

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

REGULAR MEETING MINUTES

Tuesday, September 10, 2024

TOUR OF INSPECTION - 3:30 PM

Prior to calling the regular meeting to order, Council conducted an on-site tour of inspection of the properties listed below:

- A. Ocean Avenue 4 northeast of Guadalupe Street, Carmel (APP 24188 - Mardani)
- B. Camino Real 4 Northwest of 11th Avenue, Carmel (APP 24117 - Rodriquez)

CALL TO ORDER AND ROLL CALL

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

Roll call: Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, Mayor Dave Potter. Mayor Pro Tempore Bobby Richards attended the meeting remotely via Zoom teleconference.

ANNOUNCEMENTS

City Attorney Pierik announced that Mayor Pro Tem Richards has requested to attend the meeting via zoom teleconference for "just cause" under AB 2449 due to a medical condition and stated that a motion by Council is needed to approve the request.

Mayor Potter made a motion to approve the request from Mayor Pro Tem Richards to attend the meeting for just cause under AB 2449, 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

PLEDGE OF ALLEGIANCE

Councilmember Baron led the pledge of allegiance.

EXTRAORDINARY BUSINESS

A. Jacob's Heart - Childhood Cancer Awareness Month Proclamation

Mayor Pro Tem Richards read the proclamation which was presented to Kimberly from Jacob's Heart Cancer Support Services.

B. Ovarian Cancer Awareness Month Proclamation

Councilmember Dramov read the proclamation and presented it to Jenny Hart, Ovarian Cancer Research Alliance Advocate.

C. Carmel High School Report Out – None.

PUBLIC APPEARANCES

Nancy Twomey
Andi Carr
Brittany Schloss
Chuck Najarian
Jo Todd
Mike Buffo
Ken White
Bryan Rosen
Lorna Moffat

ANNOUNCEMENTS

Item 1 - City Attorney Announcements

City Attorney Brian Pierik announced there was no reportable action from closed session yesterday.

Item 2 - City Administrator Announcements

City Administrator Chip Rerig announced that City Hall will be closed this Friday for roof repairs, but staff will be working remotely or from the Harrison Memorial Library. He also noted a Rule 20A Ad Hoc Committee meeting on Monday, September 16, at 2:30 p.m. He added that the city received a structural engineer's report on the closed beach staircases at 10th and 12th Avenues, confirming they require professional repairs, and staff will request funding for the repairs at a future council meeting.

Item 3 - Councilmember Announcements

Mayor Pro Tem Richards – wished a happy birthday to former Mayor Ken White, and congrats to Carmel High Football for their recent win.

Councilmember Ferlito - announced she attended her first Tor House Foundation meeting and said that the tours offered by the Tor House are a wonderful asset to the community.

Councilmember Dramov – wished Ken White a happy birthday and thanked everyone involved with throwing the surprise party.

Councilmember Baron - announced that there is a California Coastal Commission meeting in Monterey and the public may attend in person to voice their opinion on the Surf! Busway Rapid Transit project.

Item 4 - Ad Hoc Committees Report Out – none.

ORDERS OF BUSINESS

Item 5 - Resolution 2024-077 Adopting the Community Wildfire Protection Plan completed for the Cities of Monterey, Pacific Grove, and Carmel-by-the-Sea

Fire Chief Andrew Miller and Fire Captain JD Sheldon presented the Community Wildfire Protection Plan (CWPP) and addressed questions from the Council. Captain Sheldon explained that the Monterey Fire Department, in collaboration with the cities of Monterey, Pacific Grove, and Carmel, developed the CWPP as a tool to reduce wildfire severity, mitigate impacts, and enhance community resilience.

Public comment:

Nancy Twomey

Hugo Ferlito

Bryan Rosen

Cindy Lloyd

Mayor Potter made a motion to adopt Resolution 2024-077 adopting the Community Wildfire Protection Plan, 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 6 - Staff presents overview for proposed street address system implementation plan and a community engagement plan; City Attorney will provide a legal analysis for street address identification discussing State and City codes, a draft Ordinance, public vote and City options, and related matters, for City Council consideration and direction.

Mayor Potter requested that staff begin the presentation by outlining the city's options for holding a public vote before discussing implementation and public engagement. City Attorney Pierik summarized the options outlined in detail in the staff report, which include: the Council could adopt an ordinance to update the municipal code to align with state regulations or hold a public vote on

street addresses. He also described different types of public votes—city initiative, citizen initiative, or advisory vote—and compared the costs of a special election in 2025 versus consolidating it with a 2026 statewide election.

Councilmembers Baron and Ferlito expressed a desire to hear the full staff presentation and make a decision tonight, noting the issue has been discussed for two years. Mayor Pro Tem Richards said he would like Council to at least decide on whether to proceed with a public vote. Mayor Potter and Councilmember Dramov opposed the matter as complex and suggested holding a special meeting or community workshop for a more in-depth discussion.

Public comment:

Laurel Pavesi
Michael McWalters
Ken White
Nancy Twomey
Constance Irish-Hess
Stacey Steele
Harvey Billig
Karyl Hall
Kim Cole
Kevin Ruess
Linda Calafiore
Kristi Reimers
Jana Schilling
Hugo Ferlito
Andi Carr
David O'Neil
Laurel Albright
Maria Ruess
Parker Logan
Carolyn White
Dale Byrne
JT Thomas
Lindamarie Rosier
Kelly Brezoczky
Shirley Moon
Melanie Billig

Council Ferlito reiterated that the role of ad hoc committees is to research and present findings to the Council, and then community outreach follows when council is presented the information and provides direction to staff. She said there is a lot of misinformation being spread around the community which is causing problems. Councilmember Dramov asked City Attorney Pierik to clarify the California Fire Code's requirements for address identification. Mr. Pierik summarized

the Fire and Building Code standards, noting that the Fire Chief and Building Official must approve address identification, which must be in compliance with the Building and Fire Code requirements.

Mayor Potter made a motion to hold a public vote on street addresses in November 2025, with the type of vote to be determined, and hold more special council meetings for additional public input, seconded by Mayor Pro Tem Richards.

Councilmember Ferlito supported a public vote sooner than November 2025, stressing the importance of compliance with state Fire and Building Codes for public safety. Councilmember Baron agreed, and said it's unfortunate that we did not get to hear the full staff presentation and research on this topic tonight. He said he would support a City Council initiative to adopt an ordinance requiring an address system compliant with postal service regulations and state codes and put to the voters to decide on in March 2025, and then the City could spend the following 6 months on public engagement based on what the voters decide.

Councilmember Baron made a substitute motion to direct the City Attorney to return at the October council meeting with a draft ordinance entitled 'The Assignment of Street Addresses that Comply with the California Fire Code and USPS Standard Addressing System' that does four things: repeals the old ordinance, adopts an address system that is compliant with the California Fire Code and is in the standard format desired by the USPS, and gives the City 6 months to complete those tasks. The motion was seconded by Councilmember Ferlito.

Mayor Potter opposed rushing the decision, emphasizing the need for more public input, while Councilmember Baron maintained that the issue had been discussed extensively over two years, and a public vote would let the voters decide and allow ample time for further public engagement following the outcome of the vote.

Motion by Councilmember Baron to direct the City Attorney to return at the October council meeting with a draft ordinance entitled 'The Assignment of Street Addresses that Comply with the California Fire Code and USPS Standard Addressing System' that does four things: repeals the old ordinance, adopts an address system that is compliant with the California Fire Code and is in the standard format desired by the USPS, and gives the City 6 months to complete those tasks, seconded by Councilmember Ferlito, failed 2-3-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Ferlito

NOES: Councilmember Dramov, Richards, and Mayor Potter

ABSENT: None

ABSTAIN: None

Substitute motion failed 2-3. Council returned to the on the original motion on the floor.

Motion by Mayor Potter to hold a public vote on street addresses in November 2025, with the type of vote to be determined, and hold more special council meetings for additional public input, seconded by Mayor Pro Tem Richards and approved 3-2-0-0 by the following roll call vote:

AYES: Councilmember Dramov, Richards, and Mayor Potter

NOES: Councilmembers Baron, Ferlito

ABSENT: None

ABSTAIN: None

Mayor Potter called a recess at 7:12 p.m. for 15 minutes; the meeting resumed at 7:31 p.m.

Item 7 - Update on City Council Resolution 2024-062 to develop alternative sites and programs that would allow for an amendment to the City's adopted 6th cycle Housing Element to remove Vista Lobos and Sunset Center from the Housing Sites Inventory List.

Principal Planner Marnie Waffle gave a summary update on the development of alternative sites and programs that could potentially remove city sites from the Housing Element inventory list. She answered questions from Council, and members of the Affordable Housing Alternatives ("AHA") group also responded to questions.

Public comment:

Maria Ruess

Julia Christopher

Andi Carr

Councilmember Baron raised concerns about whether the ADU program would truly provide affordable housing or simply increase home values, and asked staff to look into how many ADU's approved are actually lived in. He viewed hotel conversions as a more viable option and wondered how the Housing and Community Development (HCD) department would assess the program. He also questioned the church property housing initiative due to the city's limited control over it. He responded to the downtown housing program, asking if it was essentially a subsidy for local business owners. He noted that after two years of working on the housing element, some of the AHA group's ideas might threaten the village's character. Councilmember Ferlito said she hopes that the AHA group is serious about producing affordable housing not hiring a consultant that will check boxes to get it approved with no intent of following through.

Update received; no action taken by Council.

Item 8 - Consider Adoption of Resolution 2024-078 approving a Permanent Encroachment Application (EN 240031) for the legalization of, and modification to, existing encroachments in the public right-of-way, adjacent to a single-family residence located at the northeast corner of Sterling Way and Perry Newberry Way. APN: 009-162-025- 000.

Assistant Planner Evan Kort gave a brief presentation on the item and requested direction from Council based on the August 6th discussion. He summarized that for a staff approval of an encroachment permit 5 findings must be made, however, Council has the discretion to approve an encroachment if they choose to do so without the 5 findings being met.

Public comment:
Jeanne McCulloch

Mayor Pro Tem Richards said that although he voted to approve the encroachment permit at the last meeting, he revisited the location and after speaking with the neighbors again he would like to see the stone wall on the Perry Newberry side removed.

Motion by Potter, to approve the Resolution 2024-078 approving a Permanent Encroachment Application (EN 240031) seconded by Councilmember Dramov.

Councilmembers Ferlito and Baron voiced disagreement with the decision that was made at the last meeting approving an encroachment which gives the property owner over 1,000 feet of public space without much consideration or discussion and sets a poor precedent for future permanent encroachment requests.

Councilmember Baron made a substitute motion to adopt 2027-078 to approve the encroachment permit with an amendment to remove the encroachment along the west side of the property on Perry Newberry, and that the homeowner must remove all of the stone wall on the Perry Newberry, seconded by Mayor Pro Tem Richards and approved 3-2-0-0 by the following roll call vote:

AYES: Councilmembers Baron, Ferlito, Richards

NOES: Councilmember Dramov, Mayor Potter

ABSENT: None

ABSTAIN: None

PUBLIC HEARINGS

Item 9 - APP 24117 (Rodriguez) - Consideration of an Appeal of the Historic Resources Board's decision to add an individual property known as the "Henry J. Ohloff House" located at Camino Real 4 northwest of 11th Avenue to the Carmel Inventory of Historic Resources. APN: 010-275-006.

Associate Planner Katherine Wallace presented the item and summarized the background of the Historic Resources Board decision to list the Henry J. Ohloff House as a historic home and the process and findings that led the Historic Resources Board (HRB) to come to that decision. She said that the homeowners have appealed the HRB's decision to deem the house historic.

Anthony Lombardo presented the appeal on behalf of the appellant, arguing that the house does not adhere to the Tudor Revival style and that the current homeowners purchased it after the city confirmed it was not historic. He pointed out that several renovations have been made, and the house lacks key elements to be considered historic.

Public Comment:

Mr. Seavey

Van Rodriguez

Motion by Councilmember Dramov to overturn the HRB's decision to list the house as historic, seconded by Mayor Potter.

Councilmember Baron said that the homeowner did their due diligence after purchasing it to confirm that it was not historic before making modifications, however, they went on to make further unpermitted modifications. Ms. Wallace said that the unpermitted work will be reviewed and processed as a separate matter, regardless of the outcome of the appeal. She noted that if the property is deemed historic that will have ramifications for the review of unpermitted work.

Motion by Councilmember Dramov to grant the appeal by Rodriguez to overturn the HRB's decision that the house is historic, seconded by Mayor Potter and approved 3-2-0-0 by the following roll call vote:

AYES: Councilmembers Dramov, Richards, and Mayor Potter

NOES: Councilmembers Baron, Ferlito

ABSENT: None

ABSTAIN: None

Council took a recess at 9:33 p.m. and resumed the meeting at 9:40 p.m.

Item 10 - APP 24188 (Mardani) - Consideration of an Appeal of the Planning Commission's approval of Design Study DS 21-376 (Mardani) and associated Coastal Development Permit for one-story additions totaling 333 square feet to a one-story 562-square-foot cottage and construction of a 230-square-foot detached garage in the front yard setback located on Ocean Avenue 4 northeast of Guadalupe Street. APN: 010-033- 011-000

Principal Planner Waffle summarized the item which is an appeal of the Planning Commission's June 11th decision to approve the design study and associated Coastal Development Permit for the Mardani cottage. Ms. Waffle gave a presentation including the staff's responses to the appellant's 5 contentions that the permit should not have been approved and provided reasons for upholding the Planning Commission's decision.

Cathryn Carlson, appellant, presented her reasons for the appeal questioning if the permit is in compliance with the City's Municipal Code, and whether the project exempt from CEQA.

Public Comment:

Thomas Trapani spoke on behalf of Mardani

Council voiced satisfaction with Staff's presentation supporting Planning Commission's decision to approve the permit.

Councilmember Baron made a motion to deny the appeal and uphold the Planning Commission's decision to approve DS 21-376 (Mardani) and associated Coastal Development Permit for the project located on Ocean Avenue 4 northeast of Guadalupe Street, 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

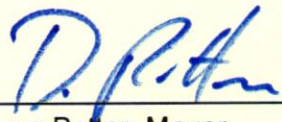
FUTURE AGENDA ITEMS

None

ADJOURNMENT

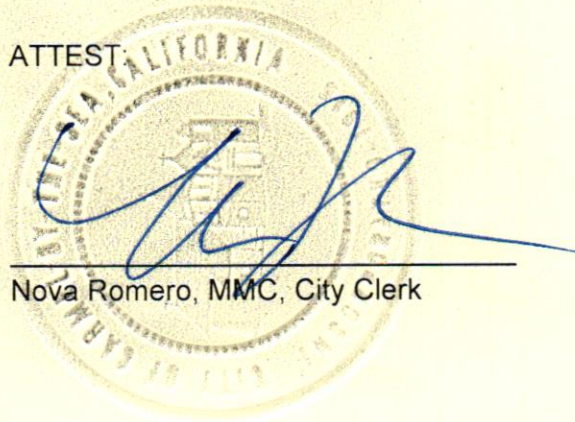
Council adjourned the meeting at 10:04 p.m.

APPROVED:



Dave Potter, Mayor

ATTEST



Nova Romero, MMC, City Clerk