

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

SPECIAL MEETING MINUTES

Monday, August 4, 2025

TOUR OF INSPECTION - 2:00 PM

The City Council conducted an on-site tour of inspection of the property listed below:

1. Dolores Street 2 southeast of 7th Avenue, Carmel (Esperanza Carmel Commercial - JB Pastor Building)

CALL TO ORDER AND ROLL CALL - COUNCIL CHAMBERS

Mayor Byrne called the meeting to order in the Council Chambers at 3:01 p.m.

Roll call: Councilmembers Jeff Baron, Hans Buder, Alissandra Dramov, Mayor Pro Tem Delves, and Mayor Dale Byrne were present.

CONSENT AGENDA

Councilmember Buder pulled item #5, and Councilmember Dramov pulled items #2, 4, and 7.

Motion by Mayor Pro Tem Delves to approve consent agenda items #1, 3, and 6, seconded by Councilmember Baron, and approved 5-0-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Buder, Delves, Dramov, and Mayor Byrne

NOES: None

ABSENT: None

ABSTAIN: None

The following Consent Agenda were approved:

Item 1 - June 30, 2025, Special Meeting Minutes, and July 1, 2025, Regular Meeting Minutes - *Approved 5-0-0-0*

Item 3 - June 2025 Check Register Summary - *Approved 5-0-0-0*

Item 6 - Resolution 2025-066 Approving the consumption of alcohol on public property and the erection of tents for the Carmel Woman's Club Centennial Celebration on Saturday, September 20, 2025 - *Approved 5-0-0-0*

ITEMS PULLED FROM CONSENT

Mayor Byrne requested a continuation of four items pulled from consent to the August 5th City Council meeting and received consensus agreement from Council. The following consent agenda items were continued to August 5, 2025:

Item 2 - June 2025 Monthly Reports - *continued to August 5th*

Item 4 - Resolution 2025-064 authorizing the purchase of a Caterpillar 255 Compact Track Loader from Quinn Company under Sourcewell Member Contract #020223 for \$119,485.08 - *continued to August 5th*

Item 5 - Resolution 2025-065 Approving Revisions to City Policy C89-02: City Council Meetings, Orders of Council, Agenda Packets, Minutes of Meeting and Agenda Distribution - *continued to August 5th*

Item 7 - Resolution 2025-067 Authorizing the City Administrator to Execute Amendment No. 4 to a Professional Services Agreement with Traffic Patterns, LLC, extending the term through June 30, 2028, for recruitment services, and authorizing a not-to-exceed amount of \$45,000 for the 3-year term extension - *continued to August 5th*

PUBLIC HEARINGS

Item 8 - APP 25115 (Esperanza Carmel Commercial - JB Pastor Building): Consideration of an Appeal (APP 25115, Esperanza Carmel Commercial - JB Pastor Building) filed by Krista Ostoich on behalf of Mike Brown, Mike Cate, Don Goodhue, Steve Hillyard, Vinz Koller, Courtney Kramer, Cindy Lloyd, Ian Martin, Rich Pepe, Kristi Reimer, and Julie Wendt of the Planning Commission's approval (Resolution No. 2025-020-PC) of Design Review, DR 23-140 (Esperanza Carmel Commercial - JB Pastor Building), Use Permit, UP 21-113 (Esperanza Carmel Commercial - JB Pastor Building), Lot Merger, LM 20-394 (Esperanza Carmel Commercial - JB Pastor Building), and associated environmental determination for the JB Pastor Building located at Dolores Street 2 southeast of 7th Avenue in the Service Commercial (SC) District at Lots 6, 8, and 10 of Block 91. APNs: 010-145-023-000, 010-145-024-000, and 010-145-012-000

Mayor Byrne recused himself from this item on the advice of the City Attorney due to a perceived conflict of interest related to donations from the property owner to Carmel Cares, a nonprofit he founded. He left the dais and the meeting at 3:08 p.m.

Mayor Pro Tem Delves recused himself from this item due to a 2024 in-kind campaign donation he received from one the appellants, Rich Pepe, when running for City Council. He left the dais and the meeting at 3:09 p.m.

Councilmember Buder disclosed a \$1,000 donation he received from one the appellants, Rich Pepe, which he returned within 30 days of the appeal being added to the agenda, as allowed

under the Levine Act. He confirmed with the Fair Political Practices Commission (FPPC) that he could participate. He said he had planned to recuse himself regardless, until he found out there would be less than a quorum of Council present, he decided to participate.

Councilmember Baron assumed the chair and outlined the hearing process and time limits. Principal Planner Evan Kort presented the staff report. Councilmembers deferred comments until after hearing public comments.

Public appearances:

Krista Ostoich, Esq, on behalf of the project appellants
Jun Sillano, on behalf of the project applicant/property owner
Ken White
Julie Christopher
Anne Draper
Andi Carr
Donna Ketcham
Neal Kruse
Joe DiNucci
Donna Jett
Linda Califiore
Nancy Twomey
Mel Ahlborn
Karyl Hall
Cindy Lloyd
Courtney Kramer
Julie Wendt
Mike Brown
Mike Cate
Ian Martin

RECESS

Council took a recess at 5:15 pm and returned to the dais at 5:25 pm to resume the meeting.

Public appearances (resumed):

Steve Hillyard
Victoria Beach
Kristi Reimers
Don Goodhue
Steve Hillyard
Dr. Barbara Lamprecht
Alex Ramos
Troy Fink
Jeanne

Rich Pepe
Chris Campbell
Cesar Plascencia
Krista Ostoich, Esq, rebuttal comment on behalf of the appellants
Jun Sillano, rebuttal comment on behalf of the project applicant

Councilmembers decided to divide up the discussion of the appeal into sections: Building and Structure, Parking, Landscaping, Historic Preservation, and CEQA.

Building Structure & Code Interpretation - Council debated whether the second-floor catwalk connecting two buildings caused the structure to exceed the 10,000 sq. ft. limit allowed for in CMC §17.14.140(C). Councilmember Buder noted conflicting code definitions of “open space” and “structure,” and stressed the need to clarify the ambiguity before deciding. Councilmember Dramov felt the building exceeded the size limit and was not in compliance with the municipal code. Councilmembers Baron and Buder sided with the Planning Commission’s interpretation that the project meets the requirements of the City Code.

Parking - Council voiced concerns regarding the projects proposed stacked parking stalls being impractical, unsafe, and unavailable to the public. Councilmember Buder made comparisons to other local sites with more efficient use of space and underground parking. All three Councilmembers supported the appellants’ position that the proposed parking was inadequate.

Landscaping - Councilmembers discussed whether rooftop or catwalk landscaping counts toward the 50% ground-level landscaping requirement as stated in CMC §17.34.080(A)(1). Council consensus aligned with the appellants’ that the project’s landscaping does not meet the requirements or the intent of the City Code.

Historic Preservation - Councilmember Dramov argued that the historical review done by PAST Consultants should have addressed the entire building, not just the wall next to the Dolores and 7th Restaurant, and that the project did not meet conditions adopted by Council in 2023 by Resolution 2023-099. Councilmember Buder noted the lack of legal challenge to prior historical determinations but questioned whether the consultant’s review was complete. Councilmember Baron emphasized the Council’s role in determining if the 3 conditions for the project stated in the resolution adopted in 2023 were met.

CEQA - Councilmembers Baron and Buder agreed the project was categorically exempt from CEQA under Class 31 exemption. Councilmember Dramov disagreed with that assessment.

RECESS

Council took a recess at 6:15 pm and returned to the dais at 6:45 pm and resumed the meeting.

Council discussion on the appeal resumed.

Council Consensus Direction:

Councilmembers Baron, Buder and Dramov agreed unanimously to uphold the appeal on the issues of parking and landscaping, and to remand the project back to the Planning Commission with direction based on Council findings.

Council directed staff to prepare a new resolution reflecting the Council's findings for adoption at the September 8, 2025, Council meeting to formally adopt the Council's findings, as well as draft motions for Council to vote on regarding maximum floor area, consistency with the Secretary of Interior Standards, and CEQA.

Councilmember Buder recommended scheduling a future discussion to clarify the ambiguous sections of the Municipal Code.

Motion by Councilmember Baron to continue the appeal hearing (APP 25115, Esperanza Carmel Commercial - JB Pastor Building) to the September 8, 2025, City Council meeting at 3:00 p.m., with direction to staff to return with a Resolution with the Council's findings on the appeal regarding the issues of parking and landscaping, and to return with draft motions for Council to vote on regarding the structure maximum floor area, consistency with the Secretary of Interior Standards, and CEQA, seconded by Councilmember Buder, and approved by the following roll call vote:

AYES: Councilmembers Baron, Buder, and Dramov

NOES: None

ABSENT: None

ABSTAIN: Mayor Pro Tem Delves (recused), Mayor Byrne (recused)

ADJOURNMENT

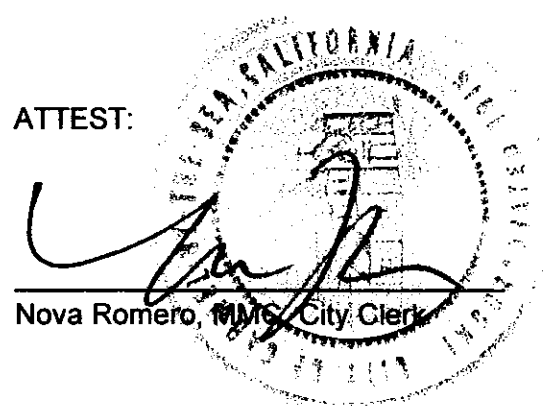
Council adjourned the meeting at 9:25 p.m.

APPROVED:



Dale Byrne, Mayor

ATTEST:



Nova Romero, City Clerk