

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR APPROVAL

Application: CDP 18-231 (Beach Fire Management Pilot Program)

Location: Carmel Beach, 10th Avenue to Martin Way

Applicant: City of Carmel-by-the Sea

CONSIDERATION:

Consideration of a Coastal Development Permit (CDP 18-231) application to review and extend the Beach Fire Management Pilot Program.

FINDINGS OF FACT:

1. On June 30, 2016, a new Coastal Development Permit (CDP) application was approved by the City Council to adopt a 3-year Beach Fire Management Pilot Program. The Pilot Program expires on June 30, 2019.
2. On February 6, 2018, the City Council voted to direct staff to return with a Coastal Development Permit to extend the Beach Fire Management Program. The purpose of the extension is to allow the City to collect more data prior to considering final Local Coastal Program amendments.
3. A duly-noticed public hearing was held by the City Council on July 3 2018, for consideration of the CDP, with notice of said hearing published in the *Carmel Pine Cone* and distributed to owners and occupants of properties within 300-ft and 100-ft of the subject parcels at least 10 days prior to the public hearing.

FINDINGS FOR APPROVAL:

After taking public testimony and hearing evidence from the City staff, the City Council makes the following findings:

1. **Finding:** The program is consistent with the City's General Plan, including the Local Coastal Plan (LCP), and the inherent balance between coastal access and environmental protection. The program is consistent with LCP Goal G4-1: "Provide for maximum public access to, and recreational use of, the shoreline consistent with private property rights and environmental protection."

Evidence: The development (proposed installation of up to 12 wood-fueled beach fire devices and temporary signage) will be located near the beach staircases and will not impede public access to the sea or along the shoreline. The recreational opportunity to build a wood fire will be maintained in designated areas via the fire containment devices. Propane-fueled fires will continue to be allowed and will not have a cap on the number of propane devices. These components will allow fires to continue to occur, while possibly allowing greater use of other areas of the beach for different recreational uses. Under the existing rules, unlimited fires may be built directly in the sand anywhere south of Tenth Avenue and 25 feet from the base of the bluff, which may curtail access to areas of the beach due to the presence of beach fires, hot coals, or charcoal. The program includes provisions for timely and a phased removal of any City-supplied wood-fueled devices in the event that they are threatened by winter beach scour in order to maximize the duration over the year that the devices are available for use while avoiding hazards due to undermining, displacement, or flooding of the devices. Propane-fueled devices will be allowed year round.

2. **Finding:** The program is consistent with LCP Goal G4-3, which states: “Provide adequate facilities that will serve the needs of the public, mitigate damage to the environment and respect the neighborhood” and Goal G4-4, which states: “Provide for a wide variety of passive and active recreational experiences for all beach users while protecting the resource values of beach environs.”

Evidence: The proposed use of up to 12 wood-fueled beach fire devices in addition to propane-fueled fire devices is intended to serve the needs of public beach goers for beach recreation (i.e. allow recreational fires); mitigate damage to the environment (specifically sand, ocean and air) and respect the neighborhood by developing, implementing, and refining through adaptive management program components that would better manage the number of wood beach fires and the associated health and safety hazards resulting from improperly extinguished fires and impacts from wood smoke. The proposed hours for beach fires of 4 p.m. to 10 p.m. continues to provide for recreational beach fires in the late afternoon and evening, which are typically the times of the day where such fires are desired, while providing improved air quality and shoreline area experience for other times of day, such that people with health conditions or sensitivities to wood smoke can also enjoy the beach area. Better controlling the number and location of wood fires through the use of a limited number of properly-positioned fire containment devices or delineators for user-supplied wood-fueled devices is intended to respond to community concerns related to air quality impacts and hazards from hot coals on the sand, both of which interfere with the public’s ability to enjoy walking and other recreational activities at the beach. The program’s encouragement of the use of propane-fueled devices is similarly intended to reduce these impacts to both beach and shoreline area uses as well as residents with homes near the beach.

- Finding:** The program is consistent with LCP Objective 04-10, which states: “Allow beach users the opportunity to enjoy a fire for warmth or cooking, while protecting the sand from degradation.”

Evidence: The proposed installation of 12 wood-fueled beach fire devices in addition to propane-fueled fire devices will allow for the continuation of fires for cooking and warmth while preventing fires from being built directly onto the sand as an effort to protect the sand from degradation due to charcoal, ash and burned logs. Both wood-fueled fire devices and propane-fueled devices would continue to be located south of Tenth Avenue; be located at least 25-75 feet from the base of the bluffs (25 feet for propane; 75 feet wood-burning); and available for use between 4 p.m. and 10 p.m., parameters that are generally consistent with LCP Policy P4-57 and Chapter 17 of the City’s Zoning Code. The pilot program is an adaptively management program with a duration of up to 3 years. Following the pilot program, the City would be evaluating if a Local Coastal Program Amendment is needed to adjust on a more permanent basis any of the rules and regulations related to beach fires.

- Finding:** The program is consistent with LCP Policy P4-56, which states: “Implement procedures and regulations for temporary events on the beach that will protect public access and environmental resources” and LCP Policy P4-62, which states: “Lower cost visitor and recreational facilities shall be protected and encouraged and where feasible, provided.”

Evidence: The use of up to 12 fire containment devices or use of user-supplied wood-fueled devices at designated locations is proposed to be free and available for general use by the public on largely a “first come, first serve” basis, while half of the devices being community devices for shared use. Both of these components are geared toward ensuring equal public access to the use of the devices. In addition, for a limited number of temporary (typically one day or less) events on the beach that obtain from the City a Special Event Permit, one or two wood-fueled devices may be available or designated, in accordance with the City’s special event permit process. Typically, no more than one such special event is allowed on any specific day, and this will ensure that the vast majority of devices remain available on a first come, first serve basis. In addition, an essentially unlimited number of propane-fueled devices would be allowed, with the cost to rent or purchase and supply such devices on a similar level as the cost of purchasing wood fuel.

- Finding:** The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15311 of the State CEQA Guidelines. Exemptions under this section (Class 11 Categorical Exemptions) include construction or placement of minor structures accessory to existing facilities, including signage.

Evidence: The pilot program is a temporary program intended to reduce hazards to beach uses, to improve the aesthetics of the beach from uncontrolled and unlimited wood-fueled

beach fires, and to improve air quality by more effectively managing beach fires. The program includes measures to remove City-supplied fire devices from the beach prior to the devices being threatened by seasonal beach scouring. Signage and appurtenant structures will be temporary and will follow the City's standards for other signage in the beach including review by the Planning Commission for size, location, design, and materials prior to installation to ensure that significant aesthetic impacts are avoided. The proposed wood-fueled fire devices and temporary signage do not present any unusual circumstances that would result in a potentially significant environmental impact.