

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

REGULAR MEETING

Tuesday, April 2, 2024

TOUR TIME - 3:30 PM

TOUR OF INSPECTION

Prior to calling the meeting to order, the Council conducted an on-site tour of inspection of the following properties:

- A. Scenic Road 2 NW of 8th Avenue, Carmel-by-the-Sea (Chadwick Appeal)
- B. Carmelo Street 4 SW of 2nd Avenue, Carmel-by-the-Sea (Melani Appeal)
- C. SE Corner of Casanova Street and 11th Avenue, Carmel-by-the-Sea (Monterey Pine)

CALL TO ORDER AND ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Richards led the pledge of allegiance.

EXTRAORDINARY BUSINESS

A. Carmel High School Report Out - no report

B. Volunteer Appreciation Proclamation – Councilmember Ferlito read the proclamation and presented it to the various volunteer groups present.

PUBLIC APPEARANCES

The following members of the public spoke:

Dennis Johnson

Lacey Rock

ANNOUNCEMENTS

A. City Administrator Announcements - Thanked Staff for the storm response over the past month. Reiterated the thanks to the Volunteer Groups, and all the public attendees at the

B. City Attorney Announcements - no reportable action from closed session yesterday.

C. Councilmember Announcements - Councilmember Baron and Mayor Potter thanked the public who attended the Police Station tours last week and the Police Chief Tomasi for leading the tours.

Mayor Pro Tem Richards – Gave out to previous Mayor of Carmel, Sue McCloud, who is mentioned in the book *The Sisterhood: Women of the CIA* by Liza Mundy.

ORDERS OF BUSINESS

Item 1 - Receive a report on the Library Facilities Master Plan Project and provide staff with direction

Library and Community Activities Director Ashlee Wright and Public Works Director Bob Harary gave a presentation on the Library Facilities Master Plan including a brief history of the Harrison Memorial Library and Park Branch Library, and summarized the facilities assessment prepared by Jayson Architecture for both Libraries. Library Director Wright answered questions from Council.

Public Comment: None

Council received a report; no action was taken.

PUBLIC HEARINGS

Item 2 - Adopt Resolution 2024-025 declaring a dead Monterey pine tree on private property, at the southeast corner of Casanova Street and Eleventh Avenue, a Public Nuisance and establishing a subsequent Public Hearing on May 7, 2024

City Forester Justin Ono presented on the item, outlining the process detailed in the City's Municipal Code Chapter 17.48.130. He stated that if the City Forester determines that a dead tree, whether on public or private property, is a safety threat the next step is for Council to adopt a Resolution declaring a tree on the SE corner of Casanova Street and Eleventh Avenue a public nuisance. He added that after the Resolution's adoption, a notice will be sent to the owner and posted on the property as per the municipal code, and a hearing date will be scheduled for May 7, 2024, to address any objections to the tree's abatement.

Public Comment: None

Councilmember Dramov suggested considering an exception in this case due to the tragic circumstances surrounding the property. She proposed not placing a lien on the property for the cost of abatement if the family members cannot be reached.

Motion by Councilmember Baron to adopt Resolution 2024-025 declaring the tree a nuisance and setting a hearing for May 7, 2024, seconded by Councilmember Ferlito, and approved 4-1-0-0 by the following roll call vote:

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

NOES: Councilmember Dramov

ABSENT: None

ABSTAIN: None

Item 3 - APP 24036 (Chadwick): Consideration of an Appeal of the Planning Commission's decision to deny a Track 1 Design Study referral (DS 23-108) and associated Coastal Development Permit for the installation of a driveway gate located on Scenic Road 2 northwest of 8th Avenue in the Single-Family Residential (R-1) District, Archaeological Significance (AS) Overlay, and Beach/Riparian (BR) Overlay. APN: 010-312-026000.

Councilmember Dramov recused herself from this item due to the proximity of her home to the property and left the dais at 5:32 p.m.

City Planner Evan Kort gave a presentation to Council on the item and answered questions from Council.

Public Comment:

Eric Miller, architect, spoke on behalf of the applicant

Paul Dobel

Art and Farah Chadwick

Mayor Potter and Mayor Pro Tem Richards expressed support for installing the gate for safety reasons and were inclined to accept the proposed open design due to the lack of adopted design guidelines. Councilmember Baron proposed placing the gate along the side of the driveway to prevent the public walking up to their front door while leaving the driveway open. Councilmember Ferlito agreed with this suggestion and emphasized the importance of supporting the Planning Commission's decisions and not setting precedents on gate designs before the updated guidelines are adopted. Community Planning and Building Director Swanson noted that the gate design the applicant is presenting to Council this evening is different than the proposed design they showed to the Planning Commission. Council discussed the option of not denying the appeal, and instead directing the applicant, who modified their gate design since its initial Planning Commission approval, to resubmit the design plan to the Planning Commission without prejudice.

Motion by Mayor Pro Tem Richards, to adopt a Resolution to deny the appeal, and remand the applicant back to the Planning Commission without prejudice to submit new design plans for a gate, seconded by Mayor Potter, and approved 4-0-0-1 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: Councilmember Dramov (recused)

Councilmember Dramov returned to the dais at 6:04 p.m.

Item 4 - DS 21-186 (Melani): Appeal by Krista Ostoich, Esq., on Behalf of James and Marion Melani, from the January 24, 2024 decision of the Planning Commission to deny the after-the-fact rebuilding of a non-conforming structure that was torn down and rebuilt with the same non-conforming setbacks. The subject property is located at Carmelo Street 4 southwest of 2nd Avenue in the Single-Family Residential (R-1) District. APN: 010-124-024-000.

Councilmember Baron recused himself from the item due to the proximity of his home to project and left the dais at 6:04 p.m.

Assistant City Administrator Brandon Swanson and Acting Community Planning and Building Director summarized that the Planning Commission determined that the work performed on the structure (subject property) exceeded 50% demolition, necessitating correction of non-conforming setbacks according to the City's Municipal code. He said that in order for the homeowners to remedy this, they would need to demolish parts of the framing already constructed and redesign their floorplan to comply with existing building code requirements. He explained that the homeowners have appealed the Planning Commission's decision because inspections by the city occurred on site before a stop work order was issued, and the demolition and rebuild did not result in a larger structure footprint.

Public Comment:

Krista Ostoich, Attorney for the applicant
Ryan McNichol, builder for the applicant
Adam Jeselnick, architect for the applicant
Marian Melani, applicant/home owner
Brian Sours
Ira Durian, framer for the applicant
Karyl Hall
Dixie Smith
Joe Danucci
Brian Sours

Assistant City Administrator Swanson explained that the original project approval involved extending the foundation to meet the wall, which was always part of the plan, however, the extent of demolition on the wall was not approved, although the building inspector did inspect and approve the foundation.

Mayor Pro Tem Richards and Councilmember Dramov expressed a desire to grant the homeowners some flexibility in maintaining their home, considering the significant expense and environmental impact of demolishing non-conforming work. Councilmember Dramov highlighted that the home's square footage footprint remained unchanged.

Councilmember Ferlito and Mayor Potter expressed empathy for the homeowners but emphasized the Planning Commission's responsibility to uphold the city's code. Councilmember Ferlito expressed concern that the contractors, who are familiar with the area, should have

contacted the planning department before proceeding with demolition to avoid this situation and the need for exceptions to building code violations.

Mayor Pro Tem Richards motioned to uphold the appeal and overturn the Planning Commission's decision, upon the Council's finding that the demolition and non-conforming work be considered as maintenance and repair, and to direct staff to return with a Resolution for council to adopt this finding, seconded by Councilmember Dramov, and approved 3-1-0-1 by the following roll call vote:

AYES: Councilmembers Dramov, Richards, and Mayor Potter

NOES: Councilmember Ferlito

ABSENT: None

ABSTAIN: Councilmember Baron (recused)

Council adjourned to a break at 6:58 pm. Returned at 7:12 p.m.

Councilmember Baron returned to the dais at 7:12 p.m.

Item 5 - 6th Cycle 2023-2031 Housing Element Adoption - Consideration of a General Plan/Local Coastal Plan amendment, updating the Housing Element and adopting an Initial Study/Mitigated Negative Declaration - Recommended for continuance to April 8, 2024 at 4:00 p.m.

Assistant City Administrator Brandon Swanson and Acting Community Planning and Building Director recommended continuing the adoption of the Housing Element to a Special Meeting on April 8th. Council gave consensus direction to continue the item to the April 8th Special Meeting. Swanson provided a brief presentation summarizing the process timeline and addressed public concerns that have recently been brought up. He continued that on April 8th, staff will request Council policy direction on whether to include city-owned sites as "potential sites" and if language from the March 5th meeting should be included in the version.

City Attorney Brian Pierik reiterated that since Council is continuing this item they should not make decisions or provide staff direction on the Housing Element at this time. He clarified that Council may receive public comment on the subject tonight since it is a publicly noticed agenda item.

Public Comment:

Beth Bowman

Nancy Twomey

Victoria Beach

Sam Farr

Hans Buder

Richard Pepe

Ian Martin

Kristi Reimers

Christy Hollenbeck

Vince Koller

Andi Carr

Michael McWalters
Michael Noakes
Jeanne McWalters
Parker Logan
Joe Danucci

No action was taken, Council received comments from the public.

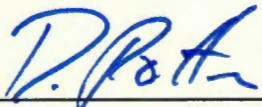
Item 6 - MA 23-103 (Cypress Inn): Consideration of a Mils Act Contract application, MA 23103 (Cypress Inn), for the historic "La Ribera Hotel" located on the northeast corner of Lincoln Street and 7th Avenue in the Residential-Commercial (R-C) District. APN: 010-147-008-000

Assistant City Administrator Brandon Swanson and Acting Community Planning and Building Director said that the applicant did not conduct the necessary public noticing requirement required for today's public hearing, and therefore requested that the item be continued to a future meeting date. Council gave consensus approval to continue the item to the next meeting in May.

ADJOURNMENT

Council adjourned the meeting at 8:48 pm.

APPROVED:



Dave Potter, Mayor

ATTEST:



Nova Romero, MMC, City Clerk

