

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

REGULAR MEETING MINUTES

Tuesday, March 4, 2025

CALL TO ORDER AND ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

Councilmember Baron led the pledge of allegiance.

EXTRAORDINARY BUSINESS

A. Carmel High School Report Out

The Carmel High School Robotics team presented their program and accomplishments, requesting public support. Juliette Norman, CHS Associate Student Body President, updated on events and announced they are eligible to receive a solar panel grant.

B. Proclamation recognizing March as American Red Cross Month

Councilmember Dramov read the proclamation and presented it to John Cromwell of the Red Cross of Monterey Bay Area.

C. Proclamation Celebrating the Carmel-by-the-Sea Rotary 75th Anniversary

Councilmember Baron read the proclamation and presented it to Graeme Robertson of the Carmel-by-the-Sea Rotary club.

D. Non-Profit Spotlight - Big Sur Marathon Foundation

Big Sur Marathon Foundation representatives, Hugo Ferlito and Jennifer Edwards, presented their mission to strengthen the community through charitable giving and promote healthy lifestyles through memorable running experiences.

PUBLIC APPEARANCES

Andi Carr

Neal Kruse

No name

Teresa Buccola

Donna Jett

Ronald Owens

Cindy Lloyd
Bryan Rosen
Lara B.
Catherine
John Filax
Lorna Moffat

ANNOUNCEMENTS

A. City Administrator - Announced the passing of Jan Reimers, former Planning Commissioner and Councilmember. He said she was a very kind person who was great to work with.

B. City Attorney - No announcements

C. Councilmember Announcements -

Councilmember Dramov - said that Jan Reimers was a very caring and supportive friend who will be missed by everyone.

Mayor Byrne – Thanked the public and staff for a productive Priorities Workshop and noted the City would provide a recap at an upcoming meeting. He requested the meeting be adjourned in memory of Jan Reimers.

ORDERS OF BUSINESS

Item 1 - Reconsideration of Council Action on Resolution 2025-018 authorizing the City Administrator to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Ausonio, Inc. for Project Management Services, including a fee increase of \$30,000 and a not-to-exceed fee of \$155,000 for Fiscal Year 2024/25

City Administrator Rerig said that at the last meeting two Councilmembers who voted in the affirmative for the Ausonio contract made a request to bring the item back for reconsideration. Councilmember Buder proposed deducting cost incurred by Ausonio for coordinating remediation for damages caused by the contractor hired for the City Hall Roof Replacement Project from the amount owed to the responsible contractor.

Public comment:

Sam Phillips
Stacy
Tasha Witt

The Council directed the City Administrator to work with the City Attorney to enforce the contract provisions against the contractor by deducting the costs incurred by Ausonio for handling remediation for damages during the City Hall Roof Replacement project.

PUBLIC HEARINGS

Item 2 - PERM EN 250005 (Salehi): Consideration of Resolution 2025-026 granting partial approval of a Permanent Encroachment application (PERM EN 250005, Salehi) allowing the legalization and maintenance of a planter-style retaining wall within the public right-of-way east of and adjacent to the driveway fronting 1st Avenue, and denying the legalization and maintenance of non-conforming perimeter retaining/garden walls, planter curbs, and step landings in the public right-of-way located at the southwest corner of Santa Rita Street and 1st Avenue in the Single Family Residential (R-1) District. APN: 010-027-001-000.

Planner Katherine Wallace presented staff's recommendation to approve the legalization and maintenance of a planter-style retaining wall within the public right-of-way east of and adjacent to the driveway fronting 1st Avenue, while denying the legalization and maintenance of non-conforming perimeter retaining/garden walls, planter curbs, and step landings at the corner of Santa Rita Street and 1st Avenue.

Public comment:

Mr. Yung spoke on behalf of the applicant
Malcolm Stewart

The Council discussed concerns about a city-made berm potentially causing runoff and erosion on the property. Councilmember Baron noted that while partial approval of the encroachment could be justified, he was concerned about the style's compatibility. Councilmember Buder emphasized the importance of following the City's General Plan, which prioritizes an organic and informal look for the public right-of-way and argued that the garden wall does not align with this aesthetic. Mayor Pro Tem Delves countered that removing part of the retaining wall would be punitive and visually awkward, noting that it is made of Carmel stone, uses natural materials, is appropriately scaled, and serves a purpose. Mayor Byrne supported allowing the garden wall and driveway retaining wall but opposed the planter curbs.

Mayor Pro Tem Delves motioned to partially approve of Permanent Encroachment Application (EN 250005, Salehi), stating the approval allows the legalization and maintenance of a planter-style retaining wall within the public right-of-way east of and adjacent to the driveway on fronting 1st Avenue, as there is a justifiable need, and stated that the request to legalize the non-conforming perimeter retaining/garden walls, planter curbs, and step landings in the public right-of-way are denied due to the lack of a justifiable need. Motion seconded by Councilmember Dramov 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

RECESS

Council took a recess at 6:40 p.m. and resumed the meeting at 7:03 p.m.

Item 3 - Consider Resolution 2025-027, adopting an Artificial Turf Policy prohibiting the installation of artificial turf/synthetic grass in all zoning districts

Planner Katherine Wallace presented the item and summarized amended State Law restoring the authority of local agencies to regulate or prohibit synthetic grass or artificial turf installations, as well as public health and stormwater concerns, and maintaining the village character.

Public Comment:
None

Council expressed a desire to include language in the policy specifying that all future installation, repair, or replacement of artificial turf is prohibited

Motion by Mayor Pro Tem Delves adopting Resolution 2025-027, adopting an Artificial Turf Policy prohibiting the installation of artificial turf/synthetic grass in all zoning districts, adding language to the policy to specify that all future installation, repair, or replacement of artificial turf is prohibited in all zones, seconded by Dramov, 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

Council moved to hear item #5 before Item #4 on the agenda.

Item 5 - First Reading and Introduction of Ordinance No. 2025-001 Amending Section 1.04.010 (Definitions) and Adding Sections to Chapter 12.36 (Camping on Public Lands)

City Attorney Pierik summarized the Supreme Court decision in *Grants Pass, Oregon v. Johnson*, which upheld laws prohibiting sleeping and camping in public spaces. He explained that the proposed ordinance clarifies the definitions of “camping” and “act of human habitation” and establishes a process for confiscating and returning personal property seized due to violations of the City’s anti-camping regulations.

Public comment:
None

City Attorney read the full title of the Ordinance.

Motion by Councilmember Baron to read by title only, waive full reading, and introduce Ordinance No. 2025-001 Amending Section 1.04.010 (Definitions) and Adding Sections to Chapter 12.36 (Camping on Public Lands), seconded by Mayor Pro Tem Delves 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

Ordinance No. 2025-001 was passed to a second reading.

Item 4 - APP 25032 (Jensen): Consideration of an Appeal of the Planning Commission's decision to Approve a Track 1 Design Study referral (DS 24321) with conditions for the replacement of the wood shake roof of a two-story single-family residence located on Santa Lucia 2 NE of Scenic in the Single-Family Residential (R-1) District, Archaeological Significance (AS) Overlay, and Beach/Riparian (BR) Overlay. APN: 010-293-013-000.

Mayor Byrne recused himself from the item because he lives less than 500 feet from the project location and left the meeting at 7:24 p.m. Mayor Pro Tem Delves resumed as chair of the meeting in the Mayor's absence.

Planner Jake Olander presented the appeal filed by Jensen regarding the Planning Commission's decision to approve a design study referral with conditions for replacing a wood shake roof on a two-story single-family residence. He added that the applicant, Jensen, is requesting that the Council overturn the Planning Commission's decision and approve a permit for installing a standing seam medium bronze metal roof.

Public Comment:

Missy Jensen, appellant and homeowner, requested the Council overturn the Planning Commission's decision and approve a permit for installing a standing seam medium bronze metal roof.

Gretchen

Rob Nicely

Mayor Pro Tem Delves shared insights from his experience as a planning commissioner, where he was a part of reviewing and approving metal roof applications. He characterized the approval process as arbitrary and frustrating due to the three-year delay of the Design Traditions Committee's recommendation and Council adoption of design guidelines. He noted that the Planning Commission has historically approved metal roofs on a case-by-case basis and argued that it is unfair to halt approvals until new guidelines are finalized. He emphasized that the Commission has the authority to approve metal roofs if they align with other guidelines, such as diversity and compatibility, and stated that the proposed metal roof suits the 1960s modern home.

Councilmembers Baron and Dramov echoed Delves' points, agreeing that the Planning Commission conducted a thorough review and should not stop approving metal roofs due to uncertain guideline timelines. Councilmember Buder also supported the proposed metal roof which is appropriate for this house and stressed the need to finalize the design guidelines.

Motion by Councilmember Baron to grant the appeal filed by Jensen, and overturn the Planning Commission decision, and approve the original permit for a metal roof, a Resolution confirming this, condition #20 be removed, seconded by Councilmember Dramov, and approved 4-0-0-1 by the following roll call vote:

AYES: Councilmembers Baron, Buder, Delves, Dramov

NOES: None

ABSENT: None

ABSTAIN: Mayor Byrne (recused)

ADJOURNMENT

Meeting adjourned in memory of Jan Reimers at 8:40 p.m.

APPROVED:

ATTEST:

Dale Byrne, Mayor

Nova Romero, MMC, City Clerk