tree shall be planted on site. The species of the trees shall be approved by the City Forester.	✓
4.	Garage Setback. The applicant shall set the garage back a minimum of 3' front the front property line.	✓
5.	Garage Bay Window. The bay window shall be eliminated from the garage to reduce the mass of the garage and maintain the 12' width throughout.	✓
6.	Entry Arch and Gate. The archway and gate shall be redesigned to comply with the height standards established in CMC 17.14.030.E.	
7.	Archway Lighting. The light fixture recessed in the top of the archway is not permitted per CMC 15.36.070.B.2 and shall be removed. Any entry lighting shall be located no more than 18" above the ground and shall not be located or directed toward the public right of way.	✓
<u>8.</u>	<u>Plate Height. The plate height of the garage shall be lowered a minimum of 6-inches.</u>	<u>✓</u>

*Acknowledgement and acceptance of conditions of approval.

Property Owner Signature

Printed Name

Date

Once signed, please return to the Community Planning & Building Department.

**PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA
this 10th day of March, 2021, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Margi Perotti
Planning Commission Secretary

PROJECT DATA FOR A 4,000 SQUARE-FOOT SITE			
Site Considerations	Allowed	Existing	Proposed
Floor Area	1,800 SF (45%)	1,640 SF	1,695 SF (SFR + garage only)*
Site Coverage	396 SF/556 SF	820 SF	554 SF
Trees (Upper/Lower)	3/1	1/0	2/1
Ridge Height (1 st /2 nd)	18'/24'	16'6"	17'8"
Plate Height (1 st /2 nd)	12'/18'	12'4"	12'4"
Setbacks	Minimum Required	Existing	Proposed
Front	15'	15'	15'
Composite Side Yard	10' (25%)	7'11"	7'11"
Minimum Side Yard	3'	2'4"	2'4"
Rear	15'/3'***	16'8"	3'***

* Excludes ADU

** The rear setback is three feet for those portions of structures less than 15 feet in height.



Figure 1. East Elevation



Figure 2. East Elevation with Context of Adjacent Home



Figure 3. Roof Deck at Far Ridge with Adjacent Neighbor's Residence (north).



Figure 4. West Yard View. Story poles show bedroom addition.

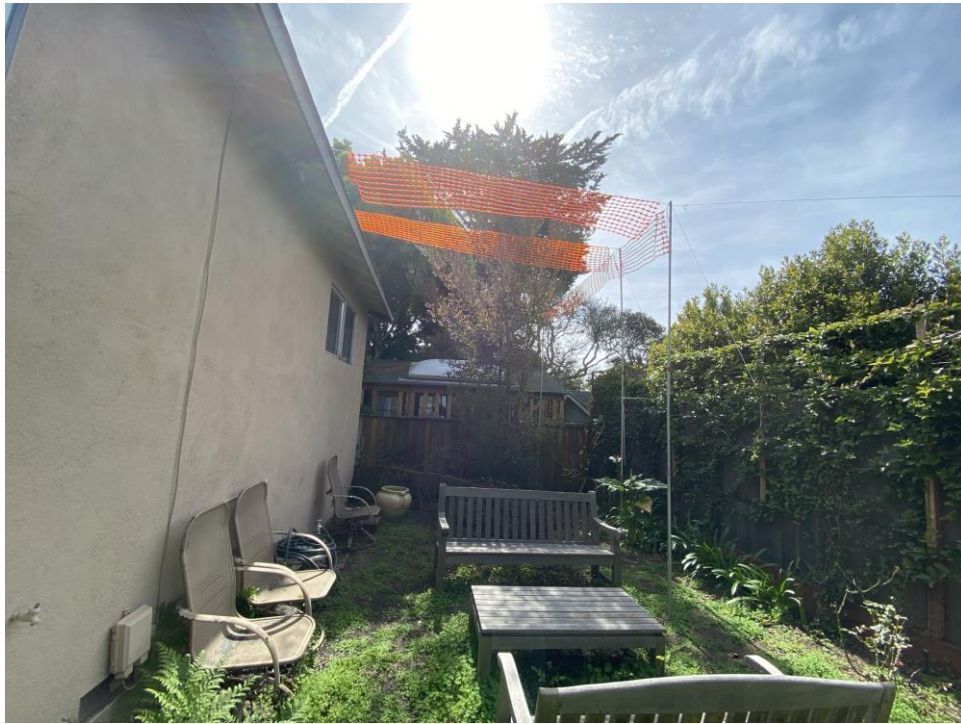


Figure 5. Rear bedroom addition.



Figure 6*. Western neighbor's view of subject property.
*Photo provided by applicant.



Figure 7*. Western neighbor's view of subject property.
*Photo provided by applicant.



Figure 8*. View from roof deck looking toward southern neighbor's property.
*Photo provided by applicant.

DYAR Architecture
PO BOX 4709 – CARMEL-BY-THE-SEA, CA 93921
v: 831.915.5602 f: 831.309.9999 e: erik@dyararchitecture.com

Project Description Memorandum

PROJECT: **Jung Residence Addition and Remodel**
Camino Real (3) SW of 13th
APN: 010-284-003

DATE: **Tuesday, December 22, 2020**

TO: **City of Carmel-by-the-Sea Planning Department**

FROM: **Erik Dyar**

GENERAL PROJECT DESCRIPTION

This project proposes a substantial remodel of Existing 1,358 sf Residence. Conversion of existing attached Garage into an ADU, a new detached Garage, removal of a portion of existing residence on south side to create new courtyard with stairs up to roof deck. New Master Bedroom addition at West side. New Deck at West Side. New Driveway, Fences, Entry Gate/Wall, Landscaping & Walks.

DESIGN CONCEPT

The existing house is rather unattractive and of poor quality. This project proposes a substantial transformation and improvement of the existing home. The new design is based on Mediterranean-style architecture of Southern France and includes barrel-tile roofs and genoise roof eaves, overgrouted stone walls, as well, as integral-color stucco cladding and wood lintels. The design calls for authentic, traditional detailing which will give the home a character and quality far exceeding the existing house. This traditional style will help provide stylistic diversity along this block, as is encouraged in the design guidelines.

The owners appreciate light from multiple directions into their interior spaces and this was very much limited in the existing home. To help accommodate this, the proposed design carves out a section of the South side of the existing building to create a courtyard patio which will allow light into the Kitchen, hallway and Master Bathroom. It also provides a discreet, integrated access to a stairway leading to a roof deck located over the center of the home rather than exposed on the perimeter.

Detached Garage and Cypress Tree

The property is blessed with a healthy large Cypress tree near the street. The existing garage and its driveway were too close to this Cypress and the roots of the tree were pushing up the paving of the existing driveway. The close proximity of the tree to the driveway also risked damage from cars pulling in and pulling out. Previously, the City Forester approved taking down a smaller and less healthy Cypress in the big tree's southern shadow. This allowed for the opportunity to relocate a detached garage on the South side of the large tree. The existing driveway paving can therefore be removed and roots will be able to grow more freely while also keeping cars away. The new garage is clad in stone and in keeping with the style of the main residence.

ROOF DECK:

The owners wanted an outdoor space which can give them more light, air and openness than what is available on grade or on a low deck. During the design process, we first looked at the option of a two-story design with a deck off the upper level space. While a deck off a second story is common virtually to every two-story residence in Carmel, we came to question why we needed to have a large 2-story mass when a reasonable sized and integrated deck above a low one-story house could provide this type of outdoor space.

The residential design guidelines encourage the minimizing of bulk and mass. We feel strongly that keeping a low one-story residence with a roof deck which is well integrated into the overall design is much preferable to having a much taller and more massive, two story home. We note that while the Planning Commission recently denied a roof deck, there is NO prohibition or discouragement of roof decks in the residential design guidelines and there are plenty of examples of roof decks including recent ones in the City. We are happy to provide examples to Staff and Commission. Additionally, it seems clear by establishing an unwritten policy, one not grounded in the design guidelines and ordinances, against roof decks while allowing/encouraging decks off second floors, the City would be incentivizing the construction of two-story homes.

What is, however, discussed in the design guidelines is having building elements integrated into a harmonious whole. One of the problems historically with roof decks is they are often located at the perimeter of buildings with an un-sightly staircase tacked on to the side of the building to reach them. This makes the roof decks a primary, conspicuous design element, can cause privacy issues because they are located on the perimeter closer to property lines, and the staircases often are completely unintegrated with the building elevation.

What is proposed here is very much different. From the street, the roof deck is well setback on the site and completely integrated into the tile roof forms of the home. As discussed above, by carving out a southern patio, we are able to integrate the staircase into the mass of the house form rather than it being tacked on. It should be noted roof decks are common in Mediterranean-style architecture. The deck itself is reasonably sized and is above the **center**

of the house and thus significantly setback from all property lines. The tile roofs extend up to form the guardrails of the deck, so no additional metal or wood needs to extend above the roof forms of the rest of the building, discreetly concealing the deck-- and to a large extent anyone sitting on it. The neighbors to the North have their own 2nd story deck and views into the property to the West are screened by an existing fence with planted wood trellis, as well as an existing tree blocking any view into the adjacent lot. As

ADU:

The project proposes to convert and expand the existing garage area into an accessory dwelling unit. It is attached to the main residence but has a separate entry towards the street. It contains, a full bathroom and Kitchenette..



**Carmel-
by-the-Sea**

Evan Kort <ekort@ci.carmel.ca.us>

Jung's Home Remodel - Carmel-by-the Sea

CAROL BELL [REDACTED]

Thu, Feb 25, 2021 at 8:22 PM

To: ekort@ci.carmel.ca.us

Cc: erik@dyararchitecture.com

To whom it may concern,

We live across the street from Joel and Allison Jung at Camino Real 2 SE of 13th Street. We are in full support of their remodel project and think the plans will produce a wonderful look and improvement to the property and the neighborhood.

Mr. and Mrs. Jung have been exceptional neighbors to us for many years and are very generous, supportive, and helpful to us as if they were part of our family.

We are excited to watch the progress of their remodel and are grateful that they are part of our community and live across the street from us. The project looks wonderful.

Sincerely,

Dr. & Mrs. H. Glenn Bell Jr.

Sent from my iPhone



CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

April 14, 2021
PUBLIC HEARINGS

TO: Chair LePage and Planning Commissioners

SUBMITTED BY: Evan Kort, Associate Planner

APPROVED BY: Brandon Swanson, Community Planning and Building Director

SUBJECT: **DS 20-392 (Camino Real 3 southwest of 13th):** Consideration of a Final Design Study (DS 20-392, Jung) and associated Coastal Development Permit for a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a 240 square foot detached garage in the front setback located on Camino Real 3 southwest of 13th Avenue in the Single-Family Residential (R-1) Zoning District.

CEQA Action: Staff recommends the project be found categorically exempt from CEQA pursuant to Section 15301 (Class 1) – Existing Facilities.

Application: DS 20-392 (Jung)

APN: 010-284-003

Block: DD

Lot: 7

Location: Camino Real 3 southwest 13th

Applicant: Erik Dyar, Architect

Property Owner: Joel and Allison Jung

Executive Summary:

The applicant is requesting approval of a Final Design Study and associated Coastal Development Permit for a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a 240 square foot detached garage in the front setback located on Camino Real 3 southwest of 13th Avenue in the Single-Family Residential (R-1) Zoning District.

Recommendation:

Adopt a Resolution (Attachment 1) approving a Final Design Study and associated Coastal Development Permit for a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a 240 square foot detached garage in the front setback located on Camino Real 3 southwest of 13th Avenue in the Single-Family Residential (R-1) Zoning District, APN: 010-284-003.

Background and Project Description:

The project site is a 4,000 square foot lot located on Camino Real 3 southwest of 13th Avenue. The property contains an existing 1,640 square-foot residence, that includes a 281 square-foot attached garage. The applicant is proposing to demolish 136 square feet of the existing residence to accommodate a 233 square foot addition (net increase of 97 square feet) and the construction of a 240 square foot garage located in the front setback; the existing attached garage would be converted to an attached accessory dwelling unit (ADU) and would be expanded by 51 square feet for a total of 332 square feet. The improvements would result in an increase of 233 square feet of floor area for the site totaling 1,695 square feet for the main residence and parking as well as the addition of a 332 square foot attached ADU.

The residence is proposed to maintain its stucco finish while integrating new stone cladding to the residence. The existing composition shingle roof is proposed to be replaced with a new clay tile roof and all windows (new and existing, to be replaced) will be metal clad wood. The project also proposed the addition of a new 165 square foot roof top deck, and site coverage and landscaping modifications throughout including the inclusion of new flagstone paver walkways, a cobble stone paver driveway, the addition of a rear deck and roof deck, the creation of a southern courtyard, and improvements to an existing northern courtyard.

The project was previously considered at the March 10, 2021 Planning Commission hearing and the Concept Design Study was accepted with the adoption of Resolution 2021-12-PC.

Staff Analysis:

Previous Hearing: The following items were discussed at the March 10, 2021 Planning Commission hearing and listed as draft conditions of approval to address the concerns.

1. Detached Garage. *The applicant shall set the garage back a minimum of 3' from the front property line; the bay window shall be eliminated from the garage to reduce the mass of the garage and maintain the 12' width throughout, and, the plate height of the garage shall be lowered a minimum of 6-inches.*

Staff Analysis: The applicant has setback the garage 3' from the front property line, and has decreased the both the plate and the ridge heights of the garage by 6", as directed by the Planning Commission, and is illustrated by the orange netting (story poles) on-site. The bay window that was required to be eliminated has been maintained as part of the proposal however the projection was reduced from 1 foot to 4 inches and is no longer a concern to staff (refer to Attachment 6, Sheets 1 & 10).

The applicant has proposed an alternative to the direction given by the Planning Commission at the previous hearing. The applicant is proposing an alternative design for the garage that would be setback 1'6" from the front property line with the plate and ridge heights reduced by 14". The applicant's alternative plans have been included as Attachment 5 with a streetscape comparison included as Attachment 4. The alternative garage is illustrated by the blue netting (story poles) on-site.

Staff has prepared a resolution for adoption consistent with the direction given by the Planning Commission at the March 10th hearing for the garage to be setback 3' from the front property line with a 6" reduction for the plate height, although the Planning Commission may consider the applicant's alternative. Special Condition of Approval #30 has been included stating, "the detached garage shall be setback a minimum 3' from the front property line with a plate height not to exceed 10'4 3/8" at the

southwest corner of the garage” to clarify the approved garage location and height, however, should the Commission wish to accept the applicant’s alternative, or otherwise modify the Special Condition relating to the garage design, the Commission should provide direction in their motion accordingly.

2. Entry Arch, Gate, and Lighting. *The archway and gate shall be redesigned to comply with the height standards established in CMC 17.14.030.E, and, the light fixture recessed in the top of the archway is not permitted per CMC 15.36.070.B.2 and shall be removed. Any entry lighting shall be located no more than 18” above the ground and shall not be located or directed toward the public right of way.*

Staff Analysis: The applicant has eliminated the archway and revised the gate from a 6’8” door to a 4’ tall iron entry gate (refer to Attachment 6, Sheet 11). The location of the light fixture has been addressed by the removal of the archway with no light fixtures proposed to be on, or located outside of the wall. Staff is supportive of the revised wall and gate design.

3. Additional Project Changes: Following the Concept Hearing, the neighbor to the west reached out to Staff regarding continued privacy concerns relating to the proposed roof deck. Staff visited the neighbor’s property and noted a portion of the story poles outlining the area of the roof deck are visible from the neighbor’s living room and kitchen (refer to Attachment 6, Figures 4 & 5).

Although the applicant stated landscape screening would be provided at the Concept Hearing, the concept plans failed to identify the species or location of the proposed landscape screening. The applicant has revised the site plan, line of sight diagram, and landscape plan to reflect landscape screening proposed between the subject property and the property immediately to the west (refer to Attachment 6, Sheets 1, 16, 17). The applicant has proposed the inclusion of a 24” box Podocarpus gracilior to be planted near the rear property line to screen the northwest corner of the proposed roof deck from the western neighbor’s living room and kitchen. Special Condition of Approval #31 has been included stating “the 24” box Podocarpus gracilior shall be planted prior to final inspection.”

In addition to the inclusion of the landscape screening, the applicant has also removed the interaccessability between the attached ADU and the main residence. The plans presented at the Concept Hearing showed an interior connection between the attached ADU and the residence, however, said passageway has been removed and the ADU can now only be accessed via the exterior entrance of the ADU with no internal connection between the main residence and the ADU (refer to Attachment 6, Sheet 4).

Finish Details: The proposed finish materials are consistent with the Residential Design Guidelines. Residential Design Guideline 9.5 encourages the use of natural building materials including painted wood clapboard, stained or painted board and batten siding and shingles, although stucco may be considered when used in conjunction with natural building materials. Additionally, Residential Design Guideline 9.8 encourages roof material that is consistent with the architectural style of the building and Residential Design Guideline 9.11 encourages window styles and materials to be consistent with the architecture of the building and be uniform throughout.

The residence is proposed to maintain its stucco finish while integrating a new limestone veneer to the residence. The stucco is proposed to be painted an off-white color, although the manufacture’s information regarding the color has not been provided. The existing composition shingle roof is proposed to be replaced with a new clay tile roof and all exterior windows and doors (new and existing, to be replaced) will be black metal clad wood. A color and material page has been included on Sheet 13 (refer to Attachment 6).

The applicant is proposing 4 styles of light fixtures: a wall sconce, a recessed light fixture, and two styles of pathway, stair, and landing lights (refer to Attachment 6, Sheet 18); the proposed locations are identified on the landscape plan (Attachment 6, Sheet 17). All four fixtures meet the lighting output requirements prescribed in standard Condition of Approval #11, with 3 of the 4 fixtures meeting the Design Guideline that light fixtures shall be shielded and downlit. The style of the wall sconce does not meet the residential design guidelines, however, the fixture is proposed to be retrofitted to have a LED light source recessed within the top of the fixture (refer to Attachment 6, Sheet 18). Special Condition of Approval #32 has been included stating “the wall sconce shall be retrofitted to ensure the light source is recessed within the top of the fixture in accordance with the detail description of Sheet 18 of the approved plans.”

Landscaping/Site Coverage: A landscape plan has been included on Sheet 17 of the project plans. In addition to the proposed landscaping, site coverage improvements are proposed throughout including the addition of new flagstone paver walkways, a cobble stone paver driveway, the addition of a rear deck, the creation of a southern courtyard, and improvements to an existing northern courtyard. As a result of the garage being setback 3’ from the property line, the area of the cobble stone paver driveway has increased in square footage but the increase has not been reflected on the project data table. Special Condition of Approval #33 has been included stating “the project plans shall be revised to include the portions of the driveway located on private property in the site coverage calculation.”

A new 6’ tall grapestake wood fence is proposed for the two interior side property lines with those portions of the fence within the front property line being limited to 4’ tall; a 3’ tall stone wall is proposed to be located along the front property line north of the Cypress Tree.

Other Project Components:

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 15301 (Class 1) – Existing Facilities. Class 1 exemptions include, alterations to existing private structures involving negligible or no expansion of the existing or former use such as additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area or 2,500 square feet, whichever is less. The project consists of interior and exterior alterations and additions to an existing single-family residence and the addition of an attached ADU. The 387 square-foot net increase in floor area (including the ADU) for the site represents a 23.5% increase in floor area of the existing site. The project does not change the existing or former use of the property as a single-family residence and 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.

Attachment 1 - Resolution

Attachment 2 - Data Table

Attachment 3 - Site Photographs

Attachment 4 - Applicant's Streetscape Comparison

Attachment 5 - Applicant's Alternative Proposal

Attachment 6 - Project Plans

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION**

PLANNING COMMISSION RESOLUTION NO. 2021-16-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A FINAL DESIGN STUDY AND ASSOCIATED COASTAL DEVELOPMENT PERMIT FOR A 233 SQUARE FOOT ADDITION TO AN EXISTING ONE-STORY, 1,640 SQUARE FOOT SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A 240 SQUARE FOOT DETACHED GARAGE IN THE FRONT SETBACK LOCATED ON CAMINO REAL 3 SOUTHWEST OF 13TH AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, APN: 010-284-003.

WHEREAS, Erik Dyar ("Applicant") submitted an application requesting approval of a Design Study and associated Coastal Development Permit (DS 20-392, Jung) described herein as ("Application"); and

WHEREAS, the Application has been submitted for the property located on Camino Real 3 southwest 13th in the Single-Family Residential Zoning District; and

WHEREAS, the Applicant is proposing a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage in the front setback; and

WHEREAS, a Coastal Development Permit is also required in accordance with CMC 17.52.090 (Coastal Development Permit Required); 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 project is categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15301 (Class 1) – Existing Facilities. Class 1 exemptions include, alterations to existing private structures involving negligible or no expansion of the existing or former use such as additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the existing floor area or 2,500 square feet, whichever is less. The project consists of interior and exterior alterations and additions to an existing single-family residence and the addition of an attached ADU. The 387 square-foot net increase in floor area (including the ADU) for the site represents a 23.5% increase in floor area of the existing site. The project does not change the existing or former use of the property as a single-family residence and 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.; and

WHEREAS, notice of the public hearing was published in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on March 10, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Concept Design Study, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the conceptual design of the project; and

WHEREAS, the Planning Commission adopted Resolution 2021-012-PC, accepting the Concept Design Study with recommendations/draft conditions; and

WHEREAS, on April 14, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Final Design Study, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the conceptual design of the project; and

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

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

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

NOW THEREFORE, BE IT RESOLVED, that the 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 (CMC 17.64.80 and LUP Policy P1-45)		
For each of the required design study findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
Municipal Code 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 protection and enhancement of 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 a 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.	✓	
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 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.	✓	
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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:

COASTAL DEVELOPMENT FINDINGS (CMC 17.64.010.B.1):	YES	NO
1. Local Coastal Program Consistency: The project conforms to the certified Local Coastal Program of the City of Carmel-by-the Sea.	✓	
2. Public access policy consistency: The project is not located between the first public road and the sea, and therefore, no review is required for potential public access.	✓	

BE IT FURTHER RESOLVED that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE the Design Study (DS 20-392, Jung) and associated Coastal Development Permit for a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage in the front setback located on Camino Real 3 southwest 13th in the single-family residential (R-1) zoning district, (APN: 010-284-003), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	Authorization. This approval of Design Study (DS 20-392) and associated Coastal Development Permit authorizes a 233 square foot addition to an existing one-story, 1,640 square foot single-family residence and the construction of a new 240 square foot detached garage in the front setback as depicted in the plans prepared by Erik Dyar as presented to the Planning Commission on April 14, 2021, unless modified by the conditions of approval contained herein.	✓
2.	Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning 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 at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.	✓
3.	Permit Validity. This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
4.	Landscape Plan. All new landscaping shall be shown on a landscape plan and shall be included in the construction plans submitted to the Building Division.	✓

	The landscape plan shall be reviewed and approved by the Monterey Peninsula Water Management District, City Forester and Planning Division <u>prior to the issuance of a building permit.</u> The landscape plan shall include both on-site landscaping and any landscaping proposed in the public right-of-way. The landscape plan shall comply with the landscaping standards contained in the Zoning Code, including the following requirements: 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. The landscape plan shall show where new trees will be planted when required by the Forest and Beach Commission or the Planning Commission.	
5.	Tree Removal. Trees on the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission, as appropriate; all remaining trees shall be protected during construction by methods approved by the City Forester.	✓
6.	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. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.	✓
7.	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 not available for this site, this permit will be scheduled for reconsideration and appropriate findings prepared for review and adoption by the Planning Commission.	✓
8.	Modifications. The applicant shall submit in writing to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating changes. If the applicant changes the project without first obtaining City approval, the applicant will be required to either: a) submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓

9.	Setback and Height Certifications. A State licensed surveyor shall survey and certify the following in writing: • The footing locations for conformance with the approved plans prior to footing/foundation inspection; • The roof height for conformance with the approved plans prior to roof sheathing inspection. Written certifications prepared, sealed and signed by the surveyor shall be provided to the building inspector at the time of the specified inspections.	✓
10.	Service Laterals. 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 when the City Forester determines that undergrounding will damage or destroy significant trees(s) (CMC 15.36.020).	✓
11.	Exterior Lighting. Exterior lighting shall be limited to 25 watts or less (incandescent equivalent, i.e., 375 lumens) per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall not exceed 18 inches above the ground nor more than 15 watts (incandescent equivalent, i.e. 225 lumens) per fixture and shall be spaced no closer than 10 feet apart. Landscape lighting shall not be used for tree, wall, fence or accent lighting of any type. The purpose of landscape lighting is to safely illuminate walkways and entrances to the subject property. All fixtures shall be shielded and down facing. The manufacturer's specifications, including illumination information, for each exterior light fixture shall be included in the construction drawings submitted with the building permit application.	✓
12.	Skylights. All skylights shall use non-reflective glass to minimize the amount of light and glare visible from adjoining properties. The applicant shall install skylights with flashing that matches the roof color, or shall paint the skylight flashing to match the roof color. Skylight shades shall be installed in each skylight to reduce visible light transmission during the hours of darkness. The manufacturer's specifications for the skylights and skylight shades shall be included in the construction drawings submitted with the building permit application.	N/A
13.	Stone Facades (including chimneys). Stone facades shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted. All stonework shall be wrapped around building corners and terminated at an inside corner or a logical stopping point that provides a finished appearance. Termination of stonework shall be subject to review and approval by the Community Planning & Building Director or his/her designee. The masonry pattern shall be clearly identified in the construction drawings submitted with the building permit application.	✓

14.	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 proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall 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 the resolution of all such actions by the parties hereto.	✓
15.	Driveway. The driveway material shall extend beyond the property line into the public right of way as needed 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. The driveway material and asphalt connection shall be clearly identified on the construction drawings submitted with the building permit application. If a driveway is proposed to be sand set a dimensioned construction detail showing the base material shall be included in the construction drawings.	✓
16.	Volume Study. This project is subject to a volume study.	✓
17.	Hazardous Materials Waste Survey. A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
18.	Cultural Resources. All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the applicant shall notify the Community Planning and 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 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 excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.	✓
19.	Truck Haul Route. Prior to Building Permit issuance, the applicant shall provide for City (Community Planning and Building Director in consultation with the Public Services and Public Safety Departments) review and approval, a truck-haul route and any necessary temporary 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. All conditions of approval for the Planning permit(s) shall be printed on a full-size sheet and included with the construction plan set submitted to the Building Safety Division.	✓
ENVIRONMENTAL COMPLIANCE CONDITIONS		
22.	Drainage Plan. Provide 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 into one corner of the property, infiltration features must be sized appropriately and must be located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-pervious areas.	✓
23.	BMP Tracking Form. A completed BMP Tracking form will need to be submitted with the Building Permit Application.	✓
24.	Semi-Permeable Surfaces. Provide cross-section details for semi-permeable surfaces.	✓
25.	Erosion and Sediment Control Plan. Provide an erosion and sediment control plan that includes locations and installation details for erosion and sediment control BMPs, material staging areas, and stabilized access with Building Permit application.	✓
SPECIAL CONDITIONS		
26.	Excavation. An airspade shall be used for all excavation within the structural root zone of the Cypress Tree.	✓
27.	Forester Supervision. The City Forester shall be onsite for excavation of the proposed garage foundation to ensure protection of the Cypress tree. The forester may determine bridged footing or other foundational treatments may be necessary for the garage to be incorporated into the building permit application to protect tree roots unearthed during excavation.	✓
28.	Tree Planting. One upper canopy tree and one lower canopy tree shall be planted on site. The species of the trees shall be approved by the City Forester.	✓
29.	Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on 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 to include 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. 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 fencing. • The Structural Root Zone -- 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 pneumatic excavator, hydrovac at low pressure, or other 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.	
30.	Detached Garage. The detached garage shall be setback a minimum 3' from the front property line with a plate height not to exceed 10'4 3/8" at the southwest corner of the garage. The height and location of the detached garage shall be consistent with the height and location as shown on the "applicant's alternative proposal" included as Attachment #5 to the associated staff report.	✓
31.	Landscape Screening. The 24" box Podocarpus gracilior shall be planted prior to final inspection.	✓
32.	Wall Sconce. The wall sconce shall be retrofitted to have the light source is recessed within the top of the fixture in accordance with the detail description of Sheet 18 of the approved plans.	✓
33.	Site Coverage. The project plans shall be revised to include the portions of the driveway located on private property in the site coverage calculation	✓

34.	<u>Interaccessability. The primary single family residence shall not be interaccessable to the ADU; the ADU can only be accessed from the exterior and shall not be accessed from the interior of the single family dwelling. The ADU shall only have access from the exterior of the ADU.</u>	<u>✓</u>
-----	---	----------

*Acknowledgement and acceptance of conditions of approval.

Property Owner Signature

Printed Name

Date

Once signed, please return to the Community Planning and Building Department

PASSED, APPROVED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 14th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Margi Perotti
Planning Commission Secretary

PROJECT DATA FOR A 4,000 SQUARE-FOOT SITE			
Site Considerations	Allowed	Existing	Proposed
Floor Area	1,800 SF (45%)	1,640 SF	1,695 SF (SFR + garage only)*
Site Coverage	396 SF/556 SF	820 SF	554 SF***
Trees (Upper/Lower)	3/1	1/0	2/1
Ridge Height (1 st /2 nd)	18'/24'	16'6"	17'8"
Plate Height (1 st /2 nd)	12'/18'	12'4"	12'4"
Setbacks	Minimum Required	Existing	Proposed
Front	15'	15'	15'
Composite Side Yard	10' (25%)	7'11"	7'11"
Minimum Side Yard	3'	2'4"	2'4"
Rear	15'/3'***	16'8"	3'***

* Excludes ADU

** The rear setback is three feet for those portions of structures less than 15 feet in height.

*** May be altered as part of building permit review; refer to Special Condition of Approval #33.



Figure 1. Garage story poles. Project proposal shown in orange with Applicant's proposed alternative shown in blue.



Figure 2. Garage story poles. Project proposal shown in orange with Applicant's proposed alternative shown in blue.



Figure 3. Garage story poles. Project proposal shown in orange with Applicant's proposed alternative shown in blue.



Figure 4. Northwest corner of roof deck (area immediately left of trees) visible from neighbor's living room/kitchen.



Figure 5. Northwest corner of roof deck (area immediately left of trees) visible from neighbor's living room/kitchen.



Figure 1. Northwest corner of roof deck (area immediately left of trees) visible from neighbor's living room/kitchen.



Figure 2. Northwest corner of roof deck (area immediately left of trees) visible from neighbor's living room/kitchen.



0' 4' 8'

PROPOSED SITE PLAN

Scale: 1/4" = 1'-0"

PROJECT DATA

PROPERTY OWNER:	JOEL & ALLISON JUNG 2 HARRAN CIRCLE ORINDA, CA 94563	EXISTING LOT AREA:	= 4,000 sq. ft.
ARCHITECT/ APPLICANT:	DYAR ARCHITECTURE P.O. BOX 4799 CARMEL, CA 93921 CONTACT: ERIK DYAR PH: 831-915-5602	BASE FLOOR AREA:	= 1,800 sq. ft.
PROJECT ADDRESS:	3 SW OF 13th AVE. ON CAMINO REAL CARMEL-BY-THE-SEA, CA. 93921	Proposed Site Coverage	
APN:	010-284-003	Existing Floor Area	
BLOCK / LOT:	DD / 7	Proposed Floor Area	
ZONING:	R-1	Existing Floor Area	
PROJECT CODE COMPLIANCE:	2019 CBC, CRC, CPC, CEC, CMC, CFC, CALIFORNIA ENERGY CODE & CALIFORNIA GREEN BUILDING CODE	Proposed Floor Area	
OCCUPANCY GROUP:	R-3	Existing Floor Area	
CONSTRUCTION TYPE:	VB	Proposed Floor Area	
TOPOGRAPHY:	SLOPING TO WEST	Existing Floor Area	
MAX BUILDING HEIGHT:	1-STORY PLATE: 12 FT. ROOF: 18 FT.	Proposed Floor Area	
TREE REMOVAL:	NONE	Existing Floor Area	
GRADING:	CUT: 1 CY FILL: 27 CY	Proposed Floor Area	

PROJECT DESCRIPTION

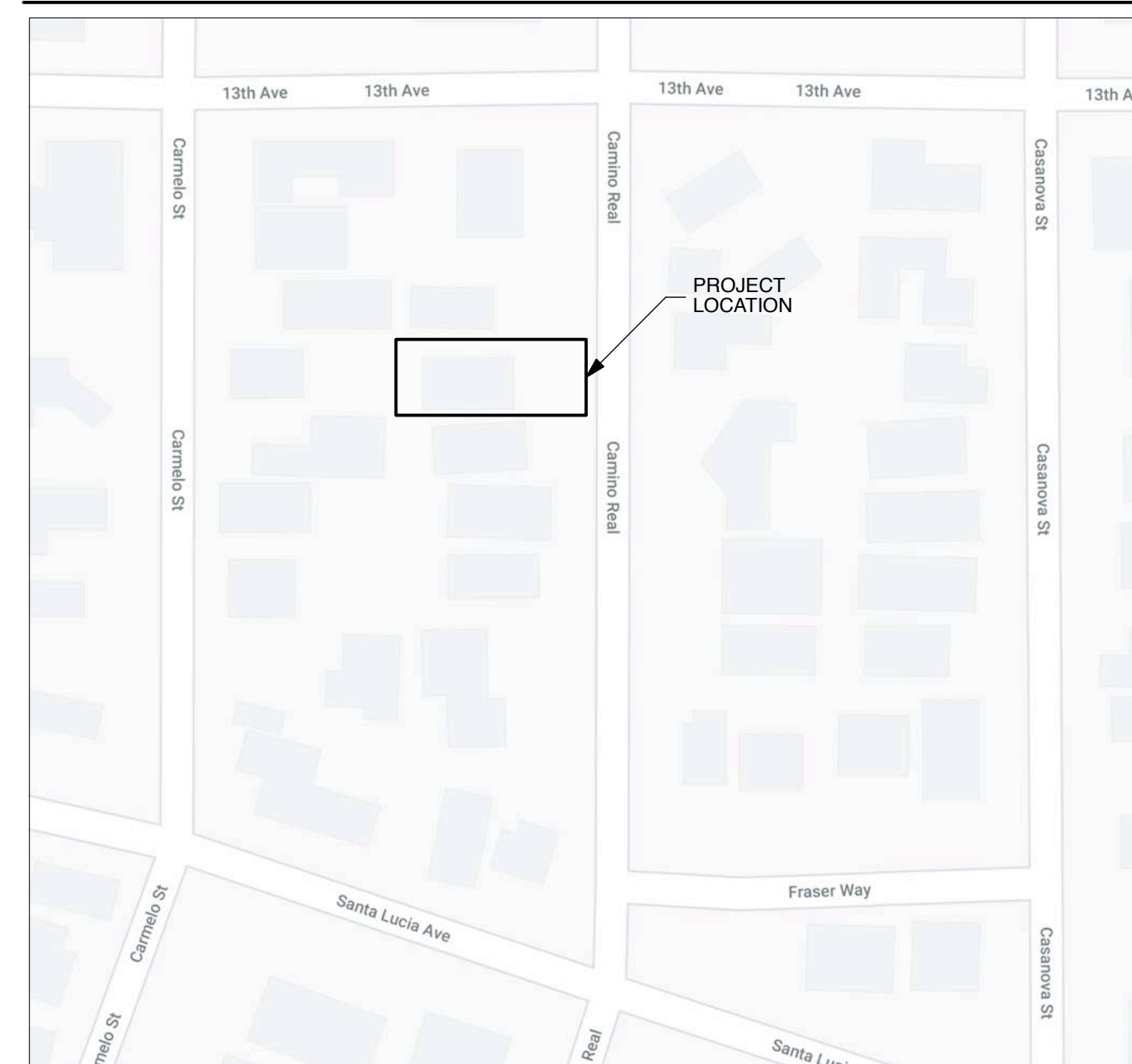
REMODEL EXISTING 1,358 SF RESIDENCE & 281 SF ATTACHED GARAGE WHICH INCLUDES:

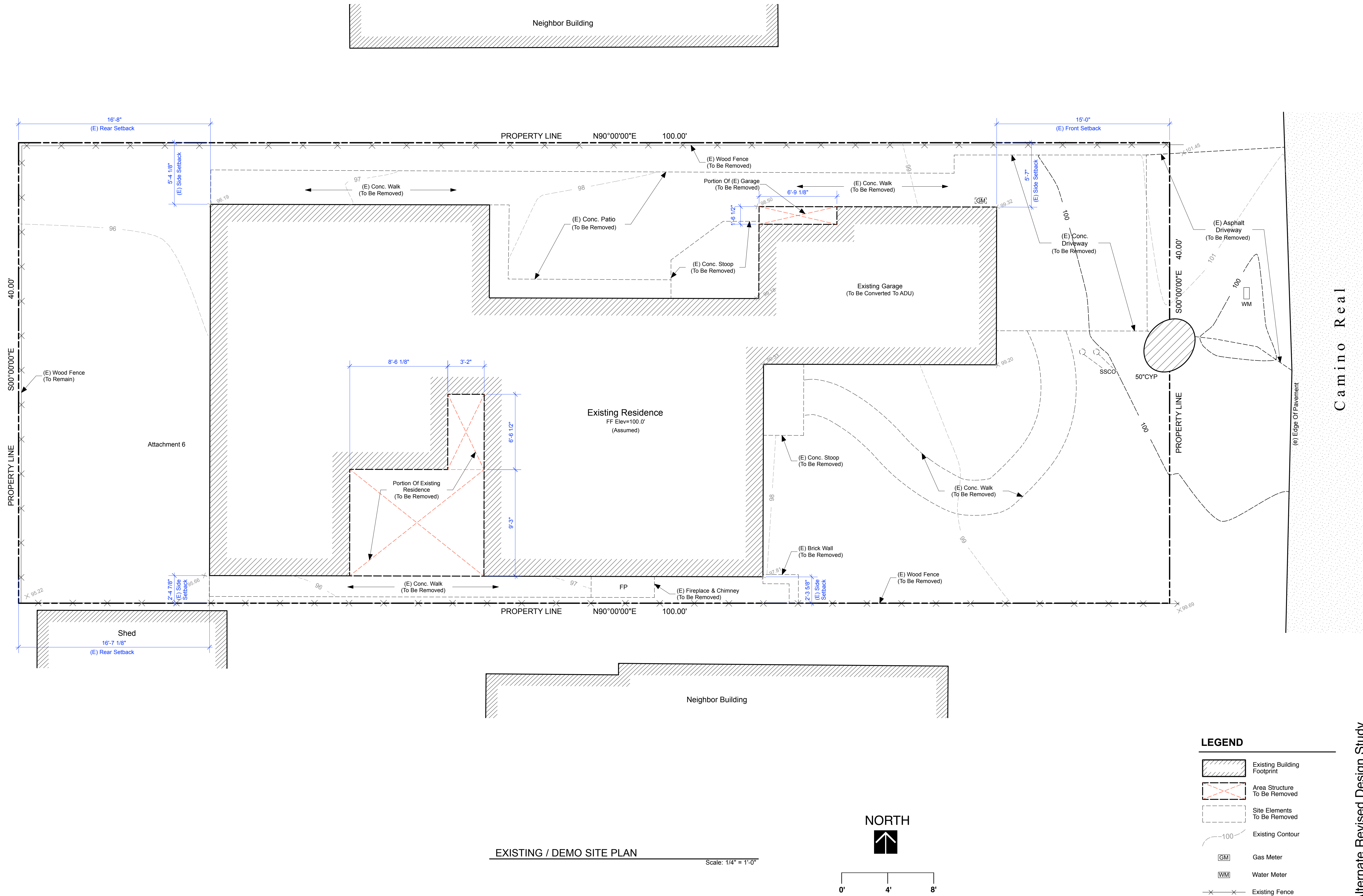
- CONVERSION OF EXISTING ATTACHED GARAGE INTO A NEW 331.2 SF ACCESSORY DWELLING UNIT.
- NEW 240 SF DETACHED GARAGE.
- NEW 77 SF ADDITION TO EAST SIDE OF RESIDENCE TO CREATE A DINING ROOF NOOK & FOYER.
- NEW 24.8 SF FIREPLACE/CHIMNEY & FIREPIT ADDITION AT NORTH SIDE OF RESIDENCE.
- REMOVAL OF 128.6 SF OF EXISTING RESIDENCE TO CREATE A NEW COURTYARD AT SOUTH SIDE.
- NEW 165 SF ROOF DECK.
- NEW 155 SF ADDITION AT WEST SIDE OF RESIDENCE TO CREATE MASTER BEDROOM, WITH 17.5 SF ORIEL WINDOW.
- NEW 150 SF DECK AT WEST SIDE OF RESIDENCE WITH WOOD STAIRS.
- REMOVE EXISTING ASPHALT DRIVEWAY AND CREATE NEW 10'-0" WIDE PAVER DRIVEWAY AT NEW GARAGE LOCATION.
- NEW 4'-0" TALL STONE WALL & ENTRY GATE AT FRONT PROPERTY LINE WITH DECOMPOSED GRANITE WALKWAY TO STREET.
- NEW 6'-0" TALL WOOD FENCES AT NORTH & SOUTH PROPERTY LINES. (4'-0" TALL IN FRONT SETBACK.)
- NEW 6'-0" TALL STONE PRIVACY WALL AT NORTH PROPERTY LINE.
- NEW LANDSCAPING.

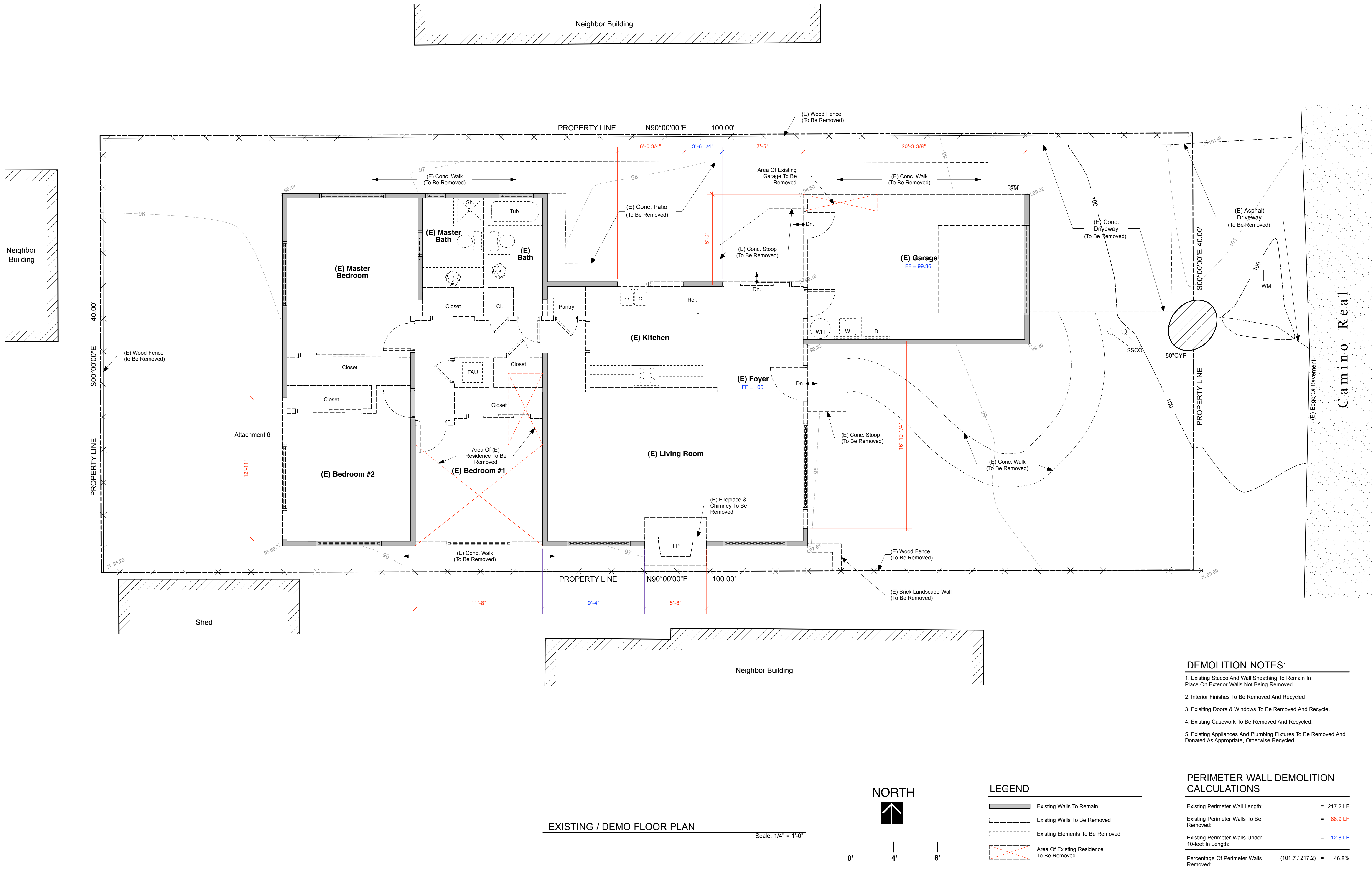
LEGEND

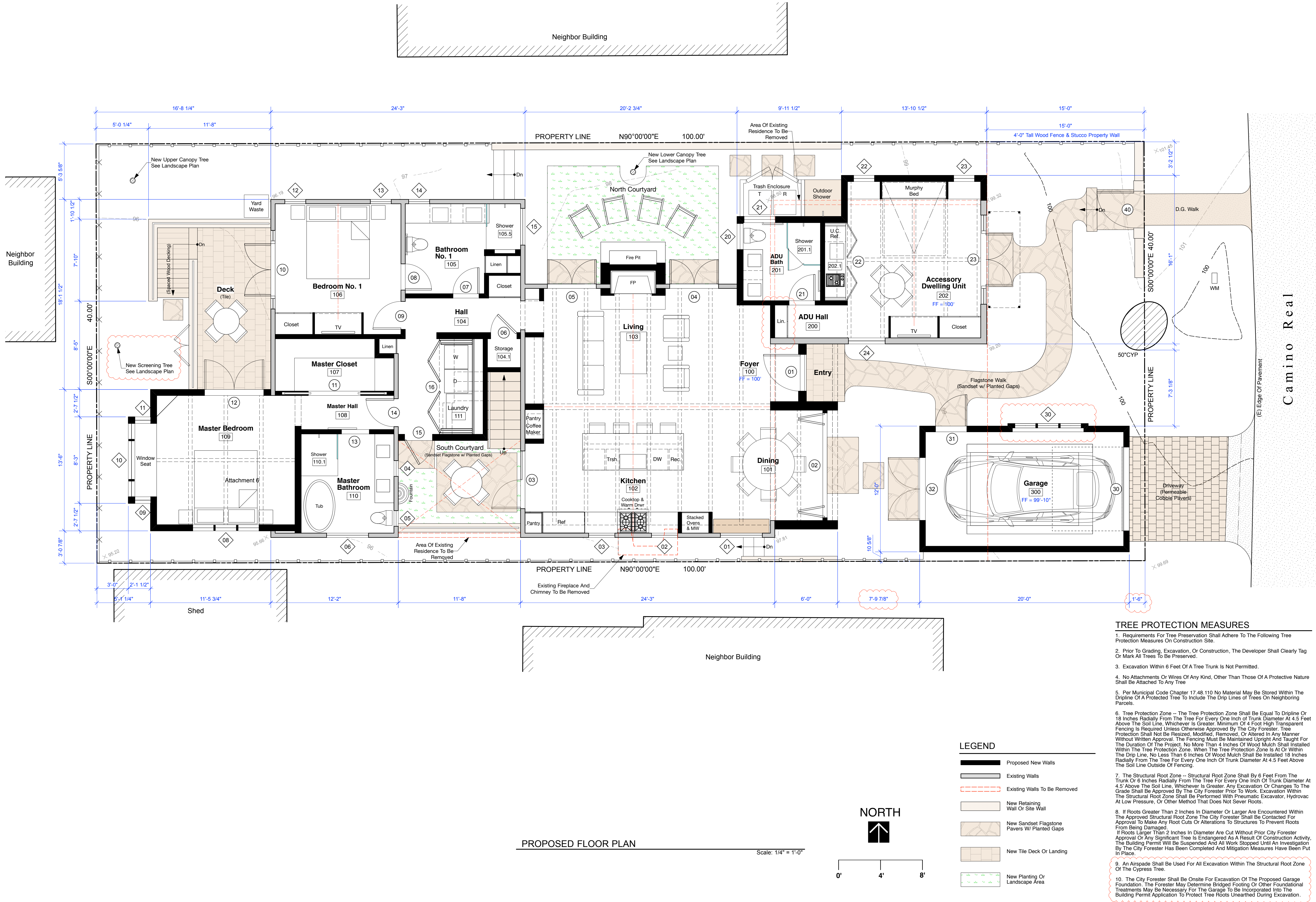
	BUILDING FOOTPRINT
	AREA OF NEW STRUCTURE OR ADDITION
	AREA OF EXISTING STRUCTURE
	ORIEL WINDOW
	NEW RETAINING WALL OR SITE WALL
	NEW SANDSET FLAGSTONE PAVERS W/ PLANTED GAPS
	NEW TILE DECK OR LANDING (TERRA COTTA OR SALTILLO)
	NEW PLANTING OR LANDSCAPE AREA
	EXISTING CONTOUR
	PROPOSED CONTOUR
	GAS METER
	WATER METER
	EXISTING FENCE
	NEW FENCE

VICINITY MAP









- TREE PROTECTION MEASURES**
- Requirements For Tree Preservation Shall Adhere To The Following Tree Protection Measures On 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 Drip Line Of A Protected Tree To Include The Drip Lines Of Trees On Neighboring Parcels.
 - Tree Protection Zone -- The Tree Protection Zone Shall Be Equal To Drip Line 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. 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 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 Fencing.
 - The Structural Root Zone -- 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 Feet 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 Pneumatic Excavator, Hydrovac At Low Pressure, Or Other 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.
 - An Airspade Shall Be Used For All Excavation Within The Structural Root Zone Of The Cypress Tree.
 - The City Forester Shall Be Onsite For Excavation Of The Proposed Garage Foundation. The Forester May Determine Bridged Footing Or Other Foundational Treatments May Be Necessary For The Garage To Be Incorporated Into The Building Permit Application To Protect Tree Roots Unearthed During Excavation.

D
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Owners:
Joel & Allison
Jung

JUNG RESIDENCE
REMODEL

3 SW of 13th Ave. on Camino Real
Carmel-by-the-Sea, California 93921
APN: 010-284-003

Job No.

20-01

Date:

- December 18, 2020
Design Review Submittal
- February 17, 2021
Planning Department
Revisions
- March 23, 2021
Alternate Revised Design
Study

Proposed
Floor Plan

1/4" = 1'-0"

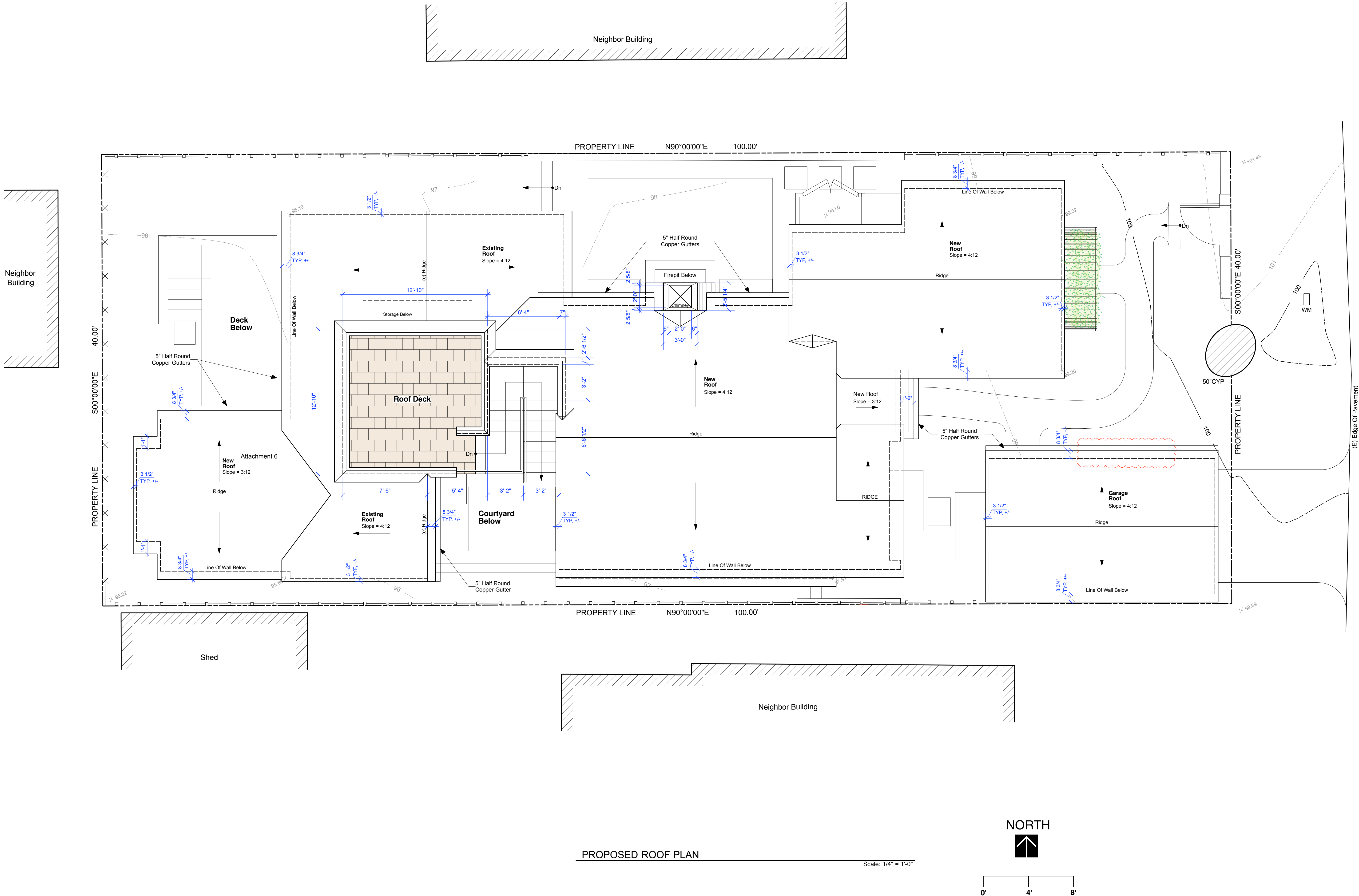
LICENSED ARCHITECT

ERIK D. DYAR
No. 28518
Expires
February 2023
STATE OF CALIFORNIA

Sheet No.

4

Alternate Revised Design Study



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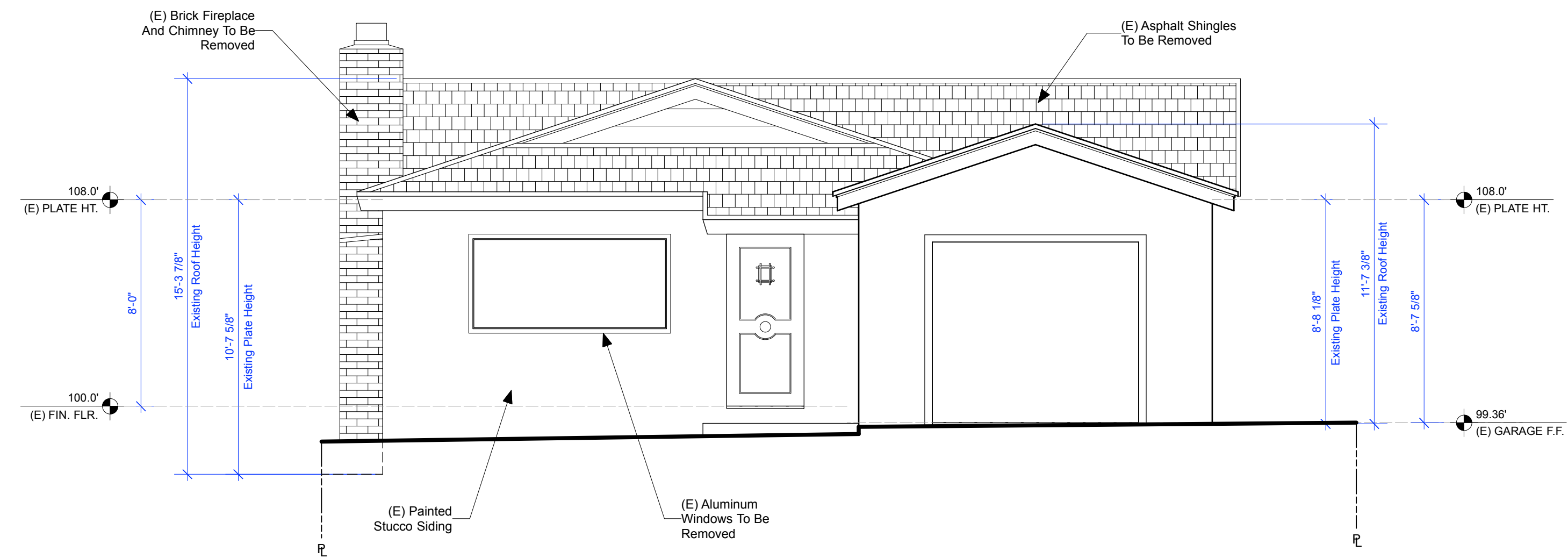
Proposed
Roof Plan

1/4" = 1'-0"

LICENSED ARCHITECT
ERIK D. DYAR
No. 28518
Expires
February 2023
STATE OF CALIFORNIA

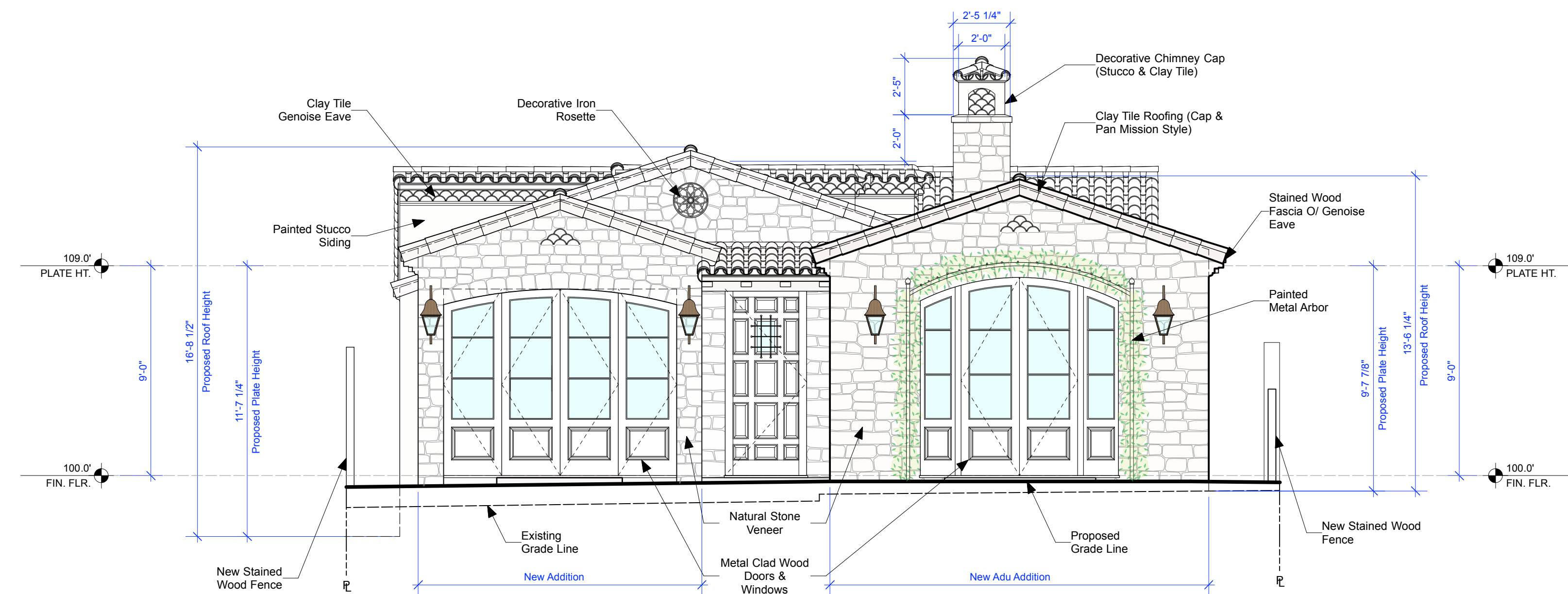
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Alternate Revised Design Study



Existing East Elevation

Scale: 1/4"= 1'-0"



Proposed East Elevation

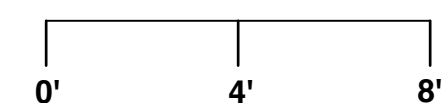
Scale: 1/4"= 1'-0"



Combined East Elevation

Scale: 1/4"= 1'-0"

Attachment 6



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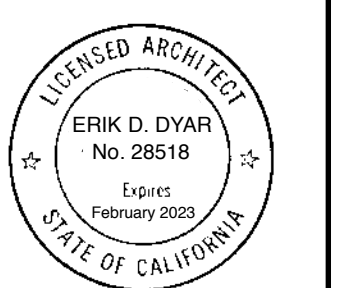
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**East
Elevations**

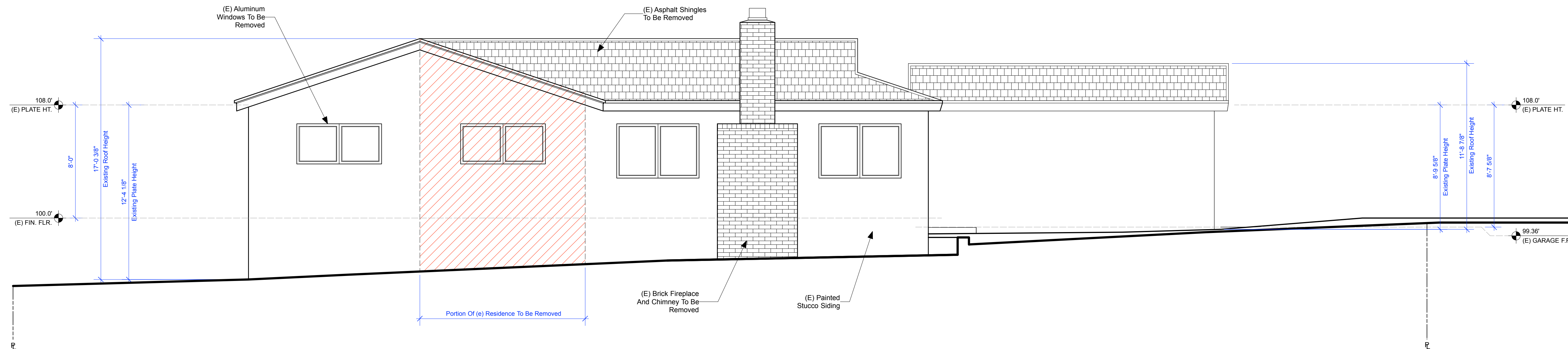
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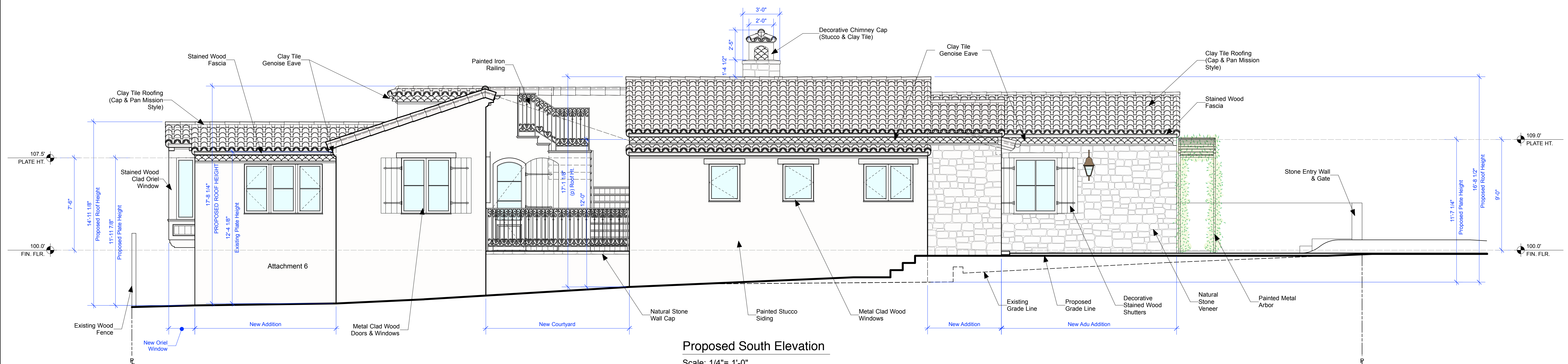
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Alternate Revised Design Study



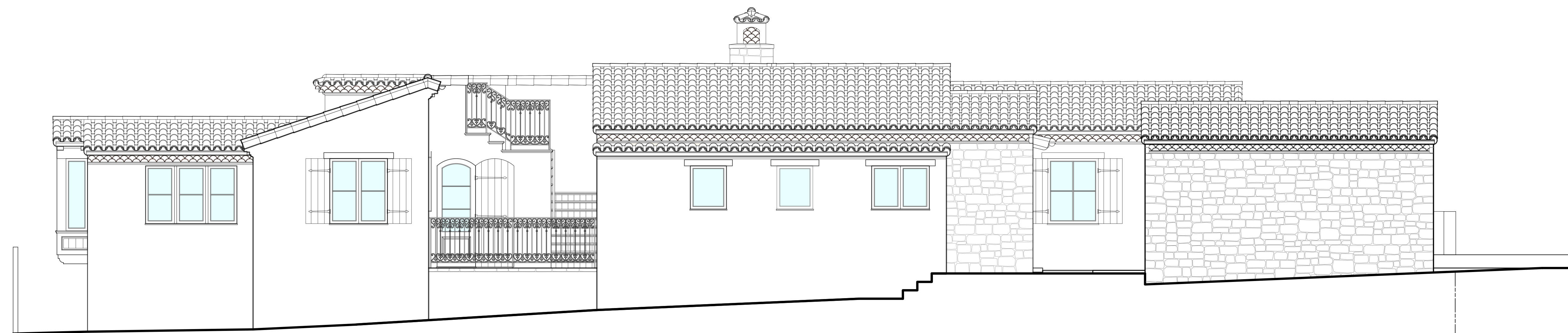
Existing South Elevation

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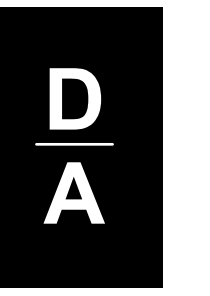
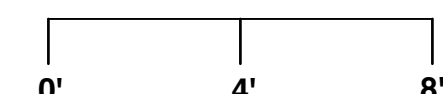
Proposed South Elevation

Scale: 1/4"= 1'-0"



Combined South Elevation

Scale: 1/4"= 1'-0"



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**South
Elevations**

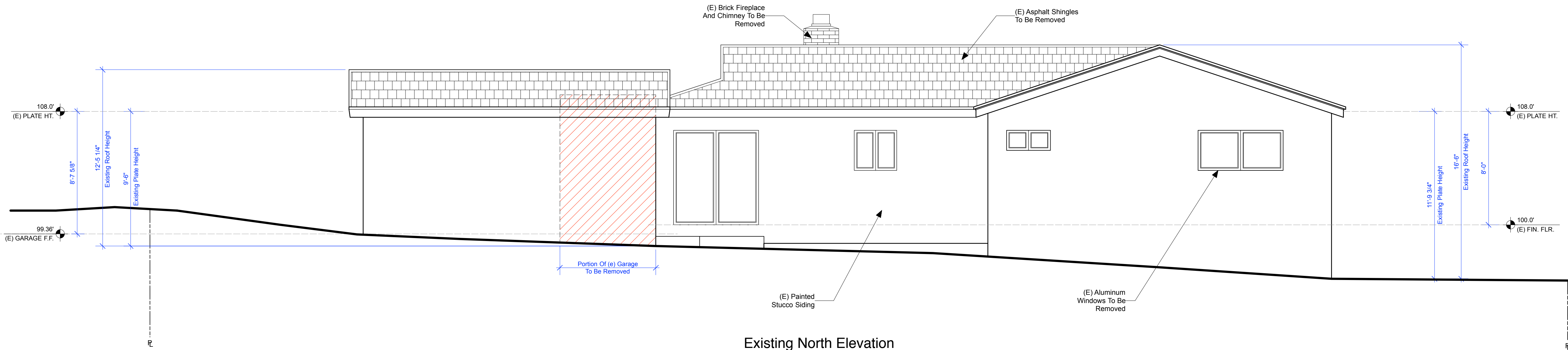
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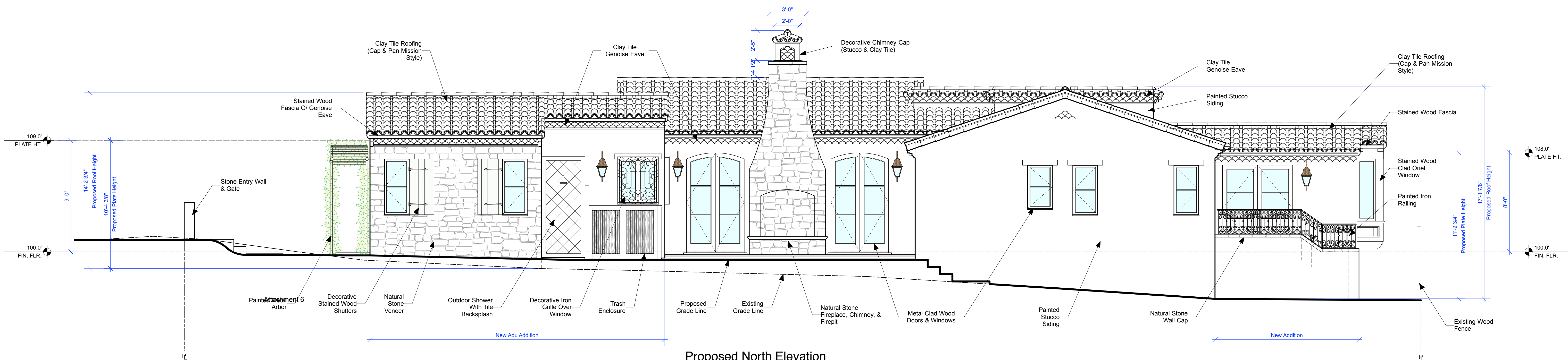
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Alternate Revised Design Study



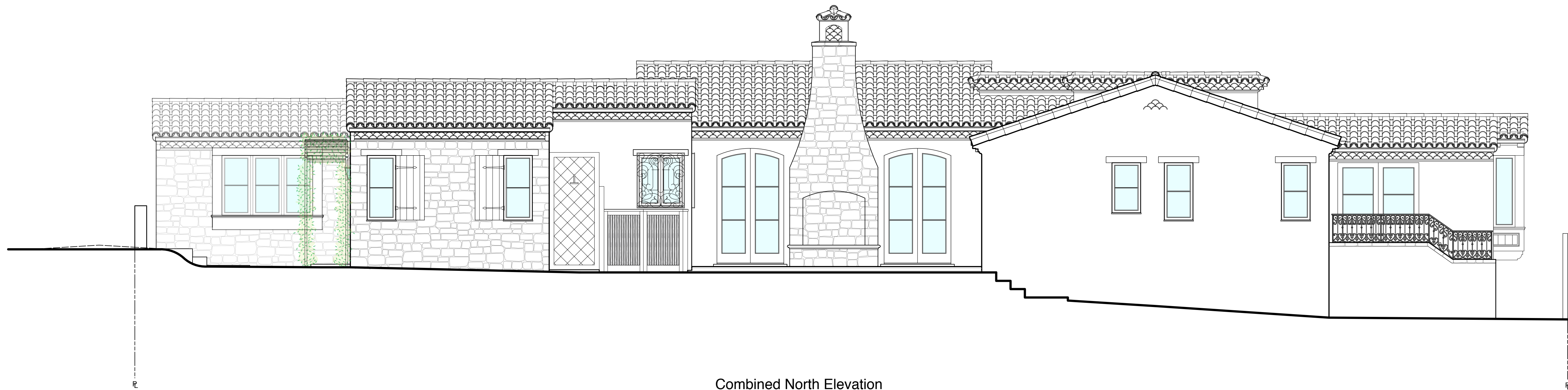
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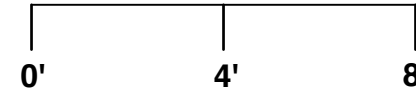
Proposed North Elevation

Scale: 1/4"= 1'-0"



Combined North Elevation

Scale: 1/4"= 1'-0"



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**North
Elevations**

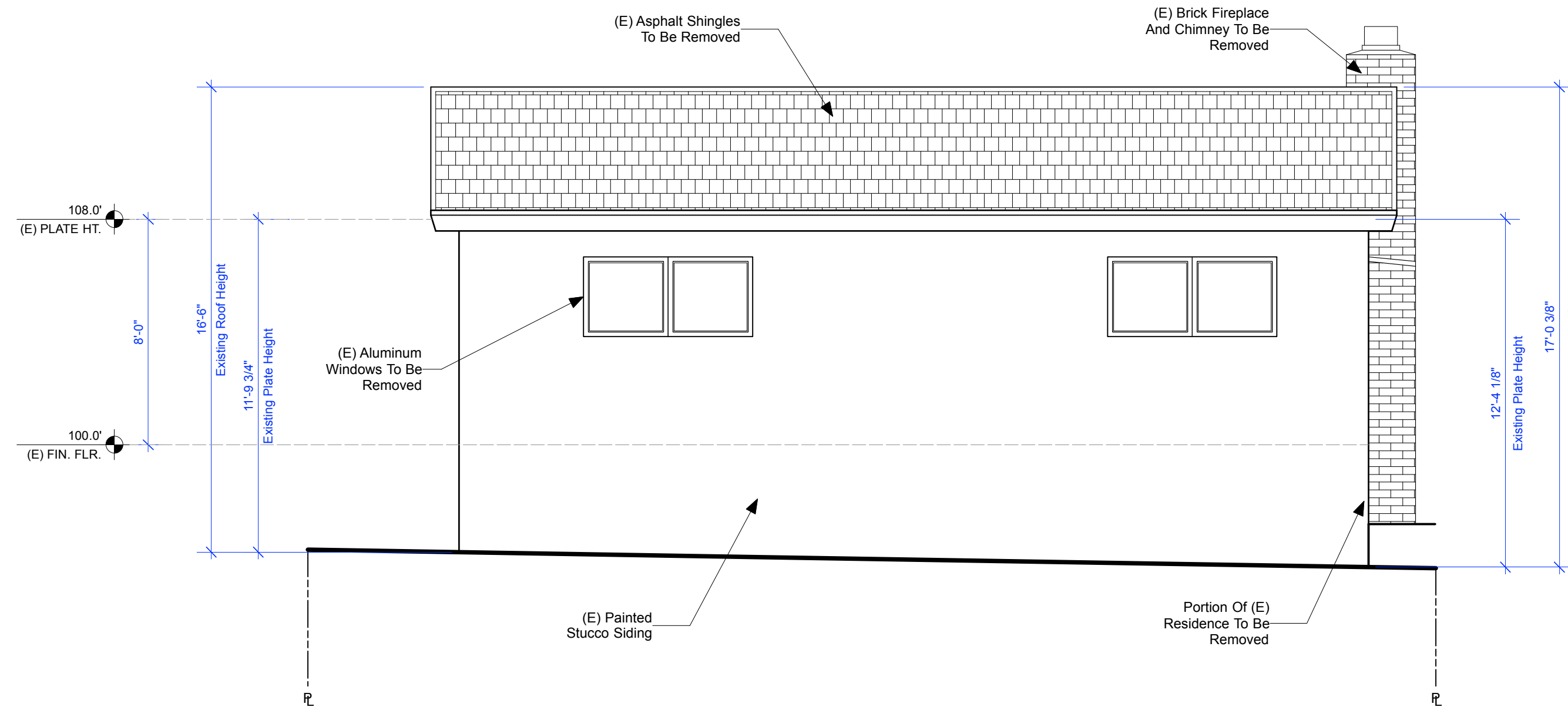
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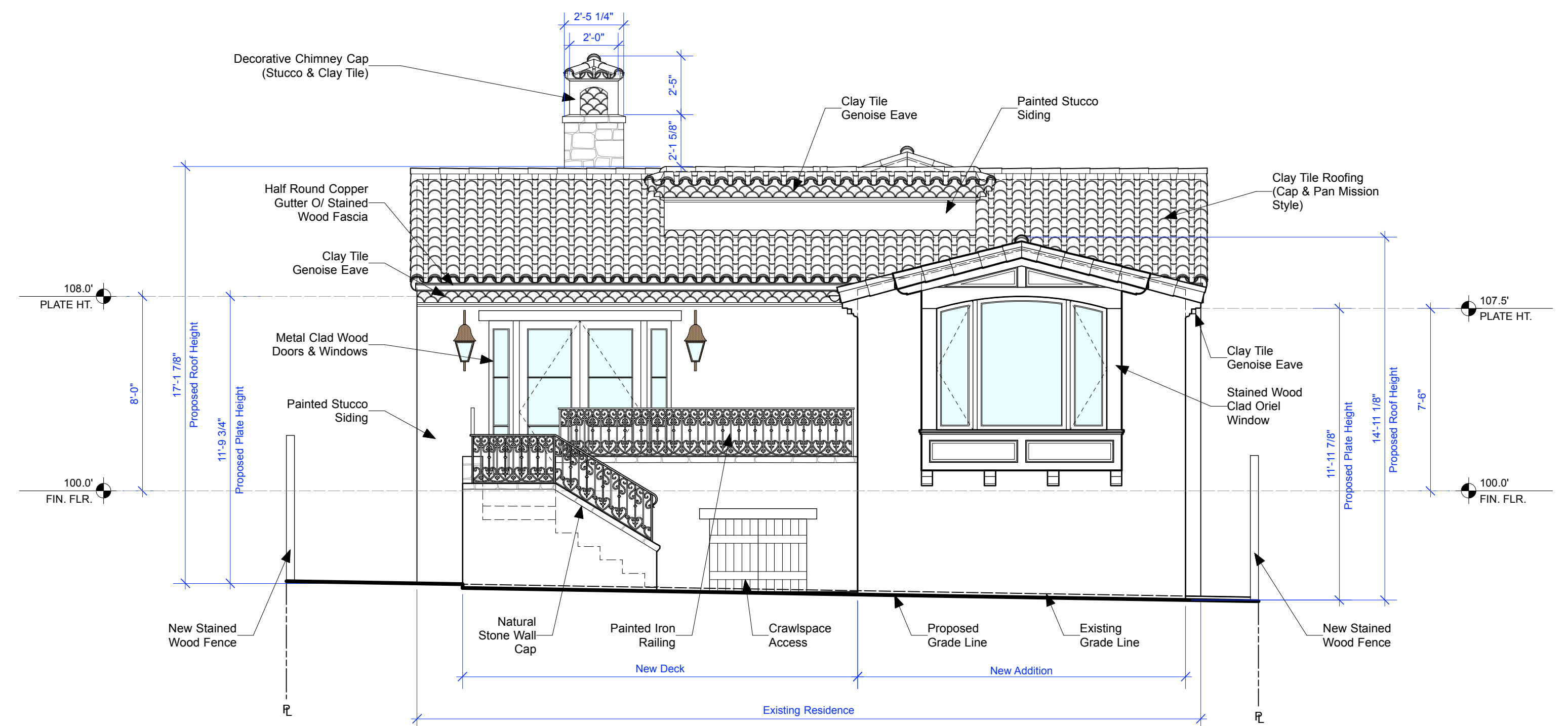
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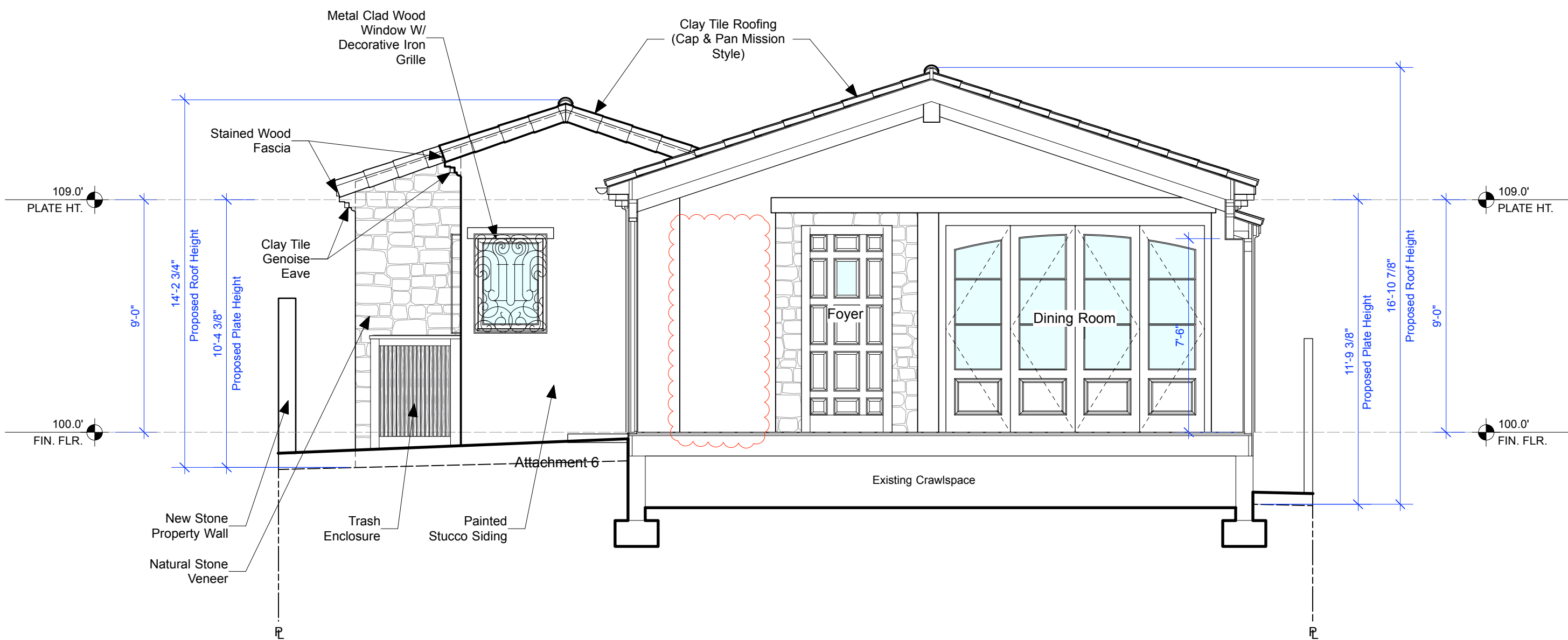
Alternate Revised Design Study



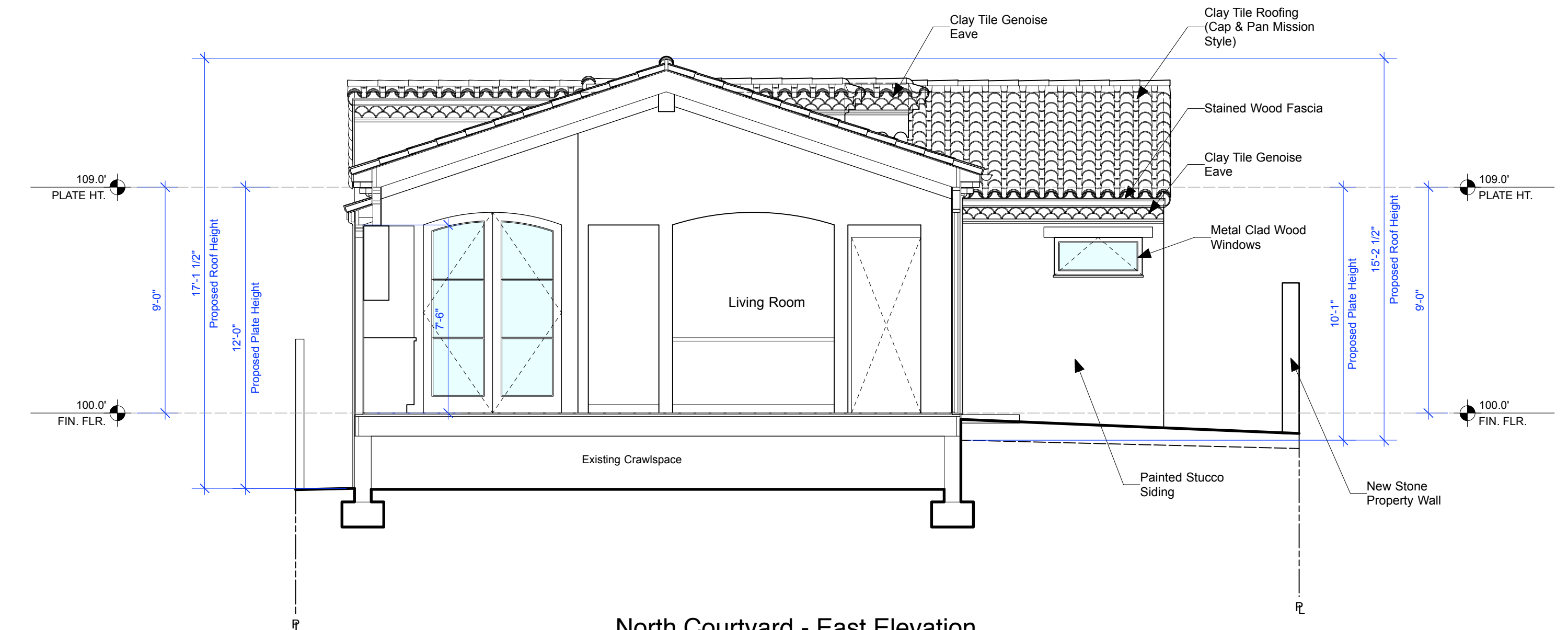
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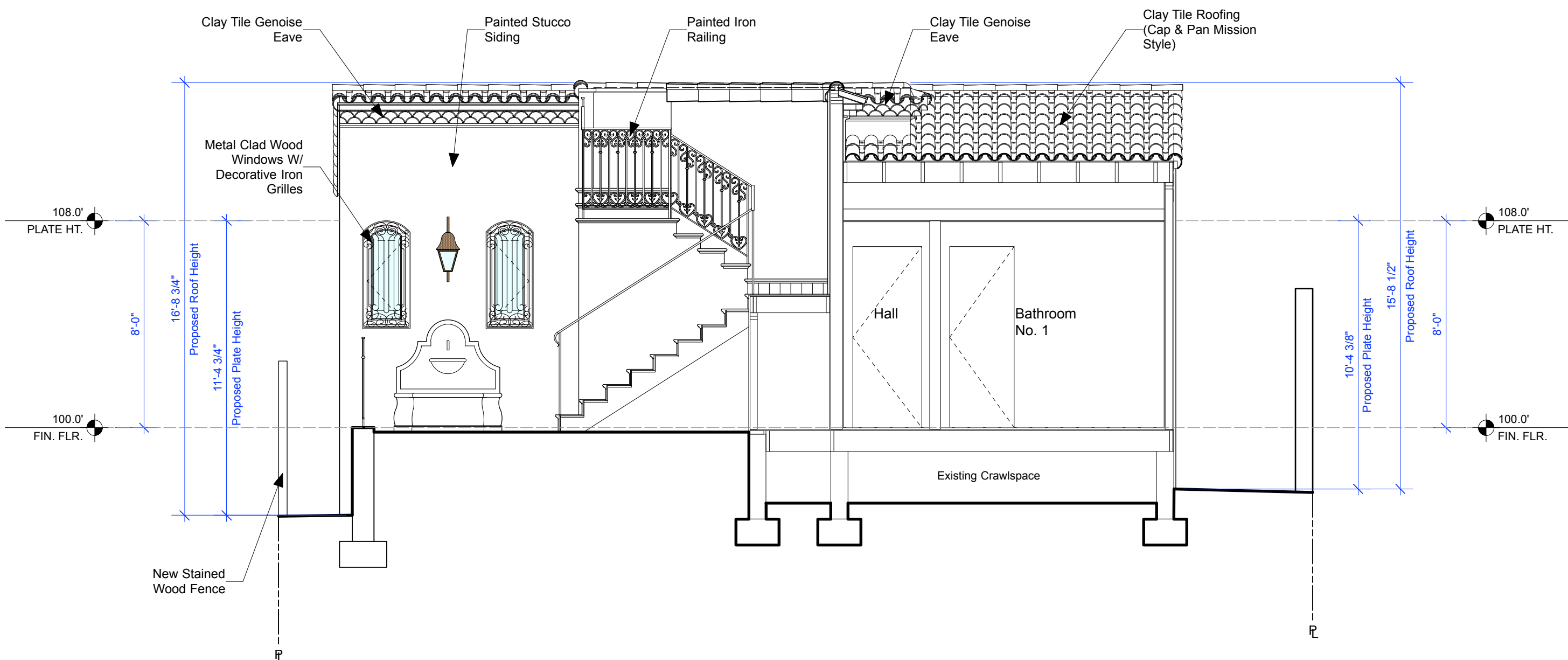
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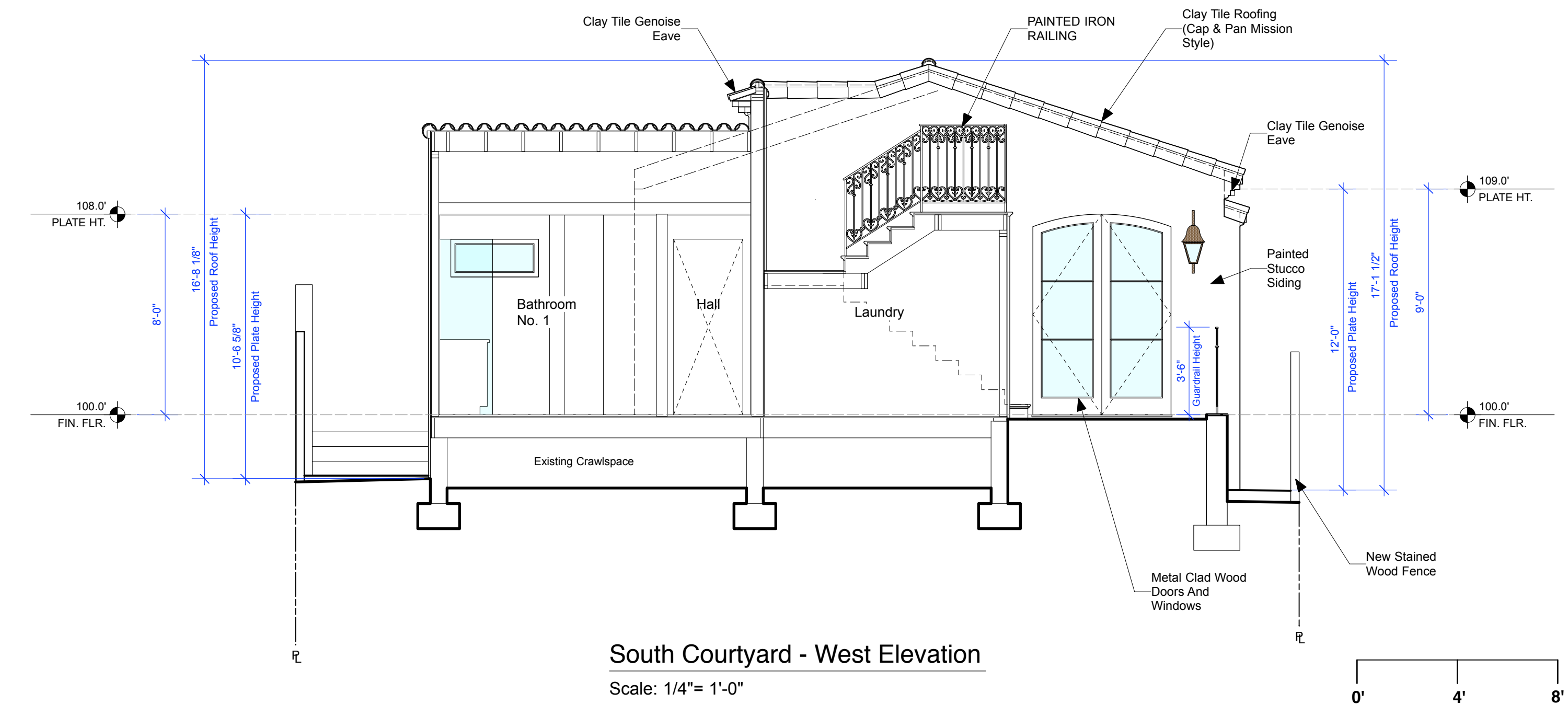
North Courtyard - West Elevation
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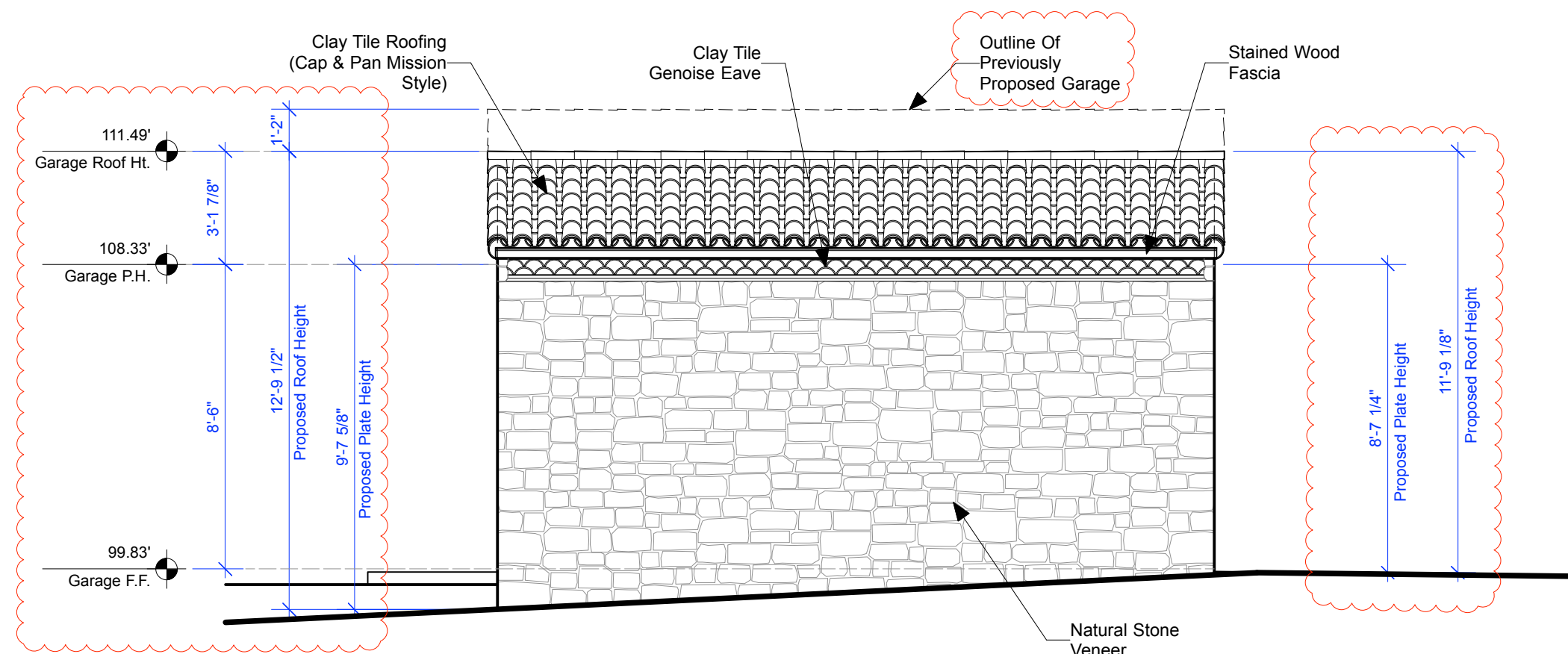
North Courtyard - East Elevation
Scale: 1/4"= 1'-0"



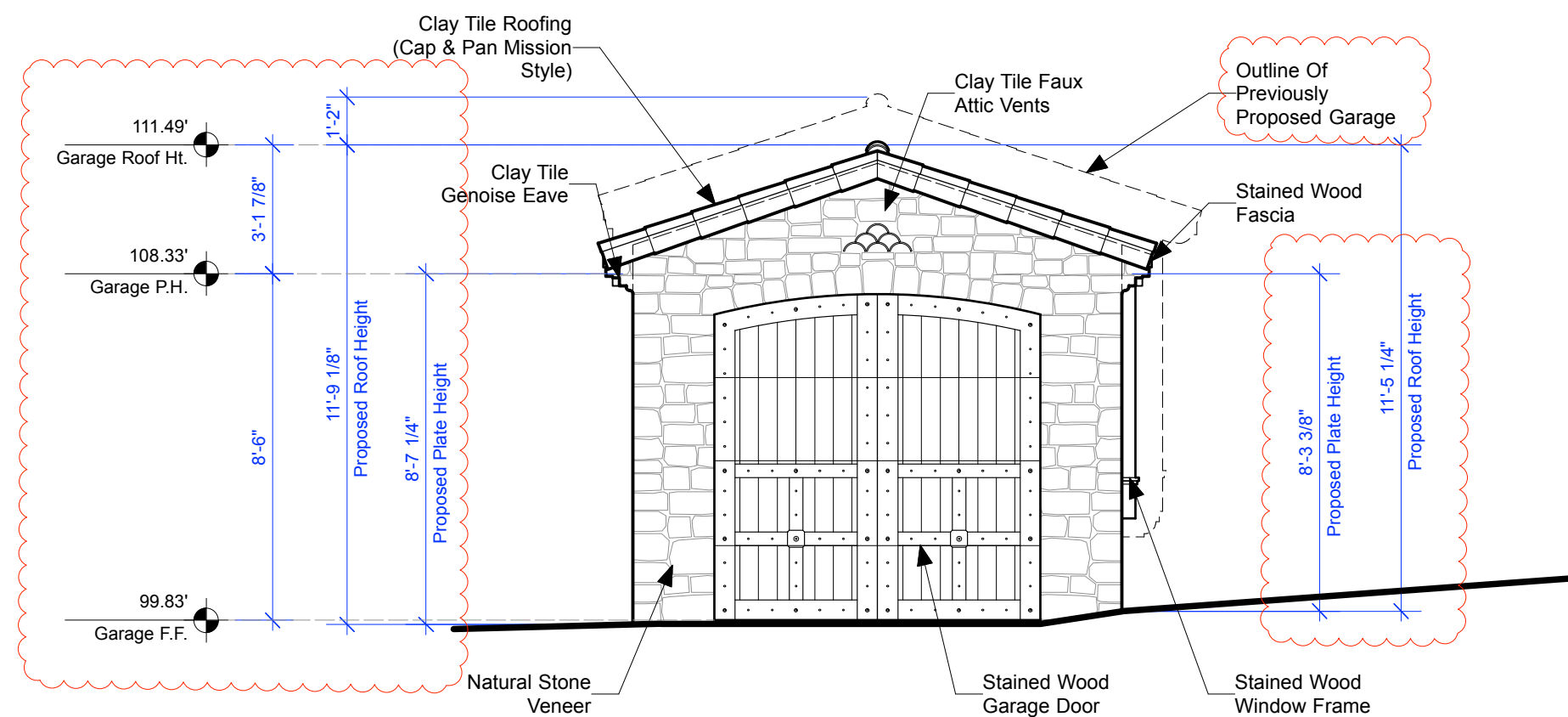
South Courtyard - East Elevation
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South Courtyard - West Elevation
Scale: 1/4"= 1'-0"

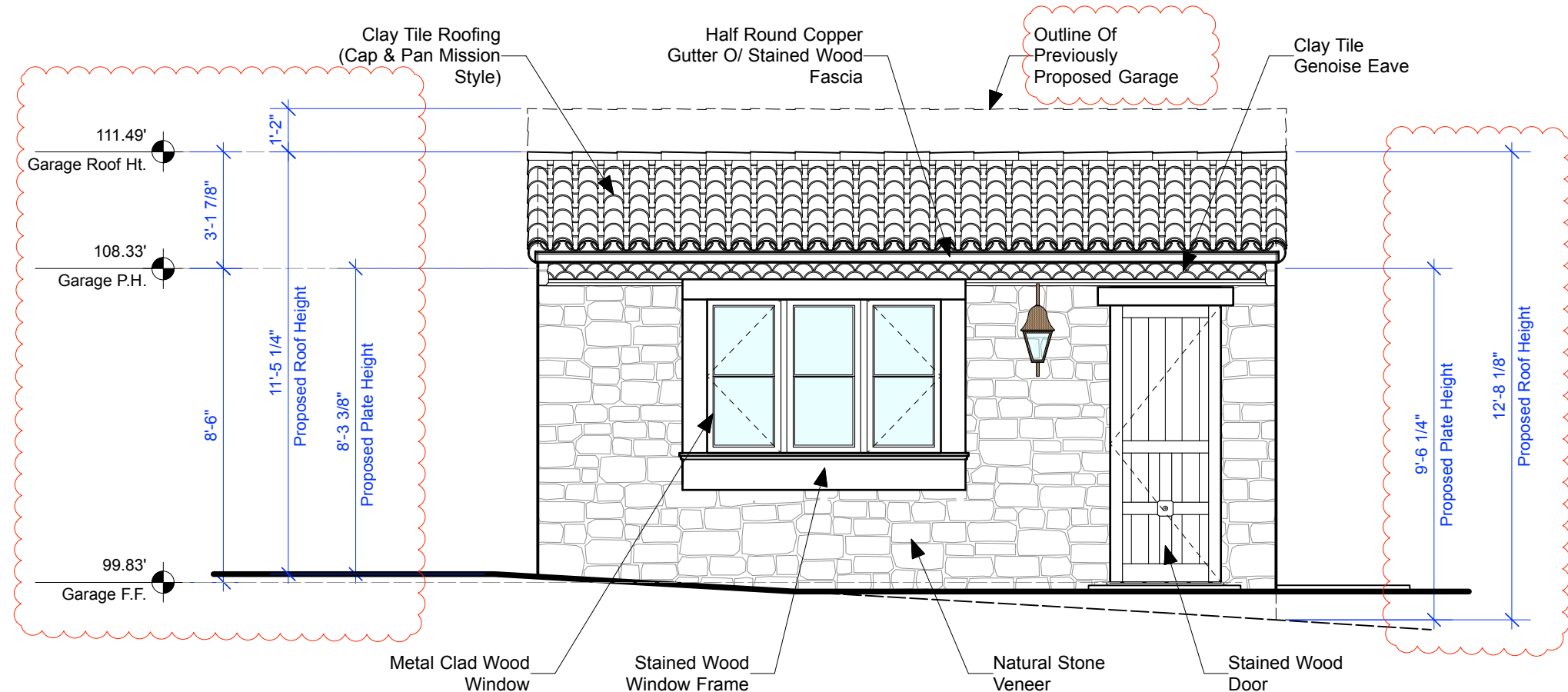


South Garage Elevation
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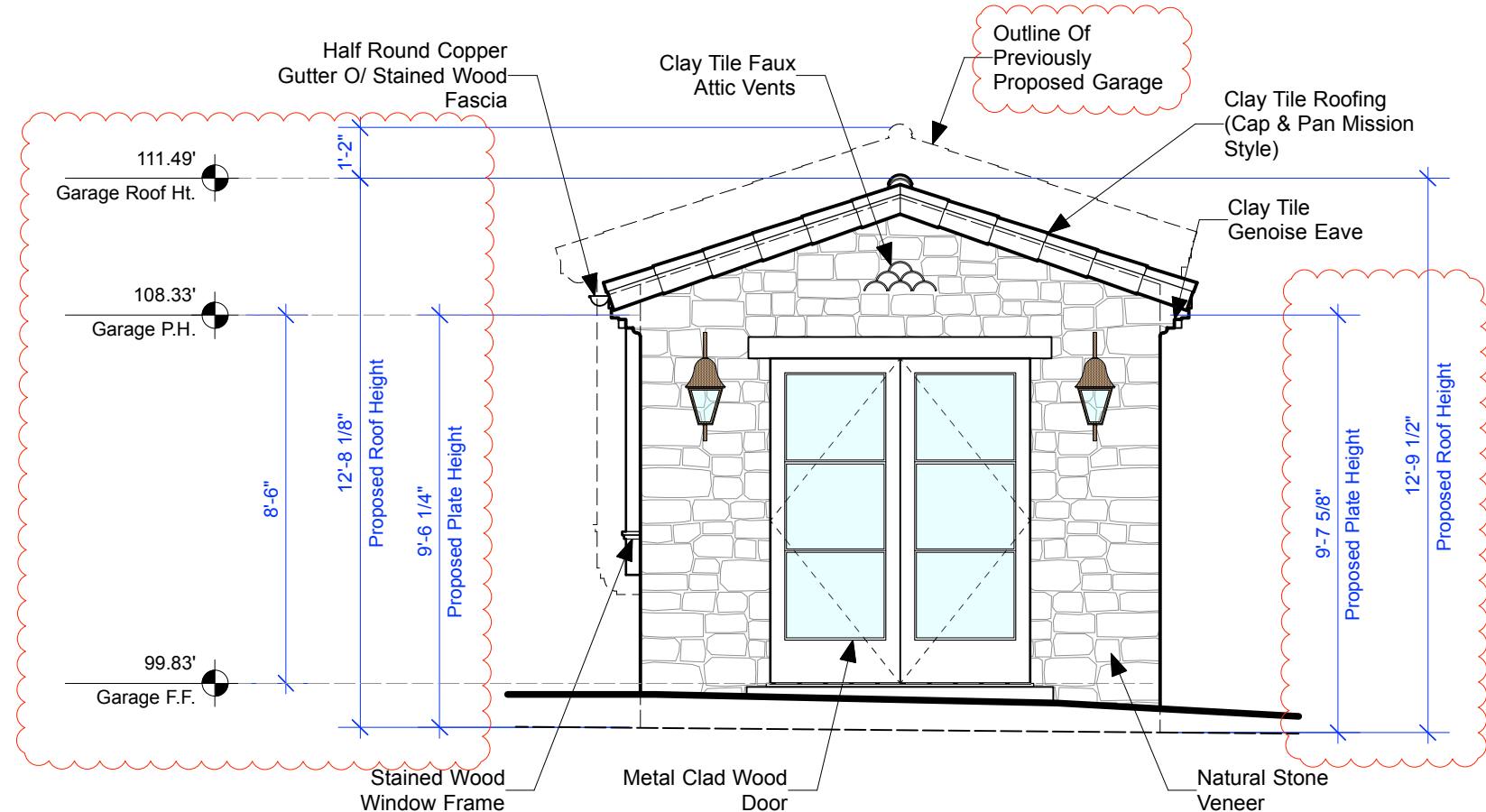


East Garage Elevation
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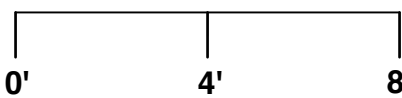
Attachment 6



North Garage Elevation
Scale: 1/4"= 1'-0"



West Garage Elevation
Scale: 1/4"= 1'-0"



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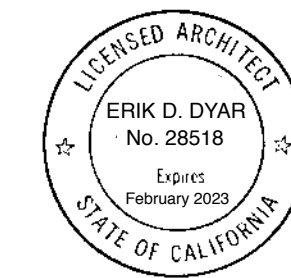
JUNG RESIDENCE
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Proposed
Garage
Elevations

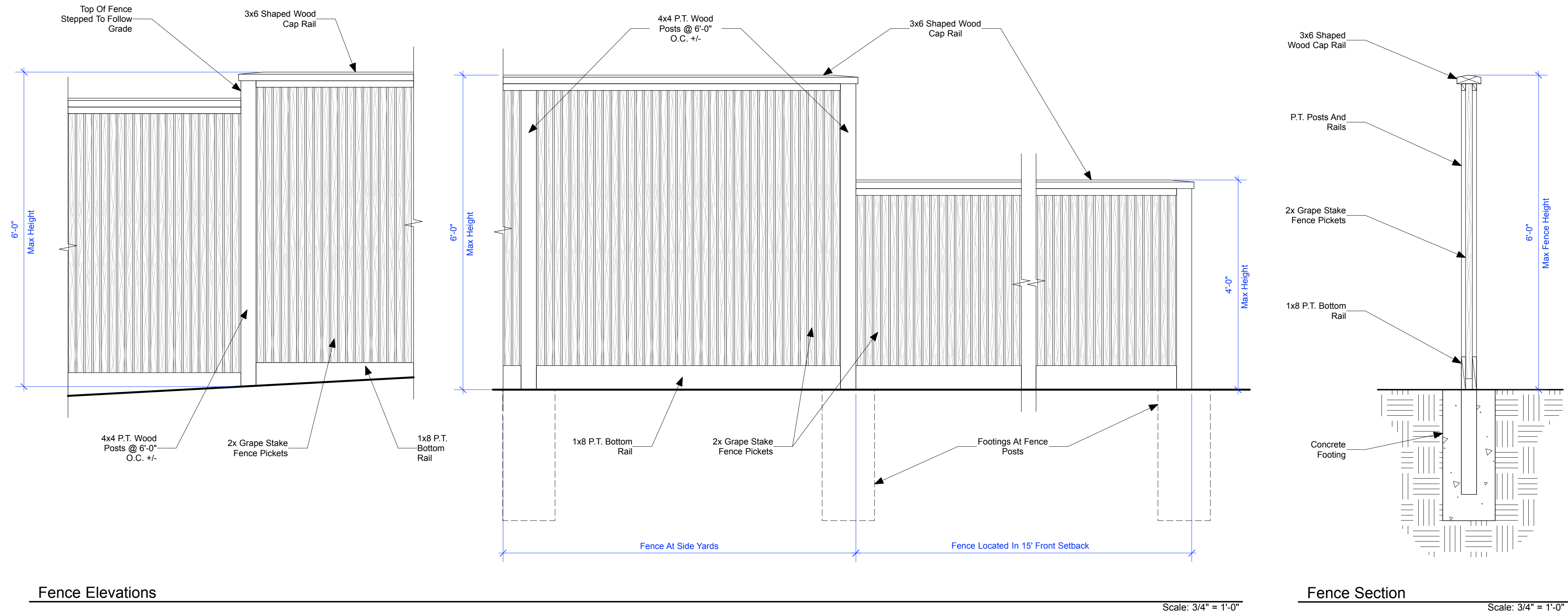
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Sheet No.

10

Alternate Revised Design Study



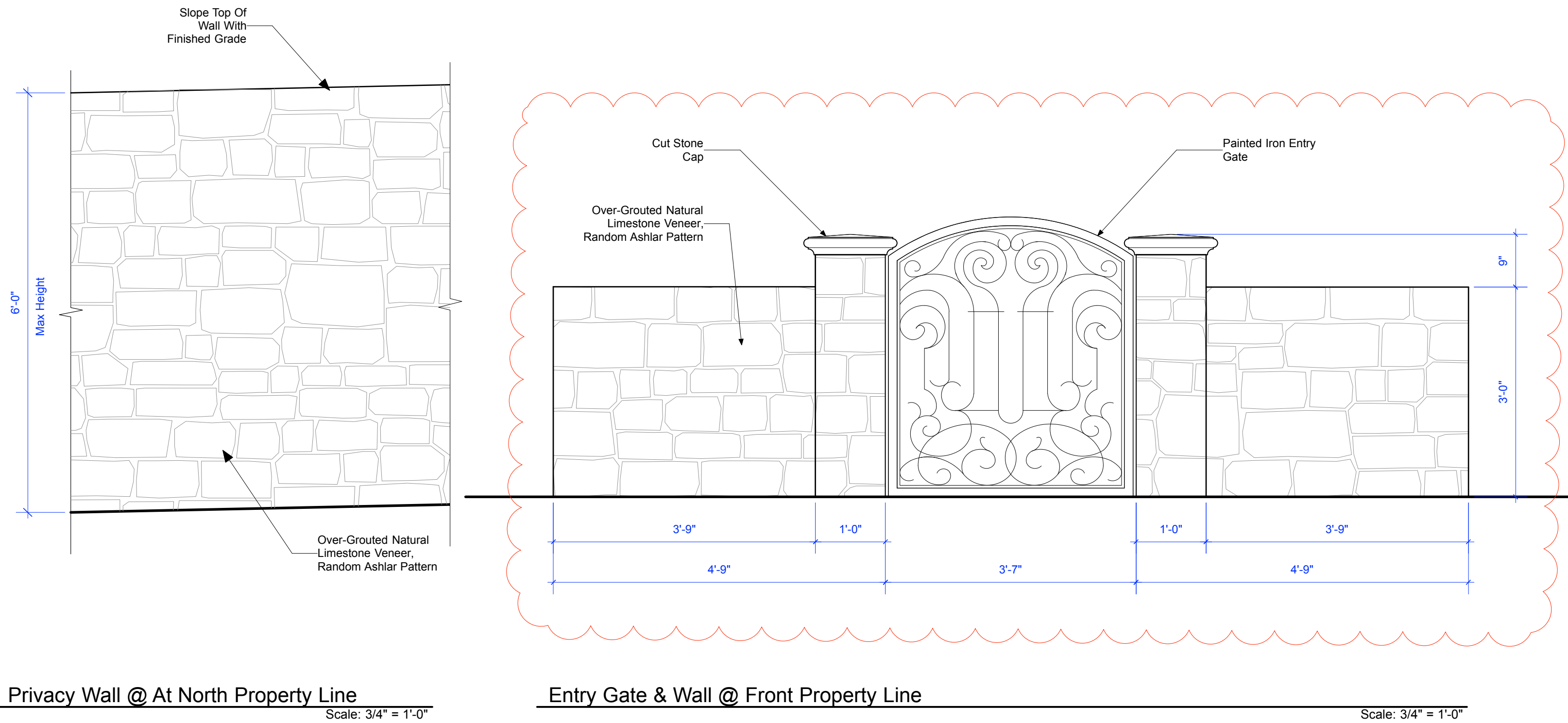
Fence Elevations

Fence Section

2 Typical Property Fence

Scale: As Noted

Attachment 6



Privacy Wall @ At North Property Line

Entry Gate & Wall @ Front Property Line

1 Typical Site Walls

Scale: As Noted

D

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Owners:
Joel & Allison
Jung

JUNG RESIDENCE
REMODEL

3 SW of 13th Ave. on Camino Real
Carmel-by-the-Sea, California 93921
APN: 010-284-003

Job No.
20-01

Date:
- December 18, 2020
Design Review Submittal
- February 17, 2021
Planning Department
Revisions
- March 23, 2021
Alternate Revised Design
Study

Details

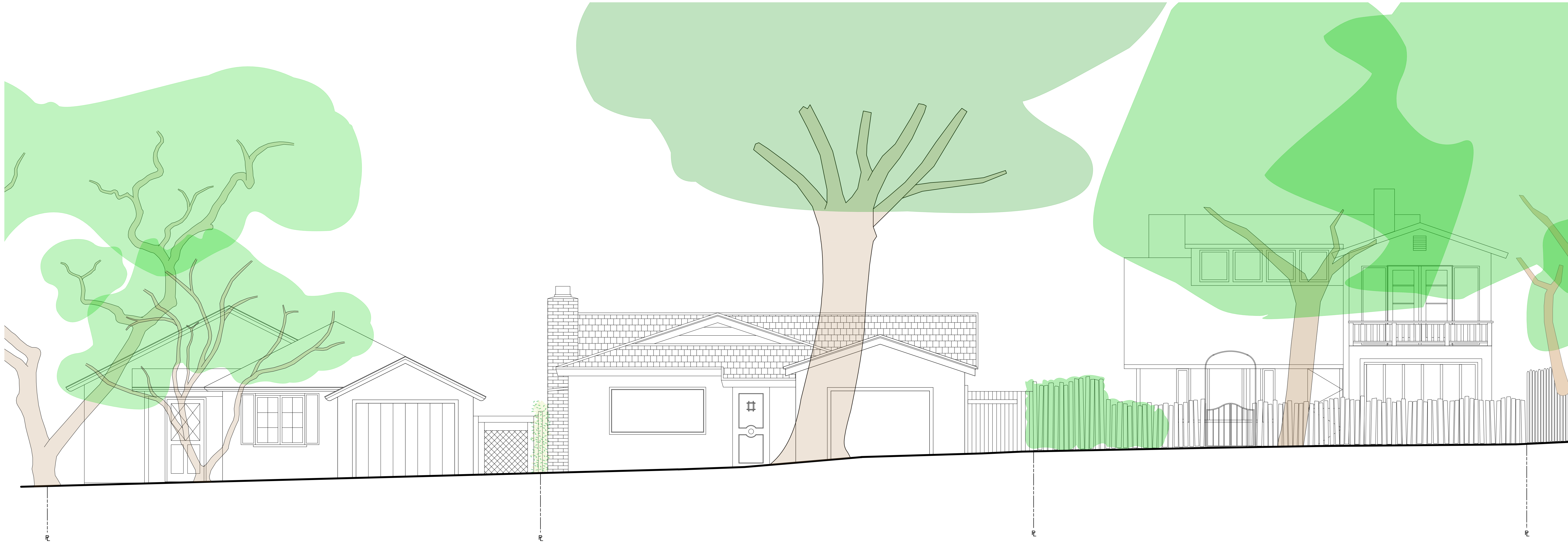
As Noted

LICENSED ARCHITECT

ERIK D. DYAR
No. 28518
Expires
February 2023
STATE OF CALIFORNIA

Sheet No.
11

Alternate Revised Design Study



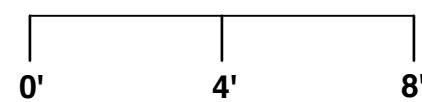
Existing Streetscape Elevation

Scale: 1/4" = 1'-0"



Proposed Streetscape Elevation

Scale: 1/4" = 1'-0"



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**Streetscape
Elevations**

1/4" = 1'-0"



Sheet No.
12

Alternate Revised Design Study



Existing Residence
From Rear Yard



Existing Residence
From North Side Yard



Existing Residence
From Camino Real



Exterior Pathways
Sandset Flagstone with Planted Gaps



Doors & Windows
Metal Clad Wood Doors & Windows
w/ Stained Wood Shutters
Doors & Windows - Black, Shutters - Light Green



Eaves
Clay Tile Genoise Eave
w/ Copper Half Round Gutter



Roofing
Two-Piece Mission Clay Tile
Redland Clay Tile



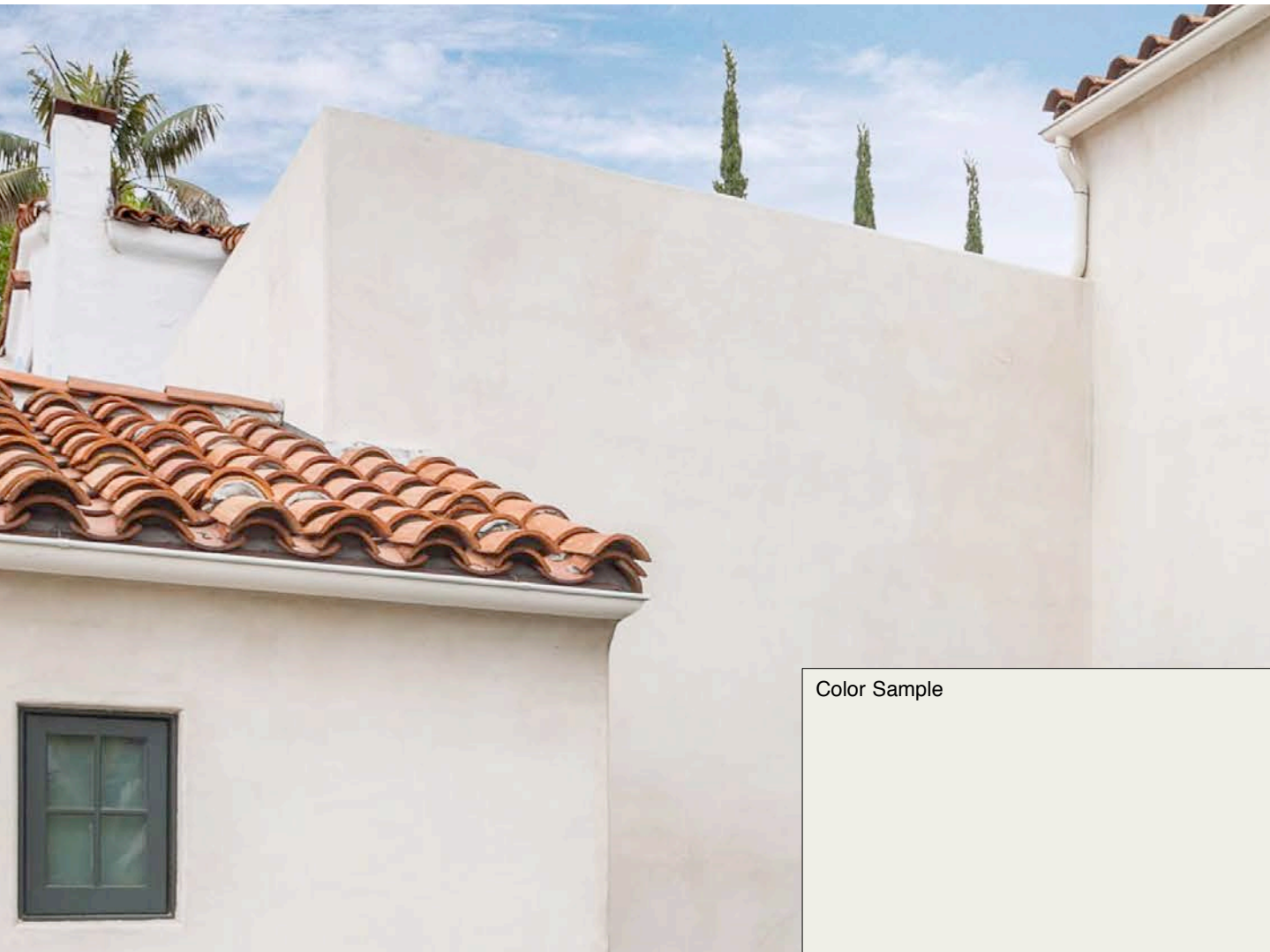
Driveway
Permeable Concrete Paver - Cobble Style
Belgard or Equal



Railings
Painted Iron - Black



Exterior Walls & Site Walls
Over-Grouted Natural Limestone Veneer
Fond-du-Lac Rustic or Equal



Exterior Walls
Integral Color Stucco - Smooth Finish w/ Slight Mission Texture
Off-White Color (See Color Sample Above)

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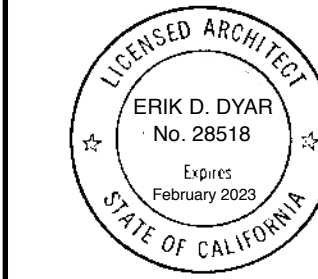
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Exterior Colors
& Materials

NTS

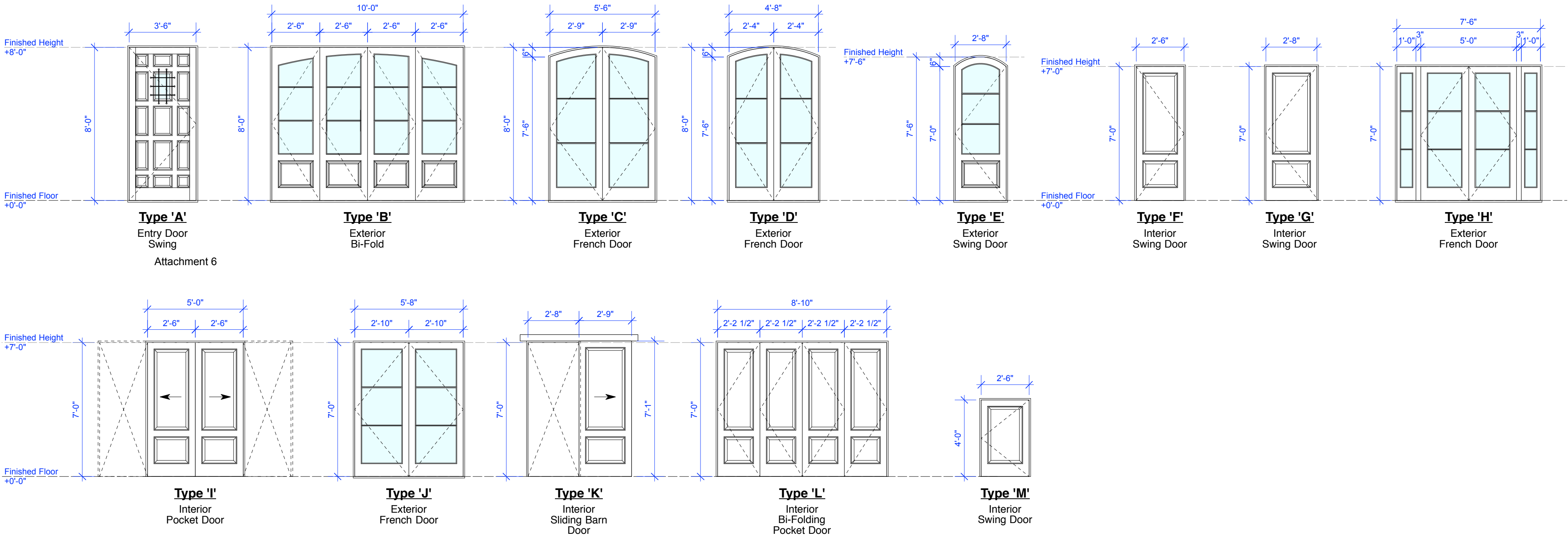


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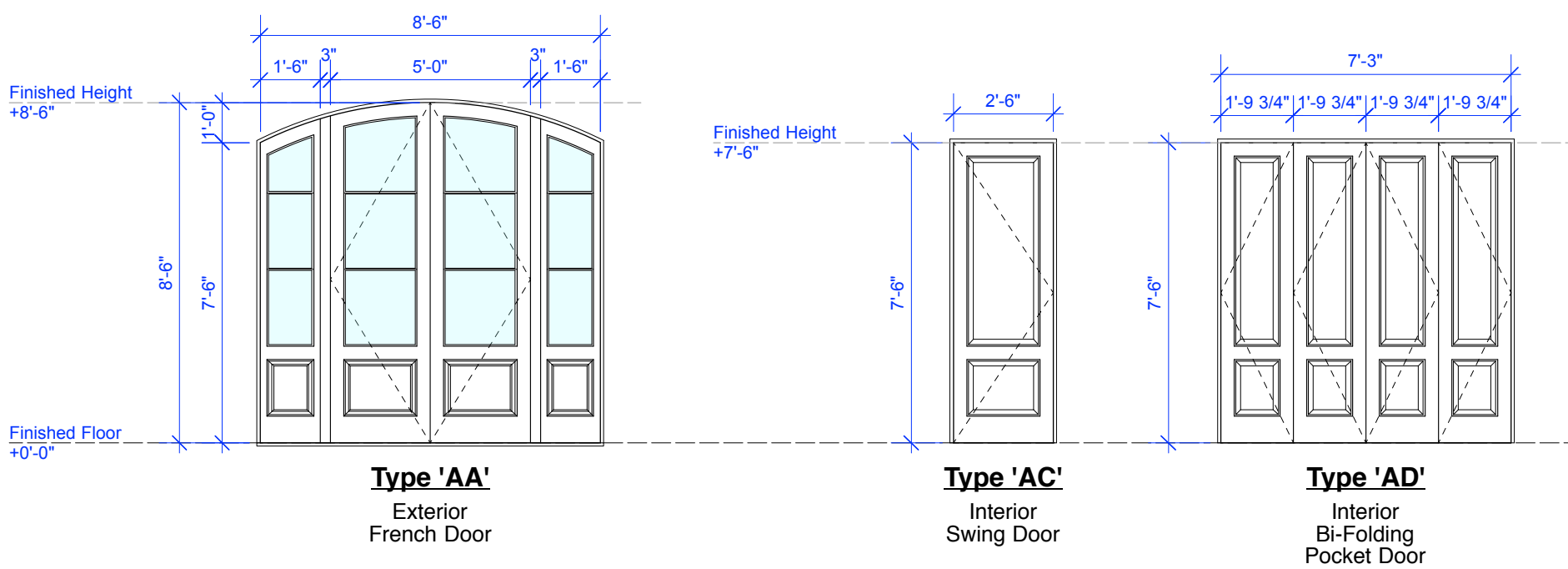
Alternate Revised Design Study

Door Schedule															
Door No.	Location	Rm. No.	Frame Width	Frame Height	Thickness	Type	Door Material	Glazing Type	Frame Material	Head	Jamb	Sill	Hardware Set	Manufacturer	Remarks
Main Residence															
01	Entry/Foyer	100	3'-6"	8'-0"	2-1/4"	A	Stained Wood	Double-Pane Insulated Glass, Tempered	Stained Wood					Custom	Exterior Entry Door w/ Operable Portal Window
02	Dining	101	10'-0"	8'-0"	1-3/4"	B	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated Glass, Tempered	Painted Wood					NanaWall or Equal	Exterior Bi-Fold Doors
03	Kitchen	102	5'-6"	8'-0"	1-3/4"	C	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated Glass, Tempered	Painted Wood					TBD	Exterior French Door
04	Living	103	4'-8"	8'-0"	1-3/4"	D	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated Glass, Tempered	Painted Wood					TBD	Exterior French Door
05	Living	103	4'-8"	8'-0"	1-3/4"	D	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated Glass, Tempered	Painted Wood					TBD	Exterior French Door
06	Hall Storage	104.1	2'-6"	4'-0"	1-3/4"	M	Painted Wood	N/A	Painted Wood					TBD	Interior Door
07	Bathroom No.1	105	2'-6"	7'-0"	1-3/4"	F	Painted Wood	N/A	Painted Wood					TBD	Interior Door
08	Bathroom No.1	105	2'-6"	7'-0"	1-3/4"	F	Painted Wood	N/A	Painted Wood					TBD	Interior Door
09	Bedroom No.1	106	2'-8"	7'-0"	1-3/4"	G	Painted Wood	N/A	Painted Wood					TBD	Interior Door
10	Bedroom No.1	106	7'-6"	7'-0"	1-3/4"	H	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated Glass, Tempered	Painted Wood					TBD	Exterior French Door with Sidelites
11	Master Closet	107	5'-0"	7'-0"	1-3/4"	I	Painted Wood	N/A	Painted Wood					TBD	Interior Double Pocket Door
12	Master Bedroom	109	5'-8"	7'-0"	1-3/4"	J	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated Glass, Tempered	Painted Wood					TBD	Exterior French Door
13	Master Bathroom	110	2'-8"	7'-0"	1-3/4"	K	Painted Wood	N/A	Painted Wood					TBD	Interior Sliding Barn Door
14	Master Hall	108	2'-8"	7'-6"	1-3/4"	F	Painted Wood	N/A	Painted Wood					TBD	Interior Door
15	Hall	104	2'-8"	7'-6"	1-3/4"	E	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated Glass, Tempered	Painted Wood					TBD	Exterior Swing Door
16	Laundry	111	8'-10"	7'-0"	3/4" +/-	L	Painted Wood	N/A	Painted Wood					Custom	Bi-Folding Cabinet Style Pocket Doors
Accessory Dwelling Unit															
20															Deleted
21	ADU Bath	201	2'-6"	7'-6"	1-3/4"	AC	Painted Wood	N/A	Painted Wood					TBD	Interior Door
22	ADU Kitchenette	202.1	7'-3"	7'-6"	3/4" +/-	AD	Painted Wood	N/A	Painted Wood					Custom	Bi-Folding Cabinet Style Pocket Doors
23	Accessory Dwelling Unit	202	8'-6"	8'-6"	1-3/4"	AA	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated Glass, Tempered	Painted Wood					TBD	Exterior French Door with Sidelites
Garage															
30	Garage	300	8'-0"	8'-0"	1-3/4"	BA	Stained Wood	N/A	Stained Wood					Custom	Overhead Garage Door
31	Garage	300	3'-0"	7'-6"	1-3/4"	BB	Stained Wood	N/A	Stained Wood					Custom	Exterior Swing Door
32	Garage	300	6'-0"	7'-6"	1-3/4"	BC	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated Glass, Tempered	Painted Wood					TBD	Exterior French Door
Site															
40	Gate		3'-6"	4'-0"	1-1/2"	CA	Painted Iron	N/A	Painted Iron					Custom	Exterior Gate



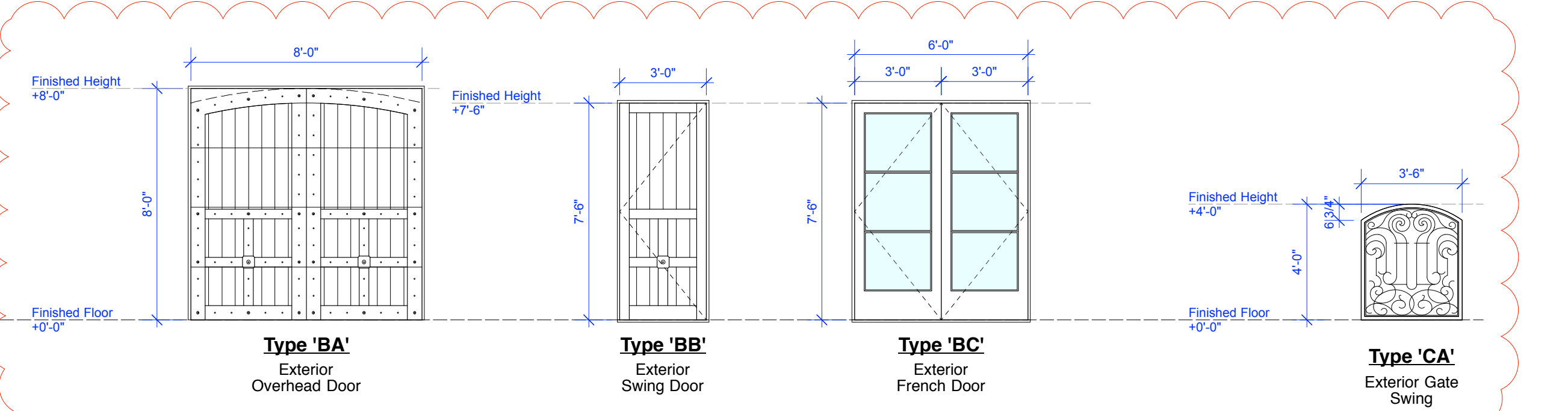
1 Door Profiles - Main Residence

Scale: 1/4" = 1'-0"



2 Door Profiles - ADU

Scale: 1/4" = 1'-0"



3 Door Profiles - Garage

Scale: 1/4" = 1'-0"

4 Door Profile - Site

Scale: 1/4" = 1'-0"

- Door Notes:**
1. Verify Glass Type for All Doors Before Fabrication with Owner and Architect.
 2. Glazing in Fixed and Operable Panels of Swinging, Sliding, and Bifold Doors shall be Safety Glazing (Tempered) Per CBC R308.4.
 4. Dimensions Shown are Finish Dimensions. Contractor Shall Verify Rough Opening Dimensions Prior to Door Fabrication.
 5. Contractor Shall Provide Shop Drawings of Doors for Architects Review Prior to Window Fabrication.

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Owners:
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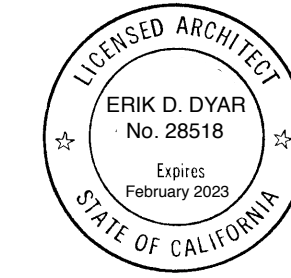
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**Door
Schedule**

1/4" = 1'-0"

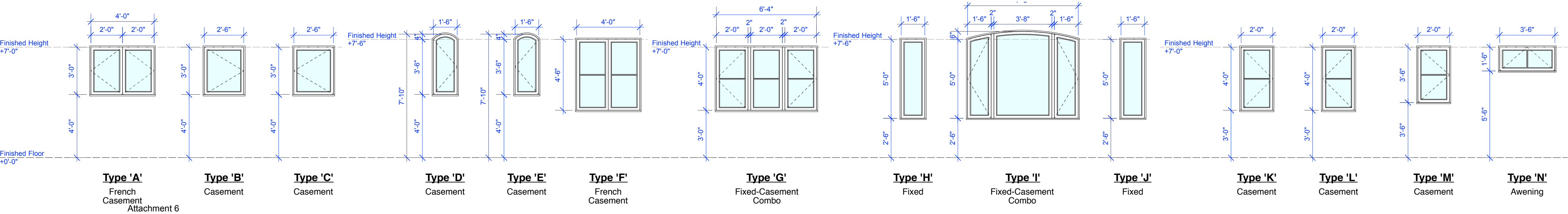


Sheet No.

14

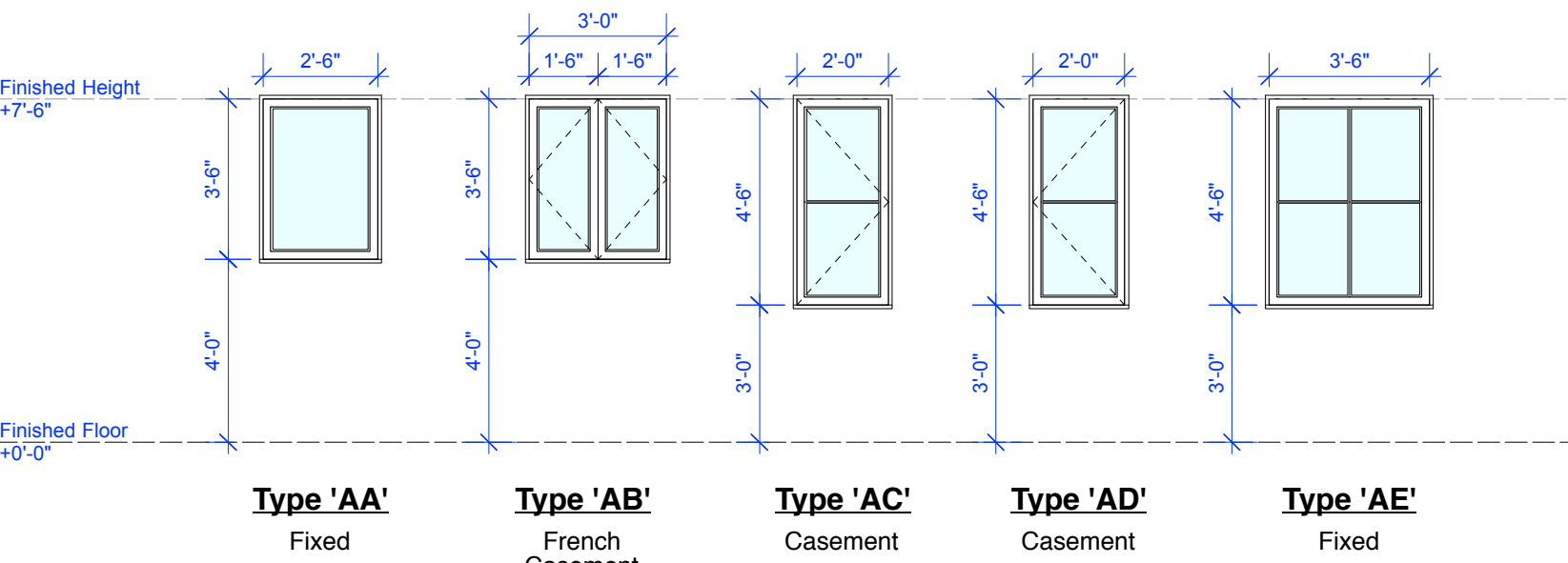
Alternate Revised Design Study

Window Schedule													
Window No.	Location	Rm. No.	Frame Width	Frame Height	Glass Thickness	Type	Operation	Window Material	Glazing Type	Tempered	Frame Material	Manufacturer	Remarks
Main Residence													
01	Dining	101	4'-0"	3'-0"	7/8"	A	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	French Casement
02	Kitchen	102	2'-6"	3'-0"	7/8"	B	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Casement
03	Kitchen	102	2'-6"	3'-0"	7/8"	C	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Casement
04	Master Bedroom	110	1'-6"	3'-10"	7/8"	D	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Casement
05	Master Bedroom	110	1'-6"	3'-10"	7/8"	E	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Casement
06	Master Bedroom	110	4'-0"	4'-6"	7/8"	F	O	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	Yes	Painted Wood	TBD	French Casement
07													Not Used
08	Master Bedroom	109	6'-4"	4'-0"	7/8"	G	X / O / X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Fixed / Casement
09	Master Bedroom	109	1'-6"	5'-0"	7/8"	H	O	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Fixed
10	Master Bedroom	109	7'-0"	5'-6"	7/8"	I	X / O / X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Fixed / Casement
11	Master Bedroom	109	1'-6"	5'-0"	7/8"	J	O	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Fixed
12	Bedroom No.1	106	2'-0"	4'-0"	7/8"	K	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Casement
13	Bedroom No.1	106	2'-0"	4'-0"	7/8"	L	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Casement
14	Bathroom No.1	105	2'-0"	3'-6"	7/8"	M	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Casement
15	Bathroom No.1 - Shower	105.5	3'-6"	1'-6"	7/8"	N	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	Yes	Painted Wood	TBD	Awening
Accessory Dwelling Unit													
20	ADU Bath	201	2'-6"	3'-6"	7/8"	AA	O	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Fixed
21	ADU Bath	201	3'-0"	3'-6"	7/8"	AB	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	French Casement
22	Accessory Dwelling Unit	202	2'-0"	4'-6"	7/8"	AC	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Casement
23	Accessory Dwelling Unit	202	2'-0"	4'-6"	7/8"	AD	X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Casement
24	Accessory Dwelling Unit	202	3'-6"	4'-6"	7/8"	AE	O	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Fixed
Garage													
30	Garage	300	6'-4"	4'-2"	7/8"	BA	X / O / X	Metal Clad Wood, Paint Grade Interior	Double-Pane Insulated	No	Painted Wood	TBD	Fixed / Casement



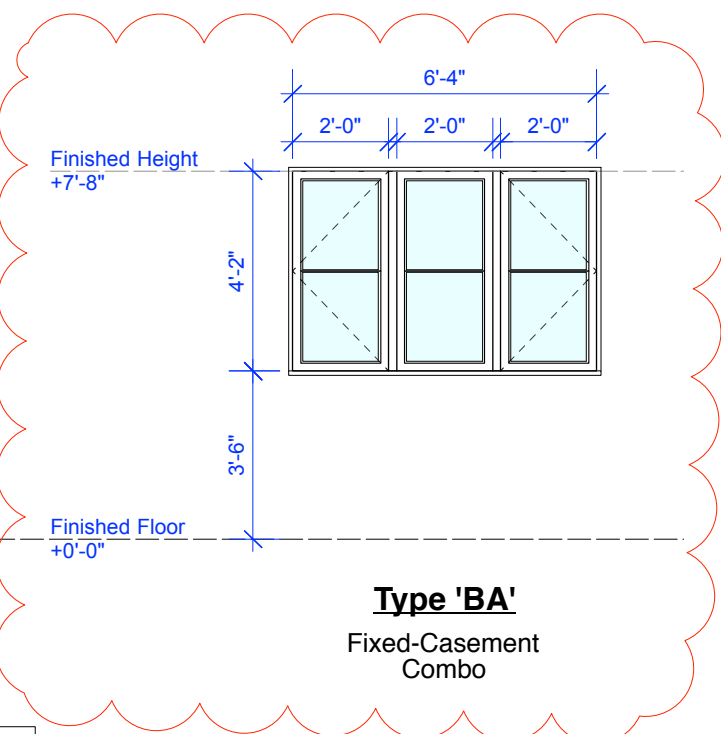
1 Window Profiles - Main Residence

Scale: 1/4" = 1'-0"



2 Window Profiles - ADU

Scale: 1/4" = 1'-0"



3 Window Profile - Garage

Scale: 1/4" = 1'-0"

Window Notes:

1. Verify Glass Type for All Windows Before Fabrication with Owner and Architect.
2. Windows Labeled as "Egress" Shall Be Emergency Escape and Rescue Windows in Accordance with CBC R310. Windows Shall Have a Minimum Net Clear Opening of 5.7 Square Feet, and Minimum Clear Opening Height of 24 Inches, and a Minimum Net Clear Opening Width of 20 Inches. The Bottom of Clear Openings Shall Be No Greater than 44 Inches Measured From the Floor.
3. Glazing in Windows in the Following Locations Shall Be Safety Glazing (Tempered) Per CBC R308.4:
- Windows Adjacent to Doors Where the Glazing is Within 24 Inches of Either Side of the Door in the Closed Position, and the Bottom Edge of the Glazing is Less Than 60" Above the Floor.
- Windows Where the Glazing is Larger Than 9 Square Feet, The Bottom Edge of the Glazing is Less Than 18" above the Floor, The Top Edge of the Glazing is More Than 36 Inches Above the Floor, and One or More Walking Surfaces are Within 36 Inches Measured Horizontally and in a Straight Line of the Glazing.
- Glazing in Enclosures or Walls Facing Hot Tubs, Whirlpools, Saunas, Steam Rooms, Bathtubs and Showers Where the Bottom Edge of the Glazing is Less Than 60 Inches Above the Walking Surface, Measured Horizontally and in a Straight Line of the Water's Edge.
- Glazing Adjacent to Stairways, Landings and Ramps Within 36 Inches Horizontally of a Walking Surface When the Surface of the Glazing is Less Than 60 Inches Above the Plane of the Walking Surface.
- Glazing Adjacent to Stairways Within 60 Inches Horizontally of the Bottom Tread of a Stairway in Any Direction When the Exposed Surface of the Glazing is Less Than 60 Inches Above the Nosing of the Tread.
4. Dimensions Shown are Finish Dimensions. Contractor Shall Verify Rough Opening Dimensions Prior to Window Fabrication.
5. Contractor Shall Provide Shop Drawings of Windows for Architects Review Prior to Window Fabrication.

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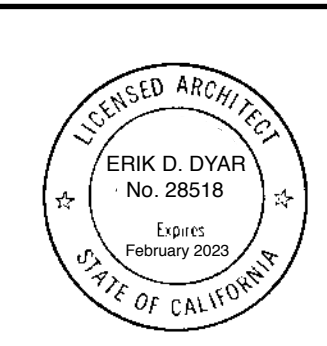
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**Window
Schedule**

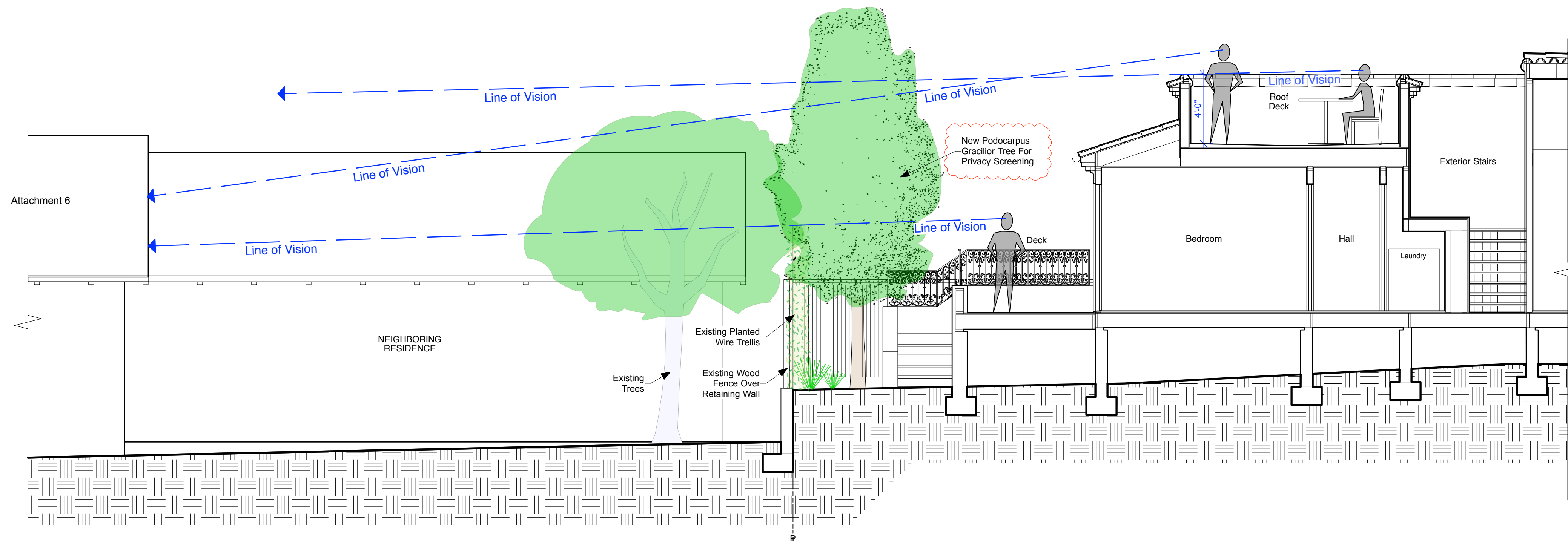
1/4" = 1'-0"



Sheet No.

15

Alternate Revised Design Study



SITE SECTION - DECK LINE OF VISION

Scale: 1/4" = 1'-0"

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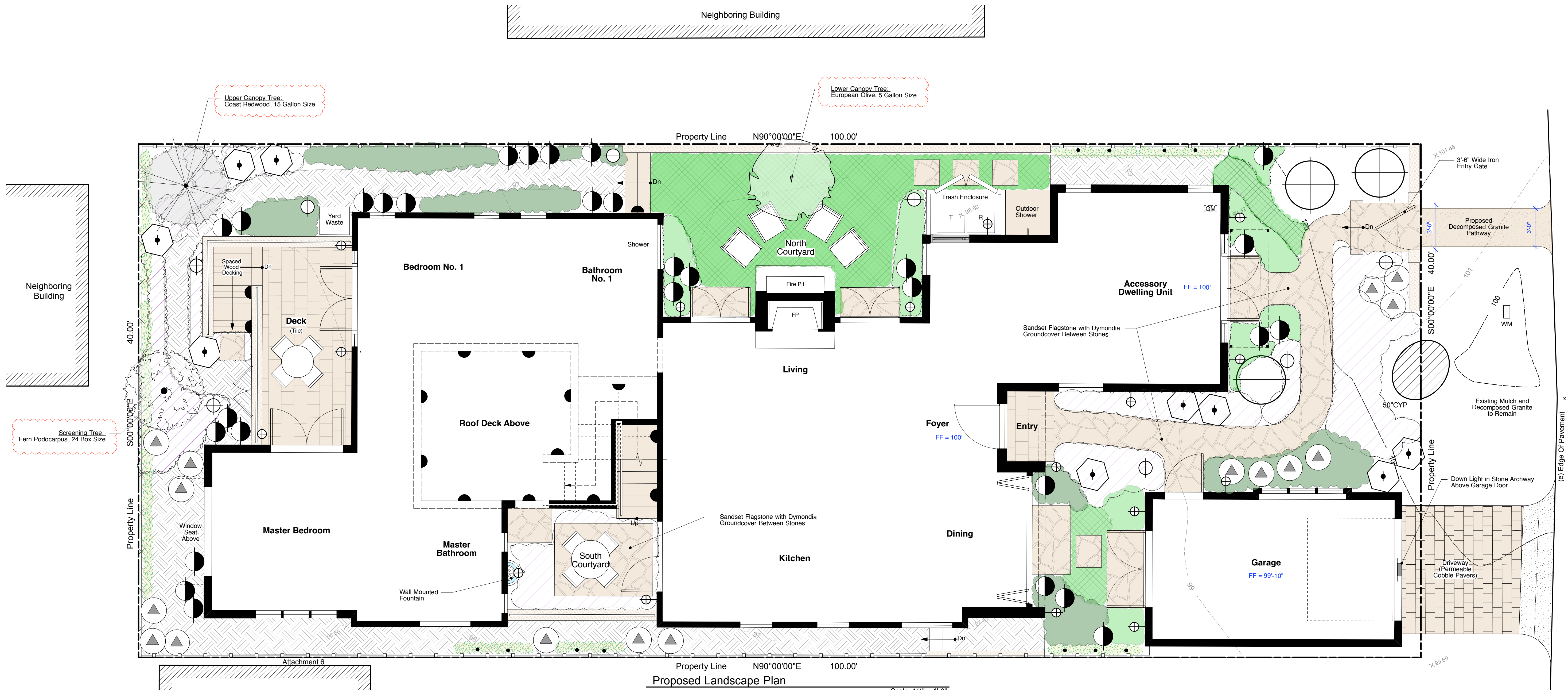
Site
Section

1/4" = 1'-0"

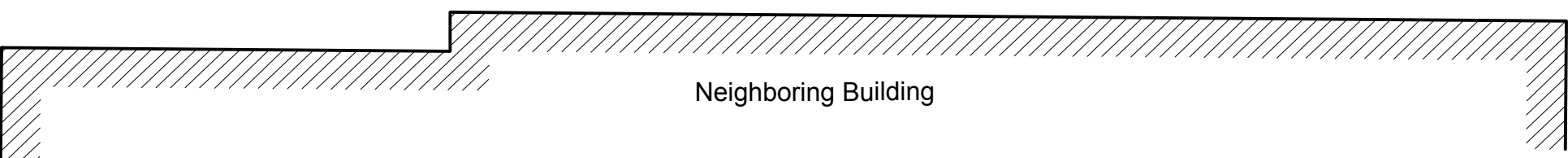


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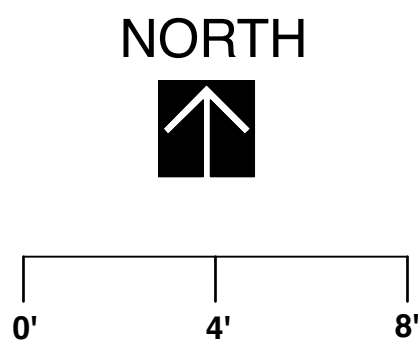
PLANT LEGEND		
SYMBOL	BOTANIC NAME	COMMON NAME / SIZE
Trees		
	Sequoia Sempervirens 'Aptos Blue'	Coast Redwood, 15 Gallon
	Olea europaea	European Olive, 5 Gallon
	Podocarpus Gracillior	Fern Pine, 24" Box
SHRUBS		
	Carpenteria californica	Bush Anemone
	Polystichum munitum	Sword Fern
	Ceanothus grissueus 'Horizontalis'	Carmel Creeper
PERENNIALS and GROUNDCOVERS		
	Aloe sp.	Aloe
	Woodland Perennials: Heuchera, Myosotis scorpiodes, Iris douglasiana	
	Low Growing Drought Tolerant Succulents: Dudleya sp., Sedum sp., Echeveria sp.	
	Ceratostigma plumbaginoides	Dwarf Plumbago
	Dymondia margaretae	Silver Carpet
VINES		
	Clematis Sp. (Species per Owner)	Clematis Vine



LIGHTING LEGEND	
Sym.	Description
	LED Path Light - HC Pathlight by F/X Luminaire, Dark Bronze Powdercoat Finish, (15 Watts Max., 39 Lumens, 2700K and Dark Sky Compliant)
	LED Wall/Step Light - MS Walllight by F/X Luminaire, Dark Bronze Powdercoat Finish, (15 Watts Max., 52 Lumens, 2700K and Dark Sky Compliant)
	LED Recessed Arch Header Light - C-LL Ledge Light by F/X Luminaire, Dark Bronze Powdercoat Finish 15 Watts Max., 151 Lumens, 2700K and (Dark Sky Compliant)
	LED Wall Lantern Light - Existing Wall Mounted Lantern in Black Color (Retrofitted per Specification Notes Sheet 18): 15 Watts Max. 220 Lumens, Dark Sky Compliant and Shall be in Compliance with the City of Carmel Residential Design Guidelines

LANDSCAPE LEGEND	
	Proposed Shredded Bark Mulch Pathway
	Sandset Flagstone Paver with Planted Gaps
	Permeable Cobble Pavers at Driveway
	Natural Stone Clad Site Walls & Retaining Walls

- Tree Protection Measures:**
- Requirements For Tree Preservation Shall Adhere To The Following Tree Protection Measures On 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 To Include 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. Minimum Of 4 Foot High Transparent Fencing Is Required Unless Otherwise Approved By The City Forester. Tree Protection Shall Not Be Reversed, 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 Fencing.
 - The Structural Root Zone -- 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 Pneumatic Excavator, Hydrovac At Low Pressure, Or Other 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.
 - An Airspade Shall Be Used For All Excavation Within The Structural Root Zone Of The Cypress Tree.
 - The City Forester Shall Be Onsite For Excavation Of The Proposed Garage Foundation. The Forester May Determine Bridged Footing Or Other Foundational Treatments May Be Necessary For The Garage To Be Incorporated Into The Building Permit Application To Protect Tree Roots Unearthed During Excavation.



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Date:
- December 18, 2020
Design Review Submittal
- February 17, 2021
Planning Department
Revisions
- March 23, 2021
Alternate Revised Design
Study

Proposed
Landscape Plan

1/4" = 1'-0"

LICENSED ARCHITECT

ERIK D. DYAR
No. 28518
Expires February 2023
STATE OF CALIFORNIA

Sheet No.
17

Camino Real

Alternate Revised Design Study

FXLuminaire.

LED Path Lights



The HC offers soft, efficient, and safe lighting solutions for pathways of all shapes, sizes, and locations. With a sleek hat design, durable construction, and outstanding efficiency, it is the ideal choice for a wide array of settings.

HC: Path Light

NUMBER OF LEDS:	1
HALOGEN LUMEN OUTPUT EQUIVALENT:	10 Watt
USEFUL LED LIFE (L70):	50,000 hrs avg
INPUT VOLTAGE:	10 to 15V
VA TOTAL: (Use this number to size the transformer)	2.4
WATTS USED:	2.0
LUMENS PER WATT (EFFICACY)	19.4
MAX LUMENS:	39
CCT (Ra)	86

3.6" / 9.2 cm

10" / 25.4 cm (with 12" meter)

F/X Luminaire Pathlight
Natural Copper Finish, 18" Height Above Finished Grade

FXLuminaire.

Ledge Lights



PROJECT

CATALOG #

TYPE

NOTES

C-LL STANDARD PLUS

The compact C-LL ledge light is a perfect addition to lighting projects for clients with modest budgets. Because of its corrosion-resistant construction, the fixture is especially at home in coastal regions.

Quick Facts

- Midgrade brass construction
- Corrosion-resistant design
- Attractive antique bronze finish
- Integrated LED
- Input voltage: 10-15V

6.4" (163 mm)

3.6" (92 mm)

0.8" (19 mm)

C-LL Ledge Light SPECIFICATIONS

Output	Integrated LED
Total Lumens	151
Input Voltage	10 to 15V
Input Power (W)	4.0
VA	4.2
Efficacy (Lumens/Watt)	37
Color Rendering Index (CRI)	80+
Center Beam Candlepower	---
Dimming	PWM, Phase
RGBW Available	No
Luxor Compatibility	---
Default	---
ZD Option	---
ZDC Option	---
Minimum Rated Life (L70)	33,000 Hrs

FX Luminaire

FX Luminaire is an industry-leading manufacturer of landscape and architectural lighting products with a focus on the advancement of LED technology and digital lighting control with zoning, dimming, and color adjustment capabilities. We offer a full spectrum of specification-driven lighting features that can be utilized to create elegant, cutting-edge landscape lighting systems for commercial or residential applications. Our products are available exclusively via our extensive professional distributor network.

Weight

2 lbs. (0.9 kg)

Ambient Operating Temperature

-30°F to 140°F (-34°F to 60°F)

Lamp

Integrated LED module

Power

Input 10-15 VAC/VDC, 50/60 Hz. Remote transformer required (specify separately).

Housing

Midgrade brass

Warranty

5-year limited warranty on luminaire

Materials

Die-cast midgrade brass housing with stainless steel mounting brackets

Wiring

18 AWG (1 mm), SVT, 230°F (105°C), 300V, 10' (3 m) length

Finish

Antique finish with brushed effect

Control

Remote transformer

Sustainability

Innovation meets conservation in the design and manufacturing of our products. Where we can, we use recycled materials while maintaining superior functionality. Our LED products provide high-quality light at optimal energy efficiency, lifespan, and durability.

Lighting facts

UL LISTED

ETL

CE

RoHS

F/X Luminaire Garage Door and Entry Gate Downlight
Dark Bronze Powdercoat Finish

FXLuminaire.

LED Wall Lights



The MS pairs the popular styling of the MM with the energy efficiency and long life of LED technology. Choose brass or a variety of powder coat finishes to add contrast or subtly complement the surroundings.

MS: Wall Light

NUMBER OF LEDS:	1
HALOGEN LUMEN OUTPUT EQUIVALENT:	10 Watt
USEFUL LED LIFE (L70):	50,000 hrs avg
INPUT VOLTAGE:	10 to 15V
VA TOTAL: (Use this number to size the transformer)	2.4
WATTS USED:	2.0
LUMENS PER WATT (EFFICACY)	25
MAX LUMENS:	52
CCT (Ra)	78.5

2" / 5.1 cm

3 7/8" / 9.4 cm Diameter

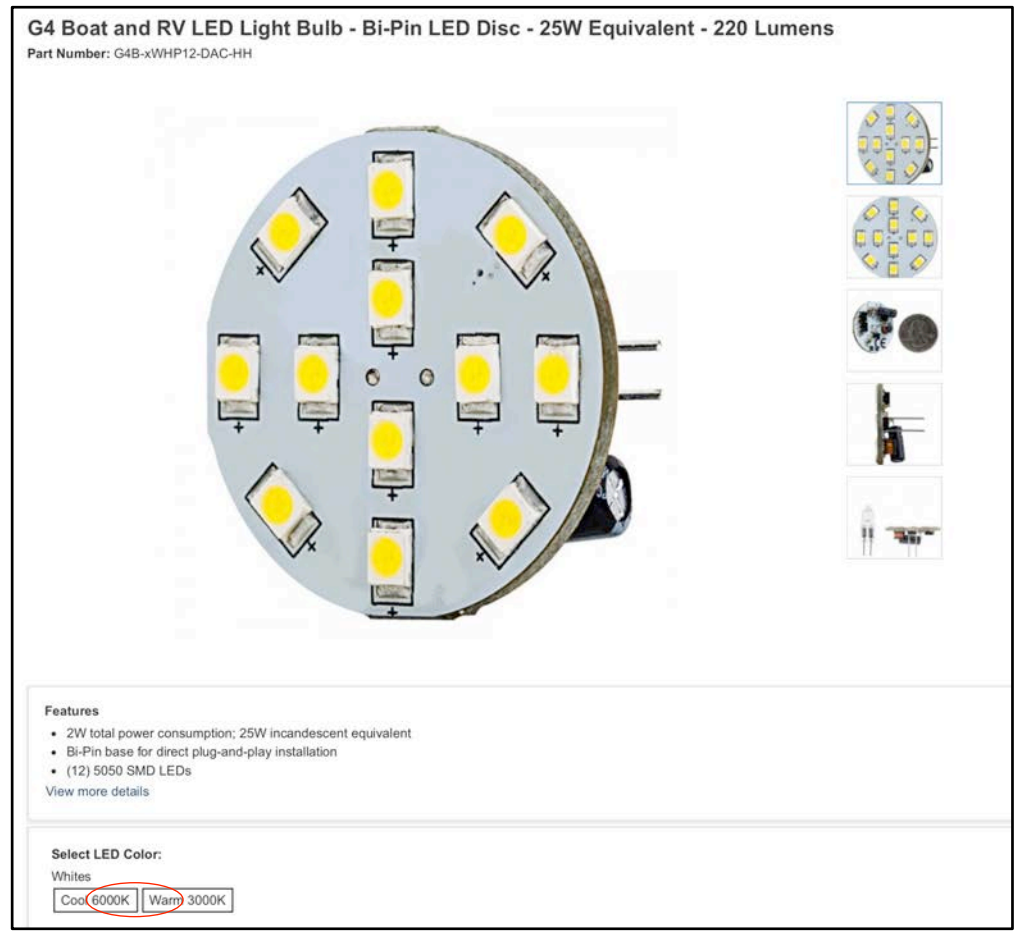
3 7/8" / 9.4 cm

F/X Luminaire Step Light
Dark Bronze Powdercoat Finish



Existing Wall Mounted Exterior Lantern
13"x 27" (Overall Height)
Existing Black Painted Finish

Retrofit Specifications
Each Existing Wall Mounted Lantern Shall have the Existing Luminaire be Replaced with (1) G4 LED Light Disc installed into the Top Part of the Lantern Canopy to Cast Light Downwards Only -- No Luminaire Shall be Visible through the Existing Glass.
New LED Light Disc Shall Not Exceed 220 Lumens.



New LED Light Disc
G4 LED Light Disc, 25W Equivalent, 3000K, LED Light Disc Shall Not Exceed 220 Lumens.

D
A

DYAR
ARCHITECTURE

P.O. BOX 4799
CARMEL, CALIFORNIA 93921
v: 831.915.5602
f: 831.309.9999
Email: info@dyararchitecture.com

© 2021
The Architect's Drawings, Specifications Or Other Documents Shall Not Be Used By The Owner Or Other On Another Project Except By Agreement In Writing And With Appropriate Compensation To The Architect.

Owners:
Joel & Allison Jung

JUNG RESIDENCE
REMODEL
3 SW of 13th Ave. on Camino Real
Carmel-by-the-Sea, California 93921
APN: 010-284-003

Job No.
20-01

Date:
- December 18, 2020
Design Review Submittal
- February 17, 2021
Planning Department Revisions
- March 23, 2021
Alternate Revised Design Study

Proposed
Exterior
Lighting

ALTERNATE REVISED DESIGN STUDY

LICENSED ARCHITECT
ERIK D. DYAR
No. 28518
Expires February 2023
STATE OF CALIFORNIA

Sheet No.
18



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

June 1, 2021
PUBLIC HEARINGS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Marnie Waffle, AiCP, Senior Planner

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Consideration of an Appeal by Scott Hulett (APP 21-166, 'O' Day) of a decision made by the Planning Commission on April 14, 2021, denying a one-time extension of a Design Study (DS 15-349, O' Day) for the construction of a detached carport in the front and side-yard setbacks and enclosure of the existing carport for storage located at the southeast corner of Casanova Street and 4th Avenue in the Single-Family Residential (R-1) Zoning District. (APN 010-214-028)

RECOMMENDATION:

Adopt Resolution 2021-029 denying the appeal by Scott Hulett (APP 21-166), and upholding the Planning Commission's decision to deny a one-time extension of Design Study (DS 15-349, O' Day) for the construction of a detached carport in the front and side-yard setbacks and enclosure of the existing carport for storage located at the southeast corner of Casanova Street and 4th Avenue in the Single-Family Residential (R-1) Zoning District. (APN 010-214-028).

BACKGROUND/SUMMARY:

Executive Summary:

The appellant is requesting reversal of the Planning Commission's denial of a one-time extension of Design Study to complete construction of a detached carport located in the front and side-yard setbacks and enclose the existing attached carport for storage. The Planning Commission denied the request due to the passage of time and substantial changes to the project.

Background and Project Description:

The project site is located on the southeast corner of Casanova Street and 4th Avenue and contains a 1,351 square-foot, two-story residence on an irregular 3,859 square-foot lot. An attached carport provides the required off-street parking for the dwelling.

On September 9, 2015, the Planning Commission approved a Design Study (DS 15-143, Bruno) allowing south neighbors Paul and Julie Bruno to construct a fence along their north (side) property line, extending it toward Casanova Street. As a result, a portion of Judy 'O' Day's asphalt driveway, located on Mr. & Mrs. Bruno's property, was removed. This modification impacted Ms. O' Day's ability to access her existing attached carport.

On October 20, 2015, the Planning Commission approved a Design Study (DS 15-349, O' Day) to convert the existing attached carport into storage space and construct a detached carport, not to exceed 250 square feet, in the front and side-yard setbacks.

On May 18, 2016, Ms. O' Day applied for a building permit, and on June 27, 2016, the City approved the building permit application. On August 30, 2017, Ms. O' Day's architect, Robert Littell, submitted a revision to the building permit application. On September 1, 2017, the Building Official approved the revision, but Ms. O' Day did not immediately secure the building permit.

On June 6, 2018, Ms. O' Day requested an extension of the building permit application, explaining that the delay in pulling the building permit was due to long-term tenants occupying the residence. The Building Official extended the building permit until August 1, 2018. On July 16, 2018, Ms. O' Day pulled the building permit.

To keep an issued building permit active, contractors must call for an inspection within one year of permit issuance. On January 10, 2019, the contractor scheduled an inspection with the City building inspector regarding setbacks and discrepancies in the location of lot lines. At this time, the contractor submitted a new site survey to the City. The contractor scheduled no further inspections in 2019; therefore, the building permit expired on January 10, 2020.

By March 2020, the Coronavirus pandemic reached the United States, and project construction stalled until September 2020, when the contractor resumed work on the site. While the City was granting extensions to issued building permits due to the pandemic, further review of the file revealed that the building permit had already expired before the nationwide shutdown.

On December 30, 2020, Ms. O' Day submitted a Design Study application (DS 20-397, O' Day) requesting an extension of the previously approved Design Study (DS 15-349, O' Day). Carmel Municipal Code 17.52.170 (Time Limits on Approvals and Denials) allows the Planning Commission to grant one extension equal in length to the original time limit (12 months for a Design Study).

On April 14, 2021, the Planning Commission reviewed the request for a permit extension (Attachment 2), adopting a resolution (Attachment 3) denying the request due to the passage of time and substantial changes to the project including shifting the detached carport to the east and the addition of windows in the storage area. This denial effectively means that Ms. O' Day will need to start over and apply for a new Design Study approval from the City. Scott Hulett, on behalf of Ms. O' Day, has appealed the Planning Commission's denial (Attachment 4) and requests the City Council grant the time extension.

Analysis:

Under CMC Section 17.52.170.C (Time Extensions), the Planning Commission may grant one 12-month extension if the conditions surrounding the original approval have not changed and the City's General Plan, Local Coastal Plan, or Municipal Code have not been amended in such a fashion that extending the permit would cause the project to be inconsistent with local plans and ordinances.

Staff reviewed the project file and recognizes that the north property line discrepancy (along 4th Avenue) resulted in shifting the carport to the east. The shift was necessary to move the carport out of the public right-of-way. This change was submitted to Planning staff and was approved.

South neighbors Paul and Julie Bruno submitted a letter opposing the granting of the extension. The Bruno's believe the shifting of the carport, the removal of an Oak tree, and the addition of windows in the storage area resulted in a substantial change to the project. Mr. & Mrs. Bruno request that a new design

study be applied for and reviewed by the Planning Commission.

In the opinion presented by staff to the Planning Commission, the project's conditions had not materially changed and would not have had a detrimental effect on the neighbors. Staff recommended that the Planning Commission grant the 12-month extension on the condition that the project receives final occupancy before April 14, 2021. However, upon consideration of all of the facts of the case, including public testimony, the Planning Commission ultimately found that too much time has passed and that the project has materially changed. The Planning Commission adopted Resolution 2021-020-PC, denying the request for a one-time extension. The City Council is being asked to uphold the Planning Commission's decision and deny the appeal.

If the Council decides to grant the appeal and reverse the Planning Commission's denial of the one-time extension, findings should be provided in support of the decision and staff directed to prepare an alternative resolution. The appellants would then be able to continue construction in accordance with the approved building permit. As previously stated, the contractor would need to schedule one inspection every 12 months to keep the permit active.

Environmental Review:

According to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are Statutorily exempt from CEQA.

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

Attachment #1 - Resolution 2021-029 Denying Hulett Appeal, App 21-166 (O' Day)

Attachment #2 - Planning Commission Staff Report

Attachment #3 - Planning Commission Resolution 2021-020-PC

Attachment #4 - Appeal Packet

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

RESOLUTION NO. 2021-029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING THE APPEAL BY SCOTT HULETT (APP 21-166), AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO DENY A ONE-TIME EXTENSION OF DESIGN STUDY (DS 15-349, O' DAY) FOR THE CONSTRUCTION OF A DETACHED CARPORT IN THE FRONT AND SIDE-YARD SETBACKS AND ENCLOSURE OF THE EXISTING CARPORT FOR STORAGE LOCATED AT THE SOUTHEAST CORNER OF CASANOVA STREET AND 4TH AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT (APN 010-214-028)

WHEREAS, Ron Brown, Architect ("Applicant") submitted a Design Study application (DS 20-397, O' Day) on December 30, 2020, requesting a one-time extension of Design Study 15-349 (O' Day) ("Application"); and

WHEREAS, the project is located at the southeast corner of Casanova Street and 4th Avenue (Block: EE, Lot: 42, APN: 010-214-028) in the Single-Family Residential (R-1) District; and

WHEREAS, on October 20, 2015, the Planning Commission approved Design Study 15-349 (O' Day) for the construction of a detached carport in the front and side yard setbacks and the enclosure of the attached carport for storage; and

WHEREAS, under CMC Section 17.52.170 (Time Limits and Extensions), the Planning Commission may grant a one-time extension of up to 12 months for a Design Study approval; and

WHEREAS, on April 14, 2021, the Planning Commission adopted Resolution 2021-020-PC denying a one-time extension due to the passage of time and substantial changes to the project; and

WHEREAS, on April 27, 2021, Scott Hulett, Contractor, on behalf of Judy O' Day, property owner, filed a timely appeal of the Planning Commission's decision to deny the one-time extension; and

WHEREAS, according to Section 15270 of the California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, projects which a public agency rejects or disapproves are statutorily exempt; and

WHEREAS, a public hearing notice indicating the date and time of the public hearing was published in compliance with State law (California Government Code 65091) and was hand-delivered by the Applicant to all occupants within a 100-foot radius of the project site; and

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

WHEREAS, the City Council did hear and consider all said reports, recommendations and testimony hereinabove set forth and used their independent judgment to evaluate the project; and

WHEREAS, the City Council agrees with the Planning Commission's findings that too much time has passed since the original approval and substantial changes have been made to the project; and

WHEREAS, the facts outlined 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 (APP 21-166), uphold the Planning Commission's denial of a one-time extension of a design study (DS 15-349), and find that too much time has passed since the original approval and substantial changes have been made to the project.

BE IT FURTHER RESOLVED that the Design Study (DS 15-349, O' Day) and associated Building Permit (BP 16-170) are now expired, and new planning and buildings applications must be submitted to the City of Carmel-by-the-Sea and subsequently approved to continue with the project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1ST day of June 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit
City Clerk



CITY OF CARMEL-BY-THE-SEA PLANNING COMMISSION Staff Report

April 14, 2021
PUBLIC HEARINGS

TO: Chair LePage and Planning Commissioners

SUBMITTED BY: Marnie R. Waffle, AICP, Senior Planner

APPROVED BY: Brandon Swanson, Community Planning & Building Director

SUBJECT: **DS 20-397 (Southeast Corner Casanova & Fourth):** Consideration of a one-time extension of a Design Study (DS 15-349, O' Day) for the construction of a detached carport in the front and side yard setbacks and enclosure of the existing carport for storage located in the Single-Family Residential (R-1) District. (APN 010-214-028)

CEQA Action: Staff recommends the project be found categorically exempt from CEQA pursuant to Section 15303 (Class 3) – New Construction or Conversion of Small Structures.

Application: DS 20-397 (O' Day)

APN: 010-214-028

Block: EE

Lot: 42

Location: Southeast Corner Casanova & Fourth

Applicant: Ron Brown, Architect

Property Owner: Judy O' Day

Executive Summary:

The applicant is requesting approval of a one-time extension of a Design Study (DS 15-349, O' Day) to complete construction of a new carport located in the front and side yard setbacks and enclose the existing carport for storage.

Recommendation:

Staff recommends that the Planning Commission adopt a resolution (Attachment 1) granting a one-time extension of a Design Study (DS 15-349, O' Day) for the construction of a new carport in the front and side yard setbacks and enclosure of the existing carport for storage located at the southeast corner of Casanova Street and Fourth Avenue in the Single-Family Residential (R-1) District.

Background and Project Description:

The project site is located on the southeast corner of Casanova Street and Fourth Avenue and is developed with a 1,351 square-foot, two-story residence on an irregular 3,859 square-foot lot. The existing residence is clad with vertical wood siding and a wood shingle roof. Parking for the residence is provided by an attached carport located below the second floor deck.

On September 9, 2015, the Planning Commission approved a Design Study (DS 15-143, Bruno) allowing south neighbors Paul and Julie Bruno to construct a fence along their north (side) property line, extending it toward Casanova Street. As a result, a portion of Judy O' Day's asphalt driveway, which was located on the Bruno property, was removed. This modification impacted Ms. O' Day's ability to access her existing carport.

On October 20, 2015, the Planning Commission approved a Design Study (DS 15-349, O' Day) allowing the conversion of the existing carport into storage space and approving the construction of a new detached carport, not to exceed 250 square feet, in the front and side yard setbacks.

On May 18, 2016, Ms. O' Day applied for a building permit and on June 27, 2016, the City approved the building permit application. On August 30, 2017, Ms. O' Day's architect, Robert Littell, submit a revision to the building permit application and on September 1, 2017 the Building Official approved the revision but Ms. O' Day did not secure the building permit.

On June 6, 2018, Ms. O' Day requested an extension of the building permit application explaining that the delay in pulling the building permit was due to the home being occupied by tenants. The Building Official extended the permit until August 1, 2018.

The building permit was issued on July 16, 2018. Contractors must call for an inspection within 1 year of permit issuance in order to keep the permit active. An inspection was conducted on January 10, 2019 regarding setbacks and discrepancies in the location of lot lines. At this time a new site survey was submitted to the City. No further inspections were scheduled in 2019; therefore, the building permit expired on January 10, 2020.

By March 2020, the Coronavirus pandemic reached the United States and project construction stalled until September 2020 when the contractor resumed work on the site. While the City was granting building permit extensions due to the pandemic, further review of the file revealed that the permit had already expired prior to the nationwide shut down.

Ms. O' Day is ready to resume construction and complete her project. Her written request is included as Attachment 3 which provides a timeline of events and a discussion of unforeseen circumstances which caused delays with the project.

Staff Analysis:

In accordance with CMC Section 17.52.170.C (Time Extensions), the Planning Commission may grant one 12 month extension so long as the conditions surrounding the original approval have not changed and the General Plan, Municipal Code or Local Coastal Plan has not been amended in a manner that would cause the project to be inconsistent with these plans or code.

Staff has reviewed the project file and recognizes that the north property line discrepancy (along Fourth Avenue) resulted in the carport being shifted to the east. The shift was necessary to move the carport out of the public right-of-way (Attachment 4).

South neighbors Paul and Julie Bruno have submitted a letter opposing the granting of the extension. The Bruno's believe the shifting of the carport resulted in a substantial change to the project, along with an Oak tree removal on the south property line and the addition of windows in the storage area. The Bruno's contend that a new application should be submitted so the entire project can be reevaluated by the Planning Commission rather than granting an extension (Attachment 5).

In staff's opinion, the conditions surrounding the original approval have not materially changed and staff is recommending that the Planning Commission grant the 12-month extension. If granted, the approval would remain valid until April 14, 2022. If the project does not receive final occupancy by this time, all permits will expire and Ms. O' day would be required to submit a new application for the project.

Other Project Components:

The project was found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15303 (Class 3) – New Construction or Conversion of Small Structures when approved by the Planning Commission in 2015. The project includes enclosing an existing attached carport for storage space and construction of a new detached carport, not to exceed 250 square feet, for required on-site parking. The project has not materially changed, does not present any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption apply pursuant to section 15300.2 of the CEQA Guidelines.

Attachment 1 - Resolution

Attachment 2 - Approved Construction Plans

Attachment 3 - Applicant's Letter

Attachment 4 - Revised Plans 021016

Attachment 5 - Public Comment

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

PLANNING COMMISSION RESOLUTION NO. 2021-XXX-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING
A ONE-TIME EXTENSION OF DESIGN STUDY (DS 15-349, O' DAY) FOR THE CONSTRUCTION OF A
DETACHED CARPORT IN THE FRONT AND SIDE YARD SETBACKS LOCATED IN THE SINGLE-FAMILY
RESIDENTIAL (R-1) DISTRICT AT THE SOUTHEAST CORNER OF CASANOVA STREET AND FOURTH
AVENUE
APN 010-214-028

WHEREAS, Ron Brown, Architect ("Applicant") submitted a Design Study application (DS 20-397, O' Day) on December 30, 2020 requesting an extension of Design Study 15-349 (O' Day) ("Application"); and

WHEREAS, the project is located at the southeast corner of Casanova Street and Fourth Avenue (Block: EE, Lot: 42, APN: 010-214-028) in the Single-Family Residential (R-1) District; and

WHEREAS, on October 20, 2015, the Planning Commission approved Design Study 15-349 (O' Day) for the construction of a detached carport in the front and side yard setbacks and the enclosure of the attached carport for storage; and

WHEREAS, in accordance with CMC Section 17.52.170 (Time Limits and Extensions), the Planning Commission may grant a one-time extension of up to 12 months for a Design Study approval; and

WHEREAS, the project was found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15303 (Class 3) – New Construction or Conversion of Small Structures when approved by the Planning Commission in 2015. The project includes enclosing an existing attached carport for storage space and construction of a new detached carport, not to exceed 250 square feet, for required on-site parking. The project has not materially changed, does not present any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption apply pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, notice of the public hearing was published in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each occupant within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on April 14, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, information provided to the Planning Commission by City staff and public testimony on the application; and

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

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE an extension of a Design Study (DS 15-349, O' Day) for the construction of a detached carport in the front and side yard setbacks, not to exceed 250 square feet, and the enclosure of the existing carport for storage, located at the southeast corner of Casanova Street and Fourth Avenue (APN 010-214-028).

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 14th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Michael LePage
Chair

Margi Perotti
Planning Commission Secretary

S/E CORNER OF 4TH STREET AND CASANOVA

OWNER

Robert
Littell

100

10/1/17

REVISION	6/27/10
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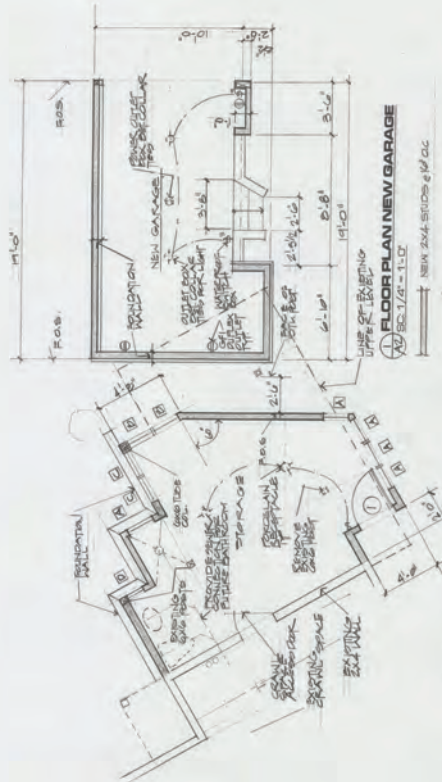


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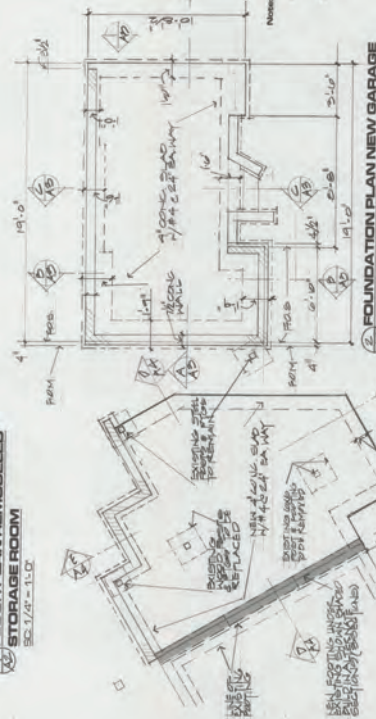
Robert
Architect
P.O. BOX 250083
SAN FRANCISCO, CA 94115
PUD DAY
OWNER

RESIDENCE ADDITION AND
REMODEL FOR JUDY O'DAY
S/E CORNER OF 4TH STREET AND CASANOVA

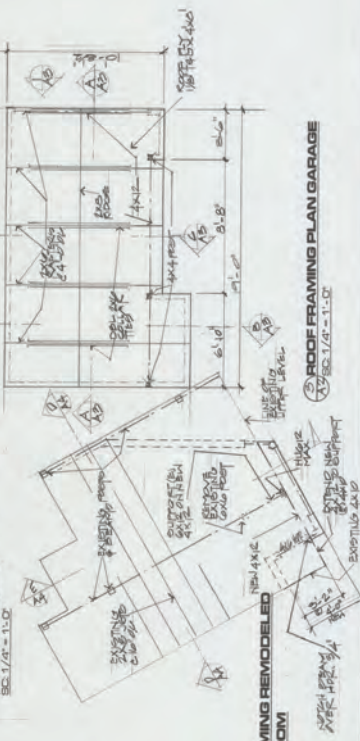
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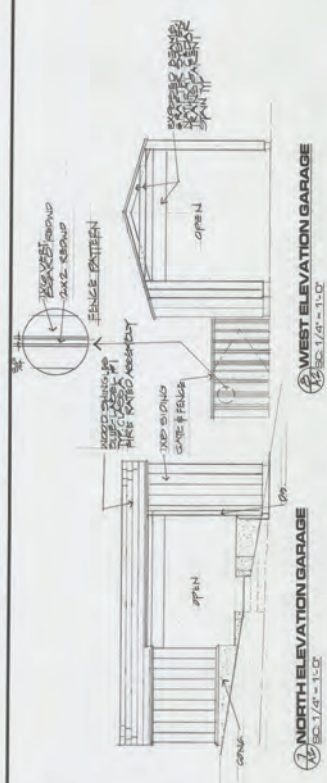
1 FLOOR PLAN REMODELED
STORAGE ROOM
SC 1/4" = 1'-0"



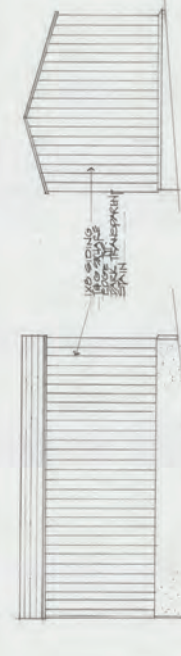
2 FOUNDATION PLAN REMODELED
STORAGE ROOM
SC 1/4" = 1'-0"



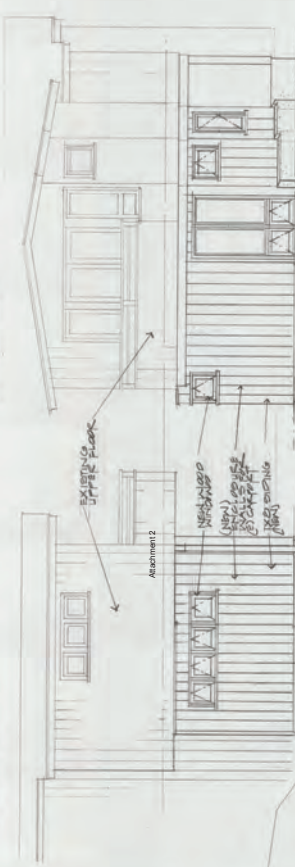
3 CEILING FRAMING REMODELED
STORAGE ROOM
SC 1/4" = 1'-0"



4 WEST ELEVATION GARAGE
SC 1/4" = 1'-0"



5 EAST ELEVATION GARAGE
SC 1/4" = 1'-0"



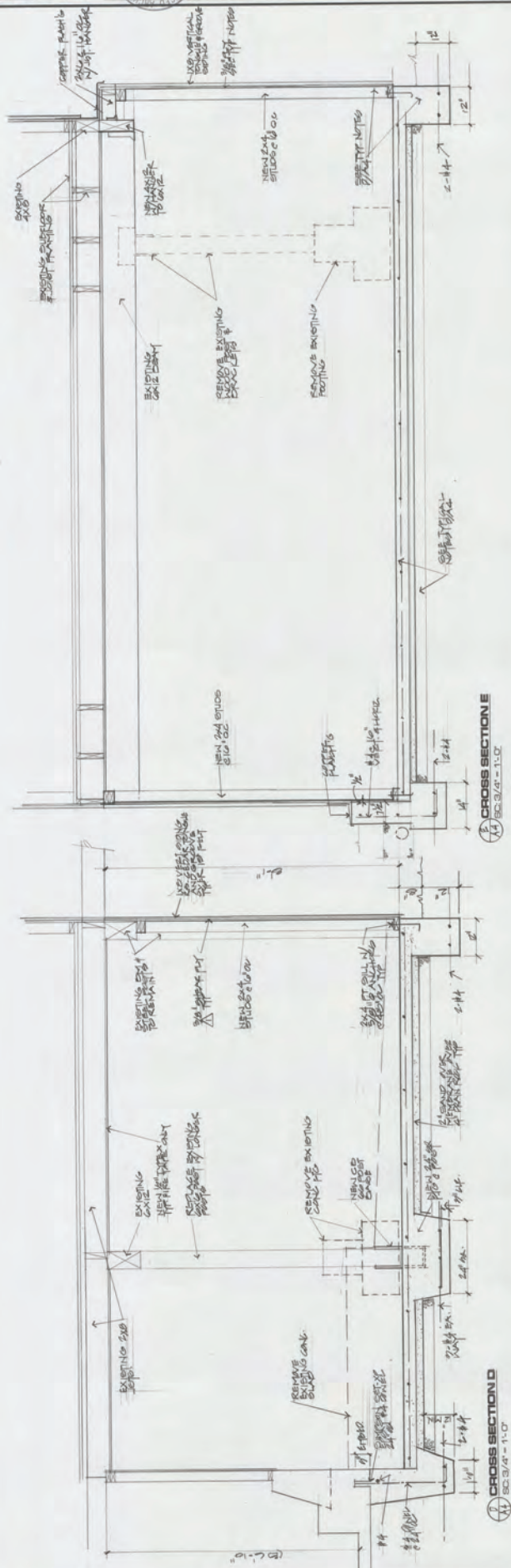
6 SOUTH ELEVATION GARAGE
SC 1/4" = 1'-0"

- DOOR WINDOW SCHEDULE**
- 1 DOOR: 10'0" x 7'0" SWING IN
 - 2 WINDOW: 10'0" x 7'0" SWING IN
 - 3 WINDOW: 10'0" x 7'0" SWING IN
 - 4 WINDOW: 10'0" x 7'0" SWING IN
 - 5 WINDOW: 10'0" x 7'0" SWING IN
 - 6 WINDOW: 10'0" x 7'0" SWING IN

7 SOUTH ELEVATION STORAGE ENCLOSURE
SC 1/4" = 1'-0"



Notes:
1. Section from basement to garage level is shown.
2. Qualified engineer to approve footing and foundation.
3. Temporary shoring for removed joists to be installed and approved by the engineer of record.

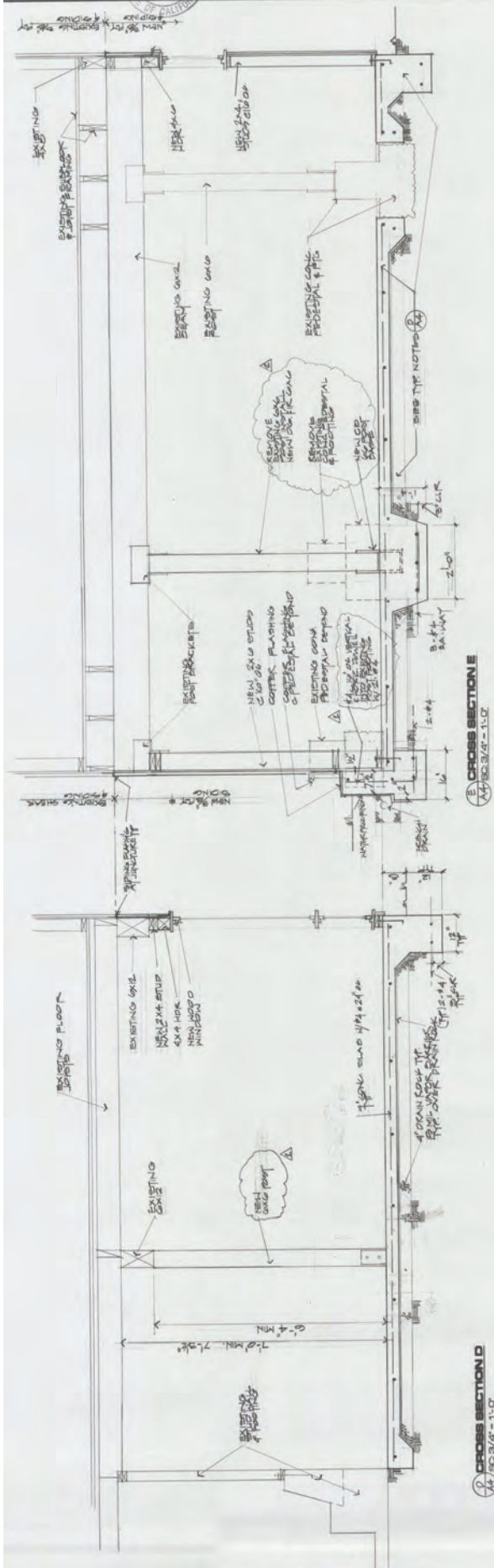


CROSS SECTION E
SC 3/4" = 1'-0"

CROSS SECTION D

S E A T H I N G S C H E D U L E						
MARK OR DESCRIPTION	SHEATING 1	SHEATING NAILING		SELL L3 BOILING	ALLOW. SHAR. #/FT.	REMARKS 1
		EDGE (T.E.H.)	FIELD			
ROOF 1/2" X 6" X 12" C.P. 1500 L.	1 1/2" X 6" C.P. 1500 L.	100 # 6" C.	100 # 12" C.	N.A.	215	UNRECORDED APPROX.
ROOF 1/2" X 6" X 12" C.P. 1500 L.	1 1/2" X 6" C.P. 1500 L.	84 # 6" C.	84 # 12" C.	N.A.	240	SOLID BLOCKED THP. ALL DATA. 100% L.V.

- 1 - UNLESS OTHERWISE SPECIFIED IN DRAWINGS
- 2 - ALL SILL BOLTS SHALL HAVE A MINIMUM 7" EMBEDMENT TO CONCRETE LION AND A 3"x3"x4" 201 HOT DIPPED GALVANIZED TREATMENT. ALL BOLTS TO PLATE - 2-BOLT MIN PER C. WITH AT LEAST 1" MIN. SPACING
- 3 - CONTINUOUS WEATHER STRIPPING FROM END OF WALL - FLOOR TO ROOF.
- 4 - CONTINUOUS WEATHER AND SEALING OVER TOP OF SILL AT END OF SHEARWALL.
- 5 - ALL SILL PLATED SHALL BE PRESSURE TREATED DOUGLAS FIR.
- 6 - USE PLYWOOD CUTS @ 24" O.C. UNGRADED DOGS



WALL OR ROOF OR FLOOR	DESCRIPTION	WALL OR ROOF OR FLOOR	DESCRIPTION	WALL OR ROOF OR FLOOR	DESCRIPTION	REMARKS
1	WALL	1/2" CMU	1/2" CMU	1/2" CMU	1/2" CMU	1/2" CMU
2	ROOF	1/2" CMU	1/2" CMU	1/2" CMU	1/2" CMU	1/2" CMU
3	FLOOR	1/2" CMU	1/2" CMU	1/2" CMU	1/2" CMU	1/2" CMU

- 1 - INSIDE OVERHEAD SPECIFIED IN DRAWINGS.
- 2 - ALL WALLS SHALL HAVE A MINIMUM OF 1/2" CMU. ALL ROOFS SHALL HAVE A MINIMUM OF 1/2" CMU. ALL FLOORS SHALL HAVE A MINIMUM OF 1/2" CMU.
- 3 - USE 1/2" WOOD CLIPS @ 24" O.C. @ UNSUPPORTED CORNERS.

Date: April 7, 2021

To: Planning Commissioners:
Michael LePage, Chair
Gail Lehman, Vice Chair
Christopher Bolton, Commissioner
Robert Delves, Commissioner
Stephanie Locke, Commissioner

From: Judy O'Day

Subject: One-Time Design Study Extension Approval - Casanova & 4th

Dear Commissioners:

This letter is regarding the April 14, 2021 Planning Commission meeting for the one-time extension of Design Study (DS 15-349, O'Day) for the construction project at SEC Casanova Street and 4th Avenue.

I am requesting approval of a one-time extension based on the following:

- To honor the City of Carmel's (City) approval of an extension of Building Permit 16-170 (as evidenced below) by approving Design Study DS 20-397 (O'Day).
- To proceed with the project and to remediate the unsafe conditions on the construction site resulting from the City's order to stop further work on the property.

Introduction:

In order to achieve my objective to create a safe yet efficiently designed plan for ingress and egress to/from my property; and specifically, to address any issues or concerns from the City and any adjacent landowner, I purposefully hired Robert Littell, a very reputable Carmel architect. As a result, Robert successfully designed the current plan, which was approved by the City Planning Commission after a public hearing. The only issue before the Commission is regarding a one-time extension of the permit for plans that have already been approved.

Background:

The following is a chronological summary of facts and events pertaining to this project.

- The original permit was approved on June 27, 2016 and an extension was granted on June 7, 2018 due to the property being occupied by a tenant. It was necessary that the tenant vacated prior to starting the project, which took some time as the tenant had only recently moved. The building permit was issued on July 16, 2018. Contractor Scott Hulett was hired and he immediately began to work on the project.
- On January 10, 2019, an inspection request was granted and Contractor Scott Hulett had a site visit by Jermel Laurie, Acting Building Official, to inspect for "setbacks" and a survey map was provided. At that time, Jermel told Scott there would be no need to have him (Jermel) come out in order to get an extension of the permit, that a phone call would do. Based on this, Scott was assured by phone conversations that the permit would remain active.
- In late spring/early summer of 2019, the project resumed after Contractor Scott Hulett had found it necessary to resolve several difficult issues (without Architect Robert Littell's assistance sadly due to his death in January 2019). These issues included: determining correct placement of the survey pins; ensuring the carport was within the boundary lines; and, resolving engineering concerns.

- From July 2019 to November 2019, the exiting carport area was initially excavated by hand due to the difficulty of accessing the area with heavy equipment and the exorbitant cost. In December 2019, the contractor determined the additional excavation needed to be completed by an excavator with heavy equipment. With the holidays and winter weather, it was difficult to schedule, after which time the COVID-19 stay-at-home order was in place and construction was halted.
- On September 16, 2020, Scott sent an email to Jermel to check on the status of the Casanova & 4th permit due to the delay caused by the COVID stay-at-home order. **Jermel responded that he "would not expire the permit" and to schedule an inspection when he (Scott) was ready. (For reference, attached is the email that approved the extension with no timeframe and clearly refers to the property address - Subject: Re:"Casanova & 4th")**.
- In mid-October 2020, Scott contacted Jermel for an inspection. Much to Scott's and my surprise, on October 26, 2020, Jermel emailed a letter to **stop further work on the property** because the building permit had expired and directed that the process be started over with Planning. This was completely unexpected as Jermel had ***just told Scott in writing*** that he would not expire the permit and to schedule an inspection. *As stated on the plans approved by the Planning Commission, as long as the building permit is active, there is no need to go through the planning process*, which would be redundant and inefficient.
- As a result of our reliance on Jermel's representations that the permit had been extended, the following are some of the damages and issues caused by stopping any further work on the property: changes to contractor's schedule; reschedule of excavator (which had been difficult to schedule); increased cost of building materials, especially lumber and steel; increase cost of labor due to the delay; additional city fees; inability to safely access the house (**pictures attached**); loss of rent due to the inability to safely access the house; etc..
- During an October 29, 2020 discussion between myself and Jermel regarding his letter, Jermel stated that if he had known the permit was to expire, he would have notified the contractor. Jermel referred further discussion regarding acquiring a permit extension to his supervisor, Marnie Waffle, Acting Community Planning & Building Director. I left a voicemail message for the Acting Director requesting a return call regarding the permit but did not hear back from anyone.

Unforeseen Circumstance:

During the period of 2016-2019, my mother and co-owner of the property, experienced several difficult health issues that required 24-hour care; and in 2017, I had to move her to Sacramento to live with me. In Sacramento, my mom was hospitalized and placed on hospice care several times. Due to her debilitating condition, she required my care and my full attention to keep her at home, to include 24-hour caregivers and significant financial obligation. I was very distracted with the care and health of my mom and unable to focus at that time on this project.

Conclusion:

Based on the above facts, I am requesting the Planning Commission to officially extend the permit so we can proceed with the construction of the Casanova & 4th project, as well as preserve the outstanding design of Architect Robert Littell.

I appreciate your consideration of this matter.

Judy O'Day
Attachments

Check Mail

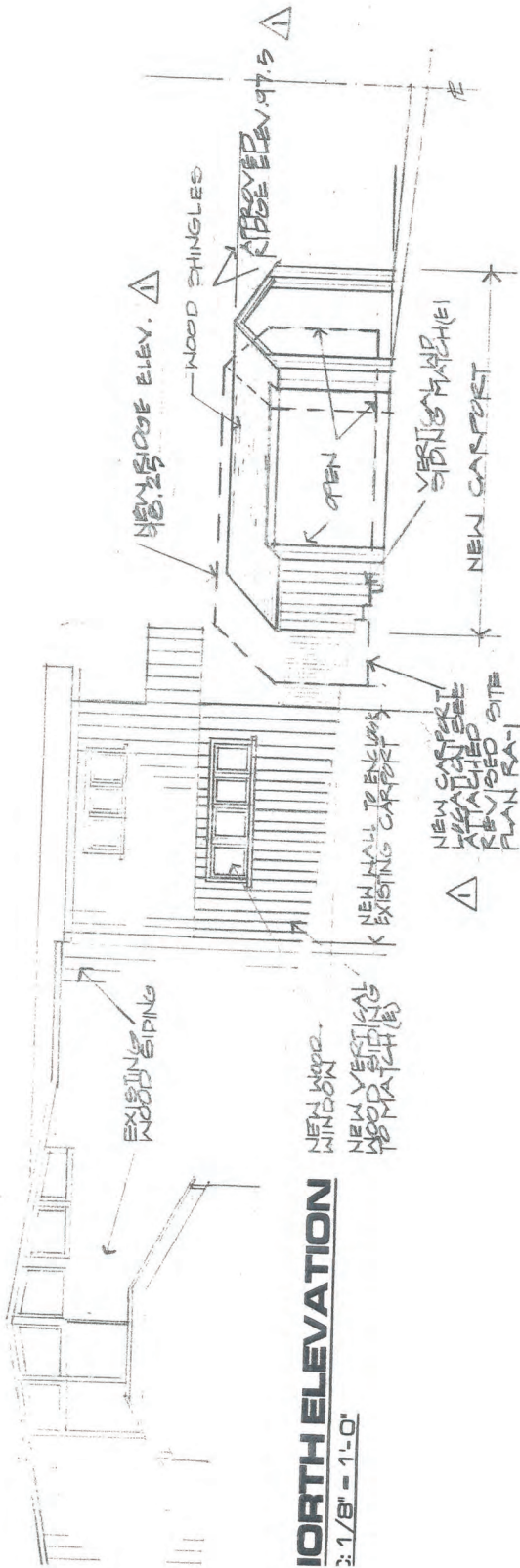
Compose Mail

	Search
Inbox (172)	
Draft	
Sent	
Trash (34)	
Junk Mail (1)	
My Folders	Add

Reply	Forward	Delete	Junk	Print	Mark	Move	Back to Messages
Fwd: Casanova & 4th							
From: Scott Hulett <scotthulett@msn.com> Add to Contacts Invite Sender Block Sender							
To: "judycalling@juno.com" <judycalling@juno.com>							
Sent: Wed, Sep 16, 2020 09:00 AM							
Scott Hulett Hulett Construction 408 515 5905 From: Jermel Laurie <jlaurie@ci.carmel.ca.us> Sent: Wednesday, September 16, 2020 8:01:10 AM To: Scott Hulett <scotthulett@msn.com> Subject: Re: Casanova & 4th I will not expire the permit because of COVID. Just schedule an inspection when you are ready. Thank you, Jermel Laurie Acting Building Official / Building Inspector PO Box CC Carmel-By-The-Sea, CA. 93921 831-620-2055 PLEASE NOTE: Due to the issuance of a shelter in place order by the Monterey County Health Officer, the Community Planning & Building Department is currently CLOSED. We apologize for any inconvenience. Staff will be working remotely to receive and review electronic application submittals as well as respond to emails. If you have a general Planning question, please email planning@ci.carmel.ca.us. For Building questions, please email building@ci.carmel.ca.us. To request a building inspection, please go on-line to: https://ci.carmel.ca.us/post/electronic-inspection-scheduling or call the inspection line at (831) 620-2065. Thank you for your patience and understanding as we adapt to the changing conditions in our community. Help improve Community Planning & Building. Click here to take our survey! On Wed, Sep 16, 2020 at 7:47 AM Scott Hulett <scotthulett@msn.com> wrote: (Could you give me a call. We're getting this project started up again after covid. But I think the permit is close to being lapsed. Can I schedule an inspection to keep it active.							





$$\therefore 1/8" = 1'-0"$$


3" - 1'-0"

SC: 1/8" = 1'-0"

City of Carmel-by-the-Sea
Planning & Building Dept.

A vertical ruler with markings from 0 to 5. The markings are at intervals of 1 unit, with smaller subdivisions between them. The ruler is oriented vertically, with the 0 mark at the bottom and the 5 mark at the top.

Drawn EF

April 7, 2021

Dear Planning Commissioners, Brandon and Marni,

This letter is written to urge that the Planning Commissioners refrain from exercising their discretion in the further continuance of almost a six-year-old Development Permit (DS 15-349, O'Day) that has changed substantially and drastically since its initial approval on October 20, 2015. Conditions of approval of the permit have been violated, the building has been moved from the original plans without any notice to the neighbors, and an old oak tree has been removed without permit since the original approval. Finally, after several extensions after expiration, O'Day cannot show that "justifiable cause" has been shown in writing necessary under CA Building Code Sec. 105.3.2 for any extension. Oral "misunderstandings" do not qualify as written "justifiable cause." (See, letter dated before April 2018 from Carmel's then Building official, Dick Bower, extending the building permit to August 1, 2018.) (Exhibit 1 to this letter.)

EXECUTIVE SUMMARY

The notice from Carmel-by-the-Sea ("Carmel") on March 29, 2021, indicated that story poles and other planning requirements were necessary before the matter goes back to the Planning Commission because of the O'Day failure to diligently prosecute the work and expiration of all permits. The 29 March 2021 notice and Carmel's actions were consistent with a letter dated 21 October 2020 from Carmel to O'Day. (See, Exhibit 5 to this letter.)

Later, a notice was published on April 2, 2021 superseding the requirement to return to planning and instead indicated that a time extension to design study (DS 15 – 349, O'Day) would be considered by the Planning Commission on 14 April, 2021. This letter will outline the changed circumstances, changed plans without notice, dilatory conduct of O'Day in executing the work over five years, and the violation of many conditions of the permit that have occurred since its original issuance in 2015. The inexorable conclusion is that the extension must be denied.

We are the Brunos, the next door neighbors to the South side of the O'Day rental property. We urge that the Planning Commission refrain from exercising their discretion and deny the permit extension for Design Study (DS 15-349, O'Day). Instead, staff should consider the cumulative effects of "no notice" changes including, the changed location and height of the building, consideration of the removal of a 24" diameter trunk old oak tree without permit, absence of a drainage plan, consideration of multiple new windows, and review of a stealth bathroom in a storage space. Planning staff should consider a different, shorter and more narrow, truly detached garage in a different (or the original 2015) location with fewer, smaller windows, and no unpermitted bathroom in the rental property.

The best solution is to deny the extension and cause this project to be reviewed by planning for consideration, to deal with the substantial changes including the location and height of the carport, and other changed circumstances. Planning could then consider alternatives that are more consistent with Carmel design considerations and valid neighbor concerns over light and view impact, privacy, drainage, maintenance of the carport and appearance. In addition, compliance with Conditions of Approval on the permit should be emphasized and checked, as this owner has an indefensible history of arrogant and self-focused dealings with Carmel.

A BRIEF HISTORY OF THE O'DAY PROPERTY

In January 2015, the Bruno's purchased the home directly to the South of the O'Day rental property. At the time, Judy O'Day claimed 7 feet by 18 feet of the Bruno property for their exclusive use as a "prescriptive easement." A fence and "no trespassing" sign — removed by Carmel police— evidenced the O'Day claim on the Bruno property. (There is no "exclusive prescriptive easement" in California.) For several years prior to 2015, Carmel had insisted that O'Day remove driveway paving on the Southside (now Bruno) property as a condition of approval on O'Day building improvements. The O'Days ignored Carmel.

With an aim to compromise, Bruno asked for a gate to access both the Bruno garbage cans and the Bruno North side door to their home, and applied for such a design along with a new fence down the property line if O'Day refused the notion of a gate. As reflected in the 20 October 2015 Planning Commission Report DS 15-349 (page one "Background and

Project Description”) (See, Exhibit 2 to this letter), the illegality of O’Day conduct and refusal to compromise on the gate led the Planning Commission to approve the extension of an existing fence along the South side of the O’Day property to the limit of the setback, effectively reclaiming the 7 foot x 18 foot strip of Bruno land originally taken by O’Day. (See also, Attachment A - Site Photograph, photos 1 and 2, to Exhibit 2 to this letter) (See also, Exhibits 3 and 4 to this letter.)

In exchange for the signing of a quitclaim deed, Bruno agreed to support the 1’ setback into the 3’ setback for the carport. However, after agreement to sign the quitclaim for the strip of Bruno land and after Bruno in good faith supported DS 15-349 at a Planning Commission hearing, O’Day reneged on her agreement and never signed the quitclaim deed. (O’Day, according to her contractor Hulett, again refused to sign the quitclaim as recently as September of last year.)

Why is this brief history germane? This history provides necessary background as to why the project changed so much from its initial approval and why any claim of “misunderstanding” the deadlines or rules is either insincere or disingenuous. (See, letter dated before April 2018 from Carmel’s then Building Official, Dick Bower, extending the building permit to August 1, 2018 and describing the rules for extensions in detail.) (Exhibits 1 and 5 to this letter)

I. THE ORIGINAL PROJECT HAS BEEN FUNDAMENTALLY CHANGED

The original project was approved 7 October 2015. What did the Brunos approve in 2015 before O’Day reneged completely on her agreement to provide a quitclaim? What are the changed circumstances and hidden plan changes? (See, and compare, Attachment E to 20 October 2015 Planning Commission Report DS 15-349 (Exhibit 1 in full) to plans date stamped by Carmel 8 June 2016.)

a) The original project (approved in 2015) had an existing carport below the house structure. By the approval, Attachment 2, there was about 4' distance from the new enclosed storage space (scaled) to the new carport, allowing for air, light and privacy to accommodate the Bruno kitchen and stair windows, also for healthy plantings on the North side of Bruno home. In the 2015 plans, there is no overhang of the building balcony over the new carport. (See, 20 October 2015 Planning Commission Report Attachment "E")

WITHOUT NOTICE TO THE BRUNO'S, the new garage/carport is now partially "tucked under" the existing carport AND balcony, with about 2' from building wall (new) and planned enclosed "storage," formerly the carport. This change completely cuts off light and air, and provides no privacy from windows (new in 2016) of "storage space" to kitchen windows of the existing Bruno home. The removal of the old oak exacerbates this new lack of privacy condition with multiple new windows, which were not part of the original 2015 approved plans.

b) The original project was lower at the roof line across the Bruno's dining room windows before the carport was moved East towards the existing structure without notice to the Bruno's.

WITHOUT NOTICE TO THE BRUNO'S, the new roof line is higher — meaning the entire wall of Bruno dining room windows now looks upon an unnecessarily high roof, blocking light and view. The roof could be lowered, or the entire building dug out of the existing grade and lowered as part of a simple redesign more compatible with the neighborhood. Less height and mass is ideal for the street view and enhances, rather than detracts. (The original story poles in 2015 were misleading in both location of the O'Day building and height. There were no story poles ever installed to depict the changes in either 2016 or 2017.)

c) The original design had no windows on the South side facing the Brunos and no indication (but a suggestion) on the Conditions of Approval (See, item 12 of Conditions of Approval). One window existed on the West side, which is now potential ingress/egress (see paragraph below), and multiple windows are on the South side.

WITHOUT NOTICE TO THE BRUNO'S, in the "storage area," the proposed enclosed original carport now has plans that include large windows in a proposed bathroom, in the wall right outside the Bruno's kitchen window (4' noted), and has a separate access door potential (see, oversized windows, 5-6') on the West side, hidden by the carport wall from the street side of Casanova and 4th. (see, plans dated 17 May 2016, A-1 and A-3.) While there is no "drainage plan" as required by Carmel, A-1, A-3 now show a gutterless roof end on the South side with encroachment into the 1' setback by a "French Drain" with no terminus, and apparently part of the wall into the 1' setback. (The impossibility of painting and maintenance, plus the drainage into the Bruno property suggests a narrowing of the garage so that the setback becomes 2' on the South side as suggested by the original approval in the 20 October 2015 Planning Commission Report, page 3, first paragraph.) This was written even before the building was moved back in 2016.

Finally, why is it necessary or appropriate to install "capped" hot and cold water PLUS a sewer for an unpermitted bathroom in an alleged "storage space?" Is this the subject of a later "misunderstanding" in favor of O'Day when an illegal unit is occupied and rented? Revisions to the plans and planning staff approval of all hidden changes are necessary to clear any later "misunderstanding."

II. THERE ARE MULTIPLE VIOLATIONS OF THE CONDITIONS OF APPROVAL SINCE 7 OCT, 2015

a) Note that "trees on site shall be removed upon approval of the City Forester . . ." (Exhibit 2 to this letter, Attachment C - Conditions of Approval item 5.) The Brunos wrote to Carmel that the 24" diameter old oak was one-half on Bruno property and that the Brunos did not want it removed. (See, Exhibit 6 dated 21 August 2020 from Brunos to Carmel). There was no permit for removal of this huge oak issued by Carmel to O'Day, but the majestic oak was removed on the weekend (presumably in the evening) by O'Day. Was this critical removal another "misunderstanding" in favor of O'Day?

b) Note that "[i]f any tree roots larger than 2 inches are encountered during construction, the City Forrester be contacted before cutting the roots. . . If roots are larger than 2 inches in diameter are cut without prior city Forrester approval or any significant tree is endangered as a result of construction activity, the board building permit will be suspended and all work stopped until an investigation by the city Forrester has been completed. Twelve inches of mulch shall be evenly spread inside the drip line of all trees prior to the issuance of a building permit." (Exhibit 2 to this letter, Conditions of Approval item 6. id.) Key tap roots in excess of 2" diameter were cut by O'Day that caused stress to the majestic oak, and no protection was afforded this old oak in violation of this condition of approval. Is this another "misunderstanding" in favor of O'Day? (See, Exhibits 7, 8, 9 and 10 to this letter)

c) No storm water drainage plan exists in the Carmel files in direct contravention of both Carmel policy and Conditions of Approval item 18. id. (see, any plan submission by O'Day.) Is this another "misunderstanding" in favor of O'Day? (See, erosion scar in Exhibit 10 to this letter.)

d) The project is not currently in accord with the 2015 location with the "pin" established by the licensed surveyor. This is in violation of the Special Conditions item 21, and may be the reason why the project changed location, height, etc. In 2015, the secret intention of the O'Days may have been to seek an encroachment from Carmel. That application was attempted and final denial of the encroachment was 10 June 2016 — but O'Day never informed the most affected neighbor, the Brunos.

Several solutions are offered herein to accommodate the changed circumstances, but this permit must not be extended again — the design needs to go through Design Study, where it should have gone in 2016 instead of multiple, hidden stealth plan revisions; or was this also going to be justified as yet another "misunderstanding" and ruled in favor of O'Day?

The original Design Study approval was obtained (in part due to an agreement with the Brunos) almost six years ago on 20 October 2015, though O'Day apparently did not obtain the building permit until 1 September, 2017, two years later.

That permit expired on 1 March, 2018 due to "lack of issuance." Specific guidance was provided by Carmel through Dick Bower to O'Day as to how to both keep the permit active, and how to prevent its lapse. Carmel extended the building permit until 1 August 2018. Was this another "misunderstanding" in favor of O'Day? (See, Bower letter, Exhibit 1 to this letter.)

Except for some string line paint in 2018, (See, Exhibit 4 to this letter), the only work performed on the project since the permit was renewed was by two alleged gardeners from Sacramento. While the gardeners were digging dust out of the existing foundation, doing some trenching, and widely expressing the dust onto the Bruno property, the Brunos could not communicate with them because the Brunos do not speak Spanish. This went on sporadically on single weekend days and lasted months. The contractor Hulett indicated what took the 2 gardeners months could have been accomplished in a few days. However, O'Day wanted to pay as little as possible for this work, not under licensed contractor Hulett, so it continued with the gardeners from Sacramento. Massive soil erosion repeatedly occurred and scarring of the loose sandy soils repeatedly occurred until Hulett returned in the fall of 2020 and installed barriers and filters. But the erosion continued. (See, Exhibit 10 to this letter)

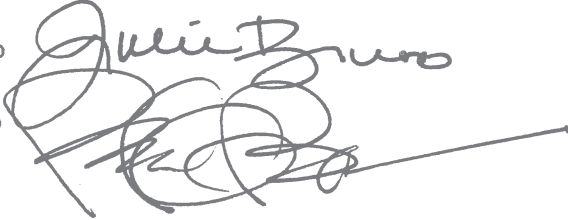
There has been NO WORK on the permit since the fall of 2019 except Hulett's attempts at erosion control. Work had ceased on the project long before the Covid shutdown in March 2020, except for the illegal old oak removal in 2020. Even though construction was an "essential activity," no activity occurred on the project except the illegal old oak tree removal until Carmel notified O'Day that the permit expired 10 January 2020. This notice was given after repeated extensions and dilatory conduct in first getting the permit and then failing to execute the work for years.

The record neither reflects diligence nor "justifiable cause" in writing for the Planning Commission to exercise discretion for yet another extension after over 5 years. In view of the cumulative changed circumstances, violations of Conditions of Approval and Carmel policy as described above, the request for yet another extension must be denied. There already have been too many manufactured "misunderstandings" in favor of O'Day.

Thank you for your time and consideration,

/S/ Julie Bruno

/S/ Paul Bruno

The block contains two handwritten signatures. The first signature, for Julie Bruno, is written in a cursive style and is positioned above the second signature. The second signature, for Paul Bruno, is also in cursive and includes a long horizontal line extending to the right.



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

Ms. Judy O'Day
POB 255093
Sacramento, CA 95865

Re: Request for extension – BP# 16-170

Dear Ms. O'Day-

We received your letter requesting an extension to the above referenced building permit application. According to your letter tenant issues delayed permit issuance and a timely start of work.

Our records indicate that the permit was approved on Sept. 1, 2017. The permit has not been issued as of this date. The CA Building Code in Sec. 105.3.2 states "An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extension of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated". Accordingly, the permit application for BP 16-170 technically expired on March 1, 2018 due to lack of issuance.

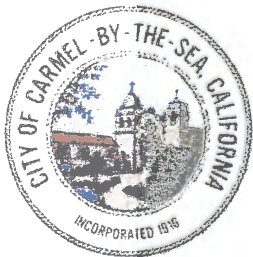
The records also indicate that the project was reviewed for compliance with the currently adopted editions of the codes enumerated in CCR Title 24 and GHMC Title 15. Given that there have been no substantive changes in code requirements since approval of the permit, and no technical changes are anticipated within the next 180 days, I find that it is appropriate to extend the permit for an additional 180 days as described in Sec. 105.5.

In your letter you did not specify a length for the extension, however in a conversation with your designer Robert Littell, I understand that you will be pulling your permit within a couple of weeks. Therefore, with this letter, BP# 16-170 is extended with an expiration date of August 1, 2018. The permit holder is responsible for assuring that the permit is issued and the work proceeds timely with this extension. Approval of this extension does not guarantee approval of any further extensions.

Best Regards,


Dick J. Bower, MS, CBO, FM
Building Official

Exhibit 1



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

October 20, 2015

To: Chair Goodhue and Planning Commissioners

From: Marc Wiener, Acting Community Planning and Building Director

Submitted by: Ashley Hobson, Contract Planner

Subject: Consideration of a Design Study (DS 15-349) for the construction of a detached carport in the side setback at a property located in the Single Family Residential (R-1) Zoning District

Recommendation:

Approve the Design Study (DS 15-349) application subject to the attached findings and conditions

Application:	DS 15-349	APN:	010-214-028
Location:	SE Corner of 4 th and Casanova		
Block:	EE	Lot:	42
Applicant:	Robert Littell, Architect	Property Owner:	Judy O'Day

Background and Project Description:

The project site is located on the southeast corner of 4th Avenue and Casanova Street and is developed with a 1,351 square foot, two-story residence on a 3,859-square foot, triangle shaped lot. The existing residence is clad with vertical wood siding and a wood shingle roof. Parking for the property is currently provided by an attached carport, located underneath the two-story portion of the residence. Staff notes that because this is a triangular shaped lot, it is unclear which property line is considered the "front".

On September 9, 2015, the Planning Commission granted approval to Design Review 15-143, which allowed the neighboring property owners, Paul and Julie Bruno, to extend an existing fence along the north property line toward the front of the property. The installation of the fence will require the removal of a portion of the O'Day driveway, which is currently located on the Bruno property. Staff notes that the removal of this driveway portion will impact access to

Exhibit 2

the existing O'Day carport. To address this issue, Ms. O'Day is requesting a new carport within the 3-foot side-yard setback. The detached carport is proposed to be 250 square feet in size with a wood shingle roof and vertical siding to match the residence. The applicant is proposing to enclose the abandoned carport in order to convert it into a living space. Staff notes that Planning Commission approval is required to locate detached parking structures in the setbacks.

PROJECT DATA FOR THE 3,859-SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	1747 sf	1351 sf	1601 sf
Site Coverage	384 sf (13.9%)	397 sf (22.8%)	382 sf (22%)
Trees (upper/lower)	3/1 trees	1/1 trees	1/1 trees
Ridge Height (1 st /2 nd)	18 ft.	n/a	11 ft. (carport)
Plate Height (1 st /2 nd)	12 ft.	n/a	8 ft. (carport)
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft.	n/a	Minimum 3 ft. (carport)
Composite Side Yard	10 ft. (25%)	n/a	No Change
Minimum Side Yard	3 ft.	n/a	Minimum 1 ft. (carport)
Rear	15 ft.	n/a	No Change

Staff Analysis:

Detached Carport: Design Guideline 6.2 states that “parking facilities that maintain or enhance variety along the street edge are encouraged.” CMC 17.10.030 allows for detached garages and carports to encroach into the front- and/or side-yard setbacks if certain standards can be met. These standards include avoiding impacts on significant trees and providing diversity to the streetscape.

The applicant is proposing to construct a 250-square foot detached carport in the setback area to provide accessible covered parking. The proposed carport would be located approximately 15-feet from the Eastern property line (potentially front property line), approximately 1-foot from the south property line and a minimum of 3-feet from the north property line. The Commission should consider whether the applicant should increase the 1-foot setback from the south property line to allow additional area for maintenance of the carport. Staff notes that this could be accomplished by shifting the carport north or by reducing its width.

The proposed location of the carport does not appear to present significant impacts to neighboring properties, including the adjacent property to the south. The carport would be partially screened by an enclosed wall on the South and East sides, and would be compatible with the design of the surrounding residences. Staff notes that the southern neighbors, Paul and Julie Bruno, have raised concerns with the accuracy of the property boundaries depicted on the site plan. A condition has been drafted requiring that the location of the carport be verified by a licensed surveyor prior to construction.

Finish Materials: The exterior materials of the carport are proposed to be vertical wood siding with a wood shingle roof to match the design of the existing residence. The carport will be simple in design and will complement the existing design of the house.

With regard to the enclosure of the existing parking area, the finish materials will consist of vertical wood siding and wood windows to match existing. The windows on both elevations will be similar in size to the existing with four approximately 3-foot by 3-foot windows on the front elevation and one approximately 2-foot by 5-foot window on the side elevation. In staff's opinion, the addition will complement the existing architecture and maintain a simple architectural design.

Environmental Review: The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15301 (Class 1) – Existing Facilities, and Section 15303 (Class 3) – New Construction or Conversion of Small Structures. The proposed alterations to the site, including the construction of a new carport, do not present any unusual circumstances that would result in a potentially significant environmental impact.

ATTACHMENTS:

- Attachment A – Site Photographs
- Attachment B – Findings for Approval

DS 15-349 (O'Day)
October 20, 2015
Staff Report
Page 4

- Attachment C – Conditions of Approval
- Attachment D – Property Line Survey
- Attachment E – Project Plans

Attachment A – Site Photograph



Location of proposed carport





Subject property and the neighboring residence to the South

Attachment B – Findings for Approval

DS 15-349 (O'Day)
 October 20, 2015
 Findings for Approval
 Page 1

FINDINGS REQUIRED FOR DESIGN STUDY ACCEPTANCE (CMC 17.64.8 and LUP Policy P1-45)

For each of the required design study findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.

Municipal Code Finding	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 protection and enhancement of 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 a 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.	✓	
4. 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 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.	✓	

DS 15-349 (O'Day)
 October 20, 2015
 Findings for Approval
 Page 2

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 as 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.	✓	

COASTAL DEVELOPMENT FINDINGS (CMC 17.64.B.1):

1. Local Coastal Program Consistency: The project conforms with the certified Local Coastal Program of the City of Carmel-by-the Sea.	✓	
2. Public access policy consistency: The project is not located between the first public road and the sea, and therefore, no review is required for potential public access.	✓	

Attachment C - Conditions of Approval

DS 15-349 (O'Day)
 October 20, 2015
 Conditions of Approval
 Page 1

Approval Conditions		
No.	Standard Conditions	
1.	Authorization: This Design Study approval authorizes the enclosure of the existing carport below the main residence and the construction of a new 250-square foot detached carport in the front and side setback at a Single Family residence located in the R-1 Zoning District.	✓
2.	The project shall be constructed in conformance with all requirements of the local R-1 zoning ordinances. 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 at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.	✓
3.	This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
4.	All new landscaping shall be shown on a landscape plan and shall be submitted to the Department of Community Planning and Building and to the City Forester prior to the issuance of a building permit. The landscape plan will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 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 site conditions. The landscaping plan shall show where new trees will be planted when new trees are required to be planted by the Forest and Beach Commission or the Planning Commission.	✓
5.	Trees on the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission as appropriate; and all remaining trees shall be protected during construction by methods approved by the City Forester.	✓
6.	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. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.	
7.	Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water beyond the maximum units allowed on a 3,859-square foot parcel, this permit will be scheduled for reconsideration and the appropriate findings will be prepared for review and adoption by the Planning Commission.	✓
8.	The applicant shall submit in writing to the Community Planning and Building staff any proposed changes to the project plans as approved by the Planning Commission on October 20, 2015, prior to incorporating changes on the site. If the applicant changes the project without first obtaining City approval, the applicant will be required to either: a) submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓
9.	Exterior lighting shall be limited to 25 watts or less per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall be limited to 15 watts or less per fixture and shall not exceed 18 inches above the ground.	✓
10.	All skylights shall use nonreflective glass to minimize the amount of light and glare visible from adjoining properties. The applicant shall install skylights with flashing that matches the roof color, or shall paint the skylight flashing to match the roof color.	N/A
11.	The Carmel stone façade shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted. Prior to the full installation of stone during construction, the applicant shall install a 10-square foot section on the building to be reviewed by planning staff on site to ensure conformity with City standards.	N/A
12.	The applicant shall install unclad wood framed windows. Windows that have been approved with divided lights shall be constructed with fixed wooden mullions. Any window pane dividers, which are snap-in, or otherwise superficially applied, are not permitted.	N/A
13.	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 proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall 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 the resolution of all such actions by the parties hereto.	
14.	The driveway material shall extend beyond the property line into the public right of way as needed 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.	✓
15.	This project is subject to a volume study.	✓
16.	Approval of this Design Study shall be valid only with approval of a Variance.	N/A
17.	A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
18.	The applicant shall include a storm water drainage plan with the working drawings that are submitted for building permit review. The drainage plan shall include applicable Best Management Practices and retain all drainage on site through the use of semi-permeable paving materials, French drains, seepage pits, etc. Excess drainage that cannot be maintained on site, may be directed into the City's storm drain system after passing through a silt trap to reduce sediment from entering the storm drain. Drainage shall not be directed to adjacent private property.	✓
19a.	An archaeological reconnaissance report shall be prepared by a qualified archaeologist or other person(s) meeting the standards of the State Office of Historic Preservation prior to approval of a final building permit. The applicant shall adhere to any recommendations set forth in the archaeological report. All new construction involving excavation shall immediately cease if materials of archaeological significance are discovered on the site and shall not be permitted to recommence until a mitigation and monitoring plan is approved by the Planning Commission.	N/A
19b.	All new construction involving excavation shall immediately cease if cultural resources are discovered on the site, and the applicant shall notified the Community Planning and Building Department within 24 hours. Work shall not	N/A

	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 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 excavation, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.	
20.	Prior to the roof sheathing inspection, the applicant shall obtain a building height certification from a California licensed surveyor.	✓
	Special Conditions	
21	The location of the detached carport shall be verified by a licensed surveyor prior to the issuance of a building permit.	✓
22.	As shown on the submitted plans, the applicant shall reduce the site coverage to 382 square feet.	✓

*Acknowledgement and acceptance of conditions of approval.

Property Owner Signature

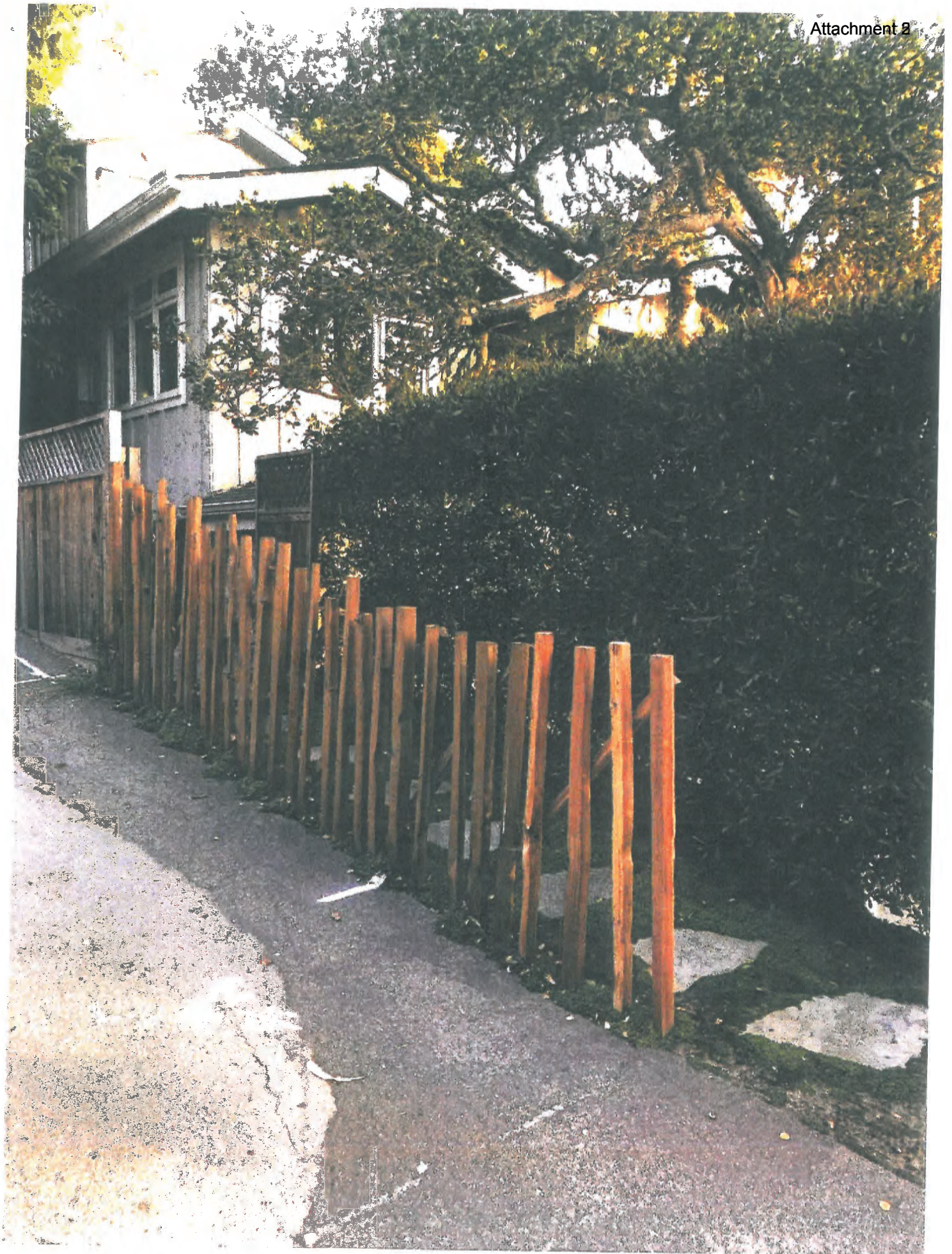
Printed Name

Date



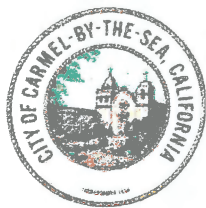
2 Nov 2018

Exhibit 3



2 November 2018

Exhibit A



City of Carmel-by-the-Sea
COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE BOX CC
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2010 OFFICE

10/21/2020

Judy O'Day
PO Box 255093
Sacramento, CA 95865

Re: Permit Expiration of BP 16-170 (O'Day) on SE Corner of Casanova and 4th

Dear Ms. O'Day,

This permit was originally approved on 6/27/2016 and expired on 6/27/17. The Building Official granted a request for an extension on 6/7/2018 with an accompanying letter (attached) giving detailed background regarding the history of the permit. The permit was subsequently issued on 7/16/2018 and was set to expire on 7/16/2019.

On 1/10/2019 an inspection request was granted and an inspection for "setbacks" was performed. A survey map stamped and signed by Salinas Valley Surveyors, Inc. was received at the inspection. Since that time no building or planning inspections have been requested and the permit expired on 1/10/2020.

The Carmel Municipal Code CMC 15.04.110 states, *'Expiration of Permits. Every permit issued by the Building Official under the provisions of this code shall expire and become null and void if the project authorized by such permit has not achieved an approval for one of the required inspections identified in Section 110.3 of the 2019 California Building Code within one year (365 days) of such permit issuance.'*

Recently, it was brought to our attention that work is being conducted under the expired permit. Before any construction may resume, a new Design Study must be approved by Planning and a new building permit by Building Safety shall be obtained. Please note that any further work on the property will result in a Stop Work Order and commensurate financial penalties.

For questions regarding the Design Study process, please contact Planning at (831) 620-2010 or planning@ci.carmel.ca.us. If you have any questions regarding the building permit process I can be reached at (831) 620-2055 or jlaurie@ci.carmel.ca.us.

Best Regards,

Jermel Laurie
Acting Building Official

Exhibit 5

Project Name (Permit Number)

Type of Letter

Date

Page 2

Attachment 2

CC: Hulett Construction



Julie Bruno <juliebruno62@gmail.com>

Attachment 2

Fwd: Brunos' tree - Casanova & 4th

Julie Bruno <thement.tx@gmail.com>

To: Julie Bruno <juliebruno62@gmail.com>

Wed, Apr 7, 9:25 AM

----- Forwarded message -----

From: Julie Bruno <thement.tx@gmail.com>

Date: Fri, Aug 21, 2020 at 5:08 PM

Subject: Brunos' tree - Casanova & 4th

To: <sdavis@ci.carmel.ca.us>

CC: Paul Bruno <bruno.arbitration.mediation@gmail.com>

Hi,

Thanks for chatting with me the other day regarding our tree that sits on the property line between us and our neighbor, Judy O'Day. We have been in contact with Judy's contractor, Scott Hewlitt. We will be meeting with him on Friday, Aug. 28 to discuss the tree in question. We have made it very clear to him and to you that we are not ok with removing this tree. While we realize it may have been damaged by Judy's prior contractor when they were digging up the driveway, we still do not want it removed until we have discussed our options. My husband, Paul, has photos of the prior contractor digging up the driveway and damaging the tree's roots if you would like to see them. I'm sure we will come up with a resolution that will make everybody happy. We will keep you posted.

Thanks,

Julie

[Quoted text hidden]

Exhibit 6



23 August 2019

Exhibit 7



23 August 2019

Exhibit 8



7 April 2021

Exhibit 9



7 April 2020

Exhibit 10

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION**

PLANNING COMMISSION RESOLUTION NO. 2021-020-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA DENYING A
ONE-TIME EXTENSION OF DESIGN STUDY (DS 15-349, O' DAY) FOR THE CONSTRUCTION OF A
DETACHED CARPORT IN THE FRONT AND SIDE YARD SETBACKS
LOCATED IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT AT THE
SOUTHEAST CORNER OF CASANOVA STREET AND FOURTH AVENUE
APN 010-214-028**

WHEREAS, Ron Brown, Architect ("Applicant") submitted a Design Study application (DS 20-397, O' Day) on December 30, 2020 requesting an extension of Design Study 15-349 (O' Day) ("Application"); and

WHEREAS, the project is located at the southeast corner of Casanova Street and Fourth Avenue (Block: EE, Lot: 42, APN: 010-214-028) in the Single-Family Residential (R-1) District; and

WHEREAS, on October 20, 2015, the Planning Commission approved Design Study 15-349 (O' Day) for the construction of a detached carport in the front and side yard setbacks and the enclosure of the attached carport for storage; and

WHEREAS, in accordance with CMC Section 17.52.170 (Time Limits and Extensions), the Planning Commission may grant a one-time extension of up to 12 months for a Design Study approval; and

WHEREAS, the project was found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15303 (Class 3) – New Construction or Conversion of Small Structures when approved by the Planning Commission in 2015. The project includes enclosing an existing attached carport for storage space and construction of a new detached carport, not to exceed 250 square feet, for required on-site parking. The project has not materially changed, does not present any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption apply pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, notice of the public hearing was published in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each occupant within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on April 14, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, information provided to the Planning Commission by City staff and public testimony on the application; and

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

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

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

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Carmel-By-The-Sea does hereby find that too much time has passed since the original Design Study (DS 15-349, O' Day) approval and substantial changes have been made to the project.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Carmel-by-the-Sea does hereby DENY an extension of a Design Study (DS 15-349, O' Day) for the construction of a detached carport in the front and side yard setbacks, not to exceed 250 square feet, and the enclosure of the existing carport for storage, located at the southeast corner of Casanova Street and Fourth Avenue (APN 010-214-028).

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 14th day of April, 2021, by the following vote:

AYES: LOCKE, LEHMAN, BOLTON, LEPAGE

NOES:

ABSENT:

ABSTAIN: DELVES

APPROVED:

ATTEST:

Michael LePage
Chair

Margi Perotti
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.

Scott Hulett

Name of Appellant

17140 Wilson Way Royal Oaks, Ca 95076

Mailing Address of Appellant

(408) 515-5905

Phone Number

Email address

Send correspondence to the following party (if different than Appellant):

Judy O'Day

Name

P.O. Box 255093 Sacramento, Ca 95865

Mailing Address

(916) 485-5642

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): **SEC Casanova & Fourth Ave**

42

EE

010-214-028

Lot

Block

APN

Date of decision being appealed: **April 14, 2021**

Specific action or decision being appealed:

Denial of Design Study (DS 20-397, O'Day) to extend Design Study (DS 15-349, O'Day)

Grounds for appeal (attach additional pages if necessary):

The decision was based on inaccurate information provided during public input that was the basis of the Commissioner's decision to deny the staff recommendation to approve a one-time extension. In addition, documented on going project activity was not considered and there were irregularities during the hearing. Additional information to support this appeal will be provided to the City Council.

Signature of Appellant

Scott Hulett

Appeal of Planning Commission Decision Additional Supporting Information

This is in regards to the Planning Commission's denial of a one-time extension of an approved design study for plans of a carport and storage area under the second story on the SE corner of Casanova and Fourth Avenue. The City of Carmel's (City) Planner recommended approval of the extension, which also gives the City's Building Official the authority to honor the approved building permit extension for the construction project (email attached).

The only issue for consideration by the Planning Commission was the approval of a one-time extension for plans already approved. However, the meeting was sidetracked by misrepresentations of facts and inaccurate statements. As a result, the Commissioners' decision was based on misleading information. Their reasons for the denial were that:

- 1) *Substantial changes have been made to the project.* Based on testimony that there had been many changes to the plans and that: the adjacent neighbors were **never** contacted by the owner or the City regarding the changes; they **only** saw the 2015 plans; and they were **never** notified of changes to the plans or asked for input.
- 2) *Too much time has passed since original Study.* The ongoing activity of the project (Attachment I) was not considered and the several issues that needed to be resolved: the weather; site constraints; acquiring and scheduling sub-contractor; the death of Architect Robert Littell in January 2019 thus losing his guidance with his design; and the failing health of the owner's mother, a co-owner

During the hearing, the adjacent neighbors made several inaccurate statements to support their claim that "many changes were made to the plans without their review or input" (for example, multiple new windows, a new door facing their kitchen, higher roof line, the building moved four feet) and they requested the Commission to "do it right" with a new design study. However, Architect Robert Littell, City planning staff and the Planning Commissioners "did it right" as the plans (and revisions) were thoroughly vetted by the City planning staff, adjacent neighbors and their attorney, and approved by the Planning Commission. In fact, the adjacent neighbors and their attorney had multiple email exchanges and meetings with the City Planner, Ashley Hobson regarding the plan's revisions and received a copy, which did not have multiple new windows or a new door, and the carport move and roof line increase (negligible per City Planner) were on the revised plans. Attachment II is a summary of the email exchanges.

Furthermore, there were multiple on-site conversations with the adjacent neighbor regarding the height of the ridge as he wanted to make sure it was not going to be higher than what was on the approved plans, stating he had pictures of the story poles. He was assured that the carport would be built according to the approved plans.

The “claim” that substantial changes have been made to the project is not supported as the City planning staff recommended approval of the extension **because** *the project had not materially changed from when it was approved by the Planning Commission*. To suggest a new design study for previously approved plans and a project that is well under way would be redundant.

The length of time since the plans were approved is reasonable considering the circumstances. This is a small complex project in a tight area with issues such as: acquiring and scheduling sub-contractors; protecting the neighbors’ fence; dealing with an oak tree; locating the accurate property line; and monitoring the weather due to the close proximity to a covert. These are just a few of the many issues that caused this delicate project to move along slower than planned. During the period of 2016-2019, the owner had an unforeseen circumstance with the health and care of her mother, which hindered her ability to make regular site visits to consult with me regarding the best course of action and to discuss issues along the way - with an extension we are ready to continue the project.

Bias irregularities occurred during the hearing. The Rules of Procedures for conducting a meeting are described below.

- The Planning Commission shall adjourn no later than 8:00 p.m. unless by a majority vote the Commission elects to continue. There was not a vote and our agenda item was heard at 8:08 and ended at 8:29 p.m.
- Per Article 11 Conduct of Meetings - Section J - Order of Meeting, Paragraph 2e - Order of Testimony, the order of testimony shall be as follows:
 The Chair can establish shorter speaking times prior to each public hearing if the length of the agenda or the number of speakers to be heard so warrants. The Chair may also allow more time if deemed appropriate.

- i. Applicant statement (5 minutes).
- ii. Public input on the issue being heard (3 minutes per speaker).
- iii. Applicant (3 minutes)

The neighbor’s public testimony went on for more than 8 minutes followed by an additional 3 minutes for his wife. The owner stayed within the 5 minutes but I was not provided the additional 3 minutes after public input. I was not allowed to speak at all, though I kept my hand up but was never acknowledged.

Lastly, the Vice Chair, Gail Lehman suggested that moving the carport to the other side of the property and building a bridge be explored. This was considered by the owner on previous occasions but deemed infeasible by those consulted, including the City. Architect Robert Littell designed a well thought out plan that has been approved by the adjacent neighbor and the City. The project is well under way and all the challenging issues have been resolved. With the design study extension, the building permit will be reinstated so we can complete the project with the current approved plans.

In conclusion, the approval of the one-time extension is appropriate as:

- *The denial decision was based on inaccurate information and the meeting had bias irregularities.*
- *The City's planning staff's recommended approval of the extension because the approved plans have not materially change.*
- *The plans have been thoroughly vetted; and*
- *The time frame is reasonable based on the circumstances and ongoing project activities.*

Approval of the extension will allow:

- 1) the City Building Inspector to honor the approved building permit extension;
- 2) the construction of previously approved plans; and
- 3) the preservation of Architect Robert Littell's outstanding design.

Thank you for your consideration.

Scott Hulett, Contractor

Attachments; three

ATTACHMENT I

- September 18, 2015 -, Plans Approved
- October 20, 2015 - Conditions of Approval
- December 3, 2015 - Plan Stamp Approved
- February 10, 2016 - Plan Stamp Approved
- February 23, 2016 - Amended by Staff
- June 27, 2016 - Permit Approved
- September 2017 - Revision Date Approved (Reduce entrance area at rec room/storage)
- June 2018 - Extension Approved
- July 16, 2018 - Building Permit Issued
- August 2018 through December 2018 - Contractor met with Architect at site to discuss plans and any potential issues including acquire sub estimates, protecting neighbors' fence, accurately resurvey north property line, monitoring the weather due to covert, etc.
- January 10, 2019 - Inspection for "setbacks" was performed **(Building Inspector informs Contractor a phone call will do to keep the permit active)**
- January 2019 - Architect Robert Littell sadly passed away
- January 2019 through June 2019 – Resolve the multiple issues that had to be addressed without the Architect's assistance.
- July 2019 through November 2019 - Excavation and multiple loads of dirt removed, footings exposed to existing house requiring engineering consultation. Further excavation was necessary to continue the project.
- October 15 to April 15 - Erosion Control Ordinance No. 2806, Chapter 16.12 defines this period as winter season. Grading construction during this time is particularly vulnerable. It is the practice to wait until there is no rain threat, particularly for this project due to the close proximity to the Fourth Avenue covert, which flows to the ocean.
- January 10, 2020 - Permit expires
- March 19, 2020 - Statewide COVID–19 stay at home order and construction stops
- July 2020 - Contractor requests permit to remove oak tree. If approved, the tree would have to be removed before the foundation excavation.
- July 27, 2020 - Forester Sara Davis left a voice message at 12:50 p.m. that the tree could be removed and she would email the permit.
- September 16, 2020 - Contractor checks on status of building permit with the lifting of COVID restrictions. ***Building Inspector approves an extension of the permit for the Casanova & 4th project and tells the Contractor to schedule an inspection when he is ready, email attached.***
- September 18, 2020 - Forester Sara Davis issued permit to remove the oak tree.
- September 26, 2020 - Oak tree removed
- October 14, 2020 - Stump removed and plumber scheduled to lower plumbing.
- October 26, 2020 - Building Inspector notifies contractor that the permit expired 01/10/2020.
- **March 24, 2021 - Community Planning and Building Director recommended the owner to request the Planning Commission to approve a one-time extension so the Building Inspector could honor the approval of the Building permit extension.**

ATTACHMENT II

Summary of multiple email exchanges (23 pages of emails) including meetings between the City Planner (Ashley Hobson), the neighbors (Brunos) and their attorney from October 2015 through February 2016 regarding the plan revisions.

- October 15, 2015 – Neighbors met with City Planner to go over the O'Day plans and to clarify the "ridge height."
- December 10, 2015 – City Planner spoke to neighbors' attorney regarding the relocated carport.
- December 14, 2015 – City Planner notifies neighbors' attorney that the carport will be moved 3'- 4' from the original location.
- January 26, 2016 – A second set of story poles installed (which were not required) to show the neighbors the changes to the plans. The neighbor made a special trip from Texas to view the story poles.
- February 4, 2016 – City Planner met with neighbors regarding the revised carport and they were told the elevations would not change from the original plans (per the architect). The neighbors took a copy of the original plans.
- February 10, 2016 – City Planner sent the neighbors' attorney revised plans that included the new location of the carport to respond to the neighbors' questions regarding the height of the carport.
- February 18, 2016 – Neighbors' attorney submitted three conditions for the revised plans and requested they be incorporated when the City approves revised plans.
- February 23, 2016 – City Planner acknowledges receipt of the Bruno's response to the revisions and indicates she plans to move forward with approval with inclusion of the Bruno's comments.

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Sent: Wed, Sep 16, 2020 09:00 AM

Scott Hulett
Hulett Construction
408 515 5905

From: Jermel Laurie <jlaurie@ci.carmel.ca.us>
Sent: Wednesday, September 16, 2020 8:01:10 AM
To: Scott Hulett <scotthulett@msn.com>
Subject: Re: Casanova & 4th

I will not expire the permit because of COVID. Just schedule an inspection when you are ready.
Thank you,

Jermel Laurie
Acting Building Official / Building Inspector
PO Box CC
Carmel-By-The-Sea, CA. 93921
831-620-2055

PLEASE NOTE: Due to the issuance of a shelter in place order by the Monterey County Health Officer, the Community Planning & Building Department is currently **CLOSED**. We apologize for any inconvenience.

Staff will be working remotely to receive and review electronic application submittals as well as respond to emails. If you have a general Planning question, please email planning@ci.carmel.ca.us. For Building questions, please email building@ci.carmel.ca.us.

To request a building inspection, please go on-line to: <https://ci.carmel.ca.us/post/electronic-inspection-scheduling> or call the inspection line at (831) 620-2065.

Thank you for your patience and understanding as we adapt to the changing conditions in our community.
Help improve Community Planning & Building. Click here to take our survey!

On Wed, Sep 16, 2020 at 7:47 AM Scott Hulett <scotthulett@msn.com> wrote:

Could you give me a call.

We're getting this project started up again after covid. But I think the permit is close to being lapsed. Can I schedule an inspection to keep it active.



SECONDARY VIEW NORTH
FROM BRUNO RESIDENCE

APPROXIMATE GARAGE FOOTPRINT

ODAY RESIDENCE
SE CORNER 4TH & CASANOVA
VIEW NW OF BUILDING SITE



BRUNO KITCHEN WINDOW

EXTENSIVE VEGETATION
INHIBITS NORTH LIGHT IN
BRUNO RESCENCE.

SECONDARY VIEW NORTH
TOWARD INTERSECTION FROM
BRUNO RESIDENCE.

EXISTING FENCE WITH WOOD
FILLER BY BRUNO IMPAIRS
SUNLIGHT & ANY VIEW

ODAY RESIDENCE
SE CORNER 4TH & CASANOVA
SOUTH PROPERTY LINE



ODAY RESIDENCE
SE CORNER 4TH & CASANOVA
GENERAL VIEW FROM NW





