

OFFICIAL PETITION
TO
COUNCIL MEMBERS
CARMEL, CA

Carmel-By-The-Sea City Hall
Po Box Cc
Carmel, CA 93921-1757

City of Carmel-By-The-Sea

JUL 02 2024

Office of the City Clerk

To Members of the Carmel City Council:

There is a national movement underway to cut back on quality-of-life policing methods such as making arrests for vandalism, littering, loitering, vagrancy, public intoxication, and other quality of life violations.

As a registered voter in Carmel, I urge you to maintain all quality-of-life policing methods, vigorously defend these methods, support our police in enforcement of quality-of-life violations, and make sure our district attorney is fully behind quality-of-life policing methods.

Quality of life policing, as well as pro-active policing methods, have cleaned up and maintained order in many neighborhoods in our city and helped reduce more serious crime nationwide between 1985 and 2015 by over 50%.

Mrs. Wendy Ograin

Ms. Margaret Gallaway

Ms. Heather Deming

Mr. Thomas House , Jr.

Mr. L. Lane Loyko

Mrs. Julie Jones

Agenda Item #8
7-9-24 mtg



Carmel-by-the-Sea

City of Carmel-By-The-Sea **Nova Romero** <nromero@ci.carmel.ca.us>

JUL 02 2024

Office of the City Clerk

Hofsas house

2 messages

'audrey cook' via cityclerk <cityclerk@ci.carmel.ca.us>

Tue, Jul 2, 2024 at 1:57 PM

Reply-To: audrey cook [REDACTED]

To: cityclerk@ci.carmel.ca.us

Hello,

the neighbors around here are not happy that Hofsas house is exempt to the environmental report as apparently they will be unimpeded from sending asbestos all around the neighborhood. I'm not sure why they are exempt?

Nobody's very happy about this on top of the fact that it's a big place and it will affect everyone with the construction alone.

Sincerely,

AL Cook

Dolores at third

Sent from my iPhone

Nova Romero <nromero@ci.carmel.ca.us>

Tue, Jul 2, 2024 at 2:03 PM

To: Jeff Baron <jbaron@ci.carmel.ca.us>, Bobby Richards <brichards@ci.carmel.ca.us>, Alissandra Dramov <renewcarmel@outlook.com>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Dave Potter <dpotter@ci.carmel.ca.us>

Cc: Chip Rerig <crerig@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>, "Marnie R. Waffle" <mwaffle@ci.carmel.ca.us>, Leah Young <lyoung@ci.carmel.ca.us>, Brian Pierik <bpierik@ci.carmel.ca.us>

Please see email below re: Hofsas house.



Nova Romero, MMC
City Clerk

City of Carmel-by-the-Sea

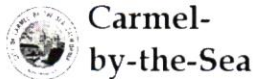
P.O. Box CC

Carmel-by-the-Sea, CA 93921

(831) 620-2016

nromero@cbts.us

[Quoted text hidden]



*Item # 7
7-9-24 mtg*
Nova Romero <nromero@ci.carmel.ca.us>

Letter to mayor and city council members regarding implementation of street addresses.

2 messages

KC Ruess [redacted]
To: cityclerk@ci.carmel.ca.us

City of Carmel-By-The-Sea

Tue, Jul 2, 2024 at 9:08 PM

JUL 03 2024

Office of the City Clerk

City Clerk, Carmel-by-the-Sea.

This letter is for the Mayor and City Council members. Please forward it to all of them in advance of the July 9 City Council meeting and archive it with the record for that meeting.

I live and vote in Carmel-by-the-Sea at the Southwest corner of First and Santa Fe. I am concerned about the lack of proper addresses and urge the city to implement a numbered-street address system as soon as possible. I understand this subject is on the agenda for the July 9, 2024 City Council meeting.

Not having addresses is a health and safety issue as it can delay response times for first responders such as fire or police in response to a 911 call. Delays can have significant negative impact on outcomes and the city may incur liability as an entity that can implement addresses but has not. I worry about the city being liable for a worse outcome due in part to a delayed response. This could be more property damage caused by not putting a fire out when it was small, loss of life in the precious moments lost due to a later administration of first aid or later arrival time at a hospital, or a severe outcome (property or person) as part of a crime. Time matters in emergency response and simple addresses (number and street name) will facilitate quick reaction and minimize response time. It doesn't matter that local police and fire are familiar with the city as 911 calls can be routed to dispatchers not familiar with the city; a severe emergency, such as a large fire, would trigger arrival of responders (like Cal Fire) who could be from almost anywhere in the state. The city could be subject to expensive lawsuits and the attendant legal fees necessary to defend itself. Inaction or delay in assigning addresses constitutes a decision to delay emergency response times and compromise health and safety in Carmel-by-the-Sea.

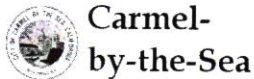
When we first moved here, I asked the desk officer at the police station what was the best way to make an emergency call given the lack of addresses. They told me that 911 calls can be routed through dispatchers in Carmel, Monterey, or Salinas. Recognizing that Monterey and Salinas dispatchers are unlikely to understand Carmel addresses, I was told to call the local police dispatch number and identify my location by block and lot number. I was able, eventually, to figure out that I live at Block 14, Lot 1. I am willing to bet that very, very few people in Carmel know this information; certainly their visitors have no idea.

Several times we had to call 911 to summon aid for our late neighbor. The lack of addresses effectively requires that someone stand in the street to help guide responders to the location. This could be impossible if the caller is alone and unable to leave the person needing aid.

Sincerely,

Kevin Ruess
[redacted signature]

Item # 7
7-9-24 mtg
Nova Romero <nromero@ci.carmel.ca.us>



FW: Street addresses

2 messages

jeff@carmel2022.com <jeff@carmel2022.com>
To: Nova Romero <nromero@ci.carmel.ca.us>

Tue, Jul 2, 2024 at 4:05 PM

From: Lorna Claerbout <[redacted]>
Sent: Tuesday, July 2, 2024 2:53 PM
To: Jeffrey Baron <jeff@carmel2022.com>
Subject: Street addresses

City of Carmel-By-The-Sea
JUL 03 2024
Office of the City Clerk

Hi Jeff,

I am out of the country and unable to attend the council meeting tomorrow in person or by zoom. Would you please share the following document with the Mayor and the Carmel City Council. Thank you.

Sincerely,

Lorna Claerbout

Street addresses

Dear Mayor Potter and Carmel City Council,

I believe that assigning street addresses in Carmel should be given top priority. Having lived full time on Guadalupe Street for 14 years, I have observed many serious problems caused by our lack of street addresses. Here are just a few examples:

1. Ambulances drivers on two occasions asked me for assistance in locating a house on our street, wasting precious minutes in getting our neighbor emergency care.
2. Important medical supplies meant for a neighbor were incorrectly delivered to my front door when I was on vacation and sat there in the rain until I returned a week later.
3. In addition, there have been many more incorrect deliveries on my street. I frequently see delivery people wandering around struggling to find the correct house. Our present system is a waste of time and energy for so many people for no justifiable reason. Rather than quaint, it is archaic and highly inefficient in our present day.

Sincerely,

Lorna Claerbout

Agenda Item # 8
7-9-24 mtg

ANTHONY LOMBARDO & ASSOCIATES
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO
KELLY MCCARTHY SUTHERLAND
JOSEPH M. FENECH
CODY J. PHILLIPS

144 W. GABILAN STREET
SALINAS, CA 93901
(831) 751-2330
FAX (831) 751-2331

June 25, 2024

File No. 5547.000

Mayor David Potter
City of Carmel-by-the-Sea
PO Box CC
Carmel-by-the-Sea 93921

City of Carmel-By-The-Sea

JUN 25 2024

Re: Carmel Legacy Hotel Appeal

Office of the City Clerk

Dear Mayor Potter and Members of the City Council,

Our office represents the applicants for the proposed Carmel Legacy Hotel which will replace the existing Hofsas House Hotel. We have reviewed the appeal materials submitted by the Carmel Preservation Association on April 24, 2024, and believe that the appeal provides no evidence to support its conclusion that the categorical exemption prepared by the City is inadequate. We also agree with the materials submitted in response to the appeal by EMC and by Eric Miller Architects. This letter further responds specifically to the appellant's position that there are "unusual circumstances" surrounding the project which necessitate the preparation of an EIR even though the project is otherwise categorically exempt under CEQA, as well as the appellant's assertion that the demolition of the project will result in significant impacts to the environment.

Staff determined that the project was categorically exempt under a Class 32 CEQA exemption for "Infill Development," but other exemptions are also applicable to this project. The State legislature has determined that projects which are "categorically exempt" do not have the potential to create a significant effect on the environment, and therefore are exempt from the preparation of further environmental documentation. A project which would otherwise be categorically exempt from the preparation of an EIR or negative declaration can be required to prepare further environmental documentation due to "unusual circumstances" surrounding the project. The appeal filed by the Carmel Preservation Association appears to claim that there are unusual circumstances associated with this project that would cause such significant effects. Fortunately, the Courts in California have defined what constitutes "unusual circumstances" and there is nothing about this project that is an unusual circumstance mandating the preparation of further environmental analyses.

The defining case in California law regarding the application of the unusual circumstances exception is *Berkeley Hillside Preservation v. City of Berkeley* 60 Cal.4th 1086 (Cal. 2015). That case centered around a proposal by homeowners in the Berkeley Hills to demolish their house, and construct a new, two story, 6,478 square-foot house with an attached 3,394 square foot ten car garage on a steep lot in a heavily wooded area of existing homes that were much smaller. The city found the project to be exempt from CEQA review under the infill exemption and also found that the construction of the home did not involve any “unusual circumstances.”

The Court laid out a two-part test for determining whether the unusual circumstances exception applied. First, the City must determine whether there are “unusual circumstances,” which the court reviews under the “substantial evidence” standard of review. Second, if the City determines that unusual circumstances are present, the City must then consider whether there is a fair argument that the proposed activity may have a significant environmental effect.

The Court described the test as follows:

While evidence of a significant effect may be offered to prove unusual circumstances, circumstances do not become unusual merely because a fair argument can be made that they might have a significant effect. Evidence that a project may have a significant effect is not alone enough to remove it from a class consisting of similar projects that the Secretary has found “do not have a significant effect on the environment.” (§ 21084, subd. (a), italics added; cf. *Laurel Heights II*, supra, 6 Cal.4th at p. 1134, 26 Cal.Rptr.2d 231, 864 P.2d 502; *No Oil*, supra, 13 Cal.3d at p. 83, fn. 16, 118 Cal.Rptr. 34, 529 P.2d 66.) Therefore, an agency must weigh the evidence of environmental effects along with all the other evidence relevant to the unusual circumstances determination, and make a finding of fact. Judicial review of such determinations is limited to ascertaining whether they are “supported by substantial evidence.” (§ 21168.5.) *Id.* at 1115-16 (Cal. 2015) [*emphasis added*]

In short, under the *Berkeley Hillside* test, the City must determine if there are unusual circumstances (something not normally associated with a project of this type and scale) which results in a significant effect on the environment in order to determine that a categorical exemption is inappropriate.

The appeal claims (without citing any evidence) that the project will create parking, traffic, noise, asbestos pollution, glare, and historic resource impacts.

The appellant provides no evidence to support any of the statements, or any justification for why these issues constitute “unusual circumstances” under CEQA.

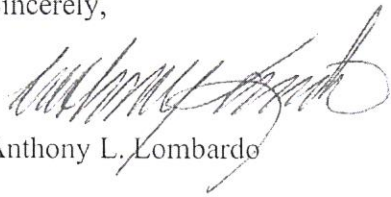
Mayor David Potter
City of Carmel-by-the-Sea
June 25, 2024
Page | 3

The appellants cite no evidence to substantiate a claim that these are unusual circumstances which would prevent the adoption of a categorical exemption. Each of the appellant's contentions are items that would be expected to be associated with the demolition and construction of virtually any site in the City of Carmel. Moreover, there is no evidence that any of the issues raised by appellant would actually result in a significant effect on the environment. The City has imposed conditions of approval on the project and the State of California has regulations that must be complied with (such as the proper handling of asbestos, if encountered) which preclude any of these issues from rising to the level of a significant impact.

Based on the foregoing, it is clear that the proposed project is typical of the type of project that was contemplated by the Class 32 infill exemption. There are no unusual circumstances associated with this project that would result in a significant effect on the environment, and all issues raised by the appellant are either non-issues (the project is not historic, and glass is typically used in hotel construction) or have already been resolved through conditions of approval and/or compliance with State law or City code requirements (requirement for a construction management plan, noise ordinance compliance, etc....).

The applicant therefore respectfully requests that the City Council deny the appeal and uphold the Planning Commission's unanimous approval.

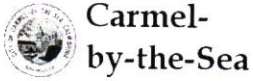
Sincerely,



Anthony L. Lombardo

cc: clients
Chip Rerig, City Manager
Brandon Swanson, Community Planning & Building Director
Marnie Waffle, Principal Planner
Peter Prows, Esq.

Item # 7
7-9-24 mtg



Nova Romero <nromero@ci.carmel.ca.us>
City of Carmel-By-The-Sea

House numbers in Carmel by the Sea

JUL 03 2024

2 messages

Office of the City Clerk

Marionkeyworth <[redacted]>
To: cityclerk@ci.carmel.ca.us

Tue, Jul 2, 2024 at 10:12 PM

Dear council members,
I wish to be counted along with others who OPPOSE putting number addresses on our homes. I have had to call 911 Many times and I've never had a problem receiving care in a timely and efficient manner. The addresses we use now add to the charm of our town. Please don't change them. There is NO GOOD REASON. If someone cannot go to the PO there's a system in place for those people. It's like the parking meter experiment. It's unnecessary and a needless expense.
I vote NO.

Marion Keyworth
[redacted]
Carmel by the Sea, Ca 93921
Sent from my iPhone

Nova Romero <nromero@ci.carmel.ca.us> Wed, Jul 3, 2024 at 12:08 PM
To: Jeff Baron <jbaron@ci.carmel.ca.us>, Bobby Richards <brichards@ci.carmel.ca.us>, Alissandra Dramov <renewcarmel@outlook.com>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Dave Potter <dpotter@ci.carmel.ca.us>
Cc: Chip Rerig <crerig@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>, Brian Pierik <bpierik@ci.carmel.ca.us>, Emily Garay <egaray@ci.carmel.ca.us>

Please see correspondence below for July 9th re: Street Addresses.

(Reminder: please do not reply all)



Nova Romero, MMC
City Clerk
City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921
(831) 620-2016
nromero@cbts.us

City of Carmel-By-The-Sea

JUL 03 2024

Office of the City Clerk

[Quoted text hidden]

JUL 03 2024

Office of the City Clerk

Item # 7
7-9-24 mtg

City Clerk, Carmel-by-the-Sea

Please forward this letter to the Mayor and City Council in advance of the July 9th meeting. In addition, please archive it with the record for that meeting.

I have been a full time resident here in Carmel by the Sea for almost 8years (Santa Fe either 3 or 4 SE of 1st). As you can see by my house address- I don't even know how to properly identify my home. When I purchased my home, all the forms said Santa Fe 3 SE of 1st, but then a year or so later, my neighbor put that address on her home, making me 4SE of 1st. I often wonder if I am inadvertently providing insurance for my neighbor's home.

So there is a problem- one with far reaching ramifications. And not just for the inconveniences that occur when trying to get packages delivered or utilities started or trying to find one's way around.

It's most importantly in case of an emergency. I haven't even been able to sign up for the "Alert" system, because it requires a 'normal' type of address for registration.

As a physician, I know how minutes can be critical in a medical emergency- and it seems unconscionable that we as a community do not care enough about our fellow residents and visitors to make it as easy as possible for first responders to get to those in need of emergency assistance. Any delay could result in worsening outcomes, or worse- loss of life, and all because of resistance to having the city implement a numbered street address system.

I understand this subject is on the agenda for the July 9th, 2024 City Council, and I urge the City of Carmel by the Sea to implement a numbered street address system, as soon as possible.

Thank you for your attention to this important issue,

Nadine B Semer, MD



Item # 8
7-9-24 mtg

TO: Mr. Brian Pierik, Esq.

City Attorney

Carmel-by-the-Sea

CC: Mr. Chip Rerig, Carmel City Administrator &
Mr. Brandon Swanson, Assistant City Administrator
The Pine Cone, San Francisco Gate, KSBW News

City of Carmel-By-The-Sea

JUL 03 2024

Office of the City Clerk

FROM: Neal Kruse, Appellant & CPA Chairman

DATE: July 2, 2024

RE: The City of Carmel's Denial of the Request for a Time Extension for The Hofsas House
Appeal of the Approval of the Hofsas House/Legacy Hotel project

Dear Mr. Pierik:

I am reaching out to you for a review and opinion regarding the City Administrator's refusal to grant me and my lawyer a change of date from July 9 meeting to August 6 to hear my appeal of the Hofsas House/Legacy Hotel project (HH/LH). Unfortunately, my attorney is unable to be present at the July 9 meeting due to an obligation in court. This courtesy to appellants is a common, standard practice here in Carmel-By-The-Sea. It is my understanding it was even extended recently to Mr. Tony Lombardo and his client for the HH/LH in June when Mr. Lombardo was going to be out of town. The other current appeals/land use questions were also moved to the July meeting. We do not understand why our appeal is being singled out for no change of date.

From the beginning of the HH/LH project's review process at the city, it has received special recognition unlike other projects due to the applicant's position as a former two-term city council member, a member of an old family, supporter of many community causes, and a member of the business community. The public treatment by staff has been overly friendly, personal, solicitous, and not generally professional, objective or neutral. During the review and approval, staff has gone out of the way to show preferential treatment during the public hearing and public comment. At voting, the Planning Commission did not even comment on the staff report, posed

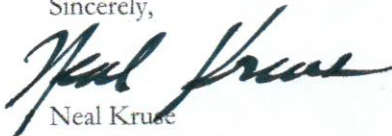
no questions, and just moved to the vote. From the beginning of filing of this appeal, the administration has not expeditiously dealt with our filing. I tried to reach Nova, City Clerk on the day of filing, not hearing from her for a few days, I called again on Tuesday, June 25, then again on Wednesday and left a message. Believing there was something wrong, I drove to City Hall at 4:45. Nova "came out" and apologized for not calling me back and indicated that Chip and the mayor had not yet decided about the change in schedule that I had requested. She said that she would probably call the next day. She did not. I called my attorney. This entire process has been irregular and unprofessional. As a longtime resident and attendee of Planning Commission, City Council, and Design Traditions meetings etc., I am extremely familiar with how the city conducts its business.

This process surrounding my appeal and request for extension of time has appeared to strongly favor the project applicant, who has been afforded obvious special treatment during meetings, in staff reports and staff recommendations (CEQA review and recommendations) and in one-to-one dealings. There appears to be a clear conflict of interest due to the very obvious preferential treatment of the applicant versus that of the appellant.

All I seek is a change in the time of my appeal from July 9 to August 6, which is a customary and not unreasonable request. I do not expect that the city will attempt to refuse this request with the excuse that the item has been advertised. The agenda is a very full one so that this change should be easy to accomplish by the chair (Mayor). I look forward to your kind cooperation in seeking balanced and fair treatment for all.

P.S. The city administrator called this afternoon, July 2, to say that our request had been denied, but that our attorney could send a letter to the city with his comments. This is not satisfactory as my attorney cannot possibly anticipate all that can be said a hearing and respond appropriately.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Kruse". The signature is written in a cursive, flowing style.

Neal Kruse
Appellant
Chairman, Carmel Preservation Association