



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

Mayor Dave Potter, Council Members Jeff Baron,
Karen Ferlito, Bobby Richards, and Carrie Theis
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

REGULAR MEETING Tuesday, April 5, 2022

Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Also, see the Order by the Monterey County Public Health Officer issued March 17, 2020. The health and well-being of our community is the top priority for the City of Carmel-by-the-Sea.

To that end, this meeting will be held via teleconference and in-person in the City Council Chambers at City Hall located on Monte Verde Street between Ocean and Seventh Avenue. To participate via teleconference click the following link to attend via Zoom (or copy and paste link in your browser): <https://ci-carmel-ca-us.zoom.us/j/86182772733?pwd=YmpFTS84b0RMYmhTajFMNkZBMWZIUT09>; Meeting ID: 861 8277 2733; Passcode: 439210; Dial +1 253 215 8782

To participate in this meeting in-person in the City Council Chambers, the public must show proof of vaccination (including virus booster) and wear a face covering at all times. Seating will be limited and available on a first come first served basis. The meeting will also be web-streamed on the City's website.

The public can also email comments to cityclerk@ci.carmel.ca.us. Comments must be received 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be added to the agenda and made part of the record.

OPEN SESSION 4:30 PM

TOUR OF INSPECTION 3:30 PM

Prior to calling the meeting to order, the Board/Commission will conduct an on-site tour of inspection of the properties listed on the agenda and the public is welcome to join. After the tour is complete, the Board/Commission will begin the meeting in the City Council Chambers no earlier than the time noted on the agenda.

- A. Fountain Encroachment - Corner of 8th Avenue and Junipero Avenue**
- B. Conversion from a single stop sign to all-way stop-controlled intersection at 7th Street**

and Junipero Avenue

OPEN SESSION

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

PUBLIC APPEARANCES

Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Chair. Matters not appearing on the agenda will not receive action at this meeting and may be referred to staff. Persons are not required to provide their names, and it is helpful for speakers to state their names so they may be identified in the minutes of the meeting.

ANNOUNCEMENTS

- A. City Administrator Announcements
- B. City Attorney Announcements
- C. Council Member Announcements

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

- 1. Resolution No. 2022-025 Approving the Conversion from a Single Stop Sign to an All-Way Stop-Controlled Intersection at 7th Street and Junipero Avenue
- 2. Receive a report on Car Week 2022 and provide staff with direction
- 3. Report on the Status of Temporary Parklets and COVID-19 Restrictions
- 4. Recommendation and Appointment of community members to the Design Traditions 1.5 Steering Committee

PUBLIC HEARINGS

- 5. Consideration of a Permanent Encroachment Permit (EN 21-272, Fountain) for an existing fence located in the public right-of-way on the southern side of the single family residence on the northwest corner of Junipero Avenue and 8th Avenue in the Residential and Limited Commercial (RC) Zoning District

FUTURE AGENDA ITEMS

ADJOURNMENT

- 6. Correspondence Received

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, outside the Park Branch Library, NE corner of Mission Street and 6th Avenue, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 5, 2022
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution No. 2022-025 Approving the Conversion from a Single Stop Sign to an All-Way Stop-Controlled Intersection at 7th Street and Junipero Avenue

RECOMMENDATION:

Adopt Resolution No.2022-025, approving the conversion from a single stop sign to an all-way stop-controlled intersection at 7th Street and Junipero Avenue.

BACKGROUND/SUMMARY:

Currently, the intersection at Junipero and Seventh is controlled by a single stop sign on Eastbound Seventh Street. Northbound and Southbound Traffic on Junipero has no traffic stop control, and is divided by a landscaped median.

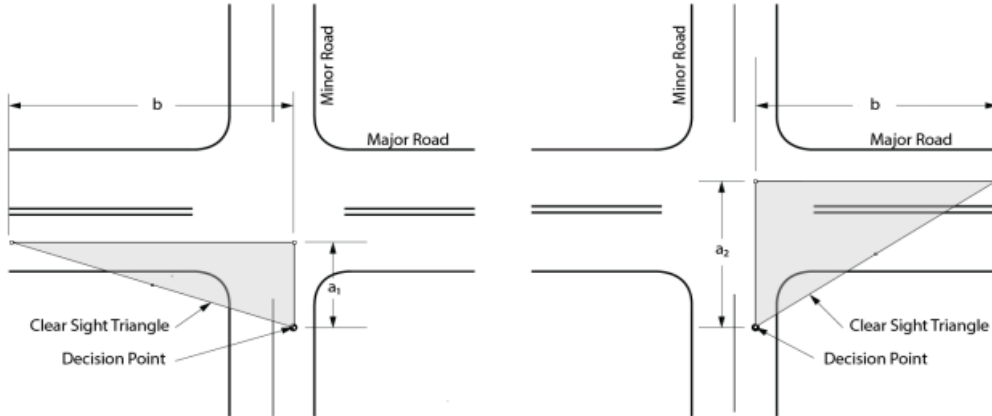
Mayor Potter reported several “near miss” events at this intersection and suggested a review be conducted by the Traffic Safety Committee (TSC). In preparation, the TSC, comprised of the Interim Public Safety Director, Public Works Director, and Community Planning and Building Director, met on-site to inspect the intersection. Additionally, a review of accident data revealed a 2019 accident where a Northbound motorist was struck by a vehicle entering the intersection from Seventh Street. Other near misses were reported in 2019 as well.

Several issues were identified by the TSC as contributing to lower than ideal levels of safety:

- Junipero Avenue is wide and smooth which tends to increase driver’s confidence to drive at higher speeds.
- Visual impediments from the center divider can interfere with motorist’s ability to ensure safe entry from Seventh onto Northbound Junipero.
- Parked vehicles to the southeast of the intersection and up to the crest of the hill between Seventh and Eighth Avenues along Junipero complicates seeing Northbound traffic across Junipero from the stop sign on Seventh.
- When stopped at the Seventh Street stop sign, tour bus parking (adjacent to Southbound Junipero) nearly completely blocks the view of Southbound Junipero traffic, making entering the intersection difficult.
- The intersection at Junipero and Seventh is inconsistent with other Junipero intersections between Third and Eighth Avenues, all of which do have stop signs for Northbound and Southbound Junipero traffic.

The Decision Point for entering a stop sign controlled intersection should be at or before the “Stop” bar and Stop sign as depicted in the following table taken from the *Highway Design Manual*:

Corner Sight Distance (b)



In the case of Eastbound Seventh Street, the decision point to move into the intersection is beyond the stop sign, and in some cases, it is well into the Southbound lane of Junipero. Because of restricted Sight Triangles, motorists tend to ease into the intersection to see if they can visually verify if it is safe to proceed.

Vehicles parked to the south on Southbound Junipero impede the Sight Triangle as seen in these photos:

AT STOP SIGN

10 FEET BEYOND THE STOP SIGN



A vehicle parked in the first parking place on Seventh, and tour buses parked in the tour bus parking zone, both impede the Sight Triangle to the north, as seen in these photos:

AT STOP SIGN



10 FEET BEYOND THE STOP SIGN (*simulated bus)



Adding stop signs for both directions of Junipero will reduce hazards associated with entering the intersection because motorists on Seventh Street will be able to see other vehicles with right of way at the other stop signs. Additionally, Northbound and Southbound Junipero traffic will no longer pass through the intersection at higher speeds. Lastly, because of the stop signs, the limited Sight Triangle is mitigated because the need to view beyond the intersection is reduced.

It is notable that staff members have received complaints of excessive speed on Junipero in the area of 7th. A subsequent speed study, conducted between 2/18/2022 and 3/2/2022 revealed that the average speed of 35,207 vehicles (in both directions) was 21 miles per hour. Stop signs added on Junipero also functions as traffic calming devices.

Parking

The TSC was sensitive to parking impacts and considered various alternatives to improving the Sight Triangle, such as by removing one Tour Bus parking slot, removing the first parking space on Westbound Seventh, and/or removing the first angled-in parking space to the south of the intersection (Southbound Junipero). Reducing the parking capacity in any of these ways was viewed as being unnecessarily impactful when weighed against the recommended All-Way stop alternative which leaves all existing parking intact.

TSC Action

The TSC conducted a public meeting on January 26, 2022 and reviewed the safety concerns of this existing intersection. There were no public comments on the topic.

The TSC unanimously supports changing the intersection to all-way stops with the following improvements:

- Add 2 Stop signs, a painted stop bar, and painted “STOP” legend applicable to Southbound Junipero
- Add 2 Stop signs, a painted stop bar, and painted “STOP” legend applicable to Northbound Junipero
- Add “All Way” signage for all Stop signs at the improved intersection
- Add a crosswalk across Junipero on the south leg of the intersection with Seventh Street

Implementation Plan (if approved by City Council)

Step 1: Post notice in the *Carmel Pine Cone* indicating the change in signage

Step 2: Post “A-Frame” signs for two weeks in advance in the nearby roadways to warn of the pending change

Step 3: Install the signs, crosswalk striping, other striping, and legends by late May 2022.

FISCAL IMPACT:

The estimated cost for four (4) Stop signs, five (5) All Way signs, posts, thermoplastic striping, and temporary asphalt dikes is estimated to be under \$4,500. Sufficient funding is available in the Public Works Streets Division Operating Budget for these expenses. A future ADA-accessible curb ramp on the east side of the proposed crosswalk would be included in an annual paving project and funded at a later date.

There would be small, ongoing labor cost to paint and refresh pavement markings and maintain these signs at this intersection each year.

PRIOR CITY COUNCIL ACTION:

N/A

ATTACHMENTS:

Attachment: Resolution

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
RESOLUTION NO. 2022-025**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
APPROVING THE CONVERSION TO ALL-WAY STOP-CONTROLLED INTERSECTIONS
AT JUNIPERO AVENUE AND 7TH STREET**

WHEREAS, the City Council has established a Traffic Safety Committee (TSC) to periodically review safety issues for motorists and pedestrians; and

WHEREAS, the TSC has received information about potential safety issues at the intersection Junipero Avenue and 7th Street; and

WHEREAS, the TSC initiated a review of traffic safety at the intersection of Junipero Avenue/7th Street and a review of accident data revealed an accident within the intersection; and

WHEREAS, the intersection of Junipero Avenue and 7th Street is the only Junipero Avenue intersection between 3rd and 8th without stop signs; and

WHEREAS, the TSC has determined that there are physical impediments for motorists to see traffic as they are entering the intersection from 7th Street; and

WHEREAS, the TSC convened a public meeting on January 26, 2022 and unanimously agreed to recommend the City Council to approve adding All-Way stop control to the intersection.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Approve the conversion from a single stop sign to all-way stop controls at the intersection of Junipero Avenue and 7th Street.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this 5th day of April, 2022, by the following roll call vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter, Mayor

Yashin Abbas, Interim City Clerk



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 5, 2022
ORDERS OF BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Ashlee Wright, Director, Libraries & Community Activities

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Receive a report on Car Week 2022 and provide staff with direction

RECOMMENDATION:

Receive a report on Car Week 2022 and provide staff with direction.

BACKGROUND/SUMMARY:

INTRODUCTION

Since its beginnings with the Pebble Beach Road Races, Car Week has evolved from a handful of events held on the peninsula during the span of a week, to countless public and private events held over the span of a week and a half. Pre-pandemic, the City of Carmel-by-the-Sea most recently issued permits for three public events during Car Week: Concours on the Avenue on Tuesday, the Prancing Ponies Car Show on Wednesday, the Pebble Beach Tour D'Elegance on Thursday.

Concours on the Avenue

The Concours on the Avenue event has been on the Tuesday of Car Week for 13 years. This event required the closure of Ocean Avenue between Junipero and Monte Verde Streets; Mission, San Carlos, Dolores and Lincoln Streets between Ocean and Seventh Avenues; partial closure of Mission and San Carlos Streets between Ocean and Seventh Avenues; full closure of Dolores and Lincoln Streets between Ocean and Eighth Avenues; and the use of Devendorf Park. Event set-up began at 12:00 a.m. and with all vehicles staged by 11:30 a.m. The event ran from 8:30 a.m. to 5:00 p.m. and breakdown occurred from 5:00 p.m. to 9:00 p.m.

Prancing Ponies Car Show

The Prancing Ponies Car Show event has been held on the Wednesday of Car Week for three years. This event required the closure of Sixth Avenue between San Carlos and Lincoln Streets and Dolores Street from Ocean Avenue to the driveway of the Post Office. Event set-up was from 1:00 a.m. to 9:00 a.m. The event ran from 11:00 a.m. to 3:30 p.m. and breakdown occurred from 3:00 p.m. to 5:00 p.m.

Pebble Beach Tour D'Elegance

The Pebble Tour D'Elegance stopped in Carmel on the Thursday of Car Week as part of the Tour for over 20 years. This event required the closure of Ocean Avenue between Junipero and Monte Verde Streets. In addition, it required the rolling closure of Junipero Street as vehicles entered Carmel to stage on Ocean Avenue and the rolling closure of Ocean Avenue and San Antonio Streets as cars exited the event venue.

and moved into Pebble Beach. Event set-up/staging began at 7:00 a.m. and all vehicles were staged by roughly 11:00 a.m. The event ran from 11:00 a.m. to 2:00 p.m. and breakdown occurred from 2:30 p.m. to 3:30 p.m.

CAR WEEK 2020 AND 2021

During 2020 large-scale special events were not permitted under the Governor's State of Emergency order and all special events, including Car Week, were canceled peninsula-wide as a result.

In the late spring of 2021, State COVID-19 protocol regulations for large-scale special events (10,000 or more attendees) were developed and implemented at Car Week events throughout the peninsula, including Concours on the Avenue in Carmel-by-the-Sea. However, the Pebble Beach Tour D'Elegance and the Prancing Ponies Car Show both remained canceled.

CAR WEEK 2022

As of the writing of this report, staff has received permit applications from Concours on the Avenue for the Tuesday and Prancing Ponies for the Thursday of Car Week 2022. The Pebble Beach Tour D'Elegance will not be stopping in Carmel in 2022.

Although staff has received an application for Concours on the Avenue, it is unclear as to whether the event will proceed as usual on the Tuesday of Car Week in light of the untimely passing of event organizer Doug Freedman last Fall. Because of their years of dedication to providing a premier event in Carmel-by-the-Sea, staff recommends continued patience with regards to the Concours on the Avenue event while Genie Freedman, Doug's partner and widow, determines the feasibility of the event in Doug's absence.

ECONOMIC CONSIDERATIONS

July and August have traditionally reflected the highest returns for TOT (Attachment 1) and sales tax. However, nothing exists beyond "anecdotal" to indicate that the high rates of performance during these months are solely attributable to Car Week. The pandemic, if nothing else, showed that the peninsula continues to be a travel destination in the summer months. Car Week 2021 was by no means a return to normal pre-pandemic levels of activity, with some traditional events canceled or significantly scaled down.

FUTURE OF CAR WEEK

While the aftereffects of the worst of the pandemic still linger, Carmel-by-the-Sea finds itself in a unique position to take advantage of the current uncertainty to contemplate the future of Car Week in the Village in a more holistic manner.

To this end, staff recommends that time be taken this spring to conduct a community survey regarding Car Week and its impacts to both residents and business owners to ascertain what works, what doesn't, and potential for improvements moving forward. For instance, some residents look forward to Car Week all year, while others purposefully schedule vacation time out of the village to avoid the traffic and congestion. Hotels and restaurants may see business boom, but other retail businesses or service providers in the village close for certain days because of lack of parking for patrons who are primarily residents.

The information that is gathered can then be used to explore attracting Car events to the village to be held on Tuesday and Thursday during Car Week in 2023 and beyond, which balance both economic benefits and safety impacts, and reflect the values and Carmel-by-the-Sea charm and uniqueness that drives so many of our community's important policy decisions.

FISCAL IMPACT:

There is no fiscal impact associated with receiving this report.

PRIOR CITY COUNCIL ACTION:

Council has no prior action on Car Week 2022.

ATTACHMENTS:

Attachment 1 - TOT FY 2017 thru FY2021

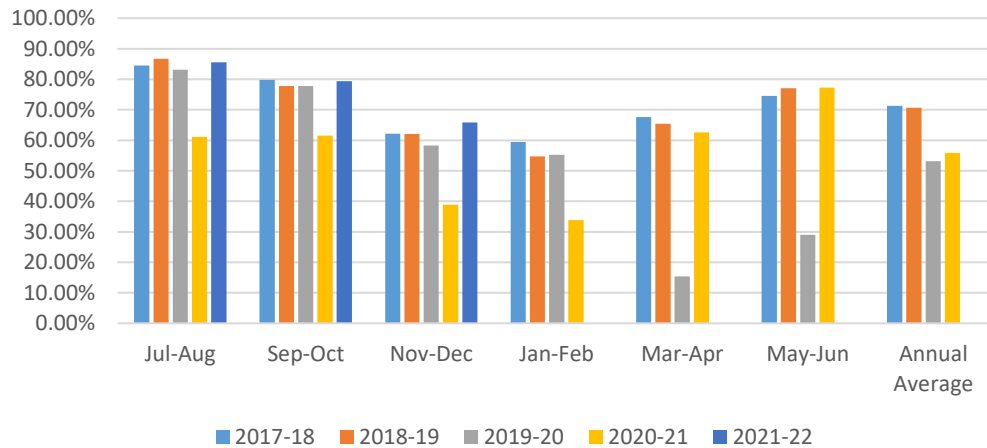
Carmel-by-the-Sea

Attachment 1

Hostelry Average Daily Occupancy Rate - Bi-Monthly

Fiscal Year	Jul-Aug	Sep-Oct	Nov-Dec	Jan-Feb	Mar-Apr	May-Jun	Annual Average
2017-18	84.51%	79.80%	62.16%	59.41%	67.58%	74.53%	71.33%
2018-19	86.65%	77.78%	62.10%	54.75%	65.45%	77.00%	70.62%
2019-20	83.13%	77.82%	58.29%	55.19%	15.34%	29.01%	53.13%
2020-21	61.09%	61.48%	38.90%	33.86%	62.58%	77.23%	55.86%
2021-22	85.59%	79.41%	65.87%	0.00%	0.00%	0.00%	0.00%
% change vs LY	40.11%	29.17%	69.33%	-100.00%	-100.00%	-100.00%	-100.00%

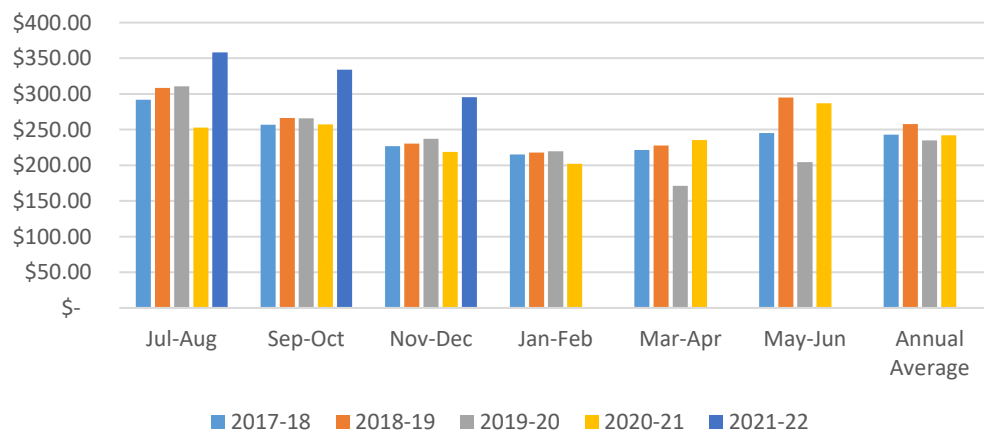
Hostelry Avg. Daily Occupancy Rate - Bi-Monthly



Hostelry Average Daily Room Rate - Bi-Monthly

Fiscal Year	Jul-Aug	Sep-Oct	Nov-Dec	Jan-Feb	Mar-Apr	May-Jun	Annual Average
2017-18	\$ 291.80	\$ 256.71	\$ 226.65	\$ 215.24	\$ 221.27	\$ 245.06	\$ 242.79
2018-19	\$ 308.24	\$ 266.41	\$ 230.49	\$ 217.76	\$ 227.67	\$ 294.91	\$ 257.58
2019-20	\$ 310.77	\$ 265.82	\$ 236.99	\$ 219.55	\$ 170.99	\$ 204.56	\$ 234.78
2020-21	\$ 252.94	\$ 257.31	\$ 218.74	\$ 202.02	\$ 235.29	\$ 286.71	\$ 242.17
2021-22	\$ 358.13	\$ 334.00	\$ 295.66	\$ -	\$ -	\$ -	\$ -
% change vs LY	41.59%	29.80%	35.16%	-100.00%	-100.00%	-100.00%	-100.00%

Hostelry Avg. Daily Room Rate - Bi-Monthly



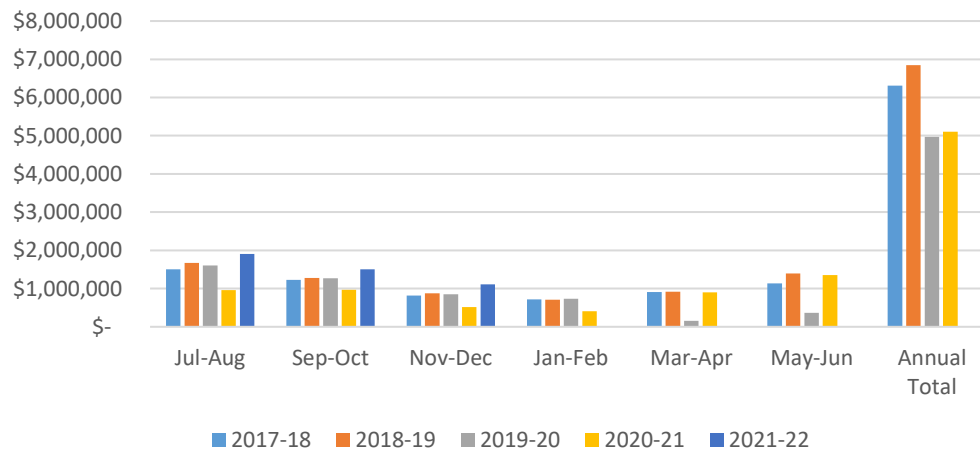
Carmel-by-the-Sea

Attachment 1

Receipts of Hostelry Tax - Bi-Monthly

Fiscal Year	Jul-Aug	Sep-Oct	Nov-Dec	Jan-Feb	Mar-Apr	May-Jun	Annual Total
2017-18	\$ 1,502,939	\$ 1,227,078	\$ 818,948	\$ 715,935	\$ 911,535	\$ 1,135,126	\$ 6,311,561
2018-19	\$ 1,675,218	\$ 1,279,198	\$ 878,207	\$ 706,838	\$ 915,336	\$ 1,394,908	\$ 6,849,705
2019-20	\$ 1,607,409	\$ 1,266,140	\$ 847,588	\$ 729,949	\$ 158,239	\$ 361,983	\$ 4,971,308
2020-21	\$ 962,111	\$ 966,633	\$ 520,075	\$ 404,428	\$ 900,012	\$ 1,353,178	\$ 5,106,437
2021-22	\$ 1,904,207	\$ 1,504,616	\$ 1,109,537	\$ -	\$ -	\$ -	\$ -
% change vs LY	97.92%	55.66%	113.34%	-100.00%	-100.00%	-100.00%	-100.00%

Receipts of Hostelry Tax - Bi-Monthly





CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 5, 2022
ORDERS OF BUSINESS

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Brandon Swanson, Community Planning & Building Director

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Report on the Status of Temporary Parklets and COVID-19 Restrictions

RECOMMENDATION:

Receive a brief report on the status of temporary parklets and COVID-19 restrictions, and provide direction to staff regarding the planned removal date of April 20th, 2022.

BACKGROUND/SUMMARY:

At the January 4, 2022 City Council provided direction to have all parklets removed by April 20, 2022, unless circumstances related to COVID-19 restrictions got more restrictive, meaning additional mask mandates, limitations on indoor seating, etc. As part of this direction, staff was asked to return at the April 5th Council meeting to provide a brief update regarding the state of COVID-19 restrictions.

The Center for Disease Control (CDC) provides data on COVID-19 Community Levels as a tool to help communities decide what prevention steps to take based on the latest data. Levels can be low, medium, or high and are determined by looking at hospital beds being used, hospital admissions, and the total number of new COVID-19 cases in an area. As of the date this report was written, the CDC lists Monterey County in the “Low” category. Statistics on the CDC site show that the case rate per 100,000 people is 105.95, and the number of new COVID-19 admissions per 100,000 people is 4.3. The CDC’s most current COVID-19 info related to Monterey County can be found at the CDC’s website: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>. At the time of the January 4th Council meeting, the CDC’s COVID-19 Community Level for Monterey County was listed as “High”.

Currently, there are no mask mandates or COVID-19 restrictions in place for the County of Monterey that impose requirements on the restaurants or other shops in the City of Carmel-by-the-Sea. Restaurants and other businesses are still able to voluntarily put mask or vaccination requirements in place that they choose.

It should be noted that the Council’s decision regarding removal of temporary parklets on April 20th is not directly related to exploring the development of a permanent outdoor seating program. At the March 10th strategic planning meeting, the Council selected 16 “top priority” projects that City Staff should focus resources on right now. The full list of 30 projects still exists, but only those 16 selected will be moving

forward right now. Exploring permanent outdoor seating was not placed on this list of 16, so work will not begin on that project until something from the top priority list is completed, and Council moves outdoor seating up onto the top priority list.

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:



CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

April 5, 2022
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brandon Swanson, Community Planning & Building Director
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Recommendation and Appointment of community members to the Design Traditions 1.5 Steering Committee

RECOMMENDATION:

Recommend and appoint community members to the Design Traditions 1.5 Steering Committee.

BACKGROUND/SUMMARY:

At the March 1, 2022 regular meeting, the City Council adopted Resolution 2022-014 approving a Professional Services Agreement with Winter & Company to provide consultant support for the "Design Traditions 1.5" project to update the City's Design Guidelines and Zoning Code and to form a Steering Committee to work with staff and the consultant. Each Councilmember will be recommending one (1) Steering Committee appointee for a total of five (5) Steering Committee members to be considered by the full City Council.

FISCAL IMPACT:

None.

PRIOR CITY COUNCIL ACTION:

At the March regular meeting, the City Council agreed to appoint a steering committee.

ATTACHMENTS:



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

**April 5, 2022
PUBLIC HEARINGS**

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Marnie Waffle, AiCP, Senior Planner
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Consideration of a Permanent Encroachment Permit (EN 21-272, Fountain) for an existing fence located in the public right-of-way on the southern side of the single family residence on the northwest corner of Junipero Avenue and 8 th Avenue in the Residential and Limited Commercial (RC) Zoning District

RECOMMENDATION:

Consider an Permanent Encroachment Permit (EN 21-272, Fountain) for an existing fence located in the public right-of-way on the southern side of the single family residence on the northwest corner of Junipero Avenue and 8th Avenue in the Residential and Limited Commercial (RC) Zoning District.

BACKGROUND/SUMMARY:

On February 5, 2003, the Planning Commission approved a Design Review (DR 01-04, Mackey) and Use Permit (UP 01-24, Mackey) for the construction of two attached single-family residences and a lot line adjustment to modify two 2,500 square-foot lots into one, 2,000 square-foot lot (fronting on 8th Avenue) and one 3,000 square-foot lot (located at the northwest corner of Junipero Avenue & 8th Avenue) (Attachments 1 and 2). A single-family residence was constructed on the 3,000 square foot corner lot while the lot on 8th Avenue remains vacant to this day.

The Planning Commission's approval of the project included Use Permit condition of approval number 8 requiring the applicant to continue a pedestrian sidewalk along Eighth Avenue for use by the public on public property that will further protect the health, safety, and welfare of the community. Additionally, Design Review condition of approval number 13 required the applicant to install and maintain public way improvements adjacent to the project including new sidewalks, curb and gutter, and landscape improvements in conformance with City requirements for the public way. An improvement plan was required to be submitted to the Planning Director for review and approval prior to the issuance of a building permit to include an improved sidewalk surface treatment that complimented the character of the commercial district and provide for a sidewalk along the north side of Eighth Avenue adjacent to the Scout House. The applicant was required to design and install the sidewalk at their sole expense.

On October 8, 2003, the Planning Commission approved a revision to Use Permit condition of approval number 8 to allow the relocation of the public walkway from the north side of Eighth Avenue between

Junipero and Mission to the south side of the street with the added condition that the applicant install a crosswalk, and that all property owners on the south side of Eighth Avenue be notified of the project and encouraged to respond in writing (Attachments 3 and 4). The proposed relocation, due to grading issues according to City staff, was reviewed by the Traffic Safety Committee on September 3, 2003 and was supported by the Committee (Attachment 5).

On March 22, 2005, former owner Mr. Don Mackey submitted a building permit revision to construct a three-foot-tall and 28-foot-long wooden grapestake picket fence located in the public right-of-way approximately 5 feet, 8 inches from the southern street side yard property line on 8th Avenue (Attachments 6 and 7). The fence was approved by Planning staff subject to approval of an Encroachment Permit. However, there is no record in the property file that an Encroachment Permit was issued. Mr. Mackey did provide proof of liability insurance in 2005 and signed a Hold Harmless Encroachment Agreement that does not appear to have been notarized or recorded. In 2017, the new owner, Mr. Thomas Fountain provided proof of liability insurance for the encroachment.

On March 19, 2015, Planning staff approved Design Study 15-085 for the installation of a 3-foot wide decomposed granite pathway on the south side of 8th Avenue between Junipero Avenue and Mission Street to satisfy the revised condition of approval from 2003 (Attachment 8). The path was installed and in June 2015, the path was inspected by Planning staff and the Building Inspector and found to be in compliance with the revised condition of approval (Attachment 9).

Mr. Fountain is requesting that the prior fence approval be formalized with the issuance of a Permanent Encroachment Permit. If the City Council approves the permit, a Hold Harmless Encroachment Agreement (Attachment 10) would be signed, notarized, and recorded with the Monterey County Recorder's Office.

Analysis:

Section 12.08.050 of the Carmel Municipal Code (CMC) grants authority to the City Administrator to approve encroachment permit applications that conform to the Encroachment Application Review Standards (CMC 12.08.060). CMC section 12.08.050 also gives the City Administrator the authority to refer Encroachment Permit applications to the City Council for determination.

In this case, given the unique nature of the proposal and the level of public interest in the application, the City Administrator has exercised his authority to elevate this decision to the Council. The City Administrator will be prepared at the hearing to provide his perspective on the proposed encroachment as the effective 'junior hearing body' for this matter.

The decision by the Council would be final in this case, as there would be no appeal authority or administrative remedies remaining within the City's regulatory framework. In considering this application, the Council should refer to CMC Section 12.08.060 (Encroachment Application Review Standards), which essentially function as the findings required for approval. This section, in whole, has been included as Attachment 11 for convenience. Since the Code does not require approval via resolution when elevated, the Council does not need to adopt a resolution in this case. The decision can be made by a simple motion to approve or deny the application and a majority vote.

If the Council approves the encroachment permit, the fence would remain and could be repaired or replaced as needed so long as the location and design remained consistent with the encroachment permit approval. The City may terminate and revoke the Agreement at any time that it is determined by the City Council to be in the best interests of the City and necessary to promote the public health, safety, or welfare.

If the Council denies the encroachment permit, the fence would need to be removed from the public right-

of-way. The property owner could construct a similar fence on his property. However, because the residence was constructed in such close proximity to the southern property line, a fenced in open space buffer between the house and the public way would be eliminated.

Environmental Review:

If the Council is inclined to approve the project, Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines and local environmental regulations, pursuant to Section 15303 (Class 3) – New Construction or Conversion of Small Structures. Class 3 exemptions include, but are not limited to the construction of small facilities or structures and the installation of new small equipment. The proposed project consists of the installation of a wooden fence. The project does not change the existing or former use of the property and does not present any unusual circumstances that would result in a potentially significant environmental impact as proposed and conditioned. No exceptions apply to the exemption pursuant to Section 15300.2 of the CEQA guidelines.

FISCAL IMPACT:

None.

PRIOR CITY COUNCIL ACTION:

There has been no prior City Council action on the permanent fence encroachment.

ATTACHMENTS:

Attachment 1 - February 5, 2003 Planning Commission Agenda Report
Attachment 2 - February 5, 2003 Planning Commission Meeting Minutes
Attachment 3 - October 8, 2003 Planning Commission Agenda Report
Attachment 4 - October 8, 2003 Planning Commission Meeting Minutes
Attachment 5 - September 3, 2002 Traffic Safety Committee Meeting Minutes
Attachment 6 - 2005 Plan Check_Revision Submission dated 3.22.05
Attachment 7 - Project Plans
Attachment 8 - DS 15-085 (Old Mill) - Approval Afteraction
Attachment 9 - June 4, 2015 Pathway Compliance Verification
Attachment 10 - Hold Harmless Encroachment Agreement 04.05.22
Attachment 11 - CMC Section 12.08.060

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 5 February 2003

BLOCK: 89 LOTS: 25 and 26

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: DR 01-04/UP 01-24

OWNER: Don Mackey

DESIGNED BY: John Mandurrigo

STREAMLINING: 3/14/03

SUBJECT:

Consideration of Design Review and Use Permit applications for the construction of two attached single-family residences and a lot line adjustment located in the Residential and Limited Commercial (RC) District and the Archaeological Significant (AS) Overlay District.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – new construction)

LOCATION:

ZONING:

NW Corner of Junipero and Eighth

RC and AS

ISSUES:

1. Does the proposal comply with the Design Regulations for the Residential and Limited Commercial District (17.12)?
2. Does the proposal comply with the Conditions and Standards for approval of a lot line adjustment (17.43)?

OPTIONS:

1. Approve the application as submitted with Conditions.
2. Continue consideration of the application.
3. Deny the application and direct staff to prepare Findings for Decision.

RECOMMENDATION:

Option #1 (Approve the application as submitted with Conditions.)

ATTACHMENTS:

1. Staff Report dated 5 February 2003.
2. Application materials.
3. Findings for Decision.

STAFF CONTACT: Chip Rerig, Senior Planner



CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

STAFF REPORT

TO: CHAIRMAN STRID AND PLANNING COMMISSION

FROM: CHIP RERIG, SENIOR PLANNER

DATE: 5 FEBRUARY 2003

SUBJECT: DR 01-04/UP 01-24/DON MAKEY
NW CORNER OF JUNIPERO AND EIGHTH
BLOCK 89; LOTS 25 AND 26

I. SUMMARY RECOMMENDATION

Approve the Design Review and Use Permit applications subject to attached Conditions.

II. EXISTING SITE CONDITIONS

The existing parcel contains two 2,500 square foot legal lots of record. The project site has a moderate slope of approximately 14% downward from east to west. The site is currently vacant but contains numerous Acacia and Coast Live Oak trees, many of which have been conditionally approved for removal by the Forest and Beach Commission.

III. PROJECT DESCRIPTION

The applicant proposes to construct two, attached, two-story, single-family residential structures and adjust a lot line in the RC (Residential and Limited Commercial) District. The lot line adjustment would create a 2,000 square foot lot and a 3,000 square foot lot. The applicant is also proposing to construct a sidewalk in the public right-of-way along the north side of Eighth Avenue. The sidewalk would continue the sidewalk that currently exists, and simply ends at Eighth Avenue, on the west side of Junipero Avenue.

Lot Line Adjustment

The applicant proposes to realign the lot line that currently separates lots 25 and 25 along the east/west axis to the north/south axis. The new lot line is located sixty (60) west of the

property line located on Junipero Avenue. This would create a 2,000 square foot parcel (40'x50') immediately to the east of the City's Scout House and a 3,000 square foot parcel (60'x50') located at the corner of Junipero and Eighth Avenues. Both new lots would abut the RC (Residential and Limited Commercial) District and be across the street from the R-1 (single-family residential) District along both Junipero and Eighth Avenues.

Residence #1

Residence #1 is proposed on the larger of the two new lots. The building is sited along both the north and west property lines, and is set back from both Junipero Avenue and the corner of Junipero and Eighth Avenues. Vehicular access is proposed from Junipero Avenue to a two-car garage. The second story is located centrally on both the first story and the parcel. Proposed exterior materials include a clay barrel tile roof, Carmel stone veneer on the first story and stucco on the second story, and unclad wood windows.

Don Makey Project Data Residence #1 (Site Area 3,000 sq. ft.)		
Site Considerations	Allowed/Required	Proposed
Floor Area	2,400 sf (80%)	2,400 sf (80%)
Building Coverage	2,100 sf (70%)	1,876 sf (63%)
Height (ridge)	24 ft.	22 ft.
Parking (per unit)	1.5 spaces	2 spaces
Setbacks	Minimum Required	Proposed
Front (Junipero)	7'-6"	7'-6"
Rear	0 ft.	0 ft.
North Side	0 ft.	0 ft.
South Side	0 ft.	0 ft.

Residence #2

Residence #2 is proposed for the smaller of the two new lots. The building is sited along both the west and north property lines and set back from Eighth Avenue. The second story is located toward the northwestern portion of the building footprint, away from Eighth Avenue. Private outdoor space is located in the rear yard of the unit. The proposed Spanish-Revival style architecture includes 12:4 pitched roofs with clay barrel tile, stucco walls, a wrought iron balcony inset from the front elevation and unclad wood windows.

Don Makey Project Data Residence #2 (Site Area 2,000 sq. ft.)		
Site Considerations	Allowed/Required	Proposed
Floor Area	1,600 sf (80%)	1,600 sf (80%)
Building Coverage	1,400 sf (70%)	1,214 sf (61%)
Height (ridge)	24 ft.	22'-5"
Parking (per unit)	1.5 spaces	1 space*
Setbacks	Minimum Required	Proposed
Front (Eighth)	7'-6"	7'-6"
Rear	0 ft.	0 ft.
North Side	0 ft.	0 ft.
South Side	0 ft.	0 ft.

*Staff has added a Special Condition that requires the applicant to pay the in lieu parking fee for the ½ space required.

IV. STAFF REVIEW

The project complies with the Municipal Code provisions for lot line adjustments and, except as conditioned for parking, the dimensional standards contained in Municipal Code Chapter 17.12 (Design Regulations).

Regarding design, Section 17.12.010 states: “*The character of the commercial and multifamily districts is enhanced by a diversity of architecture that is none the less sensitive to village traditions. The design of new buildings, and of modifications to existing buildings, should respect these traditions and avoid out-of-scale or bizarre building forms or incompatible design treatments.*” The proposed project utilizes building forms and materials that are internally consistent and add to the architectural diversity of the neighborhood. Additionally, the proposed project is compatible within its surrounding context that is a mix of one and two-story single-family dwellings, transient commercial buildings, service commercial buildings, and commercial retail buildings.

Staff has added a Condition that requires the applicant to continue the sidewalk on the north side of Eighth Avenue (on the Scout House site). This will effectively provide a pedestrian link from Junipero Avenue to Mission Street along Eighth Avenue that does not require pedestrians to walk in the street.

V. STAFF RECOMMENDATION

Approve the Design Review and Use Permit applications subject to attached Conditions.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

DR 01-04/UP 01-24

NW Corner of Junipero and Eighth Avenues

Block 89: Lot: 25 and 26

5 February 2003

CONSIDERATION: The applicant requests approval of a Use Permit for a lot line adjustment and a Design Review permit to construct two single-family residential dwellings on 2,000 and 3,000 square foot lots in the Residential and Limited Commercial (RC) District.

FINDINGS OF FACT:

1. That the property is currently two 2,500 square foot legal lots of record located at the northwest corner of Junipero and Eighth Avenues (Block 89; Lot 25 and 26) and the lots are zoned Residential and Limited Commercial (RC).
2. That the property contains a moderate upward slope towards the rear property line at approximately fifteen percent (15%).
3. That on 25 January 2001, the applicant submitted an application to adjust the existing lot line to create a 2,000 and a 3,000 square foot parcel, and construct two new single-family residential dwellings.
4. That the project site is currently void of any structures or buildings.
5. That review of this project is subject to a design review application and the standards contained in Municipal Code Chapters 17.12 and 17.43.

CONDITIONS AND STANDARDS FOR USE PERMIT APPROVAL OF A LOT LINE ADJUSTMENT

1. That the proposed lot line adjustment shall not increase or create a zoning nonconformity in that the two new lots meet all standards for development as independent parcels.
2. That the proposed lot line adjustment shall not increase or create any zoning violations or any other kind of illegality in that the two new lots are legal parcels that meet all standards for development independently.
3. That the proposed lot line adjustment shall not create an additional building site in that the current configuration of lots 25 and 26 in block 89 are independently developable in the current configuration.
4. That the current site does not contain any zoning nonconformities and the lot line adjustment shall meet all zoning requirements and not create any zoning nonconformities.
5. That the proposed lot line adjustment will increase the average length of frontage on public streets since both new lots will front on either Eighth Avenue or both Eighth Avenue and Junipero Avenue.
6. That the current lot lines are straight and the proposed lot line adjustment will not straighten the lot lines nor make the lot lines less straight since the proposed lot line adjustment is turning the lot line that separates two independently developable lots from east/west to north/south
7. That the current lots are rectangular and the proposed lots are rectangular.
8. That as permitted by Municipal Code Section 17.43.030.I and 17.43.030.J Conditions have been added that require the applicant to continue a pedestrian sidewalk along Eighth Avenue for use by the public on public property that will further protect the health, safety, and welfare of the community.

9. That as a result of the proposed lot line adjustment, a driveway and parking area will be relocated to Junipero Avenue and that the Forest and Beach Commission has reviewed the project to ensure that the relocation shall protect existing significant trees.

DECISION: The Use Permit and Design Review applications are approved subject to the following Conditions.

CONDITIONS OF APPROVAL:

1. All subsequent activities on either parcel including, but not limited to, approval of use permits, and approval of additions and alterations shall be subject to City review and approval according to the findings and conditions of this permit. No activity shall be approved nor undertaken unless it conforms to the findings and conditions of the use permit and design review application.
2. This permit constitutes a land use entitlement to construct two single-family residences on two newly formed lots. No part of this project shall be implemented in reliance of this permit unless the entire project is implemented.
3. No business activities shall be permitted on either lot unless a permit amendment is submitted and approved by the City prior to establishment on the premises. Any future applications to conduct commercial activities on either lot in the future will be reviewed for the proposals' impact on off-street parking, floor area ratio, coverage and the pertinent dimensional and design standards for the RC District.
4. No commercial use shall be allowed to operate from either residential unit within the project. Neither residence shall be partitioned, divided or subdivided to create more than the two units or the two lots authorized by this permit. Neither residence shall be leased, subleased occupied, rented or let for, in connection with, any timeshare or time interval ownership agreement. Neither residence shall be rented, leased, subleased or otherwise made available to any person for any period of time of 30 consecutive calendar days or less.
5. Both residential units shall be accessed by its own entry/exist door as shown on the approved project plans and shall be independently metered for water. Both residences shall be maintained on the site in good repair.

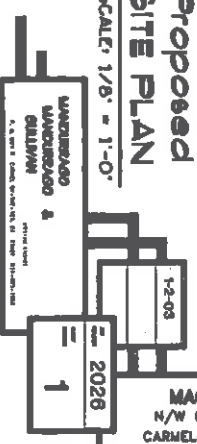
6. Trash, garbage and containers for recycling materials shall be stored on private property, screened from public view and disposed of in the manner established in Chapter 16, Title 8 of the Municipal Code.
7. The parking garage shall be used only for parking vehicles, storage and the housing of utilities, trash, garbage and recycling materials. All parking spaces shall be reserved and permanently assigned for tenants of each unit on the parcel. These spaces shall not be rented, leased or sold separately.
8. As part of the building permits to construct the project, the permittee shall be responsible for undergrounding all new and existing overhead utility lines fronting either lot without erecting any new permanent poles. Alternatively, the permittee shall pay equivalent funding to the City for undergrounding 50 linear feet of the utilities based on estimated costs provided by the utility companies, or a lesser amount to be determined by the Director of Public Works.
9. If excessive groundwater or seepage is encountered during excavation or construction, such conditions shall be mitigated in a manner approved by the Building Official of the City.
10. All new utility connections serving either residence shall be installed on private property and screened from public view. Meters shall not be installed in areas used for pedestrian circulation and shall be installed in the garages, paved areas on site or as a last resort in landscaped areas on the site. Plans illustrating such placement of utility meters shall be submitted on the building plans for approval by the City.
11. The City reserves the right to require bonding or equivalent financial security for maintenance of the landscaped areas on the project site.
12. The applicant shall submit the draft landscape plan approved by the Planning Commission for review by the City Forester prior to issuance of a building permit. The plan shall include drip irrigation systems set on timers and shall be maintained by the property owners. The landscaping and irrigation system shall also serve the public right-of-way along Eighth Avenue and be maintained by the property owners' expense.

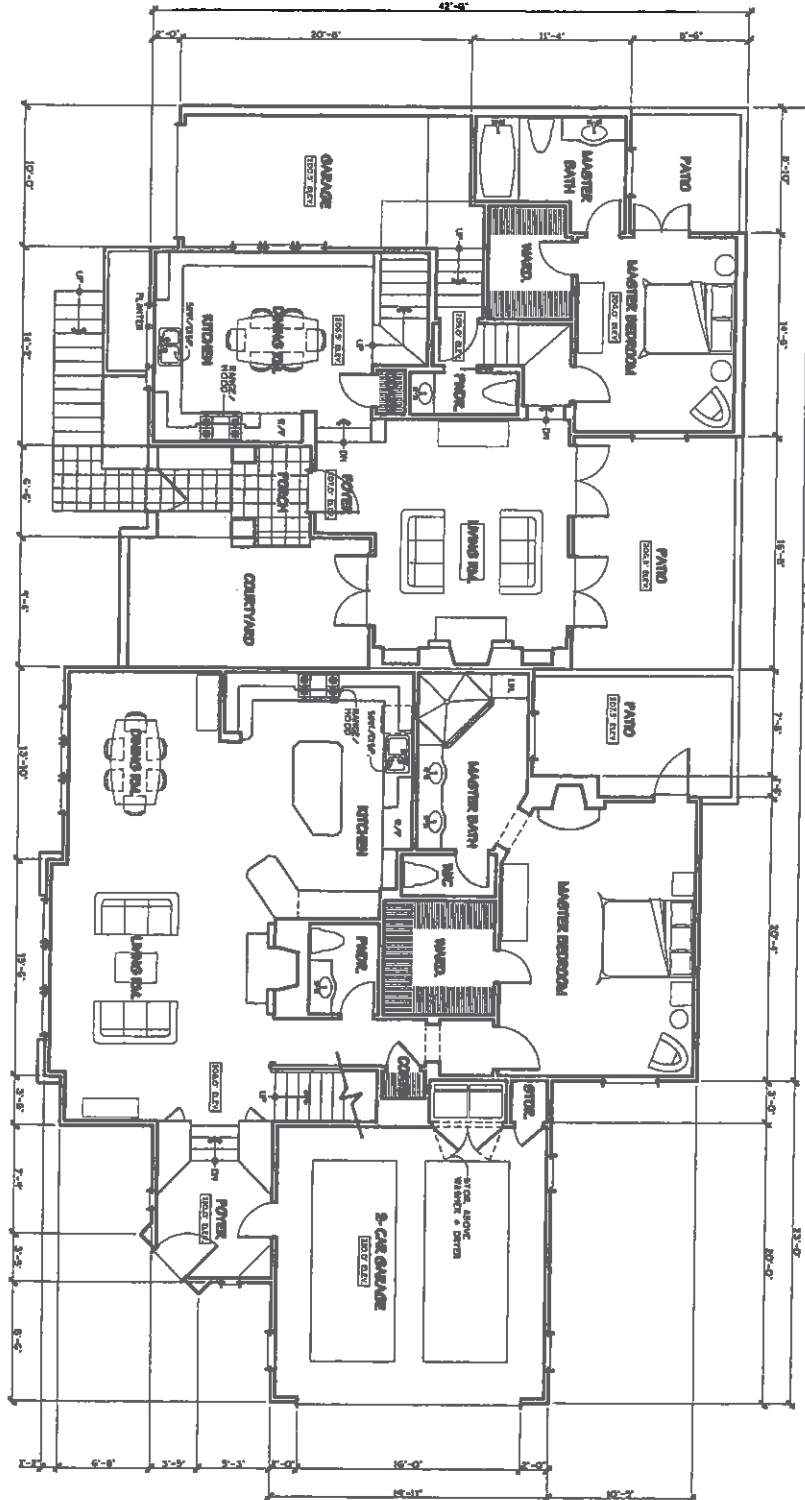
13. The applicant shall be responsible for installing and maintaining public way improvements adjacent to the project including new sidewalks, curb and gutter, and landscaping improvements in conformance with all current City requirements for the public way. An improvement plan for the public way shall be submitted for review and approval by the Planning Director prior to issuance of a building permit. The plan shall provide an improved sidewalk surface treatment that compliments the character of the commercial district consistent with the City's policies on improvements in the public way. The plan shall also provide for a sidewalk along the north side of Eighth Avenue adjacent to the Scout House (Block 89, Lot 20). The applicant shall design and install this sidewalk at their sole expense.
14. Buildings authorized by this permit shall use fire retardant materials and sprinklers that meet the requirements of the State Uniform Building and Fire Codes.
15. Prior to issuance of a building permit for grading the permittee shall submit a plan for approval by the Department of Community Planning and Building defining the excavation and disposal activity associated with the project. The plan shall define truck/hauling routes through the City, the proposed disposal site, and any street closures or traffic interruptions necessary or anticipated.
16. A soils report shall be prepared by a qualified engineer as part of the design process to define the amount of cuts and fills required and to establish a drainage plan to accommodate peak storm events and prevent erosion and damage to property. Drainage facilities shall be reviewed by the City Engineer and coordinated with the area-wide drainage plan administered by the department of Public Works. The City reserves the right to require off-site drainage improvements or equivalent funding for such improvements determined to be necessary to upgrade drainage infrastructure to meet the incremental demands generated by this project.
16. Grading and excavation activities shall be prohibited during the months of November through March unless a temporary erosion control plan is submitted and approved by the City. Hours of construction shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.

17. Approval of this permit is conditioned on the applicant receiving a building permit within one (1) year of Planning Commission approval of the project. The City may authorize an extension of this permit for a period of up to one (1) additional year provided that the Municipal Code regulations have not been changed related to the findings and conditions of this permit.
18. All trees on the site shall be protected during demolition by methods approved by the City Forester. No trees shall be removed by the future site development until the applicant has obtained approval by the City Forester and Forest and Beach Commission. The removal of trees from the site shall not occur until a plan has been approved by the Planning Commission to develop a new dwelling on the property.
19. If during construction any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed.
20. All development on the building sites shall comply with the design and zoning regulations with the City.
21. The applicant shall submit in writing any proposed changes to the project plans approved by the Planning Commission prior to incorporating changes on the site. The project will be reviewed for its compliance to the approved design study plans prior to final inspection by the Building Inspector.
22. Exterior lighting shall be limited to 25 watts or less per fixture. Landscape lighting shall be limited to 15 watts or less per fixture.
23. All water fixtures within the premises in which the use is located shall be retrofitted with water conservation hardware and shall be inspected for conformance with the standards contained in 15.28.020 of the CMC prior to establishment of the use.

24. The interior of the garages require illumination in conformance with the requirements of the Uniform Building Code and such lighting will be visible to the public.
25. The applicant will submit copies of the drainage and soils reports for development on the site, preliminary title report and applicable CC&R's and other requirements contained in the Subdivision Map Act of California.
26. The use of the two residences shall be conducted in a manner consistent with the presentations and statements submitted in the application and at the public hearing, and any change in use that would alter the findings or conditions adopted as part of this permit shall require approval of a new use permit by the Planning Commission.
27. Violation of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this use permit. Upon termination or revocation of this use permit for any reason, the use shall immediately cease and shall not be re-established without issuance of a new use permit.
28. Prior to issuance of a building permit, the applicant shall pay the parking in lieu fee in the amount of \$24,990 for the ½ parking space required under Municipal Chapter 17.34.
29. The applicant shall prepare a Phase I archaeological study consistent with the Archaeological Resources Management Report format prior to issuance of any building permits.

CARMEL BY THE SEA, CALIFORNIA





HANDMADE
 MARCH 2026
 2



Proposed Upper FLOOR PLAN

SCALE: 1/4" = 1'-0"



026

MACKEY RESIDENCE
N/W Co. of 8th. & JUNIPERO
CARMEL-BY-THE-SEA, CA 93921



**Proposed
ELEVATIONS**
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

MARSHALL UNIVERSITY

Call now

4

026

MACKAY RESIDENCE
N/W Co. of 8th. & JUNIPERO
CARMEL-BY-THE-SEA, CA 93921



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Proposed ELEVATIONS

SCALE: 1/4" = 1'-0"

MEETING AGES
MEETING AGES
CHILDREN

F. B. BOWEN, JR., 10000 W. 10th St., Suite 100, Denver, CO 80231-1000

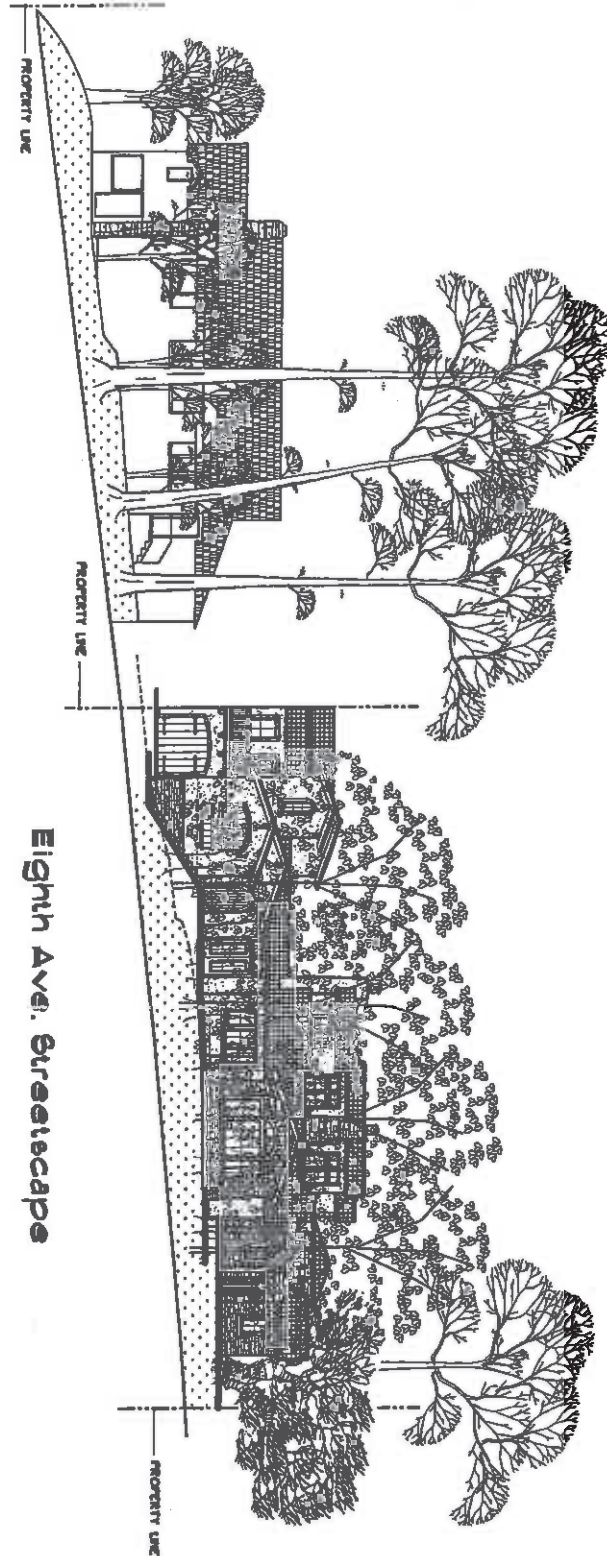
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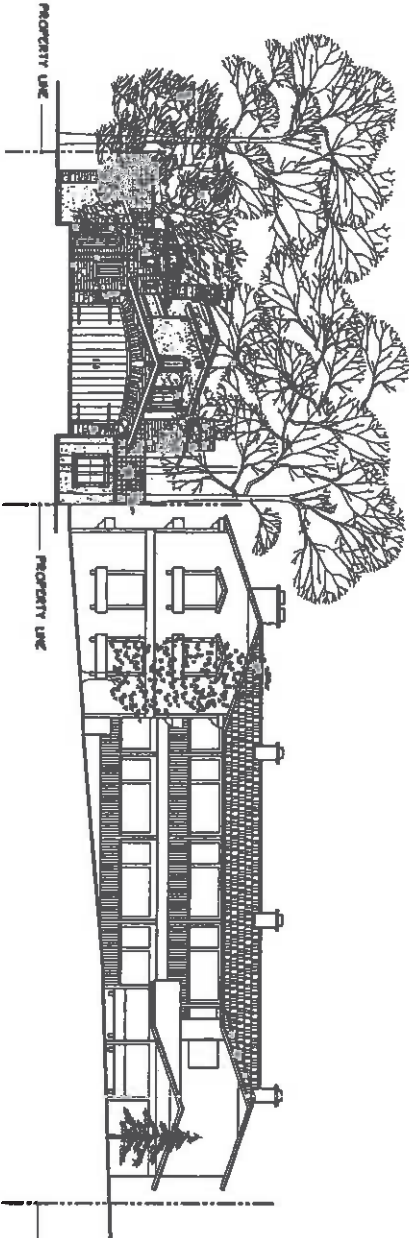
MACKEY RESIDENCE
N/W Co. of 8th. & JUNIPERO
CARMEL-BY-THE-SEA, CA 93921



99



Eighth Ave. Streetscape



Juniper St. Streetscape

**Proposed
STREETSCAPE**
SCALE: 1/8" = 1'-0"

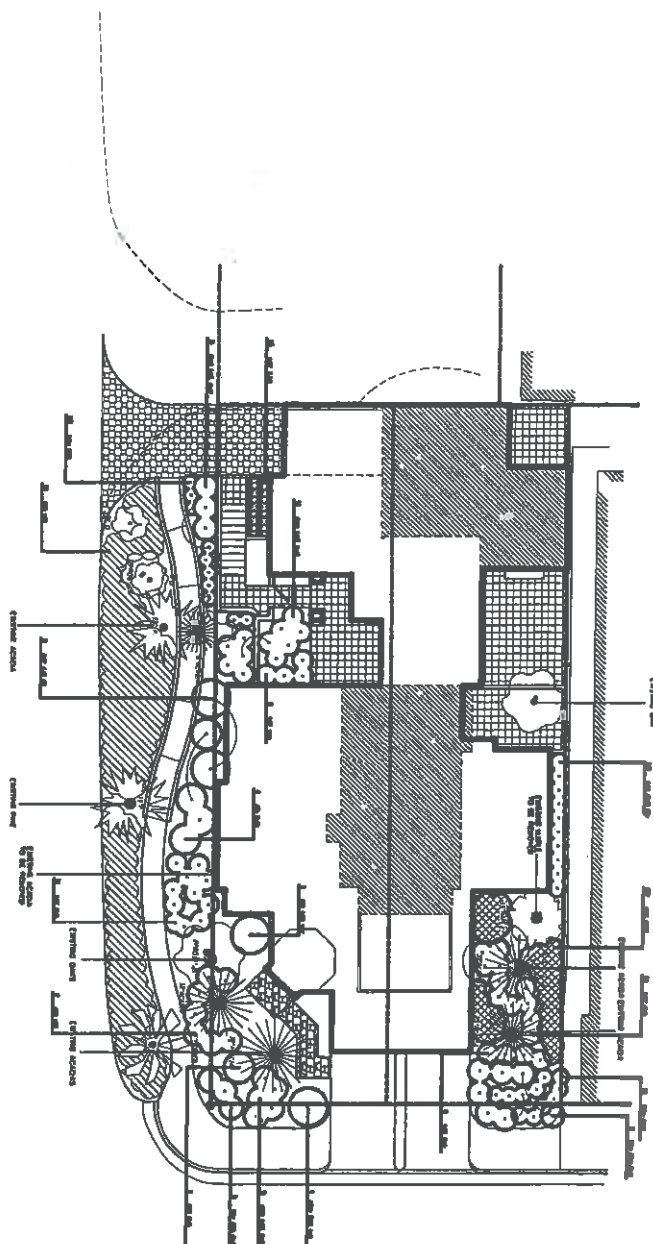
MACKEY RESIDENCE
N/E Co. or 8th. & JUNIPERO
CARMEL-BY-THE-SEA, CA 93921

**MARGARET
MARGARET &
BILLY**

1-3-03

7

2026



**Proposed
LANDSCAPE PLAN**
SCALE: 1/8" = 1'-0"

[illegible]

Proposed
 LANDSCAPE PLAN
 ALT. 1/8" = 1'-0"
 1-4-03
 2026
 L-1
 MACKAY RESIDENCE
 N/W Co. of Blk. & JUNIPERO
 CARMEL-BY-SEA, CA 93921

DUPLICATE ME



City of Carmel-by-the-Sea

POST OFFICE BOX 55
CARMEL-BY-THE-SEA, CALIF. 93921

9 April 2001

Mr. John Mandurrago
P.O. Box R
Carmel, CA 93921

Dear Mr. Mandurrago:

The Forest and Beach Commission considered your application to remove (5) 9" dbh, and (2) 7" dbh Coast Live Oaks, to remove (2) 9", 7" dbh, and (2) 6" dbh Black acacias and to prune two 5" limbs from a 7" double spar oak.

In a unanimous vote the Commission approved your application with the following conditions.

1. All footings must be hand dug within 15 feet of any tree.
2. Two upper canopy trees (Monterey pine, Monterey Cypress or coast redwoods) must be planted as replacement trees on private property and two on public property.
3. All measures of tree protection shall be adhered to during construction.
4. No trees may be removed until you have received approval through the Planning Commission, the issuance of a valid building permit, and the issuance of a valid tree removal/pruning permit.

Should you disagree with the decision of the Forest and Beach Commission, you may appeal their decision the City Council within five working days. All appeals need to be filed with Karen Crouch, City Clerk, located at City Hall, east side of Monte Verde between Ocean and 7th Avenues.

If you have any questions please phone my office at (831) 624-35643.

Sincerely,

Sandra H. Bernstein
Acting Secretary to the Forest and Beach Commission

City of Carmel-by-the-Sea

POST OFFICE BOX 88
CARMEL-BY-THE-SEA, CALIF. 93921

28 August 2001

Charles Mandurrigo
Post Office Box R
Carmel, CA 93921

SUBJECT: ADDITIONAL TREE REMOVAL FOR NW CORNER OF 8TH AND JUNIPERO
JUNIPERO RES. LLC AND DON MACKKEY

Dear Mr. Mandurrigo:

Your application to remove an additional 14" dbh black acacia as indicated on your site plan at the northwest corner of 8th and Junipero Avenue has been approved.

All conditions regarding tree removal, pruning, and planting on this site are in effect. No trees may be removed until you have project approval through the Planning Commission, issuance of a valid building permit and the issuance of a tree removal permit.

If you have any questions, please contact my office at (831) 624-3543.

Sincerely,

Michael J. Branson
Acting Forest, Parks and Beach Director

MB/mmp

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 12 March 2003

BLOCK: LOT:

FIRST HEARING X or CONTINUED FROM:

ITEM NO: OWNER:
ARCHITECT/DESIGNER:
STREAMLINING DEADLINE:

SUBJECT:
Consideration of minutes for the 5 February 2003 Planning Commission meeting.

LOCATION: ZONING:

ISSUES:

OPTIONS:
1. Approve the minutes as submitted
2. Amend and approve the minutes
3. Deny the minutes

RECOMMENDATION:

1. Approve the minutes as submitted

ATTACHMENTS:

1. Minutes of 5 February 2003.

STAFF CONTACT: Anne Morris, Planning Services Coordinator



CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

MINUTES

Regular Meeting
Recorded

5 February 2003
3:15 p.m.

The Regular Meeting of the Planning Commission of the City of Carmel-by-the-Sea, California was held on the above date at the stated hour of 3:15 p.m. Chairman Strid called the meeting to order and the roll was called.

I. ROLL CALL

PRESENT:

COMMISSIONERS:

CULVER
HEWER
WASKO
WILSON
STRID, CHAIRMAN

ABSENT:

COMMISSIONERS:

NONE

ALSO PRESENT:

DIRECTOR
SENIOR PLANNER
CONTRACT PLANNER
SECRETARY

DI IORIO
RERIG
CARAKER
MORRIS

II. TOUR OF INSPECTION

The Planning Commission left at 3:20 p.m. to tour the following sites: Meresman, Arlington, Mackey, Mueller-Vollmer, Parsons, Olf, and Hendy. Commissioner Culver joined the tour. The meeting was reconvened at 4:30 p.m.

III. PLEDGE OF ALLEGIANCE

The Planning Commission and those present pledged allegiance to the flag.

IV. ANNOUNCEMENTS FROM DIRECTOR OR CHAIR

Chairman Strid announced that the Planning Commission meeting for April will be held on the 30th as neither he nor the Vice Chairman would be present. Chairman Strid reminded the Commissioners to speak into the microphones for the recording of the meeting.

V. APPEARANCES

None

VI. CONSENT AGENDA

1. Consideration of minutes for the January 8, 2003 Planning Commission meeting.

2. DS 02-65
Arlington Investments
E/s Lincoln between 10th and 11th
Block 115, lot 6

Consideration of a Design Study application for the rehabilitation of an existing single family dwelling that is a significant historic resource located in the Residential (R-1) District.

3. DS 02-26
Stan Meresman
NW corner San Antonio and 13th
Block A5, lot 6

Consideration of a Beach District Permit for the substantial alteration of an existing single family dwelling located in the Residential (R-1) and Beach Overlay (B) Districts.

4. DR 01-4/UP 01-24
Don Mackey
NW corner Junipero and 8th
Block 89, lots 25 and 26

Consideration of Design Review and Use Permit applications for the construction of two attached single-family residences, a lot line adjustment, and an encroachment into the side yard setback located in the Residential and Limited Commercial (RC) District.

A member of the audience requested that item #2 be pulled from the consent agenda.

Commissioner Hewer requested that item #4 be pulled from the consent agenda. Motion of WASKO/WILSON TO APPROVE ITEMS 1 AND 3 CARRIED ON THE FOLLOWING ROLL CALL VOTE.

AYES:	COMMISSIONERS:	Culver, Hewer, Wasko, Wilson, and Strid
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

VII. CONSENT AGENDA (PULLED ITEMS)

2. DS 02-65

Arlington Investments
E/s Lincoln between 10th and 11th
Block 115, lot 6

Consideration of a Design Study application for the rehabilitation of an existing single family dwelling that is a significant historic resource located in the Residential (R-1) District.

Senior Planner Rerig presented a staff report. Chairman Strid opened the public hearing. Tanya Fazinni appeared to say that she and her husband had always wanted to buy the property and wanted to know whether there was any chance of buying the house. Chairman Strid explained that the Planning Commission was not the proper forum for purchasing the property and the subject should be taken up with the owner. Brian Congleton, representing the property owner, appeared to clarify that Ms. Fazinni was referring to another property and not about the property currently before the Planning Commission. There were no other appearances and the public hearing was closed. Commissioner Hewer noted that there were more trees on the property than the staff report had stated. Motion of **HEWER/CULVER TO APPROVE CARRIED ON THE FOLLOWING ROLL CALL VOTE:**

AYES: COMMISSIONERS: Culver, Hewer, Wasko, Wilson, and Strid

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: None

4. DR 01-4/UP 01-24

Don Mackey
NW corner Junipero and 8th
Block 89, lots 25 and 26

Consideration of Design Review and Use Permit applications for the construction of two attached single-family residences, a lot line adjustment, and an encroachment into the side yard setback located in the Residential and Limited Commercial (RC) District.

Commissioner Hewer asked whether the applicant had provided staff with a water balance sheet and had received approval from the MP WMD. Senior Planner Rerig explained that a Condition of Approval was added to ensure adequate water resources for this project. Commissioner Hewer stated that there was a mix of too many building materials for the project. Commissioner Wilson found the tower element to conflict with the Design Guidelines. Commissioner Culver felt that the project did not comply with Residential Design Traditions with regard to simplicity of form. Senior Planner Rerig explained that the project was in the commercial district and did

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meet the Commercial Design Guidelines: Chairman Strid opened the public hearing. John Mandurrago, designer for the project, appeared to defend the tower and Mediterranean style. There were no other appearances and the public hearing was closed. Chairman Strid did not care for the tower element either and asked the designer whether the double car garage door could be made two doors rather than one. Commissioner Wilson suggested that, in the future, the Commission develop some guidelines for residential dwellings in commercial districts. Motion of WILSON/WASKO TO APPROVE THE APPLICATION WITH THE ADDED CONDITION THAT THE DOUBLE GARAGE DOOR AT THE WEST ELEVATION BE CONVERTED TO TWO SINGLE GARAGE DOORS CARRIED ON THE FOLLOWING ROLL CALL VOTE:

AYES:	COMMISSIONERS:	Culver, Hewer, Wasko, Wilson, and Strid
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

VIII. PUBLIC HEARINGS

1. DS 02-68/RE 02-12/UP 02-32
Robert Ruggles
NE corner Guadalupe and Mt. View
Block 84, lot 24

Consideration of Design Study, Demolition, and Use Permit (Concept Review) applications for the demolition of an existing two-story single family dwelling and Class 2 subordinate unit and the construction of a new two-story single family dwelling and attached guest house located in the Residential (R-1) and Park Overlay (PO) Districts. CONTINUED FROM JANUARY 8 2003.

Chairman Strid announced that the application would be continued to a date uncertain at the request of the applicant. Motion of CULVER/HEWER TO TABLE THE APPLICATION CARRIED ON THE FOLLOWING ROLL CALL VOTE:

AYES:	COMMISSIONERS:	Culver, Hewer, Wasko, Wilson, and Strid
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

2. DS 02-1/RE 02-1/HR 02-1
Patricia Mueller-Vollmer
SW corner Santa Rita and 6th
Block 66, Parcel A

Consideration of a Design Study application
for the rehabilitation of an existing single
family dwelling that is a significant historic
resource located in the Residential (R-1)
District.

Senior Planner Rerig presented the staff report for the rehabilitation of a garage for the Comstock "Birthday House" recommending conditional approval. Rerig explained that the applicant proposed to disassemble the garage and reassemble it on a foundation and replace structural members. The project had been reviewed by the Historic Preservation Committee and was determined to be an historic resource. As conditioned the project complies with the Secretary of Interior Standards. Leslie Dill, the City's Historic Architect, did not recommend removing the window for compliance with the Secretary of Interior Standards. However, the Historic Preservation Committee did recommend the window on the west elevation be eliminated. Commissioner Wilson asked whether a "Comstock Historic District" had been authorized as a historic district and Rerig responded that the grouping of Comstock houses in this area had been identified as a historic district. Commissioner Wilson felt that this was an example of Historic Preservation run mad. Director di Iorio pointed out that the Building Official had determined that there could be no openings in any structure closer than three feet to the property line. Wasko questioned the possibility of replacing rotten boards that had been sitting on dirt without rebuilding the entire garage.

Chairman Strid opened the public hearing. Jon Erlandson, architect for the project, said he and the applicant would like to maintain the window on the west side but other than that, he had no other issues with the staff recommendation. Chairman Strid suggested that the decision about the window rest with the Building Official. Commissioner Wasko asked whether the structure would be used as a garage and Mr. Erlandson responded that, as it had to be rebuilt with the same dimensions, it was too small for today's cars. Patricia Mueller-Vollmer appeared to support the concept of historic preservation, but felt that the constraints put forth by the HPC were ludicrous. She felt the garage had neither aesthetic value nor structural integrity (even Enid Sales said that the garage had no integrity) and hoped the Planning Commission would show some flexibility. Ms. Mueller-Vollmer requested the window, the Carmel Stone to complement the Comstock house, and that the garage roofing material be consistent with the house and not plastic. There were no other appearances and the public hearing was closed.

Leslie Dill appeared as staff to answer questions from the Commission. Commissioner Wasko said that the Birthday House was a jewel but that the garage was a blight and that Mansard roofs belonged on car washes and in the commercial district. The only connection between the garage and the house is that they are on the same property. Ms. Dill explained that it is up to the community whether a structure was historic. When questioned about the copper gutter and the

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Carmel Stone, Ms. Dill responded that, in her opinion, the copper gutter was too attention getting and the Carmel Stone seemed an effort to make the garage something that it was not original. Ms. Dill explained that the Secretary of Interior Standards required that building elements stay as true to the original as possible. Commissioner Wilson could not see what difference a copper gutter would make.

Chairman Strid reopened the public hearing. Jon Erlandson explained that the project had originally come in as a demolition and a new building and at the time of noticing, was reviewed as a historic structure. There were no other appearances and the public hearing was closed.

Commissioner Wilson asked if the structure was deemed a historic resource because of its association with the Birthday House. Director di Iorio said that the Department of Parks and Recreation 503 was taken to the Historic Preservation Committee and the Committee confirmed the garage was identified as a historic resource. Motion of **WILSON/HEWER TO APPROVE THE APPLICATION WITHOUT ANY CONDITIONS EXCEPT THE WINDOW CODE VIOLATION ISSUE FAILED TO CARRY ON THE FOLLOWING ROLL CALL VOTE:**

AYES: COMMISSIONERS: Hewer and Wilson

NOES: COMMISSIONERS: Culver, Wasko, and Strid

ABSENT: COMMISSIONERS: None

Senior Planner Rering pointed out that the conditions were important because they helped the project conform to the Secretary of Interior standards. Motion of **HEWER/WILSON TO APPROVE THE APPLICATION WITH ELIMINATION OF CONDITIONS 4 AND 5 CARRIED ON THE FOLLOWING ROLL CALL VOTE:**

AYES: COMMISSIONERS: Culver, Hewer, Wilson, and Strid

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: None

ABSTAIN: COMMISSIONERS: Wasko

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3. DS 02-103/UP 02-38/HR 02-3
Glenn Olf
W/s Palou between Casanova and 2nd
Block KK, lot 17

Consideration of a Design Study application
for the rehabilitation of an existing single
family dwelling that is a significant historic
resource located in the Residential (R-1)
District.

Senior Planner Rerig presented the staff report that recommended conditional approval, noting that the applicant proposed to designate the building as a historic resource. The Historic Preservation Committee denied all alterations but approved the historic designation. Mr. Rerig noted that Leslie Dill reviewed the proposed alterations and found them to be in conformance with the Secretary of Interior Standards. Chairman Strid opened the public hearing. Richard Moss, architect for the project, appeared to explain that the applicants wished to improve the structure's livability while maintaining the historic integrity and reviewed the proposed changes. Mr. Moss reported that in speaking with Roger Larson, who studied under Charles Moore at UC Berkeley, felt that the proposed changes would be in keeping with his architectural philosophy. Jean Ewe, co-owner of the property, appeared to explain her reasons for the remodel and felt that the proposed design met both the Secretary of Interior Standards and the needs for her family. There were no other appearances and the public hearing was closed. Commissioner Wilson suggested that the City was suffering from a false sense of historicity. Commissioner Culver thought the applicants did a wonderful job of meeting the Secretary of Interior Standards. Commissioner Wasko was in favor of the project. Chairman Strid preferred to see the house remain as is but realized that the structure was in need of renovation in the kitchen area. He was not in favor the proposed balcony off the master bedroom, the window configuration changes, changing the exterior at the rear of the building, but did support the additional skylight and suggested a slight indent where the breezeway is being enclosed. Motion of WILSON/HEWER TO APPROVE OF THE HISTORIC DESIGNATION AND APPROVE THE PROPOSED REMODEL SUBJECT TO STAFF RECOMMENDATION CARRIED ON THE FOLLOWING ROLL CALL VOTE:

AYES:	COMMISSIONERS:	Culver, Hewer, Wasko, and Wilson
NOES:	COMMISSIONERS:	Strid
ABSENT:	COMMISSIONERS:	None

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4. UP 02-34/DR 87-87
Mary Lou Hendy (Lucy's)
W/s Dolores between Ocean and 7th
Block 75, lot 13

Consideration of a Commercial Use Permit application for a new full-line restaurant and consideration of the Conditions of Approval of a Commercial Design Review (DR 87-87) application to provide public restrooms on private property at the private property owner's expense on a site located in the Central Commercial (CC) District.

Senior Planner Rerig presented the staff report for the Use Permit that included a condition to have the restrooms opened within ten days during business hours to the general public from Picadilly Park. Chairman Strid opened the public hearing. Herb Beckett, one of the owners of Lucy's, appeared to express his surprise and dismay that the City was requiring the restrooms to be reopened to non-patrons, which caused problems with maintaining cleanliness and supplies. Commissioner Wasko pointed out to Mr. Beckett that he had the luxury of having 49 more seats by having a second exit and making the restrooms available to the public. Monte Miller appeared to support the staff recommendation. There were no other appearances and the public hearing was closed. Commissioner Wasko said that he would like to see a win-win situation by having the City participate and contribute in some way to the maintenance of the restrooms. Commissioner Wilson agreed and suggested a continuance. Chairman Strid said that he was hesitant to go against an agreement that was made at the Council level. Mr. Beckett requested a continuance so that he could discuss options with staff and the City. Motion of WILSON/CULVER TO CONTINUE THE APPLICATION TO MARCH 12, 2003 CARRIED ON THE FOLLOWING ROLL CALL VOTE:

- | | | |
|---------|----------------|---|
| AYES: | COMMISSIONERS: | Culver, Hewer, Wasko, Wilson, and Strid |
| NOES: | COMMISSIONERS: | None |
| ABSENT: | COMMISSIONERS: | None |
5. DS 03-6/UP 03-3/RE 03-2
Jon Parsons
E/s Mission between 2nd and 3rd
Block 27, lots 10 and pt. 11

Consideration of Design Study, Demolition, and Use Permit applications for the demolition of an existing single family dwelling and the construction of a new two-story dwelling located in the Residential (R-1) District.

Contract Planner Caraker presented the staff report. Commissioner Hewer pointed out that the water balance sheet was in error that might impact the project and questioned how much of the

lot was at a 30% slope. Chairman Strid opened the public hearing. Jon Parsons, owner, appeared to explain his request and to note that Paul Davis, architect, was in the audience to answer questions. Mr. Parsons explained that he was discussing with his architect a change to the parking/garage arrangement as suggested by a neighbor. Paul Davis, architect for the project, appeared to explain the areas of 30% slope. Motion of WILSON TO APPROVE PROJECT AND DEMOLITION WITH AN ADDITIONAL CONDITION THAT MOVING OF GARAGE BE DISCUSSED WITH STAFF DIED FOR LACK OF SECOND. Chairman Strid was concerned about blocking of view corridors for neighbors, the breadth of design going lot line to lot line, and the height of the garage. Commissioner Culver was concerned about how square footage was being calculated based on the buildable portion of the lot. Chairman Strid reopened the public hearing. Paul Davis appeared again to address the proposed future elevator that was to be lower than ridge line and would not block any views. Mr. Davis questioned calculations that subtracted easements from the buildable area. Discussion followed regarding benefits of asking for a continuance. Mr. Parsons appeared to request continuance to the meeting of March 12, 2003. Motion of WILSON/HEWER TO CONTINUE THE APPLICATION TO THE MEETING OF MARCH 12, 2003 TO ADDRESS ISSUES OF VIEWS, BALCONY IMPACT, GARAGE LOCATION, SLOPE/TOPOGRAPHY, AND EASEMENTS NOT BEING TAKEN INTO CONSIDERATION IN CALCULATING FLOOR AREA CARRIED ON THE FOLLOWING ROLL CALL VOTE:

A YES:	COMMISSIONERS:	Culver, Hower, Wasko, Wilson, and Strid
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

IX. ADMINISTRATION

Director di Iorio announced that the City Council reviewed demolition ordinance and will have for second reading on March 4th. Ms. di Iorio asked that anyone wishing to attend the 2003 Planners Institute in San Diego let the office know right away.

X. PUBLIC ANNOUNCEMENTS

XI. ADJOURNMENT

There being no further business to come before the Commission at this time, the meeting was adjourned at 7:25 p.m.

Anne Morris, Secretary

ATTEST:

Bill Strid, Chairman

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 8 October 2003

BLOCK: 89 LOT: 25/26

FIRST HEARING: X CONTINUED FROM: n/a

ITEM NO: DR 03-24/UP 01-24

OWNER: Don Mackey
DESIGNER: Charles Mandurrango
STREAMLINING: 10/9/03

SUBJECT:

Consideration of a revision to Condition #8 of Use Permit 01-24 to allow the relocation of the public walkway from the north side of Eighth Avenue between Junipero and Mission to the south side of the street.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 new construction)

LOCATION: _____ ZONING: _____

N/W corner of Junipero & 8th R-1

ISSUES:

Does the proposed walkway comply with Municipal Code Section 12.04 (Sidewalk Construction and Repair), Policy and Standards for Public Way Design, and Residential Design Guidelines?

OPTIONS:

1. Approve the application as submitted with amended conditions.
2. Continue consideration of the application with a request for design changes.
3. Deny the application and adopt the attached Findings for Decision.

RECOMMENDATION:

Option #1 (Approve the application as submitted with revised conditions.)

ATTACHMENTS:

1. Staff Report dated 8 October 2003.
2. UP 01-24 Conditions of Approval.
3. Plans.
4. Traffic Committee Meeting Draft Minutes dated September 3, 2003

STAFF CONTACT: TJ Wiseman, Contract Planner

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT**

APPLICATION: DS 01-04, UP 01-24

APPLICANT: Mackey

BLOCK: 89

LOTS: 25 & 26

LOCATION: N/W Corner of Junipero & 8th

REQUEST:

Consideration of a revision to Condition #8 of Use Permit 01-24 (for a lot-line adjustment) to allow the relocation of the public walkway from the north side of Eighth Avenue between Junipero and Mission to the south side of the street.

OTHER APPROVALS REQUIRED:

1. Traffic Commission

PROJECT ISSUES:

The proposal for the walkway includes the use of a material (asphalt/concrete) which is identified in the Policy and Standards for Public Way Design as one to be avoided.

BACKGROUND:

The Planning Commission has approved a Use-Permit for a lot-line adjustment and Design Study for two single family attached homes on the NW corner of Junipero and Eighth. Also approved was a use permit for a lot-line adjustment. One of the conditions required the inclusion of a plan to "continue a pedestrian sidewalk along Eighth Avenue for use by the public on public property that will further protect the health, safety, and welfare of the community" between Mission and Junipero. The Traffic Committee at its September 3, 2003 meeting recommended modifying the condition to require the sidewalk be relocated to the south side of 8th Avenue.

PROJECT DESCRIPTION:

The applicant proposes to construct a meandering four feet wide concrete/asphalt walkway approximately 220 linear feet in length along 8th Avenue between Junipero and Mission Streets. The proposed walkway will effectively remove four existing on-street parking spaces. The proposed design will not adversely affect the existing vegetation.

DISCUSSION OF ISSUES:

The City's Policy and Standards for Public Way Design recommend a standard urban sidewalk be made of a material allowing for percolation of water, avoiding the use of blacktop and plain concrete. Recommended instead are sand-set pavers. The Public

Works Director and the Building Official reviewed the proposed walkway and determined that due to its proximity to the tour parking area and adjacent commercial areas, the path would be a major destination used by numerous people and should be constructed of a more durable material. The proposed surface would allow ADA accessibility and avoid a loose footing and erosion from heavy foot-traffic.

SUMMARY:

The proposed design meets the criteria set forth in section 12.04 of the Municipal Code and the Residential Design Guidelines which call for preserving the forest character while allowing safe public access. The sidewalk will be ADA accessible and will allow the continuation of the existing public walkway from Junipero.

RECOMMENDATIONS:

As recommended by the Traffic Committee, staff recommends approval of the revision to Condition #8 of Use Permit 01-24.

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR DECISION

DR 01-04/UP 01-24

NW Corner of Junipero and Eighth Avenues

Block 89: Lot: 25 and 26

5 February 2003

CONSIDERATION: The applicant requests approval of a Use Permit for a lot line adjustment and a Design Review permit to construct two single-family residential dwellings on 2,000 and 3,000 square foot lots in the Residential and Limited Commercial (RC) District.

FINDINGS OF FACT:

1. That the property is currently two 2,500 square foot legal lots of record located at the northwest corner of Junipero and Eighth Avenues (Block 89; Lot 25 and 26) and the lots are zoned Residential and Limited Commercial (RC). The lots are also located in the Archaeological Significance (AS) Overlay District.
2. That the property contains a moderate upward slope towards the rear property line at approximately fifteen percent (15%).
3. That on 25 January 2001, the applicant submitted an application to adjust the existing lot line to create a 2,000 and a 3,000 square foot parcel, and construct two new single-family residential dwellings.
4. That the project site is currently void of any structures or buildings.
5. That review of this project is subject to a design review application and the standards contained in Municipal Code Chapters 17.12 and 17.43.

CONDITIONS AND STANDARDS FOR USE PERMIT APPROVAL OF A LOT
LINE ADJUSTMENT

1. That the proposed lot line adjustment shall not increase or create a zoning nonconformity in that the two new lots meet all standards for development as independent parcels.
2. That the proposed lot line adjustment shall not increase or create any zoning violations or any other kind of illegality in that the two new lots are legal parcels that meet all standards for development independently.
3. That the proposed lot line adjustment shall not create an additional building site in that the current configuration of lots 25 and 26 in block 89 are independently developable in the current configuration.
4. That the current site does not contain any zoning nonconformities and the lot line adjustment shall meet all zoning requirements and not create any zoning nonconformities.
5. That the proposed lot line adjustment will increase the average length of frontage on public streets since both new lots will front on either Eighth Avenue or both Eighth Avenue and Junipero Avenue.
6. That the current lot lines are straight and the proposed lot line adjustment will not straighten the lot lines nor make the lot lines less straight since the proposed lot line adjustment is turning the lot line that separates two independently developable lots from east/west to north/south
7. That the current lots are rectangular and the proposed lots are rectangular.
8. That as permitted by Municipal Code Section 17.43.030.I and 17.43.030.J Conditions have been added that require the applicant to continue a pedestrian sidewalk along Eighth Avenue for use by the public on public property that will further protect the health, safety, and welfare of the community.

9. That as a result of the proposed lot line adjustment, a driveway and parking area will be relocated to Junipero Avenue and that the Forest and Beach Commission has reviewed the project to ensure that the relocation shall protect existing significant trees.

DECISION: The Use Permit and Design Review applications are approved subject to the following Conditions.

CONDITIONS OF APPROVAL:

1. All subsequent activities on either parcel including, but not limited to, approval of use permits, and approval of additions and alterations shall be subject to City review and approval according to the findings and conditions of this permit. No activity shall be approved nor undertaken unless it conforms to the findings and conditions of the use permit and design review application.
2. This permit constitutes a land use entitlement to construct two single-family residences on two newly formed lots. No part of this project shall be implemented in reliance of this permit unless the entire project is implemented.
3. No business activities shall be permitted on either lot unless a permit amendment is submitted and approved by the City prior to establishment on the premises. Any future applications to conduct commercial activities on either lot in the future will be reviewed for the proposals' impact on off-street parking, floor area ratio, coverage and the pertinent dimensional and design standards for the RC District.
4. No commercial use shall be allowed to operate from either residential unit within the project. Neither residence shall be partitioned, divided or subdivided to create more than the two units or the two lots authorized by this permit. Neither residence shall be leased, subleased occupied, rented or let for, in connection with, any timeshare or time interval ownership agreement. Neither residence shall be rented, leased, subleased or otherwise made available to any person for any period of time of 30 consecutive calendar days or less.
5. Both residential units shall be accessed by its own entry/exist door as shown on the approved project plans and shall be independently metered for water. Both residences shall be maintained on the site in good repair.

6. Trash, garbage and containers for recycling materials shall be stored on private property, screened from public view and disposed of in the manner established in Chapter 16, Title 8 of the Municipal Code.
7. The parking garage shall be used only for parking vehicles, storage and the housing of utilities, trash, garbage and recycling materials. All parking spaces shall be reserved and permanently assigned for tenants of each unit on the parcel. These spaces shall not be rented, leased or sold separately.
8. As part of the building permits to construct the project, the permittee shall be responsible for undergrounding all new and existing overhead utility lines fronting either lot without erecting any new permanent poles. Alternatively, the permittee shall pay equivalent funding to the City for undergrounding 50 linear feet of the utilities based on estimated costs provided by the utility companies, or a lesser amount to be determined by the Director of Public Works.
9. If excessive groundwater or seepage is encountered during excavation or construction, such conditions shall be mitigated in a manner approved by the Building Official of the City.
10. All new utility connections serving either residence shall be installed on private property and screened from public view. Meters shall not be installed in areas used for pedestrian circulation and shall be installed in the garages, paved areas on site or as a last resort in landscaped areas on the site. Plans illustrating such placement of utility meters shall be submitted on the building plans for approval by the City.
11. The City reserves the right to require bonding or equivalent financial security for maintenance of the landscaped areas on the project site.
12. The applicant shall submit the draft landscape plan approved by the Planning Commission for review by the City Forester prior to issuance of a building permit. The plan shall include drip irrigation systems set on timers and shall be maintained by the property owners. The landscaping and irrigation system shall also serve the public right-of-way along Eighth Avenue and be maintained by the property owners' expense.

13. The applicant shall be responsible for installing and maintaining public way improvements adjacent to the project including new sidewalks, curb and gutter, and landscaping improvements in conformance with all current City requirements for the public way. An improvement plan for the public way shall be submitted for review and approval by the Planning Director prior to issuance of a building permit. The plan shall provide an improved sidewalk surface treatment that compliments the character of the commercial district consistent with the City's policies on improvements in the public way. The plan shall also provide for a sidewalk along the north side of Eighth Avenue adjacent to the Scout House (Block 89, Lot 20). The applicant shall design and install this sidewalk at their sole expense.
14. Buildings authorized by this permit shall use fire retardant materials and sprinklers that meet the requirements of the State Uniform Building and Fire Codes.
15. Prior to issuance of a building permit for grading the permittee shall submit a plan for approval by the Department of Community Planning and Building defining the excavation and disposal activity associated with the project. The plan shall define truck/hauling routes through the City, the proposed disposal site, and any street closures or traffic interruptions necessary or anticipated.
16. A soils report shall be prepared by a qualified engineer as part of the design process to define the amount of cuts and fills required and to establish a drainage plan to accommodate peak storm events and prevent erosion and damage to property. Drainage facilities shall be reviewed by the City Engineer and coordinated with the area-wide drainage plan administered by the department of Public Works. The City reserves the right to require off-site drainage improvements or equivalent funding for such improvements determined to be necessary to upgrade drainage infrastructure to meet the incremental demands generated by this project.
16. Grading and excavation activities shall be prohibited during the months of November through March unless a temporary erosion control plan is submitted and approved by the City. Hours of construction shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday.

17. Approval of this permit is conditioned on the applicant receiving a building permit within one (1) year of Planning Commission approval of the project. The City may authorize an extension of this permit for a period of up to one (1) additional year provided that the Municipal Code regulations have not been changed related to the findings and conditions of this permit.
18. All trees on the site shall be protected during demolition by methods approved by the City Forester. No trees shall be removed by the future site development until the applicant has obtained approval by the City Forester and Forest and Beach Commission. The removal of trees from the site shall not occur until a plan has been approved by the Planning Commission to develop a new dwelling on the property.
19. If during construction any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed.
20. All development on the building sites shall comply with the design and zoning regulations with the City.
21. The applicant shall submit in writing any proposed changes to the project plans approved by the Planning Commission prior to incorporating changes on the site. The project will be reviewed for its compliance to the approved design study plans prior to final inspection by the Building Inspector.
22. Exterior lighting shall be limited to 25 watts or less per fixture. Landscape lighting shall be limited to 15 watts or less per fixture.
23. All water fixtures within the premises in which the use is located shall be retrofitted with water conservation hardware and shall be inspected for conformance with the standards contained in 15.28.020 of the CMC prior to establishment of the use.

24. The interior of the garages require illumination in conformance with the requirements of the Uniform Building Code and such lighting will be visible to the public.
25. The applicant will submit copies of the drainage and soils reports for development on the site, preliminary title report and applicable CC&R's and other requirements contained in the Subdivision Map Act of California.
26. The use of the two residences shall be conducted in a manner consistent with the presentations and statements submitted in the application and at the public hearing, and any change in use that would alter the findings or conditions adopted as part of this permit shall require approval of a new use permit by the Planning Commission.
27. Violation of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this use permit. Upon termination or revocation of this use permit for any reason, the use shall immediately cease and shall not be re-established without issuance of a new use permit.
28. Prior to issuance of a building permit, the applicant shall pay the parking in lieu fee in the amount of \$24,990 for the ½ parking space required under Municipal Chapter 17.34.
29. The applicant shall prepare a Phase I archaeological study consistent with the Archaeological Resources Management Report format prior to issuance of any building permits.

DRAFT
CITY OF CARMEL-BY-THE-SEA
COMMUNITY TRAFFIC SAFETY COMMISSION

MINUTES OF MEETING

Regular Meeting
City Hall Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th
Carmel-by-the-Sea, California

September 3, 2003
Wednesday
3:00 p.m.

I. CALL TO ORDER AND ROLL CALL

COMMISSIONERS PRESENT:

Carl Roetter
Lee Eldred
Warren Neidenberg
Erik Bethel
Robert Clifford

STAFF MEMBERS PRESENT:

Corporal Steve Rana
Martha L. Nilsson, Secretary

II. PLEDGE OF ALLEGIANCE

Chairman Roetter led the Commissioners in the Pledge of Allegiance.

III. APPEARANCES

None

IV. ANNOUNCEMENTS

A. Announcements & Reports from the Police Department

- Mark Liskin submitted a request for a "slow-blind curve" sign at W/San Antonio and Fourth Street. Corporal Steve Rana said the department "will be looking into it"

V. CONSENT CALENDAR

A. Ratify the minutes of the meeting of August 6, 2003 meeting.

A MOTION WAS MADE BY BETHEL, SECONDED BY NEIDENBERG, TO APPROVE THE MINUTES OF THE AUGUST 6, 2003 MEETING AS WRITTEN. THE MOTION PASSED UNANIMOUSLY.

VI. ORDERS OF BUSINESS

- B. Planning Director, Christi di Orio, made a report to the commissioners about the proposed Eighth Street pedestrian pathway relating to the approved application by Mackey and Mandurago for a 2 unit condominium complex on the NW corner of Junipero and Eighth. The pedestrian pathway is being proposed to be placed on the south side of Eighth Street due to grading issues.

A MOTION WAS MADE BY ROETTER, SECONDED BY LEE, TO ENDORSE AND SUPPORT THE PROPOSED WALKWAY AS PROPOSED. THE MOTION PASSED UNANIMOUSLY.

- C. Corporal Steve Rana reported on proposed loading zone on San Carlos Street. Women's Club President, Joan McHenry and Vice-President Fleece Dennis appeared before the Commission to explain the parking problems at the Women's Club.

A MOTION WAS MADE BY NEIDENBERG, SECONDED BY ELDRED, THAT THE TRAFFIC COMMISSION ENDORSE THE PROPOSED LOADING ZONE ON SAN CARLOS AND 9TH. ELDRED. THE MOTION PASSED UNANIMOUSLY.

- D. Commissioner Roetter presented the Commission with a Work Plan to resolve residential traffic problems such as: Speeding Blind Hills, Curves and Obstructions, Lack of Sidewalks, Street Lights and Vegetation Overgrowth. After a lengthy discussion by the commission, it was decided to place this matter on the agenda for a future meeting.

VII. ADJOURNMENT

There being no further business to come before the Commission, A MOTION WAS MADE BY ROETTER, AND SECONDED BY CLIFFORD TO ADJOURN THE MEETING AT 5:00 P.M. THE MOTION PASSED UNANIMOUSLY.

ATTEST: Respectfully submitted,

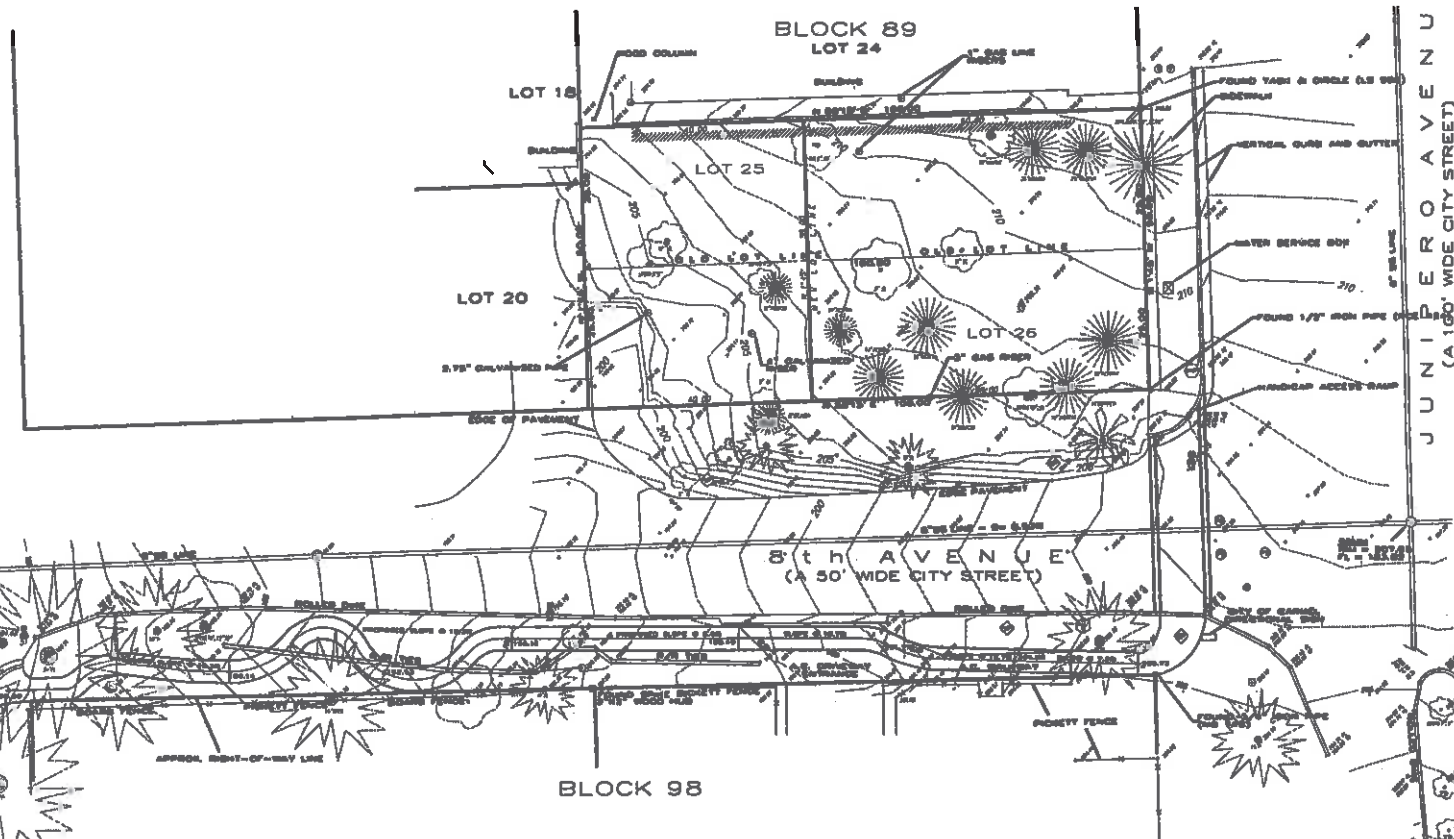
Carl Roetter, Chairman

Martha L. Nilsson, Secretary

28

MISSION STREET
(A 50' WIDE CITY STREET)

JUNIPERO AVENUE
(A 100' WIDE CITY STREET)



BLOCK 98

NOTE:
PEDESTRIAN WALK TO BE
PAVED WITH CONC. ASPHALT.



Proposed
PEDESTRIAN WALK

SCALE: 1" = 10'-0"

MANDURRAGO
MANDURRAGO &
SULLIVAN INC.

7-29-09

2026

1.3

MACKAY RESIDENCE

N/W Co. of Bln. & JUNIPERO
CARMEL-BY-THE-SEA, CA 93921

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 12 November 2003

BLOCK: LOT:

FIRST HEARING X or

CONTINUED FROM:

ITEM NO:

OWNER:

ARCHITECT/DESIGNER:

STREAMLINING DEADLINE:

SUBJECT:

Consideration of minutes for the 8 October 2003 Planning Commission meeting.

LOCATION:

ZONING:

ISSUES:

OPTIONS:

1. Approve the minutes as submitted
2. Amend and approve the minutes
3. Deny the minutes

RECOMMENDATION:

1. Approve the minutes as submitted

ATTACHMENTS:

1. Minutes of 8 October 2003.

STAFF CONTACT: Anne Morris, Planning Services Coordinator

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CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION

MINUTES

Regular Meeting
Recorded

8 October 2003
3:15 p.m.

The Regular Meeting of the Planning Commission of the City of Carmel-by-the-Sea, California was held on the above date at the stated hour of 3:15 p.m. Chairman Strid called the meeting to order and the roll was called.

I. ROLL CALL

PRESENT:

COMMISSIONERS:

CULVER
CUNNINGHAM
HEWER
WILSON
STRID, CHAIRMAN

ABSENT:

COMMISSIONERS:

NONE

ALSO PRESENT:

DIRECTOR
CONTRACT PLANNER
SECRETARY

DI IORIO
CARAKER
MORRIS

II. TOUR OF INSPECTION

The Planning Commission left at 3:05 p.m. to tour the following sites: Marson, Mackey, Spieker, and Fink. The meeting was reconvened at 4:30 p.m.

III. PLEDGE OF ALLEGIANCE

The Planning Commission and those present pledged allegiance to the flag.

IV. ANNOUNCEMENTS FROM DIRECTOR OR CHAIR

V. APPEARANCES

Alan Patterson appeared to address the topic of Track Three Design Study and to read from the City Council minutes. A group of architects and builders had proposed several changes to the Track Three Design Study to the City Council. The proposals had been referred to the Planning Commission by the City Council and Mr. Patterson asked why it did not appear on the Planning Commission agenda.

Mr. Patterson said that submitting such an important change to the City Council without Planning Commission review was not the proper way to handle the issue. All the hard work done by so many people and the money spent on Design Traditions should not be undone without Planning Commission review. Mr. Patterson was of the mind that Design Traditions was an example of some of the best planning work in the country. Track Three allows some room for creativity and should not be viewed as a threat. He said the one staff person who knows Design Traditions inside and out is Brian Roseth and he should be accountable to the Planning Commission for the way Track Three is being handled.

Director di Iorio said that the direction received from the City Council was not to proceed at this time with the recommendations made by the group of contractors and architects. Perhaps Track Three would be reviewed by the Planning Commission and considered by the City Council at a later date. The material that was forwarded to the Coastal Commission was the same material reviewed by the Historic Preservation Board, the Design Review Board, the Planning Commission and City Council and which did not include Track Three.

VI. CONSENT AGENDA

1. Consideration of minutes for the 27 August and 10 September 2003 Planning Commission meetings.
2. DS 03-13
Phillip Marson
N/s 1st between Torres and Junipero
Block 7, lots 8 and 10

Consideration of a Design Study application for alterations to an existing historic resource located in the Residential (R-1) District.
3. DR 03-24/JP 01-24
Don Mackey
NW corner Junipero and 8th
Block 89, lots 25 and 26

Consideration of a revision to Condition #8 of Use Permit 01-24 to allow the relocation of the public walkway from the north side of Eighth Avenue between Junipero and Mission to the south side of the street.

Director di Iorio noted a correction of the minutes of 10 September 2003. Commissioner Cunningham requested that items 2 and 3 be pulled from the Consent Agenda.

**Motion of HEWER/CUNNINGHAM TO ACCEPT THE MINUTES AS CORRECTED
CARRIED ON THE FOLLOWING ROLL CALL VOTE:**

Planning Commission Minutes
Regular Meeting
8 October 2003
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AYES:	COMMISSIONERS:	Cunningham, Hewer, Wilson, and Strid
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	Culver

VII. CONSENT AGENDA (PULLED ITEMS)

2. DS 03-13
Philip Marson
N/s 1st between Torres and Junipero
Block 7, lots 8 and 10
- Consideration of a Design Study application
for alterations to an existing historic resource
located in the Residential (R-1) District.

Commissioner Cunningham questioned the duration of time in the planning process between when an application is reviewed by an architectural historian and by the Historic Preservation Committee and when drawings and a staff report are presented to the Planning Commission. He was concerned about the possibility that something of significance would happen during that time and suggested that the process be tightened up.

Contract Planner Caraker said that once the historian looks at a set of plans, any changes would be outlined in the staff report.

Director di Iorio noted that the applicant may choose to make changes suggested by the architectural historian or the Historic Preservation Committee and perhaps those areas of change could be clouded for the Planning Commission.

Motion of CUNNINGHAM/CULVER TO APPROVE AS CONDITIONED CARRIED ON THE FOLLOWING ROLL CALL VOTE:

AYES:	COMMISSIONERS:	Culver, Cunningham, Hewer, Wilson, and Strid
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

Planning Commission Minutes
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8 October 2003
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3. DR 03-24/UP 01-24
Don Mackey
NW corner Junipero and 8th
Block 89, lots 25 and 26

Consideration of a revision to Condition #8
of Use Permit 01-24 to allow the relocation
of the public walkway from the north side of
Eighth Avenue between Junipero and
Mission to the south side of the street.

Commissioner Cunningham had three questions: what is the motivation for moving the sidewalk from the north side to the south side; what responsibility does the City have to the property owners on the south side of Eighth to advise them of the City's intentions so that they have an opportunity to comment; and how much consideration should loosing four parking spaces be given in approving the change?

Chairman Strid asked whether Condition 8 reflected the change of location and Director di Iorio responded that it did not and that it would be changed.

Director di Iorio noted that the Director of Public Works, the Police Chief, the Building Official and City Forester looked at the site and recommended that the walkway be moved to the south side of Eighth due to extreme site conditions and significant trees. The proposal was taken to the Traffic Committee and the decision was that the need for pedestrian access outweighed the need for four parking spaces. Condition 8 should read "...that require the applicant to continue a pedestrian sidewalk along the south side of Eighth Avenue between Junipero and Mission Streets for use by the public on public property..."

Commissioner Cunningham was concerned that the property owners be notified and have an opportunity to respond before approving the application.

Commissioner Culver agreed with Commissioner Cunningham's comments and noted that the diagram in the packet showed a cross walk at Eighth and Junipero but the site visit showed no crosswalk. A crosswalk crossing Eighth is proposed and should be a condition. Read "pedestrian walkway and crosswalk."

Motion of HEWER/CULVER TO APPROVE THE AMENDMENT TO THE USE
PERMIT WITH THE ADDED CONDITION THAT THE APPLICANT BE
RESPONSIBLE FOR THE CROSSWALK AND THAT THE PROPERTY OWNERS ON
THE SOUTH SIDE OF EIGHT AVENUE BE NOTIFIED OF THE PROJECT AND
ENCOURAGED TO RESPOND IN WRITING CARRIED ON THE FOLLOWING ROLL
CALL VOTE:

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AYES:	COMMISSIONERS:	Culver, Cunningham, Hewer, Wilson, and Strid
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

VIII. PUBLIC HEARINGS

1. UP 03-13
Cypress Inn Investors
NE corner Lincoln and 7th
Block 75, lots 16, 18, 20, and 22

Consideration of an amendment to a Commercial Use Permit for the conversion of a restaurant use to hotel rooms in an existing inn located in the Central Commercial (CC) District. **CONTINUED TO NOVEMBER 12, 2003.**

2. DS 03-84
Steve Kallison
E/s Mission between Vista and 1st
Block 5½, lot 16

Consideration of a Design Study (Concept Review) application of a rebuild of an existing single family dwelling with a new detached garage located in the Residential (R-1) District. **REFERRED TO THE DESIGN REVIEW BOARD.**

3. UP 03-35
Sandya Kolar
E/s Crespi between Mt. View and
Flanders
Block 104, lot 2

Consideration of a residential Use Permit for a guesthouse located in the Residential (R-1) District. **CONTINUED TO NOVEMBER 12, 2003 AT THE REQUEST OF THE APPLICANT.**

4. UP 03-28
Warren Spieker
E/s Carmelo between 10th and 11th
Block Q, lots 12 and 14

Consideration of Track Three Design Study (Concept and Final Review) and Use Permit applications for the rehabilitation of, and addition to, an existing historic, two-story auxiliary structure with a bar sink and construction of a detached garage with exceptions to the composite side yard setback on a property located in the Residential (R-1) District. **CONTINUED FROM SEPTEMBER 10, 2003.**

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Chairman Strid stepped down due to conflict of interest and Vice Chairman Hewer assumed the chair. Contract Planner Caraker presented the staff report reviewing the proposal and the conditions of approval. Director di Iorio suggested adding condition #6 that would change the three-foot side yard setback to four feet.

Commissioner Cunningham asked what classification the subordinate was and what the ramifications were of that status. Director di Iorio responded that approval for the subordinate units for this property was granted under a use permit in the 1980s.

Vice Chairman Hewer opened the public hearing. Eric Miller, architect representing Mr. Spieker, appeared to say that the previous owner of the property had been given permission for the subordinate units during the City's window of opportunity when he could register the units. Mr. Spieker was interested in restoring an historic, single-family residence and in eliminating the oversized subordinate units. The concerns of Mrs. Yateman, neighbor to the south, were addressed by moving the garage one foot to the north so that pittosporum could be planted.

Commissioner Wilson thought the 12:12 pitch and the encroachment of the garage into the front setback made the garage unnecessarily obtusive. Mr. Miller explained that the historic preservationist wanted the garage to look different from the historic house and he explained his reasons for designing the garage the way he did. Commissioner Hewer also voiced his opposition to the garage roof and that that if the pitch were lowered it would be less obtusive. Commissioner Cunningham had questions regarding privacy issues and Mr. Miller pointed out the positioning of windows.

Anna Yateman, neighbor to the south, agreed with the choice of pittosporum as plant material. There were no other appearances and the public hearing was closed.

Commissioner Culver agreed with the comments regarding the garage. Commissioners Cunningham and Wilson spoke to the additional windows on the east side and Mr. Miller said he was agreeable to moving the window to the north side or using opaque glass.

Motion of WILSON/CULVER TO APPROVE THE APPLICATION WITH THE CONDITIONS SET FORTH ON PAGE 6 OF THE STAFF REPORT AND WITH THE ADDED OF CONDITIONS TO INSTALL OPAQUE WINDOWS OR MOVE THE WINDOWS TO THE NORTH ELEVATION IN INTERESTS OF PRIVACY; TO REMOVE THE GARAGE DORMER AND ALLOW A ROOF PITCH NO GREATER THAN 7:12; THAT THE EXISTING PITTOSPORUM BE REPLACED WITH NEW PITTOSPORUM; AND MOVE THE GARAGE ONE FOOT TO THE NORTH CARRIED ON THE FOLLOWING ROLL CALL VOTE:

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AYES:	COMMISSIONERS:	Culver, Cunningham, Wilson, and Hewer
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	Strid

Chairman Strid returned to his seat.

IX. DESIGN REVIEW (COMMERCIAL)

1. DR 03-14
David Fink
E/s Monte Verde between Ocean
and 7th
Block 74, lots 18 and 20
Consideration of Design Review and Historic
Designation applications for alterations to an
existing, historic, nonconforming hotel
located in the Residential and Limited
Commercial (RC) District.

Contract Planner Caraker presented the staff report and reviewed the proposed changes and the conditions of approval. Commissioner Culver questioned the Historic Preservation Committee condition regarding entry doors and Director di Iorio explained that the Historic Preservation Committee had recommended the removal of Condition 1 that had approved the entry doors and requested that the door details be brought back to them for review.

Chairman Strid opened the public hearing. City Attorney Don Freeman noted that Kent Seavey, who has done work for the City, is today representing the applicant. Todd Bessiere, attorney representing David Fink, appeared to discuss the new handicapped bathroom and the nonconforming breakfast nook. He presented a transcript from the Historic Preservation Committee meeting that stated that a simple glass and wood panel entry door would meet the standards for new materials and features and would allow views into the interior courtyard. Mr. Seavey's statement at that meeting also supported the door design.

Regarding whether the courtyard should remain open, Mr. Bessiere cited a section of the Carmel Municipal Code that existing courtyards are to be conserved. The applicant is not proposing to change the courtyard, only a change of bathroom location. The breakfast nook has existed for 35-40 years and the nonconforming section of the code does not apply. The Planning Commission may offer incentives to owners of historic buildings.

Commissioner Wilson asked how breakfast was provided to guests. David Fink said that the breakfast is a self-serve breakfast but in the future they plan to serve the hotel guests. There were no other appearances and the public hearing was closed.

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Commissioner Cunningham noted that the Historic Designation was a separate issue. He thought that the proposed doors limit public access as is required by the historian. Commissioner Hewer agreed with the comments made by Commissioner Cunningham.

David Fink, applicant, appeared to say that the handicapped bathrooms were moved because the existing space was too small to convert into a handicapped space. Mr. Fink also mentioned that a former owner of the Sundial, Bud Allen, had wrought iron gates at the entrance with a buzzer.

Commissioner Culver asked when the proposed doorways would be open to the public and Mr. Fink responded from 7:00 a.m. to midnight. Commissioner Culver asked what the proposed design was for the glass doors and Mr. Fink responded that the glass door was recommended to him as a way to differentiate from the carved doors inside. His main concern was having a door that could be secured during the night. Commissioner Hewer asked why two doors were being proposed and Mr. Fink responded that weather could come from either the east or west. Commissioner Wilson asked whether Mr. Fink considered his courtyard private or open to anyone and he responded that the courtyard was open to the public during business hours.

Commissioner Culver cited Section 17.41.070 from the Municipal Code regarding historic structures whereby the Planning Commission may grant the applicant incentives in the way of relief from zoning regulations. Commissioner Hewer thought the Secretary of Interior Standards wouldn't allow glass doors but Commissioner Culver pointed out that the Historic Preservation Committee recommended that the Planning Commission approve the doors.

David Fink said that he was voluntarily requesting local designation and wanted to get started with his project. He didn't see how a glass door that would be open most of the time would keep the courtyard from being uninviting. Director di Iorio said that if designated, the Planning Commission could grant the applicant relief from the zoning standards. Commissioner Culver said that in some sense an applicant is handcuffed because twenty years in the future the codes might change and the applicant couldn't do anything with his property.

Todd Bessiere, attorney for the applicant, proposed a condition that the doors be left open from 7 a.m. to 11 p.m.

Motion of WILSON/CULVER TO APPROVE THE HISTORIC DESIGNATION AND THE DESIGN REVIEW APPLICATION WITH THE ELIMINATION OF CONDITION 1, RETAINING CONDITION 4 UNTIL CLARIFICATION CAN BE PROVIDED REGARDING THE SERVING OF FOOD, AND ADDING THE CONDITION THAT THE TRANSPARENT DOORS BE APPROVED BY THE HISTORIC PRESERVATION COMMITTEE AND BE PROPE OPEN FROM 7:00 A.M. TO 11:00 P.M. UNLESS WEATHER PROHIBITS CARRIED ON THE FOLLOWING ROLL CALL VOTE:

Planning Commission Minutes
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8 October 2003
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AYES: COMMISSIONERS: Culver, Cunningham, Hewer, Wilson, and Strid

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: None

X. ADMINISTRATION

1. DS 02-70 William Callahan
E/s Torres between 3rd and 4th
Block 38, lot 14
- Progress report on placement of Red Tag and subsequent removal.

Director di Iorio stated that the memo was informational only and no Planning Commission action was required.

XI. PUBLIC ANNOUNCEMENTS

Commissioner Wilson asked what happened to Track Three discussion that was referred to earlier in the meeting. Commissioners Wilson, Strid and Cunningham had no recollection of any discussion regarding Track Three. Commissioner Hewer said that the City Council had held some discussion on Track Three but not at the Planning Commission level. Director di Iorio explained that the deletion of Track Three had been contained in the errata sheet handed out at the meeting of August 27, 2003. Commissioner Wilson thought that Track Three should be discussed by the Planning Commission at some point.

XII. ADJOURNMENT

There being no further business to come before the Commission at this time, the meeting was adjourned at 6:50 p.m.

ATTEST:

Anne Morris, Secretary

Bill Strid, Chairman

DRAFT
CITY OF CARMEL-BY-THE-SEA
COMMUNITY TRAFFIC SAFETY COMMISSION

MINUTES OF MEETING

Regular Meeting
City Hall Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th
Carmel-by-the-Sea, California

September 3, 2003
Wednesday
3:00 p.m.

I. CALL TO ORDER AND ROLL CALL

COMMISSIONERS PRESENT: Carl Roetter
Lee Eldred
Warren Neidenberg
Erik Bethel
Robert Clifford

STAFF MEMBERS PRESENT: Corporal Steve Rana
Martha L. Nilsson, Secretary

II. PLEDGE OF ALLEGIANCE

Chairman Roetter led the Commissioners in the Pledge of Allegiance.

III. APPEARANCES

None

IV. ANNOUNCEMENTS

- A. Announcements & Reports from the Police Department
- Mark Liskin submitted a request for a "slow-blind curve" sign at W/San Antonio and Fourth Street. Corporal Steve Rana said the department "will be looking into it".

V. CONSENT CALENDAR

- A. Ratify the minutes of the meeting of August 6, 2003 meeting.

A MOTION WAS MADE BY BETHEL, SECONDED BY NEIDENBERG, TO APPROVE THE MINUTES OF THE AUGUST 6, 2003 MEETING AS WRITTEN. THE MOTION PASSED UNANIMOUSLY.

VI. ORDERS OF BUSINESS

- B. Planning Director, Christi di Orio, made a report to the commissioners about the proposed Eighth Street pedestrian pathway relating to the approved application by Mackey and Mandurago for a 2 unit condominium complex on the NW corner of Junipero and Eighth. The pedestrian pathway is being proposed to be placed on the south side of Eighth Street due to grading issues.

A MOTION WAS MADE BY ROETTER, SECONDED BY LEE, TO ENDORSE AND SUPPORT THE PROPOSED WALKWAY AS PROPOSED. THE MOTION PASSED UNANIMOUSLY.

- C. Corporal Steve Rana reported on proposed loading zone on San Carlos Street. Women's Club President, Joan McHenry and Vice-President Fleece Dennis appeared before the Commission to explain the parking problems at the Women's Club.

A MOTION WAS MADE BY NEIDENBERG, SECONDED BY ELDRED, THAT THE TRAFFIC COMMISSION ENDORSE THE PROPOSED LOADING ZONE ON SAN CARLOS AND 9TH. ELDRED. THE MOTION PASSED UNANIMOUSLY.

- D. Commissioner Roetter presented the Commission with a Work Plan to resolve residential traffic problems such as: Speeding Blind Hills, Curves and Obstructions, Lack of Sidewalks, Street Lights and Vegetation Overgrowth. After a lengthy discussion by the commission, it was decided to place this matter on the agenda for a future meeting.

VII. ADJOURNMENT

There being no further business to come before the Commission, A MOTION WAS MADE BY ROETTER, AND SECONDED BY CLIFFORD TO ADJOURN THE MEETING AT 5:00 P.M. THE MOTION PASSED UNANIMOUSLY.

ATTEST: Respectfully submitted,

Carl Roetter, Chairman

Martha L. Nilsson, Secretary

City of Carmel-by-the-Sea

Department of Community Planning & Building;
Public Works/Forestry & Beach
P.O. Drawer G
Carmel, CA 93921
(831) 620-2010 OFFICE/(831) 620-2014 FAX

1 SC
Attachment 6

PLAN CHECK/REVISION SUBMISSION

City Use Only This Section

Date Rec'd.: 3/22/05 Fee: \$ 75⁰⁰ Receipt #: _____ By: [Signature]
Existing Permit #: 04-25

APPLICANT SECTION

Complete items 1-8 in this section and provide additional information and/or plans as required to describe the work proposed. SIGN THE BACK OF THIS FORM

1. Project Location: 1 NW bet. 8TH and JUNIPERO
Street the project is on

Block: 89 Lot(s): 25/26 Parcel #: 010-087-004

2. Legal Property Owner: DON MACKEY

Mailing Address: _____ P.O. Box _____

City: _____ State: _____ Zip: _____

Telephone # _____ FAX: _____

3. Contractor/Agent/Contact Person: DAN SILVERIE
(Circle One)

Mailing Address: P.O. BOX P.O. Box: 223103

City: CARMEL State: CA Zip: 93922 Phone(831) 402-7985

City License #: 20484 State License #: 780912 / Type: B

Value of Project: \$1.0M

Check the appropriate Department action proposed:

- ☒ **PUBLIC WORKS DEPT.:** Encroachment/Sidewalk/curb-Gutter/Driveway/Utilities
☐ **FORESTRY/BEACH:** Tree removal/Pruning/Landscaping/Encroachment
☒ **PLANNING/BUILDING:** Residential/Commerical/Structural/Architectural/Encroachment/Site Coverage/Exterior Changes
☐ **FIRE DEPARTMENT ACTION:** Fire Sprinkler System/Fire Alarm System

FULLY DESCRIBE ALL WORK PROPOSED: ADD OF PICKET FENCE & POST

SHEET A1.1. APPROX. 5' PAST PROPERTY ON NORTH FACING 8TH

REVISED PLAN PER SHEET L.1.

L.S. PLAN REVISIONS

Applicant Acknowledgement

Attachment 6

I understand and agree to comply with all pertinent conditions, standards and requirements as specified by the Carmel Municipal Code, State, County and Federal regulations pertaining to this permit application. I agree to properly maintain the subject work at no expense to the City and to indemnify the City from any liability arising from the permit issued. Acceptance by the City of the work described hereon is not a waiver of my obligations as stated herein.

Applicant Name (Print Clearly): DAN SIWERIE

Signature: *Dan Siwerie* Date: 3.23.05

CITY USE ONLY BELOW

Action:

Public Works: Approve/Disapprove

Forestry/Beach: Approve/Disapprove

By: _____ Date: _____

By: M. Branson Date: 3/30/05

Planning: Approve/Disapprove

Building: Approve/Disapprove

By: *SC* Date: 3-28-05

By: _____ Date: _____

Additional Requirements: (Circle each) Workers Comp/Liability Insurance/Driveway Grade & Drainage Agreement/ Hold Harmless Agreement

Comments/Conditions: _____

Plng ok if an
encroachment permit
is approved.
3-28-05 SC

MIKE
CHABO *[Signature]*



Attachment 6

Don Mackey

Phone:

Fax:

Facsimile Transmittal Sheet

City of Carmel by The Sea.

Attn: *Tim Maroney* From: *Don Mackey*

Company: _____ Date: *1/26/2006*

Fax Number: *2004* Total No. Of Pages (Including Cover): *5*

Re: *831-620-204*

☐ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply

Notes Or Comments:

*Tim,**All the best in 2006.*

I still would like your advice and guidance on the granite Rip Rap I had planned to put on the 8th street embankment. The city is protected by the Insurance, plus the fact it looks pretty bad and I am afraid of bank erosion. Let me know your thoughts.

Thanks Don

WHEN RECORDED, MAIL TO:

CITY OF CARMEL-BY-THE-SEA
BOX CC
CARMEL-BY-THE-SEA CA 93921

THIS SPACE FOR RECORDER'S USE ONLY

HOLD HARMLESS ENCROACHMENT AGREEMENT

AGREEMENT made this _____ day of _____, 20____, between the CITY OF CARMEL-BY-THE-SEA, hereinafter called CITY, and _____, hereinafter called OWNER, with reference to the following facts:

OWNER is in possession of and owns certain real property in CITY known as Block _____, Lot(s) _____, Assessor's Parcel No. _____, Zoning District _____, street location _____.

OWNER has requested from CITY permission to construct and maintain a structural encroachment on CITY street or sidewalk area adjacent to or near the property, described as follows:

NOW, THEREFORE, the parties, in consideration of the mutual covenants contained herein, agree as follows:

1. CITY grants permission to OWNER to construct and maintain a structural encroachment on CITY street or sidewalk area adjacent to or near OWNER'S property, as described above. Said permission is subject to the following conditions:

- a. Execution of this Hold Harmless Agreement and compliance with the provisions of paragraph 3 below.
- b. _____

2. OWNER, his successors and assigns, agrees to name CITY an additional insured and to hold CITY harmless from any and all claims, actions and demands of third parties of any kind, character and description arising out of or due to any accident or mishap in, on, or about said structural encroachment so constructed or so maintained or any error or omission resulting in personal injury or property damage.

3. OWNER agrees to provide CITY and maintain a certificate of insurance from an insurance carrier acceptable to CITY certifying that OWNER has public liability and property damage insurance with limits of not less than \$500,000 combined single limit for personal injury and/or property damage for property located in the R-1 zoning district and limits of not less than \$1,000,000

Attachment 6

for property located in all other zoning districts. The certificate must indicate this insurance is primary over any other valid or collectible insurance CITY may have, insures owner's performance of this Hold Harmless Agreement and that the Carrier will notify CITY in the event of any material change in the policy, including the nonrenewal thereof. Said Certificate of Insurance must name CITY, its elected officials, officers, agents and employees as additional insured insofar as the insurance pertains to this encroachment. Owner further agrees to maintain said insurance as long as said encroachment remains on CITY property.

In the event of cancellation or nonrenewal, the insurance company will give thirty (30) days' written notice to CITY. The Certificate must be signed by an authorized employee of the insurance carrier and mailed to : City Clerk, Carmel-by-the-Sea, P. O. Box CC, Carmel-by-the-Sea, CA 93921.

4. CITY may terminate and revoke this Agreement at any time that it is determined by the City Council to be in the best interests of City and necessary to promote the public health, safety or welfare. Any expense caused to OWNER, his successors or assigns, by termination of this Agreement shall be borne by OWNER, his successors or assigns.

5. The parties agree that this contract is for the direct benefit of the land in that it makes the property more usable and increases its value, as such, agree that the covenants herein shall run with the land, and the parties agree that the covenants shall bind the successors and assigns of OWNER.

CITY OF CARMEL-BY-THE-SEA:

OWNER(S)

By: Richard Guillen, City Administrator

ATTEST:

Karen Crouch, City Clerk

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Monterey

ss.

On _____, 20____, before me, _____, Notary Public, personally appeared _____, personally known to me or _____ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgment to he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal:

Signature of Notary



JANUARY 27, 2006

TIM MARONEY
CITY OF CARMEL BY THE SEA

FAX NO. 831-620-2014

IN REGARD TO THE CERTIFICATE OF INSURANCE, MR. MACKEY'S AGENT IS LAURIE PIKE (FARMERS INSURANCE) IN MONTEREY. WE REQUESTED THE NEW CERTIFICATE AND SHE ADVISED THAT THE CITY OF CARMEL IS LISTED IN THE POLICY AND IT IS AN ON GOING LISTING.

LAURIE'S PHONE NUMBER IS 831-373-2925, SHE WILL BE CALLING YOU REGARDING THIS ISSUE. SHOULD THERE BE ANY OTHER PROBLEM YOU CAN CALL ME AT [REDACTED] AND I WILL GET BACK INVOLVED.

BEST WISHES!

A handwritten signature in dark ink, appearing to read "John H. Atwell", is written above the printed name.

JOHN H. ATWELL
ASSISTANT TO DON MACKEY

DATE (MM/DD/YY)

4/18/2005 Attachment 6

ACORD CERTIFICATE OF LIABILITY INSURANCE**PRODUCER**

Jankovsky General Insurance Agency
1131 N Country Club Rd
Tucson, Az 85716
520-325-5000

INSURED

Mackey, Donald

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: Farmers Insurance Exchange
INSURER B: Truck Insurance Exchange
INSURER C: _____
INSURER D: _____
INSURER E: _____

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURER	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	[REDACTED]	11/04/04	11/04/05	EACH OCCURRENCE \$100000
	COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$
	CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 1000
	<u>Comp Pers Liab</u>				PERSONAL & ADV INJURY \$100000
					GENERAL AGGREGATE \$100000
					PRODUCTS - COMPOF AGG \$
B	AUTOMOBILE LIABILITY	[REDACTED]	09-01-04	09-01-05	COMBINED SINGLE LIMIT (Ea accident) \$
	ANY AUTO				BODILY INJURY (Per person) \$
	ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	HIRED AUTOS				AUTO ONLY - EA ACCIDENT \$
	NON-OWNED AUTOS		OTHER THAN AUTO ONLY: EA ACC \$		
			AGG \$		
B	EXCESS LIABILITY	[REDACTED]	09-01-04	09-01-05	EACH OCCURRENCE \$5000000
	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$5000000
	DEDUCTIBLE RETENTION \$				\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	[REDACTED]	09-01-04	09-01-05	WC STATUS: <input type="checkbox"/> T <input type="checkbox"/> OR
					EL EACH ACCIDENT \$
					EL DISEASE - EA EMPLOYEE \$
	OTHER				EL DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Residence: Lot 25 Block 89, Carmel by the Sea, Carmel, Ca 93922

AKA: Northwest Corner of 8th & Junipero, Carmel. Ca 93922

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER: -

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

City of Carmel-by-the-Sea
Department of Community Planning & Building
P.O. DRAWER G
CARMEL, CA 93921
(831)620-2010 office
(831) 620-2014 fax

Building Services Division
Project Plan Check List No. 1

RG-GALBP
1/25/06
7/11

Applicant: MACKEY

Contact: Dan Silverie

Designer/Architect:

Description of Work: Landscaping and Encroachment Revisions

T. Meroney, Building Official

Date: 4/1/05

The following items have been found to be deficient from the set of plans as submitted for the above noted work description. Make all corrections as necessary on the originals or blue prints as noted below.

Provide a list of the location of all corrections made to expedite re-check.

Please Make Corrections on:

- ☐ Submit a signed notarized hold harmless agreement and liability insurance endorsement in the amount of \$500,000 adding "the City, its employees, elected officials, officers and agents are additionally insured under the policy."

Planning Corrections: (CONROY)

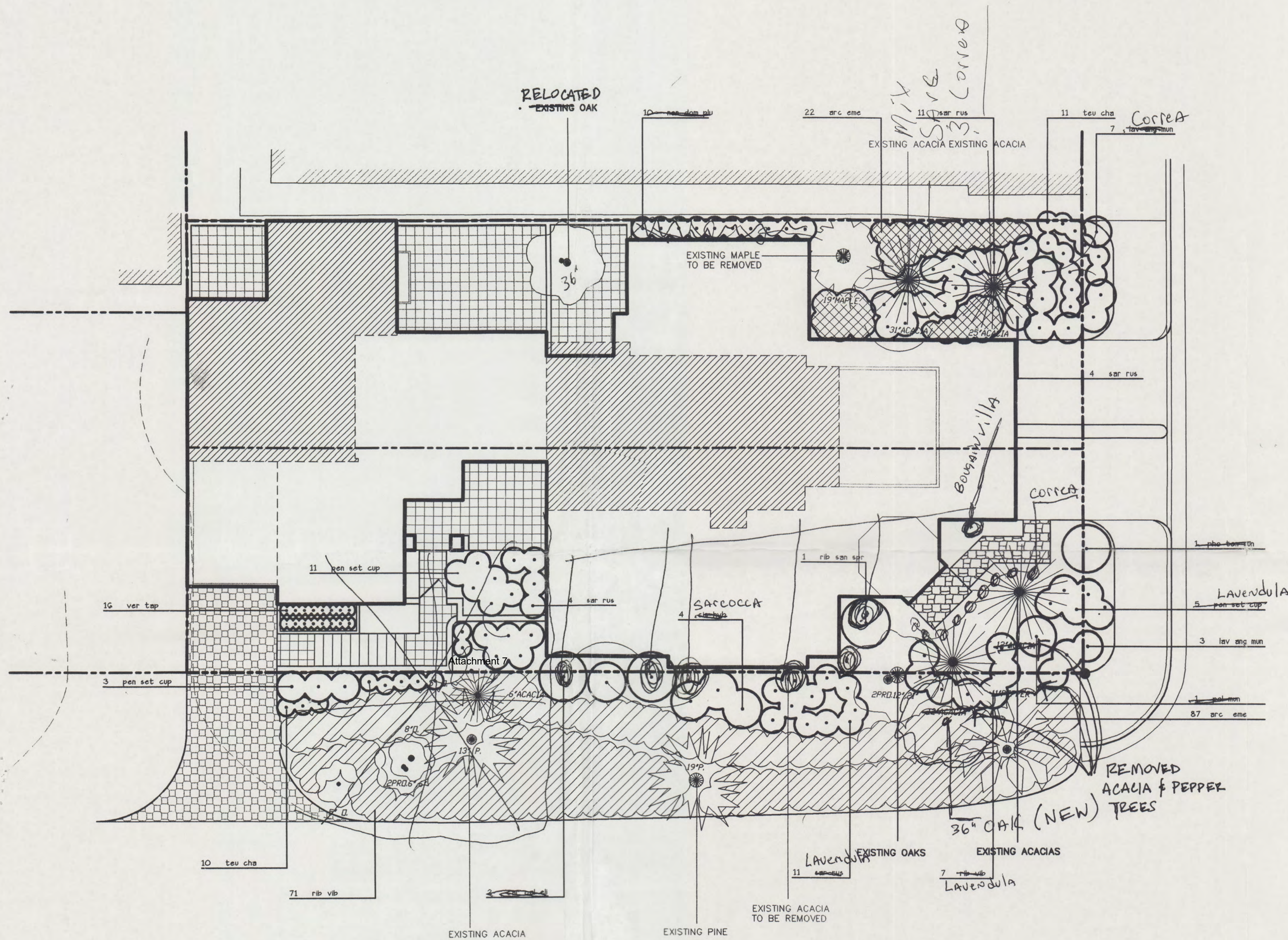
NONE

Forest/Beach Dept. Corrections: (BRANSON)

NONE

Fire Dept. Corrections:

NONE



LANDSCAPING

THE SITE SHALL BE LANDSCAPED AT LEAST THREE WEEKS PRIOR TO OCCUPANCY. THREE COPIES OF A LANDSCAPING PLAN SHALL BE SUBMITTED TO THE DIRECTOR OF PLANNING AND BUILDING INSPECTION FOR APPROVAL. A LANDSCAPE PLAN REVIEW FEE IS REQUIRED FOR THIS PROJECT. FEES SHALL BE PAID AT THE TIME OF LANDSCAPE SUBMITTAL. THE LANDSCAPE PLAN SHALL BE IN SUFFICIENT DETAIL TO IDENTIFY THE LOCATION, SPECIE, AND SIZE OF THE PROPOSED LANDSCAPING MATERIALS AND SHALL BE ACCOMPANIED BY A NURSERY OR CONTRACTOR'S ESTIMATE OF THE COST OF THE INSTALLATION OF THE PLAN. BEFORE OCCUPANCY, LANDSCAPING SHALL BE EITHER INSTALLED OR A CERTIFICATE OF DEPOSIT OR OTHER FORM OF SURETY MADE PAYABLE TO MONTEREY COUNTY PLANNING AND BUILDING INSPECTION DEPARTMENT.

ALL LANDSCAPED AREAS AND/OR FENCES SHALL BE CONTINUOUSLY MAINTAINED BY THE APPLICANT AND ALL PLANTING MATERIAL SHALL BE CONTINUOUSLY MAINTAINED IN A LITTER-FREE, WEED-FREE, HEALTHY, GROWING CONDITION.

LANDSCAPE PLANS SHALL APPLY XERISCAPE PRINCIPLES, INCLUDING SUCH TECHNIQUES AND MATERIALS AS NATIVE OR LOW WATER USE PLANTS AND LOW PRECIPITATION SPRINKLER HEADS, BUBBLERS, DRIP IRRIGATION SYSTEMS AND TIMING DEVICES.

DIRT SHALL NOT BE PILED AGAINST THE TRUNKS OF THE OAKS AND THERE SHALL BE NO IRRIGATION OR SPRINKLERS WITHIN 10 FEET OF THE TRUNKS OF ANY OAKS IN ORDER TO PREVENT PREMATURE DEATH FROM OAK ROOT FUNGUS. SCATTERED PLANTING OF DROUGHT RESISTANT PLANTS STARTED WITH DRIP IRRIGATION IS PERMISSIBLE, AS LONG AS GROUND IS NOT CONTINUALLY SATURATED AND AS LONG AS NO PLANTS ARE INSTALLED WITHIN FIVE FEET OF TRUNKS. ALL DRIP IRRIGATION UNDER MATURE OAKS SHALL BE PHASED OUT WITHIN TWO YEARS.

Landscape Plan

- ☒ APPROVED - MEETS CITY STANDARDS
- ☐ APPROVED WITH CONDITIONS AS NOTED

Michael Brims
CITY FORESTER
Carmel by the Sea
Date: *March 20 2005*

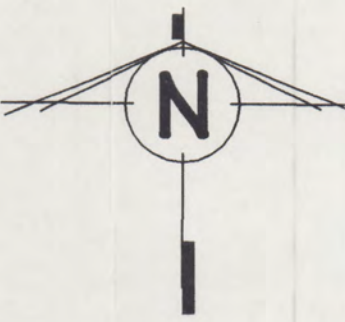
4723.08
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5064
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5548
100

LANDSCAPE PLAN

SCALE: 1/8" = 1'-0"

PLANT MATERIALS					
Abbrev.	Quantity	Size	Plant Name	Common Name	• OC'
arc eme	109	1 gal.	Arctostaphylos 'Emerald Carpet'	Carpet Manzanita	3'
car cal ell	2	5 gal.	Carpenteria californica 'Elizabeth'	Bush Anemone	6'
cls hyb	4	1 gal.	Cistus hybridus	Rockrose	4'
lav ang mun	10	5 gal.	Lavandula angustifolia 'Munstead'	Hyb. English Lav.	3'
nan dom plu	10	5 gal.	Nandina domestica 'Plum Passion'	Hybrid Heavenly Bamboo	2'
pen set cup	19	1 gal.	Penisetum setaceum 'Cuprum'	Red Fountain Grass	3'
pho ten sun	1	5 gal.	Phormium tenax 'Sundowner'	New Zealand Flax	4'
pol mun	1	1 gal.	Polystichum munitum	Sword Fern	3'
rib san spr	1	5 gal.	Ribes sanguineum 'Spring Showers'	Pink Flowering Currant	3'
rib vib	78	1 gal.	Ribes viburnifolium	Evergreen Currant	3'
sar rus	30	5 gal.	Sarcococca ruscifolia	Sweet Box	30'
teu cha	21	1 gal.	Teucrium chamaedrys	Germander	2'
ver tap	16	1 gal.	Verbena 'Tapien Pink'		1'

984
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MACKEY RESIDENCE
N/W Co. of 8th. & JUNIPERO
CARMEL-BY-THE-SEA, CA 93921

12-15-03

JOB NUMBER 2026

SHEET NUMBER L-1

MANDURRAGO
MANDURRAGO &
SULLIVAN, INC.

P. O. BOX R CARMEL BY-THE-SEA, CA 93921 831-625-1553

City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2010 OFFICE
(831) 620-2014 FAX

March 18, 2015

Stillwater Construction
PO Box 223103
Carmel, CA 93922

Subject: Approval Letter
Design Study Application: DS 15-085 (8th Ave Pathway)
South side of 8th Ave between Junipero Ave and Mission Street
Property Owner: City of Carmel –by-the-Sea

Dear Dan:

Staff has issued an approval of Design Study (DS 15-085) subject to the attached conditions of approval. This Design Study is valid for a one-year period from date of approval, and hence, expires on March 17, 2015. Should you require an extension for the Design Study permit, a written request must be submitted to the Community Building and Planning Department prior to the permit's expiration.

This approval is subject to a 10 calendar-day appeal period. The enclosed Notice of Approval must be conspicuously posted on the project site and must be mailed to property owners who own property within 100 feet of the project site. Included with this packet are labels with the mailing addresses of property owners that own property within 100 feet of the project site. You are required to sign and return the attached affidavit confirming that the public noticing requirements have been completed once the appeal period has passed. The 10 calendar-day appeal period commences the day that the Notice of Approval is posted and circulated. A Building Permit is not required for this project; however, staff will issue you a Notice of Authorized Work once the affidavit is signed returned.

You may contact me at (831) 620-2024, if you have any questions about the requirements in this letter.

Thank you.



Marc Wiener
Senior Planner

Encl: Conditions of Approval
Public Notice & Affidavit of Posting

AUTHORIZATION:

1. This approval of Design Study (DS 15-085) authorizes the installation of a 3-foot wide decomposed granite pathway on the south side of 8th Avenue between Junipero Avenue and Mission Street as depicted on the March 17, 2015, approved plan set.

SPECIAL CONDITIONS:

2. The applicant shall work with staff on determining the color of the truncated dome prior to installation.
3. This Design Study approval is valid for a one-year period from date of approval, and hence, expires on March 17, 2016.
4. The applicant agrees, at the applicant's sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.

*Acknowledgement and acceptance of conditions of approval.

Property Owner Signature

Printed Name

Date

Once signed, please return to the Community Planning and Building Department.



NOTICE OF APPROVAL

The Department of Community Planning & Building of the City of Carmel-by-the-Sea has approved a Track 1 Project pursuant to Section 17.58.040 of the City's Municipal Code. Persons interested in the project may review additional materials available at the Department of Community Planning & Building located at City Hall on Monte Verde Street between Ocean and 7th Avenues, phone number 831-620-2010. The decision to approve this project may be appealed within 10-calendar days from the date of this notice by filing a written appeal with the Department of Community Planning & Building.

Planning Case #: DS 15-085

Case Planner: Marc Wiener, Senior Planner

Date Posted: _____

Date Approved: 3/18/15

Project Location: South side of 8th Avenue between Junipero Avenue and Mission Street (City right-of-way)

Applicant: Old Mill Properties, LLC

Project Description: This approval of Design Study (DS 15-085) authorizes the installation of a 3-foot wide decomposed granite pathway on the south side of 8th Avenue between Junipero Avenue and Mission Street. All curb-side parking spaces along 8th Avenue will be retained.

Is this project appealable to the Coastal Commission? Yes ☐ No ☒

Upon completion of the 10 calendar-day appeal period, please return this form, along with the Affidavit of Posting, to the case planner noted above.



**AFFIDAVIT OF POSTING
DECLARATION UNDER PENALTY OF PERJURY**

APPLICATION #: DS 15-085

APPLICANT: Old Mill Properties

STREET ADDRESS (Location): South side of 8th Ave between Junipero Ave and Mission Street

BLOCK N/A LOTS N/A

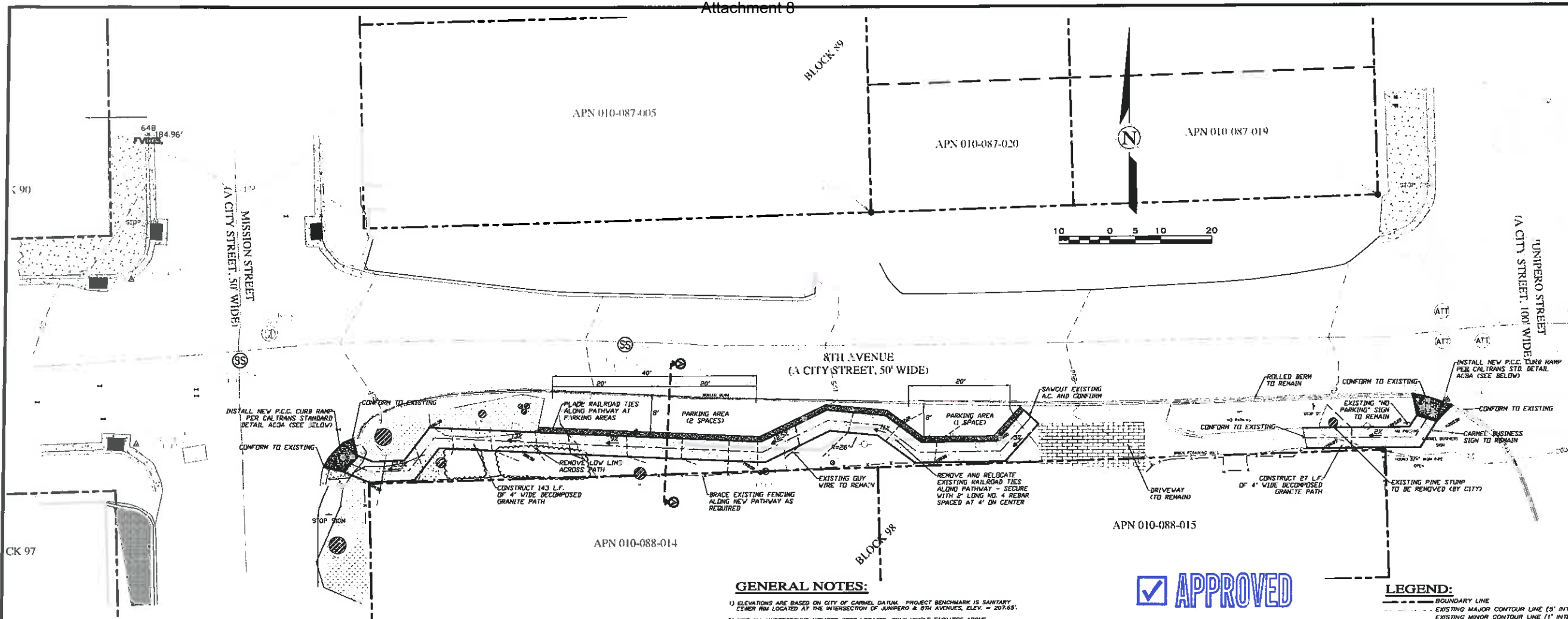
APN N/A

I, _____, declare: I am a resident of the City of _____, County of _____, State of _____. I am over the age of twenty-one (21) years. On the _____ day of _____ 2015, I posted the attached Notice of Approval in a conspicuous, publicly-accessible location at the subject property and that this notice remained continuously posted for the duration of the 10-day appeal period.

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.**

Declarant

Date



GENERAL NOTES:

- ELEVATIONS ARE BASED ON CITY OF CARMEL DATUM. PROJECT BENCHMARK IS SANITARY CENTER RM LOCATED AT THE INTERSECTION OF JUNIPERO & 8TH AVENUES, ELEV. = 207.65.
- NOT ALL UNDERGROUND UTILITIES WERE LOCATED. ONLY VISIBLE FACILITIES ABOVE AND FLUSH WITH THE SURFACE ARE SHOWN. SUB-SURFACE UTILITY LINES DRAWN MAY NOT BE COMPLETE AND SHOULD BE VERIFIED BY FIELD RECONNAISSANCE. UNDERGROUND UTILITY LOCATIONS CAN BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES. PUBLIC AGENCIES' AS-BUILT DRAWINGS, ETC., AND SHOULD BE THOROUGHLY COMPLETED AND DENSED COMPLETE WITHIN THE PROJECT AREA, PRIOR TO ANY SITE DEVELOPMENT DESIGN / NO/OF CONSTRUCTION.
- THIS MAP PORTRAYS THE SITE AT THE TIME OF THE SURVEY (06/04/14) AND DOES NOT SHOW SOILS OR GEOLOGY INFORMATION, UNDERGROUND CONDITIONS, EASEMENTS, JOINTS OR REGULARITY OR ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.
- THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY. PROPERTY LINES SHOWN HEREON WERE COMPILED FROM RECORD INFORMATION AND 67.3M FIELD TIES TO EXISTING BOUNDARY MONUMENTATION. THE LOCATION OF THESE LINES IS SUBJECT TO CHANGE, PENDING THE RESULTS OF A COMPLETE BOUNDARY SURVEY.

SITE IMPROVEMENT NOTES:

- ALL WORK SHALL BE IN CONFORMANCE WITH THE CITY OF CARMEL DESIGN AND DEVELOPMENT STANDARDS. THE NEW PEDESTRIAN WALKWAY SHALL MEANDER GENERALLY AS SHOWN TO MATCH THE SITE FEATURES AND CONSTRAINTS AND FOLLOW THE GRADE OF THE STREET AS WELL AS KEEP WITH THE RURAL CHARACTERISTICS ALONG THIS PORTION OF 8TH AVENUE.
- WALKWAY SURFACE SHALL BE DECOMPOSED GRANITE, COMPACTED TO 95% MIN. R.C.
- CURB RAMPS SHALL BE INSTALLED IN ACCORDANCE WITH CALTRANS STANDARD DETAIL AB8A AND SHALL BE PORTLAND CEMENT CONCRETE. CUTTERS, & RAMPS SHALL CONFORM TO THE APPLICABLE SECTIONS OF THE CALTRANS SPECIFICATIONS AND SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 5,000 PSI.
- THE NEW PEDESTRIAN WALKWAY SHALL BE A MINIMUM OF 4' WIDE AND HAVE A MAXIMUM CROSS SLOPE OF 2% MAINTAIN A MINIMUM OF AT LEAST 3' OF FLAT WALKWAY AREA ACROSS THE TOP OF A SLOPED DRIVEWAY.
- WHERE APPLICABLE, THE NEW PEDESTRIAN WALKWAY SHALL MAINTAIN A MINIMUM SIDEWALK BUFFER WIDTH OF 2' FROM MOTOR VEHICLE TRAFFIC.
- THE DISTANCE TO THE BOTTOM OF SIGNS PLACED IN OR RIGHT NEXT TO THE WALKWAY SHOULD BE A MINIMUM OF 2' ABOVE THE WALKWAY SURFACE TO AVOID INJURY TO PEDESTRIANS. BUSHES, TREES, AND OTHER LANDSCAPING SHOULD BE MAINTAINED TO PREVENT ENCROACHMENT INTO THE WALKWAY. GUY WIRES, UTILITY TIE-DOINGS SHOULD NOT BE LOCATED IN OR ACROSS WALKWAY AT HEIGHTS BELOW 7'. OTHER OBSTACLES SUCH AS FIRE HYDRANTS, UTILITY BOXES, ETC. SHALL NOT BE PLACED INSIDE OF WALKWAY.
- THE DISTANCE TO THE BOTTOM OF SIGNS PLACED IN OR RIGHT NEXT TO THE WALKWAY SHOULD BE A MINIMUM OF 2' ABOVE THE WALKWAY SURFACE TO AVOID INJURY TO PEDESTRIANS. BUSHES, TREES, AND OTHER LANDSCAPING SHOULD BE MAINTAINED TO PREVENT ENCROACHMENT INTO THE WALKWAY.
- ALL SIGNS TO BE RELOCATED BY THE CITY OF CARMEL PUBLIC WORKS DEPARTMENT.

APPROVED

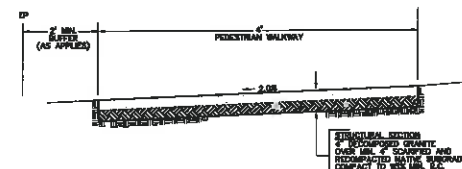
DS 15-065

Th Wi

LEGEND:

- BOUNDARY LINE
- EXISTING MAJOR CONTOUR LINE (5' INTERVAL)
- EXISTING MINOR CONTOUR LINE (1' INTERVAL)
- PROPOSED MAJOR CONTOUR LINE (5' INTERVAL)
- PROPOSED MINOR CONTOUR LINE (1' INTERVAL)
- EXISTING RAILROAD TIES
- RELOCATED/REINSTALLED RAILROAD TIES
- 6" CHAINLINK FENCE
- SURVEY HAV CONTROL POINT
- CL STREET MONUMENT
- FOUND 3/4" IRON PIPE AS MARKED
- SPOT ELEVATION
- WATER METER/WATER VALVE
- FIRE HYDRANT/FIRE DEPT. CONEC.
- WATER SERVICE
- HUGE SIB IRRIGATION BOX
- GAS METER/GAS VALVE
- STORMDRAIN/SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- UTILITY POLE/GUY WIRE
- ELECT. CONDUIT, STREET LIGHT
- LANDSCAPE LIGHT
- STREET LIGHT BOX/UTILITY BOX
- ELECTRIC BOX/PG&E BOX
- ELECTRIC PANEL/ELEC. TRANSFORMER
- CABLE-TV, TELEPHONE BOX
- BOLLARD
- HANDICAP RAMP
- ASPHALT CONCRETE SURFACE
- PORTLAND CEMENT CONCRETE SURFACE
- DECOMPOSED GRANITE SURFACE

TYPICAL SECTION



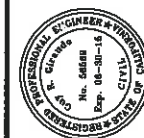
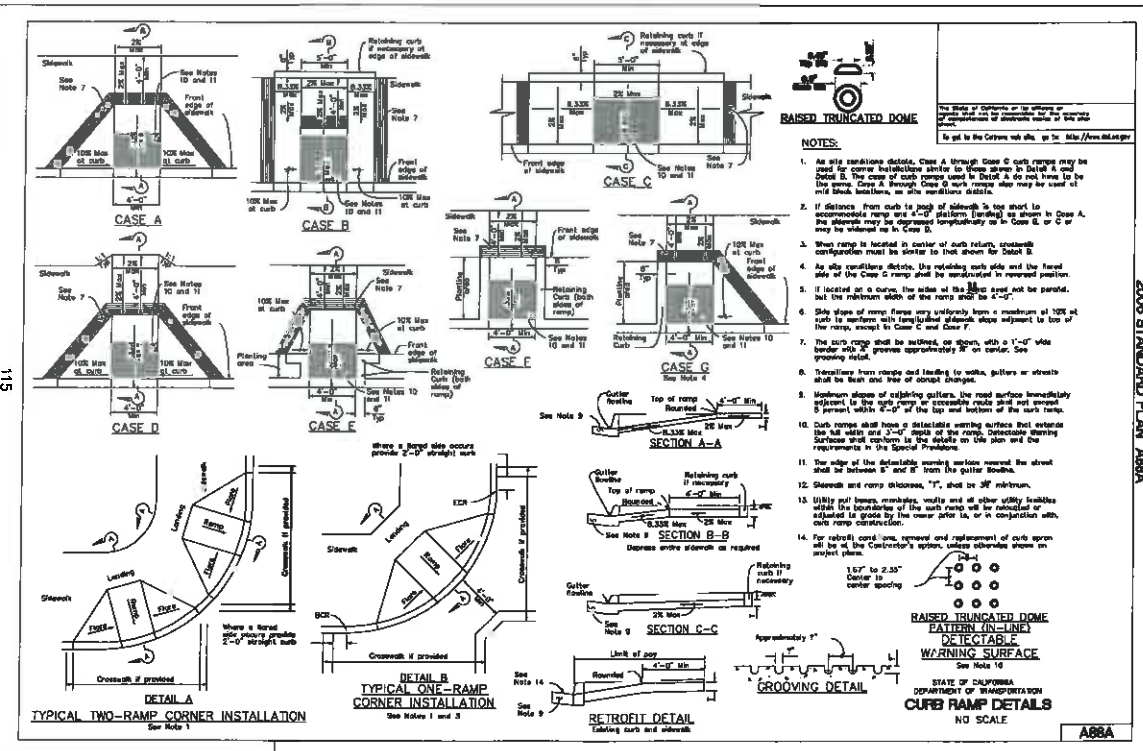
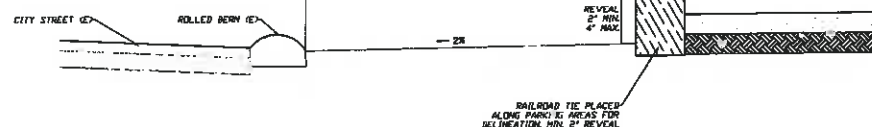
TYPICAL SECTION

RECEIVED

MAR 17 2015

City of Carmel-by-the-Sea
Planning & Building Dept.

SECTION A-A



APPROVED BY:

CITY R. GERAUDO

R.C.E. No. 56569



IMPROVEMENT PLAN

NEW PEDESTRIAN WALKWAY
SOUTH SIDE OF 8TH AVE. BETWEEN JUNIPERO AND MISSION STREETS
CARMEL-BY-THE-SEA, MONTEREY COUNTY, CALIFORNIA

FOR STILLWATER CONSTRUCTION, INC.

SCALE: 1"=10'
DATE: JUNE 2014
JOB NO. 1339-01

SHEET C1
OF 1 SHEETS

No.	DATE	BY	REVISION
3/17/15	CDH	Estimating	OW to remain
2/24/15	CDH	Revisions	per client
6/19/14	CDH	RELEASED	TO CLIENT

City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2010 OFFICE
(831) 620-2014 FAX

June 4, 2015

Don Mackey
P.O. Box 35250
Tucson, AZ 85740

Subject: Compliance Verification
Design Study Application: DS 15-085 (8th Ave Pathway)
South side of 8th Ave between Junipero Ave and Mission Street

Dear Mr. Mackey:

On March 18, 2015, staff issued an approval of Design Study (DS 15-085) for the installation of a decomposed granite pedestrian pathway on the south side of 8th Avenue between Junipero Avenue and Mission Street. You were required to install the pathway as a condition of approval for Design Review (DR 14-01) and Use Permit (UP 01-24) applications, which permitted the construction of two new single-family residences and an associated lot line adjustment. Staff notes that the original condition issued in 2003 required the pathway to be located on the north side of 8th Avenue, but the condition was revised by the City in 2005 for the pathway to be on the south side of 8th Avenue.

The pathway was recently completed and staff has had the opportunity to inspect the site. This letter is to confirm that you have complied with the requirements of the approval condition. Thank you for completing the pathway. It is a great addition to the City and will be enjoyed by residents and visitors for years to come!

Sincerely,



Marc Wiener
Senior Planner

RECORDING REQUESTED BY
CITY OF CARMEL-BY-THE-SEA

Attachment 10

AND WHEN RECORDED MAIL TO

City of Carmel-by-the-Sea
Attn: City Clerk
Post Office Drawer CC
Carmel, CA 93921

This space reserved for the Recorder's use only

HOLD HARMLESS ENCROACHMENT AGREEMENT

AGREEMENT made this 5th day of April, 2022, between the CITY OF CARMEL-BY-THE-SEA, hereinafter called CITY, and Thomas Dean & Kristin Kim Sato Fountain TRS, hereinafter called OWNER, with reference to the following facts:

OWNER is in possession of and owns certain real property in CITY known as Block 89, Lot(s) 26, Assessor's Parcel No. 010-087-019, Zoning District R-C and street location northwest corner of Junipero Street and 8th Avenue.

OWNER has requested from CITY permission to construct and maintain a structural encroachment on CITY street or sidewalk area adjacent to or near the property, described as follows:

A three-foot tall and 28-foot long wooden grapestake picket fence located in the public right-of-way five-feet, eight-inches from the southern street side yard property line of OWNERs property as depicted in the project plans prepared by Mandurrango Mandurrango & Sullivan, Inc., dated 1-2-03, for the Las Casitas Residences consisting of 2 sheets, Sheet A1.1 and Sheet L-1, stamped approved and on file in the Community Planning & Building Department, Carmel City Hall, located on the east side of Monte Verde between Ocean Avenue and 7th Avenue, Carmel-By-The-Sea, CA 93921.

NOW, THEREFORE, the parties, in consideration of the mutual covenants contained herein, agree as follows:

1. CITY grants permission to OWNER to construct and maintain a structural encroachment on CITY right-of-way, street or sidewalk area adjacent to, or near, OWNER'S property, as described above. Said permission is subject to the following conditions:
 - a. Execution of the Hold Harmless Encroachment Agreement and compliance with the provisions of paragraph 3 below.
 - b. _____

2. OWNER, their successors and assigns, agrees to name CITY as additional insured and to hold CITY harmless from any and all claims, actions and demands of third parties of any kind, character and description arising out of or due to any accident or mishap in, on, or about said encroachment so constructed or so maintained or any error or omission resulting in personal injury or property damage.

3. OWNER, their successors and assigns, agrees to provide CITY and maintain a certificate of insurance from an insurance carrier acceptable to CITY certifying that OWNER has public liability and property damage insurance with limits of not less than \$2,000,000 in combined single limit insurance for personal injury and/or property damage per occurrence and \$4,000,000 in aggregate caused by or due to the presence of the encroachment in the CC, SC, RC and R-4 Districts and \$500,000 of the coverage in the R-1 district. The certificate must indicate this insurance is primary over any other valid or collectible insurance CITY may have, ensures OWNER'S performance of the Hold Harmless Encroachment Agreement and that the insurance carrier will notify CITY in the event of any material change in the policy, including the nonrenewal thereof. Said Certificate of Insurance must name CITY, its elected officials, officers, agents and employees as additional insured insofar as the insurance pertains to the encroachment. OWNER, their successors and assigns, further agrees to maintain said insurance as long as said encroachment remains on CITY property.

In the event of cancellation or nonrenewal, the insurance company will give thirty (30) days written notice to CITY. The Certificate of Insurance must be signed by an authorized employee of the insurance carrier and mailed to: City of Carmel-by-the-Sea, Attn: City Clerk, PO Box CC, Carmel-by-the-Sea, CA 93921.

4. CITY may terminate and revoke this Agreement at any time that it is determined by the City Council to be in the best interests of CITY and necessary to promote the public health, safety or welfare. Any expenses caused to OWNER, their successors or assigns, by termination of this Agreement shall be borne by the OWNER, their successors or assigns.
5. The parties agree that this contract is for the direct benefit of the land in that it makes the property more useable and increases its value, as such, agree that the covenants herein shall run with the land, and the parties agree that the covenants shall bind the successors and assigns of OWNER.

CITY OF CARMEL-BY-THE-SEA:

OWNER(S):

Richard L. Rerig, City Administrator

Thomas Dean Fountain, Property Owner

Kristin Kim Sato, Property Owner

ATTEST:

Brandon Swanson, Director of Community
Planning & Building

12.08.060 Encroachment Application Review Standards.

A. Need. The applicant shall be determined to have a justifiable need for the encroachment, and the encroachment shall not be contrary to the public interest.

B. Safety. The granting of an encroachment permit shall not create a hazard to public health or safety.

C. Drainage. The proposed encroachment shall not adversely affect the normal drainage of surface water, unless an acceptable mitigation is included that will be advantageous to the general public and meet the standards herein.

D. Circulation and Parking.

1. The proposed encroachment shall not adversely affect vehicular and/or pedestrian traffic nor the parking of vehicles.
2. The proposed encroachment shall not adversely impact existing rights-of-way nor preclude or make difficult the establishment or improvement of existing or potential streets or pedestrian ways.

E. Public Use and Enjoyment.

1. The proposed encroachment shall not diminish public use or enjoyment, either visual or physical, of the City property or public right-of-way to be encroached upon.
2. The encroachment and enjoyment shall be in the public interest.
3. The length of time an encroachment has existed shall not by itself prejudice a decision.

F. Compatibility.

1. The proposed encroachment and its mitigation shall be consistent with the General Plan and the adopted ordinances of the City. Particular attention shall be given to Section P1-48 of the General Plan, which prohibits the construction of sidewalks and concrete curbs in the R-1 district, unless necessary for drainage and/or pedestrian safety.
2. The encroachment shall not create, extend, or be reasonably likely to lead to an undesirable land use precedent.
3. Granting of a permit shall not adversely affect the usability or enjoyment of one or more adjoining parcels.
4. The proposed encroachment and its mitigation shall be compatible with the surrounding area and adjoining properties.

G. Public Property/Greenbelt.

1. The proposed encroachment shall not adversely affect any public property, including existing vegetation or its root structure, and shall not significantly reduce greenbelt area that may be used for tree planting.
2. Significant trees which would be affected by the proposed encroachment shall be identified by the Director of Forest, Parks and Beach and approval for removal shall follow City policy.

H. Mitigation. When deemed appropriate by the City, the applicant shall include those measures appropriate to compensate the City for the loss of the use of City property or the public right-of-way, or to repair damage thereto. (Ord. 89-9 § 1, 1989).



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

April 5, 2022
ADJOURNMENT

TO: Honorable Mayor and City Council Members

SUBMITTED BY: Yashin Abbas, Interim City Clerk

APPROVED BY: Chip Rerig, City Administrator

SUBJECT: Correspondence Received

RECOMMENDATION:

BACKGROUND/SUMMARY:

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

Correspondence Received #1
Correspondence Received #2
Correspondence Received #3
Correspondence Received #4
Correspondence Received #5
Correspondence Received #6
Correspondence Received #7
Correspondence Received #8
Correspondence Received #9
Correspondence Received #10
Correspondence Received #11
Correspondence Received #12
Correspondence Received #13
Correspondence Received #14
Correspondence Received #15
Correspondence Received #16
Correspondence Received #17

Correspondence Received #18

Correspondence Received #19

Correspondence Received #20



Fwd: April 5th agenda item Restaurant Parklet

1 message

Chip Rerig <crerig@ci.carmel.ca.us>

Wed, Mar 30, 2022 at 2:31 PM

To: Karen Ferlito <kferlito@ci.carmel.ca.us>, Ashlee Wright <awright@ci.carmel.ca.us>, Yashin Abbas <yabbas@ci.carmel.ca.us>, Maxine Gullo <mgullo@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>

FYI...

Take good care.

Chip Rerig, City Administrator
City of Carmel-by-the-Sea
831.620.2058

----- Forwarded message -----

From: **David Fink** <dfink@mirabelgroup.com>

Date: Wed, Mar 30, 2022 at 2:11 PM

Subject: April 5th agenda item Restaurant Parklet

To: Dave Potter <mntryd1@att.net>, Bobby Richards <bobbyrichards6@gmail.com>, <karen@karenferlito.com>, <jbaron@ci.carmel.ca.us>, CarrieTheis <carrie.theis@hofsashouse.com>

Cc: Mary Schley <mary@carmelpinecone.com>, Chip Rerig <crerig@ci.carmel.ca.us>, Unknown <basharsneeh@yahoo.com>, Kenneth Spilfogel <kspilfogel@gmail.com>



Dear Council,

I am writing to you today to appeal to your common sense and ask for your support in keeping the restaurant Parklets for now until we can find a permanent solution.

I can not attend the meeting on April 5, as I will be out of town on business.

Please find attached a recent professional survey produced by Survey Methods and that is being verified by a professional statistician.

I am appealing to your common sense as follows:

- The City of Carmel Survey produced by the City last year favored the parklets.
- The majority in favor were residents.
- Our survey produced in the last 2 weeks has a 90% favorable rating on the question of keeping the parklets.
- There were 716 respondents so far.
- It has a 89% favorable rating on not removing the parklets.
- It has a 100% capture on addresses.
- 55% of the respondents are Carmel residents.

Your constituents in the majority have asked you to allow the restaurants to keep outdoor dining in the Parklets. Here are some other facts:

- Covid is far from over.
- Science says there is an uptick in Covid infections in the UK, and other parts of Europe.
- The CDC just approved a 4th shot? Why, because they are worried about another outbreak.

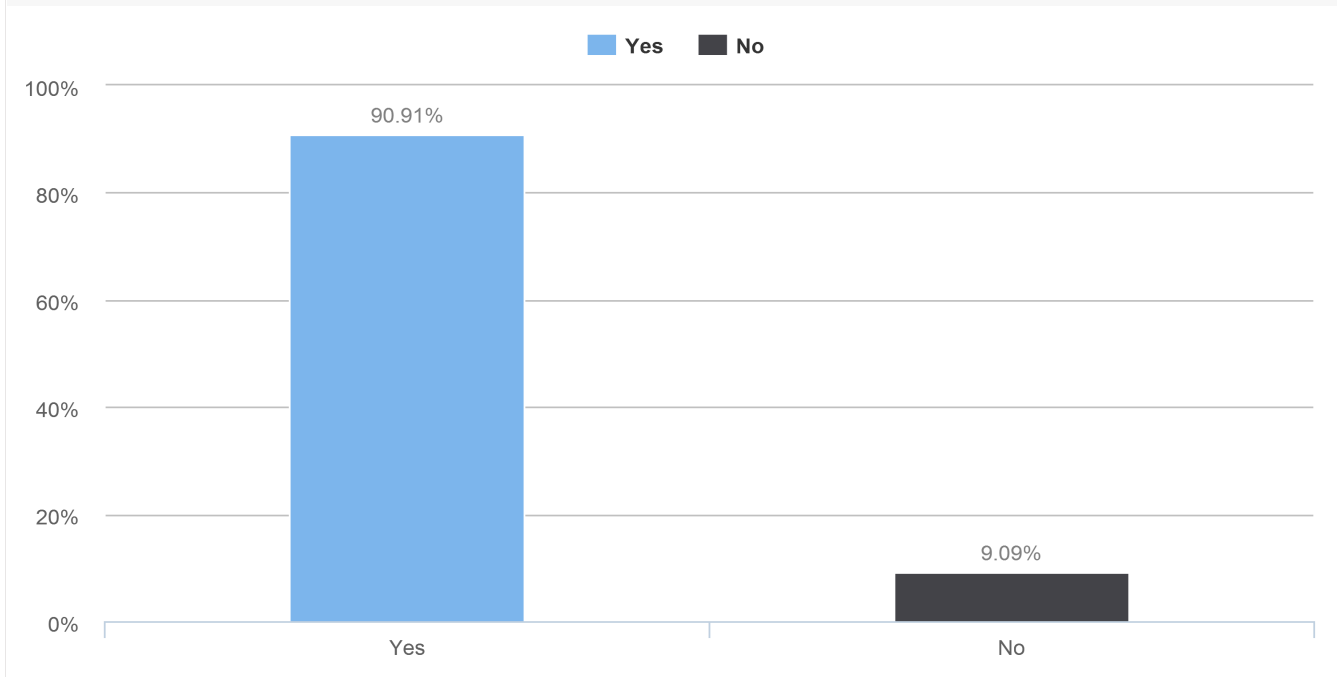
Survey: Carmel Outdoor Dining Survey

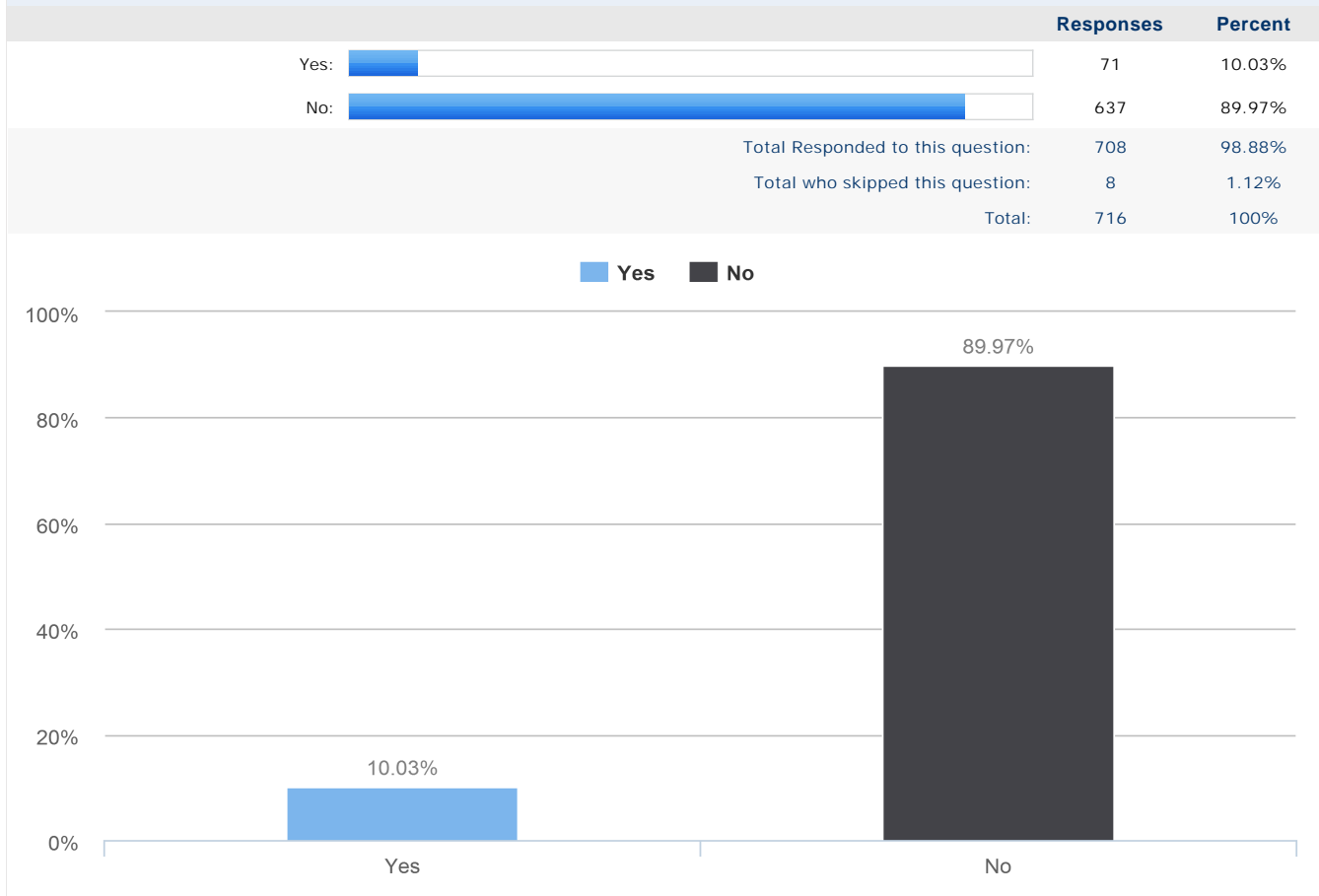
Report: Default Report

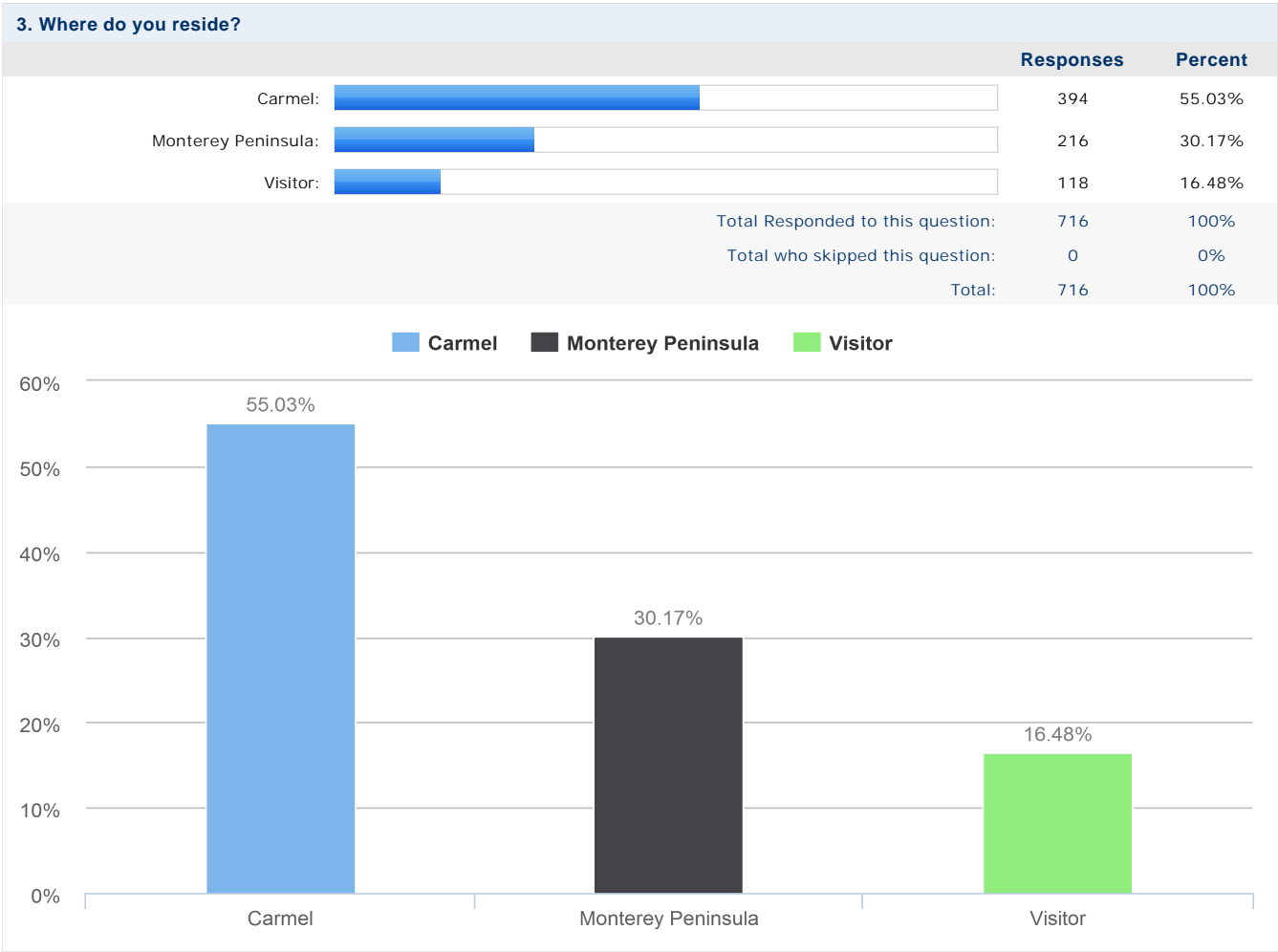
Survey Status		Respondent Statistics		Points Summary
Status:	Live	Total Responses:	716	No Points Questions used in this survey.
Deploy Date:	03/16/2022	Completes:	716	
Closed Date:		Partials:	0	

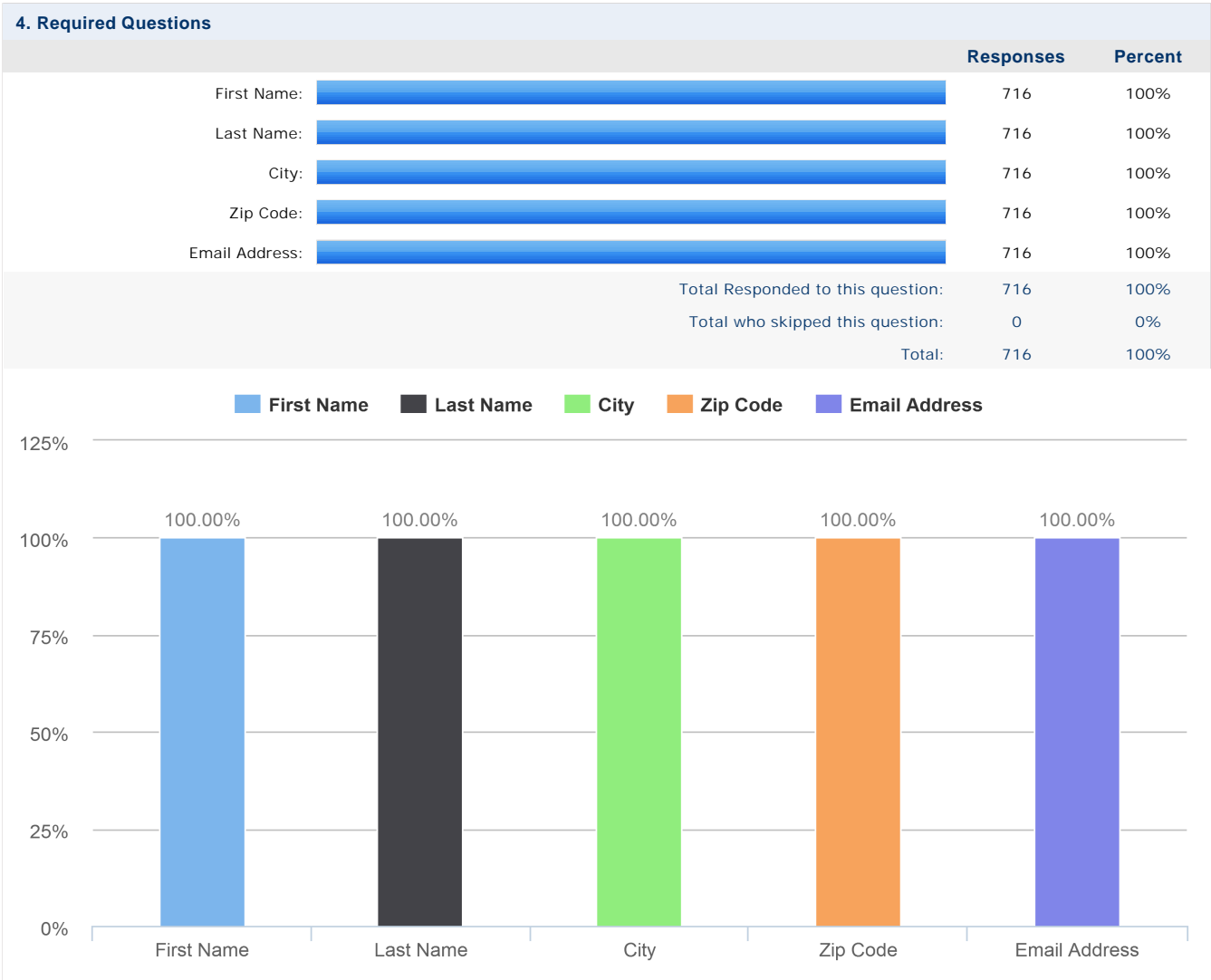
1. Restaurants choosing to participate should be allowed keep existing park-lets until approved to build new ones.

		Responses	Percent
Yes:	<div><div></div></div>	650	90.91%
No:	<div><div></div></div>	65	9.09%
Total Responded to this question:		715	99.86%
Total who skipped this question:		1	0.14%
Total:		716	100%



2. Restaurants should remove temporary park-lets as planned on April 20th, 2022.





PLEASE SHARE THIS LETTER WITH THE COUNCIL MEMBERS. Thanks

Dear Mayor Potter and City Council members,

As you may know, I talk to a great number of Carmel residents and visitors on a regular basis. ***In the spirit of wanting the Council to thrive and be seen as responsive to our residents and visitors***, let me talk about the parklets issue.

There is no doubt that the parklets are a complicated issue, and I do not pretend to know all the considerations in your decision to have them disappear by April 20th. What I DO know is people's *perception* of parklets, and their upset over the prospect of removal, even if temporary. Let me count the ways the thinking evolves in terms of benefits::

1. We don't know if and when the COVID "scare" will re-appear, and parklets allow those most vulnerable (like so many elderly people in Carmel) to eat outside. It is also just healthier in general.
2. Dogs are able to join patrons outside, allowing dog owners who are reticent to leave their dogs at home to eat out and have more choices in dining out—good for restaurants.
3. Small restaurants are more likely to survive with expansion of seats for those with no outdoor seating available otherwise.
4. The atmosphere in Carmel is more festive.
5. The requirement to take down a parklet, and then put one back at an unknown later date is not tenable *ecologically OR financially*.
6. The city is making a great deal of \$\$ on these parklets, probably too much, but income can be well used on a long list of village needs.

Other considerations with Parklets:

1. Setting criteria for the size, look, etc. of each parklet: it seems there are enough attractive parklets that those not "up to speed" could copy more attractive parklets while still reflecting the style of their individual restaurant. There are several codes in place already, right?. You may simply need a few additional rules based on experience—2 hours work? Or maybe even less rules, like allowing multiple solid-colored umbrellas...?
2. Other thoughts are to restrict wine tasting rooms to one parklet max each. These tasting rooms, as you know, are becoming bars.

3. Many parklets have already gone away and they should probably not be re-instated.
4. Those restaurants that already have outside seating (16 or more seats?) should not be allowed (or charged for) parklets.
5. Parking would not be as much of an issue if parklets were restricted per above criteria. I have not had a problem parking in town except three day weekends, etc., which has always been the case.
6. Safety is always an issue, but it seems bad drivers are going to find something to run into no matter what we do. Your restrictions on size seem to be working.
7. The argument that businesses around the parklets are negatively affected seems unfounded. What I see is people staring in the windows of adjacent businesses while they wait for seating, possibly to come back the next day to buy from them.

I hope these thoughts help. People are saying “what is the Council thinking??!!” Like I said initially, most of us, I’m sure, are unaware of some considerations. However, I think there is a win-win parklet scenario. Thank you for your attention.
Karyl Hall



Yashin Abbas <yabbas@ci.carmel.ca.us>

Fwd: Carmel

2 messages

bswanson@ci.carmel.ca.us <bswanson@ci.carmel.ca.us>

Thu, Mar 31, 2022 at 9:49 AM

To: Yashin Abbas <yabbas@ci.carmel.ca.us>, Ashlee Wright <awright@ci.carmel.ca.us>

Team,

Please see below for the Council

Sent from my iPhone, please excuse brevity or typos.

Begin forwarded message:

From: Lorraine Rennie <lorraine.ennie@icloud.com>

Date: March 31, 2022 at 9:34:21 AM PDT

To: bswanson@ci.carmel.ca.us

Subject: Carmel

We love visiting the quaint town of Carmel.

To allow overbuilding on residential lots would spoil the seaside charm. We vacation there because of the charm of the old town atmosphere. Please put in place restrictions on square footage and height restrictions.

We live in Corona Del Mar California. The overbuilding on lots has ruined the small town and quaint lifestyle we moved here for many years ago.

Please convey this to all city council members.

Brian and Lorraine Rennie

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

March 31, 2022

Our File No: 4822.000

Dave Potter, Mayor
Members of the City Council
City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

RE: Tom and Kristin Fountain Request for Replacement Encroachment Permit

Dear Mayor Potter and Members of the City Council:

I wanted to provide you with some background regarding the request for a replacement encroachment permit that is going to be heard by you next Tuesday.

Tom and Kristin have endured 7 years of coercion followed by personal attacks from members of our community as a result of their attempts to confirm their right to possess the side yard of their home. The area we are talking about is a tiny space approximately 5 feet in width between their living room window and the grape stake fence that sits at least 6' above 8th Avenue. This yard and fence was built with an encroachment permit from the City by the prior owner of their home, Don Mackey.

The Fountains purchased their home in July of 2014 from Don Mackey. As a part of every real estate transaction in the State of California a disclosure statement must be completed by the seller and given to the buyer. Attached is page 2 of that disclosure statement from the purchase of the home and I've highlighted the relevant sentence which asks the seller to disclose whether there are any encroachments, easements or similar matters that may affect the property. As you can see the box was checked "no". In other words, the Fountains were completely unaware of the fact that what they thought was about a 5 foot wide side yard on the south side of the home they were buying was actually located on City property, nor were they aware that Mr. Mackey had been given an encroachment permit for the yard and fence.

A month later in September 2014, the small vacant lot next door to the Fountain home came up for sale and they purchased it with the goal of building a small mixed-use building with office space for Tom on the first floor and a residential use on the second floor.

Dave Potter, Mayor
Members of the City Council
March 31, 2022
Page | 2

Two months later on November 2nd, the Fountains were sitting in their living room when they saw a man and woman standing inside the yard of their home staring into their living room window. When Mr. Fountain went outside to question the two individuals as to why they were standing on his property, they identified themselves as members of the Carmel City Council and informed him, the Fountain's side yard facing 8th Avenue was owned by the City of Carmel. They further went on to state that they intended to see the City construct the sidewalk through the side yard directly adjacent to the Fountain's living room.

To say that the Fountains were stunned would be a gross understatement. Immediately thereafter, Mr. Fountain went to City Hall and asked to see the City's file on their home. What the Fountains discovered was that indeed their side yard was on City property and that the City had issued an encroachment permit to the person who built the home, Don Mackey, for the purpose of allowing him to fence and use that portion of the City property as a side yard for the home.

Shortly thereafter the Fountains contacted our office to assist them in trying to resolve the issue of the threat to take away their side yard and construct a sidewalk immediately adjacent to their living room.

We contacted City staff who confirmed that there were two members of the City Council who were adamant about building a sidewalk on the north side of 8th Avenue but that the current City budget had no funding to do that. When we inquired as to how a permanent solution to this threat could be arrived at, City staff suggested that the Fountains might consider making an offer to buy the encroachment as surplus City right of way to obtain title to the side yard. The Fountains thereafter obtained a valuation for the small sliver of land and submitted it to the City.

On April 12, 2017, the Fountains received preliminary Planning Commission approval for the design of the small mixed-use building on the vacant lot that they had purchased adjacent to their home. Rather than the normal process employed by the City for design approvals, the Fountains were told in order to obtain final approval of the design, they would first have to obtain an encroachment permit from the City Council for the driveway access to the vacant lot and were then informed that in order to obtain an encroachment permit for the vacant lot, the Fountains would have to agree to construct a sidewalk along the entirety of the frontage of 8th Avenue from Junipero to San Carlos Street. In return the City would consider selling the surplus right of way along 8th Avenue between their two properties and the proposed sidewalk. Wishing to avoid conflict with the City and obtain the approval for the building on their vacant lot, the Fountains spent over a year and \$70,000 in traffic engineering, civil engineering, arborists and architect fees to design the sidewalk that the City said it would "require" as a condition of the approval of the driveway encroachment permit for the small mixed-use building on the vacant lot.

On February 6, 2018, the staff presented the plan to the Carmel City Council for the sidewalk along the entire frontage of 8th Avenue and the City Council unanimously approved the concept design of the sidewalk (see minutes of City Council attached). The Fountains thereafter filed a formal application for an encroachment permit to construct the driveway to the vacant lot and the

Dave Potter, Mayor
Members of the City Council
March 31, 2022
Page | 3

sidewalk in early 2019 along with their request that the “surplus” right of way be sold to them so that their side yard would be protected.

The Fountains were then personally attacked for applying to construct a sidewalk on the north side of 8th which they neither wanted nor needed.

The Forest and Beach Commission denied the application for the tree removal that would have been necessary to build the sidewalk and the Fountains were forced to file an appeal of that denial to the City Council. The City did not schedule a hearing on that appeal for over a year.

On April 4, 2019, the City Council (which no longer included the two former councilmembers who had appeared at the Fountain’s home) denied the Fountain’s appeal of the Forest and Beach Commission decision thereby precluding the construction of the sidewalk.

Four years after obtaining Planning Commission preliminary concept approval to build a small mixed-use building on their vacant lot, the Fountains have still not been able to obtain an encroachment permit to construct the driveway to the small lot or a final approval for the mixed-use building.

In addition, the original encroachment permit granted to Mr. Mackey, which Mr. Fountain saw in the City’s files in November of 2014 has mysteriously disappeared from the City’s files. That permit however is referenced on both Mr. Mackey’s building permit from 2003 and in a subsequent staff report prepared by the Planning Department. Who removed the document from the City’s files is a mystery.

October 8, 2003 Planning Commission Action

During this ordeal, there has been one very important fact that has been ignored by former City Councilmembers and former City staff in attempting to force the Fountains to build a sidewalk on 8th Avenue. That fact is that after the initial approval of the home, Mr. Mackey returned to the Carmel Planning Commission in 2003 and obtained an amendment to the permit for the house located on the corner of Junipero and 8th. This amendment eliminated the sidewalk on the north side of 8th Avenue adjacent to the Mackey home and instead required Mackey to construct a pedestrian path on the south side of 8th Avenue so that the unused right of way on the north side of 8th Avenue adjacent to the approved home could be used as the side yard of what is now the Fountain’s home.

That amendment to the permit was unanimously approved on October 8, 2003, by the Planning Commission and was not appealed to the City Council. A copy of that action is enclosed.

Thereafter Mr. Mackey paid for and built the side yard encroachment (including landscaping, stepping stones and a grape stake fence) and the pedestrian path on the south side of 8th Avenue.

Dave Potter, Mayor
Members of the City Council
March 31, 2022
Page | 4

The action of the Planning Commission is a final action of the City on which Mr. Mackey detrimentally relied in building the home which the Fountains would not have purchased had there had ever been a possibility that a sidewalk adjacent to their living room.

In other words, the Fountains have a vested right, based on the 2003 Planning Commission action, to the configuration of the home and yard as they purchased it. As a matter of law, the City does not have the legal authority to unilaterally revoke or alter the permit reinstating the sidewalk on the north side of 8th Avenue.

Conclusion

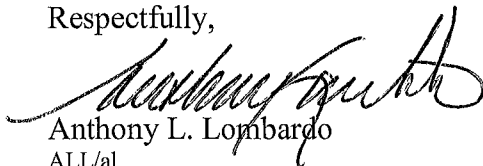
For eight years the Fountains have had to live in fear that a sidewalk would be built directly adjacent to their living room and that they would lose their side yard. They have also been prevented from constructing the small mixed-use building on the vacant lot that they own.

The application for a replacement encroachment permit will be heard by your Council next Tuesday. That application requests only one thing, that the City issue an encroachment permit (replacing the one that was mysteriously lost) so that the Fountains will have an assurance that what they've endured beginning in late 2014 will never happen again. The reissuance of the permanent encroachment permit will assure the right of way north of the pavement on 8th Avenue will remain as it currently is and has been for almost 20 years unless and until the City ever decides to widen the street section of 8th Avenue and in no event would a sidewalk be built next to the Fountain home.

As to their small vacant lot, the Fountains requested that the City reagentize the design for final approval by the Planning Commission so that the Fountains can proceed to develop the small mixed-use building on the vacant lot.

The Fountains respectfully request that the Carmel City Council do what is both legally and morally correct and reissue the permanent encroachment permit to the Fountains for their side yard. It also feels like our community owes the Fountains an apology for what it has put them through.

Respectfully,



Anthony L. Lombardo
ALL/al
Enclosures

cc: Chip Rerig
Brandon Swanson
Brian Pierik, Esq.
Client

TRANSFER DISCLOSURE STATEMENT

Junipero & 8th NW Corner

Property Address: Carmel, CA 93921

Date: _____

B. Are you (Seller) aware of any significant defects/malfunctions in any of the following? ☐ Yes ☒ No. If yes, check appropriate space(s) below.

☐ Interior Walls ☐ Ceilings ☐ Floors ☐ Exterior Walls ☐ Insulation ☐ Roof(s) ☐ Windows ☐ Doors ☐ Foundation ☐ Slab(s)
☐ Driveways ☐ Sidewalks ☐ Walls/Fences ☐ Electrical Systems ☐ Plumbing/Sewers/Septics ☐ Other Structural Components

(Describe: _____)

If any of the above is checked, explain. (Attach additional sheets if necessary.): _____

*Installation of a listed appliance, device, or amenity is not a precondition of sale or transfer of the dwelling. The carbon monoxide device, garage door opener, or child-resistant pool barrier may not be in compliance with the safety standards relating to, respectively, carbon monoxide device standards of Chapter 8 (commencing with Section 13260) of Part 2 of Division 12 of, automatic reversing device standards of Chapter 12.5 (commencing with Section 19890) of Part 3 of Division 13 of, or the pool safety standards of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104 of, the Health and Safety Code. Window security bars may not have quick-release mechanisms in compliance with the 1995 edition of the California Building Standards Code. Section 1101.4 of the Civil Code requires all single-family residences built on or before January 1, 1994, to be equipped with water-conserving plumbing fixtures after January 1, 2017. Additionally, on and after January 1, 2014, a single-family residence built on or before January 1, 1994, that is altered or improved is required to be equipped with water-conserving plumbing fixtures as a condition of final approval. Fixtures in this dwelling may not comply with section 1101.4 of the Civil Code.

C. Are you (Seller) aware of any the following:

1. Substances, materials, or products which may be an environmental hazard such as, but not limited to, asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks, and contaminated soil or water on the subject property ☐ Yes ☒ No
2. Features of the property shared in common with adjoining landowners, such as walls, fences, and driveways, whose use or responsibility for maintenance may have an effect on the subject property ☐ Yes ☒ No
3. Any encroachments, easements or similar matters that may affect your interest in the subject property ☐ Yes ☒ No
4. Room additions, structural modifications, or other alterations or repairs made without necessary permits. ☐ Yes ☒ No
5. Room additions, structural modifications, or other alterations or repairs not in compliance with building codes. ☐ Yes ☒ No
6. Fill (compacted or otherwise) on the property or any portion thereof ☐ Yes ☒ No
7. Any settling from any cause, or slippage, sliding, or other soil problems ☐ Yes ☒ No
8. Flooding, drainage or grading problems ☐ Yes ☒ No
9. Major damage to the property or any of the structures from fire, earthquake, floods, or landslides ☐ Yes ☒ No
10. Any zoning violations, nonconforming uses, violations of "setback" requirements ☐ Yes ☒ No
11. Neighborhood noise problems or other nuisances ☐ Yes ☒ No
12. CC&R's or other deed restrictions or obligations ☐ Yes ☒ No
13. Homeowners' Association which has any authority over the subject property ☐ Yes ☒ No
14. Any "common area" (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others) ☐ Yes ☒ No
15. Any notices of abatement or citations against the property ☐ Yes ☒ No
16. Any lawsuits by or against the Seller threatening to or affecting this real property, claims for damages by the Seller pursuant to Section 910 or 914 threatening to or affecting this real property, claims for breach of warranty pursuant to Section 900 threatening to or affecting this real property, or claims for breach of an enhanced protection agreement pursuant to Section 903 threatening to or affecting this real property, including any lawsuits or claims for damages pursuant to Section 910 or 914 alleging a defect or deficiency in this real property or "common areas" (facilities such as pools, tennis courts, walkways, or other areas co-owned in undivided interest with others) ☐ Yes ☒ No

If the answer to any of these is yes, explain. (Attach additional sheets if necessary.): _____

D.1. The Seller certifies that the property, as of the close of escrow, will be in compliance with Section 13113.8 of the Health and Safety Code by having operable smoke detector(s) which are approved, listed, and installed in accordance with the State Fire Marshal's regulations and applicable local standards.

2. The Seller certifies that the property, as of the close of escrow, will be in compliance with Section 19211 of the Health and Safety Code by having the water heater tank(s) braced, anchored, or strapped in place in accordance with applicable law.

Buyer's Initials (TDF) (_____)

Seller's Initials (_____) (_____)

TDS REVISED 4/14 (PAGE 2 OF 3)

REAL ESTATE TRANSFER DISCLOSURE STATEMENT (TDS PAGE 2 OF 3)



Mackey - Junipero

CITY COUNCIL 2018 MINUTES

City Council Meeting
February 6, 2018

5

Kim Stemmler said a second police officer would be added, and more ambient music would be used.

Action: Councilmember Hardy moved, seconded by Mayor *pro tem* Theis, to approve Resolution No. 2018-017, with amendments.

AYES: Richards, Hardy, Theis, Dallas

NOES:

ABSTAIN: Reimers

ORDERS OF BUSINESS

Item 17. A preliminary review of a proposed right-of-way abandonment in exchange for design and construction of a new sidewalk in the public right-of-way

associated with a proposed duplex located on 8th Avenue, two northwest of Junipero Street. The project applicant is Thomas Fountain.

Councilmember Reimers left the dais at 5:30 p.m. because she of a potential conflict of interest on this item.

Senior Planner Waffle made the staff presentation.

Anthony Lombardo made the applicant presentation. Eric Miller was present to represent the applicant as well.

SPEAKING FROM THE FLOOR:

Barbara Livingston

Karen Ferlito

Council discussion and questions followed. City Administrator Chip Rerig responded to questions.

Mayor Dallas coalesced Council direction: A low stone wall that would wrap-around from Mission Street to the Eighth Avenue elevation of the Scout House, and that the Scout House wall at the Scout House driveway would be re-done in Carmel stone to match the existing stone at the front of the Scout House. Then a plaster wall in front of the Fountain properties without any stone cap.

Mayor Dallas suggested regarding fees, the encroachment permit is \$895, tree removal is \$3,568, and the fee for lot line adjustment is \$1,739. He suggested those fees be waived, and that the applicant takes responsibility with for all other fees with the County, etc.

Councilmembers concurred.

Note: Councilmembers were not asked to approve this project, but only to advise staff.

**OCTOBER 2003
PLANNING COMMISSION
ACTION**

City of Carmel-by-the-Sea
COMMUNITY PLANNING AND BUILDING DEPARTMENT
POST OFFICE DRAWER G
CARMEL-BY-THE-SEA, CA 93921
(831) 620-2010 (OFFICE)
(831) 620-2014 (FAX)

October 9, 2003

Mr. Don Mackey
In care of Charles Mandurrago
Post Office Box R
Carmel, CA 93921

Dear Mr. Mackey:

Re: DR 03-24/UP 01-24
NW corner Junipero and 8th
Block 89, lots 25 and 26

At its meeting on October 8, 2003, the Planning Commission approved the revision to Condition #8 of Use Permit 01-24 to allow the relocation of the public walkway from the north side of Eighth Avenue between Junipero and Mission to the south side of the street.

Enclosed is an amended staff report reflecting the additional condition made at the Planning Commission meeting.

If you have any questions or require additional information, please call the office at 620-2010.

Sincerely,

Anne Morris
Planning Services Coordinator

Enclosure

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT**

APPLICATION: DS 01-04, UP 01-24

APPLICANT: Mackey

BLOCK: 89

LOTS: 25 & 26

LOCATION: N/W Corner of Junipero & 8th

REQUEST:

Consideration of a revision to Condition #8 of Use Permit 01-24 (for a lot-line adjustment) to allow the relocation of the public walkway from the north side of Eighth Avenue between Junipero and Mission to the south side of the street.

OTHER APPROVALS REQUIRED:

1. Traffic Commission

PROJECT ISSUES:

The proposal for the walkway includes the use of a material (asphalt/concrete) which is identified in the Policy and Standards for Public Way Design as one to be avoided.

BACKGROUND:

The Planning Commission has approved a Use-Permit for a lot-line adjustment and Design Study for two single family attached homes on the NW corner of Junipero and Eighth. Also approved was a use permit for a lot-line adjustment. One of the conditions required the inclusion of a plan to "continue a pedestrian sidewalk along Eighth Avenue for use by the public on public property that will further protect the health, safety, and welfare of the community" between Mission and Junipero. The Traffic Committee at its September 3, 2003 meeting recommended modifying the condition to require the sidewalk be relocated to the south side of 8th Avenue.

PROJECT DESCRIPTION:

The applicant proposes to construct a meandering four feet wide concrete/asphalt walkway approximately 220 linear feet in length along 8th Avenue between Junipero and Mission Streets. The proposed walkway will effectively remove four existing on-street parking spaces. The proposed design will not adversely affect the existing vegetation.

DISCUSSION OF ISSUES:

The City's Policy and Standards for Public Way Design recommend a standard urban sidewalk be made of a material allowing for percolation of water, avoiding the use of blacktop and plain concrete. Recommended instead are sand-set pavers. The Public

DR 01-04
Staff Report
8 October 2003
Page 2

Works Director and the Building Official reviewed the proposed walkway and determined that due to its proximity to the tour parking area and adjacent commercial areas, the path would be a major destination used by numerous people and should be constructed of a more durable material. The proposed surface would allow ADA accessibility and avoid a loose footing and erosion from heavy foot-traffic.

SUMMARY:

The proposed design meets the criteria set forth in section 12.04 of the Municipal Code and the Residential Design Guidelines which call for preserving the forest character while allowing safe public access. The sidewalk will be ADA accessible and will allow the continuation of the existing public walkway from Junipero.

RECOMMENDATIONS:

As recommended by the Traffic Committee, staff recommends approval of the revision to Condition #8 of Use Permit 01-24.

CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
AGENDA CHECKLIST

MEETING DATE: 8 October 2003BLOCK: 89 LOT: 25/26FIRST HEARING: XCONTINUED FROM: n/aITEM NO: DS 01-04/ UP 01-24OWNER: Don MackeyDESIGNER: Charles MandurragoSTREAMLINING: 10/9/03

SUBJECT:

Consideration of a revision to Condition #8 of Use Permit 01-24 to allow the relocation of the public walkway from the north side of Eighth Avenue between Junipero and Mission to the south side of the street.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 new construction)

LOCATION:

ZONING:

N/W corner of Junipero & 8th

R-1

ISSUES:

Does the proposed walkway comply with Municipal Code Section 12.04 (Sidewalk Construction and Repair), Policy and Standards for Public Way Design, and Residential Design Guidelines?

OPTIONS:

1. Approve the application as submitted with amended conditions.
2. Continue consideration of the application with a request for design changes.
3. Deny the application and adopt the attached Findings for Decision.

RECOMMENDATION:

Option #1 (Approve the application as submitted with revised conditions.)

ATTACHMENTS:

1. Staff Report dated 8 October 2003.
2. UP 01-24 Conditions of Approval.
3. Plans.
4. Traffic Committee Meeting Draft Minutes dated September 3, 2003

STAFF CONTACT: TJ Wiseman, Contract Planner

3. DR 03-24/UP 01-24
Don Mackey
NW corner Junipero and 8th
Block 89, Lots 25 and 26

Consideration of a revision to Condition #8 of Use Permit 01-24 to allow the relocation of the public walkway from the north side of Eighth Avenue between Junipero and Mission to the south side of the street.

Commissioner Cunningham had three questions: what is the motivation for moving the sidewalk from the north side to the south side; what responsibility does the City have to the property owners on the south side of Eighth to advise them of the City's intentions so that they have an opportunity to comment; and how much consideration should losing four parking spaces be given in approving the change?

Chairman Strid asked whether Condition 8 reflected the change of location and Director di Iorio responded that it did not and that it would be changed.

Director di Iorio noted that the Director of Public Works, the Police Chief, the Building Official and City Forester looked at the site and recommended that the walkway be moved to the south side of Eighth due to extreme site conditions and significant trees. The proposal was taken to the Traffic Committee and the decision was that the need for pedestrian access outweighed the need for four parking spaces. Condition 8 should read "...that require the applicant to continue a pedestrian sidewalk along the south side of Eighth Avenue between Junipero and Mission Streets for use by the public on public property..."

Commissioner Cunningham was concerned that the property owners be notified and have an opportunity to respond before approving the application.

Commissioner Culver agreed with Commissioner Cunningham's comments and noted that the diagram in the packet showed a cross walk at Eighth and Junipero but the site visit showed no crosswalk. A crosswalk crossing Eighth is proposed and should be a condition. Read "pedestrian walkway and crosswalk."

Motion of HEWER/CULVER TO APPROVE THE AMENDMENT TO THE USE PERMIT WITH THE ADDED CONDITION THAT THE APPLICANT BE RESPONSIBLE FOR THE CROSSWALK AND THAT THE PROPERTY OWNERS ON THE SOUTH SIDE OF EIGHT AVENUE BE NOTIFIED OF THE PROJECT AND ENCOURAGED TO RESPOND IN WRITING CARRIED ON THE FOLLOWING ROLL CALL VOTE:

Planning Commission Minutes
Regular Meeting
8 October 2003
Page Five

AYES:	COMMISSIONERS:	Culver, Cunningham, Hewer, Wilson, and Strid
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

Planning Commission Minutes
Regular Meeting
8 October 2003
Page Five

AYES:	COMMISSIONERS:	Culver, Cunningham, Hewer, Wilson, and Strid
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None

BEACH KOLLER LINDHOLM FAMILY BOX 1244 CARMEL CA 93921

31 January 2022

Re. **Public Greenbelt** at North Side of Eighth between Junipero and Public Scout House Property

Dear Mayor Potter and Council Members,

I have followed with appreciation your recent deliberations on the public property running along the north side of Eighth between Junipero and the Scout House. I am especially grateful for your recent unanimous decisions to protect this essential public greenbelt. And, I look forward to hearing more about the general policies you have directed staff to develop on the overall treatment of public property in our village.

Recently, I have had on-site and other meetings with a representative of Friends of Carmel Forest, with neighboring residents, and with my civil engineer about ideas for restoring and improving this area that you have protected. The Friends have communicated a strong interest in preserving the health of the trees on the eroding slope. The neighbors have expressed a hope for better access. And my civil engineer has apprised me of how straightforward it would be to create a safe, comfortable footpath away from the eroding hillside, once the encroachments are removed.

After multiple communications, I believe there are four very good options:


- (A) Remove the encroaching fence and stepping stones and **plant native species** to restore the eroded slope and protect the downslope oaks and other tree. [estimated project time: **1.5 weeks**]
- (B) Remove these encroachments, plant natives, and **leave space** on the safe, flat area **for a** natural, perhaps winding, mulched, forest **footpath** over to the Scout House driveway. [estimated project time: **1.5 weeks**]
- (C) Remove the encroachments, plant natives, and **hand-grade** a mulched forest footpath with a cut and fill approach **to ease the slope** down to the Scout House driveway. [estimated project time: **2 weeks**]
- (D) Remove the encroachments, plant natives, and **machine- and hand-grade** a mulched forest footpath with a cut and fill approach **to ease the slope** down to the Scout House driveway. [estimated project time: **2 days**]

All of these options have their merits and I hope the City Council will consider all of them.

My family, as many of you know, has a strong concern about the safety of children and other vulnerable populations. So far, pedestrians have had to balance themselves on the footpath they have worn alongside the encroaching fence, or cross the street twice, or simply walk in the street itself. We are afraid all of this is an accident waiting to happen.

We support project (A) because the removal of the fence will help reforestation and also remove that particular danger to pedestrians. However, if the City is interested in further safety measures, we would like this letter to represent our formal offer to donate to the community the full execution, including all labor and materials, of any of the three latter projects (B), (C), or (D).

Thank you for safeguarding this parkland for our community!


Victoria Beach



A Sidewalk Smoking Ordinance in Carmel

1 message

Richard Kreitman <rckreitman@gmail.com>

Fri, Apr 1, 2022 at 3:32 PM

To: Dave Potter <dpotter@ci.carmel.ca.us>, Bobby Richards <bobbyrichards6@gmail.com>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Carrie Theis <ctheis@ci.carmel.ca.us>, Jeff Baron - Carmel City Council <jeff@carmel2018.com>, cityclerk@ci.carmel.ca.us, Chip Rerig <crerig@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>

Cc: Mary Schley <mary@carmelpinecone.com>, Janice Bradner <janicebradner@yahoo.com>, Nancy Twomey <twomeyconnection@gmail.com>

Friends,

In February I spoke at a Council Meeting during Public Comments to the issue of considering a smoking ban on the sidewalks and streets of Carmel commercial district. Attached please find the text and links from that statement, belatedly, but as promised.

For anyone interested in the issue I recommend reading the City of Walnut Creek's smoking ordinance, possibly the most comprehensive and draconian in the State. [<https://www.walnut-creek.org/departments/community-development-department/code-enforcement/smoking-regulations>] We may not wish to adopt all its provisions but it basically leaves nothing out and so is a good starting point for our discussions. The first five pages of meticulously footnoted *Whereas'* are brilliant.

After the March 10 community priorities forum someone asked why this issue wasn't raised. Perhaps because it doesn't rise to the level of being a burden on the City's personnel and resources or on the Council, as fortunately the dozens of California municipalities (please see map below) who have already enacted such ordinances have done the work for us. When we decide what our policies should be we could simply adopt existing language.

Respectfully submitted,

Richard Kreitman

The following map appeared in the *Orange County Register* in 2018.

In addition to other smoking bans, these cities have forbidden smoking on sidewalks. Penalties vary, but fines could be \$100 for a first offense.

 smoke free sidewalks



Banning Smoking in Public in Carmel.docx

180K

Considering A Public Smoking Ban In Downtown Carmel

Mayor, Council, Carmel Community:

I was dismayed to learn the other day that I've been under the misapprehension that smoking was banned in Carmel's downtown commercial district sidewalks, or at least within 25 feet of business entrances. Unfortunately, not so. According to Carmel City Code [<https://www.codepublishing.com/CA/CarmelbytheSea/html/Carmel08/Carmel0836.html>] smoking of tobacco products is banned on Scenic, at the Beach, in all City parks and most City-owned buildings while it is permitted on all Carmel's sidewalks and streets. Which means anyone can walk down the sidewalks of Carmel smoking cigarettes, vapes, cigars, & pipes, producing as much tobacco smoke as they'd like, that smoke being defined by the State of California as a toxic pollutant. They can linger outside any business – including restaurants, where smoking is banned by the State – and fill those businesses with foul poisonous smoke and not violate any ordinance. Indeed, according to our Code, if I as a business owner do not prominently post NO SMOKING signs in my establishment anyone can come in smoking and be within their rights. (Fortunately, as a business owner I also have the right to ask them to leave and if they don't leave it is criminal trespass.)

Why are we so behind the curve on this? Dozens of California cities already have some form of a ban on smoking in the public right of way.

https://en.wikipedia.org/wiki/List_of_smoking_bans_in_the_United_States#California,
<https://www.ocregister.com/2018/02/12/how-californias-smoking-bans-are-broadening/> and please see the map below.

This issue came up during the 2nd Burnett administration but went nowhere – it may have gotten overlooked during the tumult of that time. There were a couple of business-owners opposed to such a ban because they felt it would discourage valued foreign tobacco-addicted visitors from coming to Carmel. Hogwash. If and when we have a ban those same concerned business people could presumably permit smoking on their premises and attract these visitors to Carmel.

I would wager a downtown smoking ban would receive overwhelming support from our residents, business community, and visitors.

My concern is primarily with tobacco smoke, but I know that many in the community are equally concerned with the quantity of cigarette butts littering our sidewalks and streets and the environmental hazard they represent.

Please consider placing this issue on an upcoming Council Agenda.

Richard Kreitman, March 2022

From the **Orange County Register**, 2/12/18 and 11/21/18, by Kurt Snibbe

In addition to other smoking bans, these cities have forbidden smoking on sidewalks. Penalties vary, but fines could be \$100 for a first offense.



----- Forwarded message -----

From: **Eugene Hughes** <eah@etranco.com>
 Date: Fri, Apr 1, 2022 at 12:50 PM
 Subject: Dining Outside
 To: Chip Rerig <crerig@ci.carmel.ca.us>
 Cc: Nancy Hughes <nah@etranco.com>

Dear Mr. Rerig and Council Members,

I know it is a big ask, but I ask the Council to support permanent outside dining in Carmel. I know it is a big ask because some, probably a majority of Council have signaled clearly their opposition. Yet, we the citizens of Carmel (sometimes lovingly called Locals) want outside dining to continue and become permanent. We want it by a large margin. We wanted it in the last survey. We really want it now.

To those of you in personal opposition, It is difficult to vote against your personal wishes, but that is what you should do in this case. You wisely sought public input last year. You also asked for public input in the recent priority meeting. You have heard the response. We want outside dining.

Some lament that there is not enough parking, but options exist if this ever becomes a real issue. It is not now. Make Junipero one lane each way with 45 degree parking and you have solved that "problem" for years to come. If you want merchants and workers in town to park in upper Junipero, make it parking by sticker only and let merchants give their employees all day parking passes.

It is true that some of the Parklets are less than beautiful, but they were built with clear signals that the investment would be temporary at best. Given the opportunity to make them permanent will allow the investment needed to make them beautiful.

By moving slowly as you have done, we have the benefit of many options and types of enclosures. This will allow development of a proper design guide for all. And the Restaurant owners have offered to develop the first draft in 90 days, at no cost to the city.

It is also true that the pandemic driver for outside dining may be passing (hopefully), but the experience of dining outside has been a spectacular success. We eat outside three to five times per week. We meet neighbors there. We chat with visitors. Outside dining invites conviviality and contributes to a warm and inviting village.

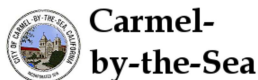
We locals love our dogs. They can go just about everywhere except Davendorf Park, a wise exception. But we know that not everyone wants dogs around. My registered Service Dogs (hearing disability) are able to go everywhere. But with outside dining they are much more welcome making the experience much better for everyone.

Sadly, I acknowledge perhaps one of the more vocal group of critics, owners of dining establishments with existing outside dining. It is clear that they just do not want the competition, a position which openly acknowledges that the parklets are very popular. Their concern is not well founded. Outside dining brings more of the locals to dine at night, more than making up for any competition. A trend that will continue as it is getting warmer by the day.

So I ask that you set aside your personal wishes and represent the majority of locals that support outside dining. Vote to not only extend the ability to keep the parklets but signal that well designed, well regulated, conforming parklets will be a permanent addition to Carmel. Let us embrace the future.

Best regards,

Gene Hughes
 Carmelo 2 SE 12th
 Carmel-By-The-Sea
 415-439-3210



Yashin Abbas <yabbas@ci.carmel.ca.us>

Temporary Parklets

2 messages

Lucinda Lloyd <lucindalloyd41@gmail.com>

Mon, Apr 4, 2022 at 10:02 AM

To: "City Clerk Carmel-by-the-Sea, CA" <cityclerk@ci.carmel.ca.us>

Mayor Dave Potter, Mayor Pro Tem Bobby Richards, Council Members Carrie Thies, Jeff Baron and Karen Ferlito,

Thank you for your strong opposition to continuing the temporary parklets beyond the end date of April 20, 2022. As I heard your words during a previous City Council meeting, I was heartened by your dedication to and support of returning the village of Carmel to pre-pandemic dignity.

City Administrator Chip Rerig's **emergency ordinance** allowing the construction of **temporary parklets** was compassionate. Without them, restaurants would have failed. With them, restaurants have been able to survive the health restrictions imposed during the Covid-19 pandemic. Now that health restrictions have been rolled back, it is time to roll back and remove the temporary parklets.

As end date for the removal of parklets has been extended time after time, they have usurped the character of the village. Walking along sidewalks in the business district has become hampered by the comings and goings of waiters, by the sense of invading diners' spaces. Driving along the narrow and crowded streets has become a like navigating a slalom course. Dodging delivery trucks and parklets has become the norm when driving in town.

Is this what we, those of us who live here, who love Carmel, want our village to look like, to feel like? I do not.

The maintenance of the parklets has not been universally adhered to by restaurant owners. The appearance of our town has been compromised. The message to visitors is that we don't care what Carmel looks like, that we don't appreciate our interesting architecture and "look" of our village. I don't believe you, as the protectors and upholders of City rules, regulations, ordinances and overall character of Carmel, want to convey that message.

Please hold firm on your resolve to uphold the April 20th date for removal of all temporary parklets. There are many restaurants in town offering outside dining for those who choose to sit outside. Return our sidewalks and parking spaces as they were designed and intended.

Thank you for all your efforts on behalf of Carmel-by-the-Sea.

With sincere appreciation,

Cindy Lloyd

Yashin Abbas <yabbas@ci.carmel.ca.us>

Mon, Apr 4, 2022 at 10:07 AM

To: Ashlee Wright <awright@ci.carmel.ca.us>, Bobby Richards <brichards@ci.carmel.ca.us>, Carrie Theis <ctheis@ci.carmel.ca.us>, Chip Rerig <crerig@ci.carmel.ca.us>, Dave Potter <dpotter@ci.carmel.ca.us>, Jeff Baron <jbaron@ci.carmel.ca.us>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>

[Quoted text hidden]



**Carmel-
by-the-Sea**

Yashin Abbas <yabbas@ci.carmel.ca.us>

Temporary Parklets - Stick with the April 20 end date - thank you

1 message

Nancy Twomey <twomeyconnection@gmail.com>

Mon, Apr 4, 2022 at 10:38 AM

To: Dave Potter <dpotter@ci.carmel.ca.us>, Britt Avrit <cityclerk@ci.carmel.ca.us>, Jeff Baron <jbaron@ci.carmel.ca.us>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Carrie Theis <Ctheis@ci.carmel.ca.us>, Bobby Richards <brichards@ci.carmel.ca.us>, Chip Rerig <crerig@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>
Cc: Nancy Twomey <twomeyconnection@gmail.com>

City Council, Clerk, City Administration, City Planning

As you also concur - we are blessed with an amazing place to live and enjoy, that a good many of us contribute to its character, charm, traditions and more. Indeed our businesses also value and benefit from these same attributes.

This \$%^* Pandemic has put stress on all of us. Your strong leadership and tough decisions have provided the business flexibility and budget oversight that we are also very thankful. We are also thankful for the access to vaccination and therapeutics have significantly decreased the severe health risks. Now, even with risks of new variants, we remain fully open without limitations, with personal cautions respected. There is no guarantee this current status will remain of course.

But it is time to end the Temporary Parklet program as planned April 20th. Please honor this direction. There is no apparent justification for continuing this program under today's circumstances, in part stated above.

I've attached my prepared listing of the 64 Village eateries.

-
- There are 24 PUBLIC Space Temporary Parklets in place now
- There are 40, yes FOURTY of these establishments with some capacity for outdoor seating in PRIVATE spaces. Yes, some allow seating for only 4-6, but others offer more.
- There are 9 of those with Temporary Parklets - that ALSO have some PRIVATE space seating.
- We should end the Temporary Parklets as planned for
 - appearance (charm, character) reasons,
 - safety reasons,
 - blocking line of site to other retail reasons
 - fairness to the other retail business reasons
 - sidewalk congestion reasons
 - there are no regional health guideline limitations reasons...and has not been for some time now
 - and likely there may be some excess profit driven eateries taking more than their fair share.

We CAN AND MUST promote these 40 Private Space offerings for those who prefer it and conclude the Temporary Parklets blocking our village roadways April 20th. It is essential that the "message" to the public reinforce that Carmel-by-the-Sea is OPEN FOR OUTDOOR DINING....in these private spaces (just not in the roadway).

Thank you for your consideration. And please see the attached PDF listing.

PS: I am open to exploring a Permanent Program in the future - that includes possibilities such as one way, one lane traffic, no car blocks, and others - that ideally tie into a Downtown Master Plan.

--

Nancy Ann Twomey

Carmel Resident, on 2 Non-Profit Boards, on 4 other active Volunteer efforts....and yes a Volunteer-Aholic for our amazing Village.

PO Box 6508, Carmel-by-the-Sea, Ca 93921

C-650-740-3477 twomeyconnection@gmail.com



Carmel_Eats-n-Drinks.pdf

148K

Carmel Eats & Drinks	Website	Phone	Parklet Dining	Private Outdoor Dining	Indoor Dining	Take Out	Location
5th Avenue Deli	www.5thavedeli.com	831-625-2688	No	No	No	Yes	5th & Mission
A.W. Shucks Cocktail & Oyster Bar	awshuckscarmel.com	831-624-6605	Yes	No	Yes	Yes	Ocean & San Carlos
Akaoni		831-620-1516	No	Yes	Yes	Yes	Mission & 6th
Alvarado Street Brewery & Bistro	asb.beer	831-293-8621	No	Yes	Yes	Yes	Carmel Plaza
Anton & Michel	antonandmichel.com	831-624-2406	No	Yes	Yes	Yes	Mission & 7th
Aubergine	auberginecarmel.com	831-624-8578	No	Yes	Yes	Yes	Monte Verde & 7th
Barmel		831-626-2095	No	Yes	Yes	No	San Carlos & 7th
Basil	basilcarmel.com	831-626-8226	No	Yes	Yes	Yes	San Carlos & 7th
Bistro Giovanni	carmelbistro.com	831-626-6003	Yes	Yes	Yes	Yes	San Carlos & 5th
Brophy's Tavern	brophystavern.com	831-585-5566	Yes	No	Yes	Yes	San Carlos & 4th
Bruno's Market & Deli	brunosmarket.com	831-624-3821	No	No	No	Yes	Junipero & 6th
Bud's at La Playa Carmel	budscarmel.com	831-293-6100	No	Yes	Yes	Yes	Camino Real & 8th
Café Luna		831-250-7815	No	Yes	Yes	Yes	Carmel Plaza
Cantinetta Luca	cantinettaluca.com	831-625-6500	Yes	No	Yes	No	Dolores & 7th
Carmel Bakery	chefpepe.com	831-626-8885	Yes	No	Yes	Yes	Ocean & Lincoln
Carmel Belle	carmelbelle.com	831-624-1600	Yes	Yes	Yes	Yes	Ocean & San Carlos
Carmel Café	carmelcafe.com	831-624-3870	Yes	No	Yes	Yes	Ocean & Mission
Carmel Coffee House & Roasting Co.	carmelcoffee.com	831-626-2095	No	Yes	Yes	Yes	Ocean & Dolores
Carmel Grill House	carmelgrillhouse.com	831-574-8991	Yes	No	Yes	Yes	Ocean & Mission
Carmel Valley Roasting Co	carmelcoffeeroasters.com	831-626-2913	No	No	Yes	Yes	Ocean & Lincoln
Casanova	casanovacarmel.com	831-216-3811	No	Yes	Yes	Yes	Mission & 5th
Catch	catchcarmel.com	831-624-5659	Yes	No	Yes	Yes	Ocean & Lincoln
Cottage Restaurant (The)		831-625-6260	Yes	No	Yes	Yes	Lincoln & 7th
Cultura Carmel	culturacarmel.com	831-250-7005	No	Yes	Yes	Yes	Dolores & 6th
Dametra Café	dametracafe.com	831-622-7766	Yes	No	Yes	Yes	Ocean & Lincoln
Edwins Carmel	edwincarmel.com	831-250-7744	No	No	Yes	Yes	San Carlos & 6th
Enzo Ristorante Italiano	enzocarmel.com	831-624-6545	Yes	Yes	Yes	Yes	San Carlos & Ocean
Flaherty's Seafood Grill	flahertysseafood.com	831-625-1800	Yes	Yes	Yes	Yes	6th & Dolores
Flying Fish Grill	flyingfishgrill.com	831-625-1962	No	No	Yes	Yes	Carmel Plaza
Forge in the Forest	forgeintheforest.com	831-624-2233	No	Yes	Yes	Yes	Junipero & 5th
Grasings	grasings.com	831-624-6562	Yes	Yes	Yes	Yes	6th and Mission
Hanagasa Japanese	hanagasa.menu11.com	831-625-4470	No	Yes	Yes	Yes	8th & Mission
Hog's Breath Inn	hogsbreathinn.net	831-625-1044	No	Yes	Yes	Yes	San Carlos & 5th
IL Fornaio at the Pine Inn	ilfornaio.com	831-622-5100	No	Yes	Yes	Yes	Ocean & Monte Verde
IL Tegamino	iltegamino.com	831-677-5750	No	Yes	Yes	Yes	Ocean & Lincoln
Katy's Place	katsyplacecarmel.com	831-624-0199	No	Yes	Yes	Yes	Mission & 5th
La Balena	labalenacarmel.com	831-250-6295	No	Yes	Yes	Yes	Junipero & 6th
La Bicyclette	labicycletterestaurant.com	831-625-6731	Yes	No	Yes	Yes	Dolores & 7th
Le Souffle	lesoufflecarmel.com	831-250-5314	No	No	Yes	Yes	Dolores & 5th
L'Escargot	escargot-carmel.com	831-620-1942	No	Yes	Yes	No	Mission & 4th
Links Club	linksclubgolf.com	831-250-7816	No	Yes	Yes	Yes	Carmel Plaza
Little Napoli	chefpepe.com	831-626-6335	No	Yes	Yes	Yes	Dolores & 7th
Little Swiss Café		831-624-5007	Yes	No	Yes	Yes	6th & Dolores
Mission Bistro	missionbistrocarmel.com	831-574-8344	No	Yes	Yes	Yes	Mission & 6th
Mulligan Public House		831-250-5910	Yes	Yes	Yes	Yes	Dolores & Ocean
Nielsen Market & Deli	nielsenmarket.com	831-468-2790	No	Yes	No	Yes	San Carlos & 7th
Pangaea Grill	pangaeagrillcarmel.com	831-624-2569	Yes	No	Yes	Yes	Ocean & Lincoln
Patisserie Boissiere Restaurant	patisserieboissiere.com	831-624-5008	Yes	No	Yes	Yes	Carmel Plaza
Pescadero	pescaderocarmel.com	831-624-7400	No	Yes	Yes	Yes	San Carlos & 7th
Pocket (The)	thepocketcarmel.com	831-626-8000	No	Yes	Yes	Yes	Lincoln & 5th
Porta Bella	portabellacarmel.com	831-624-4393	Yes	Yes	Yes	Yes	Ocean & Lincoln
Rise + Roam Bakery & Pizzeria	riseandroambakery.com	831-574-2900	No	Yes	Yes	Yes	Mission & 7th
Sade's Cocktails			Yes	No	Yes	No	Lincoln & Ocean
Seventh & Dolores Restaurant	7dsteakhouse.com	831-293-7600	No	Yes	Yes	Yes	Dolores & 7th
Stationaery	thestationaery.com	831-250-7183	Yes	Yes	Yes	Yes	Mission & 6th
Sushi Heaven	sushiheaven-carmel.menu11.com	831-625-2067	No	Yes	Yes	Yes	Dolores & 8th
Terry's Lounge at the Cypress Inn	carmelterrys.com	831-624-3871	No	Yes	Yes	Yes	Lincoln & 7th
Tommy's Wok	tommyswokcarmel.com	831-624-8518	No	Yes	Yes	Yes	Mission & 7th
Toro	torosushicarmel.com	831-574-3255	Yes	Yes	Yes	Yes	Dolores & 6th
Tree House Café (The)	treehousecafecarmel.com	831-626-1111	No	Yes	Yes	Yes	San Carlos & 8th
Vesuvio	chefpepe.com	831-625-1766	No	Yes	Yes	Yes	6th & Junipero
Village Corner	villagecornercarmel.com	831-624-3588	No	Yes	Yes	Yes	Dolores & 6th
Village Gem	villagegemcarmel.com	831-250-7811	No	Yes	Yes	Yes	Mission Btw 4th & 5th
Yafa	yafarestaurant.com	831-624-9232	Yes	No	Yes	Yes	Junipero & 5th



**Carmel-
by-the-Sea**

Yashin Abbas <yabbas@ci.carmel.ca.us>

Fwd: Failure Notice

1 message

carmelgraeme via cityclerk <cityclerk@ci.carmel.ca.us>
Reply-To: carmelgraeme@aol.com
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>

Mon, Apr 4, 2022 at 11:36 AM

-----Original Message-----

From: carmelgraeme@aol.com

To: kferlito@ci.carmel.ca.us <kferlito@ci.carmel.ca.us>; jbaron@ci.carmel.ca.us <jbaron@ci.carmel.ca.us>;
carrie@hofsashouse.com <carrie@hofsashouse.com>; bobbyrichards6@gmail.com <bobbyrichards6@gmail.com>;
dpotter@ci.carmel.ca.us <dpotter@ci.carmel.ca.us>

Cc: crerig@ci.carmel.ca.us <crerig@ci.carmel.ca.us>; bswanson@ci.carmel.ca.us <bswanson@ci.carmel.ca.us>

Sent: Mon, Apr 4, 2022 6:46 am

Subject: End the Parklet Program

The restauranteurs that don't have outdoor dining all want what they now enjoy: indoor **and** outdoor dining spaces. They were given a thoughtful emergency offer by Chip allowing them the opportunity to maintain their businesses when COVID threatened their livelihoods. I supported the **emergency temporary** parklets. Now that the infection numbers don't support the need for outside dining, it's time to reclaim Carmel as a village, not one big outdoor restaurant.

There are 40 plus restaurants in Carmel that have outdoor space available. We already have outdoor dining.

At the last meeting, the Council was adamant about ending the temporary parklets on April 20th. I hope that you remain resolute and firm on Tuesday. Otherwise, a handful of restaurants will be running the town, not the Council. In addition, there is absolutely no concern by the Council for the other businesses in town that depend on the parking spaces now occupied by the Parklets. The parking issue in Carmel has been made worse by the Parklets,

We need our village back to pre-Covid days. Please do the right thing...End the Parklet program.

Graeme A. Robertson



**Carmel-
by-the-Sea**

Yashin Abbas <yabbas@ci.carmel.ca.us>

Parklets

1 message

STEVEN HILLYARD <sahillyard@hotmail.com>
To: cityclerk@ci.carmel.ca.us

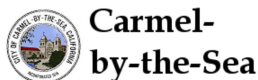
Mon, Apr 4, 2022 at 12:47 PM

Mayor and City Council
Carmel-by-the-Sea

I agree with your thoroughly discussed and well taken decision to require removal of the parklets from our city streets. I understand that some people have requested that you reconsider that decision. I recommend that you remain resolute.

Best regards,

Steve Hillyard



Yashin Abbas <yabbas@ci.carmel.ca.us>

Fw: Temporary Restaurant Parklets - Please end on April 20th

1 message

'Tim Twomey' via cityclerk <cityclerk@ci.carmel.ca.us>
 Reply-To: Tim Twomey <timtwomey@aol.com>
 To: cityclerk@ci.carmel.ca.us

Mon, Apr 4, 2022 at 1:21 PM

For Tuesday City Council meeting.

[Sent from the all new AOL app for iOS](#)

Begin forwarded message:

On Monday, April 4, 2022, 11:50 AM, Tim Twomey <timtwomey@aol.com> wrote:

City Council, City Administration, City Planning, and City Clerk.

There is a strong desire on the part of everyone in Carmel-by-the-Sea for our businesses to make a strong and successful recovery from the COVID-19 pandemic. Carmel residents have supported our local restaurants during this difficult time.

However, I ask the Council to stand firm on the previously approved April 20th date to end the temporary restaurant public space parklets.

My reasons for this include the following:

- There is a difference between the “need” and the “want” for temporary restaurant public space parklets.
- In 2020 our City Administrator was generous in identifying the “need” to provide for economic relief with temporary restaurant public space parklets.
- This was to continue until the County of Monterey Health Department allowed restaurant indoor dining back without restrictions.
- In June 2021 Governor Newsom lifted pandemic executive orders and the County of Monterey Health Department lifted restrictions and has continued to allow 100% indoor capacity. New cases, infection rates, and Covid related hospital admissions continue to decline.
- Restaurants have been able to use both indoor dining and outdoor parklets since June 2021. This defeats the purpose of the original intent.
- Parklets were created to provide a space in lieu of indoor dining restrictions. With indoor restrictions lifted the parklets now have increased restaurant occupancy which is not the purpose of temporary parklets.
- Using valuable parking for restaurant parklets limits other retailer's storefront access, and parking capacity remains a critical issue.
- This will impact our exploration of paid parking and these spaces should be freed up for that program.

- Pedestrian Safety and Traffic flow continue to be impacted with the cross traffic of restaurant customers, servers, and the public.
- The look and feel of some of the temporary restaurant parklets do not add to the charm of our village.

If visitors and residents “want” an outdoor dining experience, it has been here for a long time. It’s in our enchanting courtyards, patios, and terraces not on the street parklets. There are close to 40 of our Village restaurants that provide these private outdoor dining spaces.

This is what makes us a unique destination!

Back on the “want”. I “want” an ocean view. But my home location does not provide that. Some restaurants “want” outdoor seating, but their restaurant location does not provide that with courtyards, patios, or terraces. Temporary restaurant public space parklets have served their purpose and are not currently a “need”.

Thank you for your consideration.

Tim Twomey
Carmel-by-the-Sea Resident



Emailed comments for the April Council Meeting

2 messages

Mary Condry <carmelcondry@comcast.net>
To: cityclerk@ci.carmel.ca.us

Tue, Apr 5, 2022 at 11:01 AM

For distribution to all Council members for April 5 meeting:

I implore you to remain steadfast in your prior decision on the temporary parklets. Your residents must be considered first and foremost.

Thank you,
Mary Condry, Carmel-by-the-Sea resident

Sent from my iPad

Yashin Abbas <yabbas@ci.carmel.ca.us>

Tue, Apr 5, 2022 at 11:11 AM

To: Ashlee Wright <awright@ci.carmel.ca.us>, Bobby Richards <brichards@ci.carmel.ca.us>, Carrie Theis <ctheis@ci.carmel.ca.us>, Chip Rerig <crerig@ci.carmel.ca.us>, Dave Potter <dpotter@ci.carmel.ca.us>, Jeff Baron <jbaron@ci.carmel.ca.us>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>

[Quoted text hidden]



Fwd: Parklets

2 messages

Jon Wolfe <jon.wolfe@startouch.net>
To: cityclerk@ci.carmel.ca.us

Tue, Apr 5, 2022 at 11:18 AM

Sent from Jon's iPhone

Begin forwarded message:

Subject: Parklets

Please provide copies of this to the mayor and council members.

I am a resident of Carmel-By-The-Sea and I urge you to adhere to the current sunset date for the restaurant parklets. The busy tourist season has already begun and will only become busier. Large venue events are in our near future and we need our sidewalks and parking spaces back for public use.

I understand the restaurants have conducted a survey showing customer's support for the parklets. This survey and its results are not statistically valid. They surveyed their customers. Of course the vast majority would be supportive. They already made that decision when they decided to dine there. That is like surveying the attendees at a Republican or Democratic convention and asking what their party preference is.

The village made the right decision to support our fine restaurants during the height of the Covid pandemic. It is right to now return our public property to the public.
Thank you for your consideration!

Jon B. Wolfe
SW Cor N Casanova St & 2nd Ave

Sent from Jon's iPhone

Yashin Abbas <yabbas@ci.carmel.ca.us>

Tue, Apr 5, 2022 at 11:22 AM

To: Ashlee Wright <awright@ci.carmel.ca.us>, Bobby Richards <brichards@ci.carmel.ca.us>, Carrie Theis <ctheis@ci.carmel.ca.us>, Chip Rerig <crerig@ci.carmel.ca.us>, Dave Potter <dpotter@ci.carmel.ca.us>, Jeff Baron <jbaron@ci.carmel.ca.us>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>

----- Forwarded message -----

From: **Jon Wolfe** <jon.wolfe@startouch.net>

Date: Tue, Apr 5, 2022 at 11:18 AM

Subject: Fwd: Parklets

To: <cityclerk@ci.carmel.ca.us>

Sent from Jon's iPhone

Subject: Parklets

[Quoted text hidden]



Moving on From Parklets

2 messages

Chris <chris@manifesta.us>

Tue, Apr 5, 2022 at 11:47 AM

To: cityclerk@ci.carmel.ca.us, dpotter@ci.carmel.ca.us, brichards@ci.carmel.ca.us, jbaron@ci.carmel.ca.us, crerig@ci.carmel.ca.us

Dear Mayor Potter, City Council and Staff,

It's understandable why a restaurant would want to hold onto their Covid advantage- 20 or more seats with no water restrictions for less than \$900/mo in downtown Carmel- but the fundamentals for removal on April 20 haven't changed.

The parklet program was a temporary response to a global health crisis. Effective or not, on-street dining was allowed to protect the public from the spread of COVID. As that threat passes we should return our streets to the community.

Any discussion of making parklets permanent amounts to the repurposing of public space for private commercial use. That requires a much larger discussion needing more input than popularity surveys or pressure from a few business owners.

Please stick with the April 20 removal.

Thank you,
Chris S

Yashin Abbas <yabbas@ci.carmel.ca.us>

Tue, Apr 5, 2022 at 11:49 AM

To: Karen Ferlito <kferlito@ci.carmel.ca.us>, Carrie Theis <ctheis@ci.carmel.ca.us>

Adding you.

[Quoted text hidden]



On Downtown Parklets

2 messages

Linda L. Smith <lachmund@pacbell.net>
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>

Tue, Apr 5, 2022 at 11:21 AM

March 5, 2022

Dear Mayor Potter and Council Members,

I would like to protest the possibility that the parklets in Carmel's business district might continue. While it has been a benefit to allow them during the COVID emergency, it's time to retire them.

They are unattractive, in the way, both on the streets and on the sidewalks, and they give an unfair business advantage to the restaurants. Their presence, along with the loss of trees, has added to the steady decline of the charm and beauty once so prominent in Carmel. I can state this with good reason after living in the town for fifty-four years.

Sincerely,

Jackson Smith
PO Box 422
Carmel, CA 93921
831-624-1127

Yashin Abbas <yabbas@ci.carmel.ca.us>

Tue, Apr 5, 2022 at 12:26AM

Draft To: Ashlee Wright <awright@ci.carmel.ca.us>, Bobby Richards <brichards@ci.carmel.ca.us>, Carrie Theis <ctheis@ci.carmel.ca.us>, Chip Rerig <crerig@ci.carmel.ca.us>, Dave Potter <dpotter@ci.carmel.ca.us>, Jeff Baron <jbaron@ci.carmel.ca.us>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>

[Quoted text hidden]



On the subject of downtown restaurant parklets

1 message

Linda L. Smith <lachmund@pacbell.net>

Tue, Apr 5, 2022 at 11:27 AM

To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>

Dear Mayor Potter and Members of the Council,

My grandmother, her two little boys, and her mother started coming to Carmel in 1903, and she built her little cottage where my husband and i live in 1905. As a native Carmelite I'm concerned about the impact the restaurant parklets have on our downtown.

There are three main reasons I believe that these businesses need to move back within the confines of their places of business.

1. Carmel's downtown is small, the streets and sidewalks narrow. The parklets create more congestion and crowding and make navigating the sidewalks and streets difficult and unpleasant. They appear to be a hazard in the making. I find them aesthetically unappealing as well.
2. The public right of way is for the benefit of the public. Letting restaurants use it for their personal gain sets a bad precedent. If restaurants are allowed to continue using it for business purposes, once the emergency of COVID has passed, then other businesses must be allowed to do the same.
3. The gas heaters used to make dining outside comfortable are spewing excess CO2 into the atmosphere, adding to the continuing and accelerating Climate Crisis. Carmel, with its history of visionary environmental thought, should be doing just the opposite; making every effort to reduce our emissions of greenhouse gases and to add natural carbon sequestration in our community to our urgent agenda.

If the public right of way should be given to another use, it should be to give trees a space large enough to grow. The feeling in our downtown has deteriorated as its beautiful, soothing canopy of Monterey Pines has disappeared. It is noticeably more barren and hotter than it used to be. And it will only get worse as our climate heats up more and more. We need urgently to get busy planting trees in the downtown and citywide, especially trees that are indigenous to our area and iconic in our cultural history. That would be an effort we could be proud of, one for which our posterity would thank us.

Thank you kindly for your consideration.

Sincerely

Linda L Smith
PO Box 422
Carmel, CA 93921
831-624-1127

STOP CELL TOWERS IN CARMEL NEIGHBORHOODS INC.

April 5, 2022

ATTN City Clerk: Please distribute to all City Officials and Staff

Mayor, City Council Members, Planning Commissioners and City Staff,

Carmel-by-the Sea is a very unique and special place. When it comes to writing our cell tower ordinance, we need a unique approach and one that is tailor-made to fit our very small California town. We have a population of just over 3,000, our town covers one square mile, and we are primarily residential. We do not have industrial or manufacturing zones where cell towers can be placed. We are not even like other California cities with restrictive cell tower regulations, such as Petaluma, Rancho Palos Verdes, Los Altos, and Calabasas as we are so much smaller than those cities. A general set of wireless ordinances made for larger suburban communities or cities do not apply to our unique village.

Carmel-by-the-Sea's population is under 4000. We can't compare with any other cities. We are very small. As a comparison, Petaluma is 60,000. Los Gatos is almost 35,000. Rancho Palos Verdes is 42,000. The smallest of the cities with strong regulations is Calabasas but even its population, which is 23,000 is well more than five times the size of Carmel's.

The formulation of a wireless ordinance update requires that the voices of the residents must be heard. Three minutes at the beginning of a city council meeting once a month is not enough. We need a dialogue and back and forth exchange of ideas. We need transparency and discussion in this process, which will affect everyone in Carmel, particularly its residents, who have the most at stake in the ordinance. **There's no second chance to get it right if it's not done correctly this time.**

We would also like more notice about when are the next wireless ordinance meetings and decision-making dates, so that more people can be aware and participate in this once in a generation formulation of an update. Additionally, we feel this process is being rushed. Is there a reason why? If the city's wireless ordinance hasn't been updated since 2004, a few more weeks or months shouldn't matter. It is more important to make sure everyone's voices in the community are heard and the ordinance is crafted to be thoughtful, considerate, and respectful of Carmel's aesthetics and distinct village character.

People need time to understand/comprehend this issue. It is complicated. As Planning Commissioner Robert Delves correctly pointed out many people participated in the Verizon issue in the fall because it was about a specific. The 2/28 workshop was about generalities.

Thank you,

SCTCN Wireless Ordinance Committee

Christy Hollenbeck (SCTCN Board Vice President)

Tasha Witt (SCTCN Board Secretary, Tasha Witt)

Alissandra Dramov (SCTCN Founding Member, Alissandra Dramov)

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

April 5, 2022

Our File No. 4822.000

Mayor Dave Potter
Members of the City Council
City of Carmel-by-the-Sea
P.O. Box CC
Carmel-by-the-Sea, CA 93921

Re: Fountain Encroachment (EN 21-272)

Dear Mayor Potter and Members of the City Council:

After we sent our letter of March 31, we received and reviewed the staff report and its attachments. There are a couple of additional items I wanted to bring to the Council's attention after reading the staff report.

1. Building Permits Were Issued in 2005 with Reference to Encroachment

The staff report states that building permits were applied for in 2005 which included the construction of the encroaching fence on the property but staff could not locate the encroachment permit in the City files. A copy of the approved plans is attached hereto showing the City had approved the encroachment. In addition, both Mr. Mackey (and the Fountains) have been required by the City to provide proof annually, that the City is named as an additional insured on their insurance as required by the encroachment permit.

2. The Standard Encroachment Agreement Language Needs to be Modified in Recognition of this Unique Circumstance

The applicant would also request a couple of revisions to the City's standard form encroachment agreement. First, the applicant requests that Section 4 of the agreement be modified to read as follows:

CITY may terminate and revoke this Agreement ~~if such termination and revocation is deemed necessary at any time that it is determined~~ by the City Council for the purpose of widening 8th Avenue. CITY may not terminate or revoke this agreement for the installation of a pathway, sidewalk, or any other CITY improvement other than the widening of 8th Avenue. ~~to be in the best interests of City and necessary to promote the public health, safety or welfare. Any expenses caused to OWNER, his successors or assigns, by termination of this Agreement shall be borne by OWNER, his successors or assigns.~~

Mayor Dave Potter
Members of the City Council
April 5, 2022
Page | 2

This revision is consistent with the City's prior use permit approved from 2003 and provides the Fountains with the assurance that they will not be threatened by future City representatives with the loss of their side yard.

The applicant would also request the revision to Section 3 of the encroachment agreement regarding insurance. The requested revision ensures that the insurance requirements are consistent with those previously contained in the lost permit and with other permanent encroachment permits for residential property and the requirements of the Fountain's original encroachment permit. The language contained in the draft agreement relates to commercial uses as opposed to residential uses.

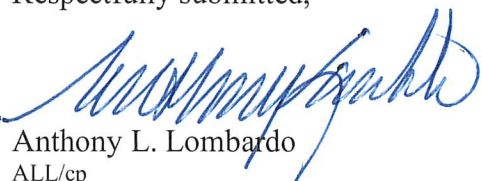
The Fountains request that Section 3 be revised as follows:

OWNER, agrees to provide CITY and maintain a certificate of insurance from an insurance carrier acceptable to CITY certifying that OWNER has public liability and property damage insurance with limits of not less than \$500,000 combined single limit for personal injury and/or property damage ~~for property located in R-1 zoning district and limits of not less than \$4,000,000 for property located in all other zoning districts~~. The certificate must indicate this insurance is primary over and other valid or collectible insurance CITY may have, insures owner's performance of this Hold Harmless Agreement and that the Carrier will notify CITY in the event of any material change in the policy, including the nonrenewal thereof. Said Certificate of Insurance must name CITY, its elected officials, officers, agents and employees as additional insured insofar as the insurance pertains to this encroachment. Owner further agrees to maintain said insurance as long as said encroachment remains on CITY property.

In the event of cancellation of nonrenewal, the insurance company will give thirty (30) days' written notice to CITY. The Certificate must be signed by an authorized employee of the insurance carrier and mailed to: City Clerk, Carmel-by-the-Sea, P.O. Box CC, Carmel-by-the-Sea, CA 93921.

This revision will make the terms of this encroachment permit consistent with what the City requires of other residential encroachments. Though this property is located on commercially-zoned property, it is a single-family residence. The form language would require \$4,000,000.00 of coverage for this property, which is clearly intended for commercial uses such as hotels or shops and restaurants downtown where the general public would have access to the encroachment area, increasing the City's potential liability.

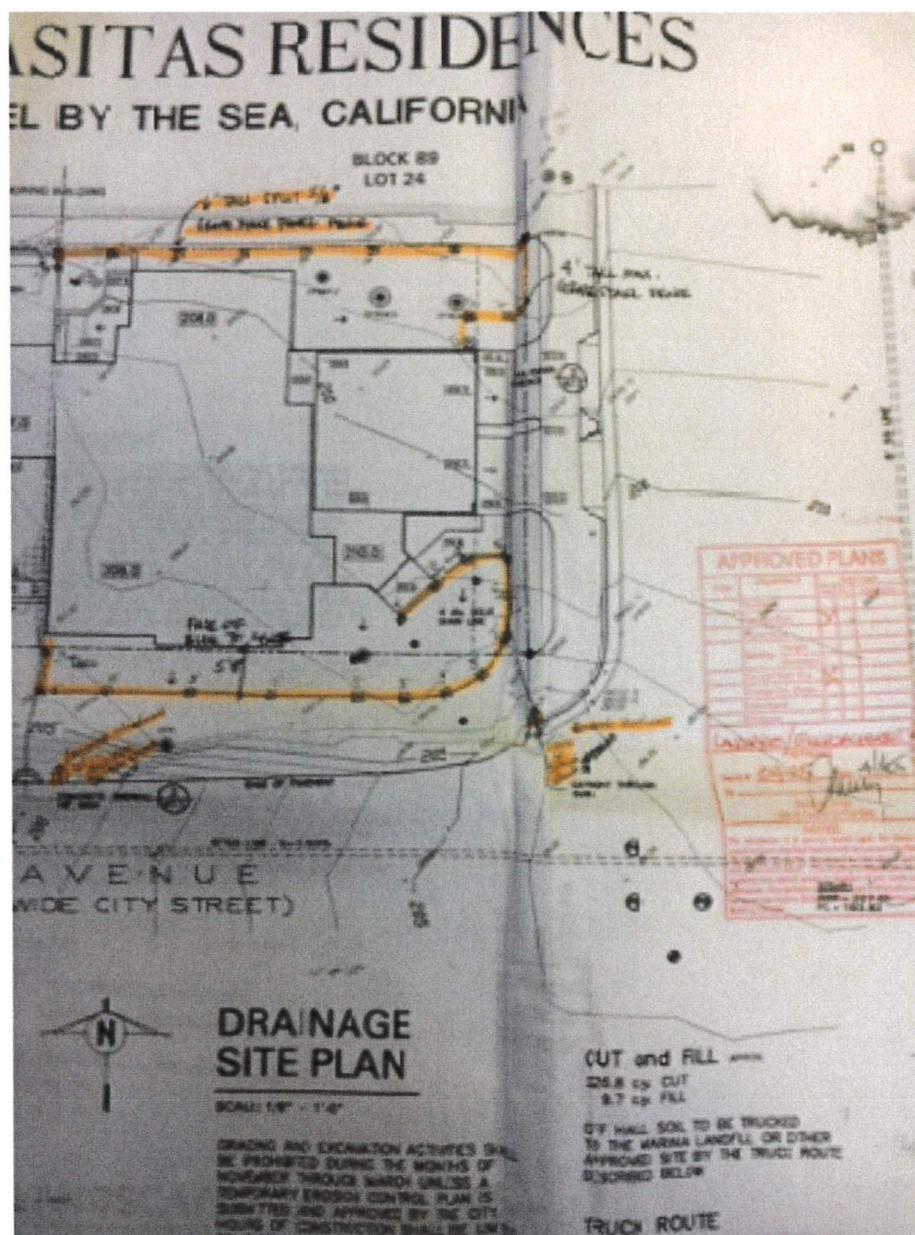
Respectfully submitted,



Anthony L. Lombardo
ALL/cp
Enclosure

Mayor Dave Potter
Members of the City Council
April 5, 2022
Page | 3

cc: Chip Rerig
 Brian Pierik, Esq.
 Brandon Swanson
 Marnie Waffle
 Client





Opposition to Resolution 2022-025

2 messages

Residents of Junipero and 7th <sender@5ymail.me>

Tue, Apr 5, 2022 at 2:25 PM

Reply-To: Residents of Junipero and 7th <Se8E2yVEjy1662782-628820-EN@5ymail.com>

To: cityclerk@ci.carmel.ca.us

Carmel City Clerk and Council,

I'm writing to voice opposition in regards to Resolution No. 2022-025 attempting to Approve the Conversion from a Single Stop Sign to an All-Way Stop-Controlled Intersection at 7th Street and Junipero Avenue.

We are residents that live in properties directly connected and impacted by the proposed construction and alteration. We are all opposed to construction of a stop sign on Junipero and 7th.

Personally, my home office has overlooked that intersection for almost a year now. In that time, I have never seen a single accident, argument, or even a foul word being uttered in regards to cars driving through that area.

Construction of a stop sign would cause an unnecessary build up of traffic in an area where it flows smoothly. It would cause a build up of cars stopping, idling, and waiting directly in front of the main windows of several residential homes. We oppose the increased traffic density, noise, and needlessly cluttered invasion of privacy which will be caused by a traffic bottleneck where one is not needed.

A decision to alter the nature and character of residential parts of Carmel should be evidenced based and in line with preserving the beauty inherent in the community. Increasing car noise, traffic, and reducing the charm of Carmel's residential streets represents the opposite attitude for which Carmel has come to be respected. From evaluating the evidence, it seems the only evidence is that there was a single accident almost three years ago. Since that time, the intersection has posed no issues. Therefore, needless policing and urbanization of Carmel's oldest neighborhoods is not desired nor warranted.

Again, we oppose this resolution and seek that decisions in this line should be evidence based and well-founded considering the consequent damage to the character, privacy, and flow of residential neighborhoods.

Sincerely,

Residents of Junipero and 7th.
