



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

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

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

REGULAR MEETING Tuesday, February 6, 2024

4:30 PM

HYBRID MEETING ATTENDANCE OPTIONS

This meeting will be held in person and via teleconference ("hybrid"). The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may also watch the live stream on the City's YouTube page at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>. To participate in the meeting via Zoom, copy and paste the link below into your browser.

**<https://ci-carmel-ca-us.zoom.us/j/82014418012> Webinar ID: 820 1441 8012 Passcode:
012883 Dial in: (253) 215-8782**

HOW TO OFFER PUBLIC COMMENT

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

OPEN SESSION 4:30 PM

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

- A.** Carmel High School Report Out
- B.** "Keep America Beautiful" Proclamation
- C.** Presentation from the Carmel Youth Center

PUBLIC APPEARANCES - Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Chair. Persons are not required to provide their names, however, it is helpful for speakers to state their names so they may be identified in the minutes of the meeting.

Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. Hateful, violent, and threatening speech is impermissible public comment as it disrupts the conduct of the public meeting. This is a warning that if a member of the public attending this meeting remotely violates the Brown Act by failing to comply with these requirements of the Brown Act, then that speaker will be muted.

ANNOUNCEMENTS

- A.** City 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.** January 8, 2024, Special Meeting Minutes, and January 9, 2024, Regular Meeting Minutes
- 2.** December 2023 Monthly Reports
- 3.** December 2023 Check Register Summary
- 4.** Resolution 2024-013, accepting donations from Carmel Cares, an official City Support Group, and approving a Budget Amendment to the Fiscal Year 2023/24 Adopted Budget
- 5.** Resolution 2024-014 authorizing the City Administrator to execute Amendment No. 2 to the Professional Services Agreement with EMC Planning Group for the Coastal Engineering and Adaptation Planning Project, Phase 2, for a not-to-exceed fee of \$450,000
- 6.** Resolution 2024-015, authorizing City Co-Sponsorship of the Carmel Public Library Foundation's Annual Donor Salute Event at the Main Library on Sunday, March 10, 2024; and Authorizing City Co-Sponsorship of the Carmel Public Library Foundation's Annual Sterling Circle Event at the Main Library on Sunday, June 9, 2024
- 7.** Resolution 2024-017 Rescinding Resolution 2023-105 and Establishing the City Council meeting dates for the 2024 Calendar Year

ORDERS OF BUSINESS

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

8. Receive a follow up presentation by Wave Astound Broadband to address public comments regarding their Fiber Optic Project and authorize issuance of an Encroachment Permit with Special Conditions of Approval

PUBLIC HEARINGS

9. **MA 23-116 (Esperanza Carmel, LLC):** Consideration of a Mills Act Contract application MA 23-116 (Esperanza Carmel LLC) for the historic "Mrs. Clinton Walker House" located at 26336 Scenic Road in the Single-Family Residential (R-1) District. APN 009-423-001-000

FUTURE AGENDA ITEMS

ADJOURNMENT

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

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

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

SPECIAL NOTICES TO PUBLIC

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



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

February 6, 2024
EXTRAORDINARY BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Chip Rerig, City Administrator

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: "Keep America Beautiful" Proclamation

RECOMMENDATION:

Present the "Keep America Beautiful" Proclamation.

BACKGROUND/SUMMARY:

The Mayor received a request from Carmel Cares to present a proclamation, symbolizing the City of Carmel-by-the-Sea's commitment to a cleaner environment through active participation in the nationwide "Greatest American Cleanup" event, in partnership with Keep America Beautiful. The proclamation serves as both a call to action and a celebration for residents of our cherished village.

Background

Founded in 1953, Keep America Beautiful (KAB) is a national nonprofit that promotes community enhancement, reducing litter, and recycling. The annual "Great America Cleanup" event involves 20,000 communities across the nation. Initiatives like this provide support for affiliates, such as Carmel Cares, to plan local events focused on recycling, conservation, clean-up, beautification, and community improvement.

Dale Bryne, President of Carmel Cares nonprofit, has generously volunteered to organize three (3) clean-up, recycling, and beautification activities in Carmel, encouraging widespread community and involvement to uphold a clean, green, and beautiful environment. In a discussion with the City Administrator, Mr. Bryne represented that he did not believe the additional public events would impact the capacity of City staff. Accordingly, the City Administrator recommends that the City Council support the Proclamation.

Summary

The Proclamation aims to reaffirm Carmel-by-the-Sea's dedication to a vibrant, environmentally conscious, and interconnected community through active involvement in "The Greatest American Cleanup" in collaboration with Carmel Cares.

FISCAL IMPACT:

None for this action

PRIOR CITY COUNCIL ACTION:

None for this action

ATTACHMENTS:

Attachment 1) Keep America Beautiful Proclamation

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

PROCLAMATION

“KEEP AMERICA BEAUTIFUL” GREAT AMERICA CLEAN UP PLEDGE

WHEREAS, the City of Carmel-by-the-Sea recognizes the importance of preserving our natural beauty, enhancing our quality of life, and fostering a sense of civic pride; and

WHEREAS, we acknowledge the increasing concern over litter and its impact on our environment, economy, and overall well-being; and

WHEREAS, we are resolute in our commitment to taking substantial measures to reduce litter and enhance the beauty of our community, thus ensuring a cleaner, more vibrant, and sustainable living environment; and

WHEREAS, embracing the spirit of unity and progress, the City of Carmel-by-the-Sea, in collaboration with Carmel Cares and dedicated community volunteers, pledges to spearhead a concerted effort to achieve a cleaner and more beautiful environment by actively participating in the “The Greatest American Cleanup” in partnership with Keep America Beautiful and communities nationwide; and

WHEREAS, Carmel Cares, a nonprofit City support group, has generously volunteered to organize three (3) clean-up, recycling, and beautification activities in Carmel, encouraging widespread community and City support group involvement to uphold a clean, green, and beautiful environment; and

WHEREAS, in partnership with Carmel Cares and other City Support Groups, this Keep America Beautiful pledge serves as both a call to action and a celebration of the residents of our cherished village.

NOW, THEREFORE, I, Dave Potter, Mayor of the City of Carmel-by-the-Sea, do hereby take the “Greatest American Cleanup” Pledge, reaffirming the City’s dedication to fostering a vibrant, environmentally conscious, and interconnected community through active involvement in “The Greatest American Cleanup” with the support of Carmel Cares.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Carmel-by-the-Sea to be affixed on this 6th day of February, 2024.

Dave Potter, Mayor



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

February 6, 2024
EXTRAORDINARY BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Nova Romero, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Presentation from the Carmel Youth Center

RECOMMENDATION:

Receive a presentation and update on the Carmel Youth Center.

BACKGROUND/SUMMARY:

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:



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

February 6, 2024
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Nova Romero, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: January 8, 2024, Special Meeting Minutes, and January 9, 2024, Regular Meeting Minutes

RECOMMENDATION:

Approve Draft Minutes.

BACKGROUND/SUMMARY:

The City Council routinely approves minutes of its meetings.

FISCAL IMPACT:

None.

PRIOR CITY COUNCIL ACTION:

None

ATTACHMENTS:

Attachment 1) January 8, 2024 Special Meeting Minutes

Attachment 2) January 9, 2024 Regular Meeting Minutes

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

SPECIAL MEETING MINUTES

JANUARY 8, 2024

CALL TO ORDER AND ROLL CALL

Mayor Dave Potter called the meeting to order at 4:33 p.m.

Roll call: Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, Mayor Pro Tem Richards, and Mayor Dave Potter.

PUBLIC APPEARANCES

None

ORDERS OF BUSINESS

Item 1 - Receive a report on the activities and actions over the previous two years on the City's Emergency Operations Plan and adopt Resolution 2024-001 approving the updated 2024 Emergency Operations Plan

Police Chief Tomasi gave a presentation on the background of the Emergency Operations Plan, and summarized the changes made to the plan since 2022. He added that adoption of Resolution 2024-001 will approve the updated Emergency Operations Plan.

Public Comment:

None

Motion by Councilmember Baron, to adopt Resolution 2024-001 adopting the 2024 Emergency Operations Plan, seconded by Mayor Pro Tem Richards, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Item 2 - Resolution 2024-002 reaffirming the City's public-private partnership with the Carmel Public Library Foundation (CPLF)

Community Activities and Library Director Ashlee Wright gave a presentation of the item, giving an overview of the CPLF and future projects.

Public comment:

Dale Byrne

Alexis Weaver

Kris Goursey

Motion by Mayor Pro Tem Richards, to adopt Resolution 2024-002, seconded by Councilmember Ferlito, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Item 3 - Receive an after action on Third Thursday and an update on the Farmers' Market and consideration of a Resolution 2024-003 authorizing the consumption of alcohol at the Farmers' Market Third Thursday events in 2024.

Community Activities and Library Director Ashlee Wright gave a presentation of the item, providing a summary of the Farmers Market and Third Thursday events in 2023. She responded to questions from Council and noted that over the past year there were no issues when wine was served in a designated and closed off area. She said that Council approval is needed to continue to allow wine at the Third Thursday events in the park.

Public comment:

None

Councilmembers Ferlito and Dramov dissented approving the Resolution, stating that alcohol isn't needed at family friendly events where children are present.

Motion by Mayor Pro Tem Richards, to adopt Resolution 2024-003, seconded by Councilmember Baron, and approved 3-2-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Richards, and Mayor Potter

NOES: Councilmembers Dramov, Ferlito

ABSENT: None

ABSTAIN: None

STUDY SESSION

A. Discussion of the Ad Hoc Committee findings and recommendations on the way forward for development of the Police facility

Councilmember Baron gave an introduction of the item and summarized the progress made by the Police Facility Ad Hoc Committee over the past few months. City Administrator Rerig

introduced Fred Meurer, 4- Leaf Project Manager assigned to the Police Facility Project. Mr. Muerer gave a presentation of the project status, summarizing the following:

- History of the project
- Task 1: Building assessment results
 - Key elements of a modern police facility
 - Specific needs of the police facility
- Task 2: Police Program assessment results
 - Police Officer Standard Training (POST) Standards
- Ad Hoc Recommendations - Police Program Scope:
 - Recommendation for a new facility on new site
 - Opportunities and requirements for the old building
- Financial implications/Cost estimates:
 - New Police Facility meeting current and future needs: estimated \$20M+
 - Rehabilitation of the existing building and code updates: estimated \$10M+
- Ad Hoc Committee Summary of Recommendations:
 - Adopt a policy decision to maximize the programming capability of the Police Department to meet current and future needs.
 - Direct staff to initiate a schematic design process at a new site.
 - Direct staff to initiate the programming and schematic design for rehabilitation of the current PD/PW building.
 - Direct staff to initiate development of a financing strategy to fund a project total of \$30M+

Public comment:

David O'Neil, CRA Representative

Andi Carr

Dale Byrne

Ken White

Carrie Theis

Eric Miller

James Ardaiz

Council discussion resumed. Jonathan Hammond, the selected Architect for the police facility project, said that conducting a site evaluation of Vista Lobos would include a geotechnical study, assessment of view corridor restrictions, and exploration mixed use options, potentially taking 3-4 months and adding public outreach meetings could stretch out the timeline further. City Administrator Rerig clarified that the purpose of the discussion tonight was to provide an update on the project and seek permission to proceed to the next phase of fact gathering for more options. Community Development and Planning Director Brandon Swanson pointed out the existing 18-

foot site line restriction on parts of the Vista Lobos property. Mr. Meuer emphasized that each potential site has unique opportunities and constraints, and the ad hoc committee recommends evaluating one site in-depth before returning with more information. Councilmember Baron highlighted that the staff report outlines all the requirements needed for the police facility and urged Council to give authority to focus on Vista Lobos as the primary potential site to streamline progress on this project.

Council gave consensus direction for staff to proceed with the next step of evaluating the Vista Lobos site as a potential location for the new police facility and recommended a public outreach meeting to get feedback on the project.

CLOSED SESSION

City Attorney Pierik read the closed session title.

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Property: First Murphy House, NE corner Lincoln Street and 6th Avenue, Carmel-by-the-Sea

Agency negotiators: City Administrator, City Attorney

Negotiating parties: Carmel Heritage Society and Chamber of Commerce

Under negotiation: Lease amount and terms

PUBLIC APPEARANCES - Limited to items on closed session only

Public comment:

Sygalé Lomas, Carmel Chamber of Commerce

Cindy Lloyd

ADJOURNMENT

Council adjourned the regular meeting at 6:40 PM and moved to closed session. Closed session adjourned at 7:05 PM.

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

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

REGULAR MEETING MINUTES

Tuesday, January 9, 2024

CALL TO ORDER AND ROLL CALL - 4:30 PM

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

Roll call: Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, Mayor Pro Tem Richards, and Mayor Dave Potter.

PLEDGE OF ALLEGIANCE

Mayor Potter led the pledge of allegiance.

PUBLIC APPEARANCES

The following members of the public spoke:

Mark Stillwell

Girard Rose

Marshall Fullbright

Craig Rose

Nancy Twomey

Catherine

Chris Cav

Jo Todd

EXTRAORDINARY BUSINESS

A. Carmel High School Report Out

Carmel High School ASB Student Alexander Frederick gave a report on upcoming events including sports games, student club faire, mock trial tournament, arts programs, and fundraising events.

B. Appointment of Mayor Pro Tempore for 2024

Mayor Potter nominated Councilmember Richards as the Mayor Pro Tem for calendar year 2024.

Motion by Mayor Potter to appoint Councilmember Richards and the Mayor Pro Tem for the 2024 calendar year, seconded by Councilmember Ferlito and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

ANNOUNCEMENTS

A. City Administrator Announcements - Announced that Assistant City Administrator Maxine Gullo will be leaving at the end of the month to pursue a new career opportunity. He thanked her for her hard work and dedication to the City over the past 8 years.

B. City Attorney Announcements - No reportable action from closed session on January 8, 2024.

C. Councilmember Dramov – Spoke in memory of Janice Bradner, a longtime resident who was dedicated to the City.

Councilmember Ferlito - Attended the Emergency Preparedness Community meeting and said it was very well presented and thanked City staff and CERT.

Mayor Pro Tem Richards - Thanked everyone for the birthday wishes.

CONSENT AGENDA

Mayor Potter pulled item #5 for clarification. A member of the public pulled items #2 and #3 for comment, as well as item #12. Councilmember Dramov pulled item #11 for comment.

Motion by Mayor Pro Tem Richards, to approve consent agenda item #'s 1, 4, 6, 7, 8, 9, and 10, seconded by Councilmember Baron, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Item 1 - December 4, 2023, Special Meeting Minutes & December 5, 2023, Regular Meeting Minutes

Item 4 - Resolution 2024-004 adopting the Fiscal Year 2024-2025 budget schedule

Item 6 - Resolution 2024-006 authorizing the City Administrator to execute Amendment No. 2 to the Professional Services Agreement with Ten Over Studio for architectural services for the Sunset Center Portico Design Project, for a fixed fee of \$29,500

Item 7 - Resolution 2024-007, authorizing one (1) Free Use Days of the Sunset Center Theater and Lobby to Frans Lanting Studio, in connection with the Bay of Life Fund non-profit organization, to host a "Bay of Life Project" community event in 2024

Item 8 - Resolution 2024-008 ratifying an appointment to the Forest and Beach Commission

Item 9 - Resolution 2024-009 awarding a Professional Services Agreement to PAST Consultants, LLC, for a not-to-exceed fee of \$79,380, to provide consultant support for the “Phase II” update to the City's Historic Context Statement

Item 10 - Resolution 2024-010, authorizing the City Administrator to accept funds from the California Department of Park and Recreation under the Historic Preservation Fund Grant Program for a \$40,000 award to partially fund “Phase II” of the Historic Context Statement update project

ITEMS PULLED FROM CONSENT AGENDA

Item 2 - November 2023 Monthly Reports - *pulled from consent by a member of the public*

No comments or discussion, item was pulled by mistake. Motion to approve under item #5.

Item 3 - November 2023 Check Register Summary - *pulled from consent by a member of the public*

No comments or discussion, item was pulled by mistake. Motion to approve under item #5.

Item 5 - Resolution 2024-005 authorizing the City Administrator to execute a Construction Contract with Color New Co., in the amount, with contingency, of \$392,150, for the Sunset Center Exterior and Harrison Memorial Library Exterior and Interior Painting Projects

Mayor Potter pulled the item for clarification. Community Activities and Library Director Ashlee Wright said that the item before the Council will be approving the exterior painting only, and it was put off due to the pandemic and lack of CIP funds. She clarified that the exterior painting will be done through a change order.

Public Comment:

Dale Byrne

Craig Rose

Motion by Councilmember Baron, to approve consent agenda items 2, 3, and 5, seconded by Mayor Pro Tem Richards, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Item 11 - Resolution 2024-011 authorizing the City Administrator to execute an Amendment to Professional Services Agreement No. PBD-EMC-037-22-23 with EMC Planning Group, Inc. for scope of work for a not-to-exceed amount of \$92,331, increasing the total contract cost to \$371,931.

Councilmember Dramov pulled this item to discuss. She said that she is against unfunded mandates passed down by the state and therefore does not support the contract amendment for EMC Planning and would be voting no.

Motion by Councilmember Baron, to approve Resolution 2024-011, 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 12 - Resolution 2024-012 Authorizing the City Administrator to Execute a Professional Services Agreement with Visit Carmel to Serve as the Carmel Restaurant Improvement District (CRID) Owners' Association

The item was pulled from consent by a member of the public. City Administrator Rerig outlined the function of Visit Carmel as a destination marketing organization. He explained that restaurants in the area have voluntarily agreed to levy a \$0.25 tax per \$100 in sales, with the aim of supporting attract visitors to Carmel and highlight its restaurants. He clarified that the 10-year agreement with Visit Carmel to manage the adopted CRID Management Plan is commensurate with the term of the District, and under the terms of the agreement, the City's responsibility entails collecting the taxes as a pass through agency, retaining a nominal amount to cover administrative expenses, and remitting the remainder to Visit Carmel for advertising purposes. He added that the restaurants have representation on the CRID board to ensure that marketing strategies align with their preferences and objectives.

Public comment:

Craig Rose

Motion by Councilmember Ferlito, to approve Resolution 2024-012, seconded by Mayor Pro Tem Richards, and approved 5-0-0-0 by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

ORDERS OF BUSINESS

Item 13 - Consideration of philosophy regarding ticketed events held in the public right-of-way during Car Week

Community Activities and Library Director Wright presented an overview of Car Week public and private events, highlighting pre- and post-pandemic scenarios along with associated benefits, challenges, and concerns regarding ticketed events. She answered questions and provided clarification on various aspects and asked for the Council's direction on whether to pursue a proposed ticketed event for Car Week.

Public comment:
Richard Kreitman
Nancy Twomey

Council discussion resumed. Council agreed that there is insufficient time to consider a proposal for a ticketed Car Week event this year and gave consensus direction to staff to not pursue ticketed events at this time.

Item 14 - Receive a presentation regarding Scout House Options and provide direction to staff

Public Works Director Bob Harary presented the item, covering the Scout House history, current building condition, and five proposed options for Council consideration:

1. Renovate the Scout House as a Capital Improvement Project
2. Sell the Property
3. Reissue the Request for Proposals (RFP) for contractors to Renovate, Lease, and Operate the Scout House
4. Relocate and Renovate the Building and Sell the Existing Property
5. Maintain the Status Quo (keep the Scout House closed and perform maintenance as necessary)

Director Harary detailed each option's pros, cons, and State Land Act Restrictions, and Attorney Joan Cox addressed legal concerns.

Public Comment:
Richard Kreitman
Dale Byrne
Hans Guter

Council dismissed options 1 and 3, and favored the relocation option, suggesting potential sites aside from Sunset Center North lot, like the passthrough parcels the city owns between Torres and Junipero, and between Junipero and Mission, where 9th Avenue would be. Council discussed affordable housing possibilities on the existing site if the Scout House is relocated. Council gave

consensus direction to further explore the cost to relocate the Scout House to a different site, and to investigate the “Monterey Model” for city owned housing.

Item 15 - 6th Cycle Draft Housing Element (2023-2031), Response to HCD Comment Letter

Principal Planner Marnie Waffle presented the 6th Cycle Draft Housing Element and provided an update on the comments received from the California Department of Housing and Community Development (“HCD”) on November 1, 2023. She stated that staff and the Housing Ad Hoc have been actively addressing the comments to fulfill the regional housing needs allocation (“RHNA”) requirement of 349 units. Ms. Waffle highlighted that 49 units have received state approval, reducing the remaining count to 300 units. She outlined the Housing Priority Overlay District, policy decisions, modifications, and the timeline for Council’s completion of the final housing element.

Public comment:

Mark Stillwell

Kristi Reimers

Cindy Lloyd

Council gave consensus direction to staff to maintain story poles and rezoning commercial property to R-4 only if necessary, as the City’s housing element already offers sufficient housing options with a buffer to meet RHNA numbers. Council instructed staff to proceed according to the proposed timeline.

Council commended Ms. Waffle on her diligent efforts and commitment to completing the project.

FUTURE AGENDA ITEMS

None

ADJOURNMENT

Council adjourned the meeting at 7:02 pm.

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

February 6, 2024
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Nova Romero, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: December 2023 Monthly Reports

RECOMMENDATION:

Review and receive monthly reports.

BACKGROUND/SUMMARY:

This is a monthly series of reports:

- City Administrator Contract Log (no contracts under \$60K for Dec. 2023)
- Community Planning and Building Department Reports
- Police, Fire, and Ambulance Reports
- Public Records Act Requests
- Public Works Department Reports

FISCAL IMPACT:

N/A

PRIOR CITY COUNCIL ACTION:

N/A

ATTACHMENTS:

Attachment 1) Community Planning and Building Department Reports

Attachment 2) Police, Fire, and Ambulance Reports

Attachment 3) Public Records Act Requests

Attachment 4) Public Works Report for December 2023



CITY OF CARMEL-BY-THE-SEA Monthly Report

Community Planning and Building Department

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Leah Young, Administrative Coordinator
SUBMITTED ON:	January 24, 2024
APPROVED BY:	Brandon Swanson, Director of Community Planning and Building

DECEMBER 2023 – DEPARTMENT ACTIVITY REPORT

I. PLANNING PERMIT APPLICATIONS:

In December 2023, **18** planning permit applications were received.

II. BUSINESS LICENSE APPLICATIONS:

In December 2023, **6** business license applications were received.

III. BUILDING PERMIT APPLICATIONS:

In December 2023, **32** building permit applications were received.

IV. CODE COMPLIANCE CASES:

In December 2023, **19** new code compliance cases were created.

V. TRANSIENT RENTAL COMPLIANCE CASES:

In December 2023, **1** new transient rental compliance case was created.

VI. ENCROACHMENT PERMIT APPLICATIONS:

In December 2023, **21** encroachment permit applications were received.

VII. TREE PERMIT APPLICATIONS:

In December 2023, **20** tree permit applications were received.

Table 1 includes the following December 2023 totals:

- Planning Permit Applications
- Business License Applications
- Building Permit Applications
- Code Compliance Cases
- Transient Rental Cases
- Encroachment Permit Applications
- Tree Permit Applications

December 2023 totals are provided alongside December 2022 totals for comparison. Compared to the same time period in the year 2022, Table 1 denotes percentage changes in the year 2023.

Table 1
Permit Application Totals and YTD Percentage Changes

	PLANNING	BUSINESS LICENSES	BUILDING	CODE COMPLIANCE	TRANSIENT RENTAL COMPLIANCE	ENCROACH- MENTS	TREE EVAL./ PRUNING/ REMOVAL
2022 YTD Totals	376	59	498	240	45	270	178
2023 YTD Totals	391	74	600	241	36	283	380
YTD % Difference	+ 3.99%	+ 25.42%	+ 20.48%	+ 00.42%	- 20.00%	+ 4.81%	+ 113.48%



Planning Permit Report

12/01/2023 - 12/31/2023

Permit #	Permit Type	Project Description	Address/Location	Date Received	Date Approved	Status
23390	Design Review	LIGHTING: add recommended lighting for alleyway and front entrance.	San Carlos 2 SE 5th St	12/28/2023		In Review
23389	Use Permit	Add 14 additional outdoor seats in existing patio for dining at Carmel bistro Giovanni	San Carlos 2 SE 5th St	12/28/2023		In Review
23388						Closed
23387	Design Review	Installation of a 24kW Commercial Rooftop PV System	NE Corner Junipero & 5th	12/4/2023		Closed
23386	Sign	J. McLaughlin - Replace existing blade sign from yellow to blue w/ the same dimensions to adhere to the brand's new standards.	NW Corner of Ocean & Dolores (1770 Ocean Avenue)	12/18/2023	1/2/2024	In Review
23385	Use Permit	USE PERMIT AMENDMENT. OUTDOOR SEATING: Additional seven(7) outdoor patio seats. OUTDOOR HEATERS: Permanent and plumbed outdoor gas heaters, or moveable outdoor propane heaters.	Ocean Avenue 3 SW of Lincoln Street	12/6/2023		In Review
23384	Use Permit	Update/amend existing business license and use permit for Stationaery Restaurant. OUTDOOR SEATING: Allow twenty-four (24) outdoor seats located in the existing courtyard. HEATING: Install three (3) new gas Bromic heaters, wall-mounted to existing building. AWNINGS: Install new 4' wide awning over front entry door. HOURS OF OPERATION: Modify hours of operation to 8:00 a.m. – 10:00 p.m.	San Carlos Street east side between 5th and 6th Avenues	12/15/2023		In Review

23383	Design Review	Eligible facilities request per Section 6409 - Install wireless communications transmission equipment for DISH Wireless at an existing telecom support structure.	Ocean 2 SW of San Carlos	12/18/2023	Attachment 1	In Review
23382	Design Study	Replace exterior door, 16' 0", to fix the doors pan to stop the water leak in basement. New copper pan and new door, same opening and same height. Hallway bathroom remodeling with same layout; only new toilet, vanity, tile floor, and walls.	SW Corner of Monte Verde & 9th	12/14/2023		In Review
23381	Use Permit	DATE: 12/31/2023 - 01/01/2024, 1:00 a.m. USE: Extra space needed to accommodate higher-than-normal influx of people on New Year's Eve. MUSIC: No live music. SEATING/STANDING: Approx. 52 seats; 75 standing.	San Carlos 2 NE of 7th	12/13/2023		In Review

23380	Preliminary Site Assessment	Remodel And Addition To An Existing 898 Sf Single Family Residence with a detached 170 SF Garage (To Be Removed). The project includes: Removal of Existing Detached Garage, 1,066 SF Addition to Main Residence, including addition at Entry, Kitchen, New Garage, and 2nd story Primary Suite with Deck. New Addition to use painted wood shingles to match existing and painted wood doors and windows. New roofs to use Composite asphalt shingles to match existing. Reconstruction of 251 SF Rear, Spaced Board Wood Deck. Remodel includes Kitchen and Bathrooms. New 390 SF Accessory Dwelling Unit. Exterior Site Changes include: Removal Of The Brick Pathway To The Entry And Replacing with Flagstone Path, Addition of Flag, Step Stone Paths, Removal of Existing Gravel Driveway And Replaced With Stone Driveway Runners With Planting Strips, New Concrete Steps Basement, New Landscaping with Grape Stake Fence, No Trees to be Removed. One Tree limb off Multi-Branch Oak Tree to be removed. This has been reviewed by City Forester.	SW Corner of Mission Street and 12th Avenue	12/13/2023		Attachment 1 In Review
23379	Design Study	Replace rotten doors and windows to match existing. Trim and paint to match existing. Repair rotting deck boards and railings; kitchen and bathroom remodel.	Casanova 3 SW of 7th	12/26/2023		In Review
23378	Use Permit	Convert small space next door to Il Tegamino restaurant, from retail use to restaurant use. No new water or new seats required. Expansion of current allowed seating into new space, not to exceed currently allowed 24 indoor seats. No changes to exterior seating.	Ocean Avenue between Lincoln & Monte Verde, Court of Golden Baugh	12/12/2023		In Review

23377	Design Study	Bathroom addition, 75 SF.	NW Corner of Torres & 1st	12/20/2023	Attachment 1	In Review
23376		DUPLICATE. SEE DS 23-375 (Brown).	Scenic 3 SE of 12th.			Closed
23375	Design Study	Modify front of home by replacing existing windows, doors and adding 462 sq. feet of deck. Remove the existing concrete drive and replace with permeable pavers. The existing roof is to remain. The existing footprint of the home will not change. No trees will be removed. The existing grading, drainage, and landscaping to remain.	Scenic 3 SE of 12th	12/6/2023		In Review
23374	Design Study	58 Sq foot garbage enclosure/bicycle storage	Vizcaino 12 SW Mountain View	12/4/2023		In Review
23373	Historic Evaluation	Historic Evaluation	S.W. Corner of Lincoln and 10th Ave.	12/4/2023		In Review

Total Records: 18

1/19/2024



Business License Report

12/01/2023 - 12/31/2023

Entity #	Application Type	Business Name	Business Description	Location	Date Received	Date Approved	Status
23073	New Business	Earth Cura Apothecary	Skincare, wellness; self-care products; candles; jewelry; hair/hat accessories	San Carlos 3 NW of 8th	12/15/2023	1/10/2024	Approved
23072	Ownership Change	Cafe Luna	Breakfast, lunch, and dinner; drinks, incl. coffee, tea, Boba, and smoothies.	Ocean Avenue & Mission Street	12/13/2023	1/10/2024	Approved
23071	New Business	Joshua Ezekiel Language Services	Interpretation and translation	4 SE Crespi	12/18/2023		In Review
23070	New Business	Salty Soul Sanctuary	Yoga Studio	Ocean & Mission	12/8/2023		In Review
23069	Ownership Change	De Tierra Vineyards	Wine Tasting Room	Mission Street 3 SE of Fifth Avenue	12/13/2023	1/2/2024	Approved
23068	New Business	Kayne LLC DBA Jenni Kayne	Retail sales of women's clothing and accessories	Ocean & Mission	12/6/2023	1/10/2024	Approved

Total Records: 6**1/19/2024**



Building Permit Report

12/01/2023 - 12/31/2023

Permit #	Date Submitted	Date Approved	Project Description	Valuation	Permit Type	Property Location
230598	12/27/2023		Repair deck & handrail in place, Master Bath partial remodel, replace 2 exterior doors	25,000	Building	Dolores 4 SE of 2nd
230597			VOID - DUPLICATE - DO NOT USE. ADA Restroom Remodel / New Tenant Restroom	273,451	Building	Ocean Ave & San Carlos St
230596	12/21/2023		Remodel to (E) 2,933 SF SFD and attached 276 SF garage.	1,500,000	Building	NE Corner of Scenic and 12th
230595	12/21/2023		Remove existing 264sf detached garage and construct a new detached 200 sf garage.	0	Building	Santa Fe 3 NE of Mountain View
230594	12/21/2023		Construction of a new detached ADU.	0	Building	San Antonio 1 NW of 9th
230593	12/20/2023	1/17/2024	Mold Mitigation project. Three part waterproofing on 80lf of foundation wall.	3,000	Building	NW Corner of Monte Verde & 7th
230592	12/20/2023	1/5/2024	Re-roof: Remove and replace existing Charcoal composite shingle to CertainTeed brand Landmark TL in the color Country Grey.	35,200	Roofing	SE Corner of Camino Real & 10th
230591	12/20/2023	12/20/2023	Replace an existing water heater with a new 40 gallon water heater.	1,500	Plumbing	SE Corner of Mission & 5th
230590	12/19/2023	12/19/2023	Replace (e) 100 amp electrical panel with (n) 100 amp electrical panel.	6,000	Electrical	Guadalupe 2 NW of 6th
230589	12/20/2023		Removal of existing stair, door permanently installed as a window.	6,000	Building	SW Corner of Camino Real & 8th
230588	12/20/2023		100 SF Add'n to Kitchen at north side, 844 SF two story add'n. at rear.	490,000	Building	Mission 2 NW of Santa Lucia

230587	12/19/2023		Remodel 3,108sf commercial space #115 within the Carmel Plaza. TI includes new entry doors, new interior stairs, ADA upgrades, new dressing area at the lower level, new sales counter, new beverage bar and counter. Exterior installation of new black and white striped awning to replace old awning at Mission St.	60,000	Building	Attachment 1 Carmel Plaza Suite 115
230586	12/19/2023	1/8/2024	Installation of 68 feet poly gas line.	250	Plumbing	NW Corner of San Antonio & 2nd
230585	12/19/2023	1/12/2024	Repair 100sf of existing plaster soffit and standing seam metal roof on existing commercial building over public sidewalk.	20,000	Building	Dolores 3 NW of 6th
230584	12/15/2023		Replace 4 windows in the existing unit. Two windows in the stair landing, the front living room window, and the bedroom window. Windows to be new Sierra Pacific.	0	Exempt Work	SW Corner of Junipero & 4th, Unit H
230583	12/15/2023		Change existing patio door for same opening, same height. Remodel existing bathroom with the same layout and new plumbing fixtures.	9,000	Building	SW Corner of Monte Verde & 9th
230582	12/15/2023		Remodel of existing 1555 SF house, 270 SF attached garage, and 715 SF addition. including new 2nd floor. New kitchen, new bathrooms, new electrical, plumbing, and mechanical systems. Replace all (e) windows with (n) windows.	550,000	Building	4th 2 NE of Lobos
230581	12/13/2023		632sf interior remodel consolidating two units into a one bedroom single family residence. Project to include a new FAU.	125,000	Building	Mission 3 SW of 4th

230580	12/12/2023		Remove & replace damaged exterior vertical siding at portions of the front and rear elevations. In-kind materials will be used for the replacement.	0	Exempt Work	Attachment 1 Lopez 4 NE of 4th
230579	12/12/2023		Construct a new basement level ADU under an existing residence. Remove and replace existing deck above ADU level.	219,000	Building	NW Corner of Camino Real & 7th
230578	12/11/2023		Remove chimney and add a set of operable 36" french doors and two 36" french door panels.	2,000	Building	SW Corner of Dolores & 12th
230577	12/8/2023		Phase 1 - shell work to allow for the installation of a pair of exterior doors. New PG&E electrical service.	10,000	Building	Dolores 2 NW of 7th
230576	12/7/2023		Main front addition, wood deck and stairs remodel, reduce and rebuild garage in new location, kitchen and bathroom remodel, upper balcony remodel, interior stairs remodel, and addition of laundry under stairs.	500,000	Building	Santa Fe 3 NE of Mountain View
230575	12/6/2023	12/7/2023	Tear off (e) wood shake roof to original sheathing and install new Landmark TL roofing in color Autumn Blend.	48,898	Roofing	Camino Real 2 SE of 12th
230574	12/6/2023		New area kitchen, existing kitchen converted to bedroom two, powder room converted to a full bath, electrical and plumbing update/replacement, new windows, and new gutters.	118,000	Building	Guadalupe 2 NW of 7th
230573	12/6/2023	12/6/2023	remove existing unit, replace with new 96% efficient 2 stage bryant 926TB30040V14	10,741	Mechanical	Perry Newberry 3 NW of 5th
230572	12/6/2023	12/6/2023	Retroactive permit authorization for gas meter box replacement and gas leak repair.	0	Plumbing	NE Corner of Guadalupe & 5th

230571	12/6/2023		Addition of three residential apartments and remodel of two commercial spaces.	2,000,000	Building	Attachment 1 Dolores 4 NE of 7th
230570	12/6/2023		623sf interior remodel consolidating two attached units into a one bedroom SFR with a new FAU.	125,000	Building	Mission 3 SW of 4th
230569			VOID, SEE PERMIT 21-425.	15,000	BP Revision	3 SW of 13th on Camino Real
230568	12/1/2023		Generac 14kw generator installation	22,738	Electrical	San Carlos 4 NW of 13th
230567	12/1/2023	1/2/2024	Extend electrical lines and install necessary equipment for new coffee bar.	0	Plumbing	SW Corner of Ocean and Mission

Total Records: 32

1/19/2024



Code Compliance Report

12/01/2023 - 12/31/2023

Case #	Case Date	Status	Location	Problem Description	Date Received	Date Closed
24013	12/27/2023	Open	Lincoln 3 NW of 5th	Unsafe structure/ rodent harborage	12/27/2023	
24012	12/26/2023	Open	NEC Lobos and 1st	Rocks in right-of-way	12/26/2023	
24011	12/21/2023	Closed	Carmel Plaza	Unpermitted business use	12/21/2023	
24010	12/20/2023	Open	Lobos 2 NW of 4th	Gravel in right-of-way	12/20/2023	
24009	12/18/2023	Closed	Forest 4 NW of 7th	Construction without a permit	12/18/2023	
24008	12/18/2023	Open	Mission NW of 6th	Bird stand on City tree	12/18/2023	
24007	12/14/2023	Closed	San Carlos 4 NW of Santa Lucia	Sign in right-of-way	12/14/2023	
24006	12/14/2023	Closed	San Carlos 3 NW of Santa Lucia	Sign in right-of-way	12/14/2023	
24005	12/6/2023	Open	Torres 4 NE of 4th	Encroachment violation	12/6/2023	
24004	12/4/2023	Closed	7th NE of Dolores	Trash on sidewalk	12/4/2023	
24003	12/4/2023	Closed	Lincoln SE of 5th	Exterior lighting	12/4/2023	
24002	12/4/2023	Closed	Forest 2 SE pf 8th	Fence construction	12/4/2023	
24001	12/4/2023	Closed	NWC 2nd and Santa Fe	Gas leaf blower	12/4/2023	
23229	12/29/2023	1st NOV sent	Torres 2 SE of 1st	Transient Rental	12/27/2023	
23228	12/7/2023	Closed		No business license	12/7/2023	
23227	12/15/2023	Open	Dolores 4 SE of 2nd	Remodel construction including but not limited to complete bathroom remodel, deck remodel, installation of patio doors, new gas piping to kitchen range without proper permits or authorization.	12/14/2023	
23226	12/14/2023					
23225	12/14/2023	Open	Dolores 4 SE of 2nd	Remodel construction without proper permits including but not limited to a complete bathroom remodel, installation of 2 patio doors, rebuilding a deck, guards & handrails and installation of new gas piping to the kitchen range	12/14/2023	

23224	12/12/2023	Open	SWC Monte Verde and 9th	Construction and generator installation	12/12/2023	Attachment 1

Total Records: 19

1/19/2024



Transient Rental Report

01/01/2023 - 12/31/2023

Case #	Street	Status	Date Received	Last Status Date	Date Closed
23229	Torres	1st NOV sent	12/27/2023	12/29/2023	
23220	Perry Newberry	Closed	11/24/2023	12/20/2023	12/20/2023
23217	Lopez	Closed	11/20/2023	11/27/2023	11/27/2023
23216	Lincoln	2nd NOV sent	11/14/2023	12/8/2023	
23213	Casanova	2nd NOV sent	11/14/2023	12/8/2023	
23212	San Antonio	Closed	11/14/2023	12/1/2023	12/1/2023
23198	Mission	Closed	10/24/2023	10/24/2023	10/24/2023
23194	Casanova	Closed	10/17/2023	12/8/2023	12/8/2023
23189	San Antonio	Closed	10/13/2023	12/8/2023	12/8/2023
23173	Mountain View	Potential STR identified	9/16/2023	11/6/2023	
23135	Ocean	Closed	8/18/2023	9/25/2023	9/25/2023
23134	Ocean	Closed	8/18/2023	8/25/2023	8/25/2023
23133	Monte Verde	Closed	8/17/2023	11/1/2023	11/1/2023
23109	13th	Closed	7/28/2023	11/14/2023	11/14/2023
23107	13th	Closed	7/28/2023	8/16/2023	8/16/2023
23104	Santa Fe	Closed	7/21/2023	9/29/2023	11/15/2023
23099	Mission	Closed	7/7/2023	9/19/2023	9/19/2023
23094	2nd	Closed	6/23/2023	8/21/2023	8/21/2023
23093	Rio	Closed	6/21/2023	8/31/2023	8/31/2023
23092	Ocean	Closed	6/21/2023	7/7/2023	7/7/2023
23091	Dolores	Closed	6/22/2023	7/19/2023	7/19/2023
23061	Monte Verde	Closed	4/27/2023	7/17/2023	7/17/2023
23058	Mission	Closed	4/19/2023	6/2/2023	6/2/2023
23057	Carmelo	Closed	4/19/2023	6/2/2023	6/2/2023
23053	San Carlos	Closed	3/21/2023	6/2/2023	6/2/2023
23039	Rio Road	Closed	2/27/2023	4/17/2023	4/17/2023
23015	Carmelo	Closed	1/9/2023	2/3/2023	2/3/2023
23014	Mission	Closed	1/9/2023	1/10/2023	1/30/2023
23013	N Casanova	Closed	1/9/2023	2/3/2023	2/3/2023
23012	Mission	Closed	1/9/2023	1/27/2023	1/27/2023
23009	Santa Fe	Closed	1/8/2023	2/3/2023	2/3/2023
23008	Guadalupe	Closed	1/8/2023	1/13/2023	1/13/2023
23007	2nd	Closed	1/8/2023	1/8/2023	4/8/2023

23005	Carpenter	Closed	1/8/2023	2/3/2023	Attachment 1 2/3/2023
23004	5th	Closed	1/5/2023	2/3/2023	2/3/2023
23003	Dolores and 1st	Closed	1/5/2023	2/3/2023	2/3/2023

Total Records: 36

1/11/2024



Encroachment Permit Report

12/01/2023 - 12/31/2023

Permit #	Permit Type	Date Submitted	Project Description	Property Location	Date Issued	Status
230282	Driveway	12/27/2023	Replacing old asphalt driveway, walkway, and entryway with pavers	Santa Fe 3 NW of 3rd		
230281	Temp Ench	12/19/2023	PG&E to complete emergency repairs, complete restoration from a 10'x10' bellhole. PM# 46065462.	Intersection of Santa Rita & 6th	12/19/2023	Issued
230280	Temp Ench	12/19/2023	Block scenic for approximately three hours or less to allow for crane to lift spa over house to repair leak on pation.	SE Corner of Scenic & 9th	12/21/2023	Issued
230279	Temp Ench	12/19/2023	REPLACE 89' OF SEWER DRAIN IN THE STREET	24743 SAN CARLOS ST		In Review
230278	Temp Ench	12/15/2023	Replace sewer lateral using pipe bursting.	Casanova 2 NE of 13th	12/15/2023	Issued
230277	Temp Ench	12/14/2023	Renew water service for fire suppression. USA #2023112802099.	Casanova & 4th	12/15/2023	Issued
230276	Temp Ench	12/13/2023	Close off sidewalk in order for crane to load one skylight. CONDITION: SIDEWALK CLOSED AHEAD SIGN TO BE PLACED AT JUNIPERO AND 5TH	SW Corner of Junipero & 4th	12/13/2023	Issued
230275	Temp Ench	12/13/2023	Replace sewer lateral using pipe bursting.	Santa Fe 4 SW of Ocean	12/13/2023	Issued
230274	Temp Ench	12/13/2023	Installation of a double cabinet next to existing cabinets to meet 72 hour back up, per CPUC mandate.	Dolores 5 NE of 3rd	1/2/2024	Issued
230273	Temp Ench	12/13/2023	Replace sewer lateral using pipe bursting.	Mission 4 SE of 13th	12/13/2023	Issued

230272	Perm Ench	12/8/2023	Legalize existing right of way encroachment to include: existing concrete paving, existing mortared stone walkway, existing fan shaped brick edging, and existing mortared stone garden wall.	Carmelo 2 NE of 8th		Attachment 1 In Review
230271	Temp Ench	12/7/2023	PG&E to install underground electrical service & replace pole. PM# 35462985.	Junipero 2 SE of Ocean	12/14/2023	Approved
230270	Temp Ench	12/6/2023	PG&E to install new transformer and two service drops. PM# 35508786.	Carmelo 3 SE of 13th	12/7/2023	Issued
230269	Temp Ench	12/6/2023	Excavate a 9'x17' pit in the asphalt to repair damages due to a water leak repair for CalAm. 811 #2023110102229.	Dolores 21' South of 12th	12/7/2023	Issued
230268	Temp Ench	12/6/2023	Excavate a 5'x5' pit in the asphalt to repair damages due to a water leak repair for CalAm. 811 #2023110102333.	Junipero 71' North of 10th	12/13/2023	Issued
230267	Temp Ench	12/6/2023	Excavate a 17'x3' and 2'x3' pit in the asphalt to repair damages due to a water leak repair for CalAm. 811 #2023010500181.	San Carlos 60' South of 6th	12/7/2023	Issued
230266	Temp Ench	12/6/2023	Excavate a 15'x5' pit in the asphalt to repair damages due to a water leak repair for CalAm. 811 #2023103002607.	Junipero 200' South of Ocean	12/7/2023	Issued
230265	Temp Ench	12/6/2023	Excavate a 4'x4' pit in the asphalt to repair damages due to a water leak repair for CalAm. 811 #2023110102294.	Dolores 80' South of 4th	12/7/2023	Issued
230264	Temp Ench	12/6/2023	Placement of moving trucks from house on 13th 2 SE of Lincoln & dropping off at Carpenter 2 SE of 4th.	13th 2 SE of Lincoln / Carpenter 2 SE of 4th	12/13/2023	Issued

230263	Temp Ench	12/4/2023	PG&E to install underground service, replace pole, extend overhead primary line, install new transformer, and replace existing cutouts & fuses. Tree trimming required. PM# 35386108.	Camino Del Monte 4 NW of San Carlos	1/10/2024	Attachment 1 Issued
230262	Temp Ench	12/1/2023	Partial sewer lateral replacement from property line to city main.	Lincoln 3 SE of 11th	12/13/2023	Issued

Total Records: 21

1/19/2024



Tree Permit Report

12/01/2023 - 12/31/2023

Permit #	Permit Date	Permit Type	Location of Property	Description	Status	Approved Date
23361	12/1/2023	Tree	Santa Rita 4 SE Ocean Ave Carmel, CA 93923	Remove one 15" oak.	In Review	
23362	12/1/2023	Tree	Camino Real 2 SW of 4th Ave.	Remove four (4) Live Oaks: 8", 9", 13", and one double- stemmed tree, 11" & 12".	In Review	
23363	12/3/2023	Tree Evaluation	San Carlos St, 3rd house south of 8th	EVALUATION ONLY: One (1) Oak and one (1) Redwood.	In Review	
23364	12/6/2023	Tree Evaluation	25990 JUNIPERO ST: In the front Northeast corner	EVALUATION ONLY. Evaluate and hopefully remove a large & problematic pine tree. One (1) Pine tree, +/-25 feet in diameter. Located on city property.	In Review	
23365	12/7/2023		SW Corner of Carmelo & Seventh Avenues	REMOVE: Tree #1, 39"+ at base Db. Spar Pinus Radiata (Monterey Pine) on City ROW.	Approved	
23366	12/7/2023	Tree Evaluation	Third and Carpenter Northeast Corner	Tree Evaluation for Removal. One (1) 36-inch diameter Monterey Pine located on city property.	Approved	
23367	12/7/2023	Tree Evaluation	NW corner Lincoln and Tenth Avenues	Removal of a total of twenty limbs from oaks, cypress, and pittosporum trees.	Approved	12/15/2023
23368	12/8/2023	Tree	Roots are destroying driveway and wall close to water supply.	REMOVE: One (1) City Cypress tree, 18".	In Review	
23369	12/8/2023	Tree	Forest 4 NW of Mountain View	REMOVAL: Four (4) trees total; two (2) on private property; two (2) on City property. City trees are approx. 18" in diameter. One (1) 24" Pine that snapped in half last winter. One (1) 36" Pine next to the house.	Approved	12/21/2023
23370	12/9/2023	Tree	3rd Ave 2 NW Lobos	PRUNING: Trim tree limbs for building clearance and safety	Approved	1/2/2024
23371	12/15/2023	Tree	Sterling Way 2 NE of Perry Newberry	REMOVE: One (1) Monterey Pine tree (dangerous lean).	Approved	12/18/2023

23372	12/18/2023	Tree	Northeast Corner of Santa Fe and 8th Ave	REMOVE: dying Pine tree located in City right of way on north side of driveway.	In Review	Attachment 1
23373	12/19/2023	Tree Evaluation	25983 MISSION ST	EVALUATION ONLY prior to tree removal.		
23374	12/21/2023	Tree Evaluation	N. Carmelo 5 NW of 4th Ave.	EVALUATION: One (1) Redwood tree; size is 22' x 55-60'. **NOTE**Please coordinate evaluation, so owner can be present.	In Review	
23375	12/21/2023	Tree	Torres 2 NW of 2nd	REMOVE: One (1) 16" multi-trunk Oak tree.	In Review	
23376	12/21/2023	Tree Evaluation	Torres Street 3 NE of 4th Avenue	EVALUATION: Oak tree to be trimmed to help fight oakworm. Several dead branches. Property owners are unsure if tree is on City or private property; they suspect it is a City tree--on street, outside fence line.	In Review	
23377	12/21/2023	Tree	San Antonio 3 NW of 12th	REMOVE: One (1) extra large Cypress tree on the left side of the driveway.	In Review	
23378	12/21/2023	Tree	Torres St 5 SW of 10th	REMOVAL: One (1) large pine tree.	In Review	
23379	12/21/2023				Closed	
23380	12/21/2023	Tree	Santa Fe 3 SW Mountain View	PRUNING: Pine Tree previously inspected; trim approximately five (5) limbs.	In Review	

Total Records: 20

1/19/2024



CITY OF CARMEL-BY-THE-SEA

Monthly Report

Public Safety

December 2023

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 December 2023 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 December 2023, the ambulance was unable to meet the performance measure. The response time was 86% with (5) code-3 calls over 5 minutes.

41 Calls for service in CBTS Average response time: 3:45 min.

36 Code 3 calls for service –Five calls over 5:00 min.

Lopez & 2nd (8:31 min Response) Did not hit the on-scene button.

Ladera & Rio (5:39 min Response) Delay due to distance based on location.

Mission & 1st (6:05 min Response) Did not hit the on-scene button.

San Antonio & 11th (5:55 min Response) Delay due to distance based on location.

San Antonio & Ocean (5:31 min Response) Did not hit the on-scene button.

MONTEREY FIRE REPORT

Summary of Monterey Fire December 2023 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 December 2023, the fire department was unable to meet the performance measure. The response time was 93% with (3) code-3 calls over 5 minutes.

54 total calls for service in CBTS Average response time: 2:41 min.

43 total Code-3 calls – Three calls with a response time over 5:00 min.

*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%.

Ladera & Rio **(5:43 min Response)** responded from St 15, normal response time due to location.
Junipero & 4th **(8:12 min Response)** E11 responded from St 11, delay due to distance.
Lincoln & 8th **(5:35 min Response)** EMS call had to stage due to protocol.

BEACH FIRES

There were 0 illegal beach fires recorded during the month of December, except one after hours propane fire.

*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 INCIDENT TYPE
27060 CARMEL-BY-THE-SEA
Alarm Date From: 12/01/2023 To: 12/31/2023



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
300-321 Series (EMS)						
Medical assist, assist EMS crew	12/2/2023 10:55 AM	231202-MNT09267	0:03:23	OCEAN AVE	SAN CARLOS ST	3
Medical assist, assist EMS crew	12/12/2023 8:43 AM	231212-MNT09521	0:02:39	LINCOLN ST	7TH AVE	3
EMS call, excluding vehicle accident with injury	12/1/2023 5:06 PM	231201-MNT09252	0:04:47	7TH AVE	DOLORES ST	3
EMS call, excluding vehicle accident with injury	12/4/2023 6:33 PM	231204-MNT09325	0:03:54	25921 RIDGEWOOD RD		3
EMS call, excluding vehicle accident with injury	12/4/2023 9:08 PM	231204-MNT09327	0:02:01	MISSION ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	12/5/2023 7:29 PM	231205-MNT09351	0:02:35	LINCOLN ST	3RD AVE	3
EMS call, excluding vehicle accident with injury	12/5/2023 8:32 PM	231205-MNT09353	0:02:35	CASANOVA ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	12/10/2023 12:19 AM	231210-MNT09463	0:03:35	MISSION ST	7TH AVE	3
EMS call, excluding vehicle accident with injury	12/10/2023 7:05 AM	231210-MNT09466	0:05:00	LOPEZ AVE	2ND AVE	3
EMS call, excluding vehicle accident with injury	12/10/2023 6:08 PM	231210-MNT09481	0:02:13	JUNIPERO AVE	6TH AVE	3
EMS call, excluding vehicle accident with injury	12/13/2023 11:36 AM	231213-MNT09552	0:00:16	6TH AVE	MISSION ST	3
EMS call, excluding vehicle accident with injury	12/13/2023 7:26 PM	231213-MNT09561	0:02:37	OCEAN AVE	MONTE VERDE ST	3
EMS call, excluding vehicle accident with injury	12/15/2023 7:44 AM	231215-MNT09583	0:04:06	SAN ANTONIO AVE	8TH AVE	3
EMS call, excluding vehicle accident with injury	12/16/2023 1:05 PM	231216-MNT09620	0:03:52	CARPENTER ST	4TH AVE	3
EMS call, excluding vehicle accident with injury	12/18/2023 4:04 AM	231218-MNT09655	0:04:13	DOLORES ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	12/18/2023 9:16 AM	231218-MNT09665	0:02:52	LINCOLN ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	12/19/2023 7:09 AM	231219-MNT09696	0:03:09	DOLORES ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	12/21/2023 11:06 PM	231221-MNT09756	0:05:43	26152 LADERA DR		3
EMS call, excluding vehicle accident with injury	12/22/2023 7:18 PM	231222-MNT09776	0:02:29	GUADALUPE ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	12/22/2023 10:21 PM	231222-MNT09781	0:03:48	1ST AVE	SAN CARLOS ST	3
EMS call, excluding vehicle accident with injury	12/22/2023 10:34 PM	231222-MNT09782	0:08:12	JUNIPERO AVE	4TH AVE	3
EMS call, excluding vehicle accident with injury	12/26/2023 7:39 PM	231226-1940-MNT	0:03:00	7TH AND FOREST ST		3
EMS call, excluding vehicle accident with injury	12/26/2023 7:34 PM	231226-MNT09884	0:03:36	FOREST RD	7TH AVE	3
EMS call, excluding vehicle accident with injury	12/27/2023 3:07 PM	231227-MNT09904	0:05:35	LINCOLN ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	12/28/2023 4:14 PM	231228-MNT09934	0:02:12	OCEAN AVE	SCENIC RD	3
EMS call, excluding vehicle accident with injury	12/28/2023 6:41 PM	231228-MNT09939	0:00:25	MISSION ST	6TH AVE	3
26			0:03:25			

322-399 Series (Rescues)

Motor vehicle accident with injuries	12/30/2023 1:52 PM	231230-MNT10003	0:01:58	MISSION ST	7TH AVE	3
1			0:01:58			

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority	
400 Series (Hazardous Material)							
Gas leak (natural gas or LPG)	12/21/2023 10:54 AM	231221-MNT09744	0:04:43	25951 RIDGEWOOD RD		3	
Oil or other combustible liquid spill	12/9/2023 9:46 AM	231209-MNT09449	0:02:31	LINCOLN ST	9TH AVE	2	
Accident, potential accident, other	12/20/2023 2:16 PM	231220-MNT09726	0:04:46	LINCOLN ST	13TH AVE	3	
3			0:04:00				
500 & 600 Series (Service Calls)							
Water or steam leak	12/11/2023 6:26 AM	231211-MNT09495	0:05:55	MISSION ST	1ST AVE	2	
Water or steam leak	12/14/2023 4:32 PM	231214-MNT09570	0:02:50	MONTE VERDE ST	8TH AVE	2	
Water or steam leak	12/26/2023 7:30 AM	231226-MNT09864	0:04:53	4 OAK KNOLL WAY		3	
Smoke or odor removal	12/12/2023 4:41 PM	231212-MNT09535	0:03:01	6TH AVE	SAN CARLOS ST	3	
Smoke or odor removal	12/18/2023 12:30 PM	231218-MNT09671	0:01:12	LOBOS ST	1ST AVE	3	
Assist police or other governmental agency	12/26/2023 11:40 AM	231226-MNT09867	0:04:01	MISSION ST	OCEAN AVE	3	
Public service	12/1/2023 12:26 AM	231201-MNT09236	0:04:34	CARPENTER ST	5TH AVE	2	
Assist invalid	12/6/2023 7:45 AM	231206-MNT09359	0:03:13	1ST AVE	SANTA RITA ST	3	
Assist invalid	12/15/2023 3:49 AM	231215-MNT09580	0:05:23	GUADALUPE ST	6TH AVE	2	
Assist invalid	12/23/2023 7:20 AM	231223-MNT09790	0:04:30	SAN ANTONIO AVE	8TH AVE	2	
No incident found on arrival at dispatch address	12/6/2023 9:45 PM	231206-MNT09382	0:00:30	GUADALUPE ST	7TH AVE	3	
No incident found on arrival at dispatch address	12/7/2023 6:18 PM	231207-MNT09407	0:03:19	7TH AVE	MONTE VERDE ST	3	
No incident found on arrival at dispatch address	12/29/2023 9:41 AM	231229-MNT09956	0:04:53	LINCOLN ST	2ND AVE	2	
No incident found on arrival at dispatch address	12/30/2023 11:06 AM	231230-MNT09994	0:02:50	N CASANOVA ST	2ND AVE	3	
No incident found on arrival at dispatch address	12/31/2023 11:28 AM	231231-MNT10030	0:05:34	DOLORES ST	1ST AVE	2	
EMS call, party transported by non-fire agency	12/30/2023 10:31 AM	231230-MNT09993	0:02:45	LINCOLN ST	7TH AVE	3	
HazMat release investigation w/no HazMat	12/25/2023 10:55 AM	231225-MNT09850	0:03:37	4TH AVE	JUNIPERO AVE	3	
17			0:03:42				
700 Series (False Alarms)							
System malfunction, other	12/17/2023 6:13 PM	231217-MNT09651	0:02:47	CARMELO ST	11TH AVE	3	
Smoke detector activation due to malfunction	12/4/2023 4:29 PM	231204-MNT09323	0:04:45	SAN ANTONIO AVE	11TH AVE	3	
Smoke detector activation due to malfunction	12/18/2023 7:49 AM	231218-MNT09661	0:00:12	CAMINO REAL ST	OCEAN AVE	2	
Smoke detector activation due to malfunction	12/30/2023 12:04 PM	231230-MNT10000	0:02:34	MONTE VERDE ST	6TH AVE	3	
Alarm system sounded due to malfunction	12/5/2023 11:32 AM	231205-MNT09339	0:05:39	MONTE VERDE ST	2ND AVE	2	
Unintentional transmission of alarm, other	12/10/2023 1:31 AM	231210-MNT09464	0:02:59	MISSION ST	5TH AVE	2	
Alarm system activation, no fire - unintentional	12/7/2023 1:52 PM	231207-MNT09400	0:02:40	6TH AVE	DOLORES ST	3	
7			0:03:05				
Over 5 Minute Response Times Cause of Delay: Code 3 Responses					Code 2 Calls		11
231221-MNT09756 E15 responded from St 15, normal response time due to location					Code 3 Calls		43
231222-MNT09782 E11 responded from St 11, delay due to distance					Total # of Incidents		54
231227-MNT09904 EMS call had to stage due to protocol					% Under 5 Minute Response Time		93%



CARMEL-BY-THE-SEA DECEMBER 2023 Response Summary Report by Incident Type

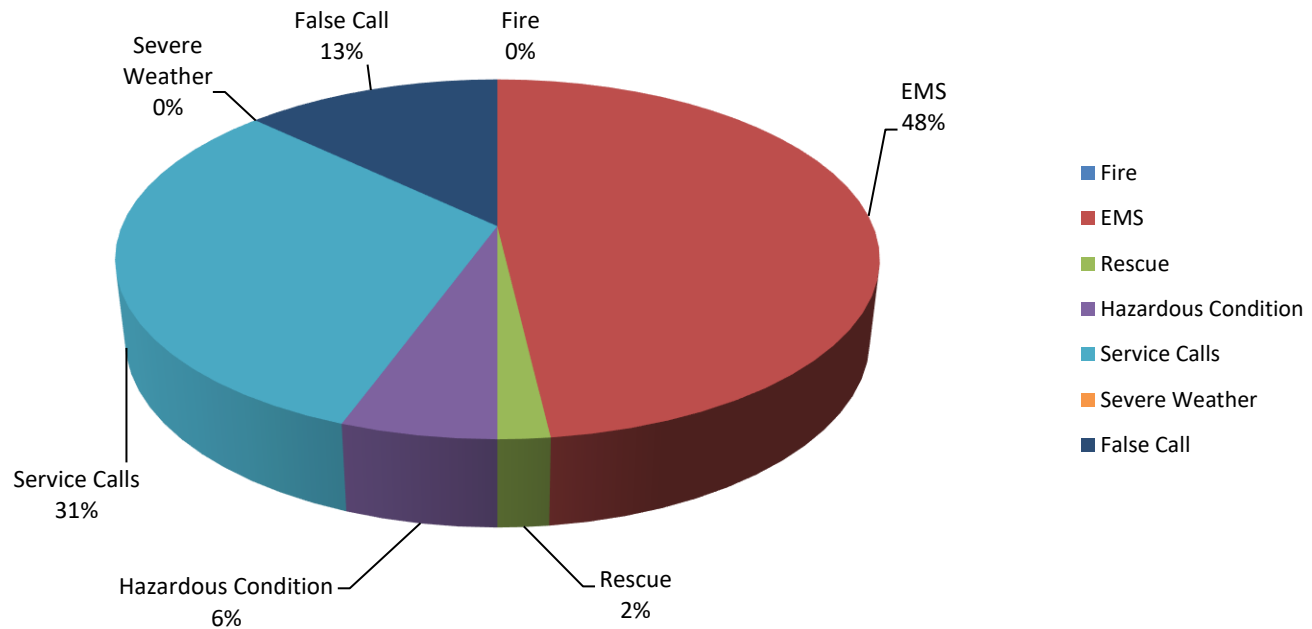


Type of Call	Number	Average Response Time
Fire	0	0:00
EMS	26	3:25
Rescue	1	1:58
Hazardous Condition	3	4:00
Service Calls	17	3:42
Severe Weather	0	0:00
False Call	7	3:05

Total Responses

54

2:41



Total Code 3 Calls:

43

Response Times for Code 3

Calls ≤ 5 minutes:

93%



RESPONSE SUMMARY REPORT BY DISTRICT
27015 CARMEL-BY-THE-SEA FIRE AMBULANCE
Alarm Date From: 12/01/2023 To: 12/31/2023



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
300-321 Series (EMS)						
Emergency medical service incident, other	12/18/2023	231218-CFA01588	00:04:04	DOLORES ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	12/2/2023	231202-CFA01528	00:02:23	OCEAN AVE	SAN CARLOS ST	3
EMS call, excluding vehicle accident with injury	12/3/2023	231203-CFA01533	00:06:19	2774 14TH AVE		2
EMS call, excluding vehicle accident with injury	12/4/2023	231204-CFA01539	00:02:47	25921 RIDGEWOOD RD		3
EMS call, excluding vehicle accident with injury	12/4/2023	231204-CFA01541	00:02:17	MISSION ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	12/5/2023	231205-CFA01544	00:02:40	LINCOLN ST	3RD AVE	3
EMS call, excluding vehicle accident with injury	12/5/2023	231205-CFA01545	00:02:31	CASANOVA ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	12/6/2023	231206-CFA01552	00:00:51	GUADALUPE ST	7TH AVE	3
EMS call, excluding vehicle accident with injury	12/10/2023	231210-CFA01562	00:03:19	MISSION ST	7TH AVE	3
EMS call, excluding vehicle accident with injury	12/10/2023	231210-CFA01564	00:08:31	LOPEZ AVE	2ND AVE	3
EMS call, excluding vehicle accident with injury	12/10/2023	231210-CFA01566	00:02:01	JUNIPERO AVE	6TH AVE	3
EMS call, excluding vehicle accident with injury	12/13/2023	231213-CFA01579	00:02:10	OCEAN AVE	MONTE VERDE ST	3
EMS call, excluding vehicle accident with injury	12/15/2023	231215-CFA01581	00:03:21	SAN ANTONIO AVE	8TH AVE	3
EMS call, excluding vehicle accident with injury	12/16/2023	231216-CFA01585	00:03:59	CARPENTER ST	4TH AVE	3
EMS call, excluding vehicle accident with injury	12/16/2023	231216-CFA01586	00:03:24	SANTA FE ST	1ST AVE	3
EMS call, excluding vehicle accident with injury	12/18/2023	231218-CFA01589	00:04:32	25009 HATTON RD		3
EMS call, excluding vehicle accident with injury	12/18/2023	231218-CFA01591	00:02:03	LINCOLN ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	12/19/2023	231219-CFA01599	00:02:32	DOLORES ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	12/21/2023	231221-CFA01611	00:05:39	26152 LADERA DR		3
EMS call, excluding vehicle accident with injury	12/22/2023	231222-CFA01612	00:02:31	GUADALUPE ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	12/22/2023	231222-CFA01613	00:03:57	1ST AVE	SAN CARLOS ST	3
EMS call, excluding vehicle accident with injury	12/26/2023	231226-CFA01629	00:03:16	FOREST RD	7TH AVE	3
EMS call, excluding vehicle accident with injury	12/28/2023	231228-CFA01630	00:02:00	OCEAN AVE	DEL MAR	3
EMS call, excluding vehicle accident with injury	12/28/2023	231228-CFA01631	00:01:00	6TH AVE	MISSION ST	3
EMS call, excluding vehicle accident with injury	12/30/2023	231230-CFA01633	00:02:46	LINCOLN ST	7TH AVE	2
25			0:03:14			
322-399 Series (Rescues)						
Motor vehicle accident with injuries	12/30/2023	231230-CFA01635	00:02:44	MISSION ST	7TH AVE	3
1			0:02:44			
400 Series (Hazardous Material)						
Hazardous condition, other	12/6/2023	231206-CFA01549	00:04:52	CAMINO REAL ST	4TH AVE	2
Hazardous condition, other	12/11/2023	231211-CFA01568	00:06:05	MISSION ST	1ST AVE	3

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
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400 Series (Hazardous Material) cont.

Hazardous condition, other	12/20/2023	231220-CFA01603	00:04:49	LINCOLN ST	13TH AVE	3
3			0:05:15			

500 & 600 Series (Service Calls)

Smoke or odor removal	12/12/2023	231212-CFA01573	00:03:18	6TH AVE	SAN CARLOS ST	3
Assist invalid	12/6/2023	231206-CFA01546	00:02:51	1ST AVE	SANTA RITA ST	3
Assist invalid	12/15/2023	231215-CFA01580	00:05:43	GUADALUPE ST	6TH AVE	2
Assist invalid	12/23/2023	231223-CFA01615	00:03:55	SAN ANTONIO AVE	8TH AVE	2
4			0:03:57			

700 Series (False Alarms)

False alarm or false call, other	12/4/2023	231204-CFA01537	00:05:55	SAN ANTONIO AVE	11TH AVE	3
False alarm or false call, other	12/7/2023	231207-CFA01555	00:02:48	CASANOVA ST	13TH AVE	3
False alarm or false call, other	12/9/2023	231209-CFA01561	00:05:31	SAN ANTONIO AVE	OCEAN AVE	3
False alarm or false call, other	12/10/2023	231210-CFA01563	00:03:14	MISSION ST	5TH AVE	3
False alarm or false call, other	12/25/2023	231225-CFA01623	00:03:25	4TH AVE	JUNIPERO AVE	3
Smoke detector activation, no fire - unintentional	12/18/2023	231218-CFA01593	00:02:31	LOBOS ST	1ST AVE	3
Alarm system activation, no fire - unintentional	12/7/2023	231207-CFA01554	00:02:08	6TH AVE	DOLORES ST	3
Alarm system activation, no fire - unintentional	12/17/2023	231217-CFA01587	00:03:16	CARMELO ST	11TH AVE	3
8			0:03:36			

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

231210-CFA01564 Did not hit the on scene button
 231221-CFA01611 Delay due to distance based on location
 231211-CFA01568 Did not hit the on scene button
 231211-CFA01537 Delay due to distance based on location
 231211-CFA01561 Did not hit the on scene button

Code 2 Calls	5
Code 3 Calls	36

Total # of Incidents	41
% Under 5 Minute Response Time	86%
Total Average Response Time	0:03:45



RESPONSE SUMMARY REPORT BY DISTRICT
27015 CARMEL-BY-THE-SEA FIRE AMBULANCE
Alarm Date From: 12/01/2023 To: 12/31/2023



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
CARMEL HIGHLANDS						
EMS call, excluding vehicle accident with injury	12/20/2023	231220-CFA01601	00:11:34	120 HIGHLANDS DR		3
EMS call, excluding vehicle accident with injury	12/21/2023	231221-CFA01607	00:10:50	149 CARMEL RIVIERA DR		3
EMS call, excluding vehicle accident with injury	12/21/2023	231221-CFA01605	00:11:34	29152 HWY 1		3
EMS call, excluding vehicle accident with injury	12/21/2023	231221-CFA01610	00:18:17	32501 HWY 1		3
4			0:13:04			
CARMEL VALLEY						
EMS call, excluding vehicle accident with injury	12/15/2023	231215-CFA01582	00:45:37	37144 NASON RD		3
1			0:45:37			
CYPRESS						
Rescue, EMS incident, other	12/1/2023	231201-CFA01523	00:04:53	26615 CARMEL CENTER PL		3
Rescue, EMS incident, other	12/1/2023	231201-CFA01524	00:03:56	26408 MISSION FIELDS RD		3
EMS call, excluding vehicle accident with injury	12/2/2023	231202-CFA01529	00:03:59	2774 14TH AVE		3
EMS call, excluding vehicle accident with injury	12/4/2023	231204-CFA01534	00:05:21	26372 RIVERSIDE PL		3
EMS call, excluding vehicle accident with injury	12/4/2023	231204-CFA01538	00:06:36	3 CROSSROADS MALL		3
EMS call, excluding vehicle accident with injury	12/4/2023	231204-CFA01540	00:05:34	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	12/5/2023	231205-CFA01543	00:03:30	PESCADERO RD	CASTRO LN	3
EMS call, excluding vehicle accident with injury	12/6/2023	231206-CFA01550	00:03:47	25661 MORSE DR		3
EMS call, excluding vehicle accident with injury	12/6/2023	231206-CFA01551	00:05:07	25995 S CARMEL HILLS DR		3
EMS call, excluding vehicle accident with injury	12/7/2023	231207-CFA01556	00:05:20	26525 FISHER DR		3
EMS call, excluding vehicle accident with injury	12/7/2023	231207-CFA01557	00:07:32	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	12/8/2023	231208-CFA01558	00:07:53	3850 RIO RD		3
EMS call, excluding vehicle accident with injury	12/11/2023	231211-CFA01567	00:06:37	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	12/11/2023	231211-CFA01570	00:05:36	26197 MESA PL		3
EMS call, excluding vehicle accident with injury	12/11/2023	231211-CFA01571	00:06:26	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	12/11/2023	231211-CFA01569	00:05:25	3746 THE BARNYARD		3
EMS call, excluding vehicle accident with injury	12/13/2023	231213-CFA01574	00:08:00	3757 RAYMOND WAY		3
EMS call, excluding vehicle accident with injury	12/13/2023	231213-CFA01575	00:09:25	26245 CARMEL RANCHO BLVD		2
EMS call, excluding vehicle accident with injury	12/13/2023	231213-CFA01577	00:06:16	575 VIEJO RD		3
EMS call, excluding vehicle accident with injury	12/18/2023	231218-CFA01592	00:06:16	3553 TAYLOR RD		2
EMS call, excluding vehicle accident with injury	12/18/2023	231218-CFA01597	00:06:51	3560 EDGEFIELD PL		3
EMS call, excluding vehicle accident with injury	12/18/2023	231218-CFA01598	00:06:47	3772 THE BARNYARD		3
EMS call, excluding vehicle accident with injury	12/19/2023	231219-CFA01600	00:05:26	26015 ATHERTON DR		2
EMS call, excluding vehicle accident with injury	12/20/2023	231220-CFA01602	00:05:03	25990 S CARMEL HILLS DR		3

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
CYPRESS cont.						
EMS call, excluding vehicle accident with injury	12/20/2023	231220-CFA01604	00:05:48	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	12/21/2023	231221-CFA01606	00:04:43	26015 ATHERTON DR		3
EMS call, excluding vehicle accident with injury	12/21/2023	231221-CFA01608	00:04:54	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	12/21/2023	231221-CFA01609	00:05:07	24742 SAN CARLOS ST		3
EMS call, excluding vehicle accident with injury	12/23/2023	231223-CFA01614	00:06:55	25877 S CARMEL HILLS DR		3
EMS call, excluding vehicle accident with injury	12/23/2023	231223-CFA01617	00:04:37	HWY 1	CARPENTER ST	3
EMS call, excluding vehicle accident with injury	12/23/2023	231223-CFA01616	00:01:47	CARMEL RANCHO BLVD	RIO RD	3
EMS call, excluding vehicle accident with injury	12/24/2023	231224-CFA01619	00:08:09	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	12/25/2023	231225-CFA01624	00:04:32	3600 OLIVER RD		3
EMS call, excluding vehicle accident with injury	12/26/2023	231226-CFA01626	00:05:48	26217 ISABELLA AVE		3
EMS call, excluding vehicle accident with injury	12/26/2023	231226-CFA01627	00:05:10	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	12/29/2023	231229-CFA01632	00:09:22	120 HIGHLAND DR		3
Motor vehicle accident with no injuries.	12/18/2023	231218-CFA01595	00:03:24	HWY 1 / CARPENTER ST		3
37			0:05:44			
MID COAST						
Motor vehicle accident with injuries	12/2/2023	231202-CFA01531	00:16:57	HWY 1 / SOBERANES CREEK		3
1			0:16:57			
MONTEREY						
EMS call, excluding vehicle accident with injury	12/1/2023	231201-CFA01522	00:07:06	1575 SKYLINE DR		3
EMS call, excluding vehicle accident with injury	12/3/2023	231203-CFA01532	00:11:35	29 ENCINA AVE		3
EMS call, excluding vehicle accident with injury	12/6/2023	231206-CFA01548	00:10:50	331 DRY CREEK RD		3
EMS call, excluding vehicle accident with injury	12/7/2023	231207-CFA01553	00:08:04	3 WINDSOR RISE		3
EMS call, excluding vehicle accident with injury	12/13/2023	231213-CFA01578	00:13:02	426 BOWEN ST		2
EMS call, excluding vehicle accident with injury	12/30/2023	231230-CFA01634	00:07:12	200 IRIS CANYON RD		3
Motor vehicle/pedestrian accident (MV Ped)	12/1/2023	231201-CFA01526	00:01:29	570 PACIFIC ST		3
7			0:08:28			
PACIFIC GROVE						
EMS call, excluding vehicle accident with injury	12/4/2023	231204-CFA01536	00:06:53	651 SINEX AVE		3
EMS call, excluding vehicle accident with injury	12/12/2023	231212-CFA01572	00:12:37	412 7TH ST		3
EMS call, excluding vehicle accident with injury	12/18/2023	231218-CFA01590	00:10:19	551 GIBSON AVE		3
3			0:09:56			
PEBBLE BEACH						
EMS call, excluding vehicle accident with injury	12/15/2023	231215-CFA01583	00:10:32	3059 LARKIN RD		3
EMS call, excluding vehicle accident with injury	12/18/2023	231218-CFA01596	00:08:59	1151 SOMBRIA LN		2
EMS call, excluding vehicle accident with injury	12/24/2023	231224-CFA01621	00:10:45	1518 CYPRESS DR		3
EMS call, excluding vehicle accident with injury	12/30/2023	231230-CFA01636	00:11:43	3217 SEVENTEEN MILE DR		3
4			0:10:30			
SEASIDE						
EMS call, excluding vehicle accident with injury	12/24/2023	231224-CFA01620	00:12:43	1599 KIMBALL AVE		3

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
----------	------------	-----------------	---------------	------------------	--------------	----------

SEASIDE cont.

Motor vehicle accident with injuries	12/4/2023	231204-CFA01535	00:11:25	ECHO AVE / FREMONT BLVD		3
		2	0:12:04			

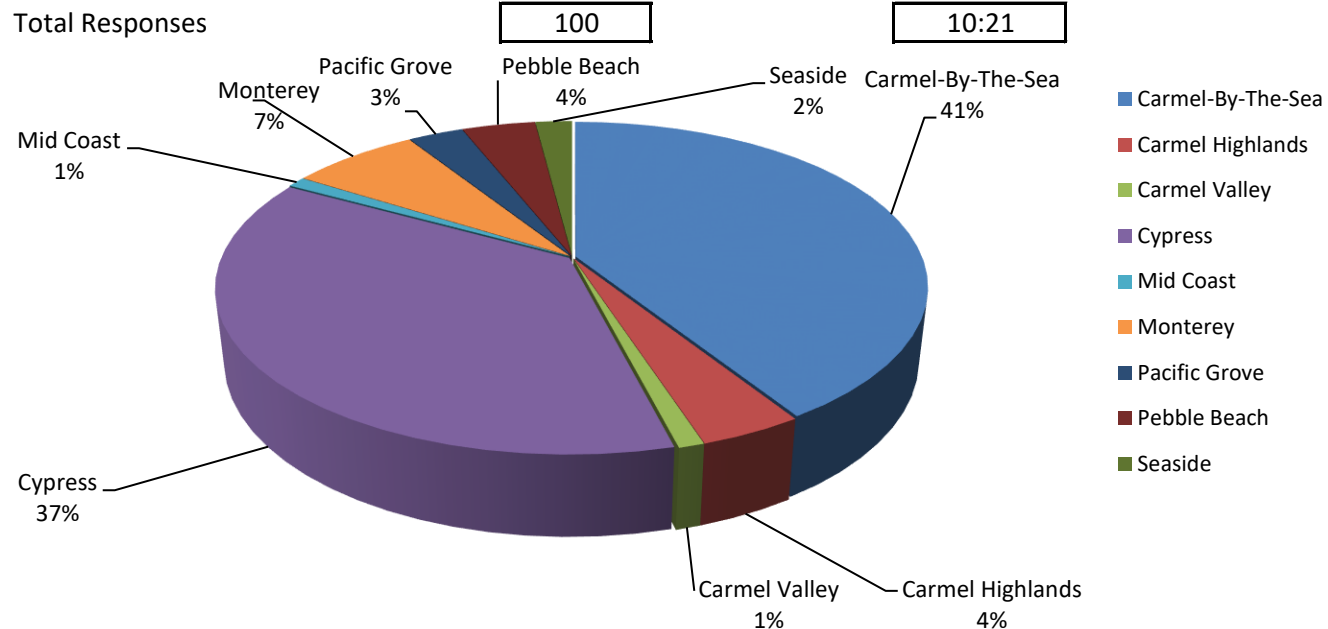
Code 2 Calls	5
Code 3 Calls	54
Total # of Incidents	59
Total Average Response Time	0:10:58



CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT DECEMBER 2023 Response Summary Report by District Type



<u>District Response</u>	<u>Number</u>	<u>Average Response Time</u>
Carmel-By-The-Sea	41	3:45
Carmel Highlands	4	13:04
Carmel Valley	1	45:37
Cypress	37	5:44
Mid Coast	1	16:57
Monterey	7	8:28
Pacific Grove	3	9:56
Pebble Beach	4	10:30
Seaside	2	12:04



Total Code 3 Calls:	36
CFA Response Times for Code 3 Calls ≤ 5 minutes:	86%

City Clerk PRA Request Log

December 2023

Request Number	Date Requested	10-day Response Date	Records Requested	Requestor Name	Date Completed	Notes
2023-117	12/6/2023	12/18/2023	bid tabulation and contract award information regarding the Bids for Sunset Center and Harrison Memorial Library Painting Project	North America Procurement Council, Inc. PBC	12/6/2023	records sent
2023-118	12/7/2023	12/18/2023	Carmel employee compensation report for 2022, including: Employee Name Position/Job Title Total gross wages Annual Salary for 2022 Total Regular Pay Overtime Pay Other Pay (any additional forms of pay that are not reported in Regular Pay) Retirement Contribution Costs - All forms of employer-paid retirement contributions, deferred compensation, etc., including Unaccrued Actuarial Liability if applicable. Please split out per the standard State Controller's Office categories. Healthcare Contribution Costs - All forms of employer-paid health and welfare benefits, such as health, dental and vision insurance benefits.	Researcher, Transparent California	12/18/2023	records sent

Police Record Request Log
December 2023

Request No.	Request Date	10-Day Due Date	Requestor	Info Requested	Status
2023-0001	11/30/2023AP	12/10/2023AP	Sheri Lynn Bacon	CQ2300536	denied, letter mailed
2023-0002	11/30/2023AP	12/10/2023AP	Patricia Garcia - Dept. Social Service	CG1800675	completed
2023-0003	12/5/23 mw	12/15/2023	Kathryn Harrison	CC2300447	completed
2023-0004	12/05/23 mw	12/15/2023	Gian Pepe Little Napoli	CG2300529	completed
2023-0005	12/13/23 da	12/23/2023	Lane Nonnenberg	CA2300555	completed
2023-0006	12/14/2023	12/24/2023 DA	Lexis Nexis	CC2300444	completed
2023-0007	12/13 DA	12/23/2023	Jesus Herrera	CA2300555	completed
2023-0008	12/17/23 mw	12/27/2023	Jessica Seagraves	CG2300227	completed
2023-0009	12/18/2023 AI	12/28/2023	Jessica Anguiano MoCo ACO	CG2300446	completed
2023-0010	12/20/23 DA	12/30/2023	Metropolitan Reporting Bureau	CA2300055	completed
2023-0011	12/21/23 DA	12/31/2023	Lexis Nexis	CC2300444	completed
2023-0012			Joanna Pfeister	CG0700581	completed



CITY OF CARMEL-BY-THE-SEA

Public Works Department

December 2023 Monthly Report

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert M. Harary, P.E., Director of Public Works
SUBMITTED ON:	January 3, 2023
APPROVED BY:	Chip Rerig, City Administrator

City Council Special Meeting of December 4, 2023

- Adopted Ordinance 2023-007, amending Title 17, Zoning, by repealing and replacing Chapter 17.42, Stormwater Quality and Utility, and Chapter 17.43, Water Quality Protection. This completes one of Council's top 16 Strategic Priorities.

City Council Meeting of December 5, 2023

- Postponed a presentation regarding guidelines and introduction of a new Beach Cleanup Policy.
- The Public Works Director presented findings of the 2023 Storm Drain Master Plan Update report, and identified top priority drainage capacity and repair projects to focus on over the next few years.
- Approved a request by Monterey Salinas Transit and recommendations by the Traffic Safety Committee to eliminate two parking spaces each at bus stop locations at Junipero Street and Fourth Avenue, and at San Carlos Street at Tenth Avenue, to improve safety.

Forest and Beach Commission Meeting of December 14, 2023

- Announcements included:
 - Thanked JC Meyers and volleyball colleagues for a \$1,200 donation which was used to rent a skid-steer to level off sand around the volleyball courts and to push sand up the bluff west of the Del Mar parking lot.
 - Local realtor Jenn Menke is providing part-time, temporary support for the Forestry Division during paternity leave of the Administrative Analyst.
 - Save the Date – On Saturday, April 20, 2024, we will celebrate annual Arbor Day, the second Earth Day, and Community Day in a consolidated event in Devendorf Park.
- Due to the absence of the City Forester, postponed a Public Hearing regarding pruning of two, City-owned, coast live oak trees, located at the northwest corner of Lincoln Street and Santa Lucia Avenue, to the January 2024 meeting.
- Introduced the raw data compiling the 358 responses received from the Community Survey for the upcoming Urban Forest Master Plan (UFMP). Discussion with the Commission and Steering Committee was held to consider interpreting and prioritizing the significant data received, and how the data will be incorporated into the UFMP.
- Reviewed the revised Rules of Procedure for the Forest and Beach Commission which included changes requested by the Commission at the November meeting, as well as prior and additional recommendations by staff. Approved the Rules with just two final edits remaining.
- Adopted the meeting dates for 2024. As per the revised Rules of Procedure, meetings will begin at 2:30 p m, rather than 3:30 pm, with tours of inspection preceding the meetings.
- The Director presented the Forester's and Public Works Department Reports for November 2023.

Administration

- Developed a list of the top 16 Public Works Highlights for 2023. Key accomplishments included: hiring Project Manager Javier Hernandez, Environmental Programs Manager Mary Bilse, and City Forester Justin Ono, acquiring the electric street sweeper, supporting Leadership Carmel's legacy nature play project at Forest Hill Park, completing the tree inventory and technical reports for the Urban Forest Master Plan, initiating stump grinding in house, and remodeling the Police Dispatch Room.
- As a unique team building project, the entire Public Works Department reconstructed the wooden footbridge at the Eleventh Avenue entrance into the Mission Trail Nature Preserve (MTNP). The muddy entrance road and entry gate were also reconstructed.
- Notified Council of the extraordinarily onerous requirements to administer the \$150,000 CalFire reimbursement grant which was awarded for the UFMP project. Will reach out to State Senator Laird for assistance.
- Compiled preliminary requests for Mid-Year Budget adjustments.

Carmel Cares and Other Volunteer Groups

- Carmel Cares stained the wood benches in the Forest Theater.
- Submitted a list of donations of labor and materials for acceptance by the City Council at the February 2024 meeting.
- "Median Minders" volunteers continued to improve medians across the Village.
- "Downtown Detail" volunteers cleaned and improved the downtown area.
- The Friends of Mission Trails Nature Preserve upgraded the Martin Road entrance into the Preserve by adding wood chips to the trailhead and landing, and clearing the trailhead. They also regraded the Doolittle Trail to repair an uneven switchback, trimmed and shaped Cypress trees, and removed a stump near the Lester Rowntree Native Plant Garden. The project cost was split evenly between the Friends and the City at \$4,500 each.

Environmental Programs

- For the Coastal Engineering Study, provided additional information to the California Coastal Commission associated with finalizing the Agreement for a \$500,000 Local Coastal Programs Grant.
- Met with the Friends of MTNP to coordinate new entry maps displays, placement of additional clean up after your pet signs, and to plan for a new Laiolo footbridge and trail realignment.
- Prepared a staff report for the Forest and Beach Commission meeting in January for their consideration and approval of a new, three-rail, post and rail cedar fence along Ocean and San Antonio Avenues along the borders of the North Dunes Habitat site.
- Prepared and submitted the annual Hazardous Materials Report for the Corporation Yard to Monterey County Department of Environmental Health.
- Authorized a \$6,000 task order to on-call environmental consultant, Denise Duffy & Associates, to process CEQA Notices of Exemptions for two of the four storm drainage improvement projects currently in final design.
- Completed a two-year Professional Services Agreement (PSA) with Applied Marine Science to continue to provide water quality testing and reporting.
- Started to coordinate with vendors for the second annual Earth Day, to be held in conjunction with Arbor Day and Community Day, in April 2024.
- Purchased an electric bicycle to reduce our carbon footprint.

Facility Maintenance

- Met with janitorial services contractor, PureServe, to evaluate performance and develop mutually-beneficial process improvements for both PureServe and City staff.
- For the Sunset Center Carpenter Hall Heater System Replacement, investigated the possibility of repairing, rather than replacing, the heating system, and determining the life span of a refurbished system versus installing a new system.
- Purchased a new refrigerator for the Carmel Fire Station and removed the old refrigerator. Also repaired the ice maker in a second refrigerator.
- Contractor repaired the steel fire doors between the Public Works Garage and basement offices.

- Ordered new steel doors to replace deteriorated doors at the Devendorf and First Murphy Park restrooms.
- Checked sumps during storms, and coordinated with a hydro-jet vendor to clear clogged drains.
- Replaced a backflow device at Vista Lobos Park.
- Removed critters that got under City Hall.

Project Management for the Capital Improvement Program

4 Leaf Projects:

- For the Police Building Renovation Project, met with Council Ad Hoc Committee on December 6th and 20th to discuss preliminary alternatives. Preliminary alternatives include building a new Police Station on a new site, such as Vista Lobos, and renovating the existing Police-Public Works building for greatest and best use, including, potentially, mixed use with affordable housing and/or with other City departments. The building condition assessment, Police needs space program, and these preliminary alternatives will be presented at a Council Study Session on January 8th.

Ausonio, Inc. Projects:

- For the Sunset Center North Wing and Harrison Memorial Library Exterior/Interior Painting Project, five bids were received at the December 5th. Bid Opening, but only one bid, submitted by Color New Co. was responsive. Prepared staff report and resolution for Council to award the bid, with a contingency, of \$392,150 at their January 9, 2024 meeting.
- For the Sunset Center Portico Design Project, Amendment No. 2 to the PSA was prepared with 10 Over Studio to develop two portico concept designs, including structural connections, lighting concepts, and a demolition plan for a fixed fee of \$29,500. Prepared staff report and resolution for Council to approve the Amendment at their January 9, 2024 meeting.
- Bidding documents were approved, and the Park Branch Library Dumbwaiter Decommissioning project was advertised for bids. A pre-bid meeting was held with three contractors, and an Addendum was issued. Bids will be opened on January 11th.
- For the Sunset Center Retaining Walls Repair Project and San Antonio Walkway Repair Project, Second to Fourth Avenues, negotiations were completed, and a PSA with ZFA Structural Engineers is being finalized for structural engineering and construction support services.

Wallace Group Projects:

- For the FY 2022/23 Concrete Streets Repair Project, Wallace Group provided review comments on the 95% complete design plans, technical specifications, and cost estimates prepared by BKF Engineers. Final design documents are anticipated by late February, although bidding may be delayed until additional funding is available.
- For the FY 2023/24 City-wide Paving Project, Wallace began design work as field surveying was completed and utility maps were collected.

Additional Capital Projects:

- For the \$1.14M, FY 2021/22 City-wide Paving Project, contractor Monterey Peninsula Engineering submitted technical submittals that were reviewed and approved by staff. Also met with MPE to discuss traffic control concerns and development of the construction schedule. Street improvements and paving along Junipero and Santa Fe Streets to begin in January.
- For the MTNP 3 Drainage Project, the design plans, specifications, and bidding contract documents were finalized. Advertising for construction bids is anticipated by mid-January.
- For the Electrical Panels Projects, Advanced Design Consultants (ADC) submitted final technical reports for the City Hall, Fire Station, and Vista Lobos buildings and electric panel in the Ocean Avenue median near Junipero Street. All four panels provide adequate capacity. The panels at City Hall and Fire Station require remedial repairs, but the panels for the Vista Lobos building and Ocean Avenue median warrant complete reconstruction.
- For the PG&E Rule 20A underground utility program, met with the Ad Hoc Committee on December 13th to plan for a site visit at the two proposed underground project locations – Del Mar parking lot and

along the MTNP Willow Trail which feeds homes along Ridgewood Road. Will also meet with owners of these properties to gauge interest in an undergrounding project.

- Met with Wave Broadband to discuss their concerns with Council's request to install their fiber optic lines underground. Wave requested to present their findings at the February Council meeting.

Street Maintenance

- Provided staffing, barricades, signage, and clean up for the Tree and Menorah Lighting event held at Devendorf Park and along Ocean Avenue on December 1st.
- During and following several storm events throughout December, cleared out storm drains, picked up fallen branches, and filled in potholes. We recorded 2.26 inches of rain over the last week of December. No flooding nor significant erosion problems were reported.
- However, strong waves pounded the shoreline for several days following the Christmas holiday. In concert with the Monterey County emergency operations and the City's Police Department, all beach access stairs were temporarily closed.
- The waves also heavily damaged beach access stairs at Tenth Avenue, Twelfth Avenue, and at Martin Way. Damage included broken handrails and wooden railings, missing treads, drop offs at the bottoms, etc. These stairs will be closed until further notice.
- The beach access equipment ramp between Eighth and Ninth Avenues was washed out in the storms last March. The sand was coming back since then, although not enough to re-establish the ramp. Unfortunately, the strong waves in late December again washed out the sand leaving a 14-foot drop off. Caution tape and delineators are in place.
- Installed ten dual trash/recycling, ribbon-style containers to replace deteriorated, trash-only squirrel cans.
- Rented a skid-steer to level off the sand around the volleyball courts on pushed sand up the bluff west of the Del Mar parking lot.
- Performed the Annual Sidewalk Survey, noting all sidewalk areas needing repairs.
- At two MST bus stops, eliminated two parking spaces each at Junipero Street and Fourth Avenue, and on San Carlos Street and Tenth Avenue, as approved by the City Council. Painted the curbs red at these locations.
- Sold the Go-4 parking vehicle at public auction for \$1,950.
- Performed smog checks for many City vehicles.

Forestry, Parks, and Beach (Forester's Report)

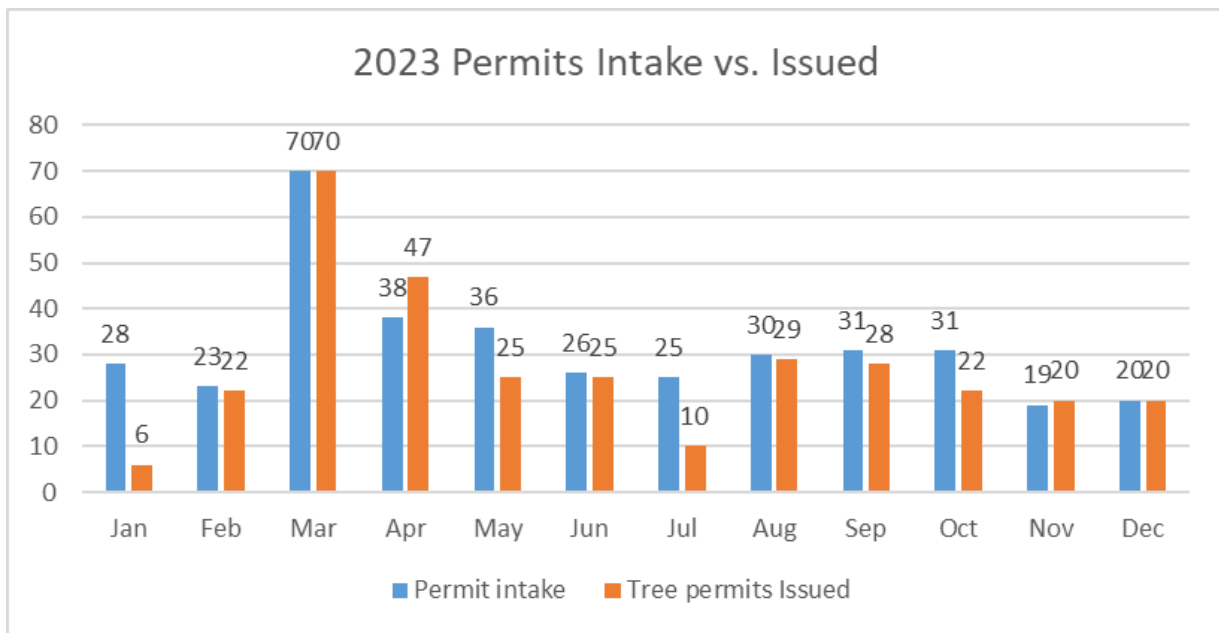
- As shown in the following table, compared to 2022, last year, 2023, resulted in a significant increase in the number of City tree removals, permit applications received and processed, and private trees removed and replanted. We also began to track the number of City stumps removed and the number of communications (calls, visitors, emails) received as well as resolved. 2023 was also notable for the significant winter storms and tree damage in January and March, and a change in the City Forester.

Forestry Metric	2023	2022
City trees removed	261	135
City stumps removed	59	N/A
City trees pruned	287	675
City trees planted	57	45
Tree permit applications received	376	180
Tree permits applications resolved	336	155
Private trees removed	340	149
Private trees required to be replanted	236	85
Private trees replanting percentage	68.8%	57.1%
Number of communications tickets received	2,161	N/A
Number of communications tickets resolved	2,120 (98%)	934 (6 months)

- Forestry goals for 2024 include: completing the Urban Forest Master Plan, including public outreach, significantly reducing the backlog of stump removals, implementing a more robust tree planting program, continuing to streamline contracting task orders for tree and landscaping services, and expanding on professional training of forestry staff to include getting another certified arborist on staff.
- Status of Davey Resource Group (DRG) development of the Urban Forest Master Plan (UFMP):
 - The draft results of the Community Survey (358 respondents) were presented to the Forest and Beach Commission in December.
 - DRG is finalizing the last few technical reports.
 - The first draft of the UFMP was expected in December, but is now anticipated for January. Following review by staff, the draft UFMP will be presented to the Forest and Beach Commission and the Steering Committee.
- A \$20,000 task order was issued to West Coast Arborists to remove a portion of the large pile of tree logs that accumulated in the Rio Park material storage site. Apparently, some of the logs were illegally dumped off the side of Irish Canyon Road in the City of Monterey. The Monterey City Forester contacted us, and we traced the logs to this task order. The Contractor promptly resolved the matter.
- As requested by the Traffic Safety Committee, the overgrowth of vegetation at the northwest and southwest corners of Santa Rita Street and Fourth Avenue were pruned to improve driver visibility.
- Landscape maintenance work across the City continues to be fully engaged by contractor Town & Country.

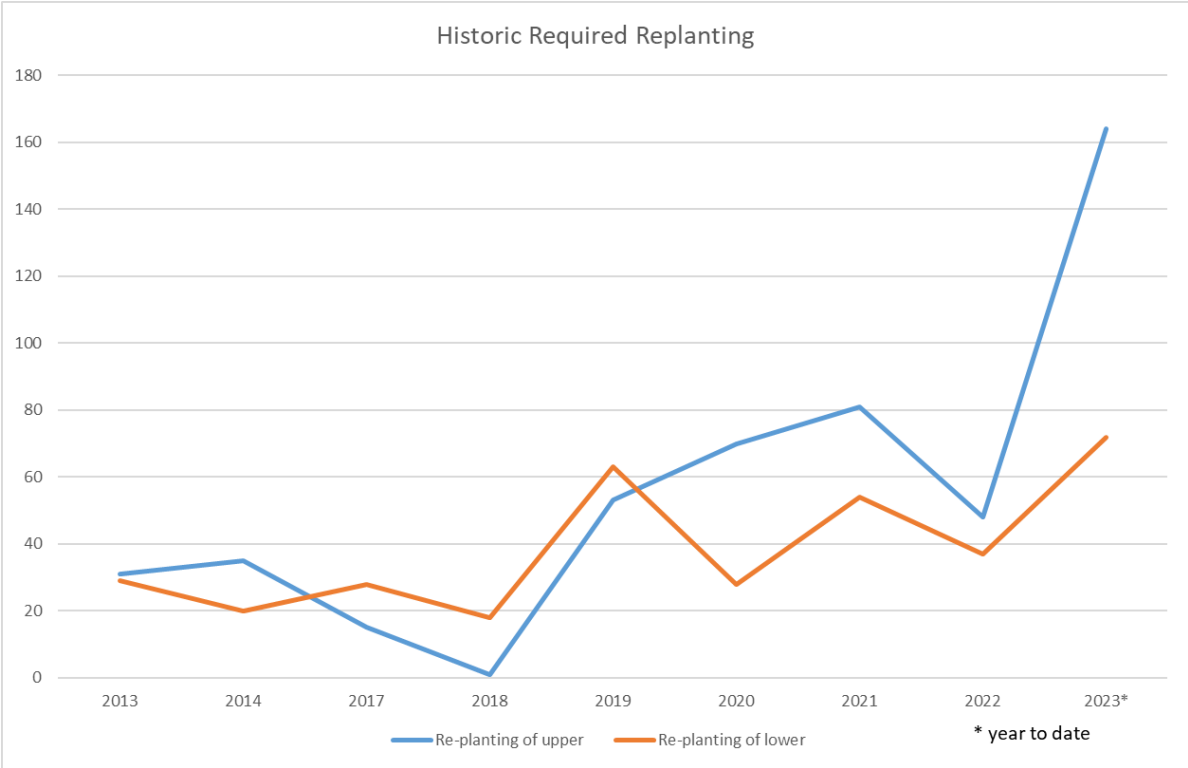
Permit Information

2023 Permitted removals, pruning, and required planting											
	Tree permits received	Tree permits Issued	Total Prunings	Total Removals	Removal of Upper	Removal of Lower	Required to Plant Upper	Required to Plant Lower	No room for new tree	Meets Density Rec.	Total Number of Trees Required
January	28	6	0	10	3	7	5	1	0	2	6
February	23	22	1	24	15	9	15	10	0	0	25
March	70	70	21	71	47	24	32	14	1	7	46
April	38	47	16	53	49	4	32	3	2	2	35
May	36	25	9	26	20	6	18	4	4	7	22
June	26	25	14	26	17	9	16	6	0	4	22
July	25	10	7	7	5	2	3	2	0	2	5
August	30	29	5	24	12	20	8	12	2	6	20
September	31	28	6	22	14	9	12	8	0	7	20
October	30	22	1	18	15	22	13	10	0	2	23
November	19	20	7	12	7	10	5	0	0	8	5
December	20	13	6	7	11	3	5	2	0	0	7
2023 Totals	376	317	93	300	215	125	164	72	9	47	236

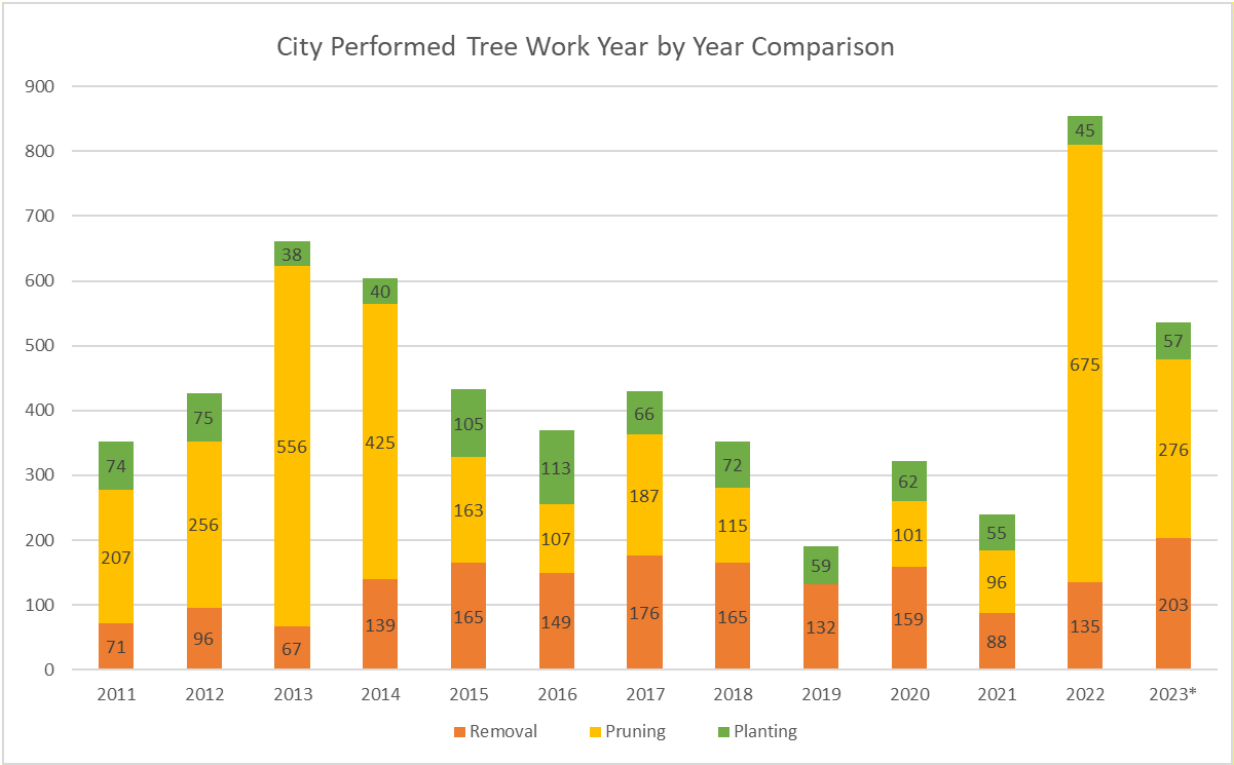


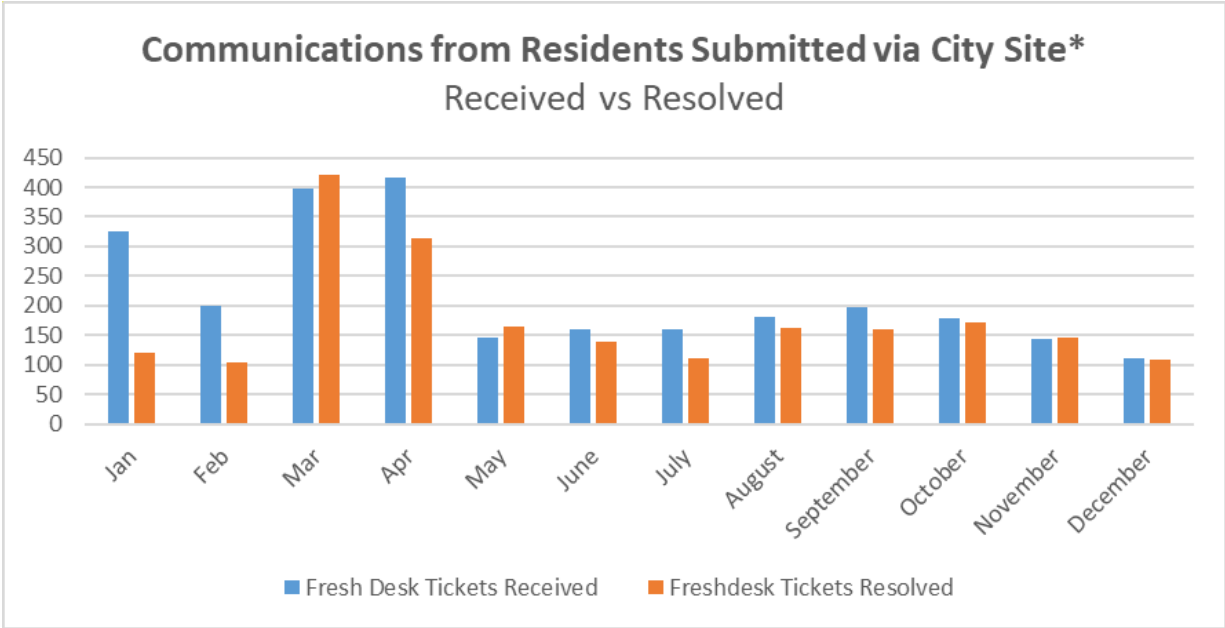
Historic permitted removals and required planting		
	Re-planting of upper	Re-planting of lower
2013	31	29
2014	35	20
2017	15	28
2018	1	18
2019	53	63
2020	70	28
2021	81	54
2022	48	37
2023*	164	72

Historic permitted removals and required planting								
Year	Permitted removals	Removal of upper	Removal of lower	Replanting Required	Replanting of upper	Replanting of lower	Replanting %	Applications processed
2021	204	81	123	135	81	54	66.18%	213
2022	149	82	67	85	48	37	57.05%	155
2023	324	211	113	223	164	72	68.83%	336



City Forestry, Parks, and Beach Activities





*Numbers only represent correspondences received via the City’s website and do not include live calls, coicemails, drop-in visitors, and emails sent directly to employees from residents, nor return calls and emails from staff.



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

February 6, 2024
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jane Hogan, Accountant

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: December 2023 Check Register Summary

RECOMMENDATION:

Approve the check register for December 2023.

BACKGROUND/SUMMARY:

The check register is a financial report generated from the City's financial system (**Attachment 1**). It categorizes checks by the responsible department or function, providing essential information such as the check number, vendor name, purchase description, check issue date, and the check amount.

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 therefore are not subject to disclosure under the Public Records Act.

As a supplement to the check register, staff have included information about the contract balances for vendors who received payments during the month of December 2023. This data can be found on the last page of the report.

The check register provides valuable insights into the City's financial transactions, ensuring transparency and accountability in our financial operations. The exclusion of certain legal services payments adheres to the California Supreme Court's guidelines, safeguarding attorney-client privilege. The contract balance information further enhances our financial transparency.

FISCAL IMPACT:

The check register summary for December 2023, totals \$1,084,278.89.

PRIOR CITY COUNCIL ACTION:

Council ratified the November 2023 check register at the January 9, 2024 regular meeting.

ATTACHMENTS:

Attachment 1) December 2023 Check Register

December 2023 Check Register

Attachment 1

Check No.	Vendor/Employee	Transaction Description	Date	Amount
Department: 000				
52516	County of Monterey-Treasury Division	Citation Assessments - November 2023	12/07/2023	4,725.00
52583	County of Monterey-Treasury Division	Citation Assessments - Reissue September 2023	12/15/2023	9,175.00
52605	Monterey County Convention & Visitors Bureau	Sep-Oct 23 TID remittance	12/15/2023	110,931.97
52633	Visit Carmel	Sep-Oct 23 CHID remittance	12/15/2023	332,026.69
Total for Department: 000				456,858.66
Department: 110 City Council				
52540	Peninsula Messenger LLC	Mail service sorting and delivery	12/07/2023	7,128.00
Total for Department: 110 City Council				7,128.00
Department: 111 City Administration				
52503	Amazon Web Services Inc	Data and cloud storage fees	12/07/2023	1,017.56
52506	AT&T	Telephone service citywide	12/07/2023	2,448.48
52509	Carmel Pine Cone	Legal noticing	12/07/2023	912.00
52514	Complete Paperless Solutions	Laserfiche Cloud subscription: 1 year Municipal site license	12/07/2023	3,100.00
52520	Digital Deployment	Website support agreement:Maint, training, security and updates	12/07/2023	700.00
52525	Image Sales	Employee ID Badges	12/07/2023	22.83
52526	J 4 Systems	System moderization and resiliency services directed by IT-Amend	12/07/2023	1,655.00
52537	Office Depot, Inc.	Office supplies Admin	12/07/2023	55.50
52543	Pitney Bowes Bank Inc Purchase Power	Postage-meter refills	12/07/2023	836.55
52546	Robert Half	Temporary Finance assistance services - Tony Wong	12/07/2023	5,480.00
52547	Same Day Shred	PD-Document shredding services	12/07/2023	45.00
52551	SystemsUp LLC	Remote desktop services as directed by IT Manager	12/07/2023	58.50
52554	T-Mobile	Monthly cell service, usage and purchases	12/07/2023	1,568.82
52556	Universal Staffing Inc	Temporary staffing services:H Griffin	12/07/2023	2,440.00
52557	US Bank	Executive meeting expenses	12/07/2023	1,164.73
52557	US Bank	NYT digital subscription	12/07/2023	20.00
52557	US Bank	Credit - Employee training refund	12/07/2023	-210.00
52557	US Bank	Employee appreciation expense	12/07/2023	137.17
52564	AT&T	Telephone service citywide	12/15/2023	1,046.42
52565	Benefit Coordinators Corporation (BCC)	Monthly COBRA admin fees Aug 22- Dec 2023	12/15/2023	375.00
52581	Copies By-The-Sea	Agenda printing services	12/15/2023	1,373.82
52585	Daniel or Kathleen Levine	BP 22-294 (LEVINE) \$8.75 MERCH. FEE DOUBLE-CHARGED ON 10/05/2023	12/15/2023	8.75
52592	J 4 Systems	System moderization and resiliency services directed by IT	12/15/2023	40.00
52611	Office Depot, Inc.	Office supplies Admin	12/15/2023	257.70
52615	Pitney Bowes Global Fin S	Postage meter lease	12/15/2023	836.55
52626	Traffic Patterns	Recruitment services, NEOGOVE implementation and on-call HR supp	12/15/2023	5,400.00
52629	Universal Staffing Inc	Temporary staffing services:H Griffin	12/15/2023	4,392.00
52631	US Bank	Office reno expenses	12/15/2023	705.38
52631	US Bank	City Admin meeting expense	12/15/2023	181.30
52631	US Bank	IT Subscriptions	12/15/2023	297.81
52631	US Bank	NYT digital subscription	12/15/2023	20.00
Total for Department: 111 City Administration				36,386.87
Department: 112 City Attorney				
52549	Sloan Sakai Yeong & Wong	Legal services	12/07/2023	175.00
52570	Burke,Williams & Sorensen, LLP	City Attorney services-Labor	12/15/2023	10,984.50
Total for Department: 112 City Attorney				11,159.50
Department: 115 Community Planning & Building				
52503	Amazon Web Services Inc	iPhone Charger Cable (Sullivan C., Building Dept.)	12/07/2023	18.55
52511	Chico State Enterprises-Acets Rec	FY 23-24: Website - GIS Map (layers, functions, etc.)	12/07/2023	1,500.00
52521	Engineered Fire Systems	FY 23-24: Fire Systems Review (revenue offset) - OCTOBER 2023	12/07/2023	187.50
52522	FedEx	Shipping Fees - Volume Study Plans	12/07/2023	14.09
52537	Office Depot, Inc.	Office Supplies: CP&B Dept.	12/07/2023	489.24
52556	Universal Staffing Inc	Temporary staffing services:Maura Wetmore	12/07/2023	1,477.20
52557	US Bank	APA CA - JOB POSTING - PLANNER	12/07/2023	250.00
52557	US Bank	APA CA - JOB POSTING - PLANNER	12/07/2023	395.00
52557	US Bank	ePost for eBikes	12/07/2023	88.77
52557	US Bank	Mad Dogs - eBike tire repairs	12/07/2023	23.74
52557	US Bank	CA Preservation Foundation - Waffle & Wallace	12/07/2023	75.00
52557	US Bank	CA Bldg Officials - Carey-Lang	12/07/2023	290.00
52557	US Bank	CA Bldg Officials - Dauphinee & Laurie	12/07/2023	580.00
52557	US Bank	Int'l Code Council - Dauphinee	12/07/2023	125.00
52557	US Bank	Co. Bldg Officials Assn of CA - Laurie	12/07/2023	75.00
52586	De Lage Landen Financial	FY 23-24 Financial Services - 11/01 - 11/30/2023	12/15/2023	212.22
52611	Office Depot, Inc.	CP&B Office Supplies	12/15/2023	115.36
52631	US Bank	CO. BLDG. OFFICIAL ASSN. OF CA. - Training Laurie	12/15/2023	160.00
52631	US Bank	Int'l Code Council - Laurie	12/15/2023	300.00
Total for Department: 115 Community Planning & Bu				6,376.67
Department: 116 Police				
52502	Allied Universal	Beach patrol services	12/07/2023	351.00

52507	Axon Enterprise, Inc	PD-Fleet 2 Unlimited Package Year 5 payment/Evidence storage fee	12/07/2023	28,231.60
52510	Carmel Towing & Garage	PD Gas and oil expense	12/07/2023	4,416.86
52513	Community Hospital of the Monterey Peninsula	Services	12/07/2023	27.00
52515	County of Monterey, Dept of Emerg Communications	NGEN & 0&M Quarterly	12/07/2023	5,106.35
52518	Department of Justice/Accounting Office	PD:Fingerprinting services	12/07/2023	32.00
52537	Office Depot, Inc.	Office supplies PD	12/07/2023	822.24
52548	Secure Solutions	Police chief background check	12/07/2023	3,080.88
52550	Summit Uniforms	PD Uniform purchases	12/07/2023	1,256.72
52552	T2 Systems Canada Inc.	PD:Digital iris services	12/07/2023	75.00
52553	T2 Systems, Inc	Automated owner lookups-Mail services	12/07/2023	131.19
52555	Transunion Risk & Alterna	PD: Monthly fee for information services	12/07/2023	75.00
52557	US Bank	ID card for employee	12/07/2023	50.75
52557	US Bank	Training Fee CSO Academy PD	12/07/2023	437.75
52559	Alhambra	Water service-Police Dept	12/15/2023	288.46
52579	Comcast	PD Cable serices	12/15/2023	20.82
52586	De Lage Landen Financial	PD Copier usage	12/15/2023	161.70
52593	Jacob Clifford	Travel expense Camp Roberts seminar 11/6-11/9/2023	12/15/2023	240.13
52614	Petty Cash Dawn Almario	Petty Cash Reimbursement for Car Wash	12/15/2023	20.99
52622	Summit Uniforms	PD Uniform purchases	12/15/2023	97.34
52625	Tracnet Corporation	Annual IBM Service Hardware/Software renewal	12/15/2023	2,582.00

Total for Department: 116 Police	47,505.78
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Department: 117 Fire

52510	Carmel Towing & Garage	Fire Dept. Gas Expense (E15)	12/07/2023	940.87
52512	City Of Monterey	FY 23-24 Monthly fee Interim Fire Admin/Emerg Incident Mgmt	12/07/2023	245,891.60
52515	County of Monterey, Dept of Emerg Communications	Dispatch Service	12/07/2023	6,114.03
52535	Mission Linen Service	Fire Dept laundry service	12/07/2023	261.96
52582	County of Monterey IT Dept	Billing period 11/2023 802 Carmel Police Dept	12/15/2023	460.00
52584	Cypress Coast Ford/Lincoln	Ambulance vehicle repairs	12/15/2023	46.54
52603	Mission Linen Service	Fire Dept laundry service	12/15/2023	247.24

Total for Department: 117 Fire	253,962.24
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Department: 118 Ambulance

52505	American Supply Company	Janitorial Supplies-Amb Dept	12/07/2023	463.33
52508	Bound Tree Medical LLC	Medical supplies	12/07/2023	882.07
52510	Carmel Towing & Garage	Amb Dept. Gas Expense (7166)	12/07/2023	962.23
52512	City Of Monterey	FY 23-24 Ambulance Administration fee	12/07/2023	10,251.94
52541	Peninsula Welding & Medical Supply, inc.	Ambulance Dept-Oxygen/hazardous materials transport service	12/07/2023	74.63
52586	De Lage Landen Financial	Ambulance copier usage	12/15/2023	67.01

Total for Department: 118 Ambulance	12,701.21
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Department: 119 Public Works

52501	Airtec Inc	HVAC repairs for City facilities	12/07/2023	756.00
52504	American Lock & Key	Locksmith and key service for CF-	12/07/2023	2,031.05
52512	City Of Monterey	CPR Training 11/13/23 #103147	12/07/2023	275.00
52517	CSC of Salinas	Backhoe hose 10/27/23 #000970851 and #000975080	12/07/2023	331.87
52523	Ferguson Enterprises, Inc.	Plumbing supplies for Facilities	12/07/2023	5,402.90
52527	Justin Ono	Poison oak cleaner for PW staff-JO10/23/23	12/07/2023	37.61
52531	Mad Dogs & Englishmen	Electric bike for PW	12/07/2023	2,921.33
52534	Michael Feher	Safety Boots - Per MOU	12/07/2023	250.00
52544	Poe's Plumbing & Backflow	Install a sand filter at Del Mar Beach RR	12/07/2023	1,654.14
52545	PSTS, Inc.	Services:Pumping oil-water separator 10/25/23 #1086442	12/07/2023	776.25
52556	Universal Staffing Inc	Temporary staffing services PW/Forestry	12/07/2023	2,750.14
52557	US Bank	Headlamps, team building supplies	12/07/2023	449.02
52557	US Bank	Model 300 Sandbagger	12/07/2023	509.85
52559	Alhambra	Water for Public Works Dept.	12/15/2023	399.21
52561	American Supply Company	PW/FM Janitorial supplies	12/15/2023	992.09
52563	Assured Aggregates Company, Inc	Baseroack for MTNP 11/27/23 #62550	12/15/2023	894.31
52571	California Marine Sanctuary Foundation	Water quality monitoring August-November 2023 12/6/23 #2075	12/15/2023	2,430.80
52572	California Premier Restoration	Mold remediation of books at PBL Local history vault.	12/15/2023	300.00
52573	Carmel Cares-Dale Byrne, President	Landscaping Services for Scenic Pathway-	12/15/2023	2,700.00
52574	Carmel Towing & Garage	Fuel for PW vehicles	12/15/2023	2,493.71
52577	Cintas Corporation	Uniform Service for PW staff	12/15/2023	585.07
52578	City Of Monterey	Vehicle services.	12/15/2023	6,285.71
52580	Conte's Generator Service, INC	PW/FM Emergency generator services	12/15/2023	3,500.68
52586	De Lage Landen Financial	Lease for copiers for PW	12/15/2023	205.40
52588	Eric Miller	Fuel for Chipper Truck Service trip to Livermoore.	12/15/2023	20.00
52589	Ferguson Enterprises, Inc.	plumbing for supplies facilities	12/15/2023	3,515.49
52590	Granite Rock Company	Public Works supplies	12/15/2023	651.75
52591	Hayward Lumber	Materials for MTNP Bridge 12/7/23 #292079	12/15/2023	1,854.17
52596	Justin Ono	Membership renewal- Society of Municipal Arborists - 1821	12/15/2023	95.00
52602	Michael Wood	Boot reimbursement per MOU-11/3/23	12/15/2023	250.00
52606	Monterey Tire Service Inc	Gator flat tire repair 11/29/23 #1-115573	12/15/2023	48.00
52608	Napa Auto Parts	PW vehicle supplies	12/15/2023	214.63
52611	Office Depot, Inc.	Office Supplies for PW Admin	12/15/2023	502.25
52613	Pacific Smog	6 smogs for city vehicles 12/1/23 #1674	12/15/2023	316.50
52616	Pureserve Building Service	Janitorial services FY 23/24	12/15/2023	21,775.59
52617	Ross Roofing Inc	Roof repairs for City facilities	12/15/2023	2,878.00
52618	Scarborough Lumber & Building	Public Works Streets supplies	12/15/2023	188.32

52621	State Water Resources Control Board (SWRCB)	Annual permit fee SW-0268968	12/15/2023	7,067.00
52623	Sunbelt Rentals, Inc	Dump truck rental	12/15/2023	1,095.54
52627	Uline Inc.	Tred fro stairs at PW Office	12/15/2023	1,198.50
52629	Universal Staffing Inc	Temporary staffing services PW/Forestry	12/15/2023	8,949.19
52631	US Bank	Supplies for City projects and facilities: fountain filters, cooler, mini fridge	12/15/2023	728.28
52635	West Coast Arborists Inc .	Tree maintenance services as directed by City Forester	12/15/2023	4,309.00

Total for Department: 119 Public Works	94,624.35
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Department: 120 Library

52539	Pacific Grove Self Storage	Storage Unit - Document storage	12/07/2023	406.00
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Total for Department: 120 Library	406.00
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Department: 121 Community Activities

52509	Carmel Pine Cone	Holidays in Carmel ad 11.24.23	12/07/2023	425.00
52524	Golden State Portables	portable restrooms for Homecrafters' Marketplace 11.17-20.23	12/07/2023	1,871.88
52528	Kelly Productions	Santa for Holiday Celebration 12.1.23	12/07/2023	535.00
52529	Lucky	Poinsettias for Holiday Celebration	12/07/2023	109.14
52624	Tigerlilly Florist&Gifts	Wreaths and flowers for Veterans Day ceremony	12/15/2023	447.94

Total for Department: 121 Community Activities	3,388.96
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Department: 130 Non-Departmental

52538	Pacific Gas & Electric	Citywide gas & electric services	12/07/2023	10,890.95
52612	Pacific Gas & Electric	Citywide gas & electric services	12/15/2023	2,663.88

Total for Department: 130 Non-Departmental	13,554.83
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Department: 311 Capital Projects

52500	4Leaf, Inc	PD Building PM	12/07/2023	7,782.95
52501	Airtec Inc	PD AC repair-10/11/23 #26954	12/07/2023	888.92
52530	M3 Environmental Consulting	Provide lead consulting services for MTNP water tank project	12/07/2023	985.72
52536	Neill Engineers Corp.	Civil engineering design services: Storm Drain capital project A	12/07/2023	11,394.00
52566	BKF Engineers	Project managment: Ocean Ave resurface/San Antoinio, San Carlos,	12/15/2023	20,389.25
52573	Carmel Cares-Dale Byrne, President	Phase 2 Scenic Pathway 11/20/23 #0022	12/15/2023	2,797.31
52587	EMC Planning Group, Inc	Coastal Hazard project services	12/15/2023	1,958.68
52631	US Bank	ADA - 6 tilt mirrors	12/15/2023	1,422.50
52634	Wallace Group	Concrete Streets	12/15/2023	1,081.75

Total for Department: 311 Capital Projects	48,701.08
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Department: 411 Debt Service

52630	US Bank	Public Improve Auth 2020 Refunding Lease Sunset Center Bond	12/15/2023	2,035.00
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Total for Department: 411 Debt Service	2,035.00
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Department: 513 Veh & Equip Replacement

52607	MY Jeep-Chrysler-Dodge-Ram	2 2023 Ram 1500 Crew Cab Trucks per quote	12/15/2023	89,489.74
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Total for Department: 513 Veh & Equip Replacement	89,489.74
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Grand Total	1,084,278.89
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Vendor	Contract Amt	Paid thru December	Contract Balance
Pen Messenger	\$ 107,730.00	\$ 69,524.00	\$ 38,206.00
City of Monterey *	\$ 2,950,699.00	\$ 1,238,548.00	\$ 1,712,151.00
Pureserve *	\$ 272,000.00	\$ 151,794.89	\$ 120,205.11
4Leaf Inc.	\$ 179,800.00	\$ 86,190.52	\$ 93,609.48



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

February 6, 2024
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 2024-013, accepting donations from Carmel Cares, an official City Support Group, and approving a Budget Amendment to the Fiscal Year 2023/24 Adopted Budget

RECOMMENDATION:

Resolution 2024-013, accepting donations from Carmel Cares, an official City Support Group, and approving a Budget Amendment to the Fiscal Year 2023/24 Adopted Budget.

BACKGROUND/SUMMARY:

Background

The City of Carmel-by-the-Sea in general, and Public Works in particular, have benefitted significantly from a number of volunteer non-profit organizations who have stepped up to help us beautify and maintain the City. One volunteer organization, "Carmel Cares," started as a result of the pandemic's effect on the City's budget reduction and ability to maintain public spaces, but, over the past 3-1/2 years, has continued to grow in diversity of projects and number of volunteers.

According to their website, "Carmel Cares is a 501(c)3 City Support group dedicated to keeping Carmel-by-the-Sea a beautiful, safe, and inviting place. We help by partnering with the City of Carmel and other non-profits whereby we manage volunteers and fund professional contractors to work on maintenance and improvement projects as well as community engagement programs. We work under the direction of Carmel's Public Works Department. Our 100% volunteer-managed organization is funded through private donations and grants. Go to www.CarmelCares.org to volunteer or donate."

Carmel Cares operates with oversight from the Public Works Director, City Forester, Administrative Analyst, Public Works Superintendent, Community Planning and Building Director, and other City staff. Bi-weekly status meetings are held to keep all parties updated on projects and coordinate ongoing activities. Routine improvement projects and maintenance activities are approved through the Public Works and Community Planning and Building Departments as applicable. Larger projects, or those requiring the allocation of City funds, require approvals from the Forest and Beach and/or Planning Commissions, as well as the City Council, when required. This arrangement is truly a one-of-a-kind, Public-Private

Partnership focused on improving the community.

Carmel Cares is a “*Keep America Beautiful*” affiliate which allows them to apply for grants for litter reduction and beautification projects. Carmel Cares also acts as a fiscal sponsor to allow smaller, non-501(c)3 organizations receive grant funding from charitable sources when it helps to achieve their mission. They also work closely with “*Carmel Gives*,” which is a donor fund created and partially funded by Tim Allen and managed by Carmel Cares’ President Dale Byrne. Since June 2020, Carmel Gives has issued over \$1.7 million in grants charitable organizations and local businesses.

In September 2021, Council adopted Resolution 2021-046, designating Carmel Cares as an official City Support Group in accordance with Support Group Policy No. 89-47. Council previously adopted resolutions accepting donations of projects, equipment, goods and services in October 2020, January 2021, June 2021, and December 2022 which were collectively valued at approximately \$276,000.

Community Engagement Programs

Carmel Cares continues to implement various community engagement programs as follows:

Downtown Detail: A highly-energized team of volunteers who work around downtown to perform beautification projects such as clearing, sweeping, and planting easements, curb bump outs, and trash containers, and weeding, placing, watering, and maintaining pots and plants. Every Thursday and Saturday, 2 to 8 volunteers pick a spot to beautify. In 2023, they performed a major landscape renovation of the Post Office parking lot. They also partnered with other volunteer groups, such as the Carmel Rotaries and Carmel High School Inter-Act Club students, for larger cleanups.

Median Minders: A group of resident volunteers across the City who “adopt” median islands, bump outs, and easements in their neighborhoods, and plant and maintain them over time. Some larger medians, such as at Fourth and San Antonio Avenues and Fourth Avenue and Guadalupe Street, were cleaned up and planted over the past year. Carmel Cares is also partnering with MPC horticulturist Professor Alan Wheat to design, raise funds for, and implement enhanced landscaping for the Ocean Avenue median islands as conceptually approved by the Forest and Beach Commission.

Pick Up Posse: Up to 50 volunteers pick up litter with blue-branded buckets and pick up claws while acting as “Carmel Ambassadors.” This group has scheduled members every day of the week for Carmel Beach, Scenic Pathway, and downtown. Partnering with “Keep America Beautiful,” 55 new cigarette butt receptacles were installed replacing the deteriorated “butt stops here” canisters, mostly attached to trash containers. All butts picked up off the ground and from the receptacles are recycled. Carmel Cares is also participating in Clean California, a joint Keep America Beautiful/CalTrans program to hold large community cleanups.

Tag Team: A small team of volunteers with special training to remove graffiti and stickers within 24 hours after being reported to cctagteam@gmail.com or noticed by other volunteers. The Tag Team reports significant incidents to the Police Department, and works with Public Works on situations that involve special handling.

Key Accomplishments in 2023

Carmel Cares continues to provide ongoing maintenance and improvements around City facilities and public spaces. The following describe some of their most key accomplishments since the last donation acceptance in December 2022.

Scenic Pathway Restoration Project:

- Carmel Cares implemented the barrier rail replacement project which replaced 1,200 feet of deteriorated landscape barriers along the Pathway with high-quality redwood. Their contractor, Tony Trujillo Landscaping, completed this first phase of the project in September at a cost of \$50,789. The City also contributed \$50,000 from the Capital Improvement Program to pay for the lumber and hardware.
- Every Wednesday, 5 to 13 volunteers work their way from Eighth Avenue to Martin Way to maintain this valuable asset. Work included pruning, raking, removing ice plant, sweeping, clearing sand and debris from stairways, gutters, and pathways, and steam-cleaning trash enclosures.
- In June 2023, Council authorized \$28,000 for FY 2023/24 to reimburse Carmel Cares to provide contracted gardening services along the Pathway.
- Carmel Cares purchased new Mutt Mitt dispensers, pink Mutt Mitt bags, and trash enclosure signage.
- A new, FY 2023/24 Capital Improvement Project, with a City budget of \$100,000, was approved for Phase II Scenic Pathway hardscape improvements. Carmel Cares will endeavor to match those funds.

Forest Theater: Volunteers restored this historic outdoor theater grounds to excellent condition which included:

- Contractors pressure washed, sanded, and stained all bench seating and handrails.
- Watered trees planted by the Friends of Carmel Forest.
- Cleaned the grounds prior to every show, and maintained adjacent pathways and surrounding areas.
- Removed a large amount of tree debris from winter storms and 18 stumps.
- Funded, installed, and enhanced the native plant garden in partnership with three Carmel Rotary Clubs.
- Installed a rollup door for the sound booth and new LED stage lighting.
- Continued planning for a proposed ADA pathway and picnic tables at the northwest corner of the grounds.

Vista Lobos Park: Volunteers rejuvenated this park by trimming plants, planting seasonal wildflowers, and keeping the park and the surrounding grounds clean. Last year, the City awarded a \$3,000 discretionary grant to repair and rehabilitate portions of the park, and planning is currently underway for this project.

Structures: Volunteers and local professionals have teamed up to create a number of unique structures that provide specific functions and add to Carmel's character. Last year, maintenance was undertaken on all eight map display cases. Several projects are planned including a new show bill display case for Sunset Center and tables and benches at Vista Lobos Park and Forest Theater.

Carmel Underground: Carmel Cares is working with neighborhood groups to raise donated funds using their 501(c)3 status to underground power and other utility lines. The first proposed project would underground utility lines from the poles along San Antonio Avenue from the Pebble Beach gate to Ocean Avenue. Carmel Cares entered into a contract with a professional project management firm with relevant experience and have coordinated with PG&E to initiate their design. In addition, Carmel Cares assisted another community group to raise funds for an attorney to draft a proposed wireless ordinance.

Cherry Center for the Arts: While not a City property, the park-like grounds at this facility provides a place for public gatherings and enjoyment. Carmel Cares volunteers provide all of the grounds maintenance and are currently planning more improvements.

Combined, these projects and programs have resulted in major improvements and upkeep of important City assets and the overall beautification of the Village.

Donations to be Accepted

The City's Donation and Gift Policy No. 2017-02 establishes 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 \$2,500 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 Cares which have predominantly taken place during calendar year 2023. Expenses for services and materials include actual expenditures and associated volunteer hours. The total value of all goods and services donated to the City during 2023, as listed below, is \$148,814 plus 5,958 volunteer hours.

- Scenic Pathway Barrier Rails Project - project management and construction contractor installation costs. \$50,789 and 500 volunteer hours.
- Forest Theater grounds maintenance and materials, including landscaping, weeding, cleaning seating areas, parking lot, and surrounding streets, sanding, and painting seating area, and installing a roll-up door. \$45,898 and 350 volunteer hours.
- Carmel Underground project management and engineering fees related to an undergrounding utility conversion project. \$15,000 and 50 volunteer hours.
- "Downtown Detail" buckets, pickers, acquiring, designing, purchasing, and installing graphics and butt dispensers. Picking up litter on Carmel Beach, Scenic Pathway, and downtown, maintaining cigarette butt receptacles, recycling butts, and providing services as "Carmel Ambassadors" with residents and visitors. \$7,900 and 1,600 volunteer hours.
- Scenic Pathway Mutt Mitt dispensers, pink Mutt Mitt bags, and trash enclosure signage in excess of City reimbursement. \$5,255 and 40 volunteer hours.
- Acquisition, fabrication, painting, and installation of LED lighting at Forest Theater. \$5,117 and 128 volunteer hours.
- Architectural services and project planning related to a proposed ADA pathway at Forest Theater. \$5,000 and 40 volunteer hours.

- Weekly downtown maintenance including holiday decorations, cleaning tree wells and gutters, disposing of refuse, acquiring pots and plants, and planting, watering, and landscape maintenance. \$4,624 and 650 volunteer hours.
- Donation of a Viking range for the Carmel Fire Station. \$3,500.
- Median Minder cleaning and planting medians and easements - \$2,935 and 150 volunteer hours.
- Acquisition of 30 new helmets for Carmel CERT Team. \$1,475.
- Scenic Pathway weekly landscaping maintenance by volunteers, \$1,000 and 2,400 volunteer hours.
- Graffiti removal and materials. \$321 and 50 volunteer hours.

The above list does not reflect the value of general operating expenses or volunteer hours for the operation of the Carmel Cares' 501(c)3 nonprofit.

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 Cares has donated an array of professional services, materials, and equipment and performed significant labor during 2023. All donations are very much appreciated. For 2023, the combined total cost of items donated to the City from Carmel Cares is approximately \$148,814 plus 5,958 volunteer hours.

By adopting the attached Resolution, Council would accept all of these donations and approve the Budget Amendment for Fiscal Year 2023/24 which is a part of the Resolution.

PRIOR CITY COUNCIL ACTION:

In October 2020, Council adopted Resolution 2020-067 accepting donations of projects, equipment, goods, and services valued at \$9,262. At the December 2020 Special Meeting, Carmel Cares Chief Caring Officer Dale Byrne gave a presentation regarding the objectives, accomplishments, and pursuits of Carmel Cares and Carmel Gives.

In January 2021, Council adopted Resolution 2021-001 accepting donations of additional projects, equipment, goods and services valued at \$86,441. In June 2021, Council adopted Resolution 2021-021 accepting donations of additional projects, equipment, goods and services valued at \$29,977. In September 2021, Council adopted Resolution 2021-046, designating Carmel Cares as an official City Support Group in accordance with Support Group Policy No. 89-47.

In December 2022, Council adopted Resolution 2022-105 accepting donations from Carmel Cares of additional projects, equipment, goods and services valued at \$150,316 and approving a Budget Amendment to the Fiscal Year 2022/23 Adopted Budget.

ATTACHMENTS:

Attachment 1) Resolution 2024-013

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

RESOLUTION NO. 2024-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA ACCEPTING DONATIONS FROM CARMEL CARES, AN OFFICIAL CITY SUPPORT GROUP, AND APPROVING A BUDGET AMENDMENT TO THE FISCAL YEAR 2023/24 ADOPTED BUDGET

WHEREAS, the City of Carmel-by-the-Sea in general, and the Public Works Department in particular, have benefitted significantly from a number of volunteer non-profit organizations who have stepped up to help us maintain and beautify the City since the start of the Covid-19 Pandemic; and

WHEREAS, a local nonprofit volunteer group, known as “Carmel Cares,” is credited with the creation of unique, community engagement programs such as the “Downtown Detail,” “Median Minders,” “Pick up Posse,” and “Tag Team,” all of which include volunteers who passionately help the City by maintaining and beautifying Carmel under the guidance of the Public Works and other City Departments; 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, since the City Council last accepted donations from Carmel Cares in December 2022, Carmel Cares donated additional professional services, materials, and supplies for a wide range of projects, at a number of City facilities and properties, collectively valued at \$148,814 plus 5,958 volunteer hours, as itemized below.

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

Accept the following donations related to the Scenic Pathway Barrier Rails, a Capital Improvement Project, with a value of \$50,789 and 500 volunteer hours, from Carmel Cares:

- Scenic Pathway Barrier Rails Project - project management and construction contractor costs. \$50,789 and 500 volunteer hours.

Accept the following donations related to Forest Theater, Downtown, Medians, and other landscaping improvements, with a total value of \$59,457 and 3,590 volunteer hours, from Carmel Cares:

- Forest Theater grounds maintenance and materials, including landscaping, weeding, cleaning seating areas, parking lot, and surrounding streets, sanding, and painting seating area, and installation of a roll-up door. \$45,898 and 350 volunteer hours.
- Architectural services and project planning related to a proposed ADA pathway at Forest Theater. \$5,000 and 40 volunteer hours.
- Weekly downtown maintenance including holiday decorations, cleaning tree wells and gutters, disposing of refuse, acquiring pots and plants, and planting, watering, and landscaping maintenance. \$4,624 and 650 volunteer hours.

- Median Minder cleaning and planting medians and easements. \$2,935 and 150 volunteer hours.
- Scenic Pathway weekly landscaping maintenance, in excess of City reimbursement, by volunteers. \$1,000 and 2,400 volunteer hours.

Accept the following donations related to street improvements, with a total value of \$28,476 and 1,740 volunteer hours, from Carmel Cares:

- Carmel Underground project management and engineering fees related to an underground utility conversion project. \$15,000 and 50 volunteer hours.
- Downtown Detail buckets, pickers, acquiring, designing, purchasing, and installing graphics on butt dispensers and installing dispensers. Picking up litter on Carmel Beach, Scenic Pathway, and downtown, maintaining cigarette butt receptacles, recycling butts, and providing services as “Carmel Ambassadors” with residents and visitors. \$7,900 and 1,600 volunteer hours.
- Scenic Pathway Mutt Mitt dispensers, pink Mutt Mitt bags, and trash enclosure signage in excess of City reimbursement. \$5,255 and 40 volunteer hours.
- Graffiti removal and materials. \$321 and 50 volunteer hours.

Accept the following donations related to facility maintenance improvements, with a total value of \$10,092 and 128 volunteer hours, from Carmel Cares:

- Acquisition, fabrication, painting, and installation of LED lighting at Forest Theater. \$5,117 and 128 volunteer hours.
- Donation of a Viking range for the Carmel Fire Station. \$3,500.
- Acquisition of 30 new helmets for Carmel CERT Team. \$1,475.

Approve a Budget Amendment to the Fiscal Year 2023/24 Adopted Budget, as shown in the attached Exhibit A, to recognize the donations of equipment and other goods.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of February, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk

EXHIBIT A

General Ledger Account	Account Name	Purpose	FY 2023/24 Adopted/ Amended Budget	Adjustment Amount	FY 2023/24 Amended Budget
301-000-00-38004	Capital Projects Revenue – Donations General	To recognize donation from Carmel Cares – Scenic Pathway Barrier Rails	\$125,000	\$50,789	\$175,789
301-311-00-43008	Capital Projects – Construction in Progress	Donated: Scenic Pathway Barrier Rails Installation	\$9,761,100	\$50,789	\$9,811,889
101-000-00-36621	General Fund Revenue Donations-Public Works	To recognize donations from Carmel Cares – Forest, Parks & Beach	\$2,322	\$59,457	\$61,779
101-119-45-42001	General Fund Expenditures PW Forest & Beach Contract Services	Donated Landscape Services: Forest Theater Grounds and ADA Pathway, Downtown Beautification, Median Islands, and Scenic Pathway	\$1,028,700	\$59,457	\$1,088,157
101-000-00-36621	General Fund Revenue Donations-Public Works	To recognize donations from Carmel Cares – Street Maintenance	\$61,779	\$28,476	\$90,255
101-119-41-42001	General Fund Expenditures PW Streets Contract Services	Donated: Underground Utility District Planning	\$65,000	\$15,000	\$80,000
101-119-41-42001	General Fund Expenditures PW Streets Contract Services	Donated: Downtown Detail Litter Pickup on Beach, Downtown, and Scenic Pathway, Cigarette Butts	\$80,000	\$7,900	\$87,900

General Ledger Account	Account Name	Purpose	FY 2023/24 Adopted/ Amended Budget	Adjustment Amount	FY 2023/24 Amended Budget
101-119-41-42105	General Fund Expenditures PW Streets Materials & Supplies	Donated: Mutt Mitt Dispensers, Mutt Mitts, Trash Enclosure Signage	\$67,000	\$5,255	\$72,255
101-119-41-42105	General Fund Expenditures PW Streets Materials & Supplies	Donated items -Graffiti Removal Supplies	\$72,255	\$321	\$72,576
101-000-00-36621	General Fund Revenue Donations-Public Works	To recognize donations from Carmel Cares – Facilities Maintenance	\$90,255	\$10,092	\$100,347
101-119-42-42001	General Fund Expenditures PW Facilities Maintenance Materials & Supplies	Donated Items – LED Lighting at Forest Theater	\$587,000	\$5,117	\$592,117
101-119-42-42001	General Fund Expenditures PW Facilities Maintenance Materials & Supplies	Donated Items – Viking Range for Fire Station	\$592,117	\$3,500	\$595,617
101-119-42-42001	General Fund Expenditures PW Facilities Maintenance Materials & Supplies	Donated Items – 30 Helmets	\$595,617	\$1,475	\$597,092



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

February 6, 2024
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Mary Bilse, Environmental Programs Manager
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2024–014 authorizing the City Administrator to execute Amendment No. 2 to the Professional Services Agreement with EMC Planning Group for the Coastal Engineering and Adaptation Planning Project, Phase 2, for a not-to-exceed fee of \$450,000

RECOMMENDATION:

1. Adopt Resolution 2024-014 (**Attachment 1**) authorizing the City Administrator to execute Amendment No. 2 to the Professional Services Agreement (PSA) with EMC Planning Group for the Coastal Engineering and Adaptation Planning Project, Phase 2, for a not-to-exceed fee of \$450,000.
2. Amend the Fiscal Year 2023/24 Adopted Capital Improvement Plan (CIP) Budget to include the \$500,000 California Coastal Commission Local Coastal Program (LCP) Grant into the Coastal Engineering and Adaptation Planning Project, Phase 2 Project; and
3. Amend the Fiscal Year 2023/24 Adopted CIP Budget to reallocate \$100,000 from the Coastal Engineering and Adaptation Planning Project, Phase 2, to the Shoreline Infrastructure Repairs CIP Project.

BACKGROUND/SUMMARY:

In June 2022, the City Council approved the Fiscal Year 2022/23 CIP budget, which included a Sea Level Rise/Coastal Engineering Report and a Beach Sand Survey and Wall Inspections in the combined amount of \$175,000. In August 2022, Council adopted the City's Climate Adaptation Plan and Climate Action Plan which were prepared over the prior years under the guidance of the Climate Committee. While these Plans include various projects to implement over a long period of time, one key initial project is the Coastal Engineering Study and Adaptation Planning Project.

In November 2022, Council approved a PSA with EMC Planning Group, who teamed up with key subconsultants, Integral-Corp and Haro Kasunich & Associates, in the amount of \$175,000 to conduct the first phase of the Coastal Engineering Study and Adaptation Planning Project. In July 2023, the City Administrator executed an Amendment No. 1 to the PSA to EMC/Integral/Haro Kasunich to reduce Phase 1, Task 4, "Coastal Hazard and Sea Level Rise Vulnerability, High Priority Adaptation Identification, and Action Plan" and add a new Task 5 under Phase 1, "Policy Review". The overall schedule and total compensation of \$175,000 for the PSA did not change due to the scope of services revised in Amendment No. 1.

The Coastal Engineering Study and Adaptation Planning Project is designed to be completed in two phases. Phase 1 was fully funded in the prior and current fiscal years' CIP. The deliverables and status of tasks included in Phase 1 are briefly outlined below:

Phase 1 – Coastal Engineering and Hazard Assessment

- **Task 1** – The findings of the Coastal Infrastructure Condition Assessment were presented to the Forest and Beach Commission in March 2023 and the Climate Committee in November 2023. The final report is available in the following link: https://ci.carmel.ca.us/sites/main/files/file-attachments/12176_carmel_beach_adaptation_coastal_protection_assessment_4-27-023_rev.pdf?1692201318
- **Task 2** – Preparation of the Shoreline and Beach Change Analysis – Long Term and Seasonal. The findings of this analysis were presented to the Forest and Beach Commission in August 2023 and the Climate Committee in November 2023. The final report is available in the following link: https://ci.carmel.ca.us/sites/main/files/file-attachments/carmel_task_2_presentation_fbcommission_08102023.pdf?1692199802
- **Task 3** – Shoreline and Beach Erosion Exposure Modeling. A technical memo of the methods and maps showing results of the projected existing and future coastal hazard extents is planned to be presented to the Climate Committee and Forest and Beach Commission in February or March 2024.
- **Task 4**– Coastal Hazard and Sea Level Rise Vulnerability Assessment. The consultants will provide an Executive Summary of results, up to five sector profile summaries (land use, transportation, utilities, etc.) which is planned to be presented to the Climate Committee and Forest and Beach Commission in February or March 2024.
- **Task 5**– Policy Review. The consultants provided a memo summarizing the City's existing coastal hazard policies and attended meetings with California Coastal Commission and staff. The Policy Review was accepted by staff.

Overall, the Consultants were on target for budget and on schedule for Phase 1. The Consultants and staff will also provide an overview of Phase 1 at an upcoming City Council meeting.

Phase 2 – Local Coastal Plan (LCP) Coastal Hazards Policy Update

The Phase 2 LCP Coastal Hazards Policy work will build off the technical work completed in Phase 1 and will update the City's LCP to address Coastal Hazards and identify adaptation strategies.

To fund Phase 2, the City received a California Coastal Commission LCP grant of \$500,000 to complete all services anticipated in Phase 2. The Phase 2 scope of work will be focused on the Coastal Hazards section of the LCP, and will address sea level rise hazards, areas of vulnerability, preferred adaptation strategies, potential coastal resiliency projects, and coastal hazards mapping.

Specifically, Phase 2 will include the following tasks:

1. Consultant project management;
2. Develop recommendations for policy and project approaches and identify high priority adaptations;
3. Public outreach and solicit meaningful community engagement;
4. Conduct a socio-economic analysis including developing a cost analysis for certain implementation

strategies;

5. Develop adaptation strategies for short, medium- and long-term projects as well as monitoring triggers for steps to move to the next phase of adaptation;
6. Prepare draft language for coastal hazards LCP policy updates;
7. Prepare a Draft LCP Amendment for LCP sections for consistency with Coastal Hazards; and
8. Prepare an LCP Amendment to update coastal hazard policies.

Results of most of the technical Tasks 1-7 will be presented to the Forest and Beach Commission and/or Climate Committee as appropriate. This effort would ultimately result in an updated LCP that identifies areas of coastal vulnerability in the City, addresses environmental justice needs, and plans for coastal resiliency and climate adaptation projects. The LCP Amendment would be subject to approval of the Planning Commission, City Council, and California Coastal Commission.

The Public Outreach tasks includes:

- a) Eleven presentations, including: two Climate Committee, two Forest and Beach Commission, one Planning Commission, up to two City Council, two Public Workshops, and up to two Coastal Commission hearings.
- b) Outreach efforts include email lists, radio announcements, beach and grocery store informational postings, and a dedicated website for content development.

An Amendment (**Attachment 2**) was prepared and negotiated with EMC/Integral/Haro Kasunich to provide Phase 2 services. These services were also reviewed and approved by the Coastal Commission to be acceptable to meet their LCP Grant reimbursement specifications. Phase 2 is scheduled to be completed within 24 months of issuance of the Notice to Proceed.

The City's Fiscal Year 2023/24 CIP Budget established \$100,000 to partially fund Phase 2. Since the City received Coastal Commission grant funding of \$500,000, staff is now recommending that the City Council re-appropriate these funds (\$100,000) to further design and construct the Shoreline Infrastructure Repairs Project to supplement the \$250,000 budgeted for that Project. Specifically, these reallocated funds would be earmarked for repairs of the tide-damaged beach access stairs.

Environmental Evaluation

This action does not constitute a project within the meaning of the California Environmental Quality Act under Public Resources Code Section 21065. It has no potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and, therefore, does not require environmental review.

FISCAL IMPACT:

The fee for EMC Planning Group to provide services for Phase 2 of the Coastal Engineering and Adaptation Planning Project is \$450,000. Funding is from a \$500,000 grant received from the California Coastal Commission and appropriates \$50,000 for City staff project management. The total not-to-exceed fee for EMC Planning Group for the original Agreement plus Amendment No. 1 of \$175,000, plus this Amendment No. 2 fee of \$450,000 for Phase 2, is \$625,000.

Since the City received Coastal Commission grant funding for Phase 2, the City Council is being asked to re-appropriate the Fiscal Year 2023/24 CIP funds of \$100,000 which were programmed to prepare a portion of the Phase 2 services. These funds would remain in CIP Account #301-311-00-43008, but would be re-appropriated to further design and construct the Shoreline Infrastructure Repairs Project included in the Fiscal Year 2023/24 CIP.

PRIOR CITY COUNCIL ACTION:

In August 2022, Council adopted Resolution 2022-064 approving the City's Climate Adaptation Plan and Climate Action Plan as recommended by the Climate Committee.

In November 2022, Council approved Resolution 2022-094, authorizing a PSA to EMC Planning Group, for a not-to-exceed fee of \$175,000, for the first phase of the Coastal Engineering and Adaptation Planning Project.

In June 2023, Council approved the CIP Budget which included:

- a) the rollover of remaining funds (\$133,000) for the Coastal Engineering and Adaptation Planning Project, Phase 1;
- b) allocation of an additional \$100,000 to start Phase 2; and
- c) \$250,000 for the new Shoreline Infrastructure Repairs Project which includes the beach access stair repairs.

ATTACHMENTS:

Attachment 1) Resolution 2024-014

Attachment 2) Amendment No. 2 for EMC PSA

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

RESOLUTION NO. 2024-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH EMC PLANNING GROUP FOR THE COASTAL ENGINEERING AND ADAPTATION PLANNING PROJECT, PHASE 2, FOR A NOT-TO-EXCEED FEE OF \$450,000

WHEREAS, in June 2022, the City Council approved the Fiscal Year 2022/23 Budget which included a Sea Level Rise/Coastal Engineering Report and a Beach Sand Survey and Wall Inspections in the combined amount of \$175,000; and

WHEREAS, in August 2022, Council adopted the City's Climate Adaptation Plan and Climate Action Plan which recommended the Coastal Engineering Study and Adaptation Planning Project as a key initial project; and,

WHEREAS, in November 2022, Council approved a Professional Services Agreement with EMC Planning Group in the amount of \$175,000 to conduct the first phase of the Coastal Engineering Study and Adaptation Planning Project; and

WHEREAS, in July 2023, the City Administrator executed an Amendment No. 1 to the Professional Services Agreement with EMC Planning Group to amend Phase 1, Task 4, "Coastal Hazard and Sea Level Rise Vulnerability Assessment" and add a new task under Phase 1, Task 5, "Policy Review" with no change in schedule or total fee; and

WHEREAS, Amendment No. 2 to the Professional Services Agreement was negotiated with EMC Planning Group to perform Phase 2 of the Coastal Engineering and Adaptation Planning Project, for a not-to-exceed fee of \$450,000; and

WHEREAS, Amendment No. 2 services will include project management, adaptation feasibilities, public outreach, socio-economic analysis, adaptation strategies for short, medium, and long-term projects, and preparation of a Local Coastal Plan Amendment to update the City's coastal hazard policies; and

WHEREAS, in September 2023, Council adopted Resolution 23-081 authorizing the City Administrator to apply for and accept funds from the California Coastal Commission Local Coastal Program Local Assistance Grant Program for the Coastal Engineering and Adaptation Planning Project; and

WHEREAS, in January 2024, the City of Carmel received a California Coastal Commission grant of \$500,000 to complete Phase 2 of the Coastal Engineering and Adaptation Planning Project and prepare an Amendment to the Local Coastal Plan.

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

1. Authorize the City Administrator to execute Amendment No. 2 to the Professional Services Agreement with EMC Planning Group for the Coastal Engineering and Adaptation Planning Project, Phase 2, for a not-to-exceed fee of \$450,000.

Page 2

2. Amend the Fiscal Year 2023/24 Adopted Budget as shown in attached Exhibit A to incorporate the California Coastal Commission Grant of \$500,000 into this Project in the Capital Improvement Program (CIP) Budget.
3. Amend the Fiscal Year 2023/24 Adopted CIP Budget to reallocate \$100,000 from the Coastal Engineering and Adaptation Planning CIP Project, Phase 2, to the Shoreline Infrastructure Repairs Project.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of February, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, M.M.C.
City Cler

Exhibit “A”**AMENDMENT TO FISCAL YEAR 2023/24 ADOPTED BUDGET**

General Ledger Account	Account Name	Purpose	FY 2023/24 Adopted/ Amended Budget	Adjustment Amount	FY 2023/24 Amended Budget
301-000-00-35011	Capital Projects Revenue – Grants	To recognize California Coastal Commission Grant – Coastal Engineering Study	\$267,000	\$500,000	\$767,000
301-311-00-43008	Capital Projects – Construction in Progress	Coastal Engineering Study – Phase I & II & Beach Survey	\$9,761,100	\$500,000	\$10,261,100

301-311-00-43008	Capital Projects – Construction in Progress	Coastal Engineering Study – Phase I & II & Beach Survey	\$10,261,100	-\$100,000	\$10,161,100
301-311-00-43008	Capital Projects – Construction in Progress	Coastal Engineering Study – Shoreline Infrastructure Repairs	\$10,161,100	\$100,000	\$10,261,100

**AMENDMENT NO. 2 TO
AGREEMENT # PWD-EMC-188-22-23
EMC PLANNING GROUP**

COASTAL ENGINEERING AND ADAPTATION PLANNING PROJECT

1. This Amendment (the "Amendment") is made by **City of Carmel-by-the-Sea ("CITY")** and **EMC Planning Group, Inc., ("CONSULTANT")** parties to Agreement #PWD-EMC-188-22-23 (the "Agreement") executed on November 3, 2022 and as amended in Amendment No. 1 executed on July 17, 2023.

2. The Agreement is amended as follows:

- a. Exhibit "A" of the Agreement (**Scope of Services**) is modified as follows:

Incorporate attached **Exhibit A.2, Scope of Services for Hazard Policy Review and Revisions, Outreach, and Adaptation Pathway Development.**

- b. Exhibit "B" of the Agreement (**Compensation and Fee Schedule**) is modified as follows:

Incorporate attached **Exhibit B.2, Compensation and Fee Schedule.** CITY shall pay CONSULTANT an amount not to exceed **Four Hundred and Fifty Thousand Dollars (\$450,000)** for the additional services included in Exhibit A.2. Therefore, the Maximum Authorized Expenditure under the Agreement, Amendment No. 1, and Amendment No. 2, is **Six Hundred and Twenty-Five Thousand Dollars (\$625,000).**

- c. Exhibit "C" of the Agreement (**Project Schedule**) is modified as follows:

Incorporate **Exhibit C.2, Revised Project Schedule**, for the additional services included in Exhibit A.2.

- d. Agreement Section 3, "**Agreement Term**", Paragraph A is modified as follows:

3.A. **Term.** The work under this Agreement will commence by November 2, 2022 and must be completed by June 30, 2026 unless sooner terminated 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. Consultant will perform Change Order services as set out in Section 1.B, "Amendment of Services (Change Orders)", in a timely manner or in accordance with the agreed upon Change Order Project Schedule.

- e. Agreement Section 5, "**Representatives and Communication**" is modified as follows:

5.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 the Consultant.

Name: Mary Bilse
Title: Environmental Programs Manager

Address: PO Box CC, Carmel-by-the-Sea, CA 93921
 Telephone: (831) 620-2078
 Email: mbilse@ci.carmel.ca.us

5.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").

Name: Anastazia Aziz, AICP
 Title: Principal
 Address: 601 Abrego Street, Monterey, CA 93940
 Telephone: (831) 649-1799 ext. 206
 Email: aziz@emcplanning.com

3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Agreement or any earlier Amendment, the terms of this Amendment will prevail.
4. Each party represents and warrants that all necessary action has been taken by such party to authorize the undersigned to execute this Amendment and to bind the parties to the performance of its obligations.
5. This Amendment may be executed in counterparts, each of which will be deemed an original, and all of which, when taken together, constitute one and the same instrument. The Amendment will be considered executed when the signature of a party is delivered by facsimile or other electronic transmission. Such facsimile or other electronic signature will have the same effect as an original signature.
6. If any term, condition, or covenant of this Amendment is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Amendment will not be affected and the Amendment will be read and construed without the invalid, void or unenforceable provision.

EMC Planning Group:

By: _____ Date: _____
 Michael Groves, President

CITY:

By: _____ Date: _____
 Chip Rerig, City Administrator

ATTEST:

By: _____ Date: _____
 Nova Romero, MMC, City Clerk

EXHIBIT A.2
**Scope of Services for Hazard Policy Review and Revisions,
 Outreach, and Adaptation Pathway Development**

A. PROJECT DESCRIPTION

The City of Carmel-by-the-Sea's Local Coastal Program (LCP) was certified by the Coastal Commission in 2004. The LCP includes a policy document, the Land Use Plan, and a set of ordinances and resolutions to implement those policies, the Coastal Implementation Plan. The Land Use, Circulation, Coastal Access, Recreation, and Coastal Resource Management elements of the City's General Plan have been combined with its Local Coastal Land Use Plan to ensure coordination of these two policy documents. The Coastal Implementation Plan consists of Carmel Municipal Code Chapter 17 as well as Coastal Implementation Plan appendices which include the City's Shoreline Management Plan (Appendix A).

Climate change is one of the most significant policy areas to emerge since the certification of Carmel's LCP in 2004, and statewide attention has focused on sea level rise and climate change considerations for local jurisdictions. As a response, in August 2022, the Carmel City Council adopted the Climate Action Plan and Climate Adaptation Plan. The City provided \$175,000 to fund EMC Planning Group, Integral Consulting, and Haro Kasunich Associates (HKA) to complete Phase 1 work to: assess the conditions and lifespans of existing coastal protection structures, analyze historic blufftop and beach width changes, and model coastal hazard exposure within the City of Carmel's Coastal Zone. Phase 1, Task 1 (Coastal Engineering Condition Evaluation) and Phase 1, Task 2 (Shoreline and Beach Change Analysis) are complete. Phase 1, Task 3 (Shoreline and Beach Erosion Modeling) and Task 4 (Coastal Hazard and Sea Level Rise Vulnerability, High Priority Adaptation Identification, and Action Plan) are nearing completion. Phase 1, Task 5 (Policy Review) is complete.

The Coastal Commission LCP Grant Agreement funds the Phase 2 policy work that will build off the technical work done in Phase 1 and will update the City's LCP to address coastal hazards based on the findings of the Phase 1 technical studies funded by the City of Carmel. Policy updates will be focused on the Coastal Hazards section of the LCP and will address sea level rise and associated hazards, areas of vulnerability, preferred adaptation strategies, potential coastal resiliency projects, and coastal hazards mapping. Specifically, Phase 2 will include: 0) Consultant project management, including \$50,000 for City staff project management; 1) develop recommendations for policy and project approaches and identify high priority adaptations; 2) public outreach and community engagement; 3) conduct a socio-economic analysis including developing a cost analysis for certain implementation strategies; 4) develop adaptation strategies for short, medium and long term projects as well as monitoring triggers for steps to move to the next phase of adaptation; 5) prepare draft language for coastal hazards LCP policy updates; 6)

prepare a Draft LCP Amendment for LCP sections for consistency with Coastal Hazards; and 7) prepare an LCP Amendment to update coastal hazard policies. This effort would result in an updated LCP that identifies areas of coastal vulnerability in the City of Carmel, addresses environmental justice needs, and plans for coastal resiliency and climate adaptation projects.

Carmel-by-the-Sea aims to complete these tasks expeditiously to ensure that coastal hazards are fully addressed and planned for in the LCP.

B. TASKS

Hazards Policy Review and Revisions, Outreach and LCP Amendment

Task 0 – Project Management

This task includes billing hours after the City issues a purchase order to complete project administration, execution of subconsultant contracts, internal team coordination, a kickoff meeting, and quarterly progress calls with summary notes. EMC Planning Group, as Prime, will take the lead for the consultants on project management and administration. The City staff is also requesting funds (\$50,000, to be reimbursed directly to Coastal Commission) to support staff participation and project management in the various project tasks.

Task 1 – Adaptation Feasibility

Integral will summarize the wide range of possible adaptation strategies (projects and policy, green vs gray) and briefly describe the secondary consequences of each and using our professional judgement and experiences to identify adaptation strategies that should be left on the table and presented to the community for further analysis and discussion in Phase 2. We will also identify high priority adaptations that have a very good chance of needing to be implemented over the next 10 years. Some of the feasibility criteria for adaptation will include secondary consequences, regulatory viability, as well as initial construction and ongoing maintenance costs. Essentially this will identify which adaptation tools remain on the table for community discussion, which ones are ruled out, and which are of higher priority that should be expedited to the City planning and permit phase. Integral will lead this task with input on costs from HKA and EMC write up for policy approaches.

Deliverables:

- Draft tables summarizing feasibility, recommendations for policy and project approaches, and identify high priority adaptations, sent to City and CCC staff for 6-week review
- Final tables reflecting City and CCC comments as appropriate

Task 2 – Public Outreach and Engagement

EMC Planning Group and Integral will prepare and present to the Climate Committee, City Council, Planning Commission, and others (\$5K per meeting for prep, staff support for staff reports, technical presentation development, participation, travel, and follow ups). Assist staff to identify and engage low-income communities as well as California Native American Tribes and develop outreach and meetings to solicit meaningful engagement. Attended by Integral and EMC lead. EMC will prepare an outreach plan to engage broader community members such as non-homeowners, members of surrounding communities (Carmel Valley, Big Sur, Monterey, Pacific Grove, etc.), and frequent visitors. Such outreach efforts could include email lists, radio announcements, beach and grocery store informational postings, and a dedicated website for content development prepared and managed by EMC Planning Group. Phase 2 Task 3 (socio-economic analyses) will help inform outreach strategies and groups to target.

Deliverable:

- Technical content and preparation for at least eleven (11) presentations, including: two (2) Climate Committee, two (2) Forest and Beach Commission, one (1) Planning Commission, up to (2) City Council, two (2) Public Workshops, and up to (2) Coastal Commission hearings led by Integral and EMC Planning Group (these hearings and presentations are inclusive of all anticipated hearings and presentations for the project, and are listed again below for applicable Tasks);
- Draft Outreach Plan sent to City and CCC staff for 6-week review
- Final Outreach Plan
- Website content
- Outreach and Education materials.

Task 3 – Socio-Economic Analyses

Integral will lead this socio-economic analysis, which will build upon data collected from Phase 1 Task 4 (Coastal Hazard and Sea Level Rise Vulnerability, High Priority Adaptation Identification, and Action Plan) and Phase 2 Task 1 (Adaptation Feasibility) to analyze changes to City revenue streams, asset values and non-market beach and coastal recreational use values from a 'business as usual' approach. This task includes a travel-cost survey to understand visitation patterns and values associated with recreational and tourism use of Carmel's coast, to help guide preferences for adaptation approaches. This task will also include the purchase of cellphone data, to better understand the source of visitors to the area, and the importance of access to the coastline of Carmel to residents of inland communities, particularly during high heat events. This is important to understand both the aggregate value of non-market values of the Carmel coastline (as values are a product of the daily use estimates from the travel cost survey and the number of visitors),

but also to examine the feasibility and equitability of different funding and financing options, such as tourism taxes and daily parking fees. Analysis of cellphone data will be based on geo-fencing of points of interest (access points, coastal reserves), and analysis of the ‘home’ location of visitor cellphone devices. The methodology will be similar to that employed by [Merrill et al 2020](#), with advisory input from Associate Professor Kiki Patsch at California State University Channel Islands, who has experience in the use of this data in central California. Finally, this task will include developing indicative cost estimates for construction and maintenance costs associated with various prioritized adaptation strategies, based on unit cost information, to inform the benefit cost analysis (BCA). The results of the data collection and initial analysis will be used to refine a site-specific benefit cost assessment, to evaluate economic and fiscal changes from the baseline case ‘business as usual’ for community/City selected adaptation strategies.

Deliverables:

- Draft technical memo of survey and economic results with maps and tabular data, sent to City and CCC staff for 6-week review
- Final technical memo of survey and economic results with maps and tabular data incorporating City and CCC comments as appropriate
- Two (2) presentations to either the Climate Committee, Planning Commission, Forest and Beach Commission or City Council presented by EMC Planning Group or Integral.

Task 4 – Adaptation Pathway Development

Using results of Phase 1 Task 4 (Coastal Hazard and Sea Level Rise Vulnerability, High Priority Adaptation Identification, and Action Plan) and Phase 2 Tasks 1, 2 and 3, develop one adaptation pathway for each of the four sections of the City’s coastline (North Beach, North Dunes, Central Beach, and South Beach) by identifying appropriate adaptation strategies for the short, medium and long term (by time and/or SLR elevation), as well as monitoring triggers for initiating planning steps to move to the next phase of adaptation. This Task will also include engineering cost estimates for potential adaptation pathways, including how to pay for adaptation over time.

Deliverables:

- Short draft technical memo on monitoring needs and adaptation pathway graphics for each coastline section. Cost estimates and funding options for adaptation pathways, sent to City and CCC staff for 6-week review
- Final technical memo and adaptation pathway graphics, incorporating City and CCC staff comments as appropriate
- One presentation to either the Climate Committee, Planning Commission, Forest and Beach Commission or City Council attended by Integral and EMC.

Task 5 – Revised Coastal Hazard Policies

After identifying triggers and thresholds, develop draft coastal hazards policies as needed based on results of hazard policy review, public outreach, the adaptation feasibility and adaptation pathway development, the socio-economic analysis and the Phase 1 Coastal Engineering and Hazard Assessment. This Phase includes LUP and IP policy drafting and coordination with Coastal and City staff to identify and prepare draft language for Coastal Hazards LCP policy areas updates.

Deliverables:

- 1-2 meetings with California Coastal Commission staff to discuss draft coastal hazard policies and obtain Coastal staff's guidance on scope and policy priorities for the LCP Amendment.
- Draft LUP and IP Amendments sent to City and CCC staff for 6-week review
- Final LUP and IP Amendments, incorporating City and CCC staff comments as appropriate
- One presentation to the appropriate City body attended by EMC.

Task 6 – Additional Potential Policy Area Updates

This Task leaves time and budget for Amendments to other sections of the LCP, if such Amendments become necessary to maintain consistency throughout the entire LCP. For example, new Coastal Hazards policies may trigger inconsistencies with current Public Access or ESHA policies, which would then need to be updated to maintain consistency throughout the LCP. If no additional Amendments become necessary, the City will request an informal Amendment to reallocate the Task 6 funds within the Budget.

Deliverables:

- Draft LCP Amendments in sections of the LCP other than the Coastal Hazards chapter, for 6-week City and CCC staff review
- Final LCP Amendments in sections of the LCP other than the Coastal Hazards chapter, reflecting City and CCC comments as appropriate

Task 7 – LCP Amendment

Task 7 will be focused on integrating the policies written in Task 5 and Task 6 into a draft LCP and evaluating programmatic changes, and implementation language and making other necessary Amendments to the LCP based on the hazards work completed in the previous tasks. This will result in an updated, uniform, conforming LCP that is internally consistent between all coastal resource policy areas.

This task will result in a final LCP Amendment that focuses on integrating the Coastal Hazard policy updates into other policy area updates, as necessary. This Task will include working with

Coastal Commission staff to revise the policies and zoning around the coastal hazards and social vulnerability findings such that future uses are consistent with the City's LCP policies.

Amendments to the Implementation Plan (IP) will be done concurrently with the Amendments to the Land Use Plan (LUP), as necessary. Task 7 includes the following:

- Preparation of an Administrative and Draft version of the LCP;
- Submit draft LCP Amendments for 6-week City and Coastal Commission staff review;
- Meet with Coastal Commission staff;
- Present draft LCP Amendments at a public workshop for input and discussion;
- Develop revised draft LCP Amendments that addresses feedback received to date;
- Prepare the Final Coastal Hazards and Sea Level Rise Draft LCP documents (and any associated LCP Amendments);
- Attend and present at the Planning Commission Hearing (LCP Coastal Hazards and LCP Amendments adoption);
- Attend and present at the City Council Hearing (LCP Coastal Hazards LCP and Amendments adoption);
- Attend the Coastal Commission LCP Amendments (Coastal Hazards LCP and Amendments) Certification hearing and assist the City with response to questions, if needed;
- If the Coastal Commission approves the LCP Amendment with suggested modifications, then there will be another City Council hearing to accept the suggested modifications; and
- Second Coastal Commission Hearing for certification review.

Deliverables:

- Administrative draft LCP Amendment(s) for City and 6-week Coastal Commission staff review.
- Draft LCP Amendment(s) for public review, revised to reflect City and CCC staff comments.
- Local hearing package: Revised draft LCP Amendments for adoption consideration; final Coastal Hazards and Sea Level Rise Draft LCP documents
- Up to four (4) meetings with City and Coastal Commission staff to discuss Amendments.
- One (1) public workshop to consider draft LCP Amendments.
- One (1) Planning Commission Hearing.
- Up to two (2) City Council Hearings.
- Up to two (2) Coastal Commission Hearings.

Note: All documents will be produced as electronic format files (Word and Adobe pdf).

Exhibit B.2
Compensation and Fee Schedule

<i>Scope of Work</i>	<i>Fee Schedule</i>
Task 0 – Project Management	\$68,745
Task 1 – Adaptation Feasibility	\$27,260
Task 2 – Public Outreach and Engagement	\$62,320
Task 3 – Socio-Economic Analyses	\$63,850
Task 4 – Adaptation Pathway Development	\$87,180
Task 5 – Revised Coastal Hazard Policies	\$50,240
Task 6 – Additional Potential Policy Area Updates	\$35,740
Task 7 – LCP Amendment	\$54,665
<i>Consultants Total</i>	\$450,000
Total Budget Not-to-Exceed	\$450,000

Tasks will continue to be billed on a time and materials basis. Hourly rates shown in the following pages will be in effect for the duration of Amendment No. 2 services.

EMC FEE SCHEDULE

(Effective January 1, 2024)

Principals

Hourly Billing Rate

Senior Principal	\$295.00
Principal	\$275.00

Planners

Principal Planner	\$235.00
Senior Planner	\$205.00
Associate Planner	\$175.00
Assistant Planner	\$140.00

Biologists

Monitoring Rate

Principal Biologist	\$225.00	(\$150.00)
Senior Biologist	\$185.00	(\$130.00)
Associate Biologist	\$170.00	(\$120.00)
Assistant Biologist	\$125.00	(\$100.00)

Archaeologist

Registered Professional Archaeologist	\$145.00
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Support Staff

Desktop Publisher	\$150.00
Executive Assistant/Production Manager	\$125.00
Administrative Assistant	\$115.00
GIS/Graphics Technician	\$140.00

This fee schedule is exclusive of direct reimbursable expenses, such as word processing, editing, printing, copying, travel, lodging, dining, communications, supplies, equipment rental, etc. All expenses are billed at cost plus fifteen percent (15%) for administration. All outside services are billed at cost plus fifteen percent (15%) for administration. This fee schedule is subject to revision at any time.

A retainer of up to fifty percent (50%) of the approved contract amount may be required for new clients or projects. Invoices are due and payable within 30 days. Past due balances are subject to a service charge of one and one-half percent (1.5%) per month. Service charges are in addition to approved contract amount.

Expert witness services are provided at a fifty percent (50%) mark-up.

Integral Fee Schedule 2024

David Revell	\$ 280
Matt Jamieson	\$ 215
Dave Anning	\$ 250
Luc/Nicole/Sydney	\$ 165
Ashley/Rae/Kiki	\$ 190
Charles Lester	\$ 265
Admin/Production	\$ 145

Exhibit C.2
Revised Project Schedule

Project start/end dates: 12/18/23 – 4/30/2026

Task 1. Adaptation Feasibility	Projected start/end dates: 12/18/2023 – 7/31/2024
1.1 Prepare Draft tables summarizing feasibility, recommendations for policy and project approaches, and identify high priority adaptations	December 18, 2023 – June 28, 2024
1.2 Prepare Final tables reflecting City and CCC comments as appropriate	July 1, 2024 – July 31, 2024
Outcome/Deliverables: a. Draft tables summarizing adaptation feasibility b. Final tables summarizing adaptation feasibility	a. June 28, 2024 b. July 31, 2024
Task 2. Public Outreach and Engagement	Projected start/end dates: 3/1/2024 – 4/30/2026
2.1 Prepare technical content and preparation of eight (8) presentations	March 1, 2024 – December 31, 2024
2.2 Prepare Draft Outreach Plan	March 1, 2024 – March 15, 2024
2.3 Prepare Final Outreach Plan	March 22, 2024 – March 29, 2024
2.4 Provide Website Content	April 1, 2024 – April 30, 2024
2.5 Prepare Outreach and Education Materials	March 1, 2024 – April 30, 2024
Outcome/Deliverables a. Technical content and 8 presentations b. Draft Outreach Plan c. Final Outreach Plan d. Website Content e. Outreach and Education Materials	a. April 30, 2026 b. March 15, 2024 c. March 29, 2024 d. April 30, 2024 e. April 30, 2024
Task 3. Socio-Economic Analysis	Projected start/end dates: 1/2/2024 – 7/31/2024
3.1 Prepare draft technical memo of survey and economic results	January 2, 2024 – March 1, 2024
3.2 Prepare final technical memo of survey and economic results	March 29, 2024 – April 12, 2024
3.3 Two presentations to Commission/Council	May 1, 2024 – July 31, 2024
Outcome/Deliverables a. Draft technical memo of survey and	a. March 1, 2024 b. April 12, 2024

- economic results b. Final technical memo of survey and economic results c. Two Presentations to Commission/Council	c. July 31, 2024
Task 4. Adaptation Pathway Development	Projected start/end dates: 4/1/2024 – 12/31/2024
4.1 Develop adaptation pathway for each of the four sections of Carmel Beach	April 1, 2024 – August 16, 2024
4.2 Prepare engineering cost estimates for potential adaptation strategies	April 1, 2024 – August 16, 2024
4.3 One presentation to Commission/Council	September 2, 2024 – December 31, 2024
Outcome/Deliverables a. Draft technical memo on monitoring needs and adaptation pathway b. Final memo on monitoring needs and adaptation pathway c. Engineering cost estimates for potential adaptation strategies d. One presentation to Commission/Council	a. August 1, 2024 b. August 16, 2024 c. August 16, 2024 d. December 31, 2024
Task 5. Revised Coastal Hazard Policies	Projected start/end dates: 1/2/2024 – 12/31/2024
5.1 Identify and prepare draft language for coastal hazards LCP policy updates	January 2, 2024 – August 16, 2024
5.2 Prepare final policy language	August 19, 2024 – December 31, 2024
Outcome/Deliverables a. 1-2 meetings with California Coastal Commission staff b. Draft policy language shown embedded in LUP and IP c. Final policy language d. One presentation to Commission/Council	a. March 29, 2024 b. September 30, 2024 c. December 31, 2024 d. December 31, 2024
Task 6. Additional Potential Policy Area Updates	Projected start/end dates: 3/15/2024 – 4/1/2025
6.1 Preparation of Draft LCP Amendment other than Coastal Hazards	March 15, 2024 – April 1, 2025
6.2 Preparation of Final LCP Amendment other than Coastal Hazards	April 1, 2025 – May 1, 2025
Outcome/Deliverables a. Draft LCP Amendment other than	a. February 14, 2025 b. May 1, 2025

Coastal Hazards b. Final LCP Amendment other than Coastal Hazards	
Task 7. LCP Amendment	Projected start/end dates: 1/1/2025 – 2/15/2026
7.1 Preparation of Admin. Draft LCP Amendment and 6-week City and CCC Review	January 1, 2025 – March 15, 2025
7.2 Preparation of Draft LCP Amendment	March 15, 2025 – April 16, 2025
7.3 Meeting with Coastal Commission staff	March 1, 2025 – March 10, 2025
7.4 Present draft LCP Amendment at a public workshop	March 30, 2025
7.5 Prepare revised Draft LCP Amendment	April 1, 2025 – May 1, 2025
7.6 Prepare Final Coastal Hazards and Sea Level Rise Draft LCP documents	May 1, 2025 – June 15, 2025
7.7 Public Workshop	June 30, 2025
7.8 One Presentation to Planning Commission Hearing	July 15, 2025
7.9 One Presentation to City Council Hearing	August 30, 2025
7.10 Attend Coastal Commission LCP Amendment Hearing	October 30, 2025
7.11 City Council Hearing to Accept Coastal Commission Suggested Modifications (as needed)	December 1, 2025
7.12 Coastal Commission Certification Review Hearing (as needed)	February 15, 2026
Outcome/Deliverables a. Admin. Draft LCP Amendment b. Draft LCP Amendment c. Meeting with Coastal Commission d. Revised Draft LCP Amendment e. Final Coastal Hazards and Sea Level Rise Draft LCP documents f. Public Workshop g. Planning Commission Hearing h. City Council Hearing i. Coastal Commission Hearing j. City Council Hearing – Accept Suggested Modifications k. Second Coastal Commission Hearing	a. March 15, 2025 b. April 16, 2025 c. March 10, 2025 d. May 1, 2025 e. June 15, 2025 f. June 30, 2025 g. July 15, 2025 h. August 30, 2025 i. October 30, 2025 j. December 1, 2025 k. February 15, 2026



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

February 6, 2024
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

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

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2024-015, authorizing City Co-Sponsorship of the Carmel Public Library Foundation's Annual Donor Salute Event at the Main Library on Sunday, March 10, 2024; and Authorizing City Co-Sponsorship of the Carmel Public Library Foundation's Annual Sterling Circle Event at the Main Library on Sunday, June 9, 2024

RECOMMENDATION:

Adopt Resolution 2024-015, authorizing City Co-Sponsorship of the Carmel Public Library Foundation's Annual Donor Salute Event at the Main Library on Sunday, March 10, 2024; and Authorizing City Co-Sponsorship of the Carmel Public Library Foundation's Annual Sterling Circle Event at the Main Library on Sunday, June 9, 2024.

BACKGROUND/SUMMARY:

The Carmel Public Library Foundation (CPLF) is requesting the use of the Main Library to hold its annual Donor Salute event, on Sunday, March 10, 2024 (**Attachment 2**). Donor salute is held each to thank those who donate \$100 or more in a calendar year to the CPFL.

The CPLF is also requesting the use of the Main Library to hold its annual Sterling Circle event on Sunday, June 9, 2024 from 3:00pm - 5:00pm at the Main Library. The Sterling Circle event is held annually to thank the CPLF Planned Giving Program donors.

Per City Policy C89-47 "Support Groups Policy" (**Attachment 3**), the use of library facilities shall be determined by the Harrison Memorial Library Board of Trustees, with the exception of events at which alcoholic beverages are offered. The Board of Trustees considered the CPLF's request at its January 25, 2024 meeting and voted to recommend that the City authorize co-sponsorship of both of the events.

Wine will be served during the event. The CPLF will secure a Daily License Permit from the Department of Alcoholic Beverage Control.

Per policy C89-47, the City will not provide insurance coverage for any City Support Groups in a City building at which alcohol is served, unless the activity is officially co-sponsored by resolution of the City Council.

Both Donor Salute and Sterling Circle are opportunities for the CPLF to extend its gratitude and appreciation to its donors for their support.

FISCAL IMPACT:

None.

PRIOR CITY COUNCIL ACTION:

The Council has adopted a resolution authorizing co-sponsorship of both events for over 10 years.

ATTACHMENTS:

Attachment 1) Resolution 2024-015

Attachment 2) Request Letter

Attachment 3) Support Groups Policy

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

Attachment 1

RESOLUTION NO. 2024-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING CITY CO-SPONSORSHIP OF THE CARMEL PUBLIC LIBRARY FOUNDATION'S ANNUAL DONOR SALUTE AT THE MAIN LIBRARY ON SUNDAY, MARCH 10, 2024 AT WHICH ALCOHOL WILL BE SERVED AND AUTHORIZING CITY CO-SPONSORSHIP OF THE CARMEL PUBLIC LIBRARY FOUNDATION'S STERLING CIRCLE EVENT AT THE MAIN LIBRARY ON SUNDAY, JUNE 9, 2024

WHEREAS, the Harrison Memorial Library Board of Trustees and the Carmel Public Library Foundation are requesting City co-sponsorship of the Annual Donor Salute on Sunday, March 10, 2024 from 3:00 p.m. to 5:00 p.m. at Harrison Memorial Library; and

WHEREAS, the Harrison Memorial Library Board of Trustees and the Carmel Public Library Foundation are requesting City co-sponsorship of the Sterling Circle event on Sunday, June 9, 2024 from 3:00 p.m. to 5:00 p.m. at Harrison Memorial Library; and

WHEREAS, City Policy C89-07 requires City Support Groups to obtain City Council approval to cosponsor events at which alcohol is served; and

WHEREAS, it is necessary to notify the City's insurance carrier of the co-sponsorship.

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

1. Agree to co-sponsor the Carmel Public Library Foundation's Annual Donor Salute on March 10, 2024.
2. Agree to co-sponsor the Carmel Public Library Foundation's Sterling Circle event on June 9, 2024.
3. Authorize the City Administrator to notify the Harrison Memorial Library Board of Trustees and Carmel Public Library Foundation of the Council's concurrence to co-sponsor the event.
4. Authorize the City Administrator to officially notify the City's insurance carrier of the co-sponsorship.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of February, 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk



CARMEL PUBLIC
LIBRARY FOUNDATION

December 14, 2023

Chip Rerig, City Administrator and City Council
Monte Verde Street between Ocean and 7th Aves.
P.O. Box CC
Carmel, CA 93921

Dear Mr. Rerig,

The Carmel Public Library Foundation respectfully requests consideration of our request to hold our donor cultivation event, the Donor Salute on Sunday - March 10, 2024 from 3:00pm-5:00pm and our legacy appreciation event, the Sterling Circle on Sunday – June 9, 2024 from 3:00pm-5:00pm at the Main Library.

We plan to serve wine at each of the events. We are eager to obtain whatever approvals are necessary. Please let us know the necessary steps involved and if you require any additional information or documentation.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Alex Fallon', written over a horizontal line.

Alexandra Fallon
Executive Director



**CITY OF CARMEL-BY-THE-SEA
POLICY AND PROCEDURE**

Subject: Support Groups Policy	Policy/Procedure No: C89-47
Effective Date: 3 October 1989	Authority: Resolution No. 89-121

Purpose:

To establish a formal procedure for relationships between the City and its support groups.

Policy/Procedure:

As fully set forth in the policy document, attached.

Responsible Party:

City Administrator/City Council

Department of Origin:

Administration/City Council

Revision Dates:

6 March 1990 (Resolution No. 90-26)
4 August 1992 (Resolution No. 92-70)
3 April 2007 (Resolution No. 2007-19)
2 October 2012 (Resolution No. 2012-70)
7 September 2021 (Resolution No. 2021-046)
4 January 2022 (Resolution No. 2022-009)

Rescinded Date:**City Administrator Approval:**

Signature

Date

Support Groups Policy

September 21, 1989

General:

The City Council recognizes that individuals of the community will join together from time to time in support groups to assist the municipal organization (City) or one of its departments for a variety of reasons. The City Council also recognizes the value of the assistance so provided by support groups and encourages the formation of such groups where appropriate and/or a need exists. So that both the City and its entities and the support groups have a clear understanding of the nature and extent of the relationship, the following guidelines have been developed and adopted by the City Council.

Definition:

Support groups are associations of individuals who have voluntarily joined together in a unit whose sole or primary purpose is to provide assistance – monetary, social, cultural or otherwise – but not political – to the City or one of its departments.

Nature of Relationship:

The City recognizes the importance of support groups to the financial, social, cultural and environmental fabric of our community as well as the need for private support groups to be independent and freed of the restrictions which are applicable to public entities. It is also recognized by the City that a relationship will exist between support groups and the City. It is the intent of the City to keep the relationship with all support groups to a minimum, recognizing that support groups are private in existence, a status which requires neither the specific public noticing, reporting and liability responsibilities of, nor financial assistance from, the City.

While members of support groups have the freedom of association guaranteed by the Constitution, the support group is recognized by the City as a private body.

City Involvement with Support Groups/Personnel:

City personnel, whether elected, employed or appointed, shall not serve on the board of directors (either as a member or in an ex officio capacity) of a support group. Employees of support groups are not City employees and support groups and their officers shall refrain from representing themselves as agents or officers of the City. City staff will be assigned by the City Administrator to serve in a liaison capacity and to provide technical assistance to support groups if requested.

Use of City Facilities*:

Support groups are entitled to free use of City facilities for meetings, either general membership, board, executive committee, or special committee as long as:

- a) The date and time are convenient to the operation and maintenance of the facility in which the meet is desired;
- b) The meeting room is not needed for a City board, committee or commission meeting;

- c) The meeting is to occur during regular hours of operation or does not require the scheduling of staff beyond regular schedules if held at a time other than regular hours;
- d) The desired room is available;
- e) The City will not incur a substantial cost for providing the room; and
- f) The use of the City facilities by the support group is in furtherance of the interests of the City.

The City shall draw up an agreement with each support group which shall outline the terms and conditions for the free use of meeting rooms and of storage space. Support groups may also store assets and belongings in a public facility subject to a valid Hold Harmless Agreement and certificate of insurance being on file with the City Clerk's office and naming the City as an additional insured party, and provided that the space is not required for municipal properties.

City facilities, with the exception of library facilities, may not be used to provide free space or equipment for the business office of the support group. The use of Library facilities shall be determined by the Harrison Memorial Library Board of Trustees, with the exception of events held at these facilities at which alcoholic beverages are offered. Limitations on such use are described in this Policy in the paragraph titled "Insurance".*

Use of City Equipment*:

No support group, its officers or members, shall utilize any equipment belonging to the City and/or any of its departments except audio/visual equipment and room furnishings which are normally provided upon request with the use of a room. City equipment is defined but is not limited to telephones, desks, copy machines, computers and computer terminals, mail and stamping devices, facsimile machines, typewriters and adding machines. The City Administrator may grant use of City equipment in special circumstances. The use of library equipment shall be determined by the Harrison Memorial Library Board of Trustees.*

Membership Rolls:

Membership rolls of support groups and the City can be exchanged if an agreement is reached between the parties and is consistent with both State and Federal laws.

Postage:

Each support group shall secure and maintain its own Post Office box or mailing address. The City's or a City department's Post Office box or bulk mailing permit is to be used for official City business only. Each support group shall incur all expenses associated with the mailing of its literature, minutes, agendas and fund-raising requests.

* For statutory provisions governing use of library facilities and equipment, see Education Code, Title 1, Division 1, Part 11, Chapter 5, Section 18919 and Carmel-by-the-Sea Municipal Code Section 2.72.050.

Political Activities:

No support group, organized for the purpose of assisting the City or one of its departments shall partake, either officially or unofficially, in any political activity involving the City of Carmel-by-the-Sea, its officers, employees, or facilities. Political activity includes, but is not limited to:

- Mayoral and City Council elections
- Local ballot issues
- Involvement in administrative or personnel matters

Support Groups are encouraged to use proper and accepted internal City communication channels and the public appearances section of City Council meetings.

Insurance:

The City will provide general liability insurance coverage for support groups including the cost of the insurance deductible as long as the support groups are meeting or holding events in public buildings or at public facilities. If a support group meets away from a public building or public facility and/or outside the City limits, then it shall be the option of the support group as to whether it desires to secure insurance protection. The City will not provide insurance protection for activities and events held outside of the City limits or away from public buildings and/or public facilities and will not provide coverage at any activity where alcoholic beverages are being served unless such activity is officially sanctioned and cosponsored via a Resolution of the City Council.

Should support groups desire to serve alcoholic beverages at an event, either in a public building or at a public facility, the support group will be required to secure its own insurance coverage, unless the City Council adopts a Resolution of co-sponsorship.

Co-Sponsorship:

A Resolution of the City Council of the City of Carmel-by-the-Sea is required in order for the City to co-sponsor with any support group any event, performance, activity or function, whether one-time, cumulative or ongoing.

Fund-Raising Events within Public Facilities:

The City recognizes that support groups from time to time will request the utilization of public facilities for fund-raising activities. Such requests for the use of public facilities shall be forwarded to the City Council for its review at least thirty (30) days prior to the scheduled event. The City will give preferential consideration to support groups over other groups for fund-raising activities within public facilities.

Requests for the use of Library facilities shall be forwarded to the Harrison Memorial Library Board of Trustees for its review at least thirty days (30) prior to the scheduled event.* However, any event approved by the Library Board of Trustees at which alcoholic beverages are to be offered must also have prior approval of the City Council as set forth in this Policy in the paragraph titled "Insurance".

Support Groups are cautioned that obtaining such approval by both bodies could take seven weeks or more, depending on the scheduling of their respective meetings.

Bylaws:

Each support group shall provide a copy of its current bylaws to the City Clerk.

Annual Audit:

The City requires a copy of the annual audit, review or internal financial report of each support group.

Responsibility for Implementation of Policy:

The City Administrator is delegated as the City official responsible for the implementation of this policy.

Periodic Review:

The City Council will, from time to time, review the intent and content of this policy and make any necessary amendments which it deems necessary to protect the interests of the City and the support groups. All support groups will be notified whenever a review is determined to be needed.

* For statutory provisions governing use of library facilities and equipment, see Education Code, Title 1, Division 1, Part 11, Chapter 5, Section 18919 and Carmel-by-the-Sea Municipal Code Section 2.72.050.

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

RESOLUTION NO. 2022-009

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
DESIGNATING CARMEL COMMUNITY EMERGENCY RESPONSE TEAM (CERT) AS AN
OFFICIAL CITY SUPPORT GROUP IN ACCORDANCE WITH SUPPORT GROUP POLICY NO.
89-47**

WHEREAS, in October 1989, the City Council adopted Resolution 89-121, the Support Group Policy, which establishes the relationship between the City and private groups; and

WHEREAS, in May 1990, the City Council adopted Resolution No. 90-47 designating the support groups of the City; and

WHEREAS, according to their website, Carmel CERT is a group dedicated to preparedness and assisting others in their neighborhood or workplace following an event; and

WHEREAS, Carmel CERT has already performed tremendous volunteer efforts, such as: COVID vaccination process, winter storm assistance, down power lines, beach closures, special event assistance, lost person support, and enhanced preparedness for any emergency; and

WHEREAS, Carmel CERT is directly connected with Monterey Fire Department and Monterey CERT which provides training support, CERT leadership, and extra staff for larger scale events.

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

1. Require Carmel by-the-Sea CERT to provide all documentation pursuant to Policy No. 89-47.
2. Designate the following groups as Support Groups pursuant to Policy No. 89-47:
 - a. Friends of Harrison Memorial Library
 - b. Carmel Public Library Foundation
 - c. Friends of Carmel Forest
 - d. Friends of Sunset Foundation
 - e. Lester Rowntree Native Plant Garden Committee
 - f. Friends of Mission Trail Nature Preserve
 - g. Carmel Cares
 - h. Carmel CERT (upon City Council approval and compliance with #1)
3. Authorize the City Administrator to submit the updated list of support groups to the insurance carrier.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 4th day of January, 2022, by the following vote:**

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

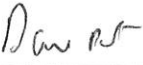
NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:

ATTEST:



Dave Potter
Mayor



Ashlee Wright
Acting City Clerk



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

February 6, 2024
CONSENT AGENDA

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Nova Romero, City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Resolution 2024-017 Rescinding Resolution 2023-105 and Establishing the City Council meeting dates for the 2024 Calendar Year

RECOMMENDATION:

Adopt Resolution 2024-107 Rescinding Resolution 2023-105 and establishing the City Council meeting dates for the 2024 calendar year.

BACKGROUND/SUMMARY:

On December 4, 2023, the City Council established the 2024 meeting schedule via Resolution 2023-105 in accordance with City Municipal Code Chapter 2.04. Upon review, it has come to our attention that an inadvertent error exists in the resolution that requires correction.

Background

The City's Municipal Code, Chapter 2.04, sets the standard schedule for City Council Meetings on first Tuesday of each month at 4:30 p.m., with a Special Meeting scheduled for the day preceding the regular monthly meeting. If a holiday occurs in the first week of the month, the Council meeting shifts to the second week for holiday accommodation and agenda preparation.

Upon review, it found that the adopted schedule in Exhibit A of Resolution 2023-105 incorrectly lists the Regular Council Meeting date in October as October 8th instead of the first Tuesday, which is October 1st. The Special Meeting date should be corrected as well, from October 7th to September 30th. As there is no holiday during the first week of October, the first Tuesday meeting scheduled should remain unchanged. The rest of the meeting dates for 2024 are accurate and require no changes.

Below is a redline version to show the correction to be made to the October meeting schedule:

Exhibit A - 2024 City Council Meeting Dates

Special Council Meeting (Monday preceding the Regular meeting) 4:30 p.m.	City Council Regular Meeting (Tuesday) 4:30 p.m.
January 8*	January 9*
February 5	February 6
March 4	March 5
April 1	April 2
May 6	May 7
June 3	June 4
July 8*	July 9*
August 5	August 6
September 9*	September 10*
~~October 7~~ <u>September 30</u>	~~October 8~~ <u>October 1</u>
November 4	November 5
December 2	December 3

Recommendation

To remedy the error, staff recommends rescinding Resolution 2023-105 and adopting the corrected 2024 meeting schedule included in **Attachment 1**.

FISCAL IMPACT:

No direct fiscal impact for this action.

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Attachment 1) Resolution 2024-017

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

RESOLUTION NO. 2024-017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
RESCINDING RESOLUTION 2023-105 AND ESTABLISHING THE MEETING DATES OF THE
CITY COUNCIL FOR CALENDAR YEAR 2024**

WHEREAS, Section 2.04.010 of the City's Municipal Code stipulates that the Council regular meetings are held on the first Tuesday of the month beginning at 4:30 p.m. and the Tour of Inspection (Special Meeting) are held on the Monday preceding the regular meeting, unless otherwise established by Resolution; and

WHEREAS, on December 2, 2023, Council adopted Resolution 2023-105, establishing the meeting dates of the City Council for calendar year 2024; and

WHEREAS, a correction to the schedule of meeting dates adopted by Resolution 2023-105 needs to be made to reflect that the October Regular Council Meeting will be held on October 1, 2024, with a Special Meeting the day before on September 30, 2024; and

WHEREAS, the corrected 2024 City Council Meeting dates are reflected in "Exhibit A" attached.

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

Rescind Resolution 2023-105, and approve the corrected calendar of the City Council Meetings for calendar year 2024 as attached hereto as Exhibit A.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this 6th day of February 2024, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk

EXHIBIT A

2024 City Council Meeting Dates

Special Council Meeting (Monday preceding the Regular meeting) 4:30 p.m.	City Council Regular Meeting (Tuesday) 4:30 p.m.
January 8*	January 9*
February 5	February 6
March 4	March 5
April 1	April 2
May 6	May 7
June 3	June 4
July 8*	July 9*
August 5	August 6
September 9*	September 10*
September 30	October 1
November 4	November 5
December 2	December 3

* Due to holiday the first week of the month



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

February 6, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a follow up presentation by Wave Astound Broadband to address public comments regarding their Fiber Optic Project and authorize issuance of an Encroachment Permit with Special Conditions of Approval

RECOMMENDATION:

Receive a follow up presentation by Wave Astound Broadband to address public comments regarding their Fiber Optic Project and authorize issuance of an Encroachment Permit with Special Conditions of Approval.

BACKGROUND/SUMMARY:

Background

At the October 3, 2023 City Council meeting, Public Works staff and a representative of Wave Astound Broadband (Wave) presented a proposed Fiber Optic Project that has been in review in some form with the City since 2017. The bulk of the Project consists of installing a continuous fiber optic cable attached to existing PG&E power poles in the northern and central portions of the City, and installing a segment of fiber optic conduit below San Carlos Street between Ocean and Seventh Avenues. The Staff Report, which includes the Project Location Map, is included in **Attachment 1**.

The Public Works and Community Planning and Building Departments have performed extensive reviews of the proposed Project alignment, plans, and potential impacts. Special Conditions of Approval to a proposed Encroachment Permit were prepared to minimize public disruption during and after installation, and all conditions were accepted by Wave. Included in the permit application process was an Arborist Report documenting all trees in the easterly half of the Project. Although aerial cables are to be installed through existing tree crowns, no trees will be removed, and utility pruning, which is expected to be minimal, will be performed by a Certified Arborist with utility line clearance certification under the direction of the City Forester.

Once started, construction is anticipated to last approximately three months, pending weather conditions. Wave will provide construction management over their contractors, and Public Works will lead the oversight during construction and help resolve problems as they arise. The Directors of Public Works and Public Safety have the authority to immediately shut down the Project if serious problems or safety issues arise.

Council and Public Comments and Responses

At the October meeting, Councilmembers and the public voiced various questions and concerns regarding the proposed Project. Council directed staff to work with Wave to address these comments and return to Council with responses.

Below are the questions and comments received and our collective responses. At the February 6, 2024 meeting, Wave will expand on certain responses, such as pros and cons for undergrounding the cable at this time, and potential benefits to the City and residents.

1. Question: Can the public see Wave's Application?

Response: The Permit Application is included in **Attachment 2**. The construction plans, traffic control plans, technical reports, and other information is available for review at the Public Works Office upon appointment.

2. Question: Was the weight of the cable evaluated with the structural integrity of the power poles they are being placed on?

- Response: Yes. Up to eight support anchors or guy wires are required to reinforce the poles.

3. Question: Can Wave ensure the Project will be constructed in its entirety and to the satisfaction of the City? Can they post a Performance Bond?

- Response: In response to this comment, a Special Condition of Approval was added to require Wave to post a Performance Bond in the amount of \$100,000. See **Attachment 3**, Condition #4.

4. Comment: This Project is not minor and is not Exempt under the California Environmental Quality Act (CEQA).

- Response: Staff confirmed that this Project is exempt from CEQA in accordance with Section 15303 (Class 3) of the CEQA Statutes.

5. Question: Will the cable be attached to any trees?

- Response: No.

6. Question: Will more fiber optic lines be installed in the City?

- Response: Possibly from Wave and/or other utility providers in the future. This would require a separate Encroachment Permit(s) and project-specific Conditions of Approval based on the scope of the proposed future projects.

7. Question: Is Wave entitled to install the new Fiber Optic as a matter of right?

- Response: The company has a state franchise to use the public right-of-way for their new fiber optic facilities, but it is subject to the City's authority to reasonably determine whether the proposed installations will incommode the public use of the streets. This can include a consideration of aesthetics. The City cannot charge a fee for using the public right-of-way, but can charge for permits.

8. Question: What discretion does the City have regarding this item in terms of either denying the encroachment permit or imposing conditions?

- Response: Under state law, denial is allowed if the installation would incommode the public use. The City appears to have established the criteria for exercising its authority over utility encroachments in Carmel Municipal Code (CMC) Chapter 12.08, (see 12.08.050 and 12.08.060 among others), for the standards, process and some conditions. The City would have to approve the application if the applicant meets the code standards. Conditions of approval are common. They must be reasonable and proportionate.

9. Question: Is the City entitled to collect a Franchise fee for this project?

- Response: The City will not receive any Franchise Fees for the proposed fiber cable for the following reasons. Under state law, local governments have no authority to grant or refuse to grant franchises to communications companies to allow them to use local public rights of way. Franchises are granted pursuant to state law. Telephone companies have a statutory state franchise under Pub. Util. Code 7901 to use all public rights of way within the state, and in most cases are also required to obtain a certificate of public convenience and necessity (CPCN) from the California Public Utilities Commission (CPUC). Cable TV/video service providers are required to obtain a state video franchise from the CPUC under Pub. Util. Code 5840.

Telephone companies and cable TV/video service providers do not need any additional franchise or authorization to provide internet services. Under state law, the City may collect very limited franchise fees. Cable TV/video service providers must pay a franchise fee to the City in the amount of 5% of gross revenues derived solely from the provision of cable TV/video services to residents and businesses within the City; they do not pay franchise fees on other revenues such as internet. No franchise fees may be collected from telephone companies.

Astound LLC is authorized by the state both as a telephone company with a CPCN, and as a video/cable TV services provider. Astound intends to use its fiber network to offer business and enterprise class broadband internet and telephone. The current footprint of Astound's video/cable TV authorization does not include Carmel-by-the-Sea so it cannot offer cable TV/video services to residents/businesses at this time. If in future, the company decides to offer video services within the City, then it would have to obtain an amendment to its state authorization from the CPUC, and Astound would then have to pay franchise fees to the City on those cable TV/video services revenues.

10. Comment: The Project appears to be inconsistent with the General Plan.

- Response: The General Plan does not include a specific policy requiring undergrounding of new electrical/fiber utilities. In the General Plan Public Facilities and Services Element, Graph 6.1, "Priorities for Improving/Maintaining City Facilities," notes that based on a 1982 community survey,

59% of respondents stated that undergrounding utilities was “most important.”

11. Comment: The Project appears to be inconsistent with Municipal Code Section 13.32, Cable System Regulations.

- Response: Staff’s review of CMC Section 13.32 did not reveal any inconsistencies with the proposed Project.

12. Question: What customer service ratings does Wave have?

- Response: Wave will provide this information in their presentation.

13. Question: Why can’t Wave install the fiber optic cable underground by micro-trenching? Can Wave assure the City that they will relocate their aerial cable to underground when PG&E and other utilities are converting to underground, at no cost to the City?

- Response: Wave will provide this information in their presentation.

14. Question: What types of benefits will this Project bring to Carmel-by-the-Sea?

- Response: Wave will provide this information in their presentation.

Environmental Review

The City finds that this Project is exempt from CEQA in accordance with Section 15303 (Class 3) of the CEQA Statutes for new construction and conversion of small structures. A Notice of Exemption will be filed by the City upon Project approval by the City Council.

FISCAL IMPACT:

Based on the combined length of the aerial cables and underground conduit, this Encroachment Permit fee is \$25,155, of which Wave previously paid \$19,306.

PRIOR CITY COUNCIL ACTION:

In October 2023, Council received a presentation from Wave Astound Broadband regarding installation of their proposed Fiber Optic Project and requesting authorization for issuance of an Encroachment Permit with Special Conditions of Approval. Council directed staff to work with Wave to address public comments and return to Council with responses.

ATTACHMENTS:

Attachment 1) October 3, 2023 Staff Report and Project Map
Attachment 2) Encroachment Permit Application
Attachment 3) Updated Special Conditions of Approval



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

October 3, 2023
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a Presentation by Wave Astound Broadband to introduce a new Fiber Optic Project and authorize issuance of an Encroachment Permit with Special Conditions of Approval

RECOMMENDATION:

Receive a Presentation by Wave Astound Broadband to introduce a new Fiber Optic Project and authorize issuance of an Encroachment Permit with Special Conditions of Approval.

BACKGROUND/SUMMARY:

Public Works and Community Planning & Building have been meeting with representatives of Wave Astound Broadband (Wave) off and on since 2017 to review Wave's proposed fiber optic project (Project). This Project has gone through multiple iterations over the years, and Wave and staff have recently reached consensus on the preferred alignment and measures to minimize impacts to the public during installation of this unique Project. Staff has also approved the construction plans, traffic control plans, and arborist report.

The bulk of the Project consists of installing continuous fiber optic cables attached to existing PG&E power poles in the northern and central portions of the City, and installing a segment of fiber optic conduit below San Carlos Street as detailed below.

As shown in the Project Location Map in **Attachment 1**, the overhead route begins in the County off of the Highway 1 Carpenter Street exit, and heads south along Carpenter Street into the City limits to the intersection with Ocean Avenue. The alignment turns west along Ocean Avenue to the intersection with Torres Street, and then turns south along Torres Street to the intersection of Eighth Avenue. At this point, the Project extends west along Eighth Avenue to the intersection with Cassanova Street. Finally, the alignment turns north along Cassanova Street until it veers northwest along Palou Avenue to a terminus pole near Second Avenue.

In conjunction with the overhead cables, a 2-inch conduit will be installed via boring, extending along San Carlos Street from Ocean Avenue to approximately 100-feet south of Seventh Avenue.

Additionally, Wave will install up to nine support anchors and guy wires to reinforce certain existing power poles. Each guy wire location has been found acceptable to Community Planning and Public Works staff.

Wave also submitted an Arborist Report documenting all trees in the easterly half of the Project. While the aerial fiber cables will be installed through existing tree crowns, no trees will be removed, and utility pruning, which is expected to be minimal, will only be performed by a Certified Arborist with utility line clearance certification, paid for by Wave, and under the direction of the City Forester. Based on the Arborist Report, the minimal impacts to existing trees, and required, continuous oversight by an Arborist, a report for the westerly portion of the project was excused.

As part of the Encroachment Permit process, staff developed 38 Special Conditions of Approval, as shown in **Attachment 2**. These Special Conditions were tailored to minimize disruption to residents along the alignment, protect or restore City and other facilities that may inadvertently be damaged, and provide a safe environment during construction.

Per the Special Conditions of Approval for the Encroachment Permit, Wave shall:

- Execute a Hold Harmless Agreement
- Provide increased general liability insurance limits
- Display a 24/7 hotline phone number for public concerns
- Provide ongoing coordination with Police, Fire, MST, GreenWaste, etc.
- Conform to approved traffic control plans
- Place parking notices 72-hours in advance
- Provide updated construction schedules on a weekly basis

- Coordinate and shutdown, if necessary, during City special events
- Provide a Certified Arborist with line clearance certification during all aerial fiber installations, and consult with City Forester for utility pruning
- Provide an archaeological monitor for underground work in archaeologically-sensitive zones
- For the San Carlos Street underground boring, protect City storm drains, CAWD sewer facilities, and Cal Am water lines, provide an independent testing laboratory for backfill, and restore the concrete street
- Reconstruct any damaged streets, sidewalk, sign, pavement markings, etc. to the City's satisfaction
- Reconstruct any damage to private property

Attachment 1

At this time, construction is anticipated to begin by the end of the year and be completed within three months, pending weather conditions. Wave will provide construction management over their contractors, and Public Works will lead the oversight during construction and help resolve problems as they arise. The Directors of Public Works and Public Safety have the authority to immediately shut down the Project if serious problems or safety issues arise.

At the October 3, 2023 Council meeting, staff will introduce Mr. John Mosher, Senior Construction Manager at Wave, who will provide the presentation. The presentation will briefly describe the purpose of the Project, anticipated construction impacts, and mitigation measures.

Wave and City staff welcome comments from the public and City Council regarding this Project. Based on comments received, staff will finalize the Special Conditions of Approval for the Encroachment Permit to further minimize adverse impacts. Council is also requested to authorize the issuance of the Encroachment Permit.

ENVIRONMENTAL REVIEW

The City finds that this Project is exempt from CEQA in accordance with Section 15303 (Class 3) of the CEQA Statutes for new construction and conversion of small structures. A Notice of Exemption will be filed by the City upon Project approval by the City Council.

FISCAL IMPACT:

Based on the combined length of the aerial cables and underground conduit, this Encroachment Permit fee is \$25,155, of which Wave has previously paid \$19,306.

PRIOR CITY COUNCIL ACTION:

In September 2018, Council received a project presentation and authorized issuance of an Encroachment Permit with Special Conditions of Approval for a PG&E gas pipeline project installed across the northern portion of the City.

ATTACHMENTS:

Attachment 1) Project Location Map

Attachment 2) Special Conditions of Approval for Encroachment Permit





PERMANENT ENCROACHMENT PERMIT APPLICATION

City of Carmel-by-the-Sea
Department of Community Planning & Building
P.O. Box CC, Carmel, CA 93921
(831) 620-2010 OFFICE

EN Attachment 2
FEE PD _____
REC # _____
Copy Given to: _____
Date: _____

1. Property Owner: Astound Broadband, LLC Date: 03/24/2023

2. Project Location: See Attached Supplemental Page

Block: _____ Lot(s): _____ Parcel #: _____

Mailing Address: 215 Mason Circle City: Concord State: CA Zip: 94520

3. Contractor/Contact Person (Circle One): Albert Borbon

Mailing Address: 215 Mason Circle City: Concord State: CA Zip: 94520

Telephone # (925) 532-5670 E-Mail: albert.borbon@astound.com

Contractor State Lic #: See Supplemental Page
Type: _____

Contractor City Lic #: See Supplemental Page

4. Date Work is Scheduled to Begin: 05/01/2023 Projected Completion Date: 06/02/2023

PLEASE ATTACH SITE PLAN AND PHOTOS DETAILING PROPOSED

FULLY DESCRIBE ALL WORK PROPOSED: All work operations are detailed on
attached plans and supplemental page for this project.

→PLEASE NOTIFY **USA DIG** (Call 811) **48 HOURS PRIOR** TO DIGGING

→PLEASE NOTIFY **PUBLIC WORKS DEPT.** (831-620-2074) **48 HOURS
PRIOR** TO START OF WORK

→CONTROL OF DRAINAGE DURING **AND** AFTER CONSTRUCTION IS
REQUIRED.

Applicant Acknowledgement

I understand and agree to comply with all pertinent conditions, standards and requirements as specified by the Carmel Municipal Code, State, County and Federal regulations pertaining to this permit application. I agree to properly maintain the subject work at no expense to the City and to indemnify the City from any liability arising from the permit issued. Acceptance by the City of the work described herein is not a waiver of my obligations as stated herein.

Applicant Name (Print Clearly): Cory L Pacheco on behalf of Astound Broadband, LLC

Signature: Cory L Pacheco Date: 03/24/2023

Digitally signed by Cory L Pacheco
Reason: I attest to the accuracy and integrity of this document
Location: Gilroy, CA
Date: 2023.03.24 10:48:58
Public Key Infrastructure Version: 3.1

CITY USE ONLY BELOW

Attachment 2

Lead Department: ☐ Planning & Building

☐ Public Works

Public Works: Approve/Disapprove

Forestry/Beach: Approve/Disapprove

By: _____ Date: _____

By: _____ Date: _____

Planning Department: Approve/Disapprove
(Optional)

Police Department: Approve/Disapprove
(Optional)

By: _____ Date: _____

By: _____ Date: _____

Additional Insurance: Approve/Disapprove
(Optional)

By: _____ Date: _____

Please protect all trees during construction:

→HAND DIG WITHIN 10 FEET OF TREES.

→NOTIFY FORESTER OF ROOTS 2" OR MORE THAT NEED TO BE CUT.

FINAL INSPECTION FROM PUBLIC WORKS: _____

DATE: _____

Attachment 2

**INSTRUCTIONS TO THE APPLICANT
PERMIT FOR ENCROACHMENT IN THE PUBLIC RIGHT-OF-WAY
CITY OF CARMEL-BY-THE-SEA**

An application for an encroachment in the public right-of-way includes all of the following steps.

1. Encroachment Permit Application

This is the first step in the process of requesting the City's approval for an encroachment in the public right-of-way. The application and the form entitled "Information Regarding Improvements in the ROW" are to be completed and returned, along with the encroachment application fee, as determined by the master fee schedule, to the Department of Community Planning & Building. A site plan sketch on an 8.5" x 11" sheet is also typically required (refer to the Site Plan Requirements handout, included with this application packet).

2. Hold Harmless Encroachment Agreement

Upon preliminary staff approval of the Encroachment Permit Application forms, submittal of the Hold Harmless Encroachment Agreement is required. This document must be executed by the legal owner(s) of the property adjacent to the public right-of-way upon which the encroachment is planned to be installed. The names must be written and signed as they appear in the official records of the City, i.e., "William L. and Elizabeth W. Jones" – not "Bill and Liz Jones." The applicant(s)' signature(s) must be notarized.

Special attention should be paid to paragraph 3 of this Agreement and the insurance requirements set forth therein. If the application is approved, **WORK MAY NOT BEGIN** until the Certificate of Insurance is on file with the City Clerk's Office.

IMPORTANT NOTICE

TO THE AGENT PROVIDING INSURANCE COVERAGE ON THE ADDITIONAL INSURED POLICY FORM

When required to supply Liability Insurance, either in the amount of **\$2,000,000** in combined single limit insurance for personal injury and/or property damage per occurrence and **\$4,000,000** in aggregate caused by or due to the present of the encroachment in the CC, SC, RC and R-4 districts OR **\$500,000** in the R-1 district it is imperative that the additional insurance coverage be in the form of an "endorsement" using the following language:

3. Notice Pursuant to Municipal Code § 12.08.110

"The City of Carmel-by-the-Sea, its elected officials, officers, agents and employees are additionally insured under the policy."

INFORMATION REGARDING IMPROVEMENTS IN THE PUBLIC

RIGHT-OF-WAY

NAME: Astound Broadband, LLCMAILING ADDRESS: 215 Mason Circle, Concord, CA 94520TELEPHONE: (Business): (925) 459-1038 (Home or Cell): (925) 532-5670
(E-Mail Address): albert.borbon@astound.comEXACT LOCATION OF PROPOSED ENCROACHMENT(S): See Supplemental Page

BLOCK: _____ Lot(s): _____ APN: _____

TYPE OF ENCROACHMENT(S): If there is more than one required (e.g. fence and steps), please list each separately.
Attach additional sheet(s) if necessary.

1. O'lash 11,607' +/- of Existing Strand/Cable w/ (1) FOC
2. Place 11 New Anchors
3. Open Trench/Directional Bore 378' from Existing Utility Pole to New Vault

DIMENSION(S) OF ENCROACHMENT(S): (Attach an 8 1/2" x 11" site plan showing all existing and proposed improvements in the right-of-way.)

1. AER Layout | Sheets 12-23
2. Anchor Details | Sheets 24-27
3. UG Layout | Sheet 4

TYPE OF MATERIAL TO BE USED FOR EACH ENCROACHMENT REQUESTED:

1. Fiber Optical Cable (FOC) to be used for Overlash on Existing OSP
2. Concrete Anchors to be used for Guying
3. 2" HDPE Conduit to be used for Open Trench and Directional Bore
4. Reinforced Concrete Box to be used for Proposed New Vaults

WHEN RECORDED, MAIL TO:

CITY OF CARMEL-BY-THE-SEA
ATTN: ENCROACHMENTS
PO BOX CC
CARMEL-BY-THE-SEA, CA 93921

THIS SPACE FOR RECORDER'S USE ONLY

HOLD HARMLESS ENCROACHMENT AGREEMENT

AGREEMENT made this _____ day of _____, 20____, between the CITY OF CARMEL-BY-THE-SEA, hereinafter called CITY, and _____, hereinafter called OWNER, with reference to the following facts:

OWNER is in possession of and owns certain real property in CITY known as Block _____, Lot(s) _____, Assessor's Parcel No. _____
Zoning District _____, street location _____.

OWNER has requested from CITY permission to construct and maintain a structural encroachment on CITY street or sidewalk area adjacent to or near the property, described as follows:

_____.

NOW, THEREFORE, the parties, in consideration of the mutual covenants contained herein, agree as follows:

1. CITY grants permission to OWNER to construct and maintain a structural encroachment on CITY street or sidewalk area adjacent to or near OWNER'S property, as described above. Said permission is subject to the following conditions:

a. Execution of the Hold Harmless Agreement and compliance with the provisions of paragraph 3 below.

b. _____

2. OWNER, his successors and assigns, agrees to name CITY an additional insured and to hold CITY harmless from any and all claims, actions and demands of third parties of any kind, character and description arising out of or due to any accident or mishap in, on, or about said structural encroachment so constructed or so maintained or any error or omission resulting in personal injury or property damage.

3. OWNER, agrees to provide CITY and maintain a certificate of insurance from an insurance carrier acceptable to CITY certifying that OWNER has public liability and property damage insurance with limits of not less than \$500,000 combined single limit for personal injury and/or property damage for property located in the R-1 zoning district and limits of not less than \$4,000,000 for property located in all other zoning districts. The certificate must indicate this insurance is primary over any other valid or collectible insurance CITY may have, insures owner's performance of this Hold Harmless Agreement and that the Carrier will notify CITY in the event of any material change in the policy, including the nonrenewal thereof. Said Certificate of Insurance must name CITY, its elected officials, officers, agents and employees as additional insured insofar as the insurance pertains to this encroachment. Owner further agrees to maintain said insurance as long as said encroachment remains on CITY property.

In the event of cancellation or nonrenewal, the insurance company will give thirty (30) days' written notice to CITY. The Certificate must be signed by an authorized employee of the insurance carrier and mailed to: City Clerk, Carmel-by-the-Sea, P.O. Box CC, Carmel-by-the-Sea, CA 93921.

4. CITY may terminate and revoke this Agreement at any time that it is determined by the City Council to be in the best interests of City and necessary to promote the public health, safety or welfare. Any expenses caused to OWNER, his successors or assigns, by termination of this Agreement shall be borne by OWNER, his successors or assigns.

5. The parties agree that this contract is for the direct benefit of the land in that it makes the property more usable and increases its value, as such, agree that the covenants herein shall run with the land, and the parties agree that the covenants shall bind the successors and assigns of OWNER.

CITY OF CARMEL-BY-THE-SEA:

OWNER(S):

By: Chip Rerig, City Administrator or
Designee

Print Name

ATTEST:

Britt Avrit, City Clerk

Print Name

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____

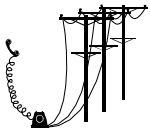
Insert Name and Title of the Officer

personally appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) , or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraphs is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)



Structure Leasing & Engineering, Inc.

8833 Monterey Road, Suite B
Gilroy, CA 92020
<http://www.slegroup.net>

Attachment 2

TO: City of Carmel-by-the-Sea
Department of Community Planning & Building
PO Box CC, Carmel, CA 93921
(831) 620-2010 Office

March 24, 2023

RE: Submittal of Supplemental Application Page – Aerial and UG – Carmel-by-the-Sea

To Whom It May Concern:

Enclosed is the Permanent Encroachment Permit Application we are submitting on behalf of Astound Broadband, LLC. This is a supplemental page to identify the Contractors and their Work Operations for this Project.

UG Contractor:

J. Moraga Construction
385 Grogan Avenue
Merced, CA 95341
P: (209) 388-9200
Cont. St. Lic#: 882920, Type A
Cont. City Lic#: 2764

Proposed UG Work:

Place (1) 2" HDPE Conduit by Open Trench and Directional Bore at a Minimum Depth of 48", 378' from Existing Utility Pole to Proposed New Vault along and crossing San Carlos Street through the 7th Avenue Intersection.

Aerial Contractor:

EDT TEC, Inc.
4398 Contractors Common
Livermore, CA 94551
P: (925) 245-9533
Cont. St. Lic#: 830873, Type A, B, C-7
Cont. City Lic#: On File

Proposed Aerial Work:

O'lash 11,607' +/- of Existing Strand with (1) FOC Aerially on Existing Utility Poles along Palou Avenue, N Casanova Street, 8th Avenue, Ocean Avenue, Carpenter Street, Torres Street and San Carlos Street.

Please advise if there are any issues, corrections or redlines.

Sincerely,

Cory L Pacheco / Site Acquisition/CFO

(408) 767-8119 cpacheco@sleinc.net

ENCROACHMENT PERMIT # _____

WAVE ASTOUND BROADBAND FIBER INSTALLATION PROJECTSPECIAL CONDITIONS OF APPROVALJanuary 22, 2024

The following Conditions of Approval of the Encroachment Permit were developed by the City, and reviewed and accepted by WAVE Astound Broadband (WAVE), to minimize impacts and inconvenience to the public while accommodating construction. All Conditions of Approval are subject to modification by the City to ensure the safety and welfare of the public, construction workers, and public and private property. References to the City mean the Director of Public Works Robert Harary, P.E., or his designee.

Administrative

1. **Revocability:** This permit shall be revocable by the City at any time. Encroachment permit actions may be appealed to the City Council by filing an appeal with the City Clerk within fifteen (15) days of the date of notification.
2. **Hold Harmless Agreement:** Prior to issuance of and encroachment permit a Hold Harmless Agreement will need to be completed and recorded.
3. **Liability Insurance:** WAVE will provide evidence of general liability insurance to the City with a minimum limit of \$3 million per incident and \$5 million in aggregate.
4. **Performance Bond:** WAVE will provide a performance bond to the City in the amount \$100,000.
5. **City Business License:** Prior to conducting any work in the City right-of-way, all contractors, subcontractors, and consultants must obtain a City Business License.
6. **Encroachment Permit:** City acknowledges receipt of \$19,306.75 deposit for this permit. WAVE to submit the balance due of \$5,848.16 for the Permit plus \$50.00 to reimburse the City's CEQA filing fee.
7. **Fiscal Impact:** In the event that staff becomes increasingly involved with oversight and inspection of this Project during construction, an agreement with WAVE will be deployed so that WAVE reimburses the City for any actual City labor costs and expenses incurred.

Environmental

8. **CEQA Documentation:** The City finds that this Project is exempt from CEQA in accordance with Section 15303 (Class 3) of the CEQA Statutes for new construction and conversion of small structures. A Notice of Exemption will be filed by the City upon Project approval by the City Council.
9. **Environmental Mitigation:** The following measures are of particular concern to the City:
 - Enclose or cover exposed stockpiles daily.
 - Designate worker parking areas that minimize parking displacement along the Alignment in the downtown area
 - Sweep all paved access roads no less than weekly or as requested by the City
10. **BMP's:** All construction activities require adequate protection for any catch basin, drain inlet, or drainage swale to prevent spills, sediment, or construction debris from entering the drainage system. Provide sediment filter bags at catch basins, place 2-bag high gravel berms for silt protection, and provide stockpile covers with sediment barrier. Provide secondary containment tray with sanitary facility.
11. **Arborist Report:** Report provided to the City is sufficient for the work being conducted. This project does not have to be presented to the Forest and Beach Commission. However, it is the responsibility of Astound to provide a City approved, Certified Arborist with line clearance certification for the duration of the Project.
12. **Street Trees:** No trees are to be removed under this Permit. A Certified Arborist shall be on site for the aerial cable installation and utility pruning. Minimal impact utility pruning shall meet ISA BMP's and Standards. *"No pruning will come remotely close to excessive pruning."* Arborist will consult with City Forester prior to pruning and to address treatment requirements, if any, See also Condition #39, Tree Protection Requirements.
13. **Archeologist Monitoring:** WAVE acknowledges that archeologically-sensitive zones exist in the vicinity of San Carlos Street and Eighth Avenue, and near the Casanova Street and Palou Avenue. WAVE will provide a qualified archeological monitor for any below groundwork in these areas. Monitoring shall be done by a City-approved consultant. If any archaeological finds are encountered, all excavating is to cease immediately and the City shall be so notified.

Public Notifications

14. **City Council:** This project would need to be presented to City Council at an upcoming meeting, date to be determined, plan on a 5 to 10-minute presentation.
15. **Public Relations:** Implement the following outreach program as a minimum during

construction:

- Provide a 24/7 WAVE Public Hotline Number
- Provide door hangers and notices to each property/business prior to working along the next street segment
- Place barricades at each road or lane closures identifying the Project name and including the WAVE hotline number

WAVE to keep the City's Project Manager informed as to these public relations activities. City will support such efforts in good faith.

16. **Emergency Access:** Maintain access for emergency vehicles at all times.
17. **Emergency Response Notifications:** Contractor shall notify Police and Fire (831) 646-3914, and ambulance service providers at least 48 hours in advance as to proposed road or lane closures, and detours. Also, provide schedule updates.
18. **Road/Lane Closure Notifications:** Notify postal carrier, MST, Green Waste, and affected residences and businesses at least 48 hours in advance as to proposed road/lane closures. Also, provide schedule updates.
19. **Ingress, Egress, and Parking Impacts:** Notify, coordinate, and resolve access, ingress, egress, special needs (disabilities), and parking Issues with all private property owners/tenants and businesses along the alignment.

Utilities and Private Improvements

20. **Potholing for Utilities:** Call Underground Service Alert, at 811, before you dig.
21. **Damage to Existing Facilities:** Promptly make repairs to the public right-of-way or underground utilities that are damaged by the work authorized by this Permit. Damage to City streets outside of the alignment caused by construction operations shall also be repaired to pre-construction conditions. These repairs shall be to the satisfaction of the City. Damage to third party utilities shall be repaired as required by the applicable utility.
22. **Private Improvements:** Restore, repair, or replace private property improvements damaged by construction operations to pre-construction conditions as commercially practical and to the private property owner's satisfaction. In the event the private property owner is not satisfied with the restoration or repair of damaged improvements, WAVE's Project Manager, and/or other such representative, shall meet with the property owner to resolve the issue. The City may be asked to assist in the resolution of private improvement repair matters, but the City shall not be responsible for such repairs.

General Construction Requirements

23. **Traffic Control Plans:** Traffic Control Plans for the Project have been submitted by WAVE and approved by the City. Additional or modifications to approved Traffic Control Plans must also be approved by the City prior to implementation along the affected street segment. Provide safe provisions for pedestrians and bicycles around construction zones.
24. **Preconstruction Video:** Prior to boring along San Carlos Street, provide City with an indexed, preconstruction video of existing surface Improvements shown from both directions of travel, of acceptable clarity and quality to the City.
25. **Project Schedule:** Provide City with a Master Project Schedule prior to construction, and updated Master Project Schedule(s) weekly or upon request by the City.
26. **Staging Areas:** Provide to the City legal evidence of the use of any staging areas located within City limits.
27. **Parking Notices:** Provide a minimum of 72-hour advance notices for no-parking zones every 25 feet in each direction affected. Parking notices will indicate the start date and anticipated duration of work within the affected area. Please do not be overly conservative as to the duration/completion of work on the signs.
28. **Construction Work Hours:** All work is to be completed between the hours of 8:00 AM – 5:00 PM, Monday through Friday. If after hours, weekend, or holiday work is requested, prior authorization must be granted by the City.
29. **Construction Inspection:** Day-to-day oversight of construction operations, including subcontractors, shall be performed by WAVE's Construction Manager. City's inspections are intended for Quality Assurance purposes.
30. **Security:** Permittee shall be exclusively responsible for the security of its property and any use thereof.
31. **Cutting Street Surfaces:** All pavement, concrete, and asphalt sidewalks, curbs, gutters, medians, and berms will be saw cut with smooth straight edges. The City shall field verify saw cut limits prior to saw cutting.
32. **Clean-up of Right-of-Way:** Upon completion of work along a street segment, all materials, equipment, traffic control devices, BMPs, and debris shall be entirely removed, and the right-of-way shall be left in a clean condition satisfactory to the City.
33. **Concrete Washout Locations:** Washout locations must be pre-approved by the City.

34. **Final Inspection:** Prior to release of the Permit, all surface improvement work must be completed and approved by the City.
35. **Guy Wire Special Conditions:**
- Detail A (8th and San Carlos) - Add Queen's Post to allow the anchor to be shifted south near perpendicular to the parking tee, this will allow sufficient clearance for doors and trunk access.
 - Detail E (Ocean and Forest) – Guy Wire is not permitted in location shown on plans. Three acceptable options are listed below in order of preference. Contractor to provide revised alternative to City prior to construction.
 - Use pole to pole tension mounting extending east two poles
 - Move location of guy wire to pole west of intersection of Ocean and Forest
 - Move location of guy wire two poles east of current designated location.

Technical Requirements

36. **Striping & Signage:** Existing signs, striping, pavement legends, markings, markers, crosswalk striping, painted curbs, and parking tees damaged by the Project will be restored to City standards and as directed by the City.
37. **Restoration of Pits Submittals and Testing Lab:** Provide shop drawings and submittals for boring pit layouts, backfill, aggregate base, and concrete surface material along San Carlos Street. Bedding, trench backfill, and Class 2 Aggregate Base shall be compacted to 95% minimum relative compaction. WAVE shall retain an independent testing laboratory to field-verify proper compaction. For the boring operations, City requests copies of inspection reports and material testing results performed by the independent laboratory.
38. **Pavement Restoration:**
- a. **Incomplete Street Openings (Barriers and Steel Plates):** Where boring openings cannot be backfilled during the day of opening, suitable barriers shall be placed around the excavation pit to prevent accidents, and lighted barricades shall be continuously maintained at the opening site. Alternatively, steel plates may be placed over the trench with temporary cold mix ramps along each edge.
 - b. **Final Surface Restoration:** Iron/valve cans, vaults, and manhole lids shall be raised to finish grade within five (5) business days of concrete surfacing.
39. **Tree Protection Requirements:** Per Carmel-by-the-Sea Municipal Code Section 12.28.340, for safeguarding of trees during construction, the following conditions shall apply to all trees:

- a. Prior to the commencement of construction, all significant trees located within 15 feet of the alignment shall be inventoried by WAVE's arborist as to size, species, and location, and the inventory shall be submitted to the City. - COMPLETED
- b. Damage to any tree during construction shall be immediately reported by a person causing the damage, or the responsible subcontractor to the Director of Public Works, and the Contractor shall treat the tree for damage in the manner specified by the City Forester.
- c. Oil, gasoline, chemicals and other construction materials shall not be stored within the drip line of any tree.
- d. Wires, signs and other similar items shall not be attached to trees.
- f. Cutting and filling around the base of trees shall be done only after consultation with the City Forester.
- g. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree, or uphill from any tree where such substance might reach the roots through a leaching process.
- h. The Contractor shall be required to erect protective barricades around all trees along the building site. These barricades must be in place prior to the start of any construction activities.
- i. Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots.
- j. Trimming cuts shall conform to arboricultural standards and shall be made along the branch bark ridge.
- k. Earth surfaces within the drip line of any tree shall not be changed or compacted. All equipment, material, and soil storage shall be kept beyond the drip line of trees.
- l. Hand digging (and/or hydro vacuum) is required within ten (10) feet of trees.
- m. Failure to protect or maintain trees on construction sites is a violation of the Municipal Code and grounds for suspension of the permit. (Ord. 91-4 §§ 1 – 7, 1991; Ord. 84-6 § 1, 1984; Ord. 83-25 § 1(G), 1983; Ord. 81-4 § 12, 1981; Code 1975 § 1237).



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

February 6, 2024
PUBLIC HEARINGS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Marnie R. Waffle, AICP, Principal Planner

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: **MA 23-116 (Esperanza Carmel, LLC):** Consideration of a Mills Act Contract application MA 23-116 (Esperanza Carmel LLC) for the historic "Mrs. Clinton Walker House" located at 26336 Scenic Road in the Single-Family Residential (R-1) District. APN 009-423-001-000

RECOMMENDATION:

Accept the recommendation of the Historic Resources Board and approve the Mills Act Historical Property Contract MA 23-116 (Esperanza Carmel, LLC) for the historic "Mrs. Clinton Walker House" located at 26336 Scenic Road (APN 009-423-001-000) and authorize the City Administrator to execute the contract (**Attachment 1**).

BACKGROUND/SUMMARY:

The property is at 26336 Scenic Road in the Single-Family Residential (R-1) District (**Attachment 1, Exhibit A**). The existing residence is known as the "Mrs. Clinton Walker House" and is also referred to as "Cabin on the Rocks." The low, one-story, concrete, and Carmel stone building is situated on a granite outcropping projecting into Carmel Bay. The residence was designed by world-renowned architect Frank Lloyd Wright in 1948 and was constructed by Miles Bain and Walter Olds in 1951-1952 for the original owner, Mrs. Della Clinton Walker.

A Department of Parks and Recreation (DPR) Form 523 was completed for the "Mrs. Clinton Walker House" in 2001 by Richard N. Janick (**Attachment 1, Exhibit B**), and the property was added to the Carmel Historic Inventory on May 25, 2005. A Resolution Designating a Historic Resource for APN 009-423-001-000 was recorded with the Monterey County Recorder on January 4, 2007 (Document #2007001115).

In order to qualify for a Mills Act contract, a property must first be included on the Carmel Historic Inventory and then added to the Carmel Register of Historic Resources. As noted above, the property was added to the Carmel Inventory in 2005. The property was also listed on the National Register (reference #16000634) and the California Register on September 19, 2016. CMC Section 17.32.090.A.1 states, "*Resources identified as significant at a State or national level in the inventory shall be automatically listed in the register.*" The resource was automatically added to the Carmel Register on September 19, 2016.

On May 28, 2019, then-property owner Charles Henderson, et. al. submitted an application for a Mills Act Historical Property Contract. The Historic Resources Board recommended approval of the contract on June 17, 2019, and on December 8, 2020, the City Council voted to enter into a Mills Act Historical Property Contract with the property owner. However, before the contract was signed and recorded with the County of Monterey, the property owner withdrew the application.

The property was sold to Esperanza Carmel, LLC, on February 17, 2023. On April 20, 2023, Christopher Mitchell, Managing Director of Esperanza Carmel, LLC, submitted a Mills Act application (MA 23-116) on behalf of the current property owner. On August 21, 2023, the Historic Resources Board adopted Resolution 2023-011-HRB (**Attachment 2**), recommending that the City Council enter into a Mills Act Contract with Esperanza Carmel, LLC for the historic "Mrs. Clinton Walker House."

On October 3, 2023, the City Council considered the Mills Act contract application and continued the item with direction to the applicant to provide additional information on the estimated property tax reduction. A Monterey County Assessor's office staff member attended the meeting virtually to answer the Council's questions regarding Mills Act property values but could not provide a preliminary calculation of the tax reduction.

On December 5, 2023, the City Council again discussed the Mills Act contract application and whether the contract represents an equitable balance of public and private interests. For example, the prior ownership volunteered to make the home available for public tours 1-2 times per year, and under the new ownership, a public tour was not offered in 2023.

Another example was the impact a reduction in property taxes would have on local school revenue and whether this constituted a "substantial adverse financial impact on the City" since children in Carmel attend these schools. The Council considered whether direct payments from the property owner to the school district to offset the lost revenue was a viable option.

Finally, the Council discussed the potential tax savings to the property owner being higher than the amount estimated to be spent under the rehabilitation/restoration and maintenance plan.

Staff met with the applicant following the December City Council meeting and discussed the topic of required public tours, equalizing the cost of maintenance with the total tax reduction, and direct payments to the school district. The applicant stated that they are not interested in formalizing either of these requirements in a contract at this time. The applicant also expressed concerns about additional requirements being asked of them that have not been equally applied to other Mills Act contract applicants.

The Council discussed the estimated property taxes being \$220,000 per year based on the property's \$22 million sales value in February 2023. Staff notes that the property tax increased from \$7,544 in 2021/2022 to \$73,446 in 2023/2024 and has not yet been adjusted based on the recent sale of the property.

The Council assumed a 70% reduction in property taxes under the Mills Act contract, which would result in a savings of \$154,000 annually to the property owner, or \$1.54 million over ten years. The rehabilitation/restoration and maintenance plan includes an estimated \$1.34 million in rehabilitation/restoration and maintenance work over a 10-year period between 2024 and 2034. The applicant notes that this does not include any costs associated with sea wall repairs to protect access to the residence from potential bluff failure.

According to the Office of Historic Preservation, applicants may realize substantial property tax savings between 40% and 60% of recently purchased properties. If the City assumed a 50% reduction in property

taxes, the estimated 10-year savings would be \$1.1 million.

Staff notes the prior Mills Act contract applications were not evaluated based on a 1-1 ratio of tax savings to rehabilitation/restoration and maintenance but rather based on whether the proposed 10-year plan included maintenance and rehabilitation more significant than just routine maintenance that would be expected for any property.

Contract Value

The Monterey County Assessor's Office is responsible for determining the value of a property with a Mills Act contract in accordance with Revenue and Taxation Code sections 439 through 439.4. Properties with a Mills Act contract are not valued based on sales data but by a prescribed income capitalization method (**Attachment 3**). After the local jurisdiction approves a contract, it is forwarded to the Monterey County Assessor, who determines the Mills Act value.

Contract Summary

A Mills Act contract under State law is an agreement between the City of Carmel and a property owner of a historic building listed on the Carmel Register. In exchange for reduced property taxes, the property owner is contractually obligated to perform restoration, rehabilitation, and necessary maintenance to preserve and protect the historic resource in accordance with an approved rehabilitation/restoration and maintenance plan prepared or reviewed by a qualified professional. The property owner benefits from a reduction in property taxes. The City and the public benefit from assurance, via contractual obligation, that the historic building is preserved with a portion of the property taxes that the city is giving up.

The primary purpose for offering Mills Act contracts to owners of historic properties in the City of Carmel-by-the-Sea is to incentivize the rehabilitation/restoration and long-term maintenance of historic resources. Historically designated properties may qualify for a Mills Act Contract if, the original historic size of the building has not been expanded by more than 15 percent, among other requirements. For example, the Duckworth Cottage, The Doll House (aka Hansel and Gretel), and the Alfonso Ramirez Cabin (refer to **Attachment 4**) would not qualify for a Mills Act contract because all have additions that exceed 15 percent of the historic building size.

All Mills Act contracts have a minimum term of 10 years, and one year is added to this term annually upon each anniversary date of the contract unless one or both parties (City and/or property owner) have taken action to terminate the contract. The City Administrator is authorized to initiate contract termination on behalf of the City based on recommendations of the Community Planning & Building Department.

The contract rights and obligations are binding upon all successive property owners during the life of the contract. This means the property retains the Mills Act Contract tax rate when sold.

To end a contract, either party may submit a notice of non-renewal to the other party. Such notices shall cause the contract to terminate at the end of the then-current 10-year contract period. Cancellation of a contract by the City due to non-compliance requires a public hearing and, if canceled, results in the immediate termination of the contract and a penalty equal to 12.5 percent of the assessed market value of the property.

The contract requires that the historical elements of the property are maintained in good condition. This includes a plan for rehabilitation/restoration and maintenance. All recipients of Mills Act contracts are required to implement a rehabilitation/restoration and maintenance plan prepared or reviewed by a qualified professional.

An annual report is submitted to the Community Planning & Building Department, itemizing all work that has

been done to maintain and preserve the historic resource over the year in compliance with the approved rehabilitation/restoration and maintenance plan. All rehabilitation/restoration and maintenance work must be completed in conformance with the Secretary of Interior's Standards for Rehabilitation, and all proposed projects are subject to a Design Study review prior to commencement of the work. Minor alterations, as defined in CMC section 17.32.150, may be approved by staff; however, major alterations, as defined in CMC section 17.32.160 would be reviewed by a qualified professional and approved by the Historic Resources Board.

The Historic Resources Board also evaluates all applications for a Mills Act contract and recommends that the City Council approve, approve with conditions, or deny the application.

The City Council considers the recommendations from the Historic Resources Board at a public hearing and approves, approves with conditions, or denies the contract. All applications for a Mills Act contract must be submitted no later than June 30th each year to ensure sufficient time to review contracts before December 31st.

STAFF ANALYSIS

Findings

Carmel Municipal Code Section 17.32.100.B.6(c) sets forth five findings that the Historic Resources Board and City Council shall make in order to grant approval of a Mills Act Contract. The required findings are listed below, followed by a staff response on how the application meets the requirements.

1. *The building is designated as a historic resource by the City and is listed on the Carmel Register.*

Staff Response: A DPR 523 form was prepared by Richard N. Janick in 2001 (**Attachment 1, Exhibit B**), evaluating the property for historical significance and finding the property meets the criteria for listing as a local historic resource. The City added the property to the Carmel Inventory on May 25, 2005. A Resolution Designating a Historic Resource for APN 009-423-001-000 was recorded with the Monterey County Recorder on January 4, 2007 (Document #2007001115). The property was also listed on the National Register (reference #16000634) and the California Register on September 19, 2016. CMC Section 17.32.090.A.1 states, "*Resources identified as significant at a State or national level in the inventory shall be automatically listed in the register.*" The resource was, therefore, automatically added to the Carmel Register. The application meets finding no. 1.

2. *The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.*

Staff Response: The applicant submitted a rehabilitation/restoration and maintenance plan (**Attachment 1, Exhibit C**). The plan covers a period of 10 years from 2024-2033 and estimates \$1,343,654 in work projects. The plan was prepared by Christopher Barlow, Architect (and qualified professional), on behalf of the applicant. The plan includes routine maintenance (such as exterior painting) as well as more substantial repairs, including replacing the roof, electrical and plumbing upgrades, window rehabilitation and replacement (if deteriorated beyond repair), and replacing the interior boiler. All rehabilitation/restoration and maintenance work will be performed in conformance with the Secretary of Interior's Standards. All exterior work is subject to Design Study approval and a determination of consistency with the Secretary of the Interior's Standards. The application meets finding no. 2.

3. *Alterations to the historic resource have been in the past and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:*

- (A) *Comply with the Secretary's Standards (future additions only); and*
- (B) *Do not significantly alter, damage, or diminish any primary elevation or character-defining feature; and*
- (C) *Do not increase the floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and*
- (D) *Do not result in any second-story addition to a single-story historic resource.*

Staff Response: Past exterior rehabilitation has not significantly altered, damaged, or diminished any primary elevation or character-defining feature or resulted in a second-story addition. An addition constructed in 1960-1961 by Sandy Walker, AIA, was based on a design by Frank Lloyd Wright and is considered part of the historic fabric of the resource. As noted above, planned rehabilitation/restoration and maintenance work will be performed in conformance with the Secretary of Interior's Standards. Any future alterations are required to be consistent with conditions A-D above. Minor alterations, as defined in CMC section 17.32.150, may be approved by staff; however, major alterations, as defined in CMC section 17.32.160, would be evaluated by a qualified professional and reviewed by the Historic Resources Board. The application meets finding no. 3.

4. *The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.*

Staff Response: Approval of the Mills Act contract would aid in offsetting the rehabilitation and maintenance costs of preserving the "Mrs. Clinton Walker House" by reducing the tax liability on the property, thereby freeing up funds for rehabilitation. Within the first few years of the contract, the applicant proposes to complete electrical and plumbing upgrades, boiler replacement, window repair (where possible) and in-kind replacement (where deteriorated beyond repair), and façade brickwork maintenance. The application meets finding no. 4.

5. *Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.*

Staff Response: Approval of the Mills Act Contract is consistent with Goal 1-5 and Objective 1-16 of the Land Use & Community Character Element of the General Plan which encourages providing incentives for property owners to preserve and rehabilitate historic resources. Although approving a Mills Act Contract will decrease property tax revenue to the City, the contract represents an equitable balance of public and private interests:

1) The City Council adopted Resolution 2016-068 on September 13, 2016, limiting the number of Mills Act contracts that can be approved to fifteen (15) in any three-year calendar period. During the three-year period of 2021-2023, six applications were approved. An additional three applications remain under review. No new applications are being accepted at this time.

2) Carmel currently has approximately 292 historic resources. Since adopting the Mills Act program in 2004, the City has entered into a total of fifteen Mills Act Contracts. Three Contracts have completed their ten-year maintenance plans and will be issued nonrenewal notices. A fourth contract will complete their ten-year plan at the end of 2024.

3) The City will continue to receive a portion of the property tax revenue (which has increased following

the February 2023 sale of the property from approximately \$7,500/year to \$73,500/year). As of the writing of this report, the sale value of the property is not reflected in the most current tax bill.

4) The investment in rehabilitation/restoration and maintenance of the historic Cabin on the Rocks, a home designed by world-renowned architect Frank Lloyd Wright, supports local tourism, which benefits private and public interests.

5) The value of preserving a historic resource is a long-term investment that offsets a temporary loss in property tax revenue.

FISCAL IMPACT:

The City's property tax revenue from 26336 Scenic Road will be reduced for the contract term. The amount is unknown at this time. According to the Office of Historic Preservation, Technical Assistance Bulletin #12, Mills Act Property Tax Abatement Program, the Program is especially beneficial for recent buyers of historic properties. Participants may realize property tax savings between 40 percent and 60 percent each year. Because rental values vary from area to area, property savings will vary from county to county. It is important to note that County Assessors are required to assess all Mills Act contract properties annually. Participants may see a fluctuation in property taxes each year.

PRIOR CITY COUNCIL ACTION:

On December 8, 2020, the City Council voted to enter into a Mills Act Historical Property Contract with the then-property owner. However, before the contract was signed and recorded with the County of Monterey, the property owner withdrew the application.

On March 3, 2020, the City Council adopted standard contract language for Mills Act Contracts.

On April 4, 2023, the City Council reviewed the City's Mills Act Policy and opted not to make any changes.

On December 5, 2023, the City Council adopted Urgency Ordinance 2023-008, stating that the City will not accept or process any applications for Mills Act Contracts except those already in review until the Urgency Ordinance is rescinded.

ATTACHMENTS:

Attachment 1) Mills Act Contract

Attachment 2) Resolution 2023-011-HRB

Attachment 3) Guidelines for the Assessment of Enforceably Restricted Historical Property

Attachment 4) DPR 523A Forms for Duckworth Cottage, Hansel & Gretel, Alfonso Ramirez Cabin

Attachment 5) Technical Assistance Bulletin #12, Mills Act

RECORDING REQUESTED BY
CITY OF CARMEL-BY-THE-SEA

AND WHEN RECORDED MAIL TO

Carmel City Hall
Attn: Community Planning & Building
P.O. Box CC
Carmel-By-The-Sea, CA 93921

This space is reserved for the Recorder's use only

CITY OF CARMEL-BY-THE-SEA
MILLS ACT HISTORIC PROPERTY PRESERVATION CONTRACT

THIS AGREEMENT is made and entered by and between the CITY OF CARMEL-BY-THE-SEA a municipal corporation (hereinafter referred to as "City"), and ESPERANZA CARMEL, LLC (hereinafter referred to as "Owner") on February 6, 2024.

RECITALS

- (i) California Government Code Section 50280, et seq. (known as the Mills Act) authorizes cities to enter into contracts with the owners of qualified historic properties to provide for their appropriate use, maintenance, and restoration such that these historic properties retain their historic characteristics;
- (ii) The Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, located at 26336 Scenic Road (APN: 009-423-001), Carmel-By-The-Sea, California, (hereinafter referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as "**Exhibit A**" and is incorporated herein by reference;
- (iii) The property is identified as a historic resource on the City of Carmel-by-the-Sea Historic Inventory and Register of Historic Resources and is further described in the DPR 523A Form attached hereto, marked as "**Exhibit B**" and is incorporated herein by reference;
- (iv) City and Owner, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of historical significance of the Historic Property, as it exists at the date of this contract and as described in the City's Register of Historic Resources and the National Register of Historic Places, and to qualify the Historic Property for an assessment of valuation pursuant to the provisions of Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

NOW, THEREFORE, City and Owner, in consideration of the mutual covenants and conditions contained herein, do hereby agree as follows:

1. **INCORPORATION OF RECITALS.** All recitals are incorporated into this Agreement.
2. **EFFECTIVE DATE AND TERM.** This Agreement shall be effective and commence on the date the Agreement is signed by the City, unless otherwise indicated by the County of Monterey, and shall remain in effect for a minimum term of ten (10) years thereafter.
3. **AUTOMATIC RENEWAL.** Each year, upon the anniversary of the effective date of this Agreement (hereinafter referred to as “annual renewal date”), one (1) year shall be added automatically to the term of this Agreement, unless timely notice of nonrenewal is given as provided in paragraph 4 of this Agreement. The total length of the contract shall not exceed twenty (20) years.
4. **NOTICE OF NONRENEWAL.** If City or Owner desires in any year not to renew this Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of this Agreement as follows: Owner must serve written notice of nonrenewal at least ninety (90) days prior to the annual renewal date; City must serve written notice of the nonrenewal at least sixty (60) days prior to the annual renewal date. If notice is not received, the Agreement shall automatically be renewed for another year. Upon receipt by Owner of a notice of nonrenewal from the City, Owner may make a written protest. At any time prior to the annual renewal date, City may withdraw its notice of nonrenewal.
5. **EFFECT OF NOTICE OF NONRENEWAL.** If either City or Owner serves timely notice of nonrenewal in any year, and this contract is not renewed, this Agreement shall remain in effect for the balance of the period remaining since the original execution or the last annual renewal date.
6. **FEES.** The City may require that the Owner(s) of the Historic Property pay a fee that shall not exceed the reasonable cost of providing services, such as inspections, pursuant to Government Code Section 50281.1 (Article 12 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code), for which the fee is charged.
7. **VALUATION OF PROPERTY.** During the term of this Agreement, Owner is entitled to seek assessment of valuation of the Historic Property pursuant to the provisions of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.
8. **PRESERVATION OF PROPERTY.** Owner shall preserve and maintain the characteristics of historical significance of the Historic Property and agrees to complete rehabilitation and/or maintenance activities as defined in the Rehabilitation/Restoration and Maintenance Plan attached as “Exhibit C”. Requests for revisions to the Maintenance and

Rehabilitation plan shall be reviewed by the Historic Resources Board prior to implementation. In addition, Owner shall comply with the terms of the City's Historic Preservation Ordinance (CMC 17.32). Owners shall not be permitted to further impede any view corridor with any new structure, including but not limited to walls, fences, or shrubbery, so as to prevent the viewing of the Historic Property from the public right-of-way.

9. **RESTORATION OF PROPERTY.** Owner shall, where necessary, restore and rehabilitate the Historic Property to conform to the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation, U. S. Secretary of the Interior's Standards for Rehabilitation, the State Historical Building Code, and the City of Carmel-by-the-Sea, all as amended.
10. **INSPECTIONS.** Owner shall allow periodic examinations, at least every five (5) years, with reasonable notice thereof, of the interior and exterior of the Historic Property by representatives of the County of Monterey Assessor and the City of Carmel-By-The-Sea as may be necessary to determine Owner's compliance with the terms and provisions of this Agreement. The City will coordinate inspections by such other agencies that have jurisdiction and will keep them to the minimum necessary to determinate such compliance.
11. **PROVISION OF INFORMATION.** Owner shall furnish City with any and all information required by City, in order to determine the eligibility of the Historic Property, and that City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.
12. **ANNUAL REPORT.** Owner shall submit an annual report at least 90 days prior to each annual renewal date (October 1st) to the Department of Planning and Building specifying all work that has been done to maintain and preserve the historic resource over the preceding year in compliance with the approved maintenance plan.
13. **CANCELLATION.** The City has the right to cancel the contract if the owner allows the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The City also has the right to cancel this contract if the owner(s) breaches the provisions of paragraph's # 8, 9, 10 or 12 of this Agreement after the City has provided reasonable notice of any failure to comply with the agreement, and a public hearing. Notice of the hearing shall be mailed to the last known address of each owner of the property, with the notice conforming to the provisions of Government Code section 6061., If after notice and a hearing, the contract is cancelled, termination of the Agreement is immediate, and the owner shall pay a cancellation fee equal to 12.5 percent of the current fair market value of the property, as determined by the Monterey County Assessor as though the property were free of the contractual restriction. The cancellation fee shall be paid to the Assessor, at the time and in the manner that the Assessor shall prescribe. City's right to cancel this Agreement pursuant to this paragraph

shall in no way limit or restrict its rights or legal remedies arising from City's Historic Preservation Ordinance and Municipal Code.

14. **ENFORCEMENT OF AGREEMENT.** In lieu of and/or in addition to any provisions to cancel this Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement.
15. **WAIVER.** City does not waive any claim or default by Owner if City does not enforce or cancel this Agreement. All remedies at law or in equity, which are not otherwise provided for this Agreement or in City's regulations governing historic properties are available to City to pursue in the event there is a breach of this Agreement. No waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.
16. **BINDING EFFECT OF AGREEMENT.** Owner hereby subjects the Historic Property to the covenants, reservations and restrictions set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations, and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon Owner's successors and assigns in title or interest to the Historic Property. A successor in interest shall have the same rights and obligations under this Agreement as the original owner who executed the Agreement.
Each and every contract, deed or other instrument hereinafter executed, governing or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument. City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historic characteristics and significance of the Historic Property for the benefit of the public and Owner.
17. **NOTICE.** Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below, by personal delivery or United States mail, postage prepaid, addressed as follows:

City: Carmel-By-The-Sea
Community Planning & Building Department
Attn: Community Planning & Building Director
P.O. Box CC
Carmel-By-The-Sea, CA 93921

Owner: Esperanza Carmel, LLC
 PO Box 134
 Carmel, CA, 93921

Notice to successors in interest to either party shall be sent to the appropriate address. In the case of future Owner(s) of the Historic Property, notice shall be sent to the address on file with the county property tax office in power at the time.

18. **RECORDATION.** No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the Office of the County Recorder of the County of Monterey. From and after the time of the recordation, this Agreement shall impart a notice thereof to all persons as is afforded under state law.
19. **STATE LAW.** The Owner or agent of Owner shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement.
20. **GOVERNING LAW; VENUE.** This Agreement shall be constructed and governed in accordance with the laws of the State of California. Should either party to this agreement bring legal action against the other, the case shall be handled in Monterey County, California and the party prevailing in such action shall be entitled to a reasonable attorney fee which shall be fixed by the judge hearing the case and such fee shall be included in the judgment together with all costs.
21. **AMENDMENTS.** This agreement may be amended in whole or in part, only by a written-recorded instrument executed by the parties hereto.
22. **DESTRUCTION OF PROPERTY; EMINENT DOMAIN; CANCELLATION.** If the Historic Property is destroyed by earthquake, fire, flood, or other natural disaster such that in the opinion of the City Building Official more than sixty percent (60%) of the original fabric of the structure must be preplaced, this Agreement shall be cancelled because the historic value of the structure will have been destroyed. If the Historic Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the City Council to frustrate the purpose of this Agreement, this Agreement shall be cancelled. No cancellation fee pursuant to Government Code Section 50286 shall be imposed if the Agreement is cancelled pursuant to this paragraph. Such Agreement shall be null and void for all purposes of determining the value of the property so acquired.
23. **INDEMNIFICATION.** Owner shall defend, indemnify, and hold harmless City and its elected officials, officers, agents and employees from any actual or alleged claims, demands, causes of action, liability, loss, damage, or injury to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any

federal, state or local government agency, arising out of or incident to the direct or indirect use, operation, or maintenance of the Historic Property by Owner or any contractor, subcontractor, employee, agent, lessee, licensee, invitee, or any other person; (ii) Owner's activities in connection with the Historic Property; and (iii) any restriction on the use of development of the Historic Property, from application or enforcement of the City's Municipal Code, or from the enforcement of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and the reimbursement of the City, its elected officials, employees, and/or agents for all legal expenses and costs incurred by each of them. Owner's obligation to indemnify shall survive the termination, cancellation, or expiration of this Agreement and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, employees, or agents.

24. **SEVERABILITY.** In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

IN WITNESS THEREOF, the City and Owners have executed this Agreement on the day and year written above.

CITY OF CARMEL-BY-THE-SEA:

By: _____

Date: _____

Name: Richard L. Rerig ("Chip")

Title: City Administrator

PROPERTY OWNER(S):

By: _____

Date: _____

Name: Christopher Mitchell on behalf of Esperanza Carmel, LLC

Title: Managing Director

EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT B
DPR 523A FORM

EXHIBIT C
REHABILITATION/RESTORATION AND MAINTENANCE PLAN

All of Block "B-18", as show on that certain map of Addition No. 7 Carmel-by-the-Sea, in the City of Carmel-by-the-Sea, County of Monterey, State of California, filed for record May 4, 1910 in the Office of the County Recorder of said county in Volume 2 of Maps, "Cities and Towns", at page 24;
Also that certain strip of land lying between said block "B-18" and the shore line of the Pacific Ocean and bounded on its easterly end by a line running N. 20° 17' W., from the most easterly point of said Block "B-18"; and bounded on its westerly end by the common line between lots 16 and 18 in Block "B-16", as show on said map, projected northerly to the shore line of the Pacific Ocean.

PRIMARY RECORD

Primary # _____ Attachment 1

HRI# _____

Trinomial _____

NRHP Status Code _____

Other Listings _____

Review Code _____

Reviewer _____

Date _____

Page 1 of 5

*Resource Name or #: (Assigned by recorder) Mrs. Clinton Walker House

P1. Other Identifier: Cabin on the Rocks

*P2. Location: ☐ Not for Publication ☒ Unrestricted

*a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad _____ Date _____ T _____ R _____ ¼ of _____ ¼ of Sec _____ B.M.

c. Address N.S. Santa Lucia bet. Martin Way & Bay City Carmel By The Sea Zip 93921

d. UTM: (Give more than one for large and/or linear resources) Zone View mE/ _____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Monterey County Assessor's Parcel #9-423-1 (Block B, Lot 18)

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

See Continuation Sheet.

*P3b. Resource Attributes: (List attributes and codes) HP-2 Single Family Residence

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) West Facade
8/14/01 #1857-18

*P6. Date Constructed/Age and Sources: ☒ Historic

☐ Prehistoric ☐ Both
1951-52 "The Cabin on the Rocks" (1994)

*P7. Owner and Address:

Henderson Family Trust
77 New Place Road
Hillsborough, CA 94010

*P8. Recorded by: (Name, affiliation, and address)

Richard N. Janick
MART

*P9. Date Recorded: 7/20/01

*P10. Survey Type: (Describe)

Carmel HRI
2001

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Carmel By-The-Sea Survey 1989-1996

*Attachments: NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (List) _____

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 5

*NRHP Status Code 3S

*Resource Name or # (Assigned by recorder) Mrs. Clinton Walker House

B1. Historic Name: Mrs. Clinton Walker House

B2. Common Name: _____

B3. Original Use: Single Family Residence B4. Present Use: Vacation House

*B5. Architectural Style: Frank Lloyd Wright - Organic Architecture

*B6. Construction History: (Construction date, alterations, and date of alterations)

See Continuation Sheet.

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: _____ Original Location: _____

*B8. Related Features:

1. The stone work was done by the DeMaria Bros. and was Mrs. Walker's contribution to the design when the "Desert Masonry" proved ineffective. 2. A kitchen door was also fabricated by Mrs. Walker's insistence against Wright's plan.

B9a. Architect: Frank Lloyd Wright

b. Builder: Miles Bain (Local) and

*B10. Significance: Theme "Organic Architecture"

Area Walter Olds (Bay Area)

Period of Significance Post WW II

Property Type S.F.R.

Applicable Criteria CR3

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

See Continuation Sheet.

B11. Additional Resource Attributes: (List attributes and codes) HP-2 Single Family Residence

*B12. References:

See Continuation Sheet.

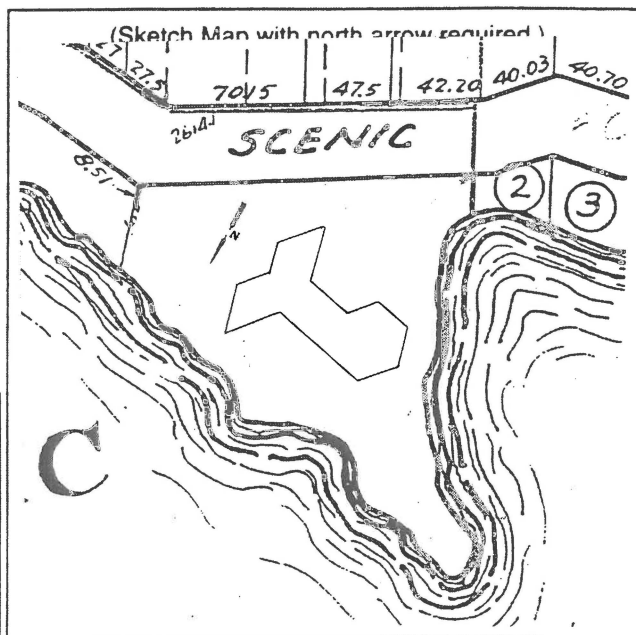
B13. Remarks:

Zoning R-1

*B14. Evaluator: Richard N. Janick, MARI

*Date of Evaluation: Carmel HRI, Summer 2001

(This space reserved for official comments.)



CONTINUATION SHEET

Primary # _____ Attachment 1

HRI# _____

Trinomial _____

Page 3 of 5

*Resource Name or # (Assigned by recorder) Mrs. Clinton Walker House

*Recorded by Richard N. Janick

*Date Summer 2001 ☐ Continuation ☐ Update

P3a. Description:

A low one-story concrete and "Carmel Stone" house that projects out on a granite outcropping into Carmel Bay. The plan features a hexagonal living room covered by a hexagonal low hipped roof sheathed in weathered copper. The gabled roof bedroom wing extends into a hipped roof carport that features an open window to a Thomas Church-landscaped garden and the ocean. The waves of Carmel Bay break against a triangular ship-like prow of concrete and "Carmel Stone" forming a terrace beyond the panoramic glazed living room. Inverse stepped windows framed in Cherokee-red painted steel enclose and surround the living room. The bedroom wing features a loggia of redwood French doors that open out into the garden and diagonal redwood screens that shield the wind. The master bedroom, the studio addition of 1960-61, features a fireplace and extends at an angle opposite the carport giving the plan a footprint of a "fish" form when seen from above. The stepped in window treatment is used in the master bedroom and two smaller guest bedrooms. A glass and steel screen shields a private patio off the master bedroom accessible through redwood and glass French doors. A long redwood fence and overgrown cypress trees shield the property from Scenic Road and a trapezoidal shaped redwood gate extends from the fence to a concrete and "Carmel Stone" triangular support post that originally contained a circular planter filled with blue-green tinted glass spheres illuminated by recessed lighting. The house sits on a concrete slab foundation and red-tinted concrete floor inscribed by hexagonal patterns and containing copper tubes for radiant heating. From the west, the terrace and living room form a distinct ship cutting through the waves. From the east, the terrace disappears and the long-low roof line and ribboned windows of the guest bedrooms form a natural extension of the rock outcrop that anchors the house to the site.

B6. Construction History:

1. First Rendering and Plans – 1948 – Carport facing southwest copper roof.
2. Revised Rendering and Plans – 1949 – Carport facing southeast copper roof.
3. Working Drawings – Specifications – 1950 – Based on Revised 1949 Plan.
4. Monterey County Zoning Permit Application #C-46, 4/24/50. Architect: Frank Lloyd Wright. Contractor: Miles Bain. Building 2,000 sq. ft. – 9,170 sq. ft. lot. Initial Projected Cost: \$35,000.
5. Construction Period (April 1951 to November 1952):
 - a. "Desert Masonry" changed to "Carmel Stone." Supervising Architects: Aaron Green and Walter Olds.
 - b. Concrete floor instead of "Green Slate."
 - c. "Kitchen door" added – against Wright's scheme.
 - d. Fireplace in bedroom – main fireplace problems (Pole wood).
 - e. Loggia doors and screens on west versus east.
 - f. Copper roof changed to "Ludowichi-Celadon" roof. Triangular ceramic glazed interlocking metal panels in blue-green color pattern. Architectural porcelain construction – Oakland – Roos Roofing Co. Final cost \$55,000.
 - g. Tommy Church Landscape.

CONTINUATION SHEET

Primary # _____ Attachment 1
HRI# _____

Trlnomial _____

Page 4 of 5

*Resource Name or # (Assigned by recorder) Mrs. Clinton Walker House

*Recorded by Richard N. Janick

*Date Summer 2001 ☐ Continuation ☐ Update

B6. Construction History (Continued):

- h. Roof leaks (May 1956). Replaced with copper panels of original design – P.M.C. Roofing Co., Pacheco, California
- i. Studio Addition design to bedroom – November 1956 – later carried out in 1960–61 by Sandy Walker, A.I.A., nephew of Mrs. Walker (Wright died in April 1959. Became Master Bedroom.
- j. Mermaid Sculpture on deck – Mrs. Walker acquisition.
- k. Permit #97-102 – May 1997 – new copper roof by P.M.C. Roofing, Pacheco, California - \$50,000 – original contractors in 1956.
- l. New Gate – 1999 – Built to original specifications.
- m. Permit # R.E. 00-41 – New fence built to exact specifications of old fence – October 2000 (completed 2001) (horizontal redwood board and batten – 5 ft. high).
- 6. 1996 – “Frank Lloyd Wright Conservancy” – detailed “as-is” analysis of the house, identifying future maintenance.

B10. Significance:

This house qualifies as both a State Historical Resource and National Historic Resource under Criteria #3 as the only house designed and constructed by Frank Lloyd Wright in Carmel that also relates directly to its seaside location and environment. It has been internationally photographed and published and was even featured in the 1960 motion picture “A Summer Place.” The house, originally designed as a vacation home, has been willed to the Henderson Family Trust (Harriet Henderson is Mrs. Clinton Walker’s daughter), and continues to be utilized with its original intent. Wright also designed three other houses on coastal sites in the Carmel-Pebble Beach area

- 1. The John Nesbitt House – “Sea Garden” 1941 – Pebble Beach.
 - 2. The Stuart Haldorn House – “The Wave” 1945 – Carmel Point.
 - 3. The George Clark House – “Sunbonnet” 1952 – Carmel Beach.
- that were not built.

The Clark House was adapted to the Arizona Desert for Georgine Boomer in 1955–1956. The Nesbitt and the Haldorn Houses were featured in a color portfolio of Wright’s renderings published in the 1960s.

The Walker House fully embodies Wright’s concept of “organic” architecture. The *hexagonal plan* derives from the Paul Hanna House. At Stanford University (1937) and the stepped recessed window pattern is seen in the Haldorn House of 1945 and was also utilized at “Kentuck-Nob,” S.W. Pennsylvania in the mid-1950s. The walls of native “Carmel Stone” and the natural redwood and Douglas fir trim speak to Wright’s use of “natural” materials. Radiant heating and the steel-framed inverse pyramid windows express Wright’s innovative use of new technology. The unique siting, it’s the only house in complete public view within Carmel City limits on the ocean side, is a masterpiece, as each façade emphasizes its harmony with nature. This house is one of the trademarks within Wright’s vast architectural spectrum and universally recognized throughout the world.

CONTINUATION SHEET

Trinomial _____

Page 5 of 5

*Resource Name or # (Assigned by recorder) Mrs. Clinton Walker House

*Recorded by Richard N. Janick

*Date Summer 2001 ☐ Continuation ☐ Update

B10. Significance (Continued):

THOMAS D. CHURCH

Church was born in 1902 and graduated from the University of California, Berkeley, in 1921. In 1925, he received the degree of Master of Arts in Landscape Architecture from Harvard University. Since 1928, he has practiced in the San Francisco Bay Area and has made a major contribution to the field of modern landscape design, principally in the decades 1930–1960.

The Walker family are descended from the Walker Art Center in Minneapolis, Minnesota, and the Henderson Family Trust also owns houses designed by William Wilson Wurster in Hillsborough, California, and Joseph Frederick in Lake Tahoe, California.

B12. References:

"The Cabin on the Rocks," Chronology of Mrs. Clinton Walker's House, correspondence from Tahesin Archives, compiled by Richard N. Janick, Carmel, California, 1994.

Homes Illustrated: Carmel By The Sea, Home for Mrs. Clinton Walker. Photography by George Seidenech. List of Contractors.

Mills Act Application - Frank Lloyd Wright House 'Cabin on the Rocks'
10 Year Rehabilitation and Maintenance Plan

MAINTENANCE TABLE											
Work Item	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	Totals
Year	1	2	3	4	5	6	7	8	9	10	
Front Gate Repair & Maintenance (incl. front pedestal light)	\$10,000.00	\$5,000.00	\$500.00	\$515.00	\$530.45	\$546.36	\$562.75	\$579.64	\$597.03	\$614.94	\$19,446.17
Replace Roof						\$600,000.00					\$600,000.00
Roof & Roof Drainage Maintenance Programme	\$1,000.00	\$1,030.00	\$1,060.90	\$1,092.73	\$1,125.51	\$1,159.27	\$1,194.05	\$1,229.87	\$1,266.77	\$1,304.77	\$11,463.88
Electrical Upgrade & Maintenance Programme	\$4,000.00	\$20,000.00	\$1,500.00	\$1,545.00	\$1,591.35	\$1,639.09	\$1,688.26	\$1,738.91	\$1,791.08	\$1,844.81	\$37,338.50
Plumbing Upgrade & Maintenance Programme	\$3,000.00	\$3,090.00	\$10,000.00	\$3,278.18	\$3,376.53	\$3,477.82	\$3,582.16	\$3,689.62	\$3,800.31	\$3,914.32	\$41,208.94
Replace Interior Boiler		\$18,000.00									\$18,000.00
Exterior Window Rehabilitation / Repair & Maintenance	\$1,000.00	\$1,030.00	\$50,000.00	\$1,092.73	\$1,125.51	\$55,000.00	\$1,194.05	\$1,229.87	\$60,000.00	\$1,304.77	\$172,976.94
Brickwork / Façade Maintenance Programme	\$2,000.00	\$2,060.00	\$20,000.00	\$2,185.45	\$2,251.02	\$2,318.55	\$2,388.10	\$25,000.00	\$2,533.54	\$2,609.55	\$63,346.21
Ongoing Patio Restoration & Maintenance Programme	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$16,000.00	\$160,000.00
Exterior Painting Programme		\$3,000.00		\$3,180.00		\$3,370.80		\$3,573.05		\$3,787.43	\$16,911.28
Interior Stonework Repair, Cleaning and Restoration	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00	\$30,000.00
Interior Wood Panel Restoration Programme		\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,796.37				\$30,796.37
Historic Fireplace Maintenance Programme		\$1,030.00		\$1,092.73		\$1,159.27		\$1,229.87		\$1,304.77	\$5,816.65
Exterior Lighting Maintenance / Replacement Programme			\$3,182.70			\$3,477.82			\$3,800.31		\$10,460.83
Repair Upper Level of existing Stone Steps		\$8,000.00									\$8,000.00
Ongoing Maintenance: House	\$5,000.00	\$5,150.00	\$5,304.50	\$5,463.64	\$5,627.54	\$5,796.37	\$5,970.26	\$6,149.37	\$6,333.85	\$6,523.87	\$57,319.40
Ongoing Maintenance: Grounds	\$5,000.00	\$5,150.00	\$5,304.50	\$5,463.64	\$5,627.54	\$5,796.37	\$5,970.26	\$6,149.37	\$6,333.85	\$6,523.87	\$57,319.40
Administrative budget for new 10 year budget										\$3,250.00	\$3,250.00
Totals	\$50,000.00	\$96,540.00	\$120,852.60	\$48,909.09	\$45,255.45	\$707,741.74	\$47,346.28	\$69,569.58	\$105,456.74	\$51,983.10	\$1,343,654.56

**CITY OF CARMEL-BY-THE-SEA
HISTORIC RESOURCES BOARD**

HISTORIC RESOURCES BOARD RESOLUTION NO. 2023-011-HRB

**A RESOLUTION OF THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA
RECOMMENDING THAT THE CITY COUNCIL ENTER INTO A MILLS ACT CONTRACT WITH ESPERANZA
CARMEL, LLC FOR THE PROPERTY LOCATED AT 26336 SCENIC ROAD IN THE SINGLE-FAMILY
RESIDENTIAL DISTRICT (APN 009-423-001).**

WHEREAS, on April 20, 2023, Christopher Mitchell, Managing Director of Esperanza Carmel, LLC (“Applicant”) submitted an application on behalf of Esperanza Carmel, LLC (“Owner”) requesting to enter into a Mills Act contract (MA 23-116, Esperanza Carmel, LLC) described herein as (“Application”) for the historic “Mrs. Clinton Walker House”; and

WHEREAS, the Application has been submitted for the property located at 26336 Scenic Road, in the Single Family Residential (R-1) District (Block B, Lot 18); and

WHEREAS, the historic “Mrs. Clinton Walker House” is listed on the Carmel Inventory and the Carmel Register of Historic Resources; and

WHEREAS, one of the benefits of being included on the Register is the ability to enter into a Mills Act Historical Property Contract with the City; and

WHEREAS, the Applicant is requesting to enter into a Mills Act contract with the City and in accordance with Carmel Municipal Code (CMC) Section 17.32.100.B.6 (Review Process), the Historic Resources Board shall consider the application and make a recommendation to the City Council to approve, approve with conditions, or deny the application; and

WHEREAS, on August 11, 2023, notice of the August 21, 2023 public hearing was published in the Carmel Pine Cone, in compliance with State law (California Government Code 65091), and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before August 11, 2023 the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before August 18, 2023 the meeting agenda was posted in three locations in compliance with State law indicating the date and time of the public hearing; and

WHEREAS, on August 21, 2023, the Historic Resources Board held a public meeting to consider the application for a Mills Act contract, including without limitation, information provided to the Historic Resources Board by City staff and through public testimony; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Historic Resources Board at the August 21, 2023 meeting including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the Historic Resources Board did hear and consider all said reports, attachments, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Historic Resources Board of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the **Mills Act Contract**:

<u>FINDINGS REQUIRED FOR A MILLS ACT CONTRACT</u>		
For each of the required findings listed below, staff has indicated whether the application supports the adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Historic Resources Board's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC 17.32.100.B.6.c	YES	NO
i. The building is designated as an historic resource by the City and is listed on the Carmel Register.	✓	
ii. The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.	✓	
iii. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that: (A) Comply with the Secretary's Standards (future additions only); and (B) Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and (C) Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and (D) Do not result in any second-story addition to a single-story historic resource.	✓	
iv. The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.	✓	

v. Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.	✓	
--	---	--

BE IT FURTHER RESOLVED that the Historic Resources Board of the City of Carmel-by-the-Sea does hereby recommend that the City Council enter into a Mills Act Contract (MA 23-116, Esperanza Carmel, LLC) for the historic “Mrs. Clinton Walker House” located at 26336 Scenic Road (APN 009-423-001).

PASSED, APPROVED AND ADOPTED BY THE HISTORIC RESOURCES BOARD OF THE CITY OF CARMEL-BY-THE-SEA this 21th day of August, 2023, by the following vote:

AYES: Chroman, Dyar, Pomeroy, Goodhue, Hall

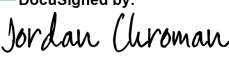
NOES:

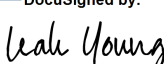
ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

DocuSigned by:

 B0C3DE9052B8494...
 Jordan Chroman
 Chair

DocuSigned by:

 2960DA98EC1C495...
 Leah Young
 Historic Resources Board Secretary

STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION
PROPERTY AND SPECIAL TAXES DEPARTMENT
450 N STREET, SACRAMENTO, CALIFORNIA
PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0064
916 445-4982 • FAX 916 323-8765
www.boe.ca.gov

BETTY T. YEE
Acting Member
First District, San Francisco

BILL LEONARD
Second District, Sacramento/Ontario

CLAUDE PARRISH
Third District, Long Beach

JOHN CHIANG
Fourth District, Los Angeles

STEVE WESTLY
State Controller, Sacramento

RAMON J. HIRSIG
Executive Director

June 2, 2005

No. 2005/035

TO COUNTY ASSESSORS AND INTERESTED PARTIES:

NOTICE OF BOARD ACTION

**GUIDELINES FOR THE ASSESSMENT OF
ENFORCEABLY RESTRICTED HISTORICAL PROPERTY**

On May 25, 2005, the Board of Equalization approved the following guidelines pertaining to the assessment of enforceably restricted historical property. These guidelines supersede Letter To Assessors No. 77/174 (dated December 19, 1977).

On June 8, 1976, the voters of California approved Proposition 7 which amended section 8 of article XIII of the California Constitution. This amendment requires that enforceably restricted historical property be valued on a basis that is consistent with its restrictions and uses. Sections 439 through 439.4 were added to the Revenue and Taxation Code to implement Proposition 7. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

Staff drafted these guidelines in consultation with interested parties and, after discussions, no issues remained unresolved. The guidelines discuss the enforceably restricted historical property requirements, the income to be capitalized, the capitalization rate, the effect of Proposition 13 upon enforceably restricted historical properties that undergo change in ownership or new construction, and the valuation of property under notice of nonrenewal.

The guidelines are posted on the Board's website at www.boe.ca.gov/proptaxes/guideproc.htm. We hope this information proves useful and promotes uniformity of assessment for these properties. If you have any questions, please contact our Real Property Technical Services Unit at 916-445-4982.

Sincerely,

/s/ David J. Gau

David J. Gau
Deputy Director
Property and Special Taxes Department

DJG:grs
Enclosure

GUIDELINES FOR THE ASSESSMENT OF ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

HISTORY

Effective March 7, 1973, Chapter 1442 of the Statutes of 1972 (also known as the Mills Act) added sections 50280 through 50289 to the Government Code to allow an owner of qualified historical property to enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics.

Prior to the passage of Proposition 7 in 1976, these agreements (i.e., Mills Act contracts) constituted enforceable restrictions on the use of land within the meaning of Revenue and Taxation Code section 402.1¹ (Property Tax Rule 60, repealed January 10, 1978). However, Proposition 7 added the second paragraph to section 8 of article XIII of the California Constitution:

To promote the preservation of property of historical significance, the Legislature may define such property and shall provide that when it is enforceably restricted, in a manner specified by the Legislature, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

To implement Proposition 7, Chapter 1040 of the Statutes of 1977 (Senate Bill 380) added sections 439 through 439.4 to the Revenue and Taxation Code. These statutes, in particular section 439.2, prohibit a valuation of enforceably restricted historical property based on sales data and instead require that such property be valued by a prescribed income capitalization method.

ENFORCEABLY RESTRICTED HISTORICAL PROPERTY

Under section 439, historical property is "enforceably restricted" if it meets the definition of a "qualified historical property" as defined in Government Code section 50280.1 and is subject to a historical property contract executed pursuant to Government Code section 50280 and following. A qualified historical property includes qualified historical improvements and the land on which the improvements are situated, as specified in the historical property contract. If the contract does not specify the land to be included, the qualified historical property includes only a land area of reasonable size to situate the improvements.

A qualified historical property is privately-owned property that is not exempt from property taxation and that also meets either of the following criteria:

- The property is listed in the National Register of Historic Places, or is located within a registered historic district; or

¹ Unless otherwise noted, all statutory references are to the Revenue and Taxation Code.

- The property is listed in any official state, county, city, or city and county official register of historical or architecturally significant sites, places or landmarks, including the California Register of Historical Resources, California Historical Landmarks, State Points of Historical Interest, local landmarks, and local survey listings of historical properties.

The historical property contract must have a minimum term of ten years, and, as applicable, must contain certain other elements, including the following:

- A provision relating to the preservation of the qualified historical property and, when necessary, the restoration and rehabilitation of the property in conformance with state historic preservation guidelines;
- A requirement for the periodic examination of the property to ensure compliance with the agreement;
- A requirement that the historical property agreement be binding upon successor owners of the qualified historical property; and
- A provision for an automatic one-year extension of the contract, with an additional year added to the initial contract term on each anniversary of the contract, unless either party provides notice of nonrenewal. If a notice of nonrenewal is given, the contract runs for its remaining term.

Once a contract is signed, accepted, and recorded, the property subject to the contract must be assessed under section 439.2 on the ensuing lien date. For example, if a contract were recorded in August 2004, the property should have been valued pursuant to section 439.2 for lien date January 1, 2005.

Local authorities may cancel a historical property agreement for breach of contract or failure to protect the historical property. Alternatively, the local entity may take legal action to enforce the contract.

ASSESSMENT

The assessment of an enforceably restricted historical property involves the following aspects: (1) valuing the restricted historical property; (2) properly applying certain assessment provisions relating to article XIII A of the California Constitution (Prop 13); (3) valuing the restricted historical property following a notice of nonrenewal; and (4) valuing the restricted historical property following cancellation of the contract.

Valuing the Restricted Historical Property

Section 439.2 prohibits the assessor from using sales data relating to similar properties, whether or not enforceably restricted, to value an enforceably restricted historical property. Instead, the assessor must annually value a restricted historical property using an income approach that

follows the specific provisions of section 439.2. These provisions explicitly address (1) the determination of the income to be capitalized, (2) the development of the capitalization rate, (3) the capitalization technique to be used, and (4) the determination of the restricted historical property's taxable value on each lien date.

Income to be Capitalized

As provided in section 439.2(a), the income to be capitalized when valuing a restricted historical property is the property's fair rent less allowed expenditures, or allowed expenses. In general, section 439.2(a) follows Property Tax Rule 8(c), with fair rent in section 439.2 corresponding to gross return in Rule 8(c); allowed expenditures, or allowed expenses, in section 439.2 corresponding to gross outgo in Rule 8(c); and the income to be capitalized in section 439.2 corresponding to net return in Rule 8(c). In addition, for the purposes here, "gross income" is synonymous with fair rent, and "net operating income" is synonymous with the income to be capitalized.

The parties to a historical property agreement may stipulate a minimum annual income to be capitalized, in which case the income to be capitalized may not be less than the stipulated amount.

Fair rent, or gross income. The gross income of a restricted historical property is the fair rent for the property considering the restrictions on the property's use. When establishing the fair rent for a restricted historical property, the appraiser should consider the actual rent and typical rents in the area for similar properties in similar use, where the owner pays the property taxes.

The actual rent received by the owner of the subject restricted historical property is relevant to an estimate of fair market rent only if the actual rent is the same rent that would be expected if the existing lease were renegotiated in light of current market conditions, including the subject property's enforceable restrictions on use. With respect to rents from similar, or comparable, properties, if such rents are from properties outside the geographic or market area of the subject property, or from properties that are otherwise dissimilar to the subject property, the rents may not be relevant to an estimate of the subject property's fair rent.

Comparable rental data for single-family residences can be obtained from real estate brokers, rental agencies, and newspaper ads. Many assessors offices maintain rental data for commercial properties, and this data may be helpful when establishing the fair rent for restricted historical property when the contract allows a commercial use. Rental data for commercial property also can be obtained from commercial real estate brokers. For the purpose of estimating anticipated market fair rent and expenditures for use in calculating the subject property's value, rental and expense data for existing restricted historical properties, including the subject historical property, can be obtained through an annual questionnaire sent to property owners.

If sufficient rental data are not available, or such data are unreliable, the appraiser must impute a gross income for the subject restricted historical property. The imputed income should be based on what an informed investor would reasonably expect the property to yield under prudent management, given the provisions under which the property is enforceably restricted.

Allowed expenditures. Section 439.2(a)(3) defines allowed expenditures, or allowed expenses, as expenses necessary for the maintenance of the property's income. Allowed expenses are the same as those permitted in Property Tax Rule 8(c).

Typical expenses include the cost of utilities, maintenance and repair, insurance and property management. Allowed expenses also may include amounts owing for special assessments and special taxes. Expenses related to debt service, general property taxes, and depreciation should not be deducted.

In general, to arrive at the net income to be capitalized, allowed expenses are subtracted from the estimated rental income. However, in order to properly process the income, the appraiser must be aware of the structure of the lease with regard to how expenses are shared between the landlord-owner and the tenant.

The proper perspective from which to view the processing of income and expenses is that of the landlord-owner. The objective is to estimate the net income to the landlord-owner—this is the amount that should be capitalized—and the correct question to ask is the following: What, if any, allowed expenses must the landlord-owner pay out of the rental income that he or she receives?

In a gross lease, almost all of the allowed expenses must be paid out of the gross rent and, therefore, must be subtracted from the gross rent to arrive at the net income to be capitalized. In a net lease, relatively few allowed expenses must be paid by the landlord-owner out of the net rent (because the tenant pays most expenses) and only these expenses should be subtracted from the net rent to arrive at the net income to be capitalized. Frequently, there is a hybrid arrangement—some expenses are paid by the landlord-owner and some by the tenant. How expenses are shared often depends upon the property type together with local conventions.

Income to be capitalized, or net operating income. The income to be capitalized, or net operating income, is simply the fair rent, or gross income, described above less the allowed expenditures described above.

Capitalization Rate

The method of developing the capitalization rate to be used when valuing restricted historical property is prescribed by statute; a capitalization rate derived from sales data or the band of investment is not permitted.

Section 439.2 prescribes two types of capitalization rates for restricted historical property: (1) a capitalization rate to be used when valuing restricted historical property that is an owner-occupied single-family residence and (2) a capitalization rate to be used when valuing all other restricted historical property. Both types of capitalization rates include components for interest (i.e., yield), risk, property taxes, and amortization of improvements; in fact, the two rates are identical except for the amount of the risk component. The capitalization rate contains the following components:

- An interest component annually determined by the State Board of Equalization and based on the effective rate on conventional mortgages as determined by the Federal Housing Finance Board. The interest component is announced annually, in a Letter To Assessors, by October 1 of the preceding assessment year.
- A historical property risk component determined by property type. For owner-occupied single-family residences, the rate is 4 percent; for all other types of restricted historical property, the rate is 2 percent.
- An amortization component for improvements defined as a percentage equal to the reciprocal of the remaining life of the improvements (e.g., if the remaining economic life of the improvements were 20 years, the amortization component would be 5 percent). Since the amortization component applies only to improvements, not to land, which is a non-depreciating asset, it is necessary to adjust the amortization component described in the statute. We recommend the following method of adjustment:
 1. Based upon market data, estimate the percentage of total property value attributable to improvements.
 2. Multiply this percentage by the amortization component described in the statute (i.e., by the reciprocal of the remaining life of the improvements). For example, if the remaining life of the improvements was 20 years, yielding a reciprocal percentage of 5 percent, and if 70 percent of the total property value was attributable to the improvements, the adjusted amortization factor would be 3.5 percent ($0.05 \times 0.70 = 0.035$).
 3. Add the adjusted amortization component to the other capitalization rate components to arrive at the total capitalization rate.
- A property taxes component equal to the percentage of the estimated total tax rate applicable to the property for the assessment year multiplied by the assessment ratio. Typically, the property tax component includes the basic tax rate of 1 percent plus an additional ad valorem rate related to any bonded indebtedness pertaining to the tax rate area in which the property is located. Special district assessments and special taxes are not included in the property tax component. As noted above, they should be treated as allowed expenses.

Capitalization Technique

The capitalization technique to be used when valuing a restricted historical property is prescribed by statute and is formulaic. Section 439.2(e) provides that the restricted value shall be the income to be capitalized, or net operating income, developed as prescribed by statute, divided by one of the two types of capitalization rates prescribed by statute. In other words, the restricted value is the simple quotient of the prescribed income to be capitalized and the prescribed capitalization rate.

Determination of Taxable Value on Each Lien Date

Section 439.2(d) provides that a historical property's restricted value may not be enrolled if it exceeds either (1) the value of the subject property as determined under section 110 (i.e., current market value) or (2) the value of the subject property as determined under section 110.1 (i.e., factored base year value). In other words, section 439.2 states that the taxable value of a restricted historical property on each lien date shall be the lowest of its restricted value, current market value, or factored base year value. The factored base year value for an enforceably restricted historical property is the value that was established for the 1975 lien date² or as of the date of the most recent change in ownership, whichever is later, adjusted by the annual inflation factor.

Article XIII A (Prop 13) Considerations

This section discusses how three important elements relating to implementation of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment of restricted historical property. Also discussed is the case in which only a portion of a property is subject to the historical property agreement—that is, the case in which a single property unit contains both restricted and unrestricted portions.

Change in Ownership

When a property subject to a historical property contract undergoes a change in ownership, a new base year value should be established for the property as of the date of change in ownership, as provided in section 110.1. Typically, a restricted historical property's base year value will be greater than its restricted value determined under section 439.2 and hence will not be enrolled as the property's taxable value. However, the establishment of a new base year value enables the assessor to perform the three-way value comparison prescribed by section 439.2(d) and described above. The establishment of a base year value is also necessary in order to calculate the assessed values of historical property should the historical property agreement enter nonrenewal status.

New Construction

Section IV of National Register Bulletin #15 defines a "building" as follows:

A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

Section IV further specifies that "[b]uildings eligible for the National Register must include all of their basic structural elements. Parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. The whole building must be considered,

² Sections 110.1(d) and 405.5 do not apply to historical properties under contract as of lien date 1975 because the constitutional amendment which placed the valuation of historical property under article XIII rather than article XIII A had not yet been passed and, thus, was not in effect for the 1975 lien date.

and its significant features must be identified." Thus, eligibility for the National Register is determined by the extent to which the basic structural elements of an existing building are intact. In general, a newly constructed building would not be eligible because it is not an existing building with basic structural elements.³

Also, a newly constructed building is not a historic resource, and, thus, is not a qualified historical property within the meaning of Government Code section 50280.1. For example, a newly constructed detached garage (assuming it is not a reconstruction of a historical garage) clearly would not be eligible because it has no significance in American history or architecture, nor does it meet any of the other requisite criteria.

Bulletin 15, however, does list one type of newly constructed property that may be eligible for inclusion under the Mills Act. A reconstructed historic building is eligible for the National Register if the reconstruction is "accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived."

The historical property contract typically specifies the scope and type of any work to be performed on the historical improvements. Improvements existing as of the date of the contract would be subject to the provisions of section 439.2 unless specifically excluded by the contract. Any new construction made to the historical structure after the issuing date of the contract would not be subject to the provisions of section 439.2 unless specifically included in the contract or an amendment to the contract. Any questions regarding new construction to enforceably restricted historical structures should be directed to the counsel of the legislative body of the city, county, or city and county that contracted with the property owner.

Assuming that the newly constructed property is subject to the historical property contract, a base year value should be established for the newly constructed portion and this value added to the factored base year value of the existing restricted property.

In some cases, an existing historical property may include a portion that is restricted (i.e., subject to a historical property contract) and a portion that is unrestricted. In this case, separate factored base year values should be maintained for the restricted and unrestricted portions and the base year value of any newly constructed property added to the appropriate portion. The assessment treatment of this type of property is discussed further below.

Supplemental Assessment

Although the assessor is required to establish a new base year value upon a change in ownership or completed new construction involving restricted historical property, such property is not subject to supplemental assessment. As provided in Revenue and Taxation Code section 75.14:

Supplemental assessment; limitation. A supplemental assessment pursuant to this chapter shall not be made for any property not subject to the assessment

³ National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation," U.S. Department of the Interior, National Park Service (www.cr.nps.gov/nr/publications/).

limitations of Article XIII A of the California Constitution. All property subject to the assessment limitations of Article XIII A of the California Constitution shall be subject to the provisions of this chapter, except as otherwise provided in this article.

As discussed above, the assessment of enforceably restricted historical property is subject to the provisions of article XIII, section 8 of the California Constitution, not article XIII A. Thus, section 75.14 precludes the assessor from enrolling supplemental assessments for enforceably restricted historical property.

Historical property not yet under contract that undergoes a change in ownership or new construction is subject to supplemental assessment, even if the property owner later executes a historical property contract in the same fiscal year. Also, any new construction involving a historical property that does not come under the existing historical property contract (e.g., a detached garage added to a restricted historical property) would be subject to supplemental assessment.

When a Property Contains Both Restricted and Unrestricted Portions

When only a portion of a property that would normally be considered a single appraisal unit is restricted by a historical property contract, the assessed value should be determined by making a comparison of three values, determined as follows. First, the portion under contract should be valued using the capitalization method prescribed by section 439.2. Added to this figure should be the lower of the unrestricted portion's fair market value or factored base year value. The resulting sum should be compared to both the fair market value and the factored base year value of the entire property (i.e., both restricted and unrestricted portions) and the lowest of the three figures should be enrolled.

Valuing Property Under Notice of Nonrenewal

As provided in Government Code section 50282, either the owner of a restricted historical property or the local government entity may serve notice that it does not intend to renew the historical property contract. If such notice is not given, another year is automatically added to the term of the initial contract, thus creating a "rolling" contract term that is always equal to the initial contract term.

Section 439.3 prescribes the valuation method for a restricted historical property in nonrenewal status; this valuation method applies until the end of the restricted period (i.e., until the existing contract expires). In essence, the method results in a restricted value that gradually approaches the historical property's factored base year value as the remaining term under the contract decreases. For a property in nonrenewal status, the assessor must annually value the property as follows:

1. Determine the full cash value (i.e., factored base year value) of the property in accordance with section 110.1. (Alternatively, if the property will not be subject to section 110.1 when the historical property agreement expires, determine its fair market value in accordance with

section 110, as if the property were free of the agreement's restrictions; or, if the property will be subject to another type of restricted value standard when the historical property agreement expires, determine the property's value as if it were subject to the new restrictions.)

2. Determine the restricted value of the property by the capitalization of income method provided in section 439.2.
3. Subtract the restricted value determined in Step 2 from the factored base year (or other) value determined in Step 1.
4. Using the amount for the interest rate component (section 439.2(b)(1)) announced by the Board, discount the amount obtained in Step 3 for the number of years remaining until the termination of the contract.
5. Determine the restricted value of the property in nonrenewal status by adding the value determined in Step 2 to the amount obtained in Step 4.

The historical property's restricted value in nonrenewal status—that is, the value determined above, in accordance with section 439.3—should be compared with the historical property's factor base year and current market values, and the lowest of these three values should be enrolled as the property's taxable value.

Cancellation of Contract

The government entity party to a historical property contract may cancel the contract, after notice and a public hearing, if it determines that either the owner has breached the agreement or the property has deteriorated to the extent that it no longer meets the standards of a historical property. If the contract is cancelled, the property owner must pay a cancellation fee equal to 12½ percent of the property's current fair market value as though free of the contractual restriction, such value to be determined by the county assessor. After a contract is cancelled, the lower of the property's factored base year value or current market value should be enrolled for the ensuing lien date.

SUMMARY

The key points contained in these guidelines can be summarized as follows:

1. An owner of qualified historical property may enter into a preservation contract with local government. When property is placed under such a contract, the owner agrees to restore the property if necessary, maintain its historic character, and use it in a manner compatible with its historic characteristics. Such property receives the special valuation treatment prescribed under Revenue and Taxation Code sections 439 through 439.4.
2. Enforceably restricted historical property is to be annually valued by the income capitalization method prescribed in section 439.2, which contains specific instructions with

regard to the income to be capitalized, the capitalization rate, and the capitalization technique to be used. The restricted value must be compared to the property's current market value and factored base year value, with the lowest of these three values enrolled as the property's taxable value.

3. When assessing restricted historical property, the appraiser should consider how three important elements of article XIII A—change in ownership, new construction, and supplemental assessment—relate to the assessment. The appraiser should consider how a property should be assessed when only a portion of it is subject to a historical property agreement.
4. Restricted historical property under a notice of nonrenewal should be valued in accordance with section 439.3.
5. The government entity party to a historical property contract may cancel the contract. The cancellation fee is 12½ percent of the property's current fair market value as though free of the contractual restriction, with such value to be determined by the local assessor.

Additional information about Mills Act contracts may be obtained from the state Office of Historic Preservation, either by telephone at 916-653-6624, or from their website (www.ohp.parks.ca.gov).

(Note: Please see the assessment examples following.)

EXAMPLE 1 (OWNER-OCCUPIED SINGLE-FAMILY RESIDENCE)**Subject Restricted Historical Property**

Restored, 105-year-old, Victorian single-family residence. Excellent condition. Under Mills Act contract since 1985 and not in nonrenewal status. Owner-occupied.

Determination of Restricted Value (current lien date)

Gross income (Fair rent)		
\$1,500 per month x 12 months =		\$18,000
Less: Anticipated vacancy and collection loss		
\$18,000 x 5%		<u>- 900</u>
Effective gross income		\$17,100
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		\$15,000

Restricted Capitalization Rate

Rate Components:

Interest rate	.080	
Risk (owner-occupied SFR)	.040	
Property tax (ad valorem)	.015	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	<u>.149</u>

Restricted Value	
\$15,000 ÷ .149	= <u>\$100,671</u>

Taxable Value—Three-Way Value Comparison

Restricted value	\$100,671
Factored base year value (based on prior change in ownership)	\$357,000
Current market value (based on comparable sales)	\$450,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$93,671 (\$100,671 restricted value less the homeowners' exemption of \$7,000).

Note 1: If this property had been a non-owner-occupied SFR, the only difference in the determination of the restricted value would have been the use of a risk rate component of 2% rather than 4% in the capitalization rate.

Note 2: In this and the following examples, the gross income, or fair rent, is presented on a gross rent basis, that is, under the assumption that the landlord-owner pays all operating expenses out of the gross income.

EXAMPLE 2 (OFFICE USE)**Subject Restricted Historical Property**

Multi-tenant, restored historical office building in a downtown commercial district. Under Mills Act contract since 1985 and not in nonrenewal status.

Determination of Restricted Value (current lien date)

Gross Income (Fair rent):

Offices	140,000 sf @ \$1.75/sf = <u>\$245,000</u>	
	x 12 months	= \$2,940,000

Less: Anticipated vacancy and collection loss

\$2,940,000 x 5%	<u>- 147,000</u>
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Effective gross income	\$2,793,000
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Less: Anticipated operating expenses

Management	\$290,000	
Maintenance	95,000	
Insurance	75,000	
Utilities	360,000	
Janitorial	+ 140,000	- 960,000

Net Operating Income	\$1,833,000
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Restricted Capitalization Rate

Rate Components:

Interest component	.08
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Risk	.02
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Property tax (ad valorem)	.011
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Amortization (50-year remaining life; improvements
constitute 75% of total property market value

0.02 x 0.75 = 0.015)	+ .015	<u>.126</u>
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Restricted Value

(\$1,833,000 ÷ .126)	= \$14,547,619
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Taxable Value—Three-Way Value Comparison

Restricted value	\$14,547,619
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Factored base year value (based on prior change in ownership)	\$18,191,077
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Current market value (based on comparable sales)	\$21,000,000
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The lowest of the three possible values is the restricted value. Thus, the taxable value would be \$14,547,619

EXAMPLE 3 (MIXED USE—RESIDENTIAL AND OFFICE)**Subject Restricted Historical Property**

Two-story, restored historical property in a downtown district. Upper level is residential unit occupied by owner. Lower level contains three office spaces subject to short-term rental agreements. The income stream for the upstairs unit must be calculated separately from the downstairs unit because the risk rate is different for the owner-occupied unit.

Determination of Restricted Value

Separate restricted values for the upper-level residence and the lower-level office space must be determined, because the risk components are different for the two types of use. The total restricted value is sum of these two values.

Upper-Level Unit

Gross income (Fair rent) based upon comparable rent data

\$975 per month x 12 months = \$11,700

Less: Anticipated vacancy and collection loss

\$11,700 x 5% - 585

Effective gross income \$11,115

Less: Anticipated operating expenses

Grounds maintenance \$300

Fire insurance 200

Management Fee 180

Water and garbage 120

Building maintenance + 250 - 1,050

Upper-Level Net Operating Income \$10,065

Restricted Capitalization Rate (owner-occupied SFR)

Rate components:

Interest rate .080

Risk .040

Property tax .010

Amortization (50-year remaining life; improvements

constitute 70% of total property market value;

0.02 x 0.70 = 0.014) + .014 .144

Upper-level Restricted Value (\$10,065 ÷ .144) = \$69,895

Lower-Level Offices

Gross income (Fair rent)

1000 sf @ \$1.60/sf = \$1,600 x 12 months \$19,200

Less: Anticipated vacancy and collection loss

\$19,200 x 5% - 960

Effective gross income \$18,240

Less: Anticipated operating expenses		
Grounds maintenance	\$300	
Fire insurance	200	
Management Fee	180	
Water and garbage	120	
Building maintenance	+ 250	- 1,050
Lower-Level Net Operating Income		\$17,190

Restricted Capitalization Rate		
Rate components:		
Interest component	.080	
Risk	.020	
Property tax	.010	
Amortization (50-year remaining life; improvements constitute 70% of total property market value; $0.02 \times 0.70 = 0.014$)	+ .014	.124
Lower Level Restricted Value ($\$17,190 \div .124$)		\$138,629
Add: Upper Level Restricted Value		+ \$69,895
Total Restricted Value		\$208,524

Taxable Value—Three-Way Value Comparison

Restricted Value	\$208,524
Factored base year value (based upon prior change in ownership)	\$364,140
Current market value (based upon comparable sales data)	\$400,000

The lowest of the three possible values is the restricted value. Thus, the net taxable value would be \$201,524 (\$208,524 less the homeowners' exemption of \$7,000).

EXAMPLE 4 (MIXED VALUATION—PART RESTRICTED AND PART UNRESTRICTED)**Description of Subject Property (Comprises Both Restricted and Unrestricted Portions)**

The subject property is a 10-acre parcel with a farmhouse and barn situated on 2 acres; the remaining 8 acres are farmland. The farmhouse and barn are used as an owner-occupied single-family residence; this portion of the property is restricted under a Mills Act contract. The remaining 8 acres of farmland are unrestricted.

Value of Restricted Portion (current lien date)

Gross income (Fair rent) for farmhouse and barn		
\$2,000 per month x 12 months =		\$24,000
Less: Anticipated vacancy and collection loss		
\$24,000 x 5%		<u>- 1,200</u>
Effective gross income		\$22,800
Less: Anticipated operating expenses		
Grounds maintenance	\$600	
Fire insurance	400	
Management Fee	360	
Water and garbage	240	
Building maintenance	+ 500	<u>- 2,100</u>
Net Operating Income		= \$20,700

Restricted Capitalization Rate

Rate components:

Interest component .080

Risk (owner-occupied) .040

Property tax (ad valorem) .010

Amortization (50-year remaining life; improvements

constitute 70% of total property market value

0.02 x 0.70 = 0.014)

+ .014 .144

Restricted Value (\$20,700 ÷ .144) = \$143,750

Taxable Value—Three-Way Comparison

Total Property Restricted Value (sum of restricted value above and lower of FBYV or current market value of unrestricted portion)

Restricted Value (portion under contract)	\$143,750
FBYV (unrestricted portion)	+ <u>\$102,000</u>
Restricted Value (total property)	\$245,750

Factored base year values (based upon a prior change in ownership of the entire property, allocated between restricted and unrestricted portions):

Farmhouse, barn, and 2 acres (restricted portion)	\$204,000
8 acres (unrestricted portion)	+ <u>\$102,000</u>
Total FBYV (total property)	\$306,000

Current market values (based upon comparable sales data):

Farmhouse, barn, and 2 acres (restricted portion)	\$230,000
8 acres (unrestricted portion)	+ <u>\$120,000</u>
Total Current Market Value (total property)	\$350,000

The lowest of the three values is the Restricted Value (total property), \$245,750. Thus, the net taxable value would be \$238,750 (\$245,750 less \$7,000 homeowners' exemption).

EXAMPLE 5 (PROPERTY IN NONRENEWAL STATUS)**Description of Subject Restricted Historical Property**

The same property as in Example 2, except the property owner has served notice of renewal. The Mills Act contract covering the property was originally executed in September 1995, and the owner served notice of nonrenewal in June 2004. Value the property for the 2005 lien date, reflecting its nonrenewal status. Assume that the property's restricted, current market, and factored base year values from Example 2, provided below, also refer to January 1, 2005.

Restricted value	\$14,547,619
Current market value	\$21,000,000
Factored base year value	\$18,191,077

Restricted Value in Nonrenewal Status

Value as if unrestricted (factored base year value)	\$18,191,077
Restricted value	<u>- 14,547,619</u>
Difference	\$ 3,643,458
Present worth of difference	
PW1 @ 6.00 %, 9 years (interest component for lien date 2005)	<u>x .591898</u>
	= \$ 2,156,555
Plus restricted value	<u>+ \$14,547,619</u>
Restricted value in nonrenewal status—lien date January 1, 2005	\$16,704,174

Taxable Value

Since the restricted value in nonrenewal status, \$16,704,174, is less than either the property's current market value or its factored base year value, this is the taxable value.

PRIMARY RECORD

Primary # _____
HRI # _____ Attachment 4
Trinomial _____
NRHP Status Code 5S1
Other Listings
Review Code _____ Reviewer _____ Date _____

Page _____ of _____ Resource Name or #: (Assigned by recorder) *Santiago Duckworth Hse.*

P1. Other Identifier:

P2. Location: ☐ Not for Publication ☐ Unrestricted a. County *Monterey*

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad _____ Date _____ T _____ ; R _____ ; 1/4 of _____ 1/4 of Sec _____ ; B.M. _____

c. Address: _____ City *Carmel by-the-Sea* Zip *93921*

d. UTM: (Give more than one for large and/linear resources) _____ ; _____ mE/ _____ mN

e. Other Locational Data (Enter Parcel #, legal description, directions to resource, elevation, etc., as appropriate)

3 S of 2nd, w/side Carpenter (Blk 22, Lot 9)

Parcel No. *010-022-022*

P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

A one-story, wood-framed vernacular residence, irregular in plan, resting on a concrete foundation. The exterior wall cladding is a vertical board-and-batten. The medium-pitched side gable roof is covered with composition shingle. The original building envelope was rectangular, but has had at least two additions to the rear. The first addition (undated) included a bathroom, kitchen and bedroom, and the second addition expanded the size of the kitchen in 1952. The roof slope changed to a saltbox form in the 1952 expansion. There is a gable-wall fireplace, located at the NE cr. of the original building envelope. A small, square shed roofed door-hood projects from the east side of the main roof plane over the principal entry, somewhat offset to the south of center. The roof hood is carried on three vertical wood posts, w/simple decorative brackets. The three fixed, multi-paned wood windows (one to the south and two to the north of the entry door), along the facade are capped with slightly pedimented crown moldings. The upper panels of what appears to be the original four panel wood door are glazed, a possible later alteration. The entry porch is raised, and reached by a straight run of wooden steps. The house sits just back from the street, behind a low, horizontal rail fence in an informal landscape setting of mature cypress and pines and low shrubbery.

P3b. Resource Attributes: (List attributes and codes)

P4. Resources Present ☐ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)

P5b. Description of Photo: (View, date, accession #)



P6. Date Constructed/Age and Sources:

☐ Prehistoric ☒ Historic ☐ Both

1888 Sharron Hale

P7. Owner and Address

*Ann M. Peek
P.O. Box 22062
Carmel, CA 93922*

P8. Recorded by: (Name, affiliation, and address)

*Kent L. Seavey, Preservation Consultant, 310
Lighthouse Ave., Pacific Grove, CA 93950*

P9. Date Recorded: *5/12/2002*

P10. Survey Type: (Describe)

Carmel Historic Resource Inventory - 2001

P11. Report Citation: (Cite survey report and other sources, or enter "none")

Carmel by-the-Sea Survey 1989-1996

Attachments ☐ NONE ☐ Continuation Sheet ☐ District Record ☐ Rock Art Record ☐ Other: (List)
☐ Location Map ☐ Building, Structure, and Object Record ☐ Linear Feature Record ☐ Artifact Record
☐ Sketch Map ☐ Archaeological Record ☐ Milling Station Record ☐ Photograph Record

BUILDING, STRUCTURE, AND OBJECT RECORD

HRI #

Primary #

Page of

NRHP Status Code

5S1

Resource Name or #: (Assigned by recorder) *Santiago Duckworth Hse.*

B1. Historic Name: *Santiago Duckworth Hse.*

B2. Common Name:

B3. Original Use: *residence*

B4. Present Use: *residence*

B5. Architectural Style: *vernacular*

B6. Construction History: (Construction date, alterations, and date of alterations)

Constructed 1888; kitchen wing added to rear 1952 (Cbp#2319)

B7. Moved? ☐ No ☐ Yes ☐ Unknown Date :

Original Location:

B8. Related Features: *storage shed added at rear (west) of lot 1959 (Cbp#3301)*

B9a. Architect:

b. Builder: *Delos Goldsmith*

B10. Significance: Theme: *Architectural/Economic Development*

Area: *Carmel City*

Period of Significance: *1888-1903* Property Type: *single family residence* Applicable Criteria: *1-3*

(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also address integrity.)

The Duckworth Hse. is significant under California Register criteria 1, in the area of history as one of the first homes constructed in the newly established community of Carmel City in 1888. It is significant under criteria 2 for its association w/Santiago J. Duckworth, founder and original developer of Carmel City, and Delos Goldsmith, arguably the first professional builder in Carmel City. It is also significant under criteria 3 as one of the few remaining examples of residential architecture in Carmel City at the time of its formation in the late 1880s.

In 1888 Monterey real estate agent Santiago J. Duckworth, and his brother Belisario entered into an agreement w/Honre Escolle, to purchase 324 acres of Escolle's Las Manzanitas Rancho. The original subdivision is known as the Carmel City Tract and constitutes the section of the village generally north of Ocean and east of Junipero. With an understanding that the Southern Pacific RR was going to extend their tracks to the Carmel River, Duckworth intended to establish a Catholic summer colony, along the lines of the Pacific Grove Retreat. Duckworth sold corner lots for \$25, inside lots for \$20, and commercial lots for \$50. While the development met with some initial success the RR extension never occurred and Carmel City remained largely a paper town. As the prospect for success diminished, Duckworth was able to unload his project on Abbie Jane Hunter, and her San Francisco Women's Real Estate and Investment Co. in 1892. Duckworth went on to serve one term in the California State Assembly, then worked at appointive governmental positions. Delos Goldsmith, builder of the Duckworth Hse. was the uncle of Wesley Hunter, Abbie Jane Hunter's husband. He was also responsible for the construction of the Hotel Carmelo, Carmel Bathhouse, several Carmel City residences, including those of the Robertsons and Hunters, and the original Farm center bldg. in Carmel Valley.

B11. Additional Resource Attributes: (List attributes and codes)

B12. References:

*Carmel bldg. records, Carmel Planning Dept., City Hall, Carmel
Carmel Historic Context Statement, 1997*

*Fink, Augusta, Monterey, The Presence of the Past, Chronicle
Books: San Francisco, 1972*

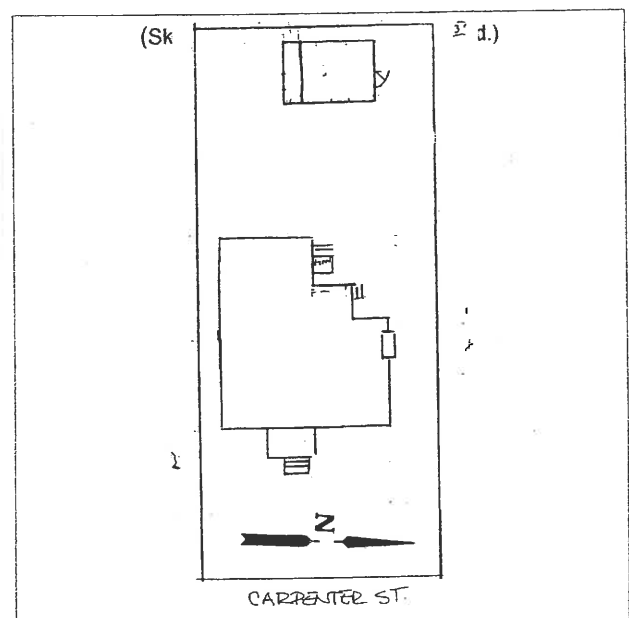
*Hale, Sharron, A Tribute to Yesterday Valley Publishers: Santa Cruz,
1980*

B13. Remarks: *Zoning R-1
CHCS (AD/ED)*

B14. Evaluator: *Kent L. Seavey*

Date of Evaluation: *5/12/2002*

(This space reserved for official comments.)



CONTINUATION SHEET

Primary #

HRI #

Trinomial

Attachment 4

ge of Resource Name or #: (Assigned by recorder) Santiago Duckworth Hse.
Recorded by: Kent L. Seavey Date 5/12/2002 ☒ Continuation ☐ Update

B10. Santiago Duckworth's residence employed the vertical board-and-batten look, popular at the time in Pacific Grove. The shaped battens match those widely used in the Methodist Retreat. Goldsmith employed slightly pedimented window casings, found on some of Monterey's earlier adobes, and derived from the Greek Revival style, to add character to the otherwise simple vernacular hse. The traditional New England saltbox roof form of the residence is the product of a 1952 addition. The original roof slope may be present, under the addition. The asymmetry of the facade asserts the eclectic nature of the building. According to Hale, Davenport Bromfield an asst. to Walter Colton Little, the surveyor of the Carmel City subdivision, was assigned the field work, and built himself a small cabin across Carpenter St. from the subject property, sometime before May of 1888, making the Duckworth hse. the second constructed in Carmel City. It is also the first known work in Carmel, by Delos Goldsmith, the first professional builder in Carmel. In spite of additions to the rear, the building appears to be otherwise unaltered. Its visual appearance evokes a strong sense of time and place, and of feeling and association with the founding of Carmel. The Duckworth hse. clearly reflects the findings of, and is consistant with the 1997 Carmel Historic Context Statement under the themes of architectural development, and economic development.

PRIMARY RECORD

Primary # _____ Attachment 4
HRI # _____
Trinomial _____
NRHP Status Code 5S1/5D1
Other Listings _____
Review Code _____ Reviewer _____
Date _____

Page 1 of 4

Resource Name or #: (Assigned by recorder) Hansel & Gretel

P1. Other Identifier:

P2. Location: ☐ Not for Publication ☒ Unrestricted a. County Monterey
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad _____ Date _____ T _____ ; R _____ ; 1/4 of _____ 1/4 of Sec _____ ; B.M. _____

c. Address: _____ City Carmel-by-the-Sea Zip 93921

d. UTM: (Give more than one for large and/linear resources) _____ ; _____ mE/ _____ mN

e. Other Locational Data (Enter Parcel #, legal description, directions to resource, elevation, etc., as appropriate)

4 & 5 SE of 5th, e/side Torres (Blk 60, Lots 10 npt. 12)

Parcel No. 010-092-010

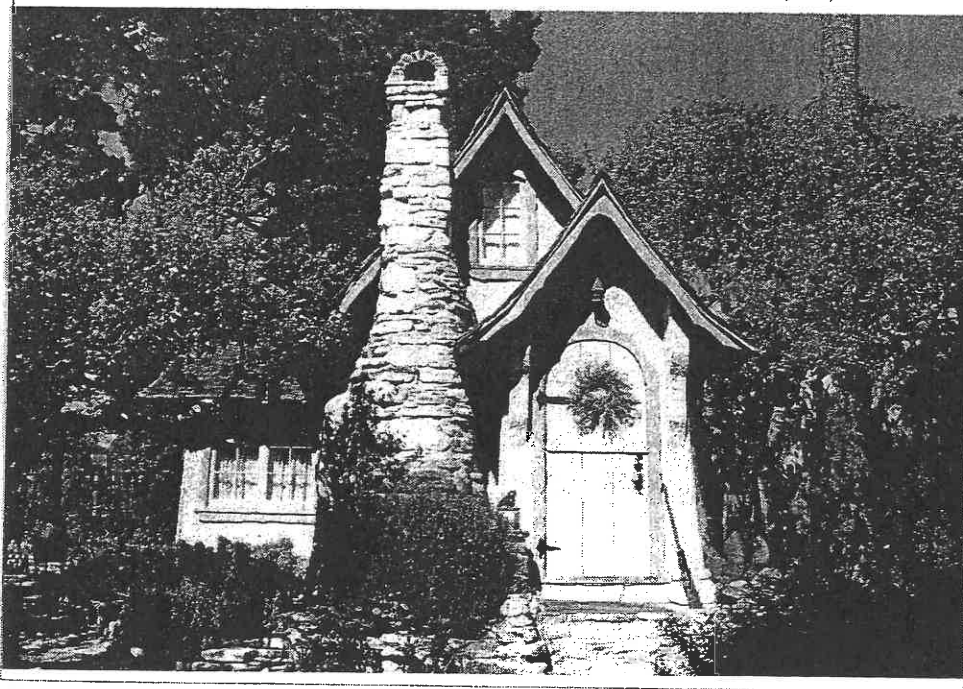
P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The Doll House (Hansel) is a one-and-one-half story wood-framed Tudor "Storybook" style residence constructed in 1924, irregular in plan, resting on a concrete foundation. The exterior wall cladding is cement plaster mixed with pine needles, over burlap that was nailed to the redwood walls. The steeply pitched gable roof has an undulating ridge line, with lower projecting bays to the west and south. The wide, overhanging eaves are flared and faced with rustic hand-carved vergeboards. The exposed rafter tails are also hand-carved. All roof surfaces are covered with fire-rated cedar shingle, jig and scroll-sawn into a random staggered pattern. The exterior is characterized by rustic hand-carved door and window casings, and half-timbering in the gable end of the west-facing bay. The south-facing facade is characterized by a lower projecting bay on the east side that frames the arched, wood-plank main door. The flared roof projects over the door, carried on both sides by shaped, plastered brackets. The entry was recently modified to form a Dutch door. A crude, undulating exterior gable wall chimney of Carmel stone, with an arched cap is found immediately to the west of the entry. The main entry is reached by a straight run of open Carmel stone steps. Additions include a small extension to the west of the rear bay window in 1949, and recent window and door realignment at the rear (north) and on the east side elevation, done to the Secretary of the Interior's Standards for the Treatment of Historic Properties in 1995.

P3b. Resource Attributes: (List attributes and codes) HP2 - Single Family Property

P4. Resources Present ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)



P5b. Description of Photo: (View, date, accession #)
Looking north at the south facing 3/9/02, #4305-3A

P6. Date Constructed/Age and Sources

☐ Prehistoric ☒ Historic ☐ Both

1924 & 1925, Carmel bldg. records

P7. Owner and Address

Michael Voris
1823 Garden Way
Sacramento, CA 95833

P8. Recorded by: (Name, affiliation and address)

Kent L. Seavey
Preservation Consultant
310 Lighthouse Ave.
Pacific Grove, CA 93950

P9. Date Recorded: 2/28/2002

P10. Survey Type: (Describe)

Carmel Historic Resource Inventory - 2001

11. Report Citation: (Cite survey report and other sources, or enter "none")

Significant Building Survey, 1979

Attachments ☐ NONE ☒ Continuation Sheet ☐ District Record ☐ Rock Art Record ☐ Other: (List)
☐ Location Map ☒ Building, Structure, and Object Record ☐ Linear Feature Record ☐ Artifact Record
☐ Sketch Map ☐ Archaeological Record ☐ Milling Station Record ☒ Photograph Record

BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # _____ Attachment 4

HRI # _____

Page 2 of 4

NRHP Status Code

5S1/5D1

Resource Name or #: (Assigned by recorder) *Hansel & Gretel*

B1. Historic Name: *The Doll House*

B2. Common Name: *Hansel & Gretel*

B3. Original Use: *retail showroom/office*

B4. Present Use: *residence*

B5. Architectural Style: *Tudor (Storybook substyle)*

B6. Construction History: (Construction date, alterations, and date of alterations)

Doll Hse. (Hansel) constructed 1924 (Cbp #828); minor addition 1949 (Cbp #1970); repairs 1953 (Cbp #2442); reroofed 1999 (Cbp #99-310) (Gretel) constructed 1925 (Cbp #924); bedroom addition 1928 (Cbp #2056); bedroom addition 1949 (Cbp #1790); reroofed 1996.

B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: _____

Original Location: _____

B8. Related Features: _____

B9a. Architect: *designer/Hugh Comstock*

b. Builder: *Hugh Comstock*

B10. Significance: Theme: *Architectural Development*

Area: *Carmel-by-the-Sea*

Period of Significance: *1903-1940* Property Type: *single family residence*

Applicable Criteria: *CR 2,3*

(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also address integrity.)

The Doll House (Hansel) and Gretel are significant under California Register criteria 2 as the first & third building designs by noted Carmel masterbuilder Hugh Comstock. They are also significant under criteria 3 as the germinal designs for the Tudor Storybook substyle of architecture that would both alter and define the residential character of Carmel for decades to come as a village in a forest.

Hugh White Comstock (1893-1950), was a native of Illinois, who moved to Santa Rosa California at age 14 in 1907. His only experience in building, until he became a contractor, had been in helping construct several farm buildings with his family. He enjoyed both drawing and designing, but had no formal training in either when he arrived in Carmel in 1924 for a visit with his sister, Catherine Seideneck, and her husband George, both artists. Catherine introduced her brother to Mayotta Browne, an entrepreneurial doll maker, and before the year was out the couple married. Mayotta's successful line of "Otsy Totsy" rag dolls required expanded storage space and a showcase for the product. She asked Hugh to design and construct, "a fairy-house in the woods" for this purpose. Utilizing his flair for drawing, and an interest in the book illustrations of the English illustrator Arthur Rackham, Comstock came up with what became the Dolls House. The couple did the work with day labor. The small building of conventional construction was modified structurally by undulating the ridge line to give a sense of age. door and window casings were hand carved with pocket knives to add rusticity, and the exterior wall cladding was made up of cement plaster mixed with pine needles, troweled over coarse burlap that had been nailed to the walls to create an uneven, strongly textured surface. He made his stonemason build the Carmel stone chimney in an irregular uncoursed pattern that made it appear "stacked" and random, with an arched cap of the same material.

B11. Additional Resource Attributes: (List attributes and codes) *HP2 - Single Family Property*

B12. References:

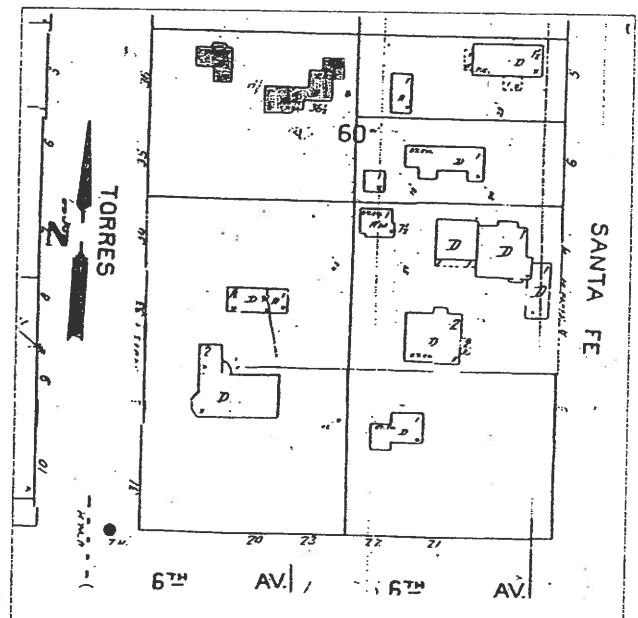
*Carmel bldg. records, Carmel Planning Dept., City Hall, Carmel
Hale, Sharron, A Tribute to Yesterday, Valley Pub.:Santa Cruz, 1980.
Mathewson, Joanne, The Fairy Tale Houses of Carmel, Tuck
Box:Carmel, 1977.
Paul, Linda L., Cottages by the Sea, Universe Pub.:New York, 2000.*

B13. Remarks: *Zoning R-1*

B14. Evaluator: *Kent Seavey*

Date of Evaluation: *2/28/2002*

(This space reserved for official comments.)



CONTINUATION SHEET

Primary #

HRI #

Trinomial

Attachment 4

Page 3 of

Resource Name or #: (Assigned by recorder)

Hansel & Gretel

Recorded by:

Kent L. Seavey

Date 2/28/2002

☒ Continuation ☐ Update

P3. Fenestration on Hansel is irregular, with a combination of fixed and casement type single and paired multi-paned wood windows. Some of the principal paired windows are flanked by decorative wood plank shutters. Gretel is a one story wood-framed residence of the same style, constructed on the same parcel in 1925 to the south and east of Hansel. It is irregular in plan and rests on a concrete foundation. The exterior wall cladding is also a cement plaster mixed with pine needles, troweled over burlap that was nailed to the wood walls. Two bedroom additions have been made to the rear (east) of Gretel. The first, in 1928 formed an ell toward the north. The second, in 1949 simply extended the ell at its NE corner. The additions were executed by Hugh Comstock and all exterior finishes match the original cottage. The stepped and intersecting gable roof system features undulating ridge lines, slightly flared eaves with exposed hand-carved rafter tails and hand-carved vergeboards. The roofs are covered in wood shingle with notched butts, in a staggered pattern. The west facing facade is characterized by an arched plank door at the south, with half-timbering suggesting a sunburst above the door, and a multi-paned fixed wood window to the north in a hand-carved casing. All the door and window casings on the cottage are treated in this way. Fenestration is irregular with a combination of fixed and casement type multi-paned wood windows and French doors. Both cottages sit back from Torres St. behind a rustic redwood grapestake fence in an informal landscape setting of mature oak and pine trees, with a ground cover of shrubs and flowers amidst meandering gravel walkways and small Carmel stone patios. The property conveys a strong sense of time and place and of feeling and association as the first design effort by one of Carmel's most noted master-builders, Hugh Comstock.

B6. Gretel constructed 1925 (Cbp #924); bedroom addition 1928 (Cbp #2056); repairs 1953 (Cbp # 2442); reroofed 1996 (Cbp # 96-193)

B10. The finished showroom was a far cry from the simple gable-and-wing residences, boxy shingle and board-and-batten Craftsman cottages and western false-front business houses that made up the majority of the community's housing stock in 1924. So popular was the end product that Comstock found the independent & creative citizens of Carmel beating at his door for a "fairy-tale" cottage of their own. He constructed his family residence just south of Hansel in early 1925, then built Gretel later that year, as an office for Mayotta, because the "Otsy Totsys" in the Doll House had squeezed her out. Between 1924 and 1929 Hugh Comstock would design and construct about 20 of his "fairy-tale", or storybook cottages around Carmel, including one business house with related structures, the Tuck Box. Comstock, along with Michael J. Murphy was the most important early builder in Carmel. To a considerable degree the storybook houses he designed have set the architectural tone for the village to this day. The Doll House (Hansel) and Gretel were the first of Comstock's creations. The two bedroom additions to Gretel, in 1928 and in 1949 were done by Hugh Comstock and maintain the character of the original. Both small residences retain to a high degree their integrity of location, design, setting, materials, workmanship, feeling and association. They convey a strong sense of time and place as the first of Comstock's Carmel storybook cottages. Hansel & Gretel clearly reflect the findings of, and are consistent with the 1997 Carmel Historic Context Statement under the theme of architectural development.

The bathroom addition of Gretel on the east elevation of the original cottage footprint, and the storage room additions located towards the rear of the site on the north and east elevations are not considered historically significant and could be removed or altered in the future consistent with the Secretary of the Interior's Standards.

B12. Rasmussen, Lillian, "Hugh Comstock", unpublished manuscript, MARI, on file at Monterey Peninsula College. nd. Sanborn Insurance maps of Carmel, 1930, 1930-62

CONTINUATION SHEET

Page 4 of 4

Resource Name or #: (Assigned by recorder) *Hansel & Gretel*

Recorded by: *Kent L. Seavey*

Date *2/28/2002*

☒ Continuation ☐ Update

Supplemental Photograph or Drawing



Description of Photo: (View, date, accession #)

Looking east at the west facing facade & bedroom additions (left), of Gretel, 3/9/02, #4305-2A

PRIMARY RECORD

Primary # _____ Attachment 4

HRI # _____

Trinomial _____

NRHP Status Code _____ 5S1

Other Listings

Review Code _____

Reviewer _____

Date _____

Page 1 of 2

Resource Name or #: (Assigned by recorder) *Alfonso Ramirez Cabin*

P1. Other Identifier:

P2. Location: ☐ Not for Publication ☒ Unrestricted a. County *Monterey*

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad _____ Date _____ T _____ ; R _____ ; 1/4 of _____ 1/4 of Sec _____ ; B.M. _____

c. Address: _____ City *Carmel by-the-Sea* Zip *93921*

d. UTM: (Give more than one for large and/linear resources) _____ ; _____ mE/ _____ mN

e. Other Locational Data (Enter Parcel #, legal description, directions to resource, elevation, etc., as appropriate)

3NE of 2nd, e/side of Santa Rita (Blk 23, Lot 16)

Parcel No. *010-025-012*

P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

A one-story wood-framed vernacular cabin, irregular in plan, resting on a concrete block foundation. The exterior wall cladding is vertical board-and-batten. The side-gabled roof is covered in wood shingle, as is the shed roof of the 1941 kitchen addition at the NE cr. of the building. The four panel wood entry door, on the west facing facade, is slightly raised, and reached by two or three open, straight-run masonry steps. The door is offset to the south, between two 6/6 double-hung wood windows. Single windows of similar design are found in the north and south side elevations. The entry is covered by a simple shed roofed door-hood, carried on wood brackets. The kitchen wing has paired 3 light wood casement windows. The tiny cabin is set back from the street, somewhat below grade, in an informal landscape setting of massive conifers and a tangle of large succulent plants and bushes.

P3b. Resource Attributes: (List attributes and codes) *HP2 - Single Family Property* *HP36 - Ethnic minority property*

P4. Resources Present ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)



P5b. Description of Photo: (View, date, accession#)
Looking SE at west facing facade, 2/20/01, #9309-2A

P6. Date Constructed/Age and Sources

☐ Prehistoric ☒ Historic ☐ Both

1888E dated historic photo

P7. Owner and Address

*Alice L. Meyers
2933 Linden Ave.
Berkeley, CA 94705*

P8. Recorded by: (Name, affiliation, and address)

*Kent L. Seavey
Preservation Consultant
310 Lighthouse Ave.
Pacific Grove, CA 93950*

P9. Date Recorded: *4/30/2001*

P10. Survey Type: (Describe)

Carmel Historic Resource Inventory - 2001

P11. Report Citation: (Cite survey report and other sources, or enter "none")

Carmel by-the-Sea Survey 1989-1996

Attachments

☐ NONE

☐ Location Map

☐ Sketch Map

☐ Continuation Sheet

☒ Building, Structure, and Object Record

☐ Archaeological Record

☐ District Record

☐ Linear Feature Record

☐ Milling Station Record

☐ Rock Art Record

☐ Artifact Record

☐ Photograph Record

☐ Other: (List) _____

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 2

NRHP Status Code

551

Resource Name or #: (Assigned by recorder) *Alfonso Ramirez Cabin*

B1. Historic Name:

B2. Common Name: *Little Barn*

B3. Original Use: *residence*

B4. Present Use: *residence*

B5. Architectural Style: *vernacular*

B6. Construction History: (Construction date, alterations, and date of alterations)

Constructed ca. 1888; kitchen added to NE cr. 1941 (Cbp # 790); foundation added, kitchen reduced in size to meet lot line requirements; interior remodel 1972 (Cbp# 72-90)

B7. Moved? ☒ No ☐ Yes ☐ Unknown Date :

Original Location:

B8. Related Features:

B9a. Architect:

b. Builder: *Alfonso Ramirez*

B10. Significance: Theme: *Spanish Settl./Arch. Develop.*

Area: *Carmel City*

Period of Significance: *1888-1903*

Property Type: *single family residence*

Applicable Criteria: *CR 1,3*

(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also address integrity.)

The Ramirez cabin is significant under California Register criteria 1, in the area of history, as one of the few known dwelling houses remaining in Carmel, constructed and occupied by direct descendents of Carmel Mission Indian groups. It is also significant as the home of one of the early Carmel stage drivers. It is significant under criteria 3, in the area of architecture as one of the very few remaining intact examples of late nineteenth residential dwellings houses in Carmel.

Alfonso Ramirez, owner/builder of the cabin, was a driver with the Monterey-Carmel stage line, and drove the south coast as well. He was related to Manuel ("Panocha") Onesimo, a well known Native American storyteller, whose father had been baptized by Junipero Serra in 1774. Other family connections included the Meadows and Hitchcocks of Carmel Valley, and the Posts at Big Sur. "Panocha" children were reputed to be the last of the full-blooded Rumsen Indians. Meadows family members also lived in the vicinity of the Ramirez cabin. Further research on Alfonso Ramirez is bound to provide information important to the history of Native American culture in Carmel.

The building itself is little changed, except for the 1941 kitchen addition, from its period of occupancy by Ramirez, and a corral that existed to the rear of the building in which Ramirez kept his horses. It is an excellent example of the early working class housing associated with transportation activities found at the time of the development of Carmel City in the late 1880s.

The Ramirez cabin clearly reflects the findings of, and is consistent with the 1997 Carmel Historic Context Statement. It should, in fact, assist in expanding the context statement in the area of later Native-American and Hispanic contributions to the early settlement of Carmel.

B11. Additional Resource Attributes: (List attributes and codes) *HP2 - Single Family Property*

B12. References:

Carmel bldg records, Carmel Planning Dept., City Hall, Carmel

Carmel Historic Context Statement 1997

Hale, Sharron, A Tribute to Yesterday, Valley Publishers: Santa Cruz, 1980

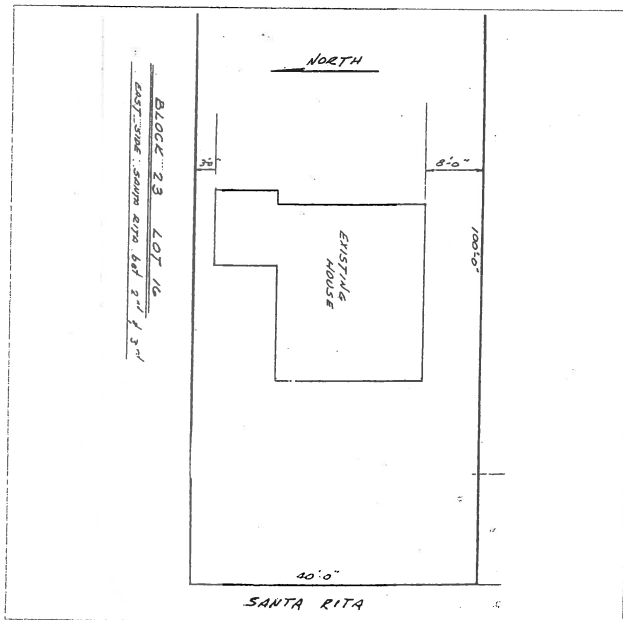
Logan, John "Carmel's Tortilla Flats", unpublished manuscript, 1998

B13. Remarks: *Zoning R-1
CHCS (PS/AD)*

B14. Evaluator: *kent seavey*

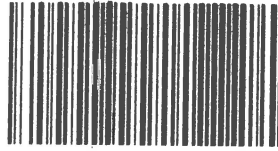
Date of Evaluation: *4/30/2002*

(This space reserved for official comments.)



Return to:
Carmel City Hall
Post Office Drawer G
Carmel, CA 93921
Attention, Brian Roseth

DOCUMENT: 2007001177



Titles: 1/ Pages: 1
Fees....
Taxes...
Other...
AMT PAID

RESOLUTION

DESIGNATING AN HISTORIC RESOURCE

The Department of Community Planning and Building of the City of Carmel-by-the-Sea completed intensive survey work, received approval from the California Coastal Commission and made an Administrative Determination that the property identified below meets the criteria for an historic resource as established in the City's General Plan, the Municipal Code and the Local Coastal Program for Carmel-by-the-Sea.

Based on this determination, effective 25 May 2005, the Department of Community Planning and Building resolved to designate the property described below as a local resource on the Carmel Inventory of Historic Resources.

This Resolution/Administrative Determination is recorded pursuant to section 5029(b) of the California Public Resources Code that requires the City to record all historic resource determinations. This action also is taken in furtherance of the Local Coastal Program certified by the California Coastal Commission and implemented by the City of Carmel-by-the-Sea Ordinances No. 2004-01 and 2004-02.

Assessor's Parcel Number: 010025012000

Block: 23 **Lot(s):** ALL LOT 16

Current Owner: MEYERS, ALICE TR

Street Location: E/S SANTA RITA BET. 2ND & 3RD

It is the purpose of this Resolution/Administrative Determination to alert the owner, successors and assigns to the existence of an historic resource on the property. This historic resource is protected under laws of the State of California and of the City of Carmel-by-the-Sea including the California Coastal Act, the California Public Resources Code, the Carmel-by-the-Sea Municipal Code and the Local Coastal Program. Specific regulations affecting remodels, alterations, additions and demolitions can be found in the City of Carmel-by-the-Sea planning documents referenced above.

Certified by:

Brian Roseth,
Principal Planner, Carmel-by-the-Sea

END OF DOCUMENT

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California Office of Historic Preservation
Department of Parks & Recreation
Technical Assistance Series



1416 9th St,
Rm 1442-7
Sacramento CA 95814

PO Box 942896
Sacramento CA
94296-0001

phone:
(916) 653-6624
fax:
(916) 653-9824

email:
calshpo@ohp.parks.ca.gov
website:
ohp.parks.ca.gov



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Mills Act Property Tax Abatement Program

Purpose of the Mills Act Program

Economic incentives foster the preservation of residential neighborhoods and the revitalization of downtown commercial districts. The Mills Act is the single most important economic incentive program in California for the restoration and preservation of qualified historic buildings by private property owners.

Enacted in 1972, the Mills Act legislation grants participating local governments (cities and counties) authority to enter into contracts with owners of qualified historic properties who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief.

Benefits to Local Governments

The Mills Act allows local governments to design preservation programs to accommodate specific community needs and priorities for rehabilitating entire neighborhoods, encouraging seismic safety programs, contributing to affordable housing, promoting heritage tourism, or fostering pride of ownership. Local governments have adopted the Mills Act because they recognize the economic benefits of conserving resources and reinvestment as well as the important role historic preservation can play in revitalizing older areas, creating cultural tourism, building civic pride, and retaining the sense of place and continuity with the community's past.

A formal agreement, generally known as a Mills Act or Historical Property Contract, is executed between the local government and the property owner for a minimum ten-year term. Contracts are automatically renewed each year and are transferred to new owners when the property is sold. Property owners agree to restore, maintain, and protect the property in accordance with specific historic preservation standards and conditions identified in the contract. Periodic inspections by city or county officials ensure proper maintenance of the property. Local authorities may impose penalties for breach of contract or failure to protect the historic property. The contract is binding to all owners during the contract period.

Benefits to Owners

Owners of historic buildings may qualify for property tax relief if they pledge to rehabilitate and maintain the historical and architectural character of their properties for at least a ten-year period. The Mills Act program is especially beneficial for recent buyers of historic properties and for current owners of historic buildings who have made major improvements to their properties.

Mills Act participants may realize substantial property tax savings of between 40% and 60% each year for newly improved or purchased older properties because valuations of Mills Act properties are determined by the Income Approach to Value rather than by the standard Market Approach to Value. The income approach, divided by a capitalization rate, determines the assessed value of the property. In general, the income of an owner-occupied property is based on comparable rents for similar properties in the area, while the income amount on a commercial property is based on actual rent received. Because rental values vary from area to area, actual property savings vary from county to county. In addition, as County Assessors are required to assess all properties annually, Mills Act properties may realize slight increases in property taxes each year.

Qualified Historic Property

A qualified historic property is a property listed on any federal, state, county, or city register, including the *National Register of Historic Places*, *California Register of Historical Resources*, California Historical Landmarks, State Points of Historical Interest, and locally designated landmarks. Owner-occupied family residences and income-producing commercial properties may qualify for the Mills Act program.

OHP's Role

OHP provides technical assistance and guidance to local governments and property owners. OHP maintains a current list of communities participating in the Mills Act program and copies of Mills Act ordinances, resolutions, and contracts that have been adopted. OHP does not participate in the negotiations of the agreement and is not a signatory to the contract.

For Additional Information

Contact the planning department of the city or county within which the historic property is located.

California's four largest cities (Los Angeles, San Diego, San Francisco, and San Jose) as well as more than 75 other city and county governments have instituted Mills Act programs. A list of communities participating in the Mills Act Program is available online at http://www.ohp.parks.ca.gov/default.asp?page_id=21412.

For additional information on the Mills Act, please contact MaryIn Lortie in the Office of Historic Preservation, PO Box 942896, Sacramento CA 94296-0001, (916) 653-8911, mlort@ohp.parks.ca.gov.

California State Codes Relating to Mills Act Program

California Government Code, Article 12, Sections 50280 - 50290

50280. Restriction of property use.

Upon the application of an owner or the agent of an owner of any qualified historical property, as defined in Section 50280.1, the legislative body of a city, county, or city and county may contract with the owner or agent to restrict the use of the property in a manner which the legislative body deems reasonable to carry out the purposes of this article and of Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code. The contract shall meet the requirements of Sections 50281 and 50282.

50280.1. Qualified historic property.

"Qualified historical property" for purposes of this article, means privately owned property which is not exempt from property taxation and which meets either of the following:

- (a) Listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations.
- (b) Listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

50281. Required contract provision.

Any contract entered into under this article shall contain the following provisions:

- (a) The term of the contract shall be for a minimum period of 10 years.
- (b) Where applicable, the contract shall provide the following:
 - (1) For the preservation of the qualified historical property and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.
 - (2) For the periodic examinations of the interior and exterior of the premises by the assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the owner's compliance with the contract.
 - (3) For it to be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract.
- (c) The owner or agent of an owner shall provide written notice of the contract to the Office of Historic Preservation within six months of entering into the contract.

50281.1. Fees.

The legislative body entering into a contract described in this article may require that the property owner, as a condition to entering into the contract, pay a fee not to exceed the reasonable cost of administering this program.

50282. Renewal.

(a) Each contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract, a year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. If the property owner or the legislative body desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least 90 days prior to the renewal date or by the legislative body at least 60 days prior to the renewal date, one year shall automatically be added to the term of the contract.

(b) Upon receipt by the owner of a notice from the legislative body of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The legislative body may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

(c) If the legislative body or the owner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

(d) The owner shall furnish the legislative body with any information the legislative body shall require in order to enable it to determine the eligibility of the property involved.

(e) No later than 20 days after a city or county enters into a contract with an owner pursuant to this article, the clerk of the legislative body shall record with the county recorder a copy of the contract, which shall describe the property subject thereto. From and after the time of the recordation, this contract shall impart a notice thereof to all persons as is afforded by the recording laws of this state.

50284. Cancellation.

The legislative body may cancel a contract if it determines that the owner has breached any of the conditions of the contract provided for in this article or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The legislative body may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

50285. Consultation with state commission.

No contract shall be canceled under Section 50284 until after the legislative body has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be mailed to the last known address of each owner of property within the historic zone and shall be published pursuant to Section 6061.

50286. Cancellation.

(a) If a contract is canceled under Section 50284, the owner shall pay a cancellation fee equal to 121/2 percent of the current fair market value of the property, as determined by the county assessor as though the property were free of the contractual restriction.

(b) The cancellation fee shall be paid to the county auditor, at the time and in the manner that the county auditor shall prescribe, and shall be allocated by the county auditor to each jurisdiction in the tax rate area in which the property is located in the same manner as the auditor allocates the annual tax increment in that tax rate area in that fiscal year.

(c) Notwithstanding any other provision of law, revenue received by a school district pursuant to this section shall be considered property tax revenue for the purposes of Section 42238 of the Education Code, and revenue received by a county superintendent of schools pursuant to this section shall be considered property tax revenue for the purposes of Article 3 (commencing with Section 2550) of Chapter 12 of Part 2 of Division 1 of Title 1 of the Education Code.

50287. Action to enforce contract.

As an alternative to cancellation of the contract for breach of any condition, the county, city, or any landowner may bring any action in court necessary to enforce a contract including, but not limited to, an action to enforce the contract by specific performance or injunction.

50288. Eminent domain.

In the event that property subject to contract under this article is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the legislative body to frustrate the purpose of the contract, such contract shall be canceled and no fee shall be imposed under Section 50286. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

50289. Annexation by city.

In the event that property restricted by a contract with a county under this article is annexed to a city, the city shall succeed to all rights, duties, and powers of the county under such contract.

50290. Consultation with state commission.

Local agencies and owners of qualified historical properties may consult with the State Historical Resources Commission for its advice and counsel on matters relevant to historical property contracts.

California Revenue and Taxation Code, Article 1.9, Sections 439 – 439.4

439. Historical Property Restrictions; enforceably restricted property.
For the purposes of this article and within the meaning of Section 8 of Article XIII of the Constitution, property is "enforceably restricted" if it is subject to an historical property contract executed pursuant to Article 12 (commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

439.1. Historical Property; definitions.
For purposes of this article "restricted historical property" means qualified historical property, as defined in Section 50280.1 of the Government Code, that is subject to a historical property contract executed pursuant to Article 12 (commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. For purposes of this section, "qualified historical property" includes qualified historical improvements and any land on which the qualified historical improvements are situated, as specified in the historical property contract. If the historical property contract does not specify the land that is to be included, "qualified historical property" includes only that area of reasonable size that is used as a site for the historical improvements.

439.2. Historical Property; valuation.
When valuing enforceably restricted historical property, the county assessor shall not consider sales data on similar property, whether or not enforceably restricted, and shall value that restricted historical property by the capitalization of income method in the following manner:

(a) The annual income to be capitalized shall be determined as follows:

(1) Where sufficient rental information is available, the income shall be the fair rent that can be imputed to the restricted historical property being valued based upon rent actually received for the property by the owner and upon typical rentals received in the area for similar property in similar use where the owner pays the property tax. When the restricted historical property being valued is actually encumbered by a lease, any cash rent or its equivalent considered in determining the fair rent of the property shall be the amount for which the property would be expected to rent were the rental payment to be renegotiated in the light of current conditions, including applicable provisions under which the property is enforceably restricted.

(2) Where sufficient rental information is not available, the income shall be that which the restricted historical property being valued reasonably can be expected to yield under prudent management and subject to applicable provisions under which the property is enforceably restricted.

(3) If the parties to an instrument that enforceably restricts the property stipulate therein an amount that constitutes the minimum annual income to be capitalized, then the income to be capitalized shall not be less than the amount so stipulated. For purposes of this section, income shall be determined in accordance with rules and

regulations issued by the board and with this section and shall be the difference between revenue and expenditures. Revenue shall be the amount of money or money's worth, including any cash rent or its equivalent, that the property can be expected to yield to an owner-operator annually on the average from any use of the property permitted under the terms by which the property is enforceably restricted. Expenditures shall be any outlay or average annual allocation of money or money's worth that can be fairly charged against the revenue expected to be received during the period used in computing the revenue. Those expenditures to be charged against revenue shall be only those which are ordinary and necessary in the production and maintenance of the revenue for that period. Expenditures shall not include depletion charges, debt retirement, interest on funds invested in the property, property taxes, corporation income taxes, or corporation franchise taxes based on income.

(b) The capitalization rate to be used in valuing owner-occupied single family dwellings pursuant to this article shall not be derived from sales data and shall be the sum of the following components:

(1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and that was the yield rate equal to the effective rate on conventional mortgages as determined by the Federal Housing Finance Board, rounded to the nearest 1/4 percent.

(2) A historical property risk component of 4 percent.

(3) A component for property taxes that shall be a percentage equal to the estimated total tax rate applicable to the property for the assessment year times the assessment ratio.

(4) A component for amortization of the improvements that shall be a percentage equivalent to the reciprocal of the remaining life.

(c) The capitalization rate to be used in valuing all other restricted historical property pursuant to this article shall not be derived from sales data and shall be the sum of the following components:

(1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and that was the yield rate equal to the effective rate on conventional mortgages as determined by the Federal Housing Finance Board, rounded to the nearest 1/4 percent.

(2) A historical property risk component of 2 percent.

(3) A component for property taxes that shall be a percentage equal to the estimated total tax rate applicable to the property for the assessment year times the assessment ratio.

(4) A component for amortization of the improvements that shall be a percentage equivalent to the reciprocal of the remaining life.

(d) Unless a party to an instrument that creates an enforceable restriction expressly prohibits the valuation, the valuation resulting from the capitalization of income method described in this section shall not exceed the lesser of either the valuation that would have resulted by calculation under Section 110, or the valuation that would have resulted by calculation under Section 110.1, as though the property was not subject to an enforceable restriction in the base year.

(e) The value of the restricted historical property shall be the quotient of the income determined as provided in subdivision (a) divided by the capitalization rate determined as provided in subdivision (b) or (c).

(f) The ratio prescribed in Section 401 shall be applied to the value of the property determined in subdivision (d) to obtain its assessed value.

439.3. Historical Property; notice of nonrenewal.

Notwithstanding any provision of Section 439.2 to the contrary, if either the county or city or the owner of restricted historical property subject to contract has served notice of nonrenewal as provided in Section 50282 of the Government Code, the county assessor shall value that restricted historical property as provided in this section.

(a) Following the hearing conducted pursuant to Section 50285 of the Government Code, subdivision (b) shall apply until the termination of the period for which the restricted historical property is enforceably restricted.

(b) The board or assessor in each year until the termination of the period for which the property is enforceably restricted shall do all of the following:

(1) Determine the full cash value of the property pursuant to Section 110.1. If the property is not subject to Section 110.1 when the restriction expires, the value shall be determined pursuant to Section 110 as if the property were free of contractual restriction. If the property will be subject to a use for which this chapter provides a special restricted assessment, the value of the property shall be determined as if it were subject to the new restriction.

(2) Determine the value of the property by the capitalization of income method as provided in Section 439.2 and without regard to the fact that a notice of nonrenewal or cancellation has occurred.

(3) Subtract the value determined in paragraph (2) of this subdivision by capitalization of income from the full cash value determined in paragraph (1).

(4) Using the rate announced by the board pursuant to paragraph (1) of subdivision (b) of Section 439.2, discount the amount obtained in paragraph (3) for the number of years remaining until the termination of the period for which the property is enforceably restricted.

(5) Determine the value of the property by adding the value determined by the capitalization of income method as provided in paragraph (2) and the value obtained in paragraph (4).

(6) Apply the ratios prescribed in Section 401 to the value of the property determined in paragraph (5) to obtain its assessed value.

439.4. Historical Property; recordation.

No property shall be valued pursuant to this article unless an enforceable restriction meeting the requirements of Section 439 is signed, accepted and recorded on or before the lien date for the fiscal year in which the valuation would apply.