



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

Mayor Dave Potter, Councilmembers Jeff Baron,  
Alissandra Dramov, Karen Ferlito, and Bobby  
Richards  
Contact: 831.620.2000 [www.ci.carmel.ca.us](http://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

### CITY COUNCIL SPECIAL MEETING Monday, October 2, 2023 4:30 PM

#### HYBRID MEETING ATTENDANCE OPTIONS

This meeting will be held in person and via teleconference ("hybrid"). The public is welcome to attend the meeting in person or remotely via Zoom, however, the meeting will proceed as normal even if there are technical difficulties accessing Zoom. The City will do its best to resolve any technical issues as quickly as possible. To view or listen to the meeting from home, you may also watch the live stream on the City's YouTube page at: <https://www.youtube.com/@CityofCarmelbytheSea/streams>. To participate in the meeting via Zoom, copy and paste the link below into your browser.

<https://ci-carmel-ca-us.zoom.us/j/84456501219> Meeting ID: 844 5650 1219 Passcode:  
421225 Dial in: (253) 215-8782

#### HOW TO OFFER PUBLIC COMMENT

The public may give public comment at this meeting in person, or using the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to [cityclerk@ci.carmel.ca.us](mailto:cityclerk@ci.carmel.ca.us). Comments must be received at least 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 made part of the record.

#### CALL TO ORDER AND ROLL CALL

#### OPEN SESSION

#### PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

#### CONSENT AGENDA

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Council, Board or Commission or the public may ask that any items be considered individually for purposes of Council, Board or Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. August 30, 2023, Special Meeting Minutes, September 11, 2023, Special Meeting Minutes, and September 12, 2023, Regular Meeting Minutes
2. August Monthly Reports
3. August 2023 Check Register Summary
4. Consider Ordinance No. 2023-006 (second reading), which would amend the Carmel Municipal Code (CMC) Title 17 (Zoning) by repealing and replacing chapter 17.46 (Telecommunications and Wireless Facilities) and making conforming amendments to Zoning Code sections 17.08.040, 17.12.020, 17.14.030, 17.14.220, 17.18.030, 17.40.070, 17.52.150, 17.54.010, 17.54.040, 17.54.080, 17.58.030, 17.58.040, 17.68.070, 17.70.010 and 17.70.020 and to municipal code sections 12.08.050, 12.08.060, 13.28.070; and finding the same exempt from the California Environmental Quality Act and in full conformance with the City's Local Coastal Program and the California Coastal Act
5. Resolution 2023-092 authorizing the City Administrator to execute a Professional Services Agreement with Carmel Chamber of Commerce for Visitor Center operations and services for a not-to-exceed amount of \$60,000 and a term expiring on June 30, 2024
6. Resolution 2023-093 approving a supplemental budget appropriation to the Fiscal Year 2023-24 Adopted budget for Discretionary Grants in the amount of \$5,000 for the Carmel High School Mock Trial Team
7. Resolution 2023-094 authorizing a \$3,033 contribution to Interfaith Homeless Emergency Lodging Program (I-HELP) for emergency homeless shelter services
8. Resolution 2023-095 Approving the Reformation of the Climate Committee
9. Resolution No. 2023-096, approving the conversion from an uncontrolled to a 1-way stop-controlled intersection at Lincoln Street and First Avenue, and from an uncontrolled to a 2-way stop controlled intersection at Lincoln Street and Second Avenue
10. Resolution 2023-097 authorizing the City Administrator to purchase two (2) Dodge Ram 1500 Police Special Service Vehicles (SSV) Crew Cab 4X4 trucks from My Jeep-Chrysler-Dodge-Ram, not exceeding \$90,000
11. Resolution 2023-098 amending the professional services agreement with Joseph Systems, Inc. dba J4 Systems to increase the agreement amount by \$21,841.70 resulting in a new not-to-exceed amount of \$81,840.70

## **CLOSED SESSION**

- A. Public Employee Performance Evaluation pursuant to Government Code Section 54957; Title: City Administrator

## **ADJOURNMENT**

2. Correspondence Received After Agenda Posting

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, Harrison Memorial Library, located on the NE corner of Ocean Avenue and Lincoln Street, 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

October 2, 2023  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Nova Romero, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	August 30, 2023, Special Meeting Minutes, September 11, 2023, Special Meeting Minutes, and September 12, 2023, Regular Meeting Minutes

## RECOMMENDATION:

Approve Draft Minutes.

## BACKGROUND/SUMMARY:

The City Council routinely approves minutes of its meetings.

## FISCAL IMPACT:

None.

## PRIOR CITY COUNCIL ACTION:

None

## ATTACHMENTS:

Attachment 1) August 30, 2023 Special Meeting Minutes

Attachment 2) September 11, 2023, Special Meeting Minutes

Attachment 3) September 12, 2023, Regular Meeting Minutes

**CITY COUNCIL  
SPECIAL MEETING MINUTES**

**August 30, 2023**

**CALL TO ORDER AND ROLL CALL**

Mayor Dave Potter called the meeting to order in Carpenter Hall at the Sunset Center at 10:00 a.m.

Roll Call: Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, Mayor Pro Tem Bobby Richards, and Mayor Potter were all present.

**PUBLIC APPEARANCES**

Mike Buffo said he is still very interested in the Flanders Mansion project. Ken White and Laura Bolling spoke about the Carmel Area Wastewater District (CAWD) board meeting discussions regarding the development of a “Bridge to Everywhere” to construct a safe crossing over the Carmel River and invited the public to attend future meetings. Nancy Twomey said she would like to see the City develop a Downtown Master Plan and having a big picture plan for downtown would help guide many of the priority projects. Brian Sours spoke about the deteriorating state of the City’s beach infrastructure and sand erosion problems and asked for Council to address these critical repairs before the next storm season. Karyl Hall asked Council to consider having the Planning Commission involved in the process of deciding where to install Flock Cameras and allow for the public to give their input.

**ORDERS OF BUSINESS**

- 1. Conduct a workshop/retreat to discuss the City Council’s Strategic Priority Projects, gather input from the public, and provide direction to staff regarding prioritization of each project on the list. City Council may give directions to staff during strategic planning, however, any actions to implement such directions will be considered at future scheduled Council meetings.**

City Administrator Rerig gave a brief introduction of the item. He mentioned that yesterday the Council received the results of a community survey on Council priorities conducted by the Carmel Residents Association (CRA), as well as a separate survey on the Parking Management Program conducted by the Carmel Chamber of Commerce. He highlighted the 8 (eight) Council Priorities that have been completed to date:

1. Develop a Multi-Pronged Financial Strategy to Address Pension Liability
2. Restructure Peninsula Messenger Service for At-Home Letter Delivery
3. Develop Organics/Recycling Ordinance
4. Forest Theater Facilities Manager
5. Review and Update Sign Ordinance

6. Filling Vacancies
7. Pandemic Recovery
8. Update Purchasing Policy

City Administrator Rerig summarized the status of the following 22 currently active Council Priorities, including the percentage completed since the last workshop in January, and staff's projection through the end of the year. Mayor Potter opened public comment for input on each priority.

**1) Update Zoning Code and Design Guidelines (Residential & Commercial) AND Explore Reinstatement of the Design Review Board (DRB) – 75% complete – Top Priority**

Staff reported that the two combined projects are making good progress towards being completed towards the end of the year and anticipate that adoption hearings will begin in early 2024. Staff reiterated that since both projects need to go before the Coastal Commission for approval it is a lengthy process and requires copious staff resources. Councilmember Baron suggested that Board and Commission Member onboarding and training be thoroughly conducted, especially if the DRB is reinstated.

Public Comment:  
Nancy Twomey

**2) Develop Accessory Dwelling Unit (ADU) Ordinance – 75% complete – Top Priority**

Staff reported that the draft ADU Ordinance is making progress and is projected to go before the Planning Commission for review in November 2023. City Administrator Rerig explained that staff capacity is a major factor in the timeline for bigger projects, such as this one. He suggested that Council consider utilizing consultants to continue to move priorities through to completion.

**3) Develop Telecommunications Ordinance Consistent with Federal Law – 85% complete – Top Priority**

Staff reported that the draft Wireless Telecommunication Ordinance will be introduced at the September 12<sup>th</sup> Council meeting, and the final ordinance is on schedule to be adopted before the end of the year.

Public Comment:  
Tasha Witt

**4) Explore Opportunities for Permanent Outdoor Dining – 25% complete**

Staff reported that this item has no significant update as it has not been identified as a Top Priority. Council discussed the idea of adding or modifying this priority as “Developing a Downtown Master Plan”.

**5) Review Barriers to Construction of Affordable Housing – 75% Complete – Top Priority**

Staff reported that the Draft Housing Element, which addresses several barriers to affordable housing construction, was submitted to the California Department of Housing for review. Staff anticipates the State will provide their comments towards the end of the year, which will be incorporated, and the final Housing Element will be presented to Council for review and adoption.

Public Comment:  
Nancy Twomey

**6) Explore Redevelopment of the North Lot at Sunset Center – 0% Complete**

Staff reported that the Sunset Center North Lot was included in the Draft Housing Element as an affordable housing opportunity site. Staff added that due to staff capacity, other higher priority items, and the cost of redevelopment, there is no further projection at this time.

Public Comment:  
Nancy Twomey  
Ken White

**7) Police/Public Works Building Renovation Project – 20% Complete – Top Priority**

City Administrator Rerig said this item is possibly the highest priority on the list. He added that since the last workshop an Architect was selected, and the condition assessment is in progress. He said that staff projects that the consultant will have concept plans and cost estimates for renovation options and new facility presented to Council in a report by early 2024. He added that staff continues to meet with the ad hoc committee, and future exploration of a bond to finance the project may be necessary. Councilmember Baron commented that the current percentage complete be amended to 30%.

Public Comment:  
Karyl Hall  
Nancy Twomey  
Tasha Witt

**8) Review Opportunities for Enhanced Fire/Ambulance Services – 10% complete – Top Priority**

City Administrator Rerig said that the City is exploring new opportunities for enhanced Fire and Ambulance Services through a Joint Powers Agreement (JPA), a recommendation which originated from a past ad hoc committee. Councilmember Baron said he would like Council to explore other options aside from a JPA, such as contracting services with Cal Fire. Mayor Potter agreed and said future discussion on this topic should include reinstating an ad hoc committee.

Public Comment:

Brian Sours

Tim Twomey

**9) Develop a plan to ensure that the City's natural areas, as well as private property, are properly maintained to reduce fire risk – 55% Complete – Top Priority**

City Administrator Rerig said that following the tragic wildfires in Lahaina, Maui, reducing fire risk remains a top priority as staff continues to focus on removing fire fuel and working on other fire mitigation measures. Fire Chief Panholzer reported that the Community Wildfire Protection Plan (CWPP) draft will be presented to Council in the next couple of months. Councilmember Ferlito said it is vital to remain proactive through educating the community on ways to reduce fire risk, routine inspections, removing dead trees, tree pruning, and developing a citywide evacuation plan.

Public Comment:

Tasha Witt

Melanie Billig

Ken White

Sam Farr

JC Myers

Susan Vierre

Kevan Urquhart

Karyl Hall

Harvey Billig

**10) Develop Urban Forest Master Plan (UFMP) & Update Tree Ordinance – 60% complete – Top Priority**

Staff reported that the Forest and Beach Commission, Public Works, and Davey Resource Group consultants have been diligently working on the process of drafting the UFMP, finalizing a community survey, and holding public workshops. Staff reported they are on track to have the first draft of the UFMP for Council review toward the end of the year.

Public Comment:

Nancy Twomey

Dale Byrne

Tasha Witt

Melanie Billig

**11) Stormwater Ordinances Update – 90% Complete – Top Priority**

Staff reported that the draft Ordinance is nearly complete and will be presented to Council for a first reading in the next couple of months and is on track to be adopted by the end of the year.



**12) Volunteer Group Oversight/Facilitation – 75% complete**

City Administrator Rerig said that volunteer group facilitation, coordination, and oversight is an ongoing effort. Councilmember Ferlito suggested renaming the priority as “Volunteer Oversight, Facilitation, and Appreciation”, and advocated for celebrating, utilizing, and highlighting the wonderful volunteer groups in the community.

Public Comment:  
Tasha Witt

**RECESS**

Council took a recess at noon and resumed the meeting at 12:35 pm.

**13) Increase Beautification Efforts – Ongoing – 50% complete – Top Priority**

Staff reported that ongoing beautification efforts and coordination with Carmel Cares and other volunteer groups continues. Staff added that tree planting and median island landscaping continues to beautify the village. Council discussed the need for more frequent sidewalk and trashcan cleaning and creating incentives for business owners to pitch in. Mayor Potter suggested a quarterly award to the business who has the most clean/beautiful business front and sidewalk area as an incentive.

Public Comment:  
Tasha Witt  
JC Myers  
Kelly Francis  
Dale Byrne

**14) Develop a Facilities Maintenance Plan (Facility Renovation Projects) – 45% Complete – Top Priority**

Staff reported on the progress that is being made on various CIP projects, the City Hall parking lot retaining wall is completed, and other projects have completed design plans. Staff added that the current economy and inflation have resulted in facility renovation bids coming in at almost double the estimated cost, resulting in delays. Staff reported they are strategizing ways to work around these issues, and are continuing to obtain quotes for other projects.

Public Comment:  
Dale Byrne

**15) Underground Utilities Rule 20A – 40% Complete – Top Priority**

Staff reported that two preliminary concepts for undergrounding were submitted to PG&E, and both met criteria for funding through Rule 20A. Staff added that in November staff will submit the two options to council as well as a white paper regarding establishing an Assessment District and submit documents to PG&E to “lock in” allocations. Staff notes that it will be a long process and to expect a backlog for PG&E’s construction and that the California Public Utilities Commission (CPUC) rules may present challenges. Councilmember Baron suggested forming an ad hoc committee for this item to address a utilities assessment district.

Public Comment:

Dale Byrne

Tasha Witt

**16) Explore Opportunities for Scout House – 35% Complete – Top Priority**

Staff reported that a Request for Proposals (RFP) for renovation, activities programming and facility maintenance was released but no proposals were received. Staff requested further direction from Council to explore other opportunities for the Scout House based on the California Department of Housing and Community Development (HCD) findings.

Public Comment:

Nancy Twomey

Tasha Witt

Dale Byrne

**17) Coastal Engineering Study and Climate Committee – 20% Complete**

Staff reported that Consultants are preparing Coastal Engineering Study (CES) and that the Shoreline Infrastructure Condition Assessment was presented to Forest & Beach Commission in March, and the Beach Sand Survey was presented to the commission in August. Staff also projected that by the end of the year an RFP for a coastal engineering firm will be released, and staff will request Council approval to enter into an agreement with the selected firm.

Public Comment:

Kelly Brezoczky

**18) Review/Reformulate Approach to Reserves/Update Financial Policies – 35% Complete – Low Priority**

Staff reported that the Fiscal Year 22-23 financial audit will provide the Finance Manager the opportunity for thorough review and updates to policies.

Public Comment:

Tasha Witt

**19) Develop and Implement Social Media Plan – 50% Complete – Low Priority**

Staff reported that the City recently launched a City website refresh, however, more funds may be needed to make additional improvements. Staff is seeking direction on whether this should remain a priority or change the scope. Councilmember Ferlito said that future discussion on the best methods for communicating with residents, such as via newsletters, or other methods for emergencies. Councilmembers Baron and Dramov suggested renaming the priority to something else other than social media plan, such as communication with residents.

Public Comment:  
Nancy Twomey  
Tasha Witt

**20) Explore Opportunities for Flanders Mansion – 10% Complete – Top Priority**

Staff is seeking Council direction on the next steps, priority level, and timeline for the Flanders Mansion project.

Public Comment:  
Tasha Witt

**21) Street Addresses – 30% Complete – Top Priority**

Staff reported that they are continuing to research options for street addresses while continuing to build a relationship and communicate with the Carmel postmaster. Staff will provide an update to Council within the next couple of months providing options. Councilmember Ferlito commented that by not having street addresses the City is not in compliance with existing Fire Code that states that new and existing buildings are required to have “an approved address...with the numbers plainly visible from the road”.

Public Comment:  
Betty Kullas  
Nancy Twomey  
David O’Neil  
Tasha Witt  
Melanie Billig  
Kevan Urquhart  
Susan Viere  
Harvey Billig  
JC Myers  
Tim Twomey

## **22) Explore Parking and Traffic Management Program – 50% Complete – Top Priority**

City Administrator Rerig announced that Council will receive an update from the consultant on the Parking and Congested Traffic (PACT) Program at the October 3<sup>rd</sup> City Council meeting to allow the residents more time to submit their feedback.

Public Comment:  
Betty Kullas

City Administrator Rerig mentioned two items which were previously identified by Council as a possible new priorities:

- 1) Outdoor Wine Tasting - Ordinance Modification
- 2) Carmel Area Waste Water District (CAWD) - Carmel River Bridge

Council gave consensus direction that both items will be discussed at a future meeting whether to add to the list of priorities. City Administrator Rerig recommended that if CAWD is added to the list it be a low priority. Community Planning and Building Director Swanson said that further direction from Council is needed to proceed with an Outdoor Wine Tasting Ordinance. Mayor Potter suggested a Wine Tasting Ordinance ad hoc committee, consisting of himself and Councilmember Baron, and further direction would be given to staff at the October Council meeting.

Public comment:  
Kim Stemler

City Administrator Rerig summarized a list of items currently being worked on that require much staff capacity to complete to keep in mind when adding priorities:

- Beach Fire Ordinance
- Historic Context Statement Update (Round 2) – grant funds from the state to hire a consultant to help format and update language.
- Sign Ordinance Revision
- Timeshare Ordinance
- Update General Plan Safety Element
- Round 2 of Scanning/Digitizing - all of the rolled up plans at Vista Lobos
- Establish a formal Citywide policy/ordinance regarding the use of copper for water conveyance (gutters, downspouts, scuppers, roofing, etc)

Councilmember Baron requested that Council consider adding the following items to the list of priorities:

- Transient Occupancy Tax (TOT) Increase - explore getting on the 2024 ballot as a possible revenue source for City Infrastructure such as the new Police Department building.
- Board and Commissioner training.
- Undergrounding Power Lines – as a bigger project, separate from Rule 20A, appointing an ad hoc committee.

- Car Week Impacts – Safety, preparedness

Mayor Pro Tem Richards said he would like to form an ad hoc with himself and Baron to discuss Fire and Ambulance ad hoc, as well of some members of the public that were on the previous ad hoc such as Tim Twomey. Councilmember Ferlito said she would like to discuss use of the Rio Park that is not currently annexed when addressing the CAWD Bridge to Everywhere Project.

## **ADJOURNMENT**

Council adjourned at 2:14 pm.

SIGNED:

ATTEST:

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Mayor Potter, Mayor

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Nova Romero, MMC, City Clerk

**CITY COUNCIL  
SPECIAL MEETING MINUTES**

**September 11, 2023**

**CALL TO ORDER AND ROLL CALL**

Mayor Potter called the meeting to order at 4:30 pm.

Roll Call: Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, Mayor Pro Tem Bobby Richards, and Mayor Potter were present.

**PUBLIC APPEARANCES**

None

**CLOSED SESSION**

City Attorney Brian Pierik read the closed session titles.

**A. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: GTE Mobilnet of California Limited Partnership v. City of Carmel-by-the-Sea; US District Court Case No. 22-16153

**B. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (One case – Claim by Kostigen Family Trust)

**ADJOURNMENT**

APPROVED:

ATTEST:

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Dave Potter, Mayor

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Nova Romero, MMC, City Clerk

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

**REGULAR MEETING MINUTES**

**September 12, 2023**

**TOUR OF INSPECTION - 3:30 p.m.**

Council conducted a tour of inspection at the following locations:

1. Southeast Corner of Dolores Street and 7th Avenue (JB Pastor Building)
2. Pine Inn Parking lot NE corner of Monte Verde and 6th

**OPEN SESSION 4:30 p.m.**

**CALL TO ORDER AND ROLL CALL**

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

Roll Call: Councilmembers Jeff Baron, Alissandra Dramov, Karen Ferlito, Mayor Pro Tem Richards, and Mayor Dave Potter were all present.

**PLEDGE OF ALLEGIANCE**

Mayor Potter led the pledge of allegiance.

**EXTRAORDINARY BUSINESS**

**Proclamation for September as Childhood Cancer Awareness Month**

Mayor Pro-Tem Richards read the Childhood Cancer Awareness Month Proclamation - Presented to Jacob's Heart.

**Carmel High School Report Out**

Shayla Dutta, Carmel High Student and CHS Mock Trial Team President gave a summary of the Mock Trial Academic Team and thanked the Council for their generous donation supporting the team last year. She said that this year they have the honor to attend the World Championship Mock Trial in Chicago again this November and asked for the Council's support to sponsor the team to attend.

**PUBLIC APPEARANCES**

Ovilee Kennedy spoke about concerns that 6 oak trees that were removed from her property by the previous Forester, resulting in lack of privacy and sound barrier, and requested that the Forester come back to plant replacement trees. Nancy Twomey, representing the Carmel Residents Association (CRA), asked the City to consider the results of the CRA survey results when making decisions and asked that the City provide an update on the comments received from the State on the City's Housing Element. Richard Kreitman asked the Council to consider

moving the Scout House building to another location, such as the Sunset Center lot, then the land under the Scout House could be sold.

## **ANNOUNCEMENTS**

City Administrator - Thanked the Police Department, Public Works, and Community Activities staff for ensuring a safe Car Week event in the village and encouraged everyone to take the car week survey on the city's website. He said that last week he attended a promotional ceremony at the Fire Station for the personnel receiving their official promotions. He announced that the HCD has not mentioned any comments on the City's Housing Element.

City Attorney - City Attorney Pierik announced that there was no reportable from Closed Session on September 11, 2023.

Councilmember Dramov - Announced that the Police Flock Camera ad hoc committee met yesterday and asked anyone who has questions about the cameras to contact them.

Councilmember Ferlito - Attended a ReGen meeting and learned about the many dangers of batteries in garbage bins that end up in landfills which can cause spontaneous fires, and cautioned the public to dispose of batteries correctly by placing them on top of the garbage cans.

Mayor Pro Tem Richards - Reported that he recently visited the beautiful town of Carmel, Indiana, which is frequently confused with Carmel-by-the-Sea.

Mayor Potter - Reported that he attended the Monterey Symphony performance last week entitled "Love Letter from Carmel" at the Sunset Theater and noted the amazing performance.

## **CONSENT AGENDA**

City Clerk Romero requested that item #8 be removed from consent and continued to October to make corrections to the Resolution verbiage.

**Motion by Mayor Pro Tem Richards to adopt Consent agenda items 1-7, and 9-13, seconded by Councilmember Baron, and approved 5-0-0-0 by the following roll call vote:**

**AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**Item 1** - July 31, 2023 Special Meeting Minutes, and August 1, 2023, Regular Meeting Minutes

**Item 2** - July 2023 Monthly Reports



**Item 3** - July 2023 Check Register Summary

**Item 4** - Resolution 2023-081, authorizing the City Administrator to apply for and accept funds from the California Coastal Commission Local Coastal Program Local Assistance Grant Program for the Coastal Engineering and Adaptation Planning Project

**Item 5** - Resolution 2023-082, rejecting all bids received for four Facility Renovation Projects, and directing staff to evaluate alternative contracting methods before re-advertising for Bids

**Item 6** - Resolution 2023-083, authorizing the City Administrator to execute Amendment No. 1 to the Professional Services Agreement with BKF Engineers for the Concrete Streets Repair Project, for a not-to-exceed fee of \$49,092

**Item 7** - Resolution 2023-084 authorizing the City Administrator to execute Amendment No.1 with Digital Deployment, Inc. for website and hosting services for a new not to exceed amount of \$181,150 and extend the contract through June 30, 2028

**Item 9** - Resolution 2023-086 authorizing and approving the City of Carmel-by-the-Sea current pay rates and ranges (salary schedule)

**Item 10** - Resolution 2023-087 Accepting a Donation of \$7,500 for the Carmel-by-the-Sea Police Department

**Item 11** - Resolution 2023-088 Accepting a Donation of Twenty-Five Thousand Dollars (\$25,000.00) to the City of Carmel-by-the-Sea's Forest Hill Park

**Item 12** - Adopt Resolution 2023-089 authorizing a refund of a Mills Act application fee in the amount of \$2,688 to Chris Fenton

**Item 13** - Adopt Resolution 2023-090 authorizing a refund of a Mills Act Contract application fee in the amount of \$2,688 to Katherine Shaw

**ITEMS PULLED FROM CONSENT**

**Item 8** - Resolution 2023-085 authorizing the City Administrator to execute a Professional Services Agreement with Carmel Chamber of Commerce for Visitor Center operations and services for a not-to-exceed amount of \$60,000 and a term expiring on June 30, 2024

City Clerk Romero requested to pull this item from consent and bring it back in October with corrections made to the Resolution verbiage. Council gave consensus approval to continue this item to the October Council Meeting.

**PUBLIC HEARINGS**

**Item 14** - Consideration of initiating amendments to the General Plan and Local Coastal Plan to change the General Plan land use designation for the Pine Inn parking lot (APN 010-212-010) from Single-Family Residential to Multi-Family Residential and facilitate the transfer of hotel rooms from the Pine Inn to the Pine Inn parking lot.

Principal Planner Marnie Waffle gave a presentation on the item and answered questions from Council. She asked Council to provide direction to staff and the applicant regarding initiating a General Plan/Local Coastal Plan Amendment and associated rezoning of the Pine Inn parking lot.

Applicant Erik Dyar spoke and gave a presentation to Council about the potential proposed design plans to the Pine Inn parking lot.

Public Comment:

Cindy Lloyd, Ian Martin, Victoria Beach, and Donald Goodhue, spoke in favor of applicant Erik Dyar's proposed plan. Mike Brown asked about the number of parking spots that will be added, if any, to accommodate the additional units. Anne Carwile said she owns the cottage right by the Pine Inn and said she is opposed to the proposed plan due to traffic concerns and the blocking of views and would like to see regular housing rather than more hotel rooms.

Erik Dyar stated that the number of rooms at the Pine Inn would not be increased, just moved. He proposed traffic control measures for entering and leaving the parking lot, light mitigation measures.

Council discussion resumed. Council discussed the advantages and disadvantages to re-zoning the property for R-4 residential. Councilmember Dramov and Baron voiced their concerns about rezoning this property.

Council gave consensus direction supporting the initiation of a General Plan and Local Coastal Plan Amendment and associated rezoning of the Pine Inn parking lot.

**Item 15** - Review the Historic Resources Board's July 17, 2023 decision to issue a Determination of Consistency with the Secretary of the Interior's Standards for the construction of a 15,351-square-foot mixed-use building with a 9,805-square-foot subterranean garage on a portion of the Northern California Savings & Loan Complex site, and consider adoption of Resolution 2023-091 upholding the Determination of Consistency and conditions of approval for the construction project DR 23-140 (Esperanza Carmel Commercial – JB Pastor Building)

Mayor Pro Tem Richards said he has a conflict of interest with this project and recused himself from the item, and left the dais at 5:38 p.m.

City Attorney Pierik read the title of the item. Evan Kort submitted a staff report for this item, which summarizes the following:

- The applicant for the project DR 23-140 (Esperanza Carmel Commercial – JB Pastor Building) proposed relocating the concrete ornamental wall (“wall”) at the Palo Alto Savings and Loan Complex on the Southeast Corner of 7<sup>th</sup> Avenue and Dolores Street.
- The Historic Resources Board (HRB) issued a Determination of Consistency with the Secretary of the Interior’s Standards to proceed with the project on July 17, 2023.
- During the 10-day appeal period, two Councilmembers, Dramov and Ferlito enacted the City Council Right of Review per CMC 2.04.160 to review the decision made by the HRB both specifically noting the relocation of the concrete wall as the primary concern.

Council Members Dramov and Ferlito addressed their specific concerns about the relocation of the wall, stating that it is a historic and artistic wall, and the project is not consistent with the Secretary of Interior’s Standards.

The applicant for the Project spoke about the project and mentioned that he has been working with the City Planners and Historian to preserve the historical element of the wall by relocating the wall. He requested that the City Council uphold the decision of the HRB. Ryan Eshman, on behalf of the applicant, spoke in favor of the HRB’s decision and said he disagreed that the proposed project is inconsistent with the Secretary of Interior’s standards, and reiterated that relocating the wall is a good compromise.

Public Comment:

Craig Gross  
Neal Kruse  
Logan Allison  
Donald Goodhue  
Ian Martin  
Cindy Lloyd  
Christy  
Mike Brown  
David O’Neil  
Carolyn Walker Davis  
Libby Barnes  
Victoria Beach

Council considered the staff reports, attachments, recommendations, and testimony given.

**Councilmember Dramov made a motion to overturn the HRB’s decision, based on violation of the Secretary of Interior Standards #2, #5 and #9, and direct staff to return with a modified Resolution in October including the following conditions and requirements: 1) require the applicant to modify their project plans to maintain spatial relationship with the wall, 2) the bulk and mass (site context) in the front of the building facing Dolores be preserved, 3) the new building be 4-5 feet away from the wall, 4) the nails be removed and nail holes be repaired, 5) the modified project design review plans be reviewed and**

**approved by the Planning Commission, seconded by Councilmember Ferlito, and approved 4-0-0-1 by the following roll call vote:**

**AYES: Councilmembers Baron, Dramov, Ferlito, and Mayor Potter**

**NOES: None**

**ABSENT: None**

**ABSTAIN: Mayor Pro Tem Richards (recused)**

**RECESS**

Council took a recess at 7:00 pm and returned to the dais at 7:15 pm. Mayor Pro Tem Richards returned to the dais at 7:15 pm.

**Item 16** - Introduction of Ordinance No. 2023-006 (first reading), which would amend the Carmel Municipal Code (CMC) Title 17 (Zoning) by repealing and replacing chapter 17.46 (Telecommunications and Wireless Facilities) and making conforming amendments to Zoning Code sections 17.08.040, 17.12.020, 17.14.030, 17.14.220, 17.18.030, 17.40.070, 17.52.150, 17.54.010, 17.54.040, 17.54.080, 17.58.030, 17.58.040, 17.68.070, 17.70.010 and 17.70.020 and to municipal code sections 12.08.050, 12.08.060, 13.28.070; and finding the same exempt from the California Environmental Quality Act and in full conformance with the City's Local Coastal Program and the California Coastal Act; and, Adopt the "Administrative Detailed Wireless Facility Design Guidelines" approved by the Planning Commission

City Attorney Pierik read the title of Ordinance No. 2023-006. Community Building and Planning Director Swanson gave a presentation on the item and answered questions from Council. Gail Karish, Consultant Attorney from Best Best and Krieger answered legal questions from Council.

Councilmember Baron suggested amending the Ordinance so that only the Planning Commission needs to review and approve the application and remove the requirement HRB from needing to review the application to keep the process streamlined and avoid running out the "shot clock".

Public Comment:

Craig Gross

Tasha Witt

Christy Hollenbeck

Logan Allison

Ken White

Nancy Twomey

Kaliani Gilliam

Jeanne Ferrara

Dylan Witt

Michael McWalters

Hannah Borris

***Motion by Mayor Pro Tem Richards to read by title only, waive full reading and introduce Ordinance 2023-006, incorporating the additional language proposed to 17.46.070 “Posted and Hand Delivered Notices” that the Director shall provide the hand delivered postcard notice to neighbors within 100-foot radius of the site, and add additional language to 17.46.080(A)1.a regarding “or have an adverse impact on property values.” Motion Seconded by Councilmember Dramov.***

Council discussion resumed.

***Councilmember Baron made a friendly amendment to the motion to request removing Historic Resources Board (HRB) approval from the process. Amendment failed due to lack of second.***

***Councilmember Dramov made a friendly amendment to the original motion by Mayor Pro Tem Richards to amend the Ordinance language to state that the HRB review and Planning Commission review occur at a joint meeting. Amendment failed due to lack of second.***

***Mayor Pro Tem Richards re-stated his original motion, to read by title only, waive full reading and introduce Ordinance 2023-006, incorporating the additional language proposed to 17.46.070 “Posted and Hand Delivered Notices” that the Director shall provide the hand delivered postcard notice to neighbors within 100-foot radius of the site, and add additional language to 17.46.080(A)1.a regarding “or have an adverse impact on property values.” Motion Seconded by Councilmember Dramov.***

Council discussion resumed.

***Councilmember Baron asked if Council would agree to amend the motion on the table further, to amend Ordinance section 17.46.070.C to state that the Planning Commission or HRB “may hold a special meeting if required”, and 17.46.080.1.A amending the Ordinance language to state that the proposed wireless facility complies with all the applicable development design guidelines, and to move the property value section into the worksheet.***

Council discussion resumed. Motion amendment by Councilmember Baron died due to lack of second.

***Mayor Pro Tem Richards made a new motion, to read by title only, waive full reading and introduce Ordinance 2023-006 “clean version” proposed, with the following two amendments:***

- 1) Amend the language in 17.46.070 (A) 1 to “the Director shall provide the hand delivered postcard notice to neighbors within 100-foot radius of the site”; and***
- 2) Add additional language to 17.46.080(A)1.a regarding “or have an adverse impact on property values.”***

***Motion Seconded by Councilmember Dramov. City Attorney Pierik read the full title of Ordinance 2023-006.***

**Council approved the motion and introduced Ordinance 2023-006 by the following roll call vote:**

**AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

Council addressed the recommendation by staff to adopt the “Administrative Detailed Wireless Facility Design Guidelines” that was approved by the Planning Commission.

**Motion by Mayor Pro Tem Richards to adopt the “Administrative Detailed Wireless Facility Design Guidelines” approved by the Planning Commission, seconded by Councilmember Dramov and approved 5-0-0-0 by the following roll call vote:**

**AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

#### **FUTURE AGENDA ITEMS**

None

#### **ADJOURNMENT**

Council adjourned at 8:36 pm

SIGNED:

ATTEST:

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Mayor Potter, Mayor

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Nova Romero, MMC, City Clerk



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

October 2, 2023  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Nova Romero, City Clerk

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** August Monthly Reports

## RECOMMENDATION:

Review and receive monthly reports.

## BACKGROUND/SUMMARY:

This is a monthly series of reports:

- City Administrator Contract Log - *No contracts under \$60K were executed in August*
- Community Planning and Building Department Reports
- Police, Fire, and Ambulance Reports
- Public Records Act Requests
- Public Works Department Reports

## FISCAL IMPACT:

N/A

## PRIOR CITY COUNCIL ACTION:

N/A

## ATTACHMENTS:

- Attachment 1) Community Planning and Building Department Reports
- Attachment 2) Police, Fire, and Ambulance Reports
- Attachment 3) PRA Log
- Attachment 4) Public Works Report for August 2023



# CITY OF CARMEL-BY-THE-SEA Monthly Report

## Community Planning and Building Department

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Leah Young, Administrative Coordinator
SUBMITTED ON:	September 12, 2023
APPROVED BY:	Brandon Swanson, Director of Community Planning and Building

### AUGUST 2023 – DEPARTMENT ACTIVITY REPORT

#### I. PLANNING PERMIT APPLICATIONS:

In August 2023, **40** planning permit applications were received.

#### II. BUSINESS LICENSE APPLICATIONS:

In August 2023, **4** business license applications were received.

#### III. BUILDING PERMIT APPLICATIONS:

In August 2023, **48** building permit applications were received.

#### IV. CODE COMPLIANCE CASES:

In August 2023, **25** new code compliance cases were created.

#### V. TRANSIENT RENTAL COMPLIANCE CASES:

In August 2023, **3** new transient rental compliance cases were created.

#### VI. ENCROACHMENT PERMIT APPLICATIONS:

In August 2023, **27** encroachment permit applications were received.

#### VII. TREE PERMIT APPLICATIONS:

In August 2023, **32** tree permit applications were received.



Table 1 includes the following August 2023 totals:

- Planning Permit Applications
- Business License Applications
- Building Permit Applications
- Code Compliance Cases
- Transient Rental Cases
- Encroachment Permit Applications
- Tree Permit Applications

August 2023 totals are provided alongside August 2022 totals for comparison. Compared to the same time period in the year 2022, Table 1 denotes percentage changes in the year 2023.

**Table 1**  
**Permit Application Totals and YTD Percentage Changes**

	PLANNING	BUSINESS LICENSES	BUILDING	CODE COMPLIANCE	TRANSIENT RENTAL COMPLIANCE	ENCROACHMENTS	TREE REMOVAL & PRUNING
2022 YTD Totals	264	40	336	166	26	179	124
2023 YTD Totals	276	51	418	135	26	187	278
YTD % Difference	+ 4.55%	+ 27.50 %	+ 24.40%	- 18.67%	0.00%	+ 4.47%	+ 124.19%



# Planning Permit Report

08/01/2023 - 08/31/2023

Permit #	Permit Type	Project Description	Address/Location	Date Received	Date Approved	Status
23275	Design Study	Replace existing stucco on residence, remove rear deck and paving, replace asphalt driveway with new pavers, and remove storage closets from carport to allow for full-size carport. Install new paver patio at back of property, replace composite shake roof with new wood shake roof.	Casanova 2 SW of 2nd	8/31/2023		Pending Assignment
23274	Design Review	New Fence and Gate that will sit in the front yard Setback. New 4' high Gate and Fence that will extend 6' into the 15' front yard setback in accordance with Table 17.10G. See related Building Permit Submission for ADU for existing and proposed site plan showing proposed fence and gate.	Vizcaino 7 SW of Mountain View	8/30/2023		Pending Assignment
23273	Design Study	Remodel and addition. Existing residence to be remodeled and new exterior porch and bay window to be added on street elevation. New bedroom wing to be added to the rear of the existing residence. Existing garage to be removed and new bedroom built in the foot print, new garage to be added.	Guadalupe St 3 SE of Third St	8/30/2023		Pending Assignment
23272	Design Study	Minor landscape improvements to existing landscape, which includes existing fencing repairs, hardscape improvements, new trellis, new planting, and irrigation.	NW CORNER OF SANTA LUCIA AND MONTE VERDE			Pending Assignment

23271	Design Study	Amend existing design study 22-097 to include the addition of a new skylight.	San Antonio 4 NE of 4th	8/29/2023	Attachment 1	Pending Assignment
23270	Design Study	Addition of one skylight in the shower and moving one existing skylight approx 2'.	Monterey 3 SW of 1st	8/29/2023		Pending Assignment
23269	Design Study	We are proposing to replace an existing 10' privacy hedge with a 10' wood fence as is described in the attached exhibits.	2981 Johnson Way			Pending Assignment
23268	Design Study	PROPOSED: New detached ADU with new pervious decking and impervious porch.	Carpenter St. 3 NE of 3rd Ave.	8/28/2023		Pending Assignment
23267	Sign	Install retail sign above window of Land & Sea Golf located in Carmel Plaza (Second Level of Land & Sea, 3rd Floor of Plaza). Current hanging sign on first level of store will remain unchanged. Colorized rendering of proposed wooden lettering attached, in addition to images of storefront at present.	Ocean Avenue & Mission Street, Carmel Plaza, Suite #212	8/29/2023		In Review
23266	Design Review	Repaint the storefront of Land & Sea Golf located in the Carmel Plaza (Both Floors). No structural / trim changes will occur. Colorized rendering attached, in addition to images of storefront at present.	Ocean Avenue & Mission Street, Carmel Plaza, Suite #212	8/29/2023		In Review

23265	Design Study	This revised design study application is an amendment to the previously approved DS 22-287. The design study amendment includes the addition of a new redwood deck in the front area with cable railing to replace an existing concrete patio, new windows at the front 2nd floor elevation and new lighting at the exterior.	MISSION 4 SW OF 10TH	8/25/2023		Attachment 1 In Review
23264	Historic Evaluation	Phase 1 Intensive	Junipero 2 SW of 10th			In Review
23263	Landscape Plan Check/Inspection	This approval of Landscape Design application LD 23-263 (Davis) authorizes revisions to the approved landscape plan (DS 17-398, Quan) and minor site modifications to a single-family residence currently under construction located at the northwest corner of Carpenter Street and 6th Avenue in the Single-Family Residential (R-1) District as depicted in the plans prepared by Bliss Landscape Architecture stamped approved and on file in the Community Planning & Building Department unless modified by the conditions of approval.	SW Corner of 6th and Carpenter	8/24/2023	8/25/2023	Approved
23262	Sign	Installation of new sign for Carmel Fine Rugs	Dolores 3 SE of 5th	8/24/2023		In Review
23261	Design Study	Garden redesign for safety and outdoor enjoyment	0 mission 2 nw of santa lucia avenue			In Review
23260	Historic Evaluation	HISTORICAL EVALUATION. Skylight. See DS 23-259 (Shira Lowell & Anne Gowan Trust)	Perry Newberry, 2 SW of 5th Ave.			In Review

23259	Design Study	New Skylight on West facing roof facing the back yard. See HE 23-260 (Gowan).	Perry Newberry Way 2 SW of 5th Avenue			In Review
23258	Design Study	Resurface existing front gate pillars and exterior chimney facade with stone veneer to match new permitted hardscape.	Forest 2 SE of 8th	8/21/2023		In Review
23257	Design Study	Creating an unimproved surface driveway to connect City street to existing on-site pavers.	San Carlos 2 NW of Santa Lucia	8/18/2023		In Review
23256	Temporary Use Permit	Requesting that Barmel Supper Club be open until 12:00 am (midnight) to offer our food menu, on Friday, August 18 and Saturday, August 19, 2023 (which allows in-process dining guests to finish up after midnight, but no additional guests allowed in past 12:00 am). The kitchen will be open until midnight, and the clearance time of all guests in Barmel Supper Club will not exceed 1 :00 am. We will not have any live music, and we will respect our occupancy of 48 people inside the Barmel Supper Club. Due to the anticipated increased crowd, we will have four additional staff members and one extra security person on site. Carmel Square will also hire and appoint an independent security officer that will be on site between the hours of 1 0:00pm and 2:00a th nights. This officer will have the ability to assist with local authorities if needed. If at any time t re is a security issue, the facility will close immediately.	Carmel Square, San Carlos & 7th Ave	8/15/2023		In Review

23255	Design Study	MINOR REMODEL OF AN EXISTING SINGLE FAMILY HOUSE. REPLACE (7) EXISTING WINDOWS, LIKE FOR LIKE. REPLACE (1) EXISTING WINDOW WITH NEW SLIDING GLASS DOOR. NEW WINDOWS TO BE AN ALL ALUMINUM PRODUCT FROM 'ALL WEATHER', NEW SLIDING GLASS DOOR TO BE ALUMINUM CLAD PRODUCT FROM 'KOLBE'. INSTALL A 3'Wx1'D BRICK STEP AT THE NEW SLIDING GLASS DOOR. REMOVE 3 SF FROM EXISTING BRICK PATIO AT BACK OF HOUSE TO OFFSET ADDED LOT COVERAGE. INSTALL (1) NEW EXTERIOR DOWNLIGHT AT SLIDING GLASS DOOR. THE EXISTING WINDOWS ARE ALL SINGLE PANE WHICH CREATES SIGNIFICANT HEAT LOSS IN THE HOME AS WELL AS CONDENSATION ISSUES LEADING TO WATER INTRUSION IN THE HOME. THE EXISTING WINDOWS ARE NON-TEMPERED AND DO NOT COMPLY WITH THE BEDROOM EGRESS REQUIREMENTS RESULTING IN UNSAFE CONDITIONS.	Torres 3 SE of 1st Avenue	8/14/2023		
23254	Sign	Install new sign	Carmel Plaza, Suite #204			In Review

23253	Design Study	REMODEL AND REPAIR OF EXISTING 2-STORY HOUSE. REPLACE EXISTING GLASS SUNROOM WITH NEW WALL FRAMING, ROOF FRAMING, WINDOWS, AND DOORS. REPAIR FLOOR FRAMING FROM WATER DAMAGE AS REQUIRED. REMODEL EXISTING DOWNSTAIR BATHROOM PER PLAN: REPLACE FINISHES AND PLUMBING FIXTURES	Santa Fe Street 2 SW of 4th Avenue	8/10/2023		Attachment 1 In Review
23252	Design Study	See Sheet G1.0. INTERIOR REMODEL OF AN EXISTING SINGLE FAMILY RESIDENCE WITH AN ATTACHED GARAGE. NEW DOORS, WINDOWS, PLUMBING AND ELECTRICAL. NEW CLASS A COMPOSITION ROOFING AND SEWER LATERAL. NO GRADING OR LANDSCAPING IS PROPOSED.	2836 Santa Lucia Avenue, Carmel, CA 93923	8/14/2023		In Review
23251	Design Study	Replace driveway. Renovate and add new patios and walk ways. Replace retaining walls as necessary. Add planting, irrigation and low voltage lighting.	NW Corner of Camino Real and 4th Avenue	8/7/2023		In Review

23250	Landscape Plan Check/Inspection	This approval of Landscape Design application LD 23-250 (Fountain) authorizes the installation and maintenance of landscaping in the public right-of-way on the south side of your property fronting 8th Avenue at the northwest corner of Junipero Avenue and 8th Avenue in the Residential and Limited Commercial (RC) District as depicted in the plans prepared by BFS Landscape Architects dated 7/21/2013 stamped approved and on file in the Community Planning & Building Department unless modified by the conditions of approval.	NWC Junipero & 8th Ave	8/11/2023	8/25/2023	Approved
23249	Design Study	Development of a new single story family dwelling with a basement, and an attached one car garage. New Stone Patio, Driveway, and walkways set on sand. Tree removal, 30% slope total 905.4 sq.ft.	Junipero St. 3 NE of 12th Ave.	8/4/2023		In Review
23248	Design Study	Interior remodel to an (E) 1590 SF one story residence and addition of a 210 SF second story with elevator.	Dolores Street 2 SE of 9th	8/4/2023		In Review
23247	Landscape Plan Check/Inspection	PUBLIC RIGHT OF WAY: Plant Hollies and decorative Rosemary. Install decomposed granite. See attached drawings.	Dolores 3 SE of 3rd	8/4/2023		In Review
23246	Historic Evaluation	HISTORIC EVALUATION. Proposed Project: Renovate & repair. Replace single-pane aluminum windows with wood/aluminum clad, white, double-pane windows.	SW Corner of 8th & Mountain View	8/3/2023		In Review



23245	Design Study	Outdoor fireplace. Revision 1 includes exterior changes for permit permit BP 23-146.	Carpenter 2 SE of 4th	8/4/2023		Attachment 1 In Review
23244	Use Permit	Temporary use permit for private party (wedding) at Edwin's, 08/05/2023. 8:00 p.m. until 1:30 a.m. Guitar player with amp. No live music after 10:00 p.m.	SW Corner of San Carlos & 6th	8/3/2023		Denied
23243	Landscape Plan Check/Inspection	Landscape plan for city ROW at corner and street sides	Corner of Casanova and Fraser	8/3/2023		In Review
23242	Sign	Install one (1) non-illuminated wood sign.	W Mission Street & 5th	8/1/2023	8/17/2023	Approved
23241	Historic Evaluation	HISTORICAL EVALUATION. Proposed Project: Convert (e) Family Room into two (2) new bedrooms. Total bedrooms to be three (3). Convert (e) Laundry & Powder Room to (n) bathroom. Add new exterior window at lower floor hallway. Wood window to match (e) windows.	Torres 1 NW of 2nd	5/23/2023		In Review
23240	Preliminary Site Assessment	Remodel of an existing 1113 square foot residence and addition of 286 square feet to create remodeled 1399 square foot three-bedroom, two-bathroom residence. New materials to replace existing exterior materials in a similar aesthetic.	2 SW Junipero and 10th Ave	8/2/2023		In Review

23239	Variance	<p>The project is Renovation of a Spanish Style Eclectic home built in 1929 and the surrounding site. The home is know as Casa Laiolo &amp; given historic stature for the owner, Barney Laiola, and the period 1968 -2000 for his Carmel-by-the-Sea civic service. This Site Coverage Variance application relies on the historic hardscape elements and the preservation of the existing sloping lot to maintain &amp; enhance these contours with safe egress between elevation changes. The entire impervious site is 5,455 sq. feet. The proposed pervious / permeable driveway coverage reduces the existing 1,100 sf . This contributes 2.25 times less overall site hardscape reduction from all covered areas. Additional informaton is attached on a separate sheet and identified on the Project plan set charts found on sheets L-2 &amp; L-3.</p>	SAN ANTONIO 1 NW of 9th AVE	7/10/2023		Attachment 1 Approved
23238	Design Study	<p>Design revisions to previously approved DS 22-300 involving the increase in floor area of the basement level and changing roof material from asphalt shingle to slate tile.</p>	Dolores 3 NW of 13th	8/2/2023		In Review
23237	Design Study	<p>Renovate &amp; repair. Replace windows, re-wire, re-position ext. w/d to kitchen, enlarge BR window (egress), add French doors to 2nd bedroom &amp; deck on West side. Install tankless hot water heater, minor roof repair. Duct/furnace cleaning.</p>	SW Corner of 8th & Mountain View	8/1/2023		In Review

23236	Sign	Associated BL 23-031. NEW SIGN: Install one (1) non-illuminated blade sign onto existing bracket.	Lincoln 2 SW of Ocean Ave.	8/1/2023	8/28/2023	Attachment 1 Approved

**Total Records: 40**

**9/1/2023**



# Business License Report

08/01/2023 - 08/31/2023

Entity #	Application Type	Business Name	Business Description	Location	Date Received	Date Approved	Status
23050	New Business	The Sand Dollar Dog Company	Custom-made dog accessories, human clothing, home accessories	16 Dolores & 5th	8/28/2023		
23049	Location Change	Pat Areias Sterling	Accessories, belts, and buckles	SW Corner of San Carlos & 7th	8/16/2023		Approved
23048	Location Change	Carmel Fine Rugs	Oriental Rugs: sales, service, and retail	Dolores 3 SE of 5th	8/25/2023		In Review
23047	New Business	Michele R. Woodruff Lyons, Attorney at Law	Legal consulting services	0 Dolores Street 2 SW of 8th Avenue	8/11/2023	8/16/2023	Approved

Total Records: 4

9/1/2023



# Building Permit Report

08/01/2023 - 08/31/2023

Permit #	Date Submitted	Date Approved	Project Description	Valuation	Permit Type	Property Location
230416	9/1/2023		Reroof: Remove existing shake roofing and replace with Cedur brand Shake, color Walden	49,300	Roofing	Carmelo 4 SW of 4th
230415	8/31/2023		INSTALL A 13.6 kWh ENERGY STORAGE SYSTEM FOR SELF CONSUMPTION AND BACKUP ENERGY.	19,500	Electrical	Monte Verde 4 NE of 3rd
230414	8/31/2023		Addition and Remodel to (E) SFD.	800,000	Building	NE Corner of 12th and San Antonio
230413	8/31/2023		Tear off (e) shake roof to roof deck. Install copper flashings, install one layer of self adhered membrane and roof penetrations. Install starter at eave details, install peel and seal at all ridge details. Install SQ of DaVinci Multi-Width Shake at 6" and 7" exposure.	146,000	Roofing	Lincoln 3 SW of 3rd
230412	8/31/2023	8/31/2023	Removal of 84" tall arbor from yard area.	0	Exempt Work	Lincoln 2 NW of 9th
230411	8/31/2023	8/31/2023	Upgrade existing electrical service to 200 amps.	1,500	Electrical	Camino Real 3 SW of 9th
230410	8/31/2023	8/31/2023	Exploratory demolition on portion of plaster soffit over public sidewalk to determine the necessary repairs from water damage.	4,000	Demolition	6th 2 NW of Dolores
230409	8/31/2023		Construction of a new detached ADU with attached one-car garage.	400,000	Building	Vizcaino 7 SW of Mountain View

230408	8/30/2023		Kitchen area alterations including demolition of non-bearing stud walls and dumbwaiter, new electrical and lighting, relocation of refrigerator, and new minor non-bearing stud wall construction.	12,000	Building	Camino Real 4 NE of 9th
230407	8/30/2023	8/30/2023	Master bathroom remodel	40,000	Building	SW Corner of Camino Real & 2nd
230406	8/29/2023	8/29/2023	Remove the existing rotten wood fence and install a new fence along the side property line. Fence to be 35' of 6' tall fence and 15' of 4' tall fence in the front setback.	0	Exempt Work	Dolores 2 SW of 4th
230405	8/28/2023		New roofmount PV 8 mods 3.32 kW , (1) New Tesla Powerwall 5 kW, New 200A Gateway	39,820	Electrical	SE Corner of Perry Newberry & Escolle
230404	8/25/2023		Change of exterior paint color to: Body - "Feather Stone" & Trim - "Steam".	0	Exempt Work	San Carlos 5 NE of 3rd
230403	8/25/2023	8/25/2023	Paint exterior of house in-kind to match existing colors on house, light green and sage.	0	Exempt Work	11th 2 NW of Monte Verde
230402	8/25/2023		Replace a 13 foot section of cast iron pipe with abs located under the building.	3,000	Plumbing	NE Corner of Ocean & Monte Verde
230401	8/24/2023		Remodel interior of (E) 310 s.f. garage.	0	Building	Scenic 6 SE of Ocean
230400	8/24/2023	8/28/2023	Remove (e) cedar shakes and replace with new Brava Simulated Shakes, Natural color.	105,000	Roofing	Vizcaino 7 SW of Mountain View
230399	8/24/2023		Remodel interior of (E) 2464 s.f. house. Replace windows, doors, replace or refinish exterior stucco, replace mech. & plumbing, upgrade electrical, install one skylight, install generator.	750,000	Building	Scenic 6 SE of Ocean

230398	8/23/2023		Remodeling of two bathrooms, upgrades to electrical wiring, modification of entry door with small window addition.	48,000	Building	SW Corner of Carmelo & 10th
230397	8/21/2023	8/21/2023	Paint exterior house color "Light French Gray" from Benjamin Moore.	0	Exempt Work	Junipero 2 SE of Ocean
230396	8/21/2023	8/21/2023	Remove and replace furnace 40,000 BTU located under the house.	8,000	Mechanical	Dolores 2 NE of 12th
230395	8/21/2023		400 sf addition/New Master and bath/New office	500,000	Building	NE Corner of Carpenter & 4th
230394	8/17/2023		Construction of new ADU	25,000	Building	NE Corner of Scenic & 8th
230393	8/17/2023	8/17/2023	Cosmetic work associated with Kitchen and Bathroom Renovations, including flooring, tiling, cabinetry, and finishes. No plumbing/electrical/structural work authorized under this notice.	0	Exempt Work	Torres 3 SE of 8th
230392	8/17/2023		Kitchen, Primary Bath, and Powder Room Remodel. Install Electric floor mat at primary bathroom and new shower step light.	10,000	Electrical	Torres 3 SE of 8th
230391	8/16/2023	8/16/2023	Prepare for painting repair / replace fascia board and damaged eaves , caulk and glaze windows. Replace rotten wooden gutters and downspouts and paint house new ColorBase color Kelly Moore tranquil taupe and trim color shadow cliff.	4,500	Exempt Work	Carpenter 3 NE of 6th
230390	8/16/2023	8/16/2023	Exploratory demolition of existing ADU.	500	Demolition	Junipero 2 NW of 3rd
230389	8/16/2023		(166) 72W Tesla Solar Roof System 11.952 kW (3) Tesla Powerwall Energy Storage Systems	163,696	Electrical	Casanova 4 SW of 4th
230388	8/14/2023		Roof-mounted PV solar system with energy storage system.	43,451	Electrical	Mission 2 NW of Santa Lucia

230387	8/14/2023	8/24/2023	2 sets of french doors need refinishing, new weather stripping and sealing. New caulking will also be applied and removable window grids repaired or replaced.	0	Exempt Work	Camino Real 4 NE of 9th
230386	8/14/2023		Full house generator install	10,000	Electrical	SW Corner of Camino Real & 2nd
230385	8/14/2023		1.INTERIOR REMODEL ONLY. NO EXTERIOR CHANGES. 2.MOVE TWO NON-LOAD BEARING WALLS, AND ENLARGE THE MASTER BATHROOM AND KITCHEN. 3.NEW KITCHEN CABINETS 4.NEW KITCHEN CEILING WITH WOOD DECKING 5.INSTALLING NEW DRYWALL AND FAUX BEAMS IN THE LIVING ROOM. 6.NO FLOOR AREA ADDITIONS OR CHANGES TO THE PATIOS OR WALKWAYS.	120,000	Building	Monte Verde 3 NW of 11th
230384	8/11/2023	8/18/2023	Tear off (e) roof and install a new 30 year Malarkey composition shingles in color "Natural Wood".	5,000	Roofing	Mission 3 SW of 10th
230383	8/11/2023		Construction of a new attached ADU, approximately 610 sf	0	Building	Mission 3 NE of 10th
230382	8/10/2023	8/10/2023	Remove existing residence and install new CertainTeed Presidential TL in color Country Gray.	18,236	Roofing	Ocean 2 SE of Carmelo
230381	8/9/2023		REMOVE AND REPLACE DAMAGED PAINTED REDWOOD SIDING SURROUNDING LEAKING WINDOWS. REPLACE FAILED WATERPROOFING. REPLACEMENT SIDING TO MATCH EXISTING, LIKE FOR LIKE. REPAINT AS NECESSARY, COLOR MATCH EXISTING	20,000	Building	2905 Franciscan Way



230380	8/9/2023	8/10/2023	Remove existing composition asphalt roofing and install new CertainTeed Presidential TL composition asphalt shingle for main residence and garage in color "Platinum".	29,157	Roofing	Ocean 2 NE of Carpenter
230379	8/9/2023	8/25/2023	Remove wall heater and install all electric Mitsubishi high side wall air handlers and heat pumps	19,700	Mechanical	Lobos 3 SW of 3rd
230378	8/9/2023	8/9/2023	Change exterior paint color to "Agreeable Grey" by Sherwin Williams	0	Exempt Work	Crespi 9 SE of Mountain View
230377	8/8/2023	8/8/2023	In-kind repair of sidewalk and lower step as a result of tree damage.	4,750	Building	NE Corner of Mission & 6th
230376	8/7/2023	8/8/2023	Remove (e) shake roof and replace with new Davinci Province - single width simulated slate in color Slate Gray.	85,000	Roofing	SE Corner of Carmelo & 2nd
230375	8/7/2023	8/25/2023	Install new emergency backup generator, transfer switch, and concrete pad.	18,000	Electrical	Scenic 5 NE of 13th
230374	8/7/2023	8/7/2023	Replacement of an existing tankless water heater.	2,500	Plumbing	Dolores 2 NE of 5th
230373	8/4/2023	8/8/2023	Remove existing wood shake roof and install 1/2" OSB and Certainteed Presidential TL in color "Country Gray".	39,790	Roofing	SE Corner of Guadalupe & 5th
230372	8/4/2023	8/4/2023	Remove & replace 75 gallon water heater. Install new Bradford White RG275H6N.	3,600	Plumbing	NE Corner of Monte Verde & Santa Lucia
230371				0		
230370	8/2/2023	8/2/2023	1) Extend metal fence on both sides of driveway for safety. Fence height will not exceed 43.5". Fence will be painted to match trim of the house and tie into existing property fence. 2) Extend wood fence on the right side of front property fence. Total height of the fence will be 6' to match fence on left side.	0	Exempt Work	Dolores 3 SE of 3rd

230369	8/2/2023	8/4/2023	Remove shake roof, install a Certainteed Presidential TL Shingle roof in Country Gray	82,830	Roofing	Dolores 4 SW of 12th

Attachment 1

**Total Records: 48**

**9/1/2023**



# Code Compliance Report

08/01/2023 - 08/31/2023

Case #	Case Date	Status	Location	Problem Description	Date Received	Date Closed
23136	8/17/2023	Open	Mission 2 SW of 5th	Unpermitted residential use	8/17/2023	
23135	8/18/2023	Potential STR identified	Ocean 5 SE of Forest	Transient Rental	8/18/2023	
23134	8/18/2023	STR verified	Ocean 4 SE of Forest	Transient Rental	8/18/2023	
23133	8/17/2023	1st NOV sent	Monte Verde 3 SE of 3rd	Transient rental	8/17/2023	
23132	8/16/2023	Closed	Monte Verde / 6th / Lincoln	Distribution of handbills on vehicles	8/16/2023	8/16/2023
23131	8/16/2023	Closed	San Carlos NW of 7th	Exterior signage	8/16/2023	8/16/2023
23130	8/16/2023	Closed	Mission SW of 5th	Outdoor display	8/16/2023	8/16/2023
23129	8/16/2023	Closed	5th NE of San Carlos	Cones/equipment in ROW	8/16/2023	8/16/2023
23128	8/15/2023	Closed	Monte Verde NE of 6th	Cones in ROW	8/15/2023	8/15/2023
23127	8/14/2023	Closed	7th NW of Junipero	Waste receptacles in sidewalk	8/14/2023	8/18/2023
23126	8/14/2023	Closed	Scenic 3 NE of 13th	Construction Noise	8/14/2023	8/18/2023
23125	8/14/2023	Closed	NWC Mission and 7th	Exterior Signage	8/14/2023	8/18/2023
23124	8/14/2023	Closed	San Carlos NW of 6th	Outdoor display	8/14/2023	8/14/2023
23123	8/14/2023	Closed	San Carlos 3 NW of 6th	Exterior Signage	8/14/2023	8/14/2023
23122	8/14/2023	Closed	NEC Monte Verde and Ocean	Exterior Signage	8/14/2023	8/14/2023
23121	8/14/2023	Open	Lobos 4 NE of 2nd	Construction without a permit	8/14/2023	
23120	8/14/2023	Open	Dolores 2 NW of 6th	Business without a license	8/14/2023	
23119	8/14/2023	Closed	6th NW of San Carlos	Exterior signage	8/14/2023	8/14/2023

23118	8/14/2023	Closed	San Carlos 2 NE of 6th	Outdoor display	8/14/2023	8/17/2023
23117	8/10/2023	Closed	San Carlos 4 SW of 5th	Outdoor display	8/7/2023	8/16/2023
23116	8/11/2023	Closed	Carmelo 5 NW of Ocean	Construction noise	8/11/2023	8/16/2023
23115	8/9/2023	Open	Guadalupe 4 SW of 2nd	Generator noise	8/9/2023	
23114	8/7/2023	Closed	Lincoln NE of Ocean	Sign in sidewalk	8/7/2023	8/7/2023
23113	8/1/2023	Closed	SWC Ocean and Forest	Sign in ROW	8/1/2023	8/1/2023
23109	8/4/2023	Potential STR identified	13th 2 SE of Mission	Transient Rental	7/28/2023	

**Total Records: 25**

**9/1/2023**



# Transient Rental Report

01/01/2023 - 08/31/2023

Case #	Street	Status	Date Received	Last Status Date	Date Closed
23135	Ocean	Potential STR identified	8/18/2023	8/18/2023	
23134	Ocean	Closed	8/18/2023	8/25/2023	8/25/2023
23133	Monte Verde	1st NOV sent	8/17/2023	8/18/2023	
23109	13th	1st NOV sent	7/28/2023	8/28/2023	
23107	13th	Closed	7/28/2023	8/16/2023	8/16/2023
23104	Santa Fe	1st NOV sent	7/21/2023	8/25/2023	
23099	Mission	2nd NOV sent	7/7/2023	8/23/2023	
23094	2nd	Closed	6/23/2023	8/21/2023	8/21/2023
23093	Rio	Closed	6/21/2023	8/31/2023	8/31/2023
23092	Ocean	Closed	6/21/2023	7/7/2023	7/7/2023
23091	Dolores	Closed	6/22/2023	7/19/2023	7/19/2023
23061	Monte Verde	Closed	4/27/2023	7/17/2023	7/17/2023
23058	Mission	Closed	4/19/2023	6/2/2023	6/2/2023
23057	Carmelo	Closed	4/19/2023	6/2/2023	6/2/2023
23053	San Carlos	Closed	3/21/2023	6/2/2023	6/2/2023
23039	Rio Road	Closed	2/27/2023	4/17/2023	4/17/2023
23015	Carmelo	Closed	1/9/2023	2/3/2023	2/3/2023
23014	Mission	Closed	1/9/2023	1/10/2023	1/30/2023
23013	N Casanova	Closed	1/9/2023	2/3/2023	2/3/2023
23012	Mission	Closed	1/9/2023	1/27/2023	1/27/2023
23009	Santa Fe	Closed	1/8/2023	2/3/2023	2/3/2023
23008	Guadalupe	Closed	1/8/2023	1/13/2023	1/13/2023
23007	2nd	Closed	1/8/2023	1/8/2023	4/8/2023
23005	Carpenter	Closed	1/8/2023	2/3/2023	2/3/2023
23004	5th	Closed	1/5/2023	2/3/2023	2/3/2023
23003	Dolores and 1st	Closed	1/5/2023	2/3/2023	2/3/2023

Total Records: 26

9/5/2023



# Encroachment Permit Report

08/01/2023 - 08/31/2023

Permit #	Permit Type	Date Submitted	Project Description	Property Location	Date Issued	Status
230187	Temp Ench	8/31/2023	PG&E to trench and backfill a 5'x5' bellhole and abandon existing gas service. PM# 35463434. Contact: PG&E (408) 478-1894	Casanova 4 NE of 10th	8/31/2023	Issued
230186	Temp Ench	8/31/2023	Close sidewalk to allow for partial demolition of plaster from soffit that overhangs the sidewalk. Contact: CPR (831) 275-2103	6th 2 NW of Dolores	8/31/2023	Issued
230185	Temp Ench	8/31/2023	TCP for P Access, place and splice fiber cable, no excavation. AT&T Job # A02NG2S. Contact: AT&T (408) 807-3662	SE Corner of Mission & 7th	8/31/2023	Issued
230184	Temp Ench	8/29/2023	Applicant to trench, backfill, & install electric substructures. PG&E to design & construct underground service to panel including moving electric panel from front of property to rear. PM# 35276209. Contact: PG&E (408) 478-1894	NE Corner of San Antonio & Ocean	8/30/2023	Issued
230183	Temp Ench	8/29/2023	PG&E to trench and backfill a 5'x5' bellhole to abandon existing gas service. PM# 35433048. Contact: PG&E (408) 478-1894	Casanova 4 NE of 10th	8/30/2023	Issued
230182	Temp Ench	8/29/2023	Remove and replace existing waste line using full trenching. Contact: RK Wilson Plumbing (831) 915-1101	NE Corner of Lincoln & 3rd	8/29/2023	Issued
230181	Temp Ench	8/28/2023	Applicant to trench, backfill & install electric substructures. PG&E to replace underground secondary & install underground service. PM# 35449524. Contact: PG&E (408) 478-1894	Carmelo 4 SW of 2nd		In Review
230180	Temp Ench	8/25/2023	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	Camino Real 10 NE of 4th	8/28/2023	Issued

230179	Temp Ench	8/24/2023	Municipal Project for FY 2021/22 pavement rehabilitation plan.	City-wide right of way		In Review
230178	Temp Ench	8/24/2023	Placement of a wood chipper in the public right of way to accommodate hedge trimming and shaping along with removing dead wood from three oak trees. Tree work contingent on approval from City Forester. Valid from 8/30/23 - 8/31/23. Contact: Cypress Tree Service (831) 585-4142	Lincoln 2 NW of 9th	8/24/2023	Issued
230177	Temp Ench	8/24/2023	Trench for new gas service from middle of the road to the house. Trench for electrical from side of the road to house. Contact: Edgars Plumbing (831) 601-5557	Camino Del Monte 4 NW of San Carlos	8/30/2023	Issued
230176	Temp Ench	8/22/2023	Fill in wood chip patch with bricks to match existing bricks in public right of way.	San Carlos 2 NW 8th		Closed
230175	Driveway	8/16/2023	Installation of new paving stone driveway, approx 310 sf. Remove old driveway material to 10" below final grade, install and compact base rock sand and Calstone Quarry Stone Sequoia Sandstone pavers. Contact: Stowe Contracting (831) 884-0732	Crespi 3 NW of Flanders	8/17/2023	Issued
230174	Temp Ench	8/16/2023	Trench for new gas service. Contact: JD's Underground (831) 394-3100	Carmelo 5 NW of Ocean	8/17/2023	Issued
230173	Driveway	8/16/2023	Reduce tarmac hardscape and repair blacktop where required or damaged by construction work. Contact: Travis Construction Company, Inc (831) 521-6646	2946 Santa Lucia		Approved
230172	Temp Ench	8/16/2023	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	Torres 2 SE of 2nd King	8/16/2023	Issued

230171	Temp Ench	8/16/2023	PG&E to trench and backfill all 5'x5' bellhole, PG&E to abandon existing gas service. PM# 35449900. Contact: PG&E (408) 478-1894	Dolores 3 NW of 13th	8/16/2023	Issued
230170	Temp Ench	8/14/2023	Sewer lateral replacement using pipe bursting. Contact: Easy Drains Plumbing (831) 521-6882	Dolores 3 NE of 2nd	8/22/2023	Issued
230169	Temp Ench	8/14/2023	Trench on street to lay gas line for PG&E. Contact: Rooter King (831) 394-5315	San Antonio 5 SE of 8th	8/15/2023	Issued
230168	Temp Ench	8/9/2023	Applicant to install electric substructures. PG&E to install electrical cable & equipment & complete all hot tie in work. PM# 35351598. Contact: PG&E (408) 478-1894	Monte Verde 3 SE of 11th	8/10/2023	Issued
230167	Temp Ench	8/9/2023	Use of a mini bobcat on sand from bottom of Ocean to backyard of property for transport of materials and move existing boulders.  CONDITION: AREA MUST BE RESTORED TO ORIGINAL CONDITION ONCE WORK IS COMPLETED.  Contact: Brandon Wiggins (831) 915-4147	Scenic 6.5 SE of Ocean	8/23/2023	Issued
230166	Temp Ench	8/9/2023	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	Casanova 2 SE of 7th	8/10/2023	Issued
230165	Temp Ench	8/7/2023	Sewer lateral replacement using pipe bursting. 811# 3071400092. Contact: Easy Drains Plumbing (831) 521-6882	NE Corner of Santa Rita & 2nd	8/21/2023	Issued
230164	Temp Ench	8/7/2023	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	Santa Rita 9 SE of Ocean	8/7/2023	Issued
230163	Temp Ench	8/4/2023	Replace sewer lateral using pipe bursting. Contact: Rooter King (831) 394-5315	SW Corner of Casanova & 12th	8/7/2023	Issued



230162	Temp Ench	8/2/2023	PG&E to replace over head electrical equipment and trim tree. PM# 45896175. Contact: PG&E (831) 713-6019	24833 Guadalupe St	8/2/2023	Issued
230161	Temp Ench	8/1/2023	PG&E to trench and install new secondary from splice box to panel. PM# 35456517. Contact: PG&E (408) 478-1894	2958 Franciscan Way	8/2/2023	Issued

**Total Records: 27****9/1/2023**



# Tree Permit Report

08/01/2023 - 08/31/2023

Permit #	Permit Date	Permit Type	Location of Property	Description	Status	Approved Date
23247	8/1/2023	Tree	NE Corner of San Antonio & 7th	Assessment and possible removal of limbs from a City owned tree.	Approved	8/8/2023
23248	8/3/2023	Tree	0 Lincoln SW Corner 11th, Corner Lincoln & 11th, house name Casablanca	REMOVAL: 1) Tree # 733 Pinus radiata Monterey Pine, DBH: 33 with 1 trunk, height 60, crown spread 40. 2) Tree # 734 Pinus radiata Monterey Pine, DBH 29, 1 trunk, height 50, crown spread 30		8/8/2023
23249	8/4/2023	Tree	NW Corner of Casanova & Fraser Way	CITY PROPERTY: Remove one (1) 4" diameter Birch tree. Grind one (1) stump.	Approved	8/8/2023
23250	8/7/2023	Tree w/ Construction	Santa Fe 3 SW of Mountain View	Remove ten (10) trees for new construction on vacant lot.	In Review	
23251	8/8/2023	Tree		SEE TR 23-254	Closed	
23252	8/8/2023	Tree w/ Construction	Casanova St. 4 SW of 4th Ave.	Removal of one (1) Coast Live Oak 11" DBH.	In Review	
23253	8/8/2023	Tree	SE Corner of San Carlos & 1st	Removal of one (1) Monterey Pine approx. 29" DBH, TAG #155.	Approved	8/17/2023
23254	8/8/2023	Tree	c/o Del Mar and #1 Ocean Ave. Carmel by the Sea	There are three dead Monterey Cypress trees in the front yard of the property. Each tree is located right at the fence line which borders the city parking lot and circular drive off of Ocean Ave.	Approved	8/31/2023
23255	8/10/2023	Tree w/ Construction	2946 Santa Lucia Ave.	REMOVE: Four (4), 15-FT tall Catalina Cherry trees (non-native with shallow roots). ROOT REMOVAL: Four (4) Catalina Cherry trees.	In Review	
23256	8/12/2023	Tree	Monte Verde Street 2 NW of Third Ave.	Assess tree for possible removal of one (1) large Pine tree.	In Review	
23257	8/14/2023	Tree w/ Construction	Torres 2 NE of 11th	TREE REMOVAL: Four (4) trees to be removed. Two (2) trees straddle property line. Permission from neighbor (email thread attached to this project) authorizes the removal of trees.	Approved	8/15/2023

					Attachment 1	
23258	8/14/2023	Tree	SW Corner of 5th Avenue & Santa Fe Street	REMOVE: One (1) Oak tree.	Approved	8/17/2023
23259	8/14/2023	Tree	Pine Ridge Way 2 SE of Forest Way	Remove one (1) Pine tree below the house.	In Review	
23260	8/14/2023	Tree	NE Corner of Torres & 2nd Ave.	Remove one (1) large Pine tree, approx. 28". See project notes for fee explanation.	In Review	
23261	8/14/2023	Tree	NE Corner of Torres & 2nd Ave.	Remove five (5) Pine trees: 8", 12", 12", 18", 24". See project notes for fee explanation.	In Review	
23262	8/15/2023	Tree	Lobos 2 SE of 2nd	CITY TREE: Remove one (1) 14-in. Acacia tree and one (1) 8-in. Pittosporum in public right of way.	Approved	8/18/2023
23263	8/15/2023	Tree	Junipero 4 SE of 2nd	REMOVE: #759 Monterey Pine tree, 32" DBH.	Approved	8/30/2023
23264	8/21/2023	Tree w/ Construction	Carpenter St. 4 NW of 6th Ave.	PRUNING ONLY: Tree #4 - Trim 2 branches, approx. 6" in diameter; overhanging garage. Tree #6 - Remove 1 limb @ 20" diameter, and trim two (2) branches, approx. 6" in diameter; overhanging house. NO ROOTS to be removed.	In Review	
23265	8/21/2023	Tree	SW Corner of Santa Fe & 3rd	CITY TREE: removal and replant city tree. One (1) Cypress - 5 inch, 8 foot tall. Small bush.	In Review	
23266	8/21/2023	Tree	Mission 3 NW of 4th	CITY TREE: Tree replacement and tree trimming.	In Review	
23267	8/22/2023	Tree	Junipero 6 NE of 8th	Removal of one (1) 16" Oak tree on property, and removal of one (1) 10" branch from tree in the right of way.	In Review	
23268	8/22/2023	Tree	Crespi 2 SE of Mountain View	CITY TREE: Removal of one (1) 70-90' tree behind the house on City property.	In Review	
23269	8/22/2023	Tree	SW Corner of Mission & 3rd	REMOVE: One (1) 25-foot Cyprus tree. Pine Terrace condominium complex property.		
23270	8/23/2023	Tree	2991 Rio Road	Remove dead upper tree trunk and dead branches	In Review	
23271	8/24/2023	Tree	Monte Verde 2 NW of 12th	CITY PROPERTY & PRIVATE PROPERTY: Removal of three (3) black acacias, 7', 9' & 11'.	In Review	

23272	8/25/2023	Tree	Monte Verde 4 SW of 10th Ave.	EMERGENCY REMOVAL: Two (2) Oak trees on private property. One (1) Single-stem, 22", and one (1) double-stem multi, 19.5" & 22.5".	Approved	Attachment 1 8/25/2023
23273	8/25/2023	Tree	0 Torres Street 4 SW of 10th	PRUNING: One (1) limb, approx. 8-10" diameter, Coast White Oak.	In Review	
23274	8/29/2023	Tree	Carpenter Street 3 SW of 4th	PRUNING: Trim one (1) extended, leaning, horizontal limb; Tree #2.	In Review	
23275	8/29/2023	Tree	Lopez 11 NW of 4th Avenue	Private Property: Remove two (2) Coast Live Oaks. One is live and one is dead; DBH 15 inch & DBH 12 inch.	In Review	
23276	8/29/2023	Tree	San Carlos 3 NE of Vista	Remove two (2) Monterey Pines on private property.	In Review	
23277	8/31/2023	Tree	SE Corner of San Antonio & 2nd	PRUNING: Remove damaged limbs on Cypress tree caused by the winter storms. Trim Pine tree; remove broken limbs; reduce weight.	In Review	
23278	8/31/2023	Tree	SW Corner of Vizcaino & Mountain View	PRUNING: to be determined once contractor inspects the trees.	In Review	

Total Records: 32

9/5/2023



# CITY OF CARMEL-BY-THE-SEA Monthly Report

**Public Safety**

**August 2023**

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Jeff Watkins, Director of Public Safety
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>MEETING DATE:</b>	October 3, 2023

## AMBULANCE REPORT

### Summary of Carmel Fire Ambulance August Calls for Service

#### AMBULANCE PERFORMANCE MEASURE

The performance goal for Code-3 (life-threatening emergency lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%. For the month of August 2023 the ambulance was unable to meet the performance measure. The response time was 92% with (4) code-3 call over 5 minutes.

54 Calls for service in CBTS - Average response time: 3:29 min.  
53 Code 3 medical calls for service with four calls over 5 min.

- 08/03/2023 – Carpenter and 2<sup>nd</sup> – Response time 05:29 – False alarm
- 08/10/2023 – 2941 Alta – Response time – 06:00 – Did not hit on scene button
- 08/17/2023 – San Antonio and 8<sup>th</sup> – Response time 12:46 – Incorrect address unable to locate
- 08/25/2023 – Monte Verde and 8<sup>th</sup> – Response time 05:18 – Did not hit on scene button

## MONTEREY FIRE REPORT

### Summary of Monterey Fire August Calls for Service

#### FIRE PERFORMANCE MEASURE

The performance goal for Code-3 (life-threatening emergency lights & siren) fire calls with a response time of 5 minutes or less from dispatch to arrival is 90%. For the month of August 2023, the fire department was able to meet the performance measure. The response time was 96%, with (3) code-3 calls over 5 minutes.

66 total calls for service in CBTS- Average response time: 4:20 min.  
57 total Code-3 calls – Three calls with a response time over 5:00 min.

\*The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%.

08/17/2023 – San Antonio and 8<sup>th</sup> – Response time – 12:39 – Delay due to incorrect address given.

08/18/2023 – San Antonio and 8<sup>th</sup> – Response time 06:52 - Did not hit the on scene button.

08/18/2023 – Ocean and Monte Verde – Response time 21:42 – Delay due to dispatch error with Fire comm.

### **BEACH FIRES**

There was two illegal beach fire extinguished during the month of August.

\*The performance goal for Code-3 (life threatening emergency-lights & siren) ambulance calls with a response time of 5 minutes or less from dispatch to arrival is 95%.



RESPONSE SUMMARY REPORT BY INCIDENT TYPE  
 27060 CARMEL-BY-THE-SEA  
 Alarm Date From: 08/01/2023 To: 08/31/2023



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>100 Series (Fires)</b>						
Cooking fire, confined to container	8/18/2023 1:08 PM	230818-MNT06389	0:03:58	CASANOVA ST	10TH AVE	3
		<b>1</b>	<b>0:03:58</b>			
<b>300-321 Series (EMS)</b>						
Medical assist, assist EMS crew	8/10/2023 6:37 PM	230810-MNT06195	0:02:20	OCEAN AVE	CASANOVA ST	3
Medical assist, assist EMS crew	8/19/2023 2:53 PM	230819-MNT06424	0:03:24	LINCOLN ST	3RD AVE	3
Medical assist, assist EMS crew	8/8/2023 8:42 PM	230808-MNT06151	0:03:29	MONTE VERDE ST	9TH AVE	3
Medical assist, assist EMS crew	8/10/2023 4:45 PM	230810-MNT06193	0:04:01	25970 MISSION ST		3
Medical assist, assist EMS crew	8/4/2023 8:34 AM	230804-MNT06049	0:04:30	CASANOVA ST	12TH AVE	3
EMS call, excluding vehicle accident with injury	8/19/2023 11:57 PM	230819-MNT06440	0:01:56	LINCOLN ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	8/24/2023 11:56 AM	230824-MNT06570	0:02:15	JUNIPERO AVE	8TH AVE	3
EMS call, excluding vehicle accident with injury	8/12/2023 5:07 PM	230812-MNT06235	0:02:29	SAN CARLOS ST	7TH AVE	3
EMS call, excluding vehicle accident with injury	8/12/2023 11:33 AM	230812-MNT06230	0:02:30	MISSION ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	8/16/2023 10:57 AM	230816-MNT06331	0:02:34	LOBOS ST	3RD AVE	3
EMS call, excluding vehicle accident with injury	8/1/2023 4:08 PM	230801-MNT05978	0:02:36	DOLORES ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	8/25/2023 7:14 AM	230825-MNT06589	0:02:38	JUNIPERO AVE	4TH AVE	3
EMS call, excluding vehicle accident with injury	8/30/2023 11:36 AM	230830-MNT06729	0:02:59	JUNIPERO AVE	8TH AVE	3
EMS call, excluding vehicle accident with injury	8/12/2023 2:02 PM	230812-MNT06233	0:03:02	JUNIPERO AVE	4TH AVE	3
EMS call, excluding vehicle accident with injury	8/17/2023 12:17 PM	230817-MNT06358	0:03:04	DOLORES ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	8/23/2023 9:25 PM	230823-MNT06558	0:03:08	JUNIPERO AVE	5TH AVE	3
EMS call, excluding vehicle accident with injury	8/22/2023 5:39 PM	230822-MNT06522	0:03:10	SAN CARLOS ST	11TH AVE	3
EMS call, excluding vehicle accident with injury	8/25/2023 11:26 PM	230825-MNT06608	0:03:50	SAN CARLOS ST	7TH AVE	3
EMS call, excluding vehicle accident with injury	8/17/2023 3:37 AM	230817-MNT06348	0:04:00	LINCOLN ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	8/20/2023 11:43 PM	230821-2347-MNT	0:04:00	4 NW MONTE VERDE AND 10		3
EMS call, excluding vehicle accident with injury	8/25/2023 9:17 AM	230825-MNT06591	0:04:09	CARMELO ST	9TH AVE	3
EMS call, excluding vehicle accident with injury	8/21/2023 11:43 PM	230821-MNT06495	0:04:11	MONTE VERDE ST	10TH AVE	3
EMS call, excluding vehicle accident with injury	8/22/2023 12:11 PM	230822-MNT06510	0:04:12	MISSION ST	12TH AVE	3
EMS call, excluding vehicle accident with injury	8/12/2023 6:49 AM	230812-MNT06219	0:04:25	SAN CARLOS ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	8/20/2023 11:39 AM	230820-MNT06452	0:04:33	JUNIPERO AVE	4TH AVE	3
EMS call, excluding vehicle accident with injury	8/17/2023 8:34 PM	230817-MNT06369	0:04:40	8TH AVE	CASANOVA ST	3
EMS call, excluding vehicle accident with injury	8/18/2023 7:38 AM	230818-MNT06379	0:04:41	LOBOS ST	2ND AVE	3
EMS call, excluding vehicle accident with injury	8/19/2023 10:37 PM	230819-MNT06439	0:05:28	PALOU AVE	CASANOVA ST	2

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>300-321 Series (EMS) cont.</b>						
EMS call, excluding vehicle accident with injury	8/18/2023 2:50 PM	230818-MNT06391	0:06:52	SAN ANTONIO AVE	8TH AVE	3
EMS call, excluding vehicle accident with injury	8/17/2023 9:57 PM	230817-MNT06372	0:12:39	SAN ANTONIO AVE	8TH AVE	3
<b>30</b>			<b>0:03:56</b>			
<b>322-399 Series (Rescues)</b>						
Motor vehicle accident with no injuries.	8/27/2023 2:06 PM	230827-MNT06652	0:03:37	MISSION ST	OCEAN AVE	3
<b>1</b>			<b>0:03:37</b>			
<b>400 Series (Hazardous Material)</b>						
Chemical spill or leak	8/18/2023 6:04 PM	230818-MNT06398	0:21:42	OCEAN AVE	MONTE VERDE ST	2
Electrical wiring/equipment problem, other	8/25/2023 4:34 PM	230825-MNT06603	0:04:18	SAN ANTONIO AVE	12TH AVE	3
Power line down	8/2/2023 7:19 AM	230802-MNT05987	0:03:57	CAMINO REAL ST	10TH AVE	3
Power line down	8/18/2023 5:48 PM	230818-MNT06397	0:04:27	JUNIPERO AVE	11TH AVE	3
Accident, potential accident, other	8/2/2023 12:14 PM	230802-MNT05995	0:02:58	3RD AVE	LOBOS ST	3
Accident, potential accident, other	8/1/2023 6:06 PM	230801-MNT05980	0:04:35	CAMINO REAL ST	11TH AVE	2
<b>6</b>			<b>0:06:59</b>			
<b>500 &amp; 600 Series (Service Calls)</b>						
Water or steam leak	8/25/2023 6:25 AM	230825-MNT06587	0:04:21	MONTE VERDE ST	8TH AVE	2
Water or steam leak	8/3/2023 7:24 AM	230803-MNT06019	0:04:50	SANTA RITA ST	OCEAN AVE	2
Water or steam leak	8/5/2023 9:15 AM	230805-MNT06067	0:05:13	JUNIPERO AVE	ALTA AVE	2
Public service	8/28/2023 11:25 AM	230828-MNT06680	0:02:43	8TH AVE	SAN CARLOS ST	3
Public service	8/29/2023 10:48 AM	230829-MNT06696	0:03:08	4TH AVE	CARPENTER ST	3
Public service	8/23/2023 9:19 AM	230823-MNT06540	0:04:43	JUNIPERO AVE	11TH AVE	3
Public service	8/5/2023 4:52 PM	230805-MNT06077	0:04:59	13TH AVE	LINCOLN ST	3
Public service	8/17/2023 6:35 PM	230817-MNT06367	0:06:24	LINCOLN ST	7TH AVE	2
No incident found on arrival at dispatch address	8/26/2023 12:30 PM	230826-MNT06620	0:02:56	SANTA FE ST	5TH AVE	3
No incident found on arrival at dispatch address	8/26/2023 12:30 PM	230826-MNT06621	0:02:56	SANTA FE ST	5TH AVE	3
No incident found on arrival at dispatch address	8/23/2023 7:39 AM	230823-MNT06536	0:02:59	OCEAN AVE	CARMELO ST	3
No incident found on arrival at dispatch address	8/24/2023 11:46 AM	230824-MNT06569	0:03:54	OCEAN AVE	MISSION ST	2
No incident found on arrival at dispatch address	8/15/2023 12:03 PM	230815-MNT06310	0:04:04	12TH AVE	CASANOVA ST	3
<b>13</b>			<b>0:04:05</b>			
<b>700 Series (False Alarms)</b>						
False alarm or false call, other	8/22/2023 10:15 PM	230822-MNT06529	0:04:23	CAMINO REAL ST	8TH AVE	3
Smoke detector activation due to malfunction	8/10/2023 10:10 PM	230810-MNT06198	0:04:08	SAN CARLOS ST	7TH AVE	3
Alarm system sounded due to malfunction	8/1/2023 12:11 PM	230801-MNT05972	0:01:27	TORRES ST	10TH AVE	3
Alarm system sounded due to malfunction	8/20/2023 10:49 AM	230820-MNT06449	0:02:42	CAMINO REAL ST	8TH AVE	3
Alarm system sounded due to malfunction	8/20/2023 8:04 PM	230820-MNT06463	0:03:11	CAMINO REAL ST	8TH AVE	3
Alarm system sounded due to malfunction	8/15/2023 12:29 AM	230815-MNT06296	0:03:19	DOLORES ST	5TH AVE	3
Alarm system sounded due to malfunction	8/27/2023 9:35 PM	230827-MNT06665	0:03:48	MONTE VERDE ST	7TH AVE	2
CO detector activation due to malfunction	8/15/2023 12:51 PM	230815-MNT06312	0:03:43	CASANOVA ST	OCEAN AVE	3
CO detector activation due to malfunction	8/3/2023 3:49 AM	230803-MNT06017	0:04:35	2ND AVE	CARPENTER ST	3
Smoke detector activation, no fire - unintentional	8/21/2023 5:54 PM	230821-MNT06488	0:03:10	SAN ANTONIO AVE	OCEAN AVE	3



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>700 Series (False Alarms) cont.</b>						
Detector activation, no fire - unintentional	8/28/2023 2:34 PM	230828-MNT06687	0:02:38	SANTA FE ST	3RD AVE	3
Detector activation, no fire - unintentional	8/4/2023 10:06 AM	230804-MNT06052	0:03:37	8TH AVE	S MOUNTAIN VIEW AVE	3
Detector activation, no fire - unintentional	8/27/2023 10:11 PM	230827-MNT06666	0:03:37	CAMINO REAL ST	8TH AVE	3
Detector activation, no fire - unintentional	8/11/2023 9:19 AM	230811-MNT06204	0:03:46	SCENIC RD	OCEAN AVE	3
Detector activation, no fire - unintentional	8/28/2023 1:06 PM	230828-MNT06684	0:04:20	4TH AVE	TORRES ST	3
			<b>15</b>	<b>0:03:30</b>		

**Over 5 Minute Response Times Cause of Delay: Code 3 Responses**

- 230818-MNT06391 Did not hit the on scene button
- 230817-MNT06372 Delayed due to incorrect address given
- 230818-MNT06398 Delay due to dispatch error with Firecomm

<b>Code 2 Calls</b>	<b>9</b>
<b>Code 3 Calls</b>	<b>57</b>
<b>Total # of Incidents</b>	<b>66</b>
<b>% Under 5 Minute Response Time</b>	<b>96%</b>



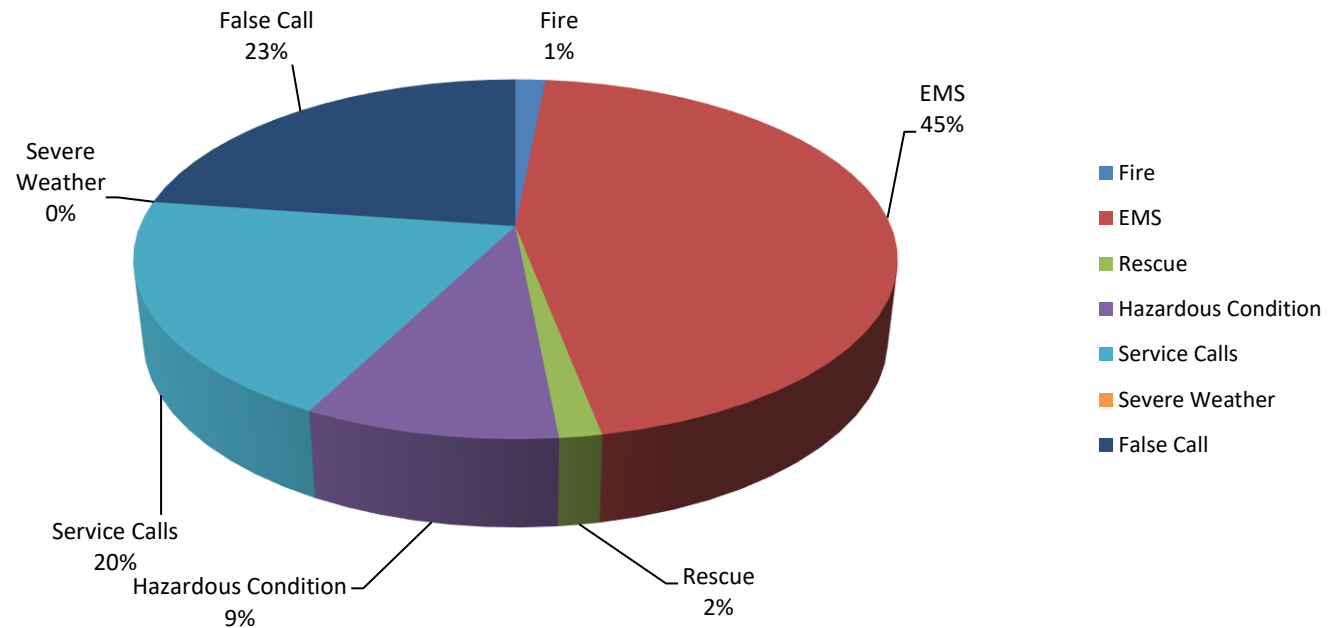
CARMEL-BY-THE-SEA  
AUGUST 2023



Response Summary Report by Incident Type

Type of Call	Number	Average Response Time
Fire	1	3:58
EMS	30	3:56
Rescue	1	3:37
Hazardous Condition	6	6:59
Service Calls	13	4:05
Severe Weather	0	0:00
False Call	15	3:30

Total Responses 66 4:20



Total Code 3 Calls: 57

Response Times for Code 3

Calls ≤ 5 minutes: 96%



RESPONSE SUMMARY REPORT BY DISTRICT  
 27015 CARMEL-BY-THE-SEA FIRE AMBULANCE  
 Alarm Date From: 08/01/2023 To: 08/31/2023



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>100 Series (Fires)</b>						
Fire, other	8/18/2023	230818-CFA01043	00:02:56	CASANOVA ST	10TH AVE	3
		<b>1</b>	<b>0:02:56</b>			
<b>300-321 Series (EMS)</b>						
Emergency medical service incident, other	8/10/2023	230810-CFA00999	00:03:31	25970 MISSION ST		3
EMS call, excluding vehicle accident with injury	8/1/2023	230801-CFA00966	00:01:59	DOLORES ST	5TH AVE	3
EMS call, excluding vehicle accident with injury	8/2/2023	230802-CFA00969	00:00:15	SANTA FE ST	6TH AVE	3
EMS call, excluding vehicle accident with injury	8/2/2023	230802-CFA00972	00:01:45	MISSION ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	8/4/2023	230804-CFA00978	00:03:16	CASANOVA ST	12TH AVE	3
EMS call, excluding vehicle accident with injury	8/8/2023	230808-CFA00996	00:03:46	MONTE VERDE ST	9TH AVE	3
EMS call, excluding vehicle accident with injury	8/10/2023	230810-CFA00998	00:06:00	2941 ALTA AVE		3
EMS call, excluding vehicle accident with injury	8/10/2023	230810-CFA01000	00:02:15	OCEAN AVE	CASANOVA ST	3
EMS call, excluding vehicle accident with injury	8/12/2023	230812-CFA01009	00:02:41	JUNIPERO AVE	4TH AVE	3
EMS call, excluding vehicle accident with injury	8/12/2023	230812-CFA01011	00:01:40	SAN CARLOS ST	7TH AVE	3
EMS call, excluding vehicle accident with injury	8/13/2023	230813-CFA01015	00:04:29	CAMINO REAL	16TH AVE	3
EMS call, excluding vehicle accident with injury	8/13/2023	230813-CFA01016	00:04:44	CARMEL CENTER PL	RIO RD	3
EMS call, excluding vehicle accident with injury	8/17/2023	230817-CFA01034	00:03:23	LINCOLN ST	8TH AVE	3
EMS call, excluding vehicle accident with injury	8/17/2023	230817-CFA01035	00:02:34	DOLORES ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	8/17/2023	230817-CFA01040	00:12:46	SAN ANTONIO AVE	8TH AVE	3
EMS call, excluding vehicle accident with injury	8/18/2023	230818-CFA01042	00:04:43	LOBOS ST	2ND AVE	3
EMS call, excluding vehicle accident with injury	8/18/2023	230818-CFA01045	00:03:07	SAN ANTONIO AVE	8TH AVE	3
EMS call, excluding vehicle accident with injury	8/19/2023	230819-CFA01049	00:04:43	6TH AVE	MISSION ST	3
EMS call, excluding vehicle accident with injury	8/19/2023	230819-CFA01050	00:02:37	SAN CARLOS ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	8/19/2023	230819-CFA01053	00:02:59	LINCOLN ST	3RD AVE	3
EMS call, excluding vehicle accident with injury	8/19/2023	230819-CFA01055	00:04:29	PALOU AVE	CASANOVA ST	3
EMS call, excluding vehicle accident with injury	8/20/2023	230820-CFA01061	00:03:33	JUNIPERO AVE	4TH AVE	3
EMS call, excluding vehicle accident with injury	8/21/2023	230821-CFA01069	00:03:49	MONTE VERDE ST	10TH AVE	3
EMS call, excluding vehicle accident with injury	8/22/2023	230822-CFA01070	00:02:00	MISSION ST	13TH AVE	3
EMS call, excluding vehicle accident with injury	8/22/2023	230822-CFA01071	00:02:26	SAN CARLOS ST	11TH AVE	3
EMS call, excluding vehicle accident with injury	8/23/2023	230823-CFA01074	00:03:15	OCEAN AVE	CARMELO ST	3
EMS call, excluding vehicle accident with injury	8/23/2023	230823-CFA01079	00:02:40	JUNIPERO AVE	6TH AVE	3
EMS call, excluding vehicle accident with injury	8/25/2023	230825-CFA01088	00:03:05	JUNIPERO AVE	5TH AVE	3
EMS call, excluding vehicle accident with injury	8/25/2023	230825-CFA01089	00:03:35	CARMELO ST	9TH AVE	3

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>300-321 Series (EMS) cont.</b>						
EMS call, excluding vehicle accident with injury	8/25/2023	230825-CFA01094	00:03:28	SAN CARLOS ST	7TH AVE	3
EMS call, excluding vehicle accident with injury	8/26/2023	230826-CFA01096	00:02:00	5TH AVE	MISSION ST	3
EMS call, excluding vehicle accident with injury	8/27/2023	230827-CFA01100	00:04:58	MISSION ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	8/28/2023	230828-CFA01106	00:02:13	8TH AVE	SAN CARLOS ST	3
EMS call, excluding vehicle accident with injury	8/30/2023	230830-CFA01114	00:02:13	JUNIPERO AVE	8TH AVE	3
<b>34</b>			<b>0:03:26</b>			

**322-399 Series (Rescues)**

Motor vehicle accident with injuries	8/17/2023	230817-CFA01039	00:03:23	8TH AVE	CASANOVA ST	3
<b>1</b>			<b>0:03:23</b>			

**400 Series (Hazardous Material)**

Hazardous condition, other	8/2/2023	230802-CFA00971	00:03:22	3RD AVE	LOBOS ST	3
Hazardous condition, other	8/5/2023	230805-CFA00983	00:02:49	JUNIPERO AVE	ALTA AVE	3
Hazardous condition, other	8/11/2023	230811-CFA01003	00:03:19	SCENIC RD	OCEAN AVE	3
Hazardous condition, other	8/15/2023	230815-CFA01027	00:03:04	CASANOVA ST	OCEAN AVE	3
Electrical wiring/equipment problem, other	8/2/2023	230802-CFA00968	00:04:08	CAMINO REAL ST	10TH AVE	3
<b>5</b>			<b>0:03:20</b>			

**500 & 600 Series (Service Calls)**

Water or steam leak	8/24/2023	230824-CFA01084	00:03:16	JUNIPERO AVE	8TH AVE	3
Water or steam leak	8/3/2023	230803-CFA00974	00:03:59	SANTA RITA ST	OCEAN AVE	3
Public service assistance, other	8/25/2023	230825-CFA01087	00:05:18	MONTE VERDE ST	8TH AVE	3
<b>3</b>			<b>0:04:11</b>			

**700 Series (False Alarms)**

False alarm or false call, other	8/1/2023	230801-CFA00965	00:03:21	TORRES ST	10TH AVE	3
False alarm or false call, other	8/15/2023	230815-CFA01026	00:04:32	12TH AVE	CASANOVA ST	2
False alarm or false call, other	8/20/2023	230820-CFA01060	00:03:39	CAMINO REAL ST	8TH AVE	3
False alarm or false call, other	8/21/2023	230821-CFA01068	00:03:12	SAN ANTONIO AVE	OCEAN AVE	3
False alarm or false call, other	8/22/2023	230822-CFA01073	00:03:49	CAMINO REAL ST	8TH AVE	3
False alarm or false call, other	8/26/2023	230826-CFA001095	00:02:00	SANTE FE	FE/5TH	3
False alarm or false call, other	8/30/2023	230830-CFA01118	00:03:11	OCEAN AVE	MISSION ST	3
Alarm system activation, no fire - unintentional	8/20/2023	230803-CFA00973	00:03:34	CAMINO REAL ST	8TH AVE	3
Carbon monoxide detector activation, no CO	8/3/2023	230815-CFA01023	00:05:29	2ND AVE	CARPENTER ST	3
Carbon monoxide detector activation, no CO	8/15/2023	230820-CFA01064	00:03:07	DOLORES ST	5TH AVE	3
<b>10</b>			<b>0:03:35</b>			

**Over 5 Minute Response Times Cause of Delay: Code 3 Responses**

- 230810-CFA00998 Did not hit the on scene button
- 230817-CFA01040 Unable to locate address, incorrect address
- 230825-CFA01087 Did not hit the on scene button
- 230815-CFA01023 Did not hit the on scene button

Code 2 Calls	<b>1</b>
Code 3 Calls	<b>53</b>
<b>Total # of Incidents</b>	<b>54</b>
<b>% Under 5 Minute Response Time</b>	<b>92%</b>
<b>Total Average Response Time</b>	<b>0:03:29</b>



RESPONSE SUMMARY REPORT BY DISTRICT  
 27015 CARMEL-BY-THE-SEA FIRE AMBULANCE  
 Alarm Date From: 08/01/2023 To: 08/31/2023



Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>CARMEL HIGHLAND</b>						
EMS call, excluding vehicle accident with injury	8/28/2023	230828-CFA01103	00:15:31	1 MENTONE RD		3
EMS call, excluding vehicle accident with injury	8/25/2023	230825-CFA01092	00:06:56	120 HIGHLAND DR		3
EMS call, excluding vehicle accident with injury	8/19/2023	230819-CFA01057	00:05:01	LINCOLN ST	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	8/15/2023	230815-CFA01025	00:10:34	120 HIGHLAND DR		2
EMS call, excluding vehicle accident with injury	8/28/2023	230828-CFA01107	00:08:53	31453 HWY 1		3
Motor vehicle accident with injuries	8/20/2023	230820-CFA01058	00:09:47	HWY 1	SONOMA LN	3
Motor vehicle accident with injuries	8/5/2023	230805-CFA00985	00:09:55	HWY 1	SPINDRIFT RD	3
Motor vehicle accident with no injuries.	8/12/2023	230812-CFA01006	00:16:39	HWY 1	AURORA DEL MAR	3
		<b>8</b>	<b>0:10:24</b>			
<b>CARMEL VALLEY</b>						
EMS call, excluding vehicle accident with injury	8/1/2023	230801-CFA00964	00:13:08	8545 CARMEL VALLEY RD		2
		<b>1</b>	<b>0:13:08</b>			
<b>CYPRESS</b>						
Rescue, EMS incident, other	8/7/2023	230807-CFA00992	00:07:07	27720 HWY 1		3
Emergency medical service incident, other	8/9/2023	230809-CFA00997	00:06:56	HWY 1	ATHERTON DR	3
EMS call, excluding vehicle accident with injury	8/5/2023	230805-CFA00982	00:06:13	3305 RIO RD		3
EMS call, excluding vehicle accident with injury	8/10/2023	230810-CFA01001	00:10:41	24900 PINE HILLS DR		3
EMS call, excluding vehicle accident with injury	8/16/2023	230816-CFA01030	00:06:37	3850 RIO RD		3
EMS call, excluding vehicle accident with injury	8/28/2023	230828-CFA01104	00:05:53	26040 DOUGHERTY PL		3
EMS call, excluding vehicle accident with injury	8/27/2023	230827-CFA01102	00:01:16	4860 CARMEL VALLEY RD		2
EMS call, excluding vehicle accident with injury	8/27/2023	230827-CFA01101	00:05:25	26050 RIO VISTA DR		3
EMS call, excluding vehicle accident with injury	8/26/2023	230826-CFA01097	00:05:25	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	8/23/2023	230823-CFA001078	00:07:00	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	8/23/2023	230823-CFA01077	00:05:00	3850 RIO RD		3
EMS call, excluding vehicle accident with injury	8/19/2023	230819-CFA01052	00:07:16	26212 MESA PL		3
EMS call, excluding vehicle accident with injury	8/16/2023	230816-CFA01033	00:05:40	3665 RIO RD		3
EMS call, excluding vehicle accident with injury	8/16/2023	230816-CFA01031	00:07:13	26245 CARMEL RANCHO BLVD		3
EMS call, excluding vehicle accident with injury	8/15/2023	230815-CFA01024	00:06:56	26140 S CARMEL HILLS DR		3
EMS call, excluding vehicle accident with injury	8/14/2023	230814-CFA01019	00:06:12	558 CARMEL RANCHO SHOPPING CENTER		3
EMS call, excluding vehicle accident with injury	8/13/2023	230813-CFA01017	00:04:37	3425 MOUNTAIN VIEW AVE		3
EMS call, excluding vehicle accident with injury	8/13/2023	230813-CFA01014	00:04:27	26171 MESA DR		3
EMS call, excluding vehicle accident with injury	8/12/2023	230812-CFA01013	00:08:00	4380 CARMEL VALLEY RD		3
EMS call, excluding vehicle accident with injury	8/12/2023	230812-CFA01010	00:05:11	3850 RIO RD		3
EMS call, excluding vehicle accident with injury	8/11/2023	230811-CFA01005	00:06:40	3775 RIO RD		3

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>CYPRESS cont.</b>						
EMS call, excluding vehicle accident with injury	8/7/2023	230807-CFA00990	00:03:38	3600 OCEAN AVE		3
EMS call, excluding vehicle accident with injury	8/7/2023	230807-CFA00989	00:07:13	26525 FISHER DR		3
EMS call, excluding vehicle accident with injury	8/5/2023	230805-CFA00986	00:03:43	26392 VALLEY VIEW AVE		3
EMS call, excluding vehicle accident with injury	8/4/2023	230804-CFA00980	00:06:32	26135		3
EMS call, excluding vehicle accident with injury	8/4/2023	230804-CFA00977	00:08:42	3575 EDGEFIELD PL		3
EMS call, excluding vehicle accident with injury	8/3/2023	230803-CFA00976	00:04:41	200 CLOCK TOWER PL		3
EMS call, excluding vehicle accident with injury	8/2/2023	230802-CFA00970	00:05:27	3665 RIO RD		3
EMS call, excluding vehicle accident with injury	8/31/2023	230831-CFA01122	00:05:52	3772 THE BARNYARD		3
EMS call, excluding vehicle accident with injury	8/31/2023	230831-CFA01119	00:05:39	HWY 1	OCEAN AVE	3
EMS call, excluding vehicle accident with injury	8/30/2023	230830-CFA01115	00:07:26	25470 CANADA DR		3
EMS call, excluding vehicle accident with injury	8/29/2023	230829-CFA01113	00:06:48	24595 CAMINO DEL MONTE		3
EMS call, excluding vehicle accident with injury	8/27/2023	230827-CFA01099	00:05:12	26160 MONTE VERDE ST		3
EMS call, excluding vehicle accident with injury	8/25/2023	230825-CFA01090	00:03:35	25725 BALDWIN PL		3
EMS call, excluding vehicle accident with injury	8/15/2023	230815-CFA01028	00:07:01	3850 RIO RD		3
EMS call, excluding vehicle accident with injury	8/3/2023	230803-CFA00975	00:08:46	24940 OUTLOOK DR		3
Motor vehicle accident with injuries	8/20/2023	230820-CFA01062	00:05:16	26135		3
Assist invalid	8/22/2023	230822-CFA01072	00:05:42	3850 RIO RD		3
Assist invalid	8/21/2023	230821-CFA01067	00:05:01	26346 RIVER PARK PL		3
False alarm or false call, other	8/11/2023	230811-CFA01002	00:05:13	26245 CARMEL RANCHO BLVD		3
<b>40</b>			<b>0:06:02</b>			
<b>MARINA</b>						
EMS call, excluding vehicle accident with injury	8/29/2023	230829-CFA01111	00:16:07	3170 LAKE DR		3
EMS call, excluding vehicle accident with injury	8/4/2023	230804-CFA00981	00:15:49	3125 MESSINGER DR		3
<b>2</b>			<b>0:15:58</b>			
<b>MONTEREY</b>						
EMS call, excluding vehicle accident with injury	8/19/2023	230819-CFA01054	00:09:37	DAVID AVE	WAVE ST	3
EMS call, excluding vehicle accident with injury	8/18/2023	230818-CFA01048	00:09:00	1575 SKYLINE DR		3
EMS call, excluding vehicle accident with injury	8/14/2023	230814-CFA01021	00:03:11	1501 SKYLINE DR		3
EMS call, excluding vehicle accident with injury	8/7/2023	230807-CFA00991	00:14:11	30 GARDEN CT		2
EMS call, excluding vehicle accident with injury	8/30/2023	230830-CFA01117	00:07:43	1046 MUNRAS AVE		3
EMS call, excluding vehicle accident with injury	8/23/2023	230823-CFA001076	00:08:00	200 GLENWOOD CIRCLE		3
Cover assignment, standby, moveup	8/14/2023	230814-CFA01020	00:00:03	MUNRAS AVE	SOLEDAD DR	2
<b>7</b>			<b>0:07:24</b>			
<b>PACIFIC GROVE</b>						
EMS call, excluding vehicle accident with injury	8/14/2023	230814-CFA01018	00:11:16	SUNSET DR	SEVENTEEN MILE DR	3
<b>1</b>			<b>0:11:16</b>			
<b>PEBBLE BEACH</b>						
EMS call, excluding vehicle accident with injury	8/28/2023	230828-CFA01105	00:13:07	13 SPANISH BAY CIR		3
EMS call, excluding vehicle accident with injury	8/24/2023	230824-CFA01082	00:08:04	1576 CYPRESS DR		3
EMS call, excluding vehicle accident with injury	8/19/2023	230819-CFA01056	00:09:43	1500 CYPRESS DR		3

Incident	Alarm Date	Incident Number	Response Time	Combined Address	Cross Street	Priority
<b>PEBBLE BEACH cont.</b>						
EMS call, excluding vehicle accident with injury	8/19/2023	230819-CFA01051	00:07:48	1700 SEVENTEEN MILE DR		3
EMS call, excluding vehicle accident with injury	8/11/2023	230811-CFA01004	00:07:41	CYPRESS DR	SEVENTEEN MILE DR	3
EMS call, excluding vehicle accident with injury	8/6/2023	230806-CFA00987	00:10:49	651 SINEX AVE		3
EMS call, excluding vehicle accident with injury	8/31/2023	230831-CFA01120	00:12:28	STEVENSON DR	PORTOLA RD	3
EMS call, excluding vehicle accident with injury	8/20/2023	230820-CFA01065	00:08:45	3152 FOREST LAKE RD		3
Motor vehicle accident with injuries	8/20/2023	230820-CFA01063	00:11:08	BIRD ROCK RD	STEVENSON DR	3
Motor vehicle accident with injuries	8/18/2023	230818-CFA01047	00:11:11	1700 SEVENTEEN MILE DR		3
Dispatched & canceled en route	8/29/2023	230829-CFA01109	00:07:28	1700 SEVENTEEN MILE DR		3

**11 0:09:50**

**SEASIDE**

EMS call, excluding vehicle accident with injury	8/25/2023	230825-CFA01093	00:14:03	1571 WARING ST		3
EMS call, excluding vehicle accident with injury	8/18/2023	230818-CFA01044	00:13:05	971 HARCOURT AVE		3

**2 0:13:34**

<b>Code 2 Calls</b>	<b>5</b>
<b>Code 3 Calls</b>	<b>67</b>
<b>Total # of Incidents</b>	<b>72</b>
<b>Total Average Response Time</b>	<b>0:10:38</b>



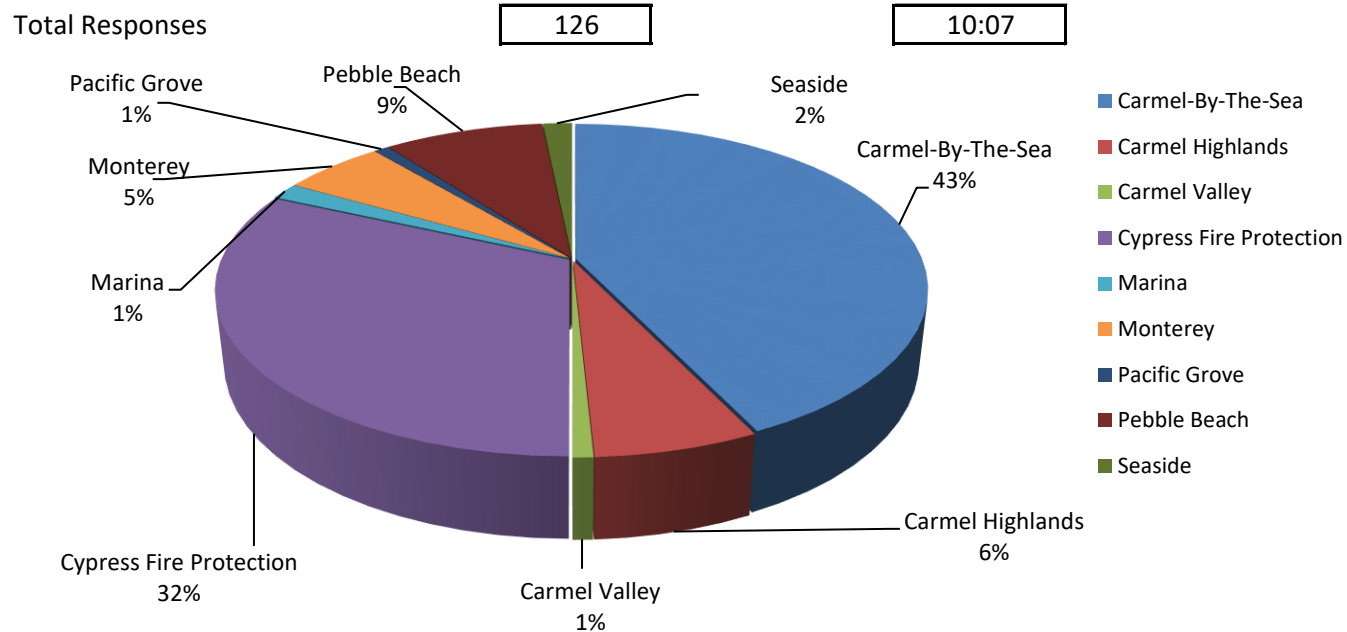
# CITY OF CARMEL - FIRE AMBULANCE DEPARTMENT

## AUGUST 2023

### Response Summary Report by District Type



<u>District Response</u>	<u>Number</u>	<u>Average Response Time</u>
Carmel-By-The-Sea	54	3:29
Carmel Highlands	8	10:24
Carmel Valley	1	13:08
Cypress Fire Protection	40	6:02
Marina	2	15:58
Monterey	7	7:24
Pacific Grove	1	11:16
Pebble Beach	11	9:50
Seaside	2	13:34



<b>Total Code 3 Calls:</b>	<b>53</b>
<b>CFA Response Times for Code 3 Calls ≤ 5 minutes:</b>	<b>92%</b>



**City Clerk PRA Log  
August 2023**

Attachment 3

Request Number	Date Requested	10-day Response Date	Records Requested	Requestor Name	Date Completed	Notes
2023-78	8/1/2023	8/11/2023	all correspondence, reports , assignments, contracts, and services between Davey tree company and Carmel by the sea from October 1, 2022 to April 1, 2023.	Parker Logan	8/17/2023	sent contract with DRG on 8/1/2023, sent additional responsive records 8/11/23. final set of records sent 8/17/23
2023-79	8/2/2023	8/14/2023	The name of the firm that conducted the investigation into former Carmel Police Chief Alan Ward, and the total spent on the investigation.	Pam Marino	8/2/2023	response sent
2023-80	8/3/2023	8/14/2023	Which council members requested to call back the item regarding the HRB approval of the JB Pastor project vis a vis the wall filed with the city.	Mary Schley	8/3/2023	records sent
2023-81	8/4/2023	8/14/2023	names and titles as well as contact information for all custodians of records for the Carmel By the Sea's City Council Meeting held on August 1, 2023.	anonymous	8/4/2023	response sent
2023-82	8/4/2023	8/14/2023	The cost incurred by the City of Carmel for the presence of Brian Pierik at the August 1, 2023 City Council Meeting	anonymous	8/11/2023	response sent
2023-83	8/4/2023	8/14/2023	All text and emails sent or received by; Mayor Dave Potter, Mayor Pro Tem Bobby Richards CouncilMembers Jeff Baron, Karen Ferlito, Alissandra Dramov, City Clerk Nova Romero, City Manager Chip Rerig, City Attorney Brian Pierik CPB Director Brandon Swanson, during the City Council Meeting held on August 1, 2023. Beginning at 4:30 until the meeting officially adjourned (at 6:15 pm)	anonymous	8/11/2023	response sent
2023-84 (Next request ID 2023-11)	8/4/2023	8/14/2023	any 496 forms that were filed either in support or opposition of Measure C, which was on the ballot in March 2020 in Carmel-by-the-Sea	Jack Maedgen	8/7/2023	response sent
2023-85	8/7/2023	8/17/2023	1) any correspondence to the City Council from "B. Wilke" (within the past 90 days) that discuss David O'Neil or Karyl Hall; and 2) email correspondence on July 27, 2023, between Councilmembers Ferlito, Dramov, and Mayor Potter.	David O'Neil	8/15/2023	records sent
2023-86	8/18/2023	8/28/2023	Certificate of Insurance for City of Carmel by the Sea's City Attorney Brian Pierik	anonymous	8/29/2023	record sent
2023-87	8/18/2023	8/28/2023	Please provide name and contact information for: 1. Nova Romero supervisor. 2. Carmel by the Sea's Comptroller. 3. Carmel by the Sea's Liability Insurance	anonymous	8/25/2023	response sent
2023-88	8/21/2023	8/31/2023	Property file information on Lincoln 3 SW 12th	Mark Ryan	8/21/2023	records sent
2023-89	8/25/2023	9/5/2023	2023 TOT report	Pam Marino	8/25/2023	records sent
2023-90	8/28/2023	9/7/2023	sewer, storm drain and water info for a fiber cable installation project in 3678 The Barnyard, Carmel-By-The-Sea, CA 93923	Kumar Manik	8/28/2023	no records (location is in the County). Notified requester.
2023-91	8/29/2023	9/8/2023	City of Carmel Org Chart	anonymous	8/29/2023	send record

**City Clerk PRA Log  
August 2023**

Attachment 3

<b>Request Number</b>	<b>Date Requested</b>	<b>10-day Response Date</b>	<b>Records Requested</b>	<b>Requestor Name</b>	<b>Date Completed</b>	<b>Notes</b>
2023-92	8/30/2023	9/11/2023	Name and title of the head of Finance within City of Carmel	anonymous	8/31/2023	response sent
2023-93 (Next Request ID# 23-13)	8/30/2023	9/11/2023	1. Rehak Construction Contract 2. List of subcontractors, 3. Copy of the executed Notice of Completion, 4. Inspector's daily logs/work logs and photos for this project 5. Daily work site sign in sheets for Thomas Rehak's workers, 6. Statement of Employer payments (DIR Form PW 26), 7. Unredacted certified payroll records for Thomas Rehak workers	Debby Terry, NorCal Construction Industry Compliance (NCIC), JLMCC, c/o J. Atencio, Compliance Agent	9/12/2023	records for items 1-2 sent on 8/31. records for items 3, 4, 5, 6, and 7 sent on 9/8/23. daily sign in sheets sent 9/12.
2023-94	8/31/2023	9/11/2023	Name and contact info for the City's Information Technology Manager	anonymous	8/31/2023	response sent
2023-95	8/28/2023	9/7/2023	business license app for BL 23-040	Mary Schley	9/8/2023	records sent

**Police Department PRA Log  
August 2023**

Attachment 3

<u>Request No.</u>	<u>Request Date &amp; Received By</u>	<u>10-Day Due Date</u>	<u>Date Completed by</u>	<u>Requestor</u>	<u>Info Requested</u>
2023-0001	07/24/23 MW		08/03 JK	Medical Board of CA - Eric Berumen	Report, CAD, Phone recording
2023-0002	8/3/23 DA	8/13/2023	8/3 DA	Maniyel Agacanyan	CA2300312
2023-0003	8/3 DA	8/13/2023	8/3 DA	Rosalia MoralesMendez	CG2300493
2023-0004	8/3 DA	8/13/2023	8/4 DA	Lexis Nexis	CA2300308
2023-0005	8/3 DA	8/13/2023	8/4 DA	Lexis Nexis	Accident Report
2023-0006	08/07/ mw	8/17/2023	08/07 mw	Christopher Winfield	CG2300183
2023-0007	8/12 DA	8/22/2023	8/12 DA	Suzanne Meierding	CG2300213 report/photos
2023-0008	08/21 mw	8/31/2023	08/21 AI/MW	susan albertson	CG2300022
2023-0009	8/24 da	9/4/2023	8/24 DA	Antolin Sanchez	CA2300272
2023-0010	8/24 da	9/4/2023	8/24 DA	Lexis Nexis	CG2300306
2023-0011	8/24 da	9/4/2023	8/25 DA	Lexis Nexis	CC2300266
2023-0012	8/25 da	9/5/2023	8/25 DA	Lexis Nexis	CA2300290
2023-0013	8/25/2023	9/5/2023	25-Aug	Lexis Nexis	CG2300306/photos only
2023-0014	8/25/2023	9/5/2023	25-Aug	Lexis Nexis	CA2300312
2023-0015	25-Aug	9/5/2023	25-Aug	Lexis Nexis	CC2300287
2023-0016	8/25 DA	9/5/2023	27-Aug	Julia Cominos	CG0800027
2023-0017	8/28/2023	9/8/2023	28-Aug	Pamela Gallegos	CG2300397
2023-0018	8/28/23 DA	9/8/2023	28-Aug	Mercedes Rodriguez	CA2300287
2023-0019	8/29/23 DA	9/9/2023	9/2 DA	Virginia Kennedy	CC2300321



## CITY OF CARMEL-BY-THE-SEA

### Public Works Department

### August 2023 Monthly Report

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Robert M. Harary, P.E., Director of Public Works
<b>SUBMITTED ON:</b>	September 5, 2023
<b>APPROVED BY:</b>	Chip Rerig, City Administrator

#### City Council Meeting of August 1, 2023

- Adopted Resolution 2023-077, awarding a construction contract to Bowen Engineering for the Mission Trail Nature Preserve (MTNP) Well Decommissioning, and Tank and Pump House Removal Project for an amount, with contingency, of \$139,700.

#### Forest and Beach Commission Meeting of August 10, 2023

- At Ocean Avenue, 4 northeast of Guadalupe, deferred a request to prune limbs of a significant oak tree owned by a neighbor, until there is more information regarding a proposed, second story addition.
- Approved the removal of one Coast live oak located close to a house and with a significant lean, but only upon approval of a planning Design Study and issuance of a Building Permit.
- At the southwest corner of Santa Fe and Mountain View Avenue, approved the removal of 2 Coast live oaks and required replanting of two upper canopy trees at the Applicant's expense. These trees were adjacent to other trees that fell during the storms and destroyed a garage that needs to be rebuilt.
- At Camino Real, 2 northwest of Thirteenth Avenue, approved the removal of a Monterey pine causing substantiated damage to a house, and required planting of one upper canopy tree at the Applicant's expense.
- For the Coastal Engineering Study, Dr. Revell, a consultant with Integral Corp, presented results of their Seasonal and Long-Term Beach and Shoreline Change Analysis. Commissioners expressed concern that the Analysis did not give rise to the serious condition of the beach infrastructure and potential risks. The consultants will provide a draft of the technical report's Executive Summary for Commission review at an upcoming meeting.
- For the Urban Forest Master Plan (UFMP), Tom Ford providing an overview of the first Public Workshop held in July, and the status of consultant Davey Resource Group's development of the UFMP. He suggested to have DRG review the final draft UFMP Community Survey for any comments before it is released to the general public. Commissioners requested holding a Special Meeting to focus on this item.
- As a Beautification Project, three design options were presented for the five raised median islands along Ocean Avenue. Forester Ono presented Option #1, which was approved in February 2022 and implemented in the island between Lincoln and Monte Verde Streets. He also presented Option #2 which was the original design by landscape architect Thomas Church when the medians were constructed in 1938. Alan Wheat, Professor of Horticulture at MPC, presented Option #3 which would embellish Option #1 with more tree work, create a "pollinator pathway," and install a greater variety of local plants and shrubs. With public support, the Commission selected the Option #3 design concept.
- Commissioner Sours provided an overview of the Commission's Carmel Beach Tour of Inspection in July, and discussed the need for maintenance and urgent repairs of several coastal protection structures, including vertical seawalls, sloping revetments, stairways, and storm drains.
- Presented the Public Works Reports, including the Forestry Division Updates, for June and July 2023.

### **Traffic Safety Committee Meeting of August 23, 2023**

- Committee reviewed MTNP documents allowing limited bicycle access on main trails only, existing bike signs, and a few prior complaints. While noting off-trail bikes and e-bikes do cause damage to the Preserve, but recognizing limited capacity to enforce the rules, the Committee decided to continue to monitor the situation.
- Request for “Cross Traffic Does Not Stop” signs at the Monte Verde Street and Seventh Avenue intersection was denied.
- Request to remove a green loading zone on Lincoln Street, north of Eighth Avenue, was approved.
- Request to convert a compact parking stall in the Park Branch Library parking lot, adjacent to Junipero Street, to motorcycle only parking, was approved.
- Request for three new “Stop” signs, one for westbound First Avenue at the T-intersection with Pescadero Road, and two at the Second Avenue and Lincoln Street intersection, were supported and will be presented to the City Council for approval at an upcoming Council meeting.

### **City Council Special Meeting of July 20, 2023**

- Workshop included Council review of 22 Strategic Priorities for the City. Ten priorities pertaining to Public Works included: Police Building Renovation Project, reducing fire risk through fuel reduction, development of the Urban Forest Master Plan, updating the Stormwater Ordinances, volunteer oversight/facilitation/ appreciation, increasing beautification efforts, developing facility maintenance plans and renovation projects, Rule 20A undergrounding utilities, exploring Scout House options, and the Coastal Engineering Study/Climate Committee.
- Based on Council guidance, as well as public comments and input from the Carmel Resident’s Association Survey, these strategic initiatives will proceed with generally minor modifications. One notable change will be to dissect the Rule 20A Undergrounding Project into a one-time, limited project using Rule 20A funds, from a long-range, City-wide undergrounding feasibility program.

### **Administration**

- Jaime Aquino, a 25-year veteran with the City, was promoted to Maintenance Worker III.
- Project Manager Javier Hernandez represented Carmel at the annual American Public Works Association Conference in San Diego.
- Received \$21,500 from the Transportation Agency of Monterey County (TAMC) for reimbursement of eligible Regional Transportation Improvement Program expenses, including traffic paint, EV charging station connections, and sidewalk repairs.
- Met with representative of the California Department of Housing and Community Development (HCD) regarding the Scout House renovation project. The City’s adopted resolutions assumed the proposed project was exempt from the Surplus Lands Act; but, per HCD, the Surplus Lands Act did not apply.
- Working with the Finance Department, checked over the Master Contracts database, removed expired contracts and agreements, and began updating the database with active contracts and agreements.
- Developed a plan for extra trash bins, portable toilets, and sinks rented for holiday weekends and special events, so that they rotate along Scenic Road, rather than repeatedly placed in two locations.
- All Public Works staff attended Traffic Control Safety training.

### **Carmel Cares and Other Volunteers**

- Substantially completed construction of the Scenic Pathway Guardrail Repair Project.
- Received design review approval for new cigarette butt containers provided by Keep America Beautiful, to replace the existing, smaller “Butt Stops Here” containers. New containers will also be attached to trash containers.
- “Median Minders” volunteers continued to improve medians across the Village.
- “Downtown Detail” volunteers continued to beautify bulb-outs and sidewalks in the downtown area.
- “Pick Up Posse” and “Tag Team” volunteers continued to pick up trash, eradicate graffiti, and remove illegal stickers.
- The Friends of Mission Trail Nature Preserve improved the Doolittle Trail making it safer to travel around a muddy bog.
- Cindy Lloyd pruned and beautified the flower beds and plants around the WWI Memorial Arch.

### Environmental Programs

- Met with the Coastal Commission and consultants EMC and Integral Corp. to finalize the application for a non-competitive, \$500,000 Local Coastal Program grant. Grant will fund the Coastal Engineering Study, Phase II project as well as reimburse the City up to \$50,000 for project management. Grant submitted to City Council for approval at the September 12<sup>th</sup> meeting.
- Met with the City Attorney's office to review modifications requested by the Coastal Commission regarding the City's draft Stormwater Ordinance updates. Some modifications were removed, and the ordinances are now ready for the first Public Hearing at the October Council meeting.
- Held kickoff meeting with Denise Duffy & Associates for the North Dunes Habitat Restoration Project. DDA prepared an initial memorandum assessing the existing conditions of the site, noted overall good conditions, and recommended minor repairs to fencing, and removal of ice plant and acacia saplings.
- Began contacting volunteers to schedule consistent, ongoing weed pulling and ice plant removals in the North Dunes habitat area.
- So that all entities that clean up Carmel Beach do so consistently and within the standards of a Marine Sanctuary and Area of Special Biological Significance, developed a draft list of trash items that should be removed from the beach, natural materials that should remain on the beach, items to be recycled, lost and found items to be reported to the Police, and phone numbers for various mammals found injured or deceased on the beach. Draft Policy to be presented to Forest and Beach Commission on September 14<sup>th</sup>.
- Public outreach noted in Friday Letters included: electrifying your home, electrifying your vehicle, and Blue Supermoon tidal impacts.
- Processed documentation associated with Energy Watch's recent installation, at no cost to the City, of electric heat pump water heaters in four City buildings.

### Facility Maintenance

- To begin the FY 2023/24 ADA Upgrades Project, vendor painted contrasting yellow nosing on all outdoor steps surrounding the Harrison Memorial Library (HML).
- For the Sunset Center Bollards CIP project, received final quotes for up to 10 new bollards around the Sunset Center box office, and placed an order for delivery.
- For the Police Dispatch room, staff installed drywall, a contractor taped and painted the walls, electricians modified the electrical and IT wiring, and the flooring was completed, all prior to installing grant-funded modular furniture in September.
- Installed a decorated, solar-powered safety light in the northwest corner of the Police parking lot.
- Contractor reconstructed concrete steps and adjacent sidewalk outside of the Park Branch Library which were damaged by tree roots.
- Vendor repaired flooring in two bathrooms in the HML.
- Electrical contractor made corrections to their recently-upgraded switches and electrical panels in the Public Works Garage which were not properly installed.
- Contractor inspected the fire sprinkler systems in City buildings and began making minor, but required, repairs.
- Vendor cleaned the windows at numerous City buildings.
- At the Fire Station, made adjustments to the Plymovent vehicle exhaust system, and supported efforts to cool down the IT server equipment in the utilities closet.
- Began to replace corroded drinking fountain heads at City-wide locations.

### Project Management for the Capital Improvement Program

#### 4 Leaf Projects:

- For the Police Building Project, Indigo Architects conducted a detailed building condition assessment and space programming interviews with key stakeholders.

#### Ausonio, Inc. Projects:

- Amendment No. 1 to the Professional Services Agreement (PSA) with Ausonio was executed for FY 2023/24 services for a not-to-exceed fee of \$125,000, and the Notice to Proceed was issued.

- For the bundled project for City Hall Roof Replacement, Sunset Center Exterior Painting - north wing, Cottage Windows Repairs, and Harrison Memorial Library Exterior/Interior Painting, the August 1<sup>st</sup> pre-bid meeting/tour was attended by 14 contractors, two addenda were issued, and two bids were received at the August 22<sup>nd</sup> Bid Opening. The low bid of \$1.27M was nearly twice the cost estimate of \$675k.
- After evaluation of the Bids, a staff report was submitted for Council to reject the bids at their September 12<sup>th</sup> meeting and direct staff to evaluate alternative contracting methods before rebidding.
- Met with City's on-call architectural firm, Ten Over Studio, to request preparation of a new scope of work, fees, and schedules for design of three new projects: Sunset Center Portico, Sunset Center Retaining Wall Repairs, and the San Antonio Pathway Reconstruction Project, between Second and Fourth Avenues. A tour of these facilities followed in late August.

Wallace Group Projects:

- For the FY 22/23 Concrete Streets Repair Project, Amendment No. 1 was prepared with BKF Engineers for \$49,092, for additional services associated with intermittent street returns along Ocean Avenue, and a staff report was submitted for Council approval at the September 12<sup>th</sup> meeting.
- For the FY 23/24 City-wide Paving Project, Wallace Group submitted a proposed scope of work, fees, and schedule to perform the engineering and design work. Proposal under review.
- For the Coastal Infrastructure Repair Project, Wallace Group submitted a proposed scope of work, fees, and schedule to perform the project management oversight of a third-party design consultant. Proposal under review.

Additional Projects:

- For the MTNP Well and Tank/Pump House Removal Project, following award of the \$139,700 bid by Bowen Engineering, the construction contract was executed and the Notice to Proceed was issued on September 1<sup>st</sup>. Construction to commence by mid-September.
- For the FY 2021/22 Paving Project, bid advertising commenced on August 7<sup>th</sup>, and a pre-bid meeting was held on August 24<sup>th</sup>. The Bid Opening is scheduled for September 12<sup>th</sup>. This Project covers asphalt overlays along seven streets, micro-surfacing along three streets, and four sidewalk repairs.
- For the MTNP 3 Drainage Improvement Projects, the Water Quality Control Board approved the 401 Water Quality Permit. Dudek and staff continued an extended back and forth dialog and resubmittals with the California Department of Fish and Wildlife for the final of three regulatory permits.
- The improvement and traffic control plans, submitted by Wave Broadband for their proposed fiber optics infrastructure project spanning across the City, were approved. A CEQA Notice of Exemption is being prepared, final mitigation measures were finalized for the Encroachment Permit with Special Conditions of Approval, and a presentation by Wave's representative to describe the project purpose, scope, and mitigation of impacts, was deferred to the October City Council meeting.
- For the design of four, high-priority Drainage Improvements Project, Amendment No. 1 was executed, Notice to Proceed was issued, and a kickoff meeting was held with Neill Engineers.
- For the Electrical Panel Upgrades Project at several City buildings, a replacement electrical panel for the Sunset Center north lot, and additional EV charging stations at Vista Lobos, the PSA was executed, Notice to Proceed was issued, and a kickoff meeting was held with Advance Design Consultants.

**Street Maintenance**

- Supported the Leadership Carmel Class of 2023 by installing nature play facilities at the Forest Hill Park including: a log tunnel, braille panel, log clusters, hardwood stump seats emulating a classroom setting under a redwood grove, hawk perch, and owl boxes.
- For the very busy Car Week, Street crews provided parking signage, deployed vehicle barriers, and placed traffic control devices in concert with the Police Department. Also provided additional staffing, trash bins, portable toilets, sinks, and supplemented trash pickups.
- Purchased portable speed bumps strips, and deployed them across upper Ocean Avenue during Car Week as a pilot project.



- The new, RAVO 5E electric street sweeper arrived, was customized for Carmel, and several staff operators were trained. Received \$223,177 from 3CE for the electric street sweeper, representing the cost differential above the cost of a conventional, diesel-fueled sweeper.
- Installed new trash bins near the Lincoln Street/Seventh Avenue, and Carmelo Street/Santa Lucia Avenue intersections.
- Installed thermoplastic parking tees along Dolores Street and stop bars at various intersections.
- Distributed 200 boxes of produce generously provided by Rancho Cielo.

**Forestry, Parks, and Beach (Forester’s Report)**

- Snapshot of Davey Resource Group’s status for the development of the UFMP:
  - Tree Inventory - complete
  - Tree Canopy and Land Cover Assessment – complete
  - Urban Forest Economics Resource Analysis – V.1 complete/under review by CBTS
  - Stakeholder Interviews – 99%
  - Draft 1 of UFMP – 45%
- Amendment No. 1 to the PSA with Davey Resource Group was executed, and a Notice to Proceed was issued for additional services associated with the UFMP.
- Forestry assisted Leadership Carmel’s nature play equipment project at Forest Hill Park and coordinated with their tree contractor for installation of two owl boxes and a hawk perch.
- On-call tree services contractors Community Tree Service, Tope’s Tree Service, and West Coast Arborists were issued Task Orders for numerous tree removals, stump removals, and pruning of several trees. The Task Order process is becoming more streamlined by significantly increasing the quantities of tree work making cost estimating by contractors, and tracking by the City, more efficient.
- Landscape maintenance contractor, Town & Country, continues providing a wide range of landscaping services throughout the City. Public comments have become increasingly positive.
- Met with the Community Planning and Building Department for Forestry to resume the review of private development landscaping plan reviews and tree protection inspections.
- The City’s new stump grinder was put into a routine part of forestry maintenance operations. As stumps are removed, new trees were planted.
- Crews removed tree logs along the Junipero Street medians.
- Continued to provide information related to tree-related claims resulting from the winter storms.
- Forestry crews participated in the Tree Topia conference in Vallejo.

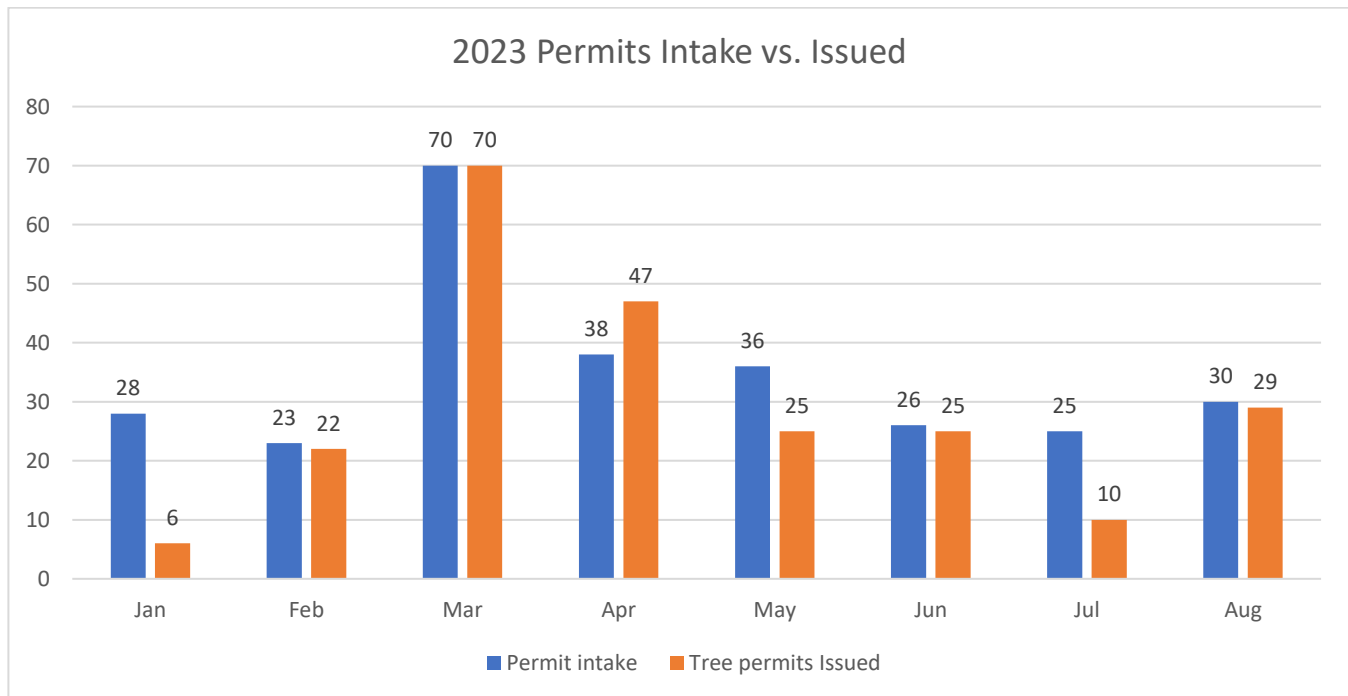
**Permit Information**

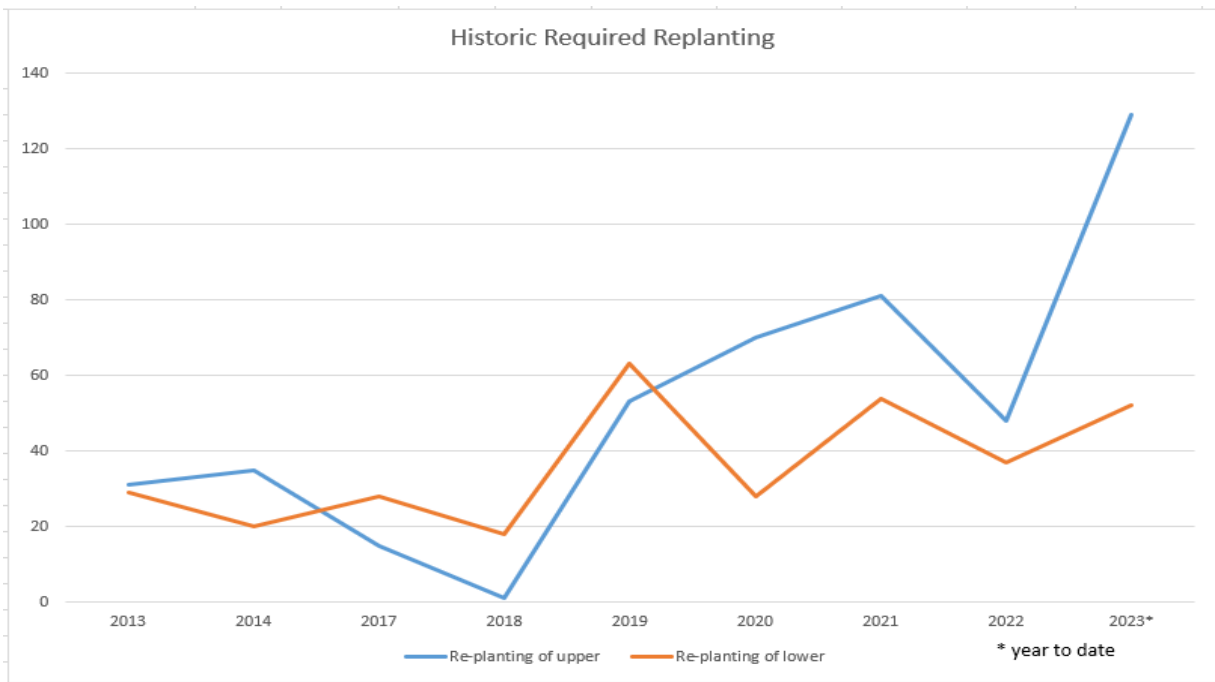


2023 Permitted removals, pruning, and required planting											
	Tree permits received	Tree permits Issued	Total Prunings	Total Removals	Removal of Upper	Removal of Lower	Required to Plant Upper	Required to Plant Lower	No room for new tree	Meets Density Rec.	Total Number of Trees Required
January	28	6	0	12	3	7	5	1	0	2	6
February	23	22	1	24	15	9	15	10	0	0	25
March	70	70	21	71	47	24	32	14	1	7	46
April	38	47	16	53	49	4	32	3	2	2	35
May	36	25	9	26	20	6	18	4	4	7	22
June	26	25	14	26	17	9	16	6	0	4	22
July	25	10	7	7	5	2	3	2	0	2	5
August	30	29	5	24	12	20	8	12	2	6	20
September											0
October											0
November											0
December											0
<b>2023 Totals</b>	<b>276</b>	<b>234</b>	<b>73</b>	<b>243</b>	<b>168</b>	<b>81</b>	<b>129</b>	<b>52</b>	<b>9</b>	<b>30</b>	<b>181</b>

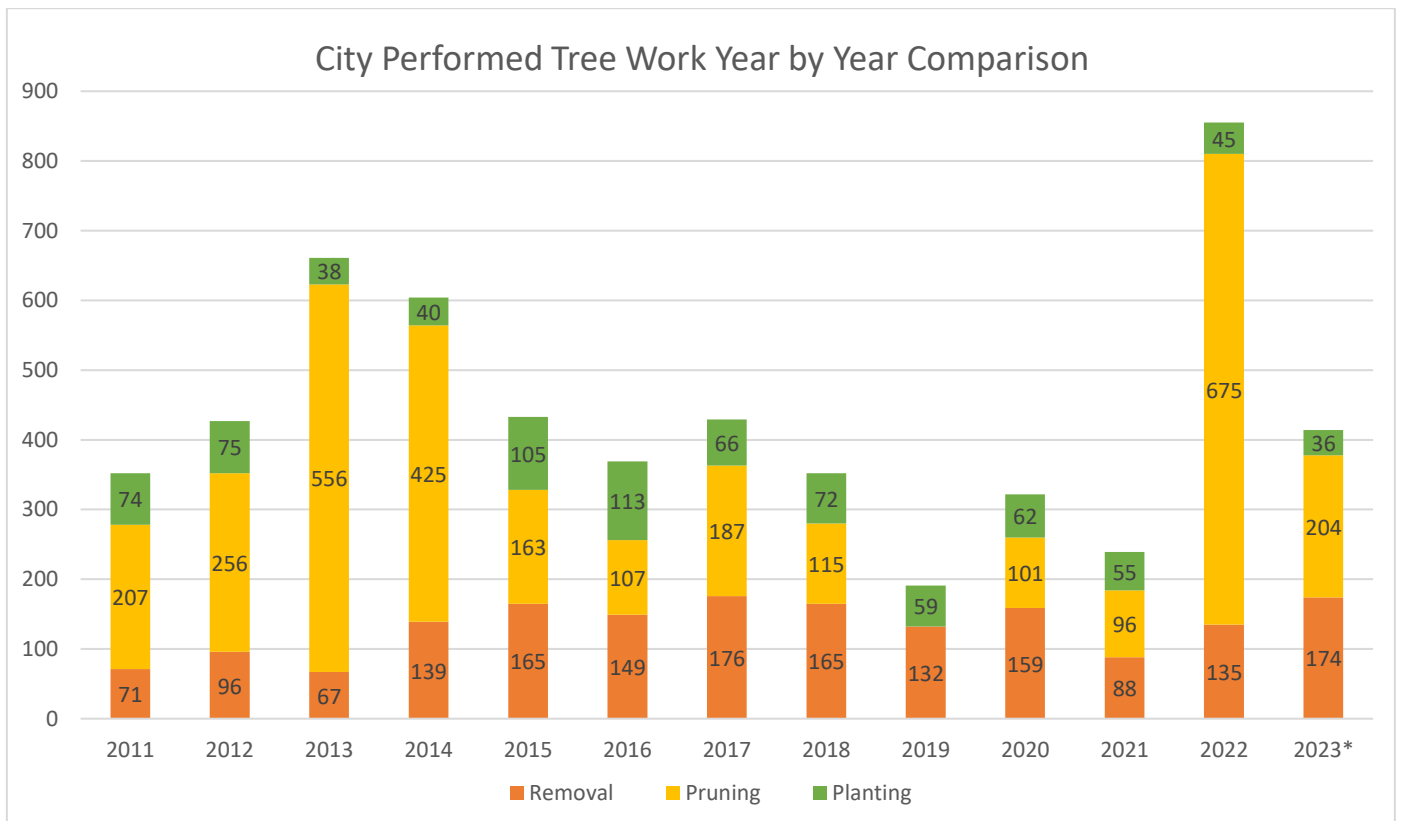
**Historic permitted removals and required planting**

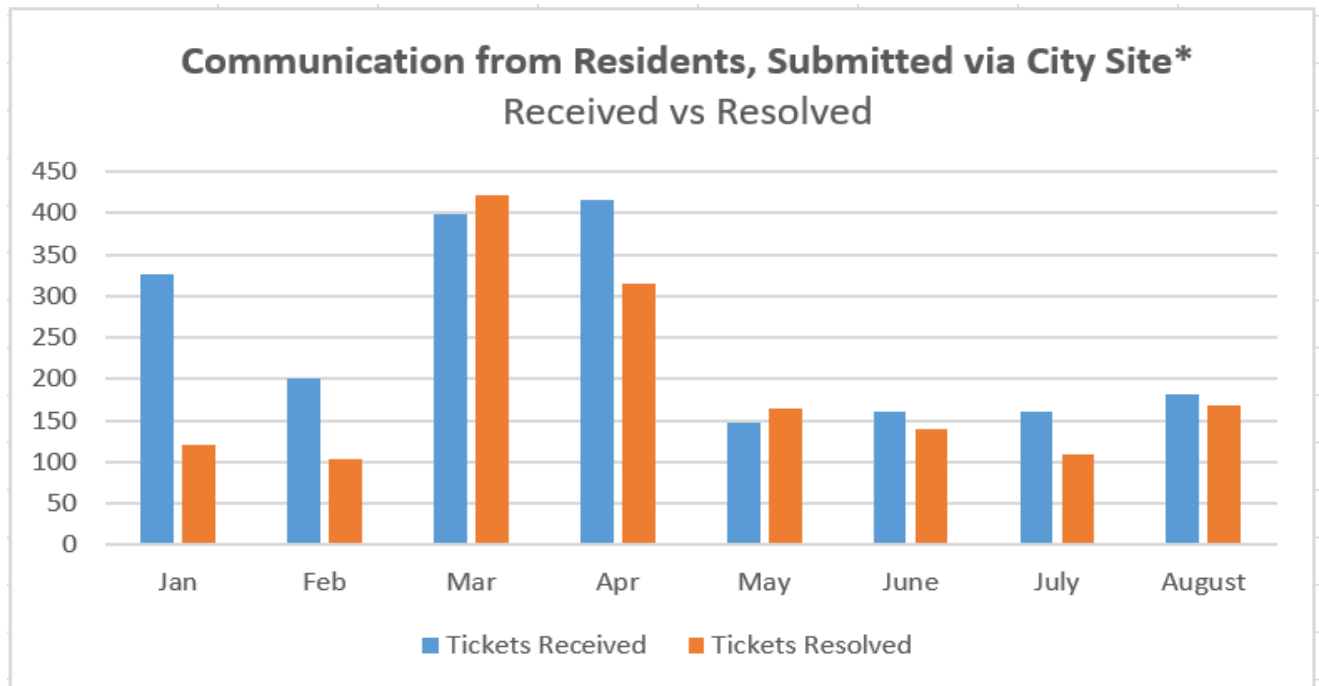
Year	Permitted removals	Removal of upper	Removal of lower	Replanting Required	Replanting of upper	Replanting of lower	Replanting %	Applications processed
2021	204	81	123	135	81	54	66.18%	213
2022	149	82	67	85	48	37	57.05%	155
2023*	243	168	81	181	129	52	74.49%	234
*Year To Date								





## City Forestry, Parks, and Beach Activities





\*Numbers represent only correspondences received via the City's website and do not include live calls, voicemails, drop-in visitors, emails sent directly to employees from residents, nor return calls and emails from staff.



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

October 2, 2023  
CONSENT AGENDA

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Jane Hogan, Accountant

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** August 2023 Check Register Summary

## RECOMMENDATION:

Approve the check register for August 2023.

## BACKGROUND/SUMMARY:

The check register is produced from the City's financial system. The report groups the checks by the respective department or function. The check register includes the check number, the name of the vendor, a description of the purchase, the check issue date and the amount of the check.

Per the California Supreme Court's decision in the case of Los Angeles County Board of Supervisors v. Superior Court (Dec. 29, 2016) (2016 WL 7473802), the check register excludes the specific invoice payments for legal services incurred for pending and active investigations, pending and active litigation, as well as recently concluded matters. The Supreme Court has ruled that these specific invoices are protected under attorney-client privilege and need not be disclosed under the Public Records Act.

On the last page of the report, staff have included the contract balance for the respective vendors that were paid in August 2023.

## FISCAL IMPACT:

The check register summary for August 2023, totals \$999,917.52.

## PRIOR CITY COUNCIL ACTION:

Council ratified the July 2023 check register at the September 12, 2023, regular meeting.

## ATTACHMENTS:

Attachment 1) August 2023 Check Register

# August 2023 Check Register

Attachment 1

Check No.	Vendor/Employee	Transaction Description	Date	Amount
<b>Department: 000</b>				
51893	Visit Carmel	CHID Remittance May-Jun 2023	08/18/2023	309,976.53
<b>Total for Department: 000</b>				<b>309,976.53</b>
<b>Department: 110 City Council</b>				
51818	Community Human Services	CHS JPA Allocation FY 23-24	08/10/2023	17,625.00
51837	Monterey Bay Air Resources District	Per Capita Assessment FY 23-24/Monterey County	08/10/2023	1,577.16
51847	Peninsula Messenger LLC	Mail service sorting and delivery	08/10/2023	5,229.00
51892	US Bank	CC Leac of Ca Cities conf expense	08/18/2023	650.00
51915	Carmel Cares-Dale Byrne, President	Discretionary grant 2023-24	08/25/2023	3,000.00
51918	Carmel Residents Association	Discretionary grant 2023-24	08/25/2023	3,000.00
51928	Food Bank For Monterey County	Discretionary grant 2023-24	08/25/2023	3,000.00
51938	Monterey Peninsula Ballet Theatre	Discretionary grant 2023-24	08/25/2023	3,000.00
51939	Monterey Symphony	Discretionary grant 2023-24	08/25/2023	3,000.00
51943	Pacific Repertory Theatre	Discretionary grant 2023-24	08/25/2023	3,000.00
51944	PadreParents-Sober Grad	Discretionary grant 2023-24	08/25/2023	3,000.00
<b>Total for Department: 110 City Council</b>				<b>46,081.16</b>
<b>Department: 111 City Administration</b>				
51806	Amazon Web Services Inc	Data and cloud storage fees	08/10/2023	852.42
51809	AT&T	Telephone service citywide	08/10/2023	2,188.91
51812	Carmel Pine Cone	Legal noticing	08/10/2023	912.50
51817	Comcast	City Hall cable service	08/10/2023	68.71
51819	Copies By-The-Sea	Agenda printing services	08/10/2023	1,916.59
51820	Corbin Willits System	MOM Financial system monthly fee	08/10/2023	720.79
51823	Dasher Technologies, Inc	Artic Wolf Security Program-NASPO Master Agreement	08/10/2023	582.25
51825	Digital Deployment	Website support agreement:Maint, training, security and updates	08/10/2023	700.00
51827	FedEx	Shipping fees-Business office	08/10/2023	28.80
51830	Iron Mountain	Records storage and management services	08/10/2023	1,381.17
51832	J 4 Systems	System modernization and resiliency services directed by IT	08/10/2023	700.00
51842	Office Depot, Inc.	Office supplies Admin	08/10/2023	147.73
51854	SystemsUp LLC	Remote desktop services as directed by IT Manager	08/10/2023	19.50
51858	T-Mobile	Monthly cell service sales and usage	08/10/2023	1,581.07
51864	Verizon Wireless	Cell phone sales and usage	08/10/2023	2,185.79
51868	Alhambra	Water service-City Hall	08/18/2023	154.71
51871	AT&T	Telephone service citywide	08/18/2023	1,046.42
51878	J 4 Systems	System moderization and resiliency services directed by IT	08/18/2023	920.00
51879	KnowBe4 USA	Security Awareness Training/PhishER Subscriptions	08/18/2023	3,599.64
51887	Pitney Bowes Bank Inc Purchase Power	Postage-meter refills	08/18/2023	3,490.00
51892	US Bank	Telephone Expense - IT	08/18/2023	1,275.44
51892	US Bank	IT Subscription	08/18/2023	81.00
51892	US Bank	Admin League Cal City Conf Meeting Expense	08/18/2023	713.11
51892	US Bank	IT Subscriptions: Microsoft, Adobe, GoDaddy, Freshworks, Zoom, Backblaze	08/18/2023	3,550.24
51892	US Bank	Metrofax Subscription: HR	08/18/2023	11.95
51892	US Bank	Admin office supplies	08/18/2023	93.93
51892	US Bank	IT Telephone Expense - Junction Networks	08/18/2023	410.46
51892	US Bank	IT Equipment Expense	08/18/2023	145.26
51892	US Bank	Finance charges	08/18/2023	87.29
51896	Xerox Financial Services	Xerox copier leases citywide	08/18/2023	1,945.51
51917	Carmel Pine Cone	Legal noticing	08/25/2023	1,390.50
51921	Comcast	City Hall cable service	08/25/2023	73.46
51922	Corbin Willits System	MOM Financial system monthly fee	08/25/2023	720.79
51932	J 4 Systems	System moderization and resiliency services directed by IT	08/25/2023	1,312.50
51949	Springbrook Software	Professional services relating to accounting software usage	08/25/2023	47.25
51950	SystemsUp LLC	Remote desktop services as directed by IT Manager	08/25/2023	78.00
<b>Total for Department: 111 City Administration</b>				<b>35,133.69</b>
<b>Department: 116 Police</b>				
51804	A1 Security Cameras	I Year Verkada License (2) and Dome cameras (2)	08/10/2023	3,297.30
51805	Allied Universal	Beach patrol services	08/10/2023	702.00
51810	Axon Enterprise, Inc	PD: Bundled services Tech Assurance-Body Cameras	08/10/2023	20,110.77
51816	Clears, Inc.	Application and dues for D Almario	08/10/2023	75.00
51817	Comcast	PD Cable serices	08/10/2023	342.83
51821	County of Santa Clara-Sheriff Office	Annual billing COPLINK South Bay Info Sharing System	08/10/2023	467.42
51824	De Lage Landen Financial	PD Copier usage	08/10/2023	169.79
51833	Jacked Up Fitness	Fitness equipment PD Power Rack Home Gym Terms: NET 30	08/10/2023	3,627.37
51853	Summit Uniforms	PD Uniform purchases	08/10/2023	215.47
51855	T2 Systems Canada Inc.	PD:Digital iris services	08/10/2023	578.47
51857	Titan Distributors	Exercise and workout equipment-PD	08/10/2023	548.33
51863	US Bank	Travel and training expense-J Clifford	08/10/2023	699.00
51866	Attention to Decal	Decal expense PD	08/11/2023	1,683.75

51867	Quinton McKee	Recreat logo for PD Vehicles	08/11/2023	500.00
51869	Allied Universal	Beach patrol services	08/18/2023	351.00
51870	Amazon Capitol Services	PD Supplies and Equipment	08/18/2023	199.91
51873	Carmel Towing & Garage	PD Towing expense	08/18/2023	4,699.27
51875	Department of Justice/Accounting Office	PD:Fingerprinting services	08/18/2023	98.00
51881	Michael Bruno	Pizza purchase for PW and PD staff 8/17/2023 Car Week	08/18/2023	217.41
51884	Office Depot, Inc.	Office supplies PD	08/18/2023	110.82
51889	Rogue Fitness	Quote 144390 Fitness equipment- TERMS NET 30	08/18/2023	2,431.91
51890	Seaside Chrysler, Dodge, Jeep	PD Vehicle repairs	08/18/2023	141.32
51892	US Bank	IAMP Traning program enrollment	08/18/2023	395.00
51892	US Bank	PD training equipment	08/18/2023	789.41
51892	US Bank	PD office supplies	08/18/2023	213.04
51892	US Bank	PD safety equipment	08/18/2023	134.71
51892	US Bank	PD training expense	08/18/2023	305.00
51892	US Bank	PD VIPS/CERT Expense	08/18/2023	880.14
51892	US Bank	Correct check 51544 overstated credit for training refund	08/18/2023	199.60
51910	Amazon Capitol Services	PD Inv 111-5241997-9657864	08/25/2023	30.55
51921	Comcast	PD Cable serices	08/25/2023	20.82
51925	Department of Justice/Accounting Office	PD:Fingerprinting services	08/25/2023	79.00
51936	MOGO Urgent Care	PD Substance testing services	08/25/2023	568.00
51941	Office Depot, Inc.	Office supplies PD	08/25/2023	209.48

**Total for Department: 116 Police** 45,091.89

**Department: 117 Fire**

51815	City Of Monterey	Fire Dept Monthly Interim Fire Admin	08/10/2023	245,891.60
51815	City Of Monterey	Fire Dept Vehicle Repairs	08/10/2023	293.15
51836	Mission Linen Service	Fire Dept laundry service	08/10/2023	261.96
51868	Alhambra	Water service-Fire Dept	08/18/2023	200.53
51873	Carmel Towing & Garage	Fire Dept. Gas Expense (E15)	08/18/2023	755.92
51882	Mission Linen Service	Fire Dept laundry service	08/18/2023	285.00
51892	US Bank	Flre Dept safety equipment	08/18/2023	483.87
51935	Mission Linen Service	Fire Dept laundry service	08/25/2023	123.62

**Total for Department: 117 Fire** 248,295.65

**Department: 118 Ambulance**

51808	American Supply Company	Janitorial Supplies-Amb Dept	08/10/2023	59.54
51811	Bound Tree Medical LLC	Medical supplies	08/10/2023	660.33
51815	City Of Monterey	FY 23-24 Ambulance Administration fee	08/10/2023	1,983.56
51831	Isaac Eckel	Reimburse for ACLS Renewal	08/10/2023	180.00
51848	Peninsula Welding & Medical Supply, inc.	Ambulance Dept-Oxygen/hazardous materials transport service	08/10/2023	212.01
51873	Carmel Towing & Garage	Amb Dept. Gas Expense (7166)	08/18/2023	886.82
51874	De Lage Landen Financial	Ambulance copier usage	08/18/2023	71.01
51886	Peninsula Welding & Medical Supply, inc.	Ambulance Dept-Oxygen/hazardous materials transport service	08/18/2023	54.72
51894	Wittman Enterprises, LLC	Ambulance billing service	08/18/2023	2,713.56

**Total for Department: 118 Ambulance** 6,821.55

**Department: 119 Public Works**

51807	American Lock & Key	Locksmith and key service for CF-	08/10/2023	2,356.25
51813	Chargepoint, Inc.	Service for charging stations at City locations 3/30/23 #183469	08/10/2023	2,926.00
51814	Cintas Corporation	Uniform Service for PW staff	08/10/2023	719.61
51815	City Of Monterey	Vehicle services.	08/10/2023	5,081.81
51822	CSC of Salinas	Backhow repair hydrolic leak 7/24/23 #000952233	08/10/2023	569.74
51824	De Lage Landen Financial	Lease for copiers for PW	08/10/2023	211.67
51826	Edges Electrical Group	Electrical supplies, LED lights for City facilities	08/10/2023	173.51
51828	Golden State Portables	Forest Theater events maintenance/cleaning	08/10/2023	3,468.04
51829	HF&H Consultants, LLC	Virtual Council Presentation-7/21/23 #9720438	08/10/2023	580.00
51835	David Sollid Marina Backflow Company	PW/FM backflow inspections	08/10/2023	390.00
51838	Monterey County Health Department	AST fee - #1181934/Base Fee - #1182771/ Safety solvents - #11873	08/10/2023	1,373.00
51841	Napa Auto Parts	PW vehicle supplies	08/10/2023	259.65
51843	Ono Consulting	Arborist Consulting July	08/10/2023	3,375.00
51849	Poe's Plumbing & Backflow	Plumbinf repair for City Facilities	08/10/2023	130.35
51850	Pureserve Building Service	Janitorial services FY 23/24	08/10/2023	43,551.18
51851	Rental Depot - Monterey	Mower for Martin Meadow. 7/3/23 #346331-1	08/10/2023	564.22
51852	Scarborough Lumber & Building	New chains forestry division. 7/24/23 #448066-4	08/10/2023	262.94
51856	The Academy	Aerial resue training 6/19/23 #1364	08/10/2023	2,494.00
51859	Tope's Tree Service Inc.	Tree services citywide as directed by City Forester	08/10/2023	2,920.00
51860	Uline Inc.	Safety supplies for PW/Forestry	08/10/2023	976.52
51861	Underground Service Alert Nor Cal	USA tickets-7/24/23 #23USB112607	08/10/2023	2,753.14
51862	Universal Staffing Inc	Temporary staffing services	08/10/2023	2,656.25
51865	William A Thayer Construction Inc	Scenic Janitors room door and RR doors	08/10/2023	5,499.45
51876	Edges Electrical Group	Electrical supplies, LED lights for City facilities	08/18/2023	62.59
51877	Green Rubber Kennedy AG	Sewer Camera 7/5/23 #S752972	08/18/2023	1,438.24
51891	Tope's Tree Service Inc.	Tree services citywide as directed by City Forester	08/18/2023	3,200.00
51895	Wm Baxter Electric	SSC surge protector #1253 6/16/23	08/18/2023	4,058.98
51907	Ailing House Pest Control	Pest Control	08/25/2023	354.00
51908	Alhambra	Water for Public Works Dept.	08/25/2023	824.97

51909	Always Under Pressure	Oil water seperator	08/25/2023	261.25
51911	American Lock & Key	Locksmith and key service for CF-	08/25/2023	670.08
51912	Ausonio, Inc	On Call service for PW Facilities	08/25/2023	1,050.00
51914	California Fire Protection, Inc.	Annual fire inspection, extinguishers	08/25/2023	2,375.00
51915	Carmel Cares-Dale Byrne, President	Landscaping Services for Scenic Pathway-	08/25/2023	2,970.00
51919	Carmel Towing & Garage	Fuel for PW vehicles	08/25/2023	2,491.73
51920	Cintas Corporation	Uniform Service for PW staff	08/25/2023	729.55
51926	Dominic Marquez	Work boot reimbursement FY 23-24 per MOU	08/25/2023	250.00
51927	Edges Electrical Group	Electrical supplies, LED lights for City facilities	08/25/2023	710.13
51929	Golden State Portables	Forest Theater events maintenance/cleaning	08/25/2023	4,880.23
51930	Hayward Lumber	Public Works Streets supplies	08/25/2023	14.81
51933	M & S Building Supply	FM supplies	08/25/2023	171.11
51934	David Sollid Marina Backflow Company	PW/FM backflow inspections	08/25/2023	750.00
51940	Napa Auto Parts	PW vehicle supplies	08/25/2023	209.56
51942	Otis Elevator Company	Library dumbwaiters service	08/25/2023	1,638.84
51946	Rental Depot - Monterey	Skid Steer Rental	08/25/2023	1,024.28
51947	Scarborough Lumber & Building	Public Works Streets supplies	08/25/2023	110.04
51948	Sherwin-Williams Co.	PW Paint and paint supplies	08/25/2023	155.97
51952	Universal Staffing Inc	Temporary staffing services	08/25/2023	5,440.01

**Total for Department: 119 Public Works** 119,133.70

**Department: 120 Library**

51845	Pacific Grove Self Storage	Storage Unit - Document storage	08/10/2023	353.00
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**Total for Department: 120 Library** 353.00

**Department: 121 Community Activities**

51937	Monterey County Pops!	Share cost of advertising for Monterey Pops! 4th of July concert	08/25/2023	312.00
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**Total for Department: 121 Community Activities** 312.00

**Department: 122 Economic Revitalization**

51883	Monterey County Convention & Visitors Bureau	TID Remittance May-Jun 2023	08/18/2023	46,426.00
51883	Monterey County Convention & Visitors Bureau	TID Remittance May-Jun 2023	08/18/2023	-464.26
51916	Carmel Chamber of Commerce	Discretionary grant- Leadership Carmel 23-24	08/25/2023	3,000.00

**Total for Department: 122 Economic Revitalization** 48,961.74

**Department: 130 Non-Departmental**

51844	Pacific Gas & Electric	Citywide gas & electric services	08/10/2023	451.06
51885	Pacific Gas & Electric	Citywide gas & electric services	08/18/2023	16,506.31
51888	Prism Public Risk Innovation	Gen Liability Program Q4 Apr-Jun 2023 Misc deductible years	08/18/2023	23,123.91
51913	Cal-Am Water Company	Water service citywide	08/25/2023	19,019.07
51924	De Lage Landen Financial	Monterey County Prop Tax	08/25/2023	153.68
51945	Prism Public Risk Innovation	Jul-Sept 23 Employee Assistance Program	08/25/2023	676.20

**Total for Department: 130 Non-Departmental** 59,930.23

**Department: 311 Capital Projects**

51834	Jayson Architecture	CIP:Library Master Plan Study	08/10/2023	330.00
51839	Monterey County Weekly Classifieds	CIP-Facility Reno Project 7/20/23 #41-072215-00000	08/10/2023	924.00
51846	Palace Bus Solutions/Trowbridge Ent	3 Office chairs	08/10/2023	1,734.73
51880	Layer 1 Networks Inc	CIP:Camera installation PD	08/18/2023	2,222.35
51892	US Bank	LibraryCIP expense	08/18/2023	723.75
51906	4Leaf, Inc	PD Building PM	08/25/2023	5,021.26
51912	Ausonio, Inc	City Hall Retaining Wall-	08/25/2023	17,620.00
51915	Carmel Cares-Dale Byrne, President	Scenic pathway - -Landscape Services	08/25/2023	4,852.44
51923	Davey Resource Group, Inc.	Forest Mng plan 8/8/23 #164926	08/25/2023	15,065.00
51931	Indigo/Hammon & Playle Architects, LLP	Architect & Engineering Services for PD/PW Building Project	08/25/2023	23,237.00

**Total for Department: 311 Capital Projects** 71,730.53

**Department: 513 Veh & Equip Replacement**

51840	Motorola Solutions Credit Co. LLC	Police Radios lease 122PS-PDRADIO	08/10/2023	8,095.85
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**Total for Department: 513 Veh & Equip Replacement** 8,095.85

**Grand Total** 999,917.52

Vendor	Contract Amt	Paid thru Aug	Contract Balance
Pen Messenger	\$ 107,730.00	\$ 41,100.00	\$ 66,630.00
City of Monterey *	\$ 2,950,699.00	\$ 245,891.60	\$ 2,704,807.40
Pureserve *	\$ 272,000.00	\$ 43,551.18	\$ 228,448.82
4Leaf Inc.	\$ 179,800.00	\$ 72,884.16	\$ 106,915.84



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

October 2, 2023  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Brandon Swanson, Community Planning & Building Director
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Consider Ordinance No. 2023-006 (second reading), which would amend the Carmel Municipal Code (CMC) Title 17 (Zoning) by repealing and replacing chapter 17.46 (Telecommunications and Wireless Facilities) and making conforming amendments to Zoning Code sections 17.08.040, 17.12.020, 17.14.030, 17.14.220, 17.18.030, 17.40.070, 17.52.150, 17.54.010, 17.54.040, 17.54.080, 17.58.030, 17.58.040, 17.68.070, 17.70.010 and 17.70.020 and to municipal code sections 12.08.050, 12.08.060, 13.28.070; and finding the same exempt from the California Environmental Quality Act and in full conformance with the City's Local Coastal Program and the California Coastal Act

## RECOMMENDATION:

It is recommended that the City Council:

1. Adopt Ordinance No. 2023-006, which constitutes reading of the title and waiver of reading of the ordinance which would amend the Carmel Municipal Code (CMC) Title 17 (Zoning) by repealing and replacing chapter 17.46 (Telecommunications and Wireless Facilities) and making conforming amendments to Zoning Code sections 17.08.040, 17.12.020, 17.14.030, 17.14.220, 17.18.030, 17.40.070, 17.52.150, 17.54.010, 17.54.040, 17.54.080, 17.58.030, 17.58.040, 17.68.070, 17.70.010 and 17.70.020 and to municipal code sections 12.08.050, 12.08.060, 13.28.070; and finding the same exempt from the California Environmental Quality Act and in full conformance with the City's Local Coastal Program and the California Coastal Act; and
2. Direct staff to submit a Local Coastal Program Amendment Application to the California Coastal Commission for certification of Ordinance No. 2023-006 as adopted, and to be carried out in a manner in full conformity to the California Coastal Act.

## BACKGROUND/SUMMARY:

### EXECUTIVE SUMMARY

The City of Carmel-by-the-Sea is in the process of updating regulations pertaining to wireless (e.g.: cell



phone) telecommunication facilities. In March, 2023, the Planning Commission held a public workshop on a first-draft ordinance package. Several comments were received from the public and Commission as part of that workshop. Since that time, staff worked with outside legal counsel to prepare a second-draft ordinance package in response to feedback received as part of the workshop. This second-draft was presented to the Planning Commission in August, 2023 to receive comments and provide a formal recommendation for adoption of a final-draft to City Council. On September 12, 2023, the City Council held a first reading, and provided minor edits to be incorporated for the second reading and adoption of the ordinance. City Council is now being asked to consider adoption this wireless ordinance.

## **DISCUSSION**

### *Background*

At the Direction of City Council, the Community Planning and Building Department, with support from the City Attorney and special outside Counsel, has been drafting updates to the City's telecommunications and wireless facility regulations. From the outset, the policy direction from City Council was to draft the strongest wireless ordinance possible to protect the special and unique characteristics of Carmel-by-the-Sea while remaining consistent with relevant State and Federal Telecommunication Laws. Since that time, multiple drafts of the ordinance package have been prepared for community and Planning Commission feedback, ultimately leading to a final draft that is now being considered by Council.

### *First Reading*

At their September 12th meeting, City Council considered a final draft of the wireless ordinance, which incorporated comments and direction from nearly two years of public process. Council voted to introduce the ordinance via a first reading, approved minor corrections/revisions, and directed staff to return for adoption of the new wireless regulations at the following City Council meeting. A redline version (Attachment 1) has been included to show these minor revisions approved by Council as part of the first reading. A clean version of the ordinance (Attachment 2) has also been included.

As part of their September decision, City Council also put their stamp of approval on the Administrative Wireless Facility Design Guidelines that were adopted by the Planning Commission. These guidelines, along with the other companion administrative documents (Application Checklist, Design Guidelines, etc.) became effective upon Planning Commission approval their August 23rd Special Meeting.

### *Adoption and Next Steps*

Ordinance No. 2023-006 requires a first and second reading of the ordinance for adoption. The first reading has been conducted, and Council is now being asked to conduct a second reading and formal adoption of the ordinance. Following Council adoption, the ordinance must still be considered and certified by the California Coastal Commission (CCC) as part of a Local Coastal Program (LCP) amendment prior to becoming effective. The ordinance would become effective immediately upon certification by the CCC. It is estimated that it will take anywhere from three to six months to get on the Coastal Commission agenda.

## **FISCAL IMPACT:**

Staff time associated with development and processing of the wireless ordinance amendments is covered in the City's adopted FY 2023-24 budget. Time spent by the City's outside legal counsel is covered as part of specialized legal services, under the Contract Support line item for City Attorney services in the FY 2023-24 adopted City Budget.

**PRIOR CITY COUNCIL ACTION:**

The City Council approved first reading of the Ordinance on September 12, 2023.

**ATTACHMENTS:**

Attachment 1) Ordinance 2023-006 Chapter 17.46 (REDLINE)

Attachment 2) Ordinance 2023-006 Chapter 17.46 (CLEAN)

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

**ORDINANCE NO. 2023-~~XXX~~006**

**AN ORDINANCE OF THE CITY COUNCIL OF CARMEL-BY-THE-SEA AMENDING THE CARMEL MUNICIPAL CODE (CMC) TITLE 17 (ZONING) BY REPEALING AND REPLACING CHAPTER 17.46 (TELECOMMUNICATIONS AND WIRELESS FACILITIES) AND MAKING CONFORMING AMENDMENTS TO ZONING CODE SECTIONS 17.08.040, 17.12.020, 17.14.030, 17.14.220, 17.18.030, 17.40.070, 17.52.150, 17.54.010, 17.54.040, 17.54.080, 17.58.030, 17.58.040, 17.68.070, 17.70.010 AND 17.70.020 AND TO MUNICIPAL CODE SECTIONS 12.08.050, 12.08.060, 13.28.070; AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the City of Carmel-by-the-Sea currently regulates the placement of wireless facilities throughout the City under Title 17, Chapter 17.46 of the Municipal Code; and

**WHEREAS**, Chapter 17.46 was last amended in 2004; and

**WHEREAS**, there have been significant changes in state and federal law affecting local authority over wireless siting since Chapter 17.46 was last amended, including the passage of new federal laws and state laws, the adoption of new Federal Communications Commission regulations and orders, the amendment of California Public Utility Commission orders related to utility infrastructure, and various judicial decisions interpreting those laws and regulations; and

**WHEREAS**, notwithstanding the various changes in state and federal law, local governments continue to retain authority to regulate the placement, construction, and modification of personal wireless service facilities, subject to those matters where local authority has been limited or removed by state or federal law; and

**WHEREAS**, Carmel-by-the-Sea has made longstanding and sustained efforts to preserve its distinct “village in a forest, by the sea” character, the natural beauty of its shoreline environment, and its charm as a popular visitor destination, by not allowing incompatible development that degrades the visual and economic value of adjoining properties, especially in residential areas; and

**WHEREAS**, Carmel-by-the-Sea’s topography, forested nature, location partially within and partially adjacent to California’s High Fire-Threat District (HFTD), and narrow streets, with few gutters or sidewalks or streetlights, gives rise to many unique concerns

and situations relating to fire safety, traffic circulation, parking and pedestrian safety;  
and

**WHEREAS**, if not adequately regulated, the installation of personal wireless services facilities within the City can pose a threat to the public health, safety, and welfare; traffic and pedestrian safety hazards; negative impacts to trees; creation of visual and aesthetic blights and potential safety concerns arising from improper design or excessive size, heights, noise, or lack of camouflaging; and

**WHEREAS**, the City therefore intends to exercise its powers to regulate personal wireless service facilities to the maximum extent allowed by law, to protect its residents and visitors, promote public health, safety and community welfare, preserve the natural resources and unique scenic quality of Carmel-by-the-Sea, and protect the character of the City's residential neighborhoods, while nonetheless respecting and adhering to the law as it is today and may change in the future; and

**WHEREAS**, the City Council and Planning Commission held a joint special meeting on wireless regulation on February 28, 2022 to receive an update on changes to the law, to receive public feedback and to provide general direction to staff on an update to the City's wireless regulations; and

**WHEREAS**, the Planning Commission conducted a duly noticed public workshop on a draft of the wireless regulations (ordinance, design guidelines, standard conditions of approval, and application forms) on March 29, 2023 to receive public feedback; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed ordinance, design guidelines, standard conditions of approval, and application forms on August 23, 2023 at which it took public testimony, held a discussion, and voted to adopt the design guidelines, standard conditions of approval, and application forms, and to recommend that City Council adopt of the proposed code amendments (Resolution No. [2023-044](#));

**WHEREAS**, on September 12, 2023 the City Council held a duly noticed public hearing on the proposed code amendments;

**WHEREAS**, the City determined this ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines; and

**WHEREAS**, the proposed amendments are in full conformity with the City's Local Coastal Plan and the California Coastal Act (Public Resources Code Section 30510 et seq.)

**SECTION 1. CEQA Review.** This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an

application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a “project” within the meaning of State CEQA Guidelines section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council’s adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the applicant would have to submit an application for installation of the wireless facility. At that time, the City will have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City will conduct preliminary review under CEQA at that time. The City Council therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Monterey within five working days of the passage and adoption of the Ordinance.

**SECTION 2.** Repeal and Replacement of Chapter 17.46. Chapter 17.46 of Title 17 of the Carmel-by-the-Sea Municipal Code is hereby repealed in its entirety and replaced with the following:

**Chapter 17.46**  
**TELECOMMUNICATIONS AND WIRELESS FACILITIES**

Sections:

- 17.46.010 Purpose and Findings.**
- 17.46.020 Definitions.**
- 17.46.030 Applicability.**
- 17.46.040 General Development Standards.**
- 17.46.050 Wireless Application Types and Submittal Requirements.**
- 17.46.060 Application Review Procedures.**
- 17.46.070 Public Notices, Public Hearings and Appeals.**
- 17.46.080 Findings Required.**
- 17.46.090 Standard Conditions of Approval.**
- 17.46.100 Violations**

**17.46.010 Purpose and Findings.**

A. **Purpose.** The purpose of this chapter is to establish comprehensive requirements and development standards for the siting, design, construction, maintenance and modification of wireless facilities in Carmel-by-the-Sea, including on public and private property and in public rights-of way, in order to manage their deployment and minimize adverse aesthetic impacts to Carmel-by-the-Sea’s unique village character, consistent with and to the full extent of the City’s authority under federal and California law.

**B. Findings.** The City Council hereby finds that:

1. Limitations on the placement of wireless facilities within the City limits are necessary to:

a. Protect Carmel-by-the-Sea's distinct "village in a forest, by the sea" character with its centralized commercial core surrounded by residential land uses.

b. Protect Carmel-by-the-Sea's charm as a popular visitor destination, known as much for its spectacular coast as for its unique community character.

c. Recognize and respect that Carmel-by-the-Sea is among a limited number of California coastal communities where nearly the entire shoreline from the first public road to the sea is open to the public and easily accessible, and that over the years, Carmel has maintained a balance between preserving the beauty of the shoreline environment and adding the physical improvements that make the Carmel shoreline accessible and enjoyable to the public, keeping the entire beach and bluff as natural appearing as possible consistent with public access, habitat protection, safety and provision of limited recreational support facilities.

d. Recognize and respect that Carmel-by-the-Sea's streets are narrow in width, 26 to 34 feet, with few gutters or sidewalks and that this lack of formal development of streets throughout Carmel (with the exception of some of the downtown thoroughfares) has been a conscious effort on the part of residents to maintain a "village in a forest" atmosphere, and gives rise to many unique situations relating to traffic, circulation, parking and pedestrian safety.

2. Personal wireless services can serve as an important and effective part of Carmel-by-the-Sea's emergency response and communications.

3. The regulations contained herein are designed to promote public health, safety and community welfare, preserve the natural resources and scenic quality of Carmel-by-the-Sea and protect the character of the City's residential neighborhoods, recognizing that the preservation of the residential character in Carmel is central to all land uses, consistent with the findings in (1) and (2), while regulating managed development of wireless infrastructure throughout the City.

4. The provisions of this chapter are intended to:

a. Comply with all applicable goals, objectives and policies of the General Plan, the City's Local Coastal Program and the California Coastal Act.

b. Minimize adverse aesthetic impacts associated with wireless facilities in all districts.

c. Preserve Carmel's primarily residential character by keeping business and commerce subordinate to its residential character.

- d. Comply with all federal law, Federal Communications Commission rules, regulations and standards, California law, and California Public Utilities Commission regulations and standards.
- e. Ensure the safe installation and maintenance of wireless facilities to protect against fire hazards made more prevalent by Carmel's unique urbanized forest, topography and accessibility.

### **17.46.020 Definitions.**

The definitions in this Section apply to this chapter. Undefined terms shall have the meaning assigned to them in Chapter 17.70. Per Section 17.02.090(C), to the extent that this chapter quotes or paraphrases any State or Federal Statute for convenience and any conflict is discovered, or is created through amendment, the State or Federal Statute shall control and shall be cause for an amendment to this chapter.

#### **A. Generally Applicable Definitions**

1. **"accessory equipment"** means equipment other than antennas used in connection with a wireless facility. The term includes transmission equipment.
2. **"amateur station"** means the same as defined by the FCC in 47 C.F.R. § 97.3, which means a station in an amateur radio service consisting of the apparatus necessary for carrying on radio communications. This term includes amateur radio antennas and related facilities used for amateur radio services.
3. **"antenna"** means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), which means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services.
4. **"base station"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(1), which means:

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.

- (i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.



(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.6100(b)(1)(i) through (ii) of 47 C.F.R. § 1.6100 that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.6100(b)(1)(i)–(ii) of 47 C.F.R. § 1.6100.

5. **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), which means (1) Mounting or installing an antenna facility on a pre-existing structure; and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure. For eligible facilities requests, the definition of collocation in B.1 below applies instead of this definition.
6. **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
7. **“Director”** means the City of Carmel-by-the-Sea Community Planning and Building Director or the Director’s designee.
8. **“EFR” or “eligible facilities request”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(3) which means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.
9. **“FCC” or “Commission”** means the Federal Communications Commission, as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 *et seq.* or its duly appointed successor agency.



10. **“Fire Safety Authority”** means the Chief Building Official of the City of Carmel-by-the-Sea or the Fire Safety Authority’s designee.

11. **“historic resource”** means any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in, the National Register of Historic Places, the California Register of Historical Resources, the “Carmel Inventory of Historic Resources” or the “Carmel Inventory” as defined in code Section 17.32.230, the “Carmel Register of Historic Resources” or the “Carmel Register” as defined in code Section 17.32.230, or any “historic resource” or “historical resource” as defined in code Section 17.32.230. The term includes artifacts, records and remains related to or located within such properties. The term also includes properties with traditional religious and/or cultural importance to any Native American tribe.

12. **“OTARD”** means any “over-the-air reception device” subject to the FCC rules in 47 C.F.R. §§ 1.4000 *et seq.*, which generally includes satellite television dishes and antennas, and certain fixed wireless antennas not greater than one meter in diameter.

13. **“personal wireless service facility”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(i) which means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

14. **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i) which means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

15. **“public right-of-way”** or **“public rights-of-way”** means land or an interest in land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to or open to the use by the general public for road or highway purposes. The term does not include private or public utility easements unless such easement is reserved for or dedicated to or open to the use by the general public for road or highway purposes.

16. **“reviewing authority”** means the City official or appointed/elected body responsible for application review and vested with authority to approve, approve with modifications and/or conditions, or deny such applications.

17. **“RF”** means radiofrequency.

18. **“small wireless facility”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), which means a personal wireless service facility that meets each of the following conditions:

- (a) The facilities (i) are mounted on structures 50 feet or less in height including their antennas; or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures; or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (b) Each antenna associated with the deployment is no more than three (3) cubic feet in volume, excluding associated antenna equipment;
- (c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment, cumulatively total no more than twenty-eight (28) cubic feet in volume;
- (d) The facility does not require antenna structure registration under 47 CFR Part 17 (Construction, Marking and Lighting of Antenna Structures);
- (e) The facility is not located on tribal land; and
- (f) The facility will not result in human exposure to radiofrequency radiation in excess of the applicable FCC safety standards set forth within Table 1 of 47 CFR §1.1310(E)(1).

19. **“FCC shot clock”** means the time defined by the FCC in 47 C.F.R. § 1.6003 or 1.6100(c) (as applicable) in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless services facilities.

20. **“stealth”** means concealment elements, measures and techniques that mimic or blend with the underlying structure, surrounding environment and adjacent uses to screen all transmission equipment from public view and integrate the wireless facility into the built or natural environment such that, given the particular context, the reasonable person would not recognize the structure as a wireless facility. Stealth concealment techniques include, without limitation: (1) transmission equipment placed completely within existing or replacement architectural features such that the installation causes no visible change in the underlying structure; (2) new architectural features that mimic or blend with the underlying or surrounding structures in style, proportion and construction quality such that they appear part of the original structure’s design; and (3) concealment elements, measures and techniques that mimic or blend with the underlying structure, surrounding environment or adjacent uses

21. **“structure”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(m) which means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services). A tree including live, dead, partially cut down or limbed tree is not a structure and may not be used for placement of wireless facilities.

22. **“tower”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(9) which means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

23. **“transmission equipment”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(8) which means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

24. **“Type I application”** means an application type that shall be limited to applications wherein an applicant seeks to place a new small wireless facility upon an existing structure and either (i) the structure is not an existing tower or base station (as defined for EFR purposes) or (ii) the structure is an existing tower or base station (as defined for EFR purposes) but the proposed facility does not qualify as an EFR. If the completed facility would still meet the physical limits and requirements to meet the definition of a small wireless facility after the installation of the new equipment, then the application to install such new equipment is a Type I application.

25. **“Type II application”** means an application type that shall be limited to applications wherein an applicant is seeking to place a new personal wireless service facility upon an existing structure which does not meet the definition of a small wireless facility or which will not meet the definition of a small wireless facility if and when the proposed new personal wireless service equipment is installed upon the existing facility and/or structure and either (i) the structure is not an existing tower or base station (as defined for EFR purposes) or (ii) the structure is an existing tower or base station (as defined for EFR purposes) but the proposed facility does not qualify as an EFR.

26. **“Type III application”** means an application type that shall be limited to applications seeking to install and/or construct a new small wireless facility that involves placement of a new or replacement structure.

27. **“Type IV application”** means an application type that shall include any applications for the installation of a new personal wireless service facility which does not meet the criteria for Type I, Type II, Type III or Type V.

28. **“Type V application”** means an eligible facilities request or EFR as defined by the FCC in 47 C.F.R. § 1.6100(b)(3), which is any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

29. **“utility pole”** means a wood or steel vertical structure in the public right-of-way designed to support electric, telephone and similar utility lines. A tower is not a utility pole.

30. **“visibility triangle”** means that portion of both the public and private property at any corner bounded by the curb line or edge of roadway of the intersecting streets and a line joining points on the curb or edge of roadway a distance in feet equivalent to the width of the roadway from the point of intersection of the extended curb lines or edges of roadway.

31. **“wireless facility”** means the transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), structure(s), and base station(s).

**B. Additional Definitions Applicable to Eligible Facilities Requests (EFRs) Only**

1. **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), which means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

2. **“eligible support structure”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4) which means any tower or base station, provided that it is existing at the time the relevant eligible facilities request application is filed with the State or local government.

3. **“existing”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4) which means a constructed tower or base station is “existing” for purposes of an EFR, if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

4. **“site”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(6), which means that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and

any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409(a) process.

5. **“substantial change” or “substantially change”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(7), which establishes different criteria based on the particular facility type and location. For clarity, the definition in this chapter reorganizes the FCC’s criteria and thresholds for a substantial change according to the facility type and location.

- a. For towers outside the public rights-of-way, a substantial change occurs when:
  - i. the proposed collocation or modification increases the overall height more than 10% or the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet (whichever is greater); or
  - ii. the proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
  - iii. the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
  - iv. the proposed collocation or modification involves excavation or deployment outside the current boundaries of the leased or owned property surrounding the wireless tower by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
- b. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
  - i. the proposed collocation or modification increases the overall height more than 10% or 10 feet (whichever is greater); or

- ii. the proposed collocation or modification increases the width more than 6 feet from the edge of the wireless tower or base station; or
  - iii. the proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
  - iv. the proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted equipment cabinets; or
  - v. the proposed collocation or modification involves excavation or deployment outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- c. In addition, for all towers and base stations wherever located, a substantial change occurs when:
- i. the proposed collocation or modification would defeat the existing concealment elements of the eligible support structure as determined by the reviewing authority; or
  - ii. the proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this definition.
- d. The thresholds for a substantial change outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. The thresholds for height increases are cumulative limits from the originally-permitted eligible support structure. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted eligible support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites that existed prior to February 22, 2012, the cumulative limit for vertically separated deployments is measured from the permitted site dimensions as they existed on February 22, 2012—the date that P.L. 112-96 was signed into law.

#### **17.46.030 Applicability.**



- A. **General.** This chapter applies to all requests for the City's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities on property within the City's territorial and jurisdictional boundaries, unless expressly exempted pursuant to subsection (B). This includes permit applications submitted to the City for decision in its regulatory capacity for wireless facilities on property or structures owned or controlled by the City and located within the City, including in public rights-of-way; provided, however, that this chapter does not govern whether or under what terms and conditions the City, in its capacity as the property or structure owner, would lease, license or otherwise allow a wireless facility on such property or structures.
- B. This chapter shall not be applicable to the following:
1. wireless facilities installed completely indoors and used to extend personal wireless services into a business or the subscriber's private residence, such as a "femtocell" or indoor distributed antenna system;
  2. OTARD antennas which are regulated pursuant to Chapter 15.40 (Antennas and Satellite Dishes);
  3. antennas and related transmission equipment used in connection with a duly authorized amateur station operated by a federally licensed amateur radio operator as part of the Amateur Radio Service; provided, that its maximum height does not exceed the height requirements of the zoning district;
  4. wireless facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power, generation, transmission and distribution facilities subject to CPUC General Order 131-D;
  5. temporary wireless facilities parked in a fixed location within the public rights-of-way for no longer than 10 days under an approved special events permit pursuant to Chapter 12.48.

#### **17.46.040 General Development Standards.**

- A. **Location Standards.** When considering compatibility of a location and structure for Type I, Type II, Type III and Type IV wireless facilities, the City requires applicants to propose those that will be the least intrusive to community character and values. Subsection B provides a ranking that describes Zoning Districts where wireless facilities are least compatible to most compatible with other uses. Subsection C provides the City's preference for placements on parcels over public rights-of-way. Subsection D provides structure rankings. Subsection E provides additional special considerations for site selection on public right-of-way.

- B. **Ranked Locations.** Applicants must propose placement in locations with the least intrusive land use designation (i.e.: Zoning) technically feasible and potentially available. Applications proposing placement in Tier I or II must include a written justification as part of the application submittal, supported by factual and verifiable evidence, that shows no location in a Tier III land use tier is technically feasible and available. The following land use tiers are ranked from least compatible to most compatible:

*Tier I (Least Compatible):*

Senior Citizen Facility (A-3), Multi-Family Residential (R-4), Single-Family Residential (R-1), and Residential and Limited Commercial (RC).

*Tier II:*

Improved Parklands (P-2), Natural Parklands and Preserves (P-1), and Theatrical (A-1).

*Tier III (Most Compatible):*

Central Commercial (CC), Service Commercial (SC), and Community and Cultural (A-2).

- C. **Preference for Placement on Public and Private Parcels Over on Public Right-of-Way.**

Placement on public and private parcels is strongly preferred over placements in the public rights-of-way because Carmel's public rights-of-way are narrow in width (26 to 34 feet), with few gutters or sidewalks. Limiting wireless facilities in public rights-of-way is necessary: (i) to ensure that the flow of pedestrian and vehicular traffic, including ingress to, or egress from, any residence, public building, or place of business or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles is maintained; (ii) to provide reasonable access for the use and maintenance of sidewalks, pathways, hydrants, restrooms, trash receptacles, firefighting apparatus, as well as access to locations used for public transportation services; (iii) to ensure no interference to the performance of police, firefighter, and other emergency medical personal; and (iv) to maximize public access in the commercial districts and along the coast which have unusually high pedestrian and vehicular traffic volumes. Applications proposing placement in the public right-of-way must include a written justification as part of the application submittal, supported by factual and verifiable evidence, that shows placement on a parcel is not technically feasible and available

- D. **Structure Selection.** Applicants shall propose placement on the most-compatible structure that is technically feasible and available. Any application to place a wireless facility on a structure other than the most compatible structure

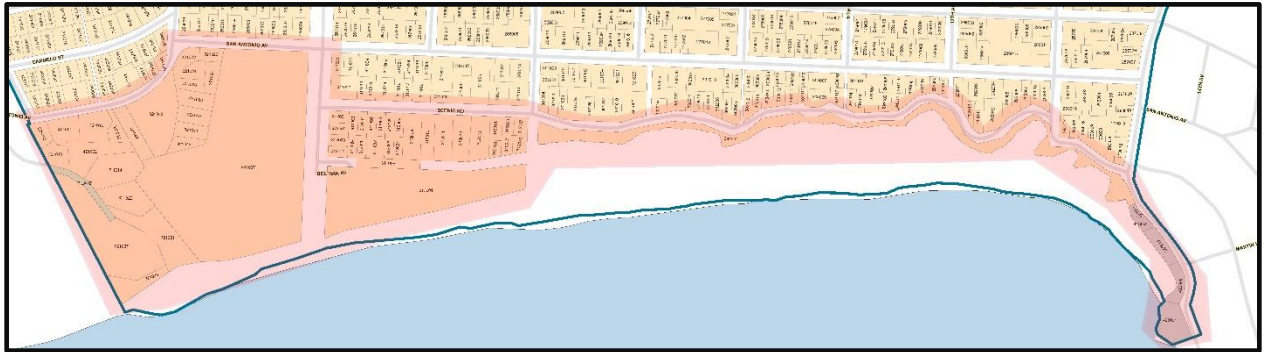


must include a written justification, based on factual and verifiable evidence, that shows no more compatible structure is technically feasible and available.

1. **Structure Selection on Parcels.** The following structures are ranked from least compatible to most compatible on parcels:
  - a. new (non-replacement) structures.
  - b. residential historic structures
  - c. existing building rooftops.
  - d. existing (or replacement) non-building structures without existing wireless facilities.
  - e. existing non-building structures with existing wireless facilities.
2. **Structure Selection on Public Rights-of-Way.** New (non-replacement) structures of any type (pole or non-pole) are the least compatible structures to use on public rights-of-way. Existing (or replacement) utility poles are the most compatible structures. Selection of structures/locations in the public right-of-way is also subject to the limitations in Subsection E below.

**E. Additional Special Considerations for Locations in the Public Right-of-Way.**

1. **Highly Incompatible Locations in the Public Right-of-Way.** Applicants shall not propose to install wireless facilities in/on a highly incompatible location in the public right-of-way unless the application is accompanied by a request for a special exception finding under Subsection 17.46.080(C). The following is a list of highly incompatible locations:
  - a. any location in the public right-of-way within the Single-Family Residential Zoning District.
  - b. any location in the public right-of-way that would trigger review of consistency with the Secretary of the Interior's Standards for potential impacts to a historic resource on a residential parcel in any Tier I zone in B above;
  - c. any location in the public right-of-way within the area depicted in Figure 1 below.

**FIGURE 1**

2. **Additional Public Right-of-Way Location Selection Standards.** Applicants shall not select existing structures and shall not propose new (non-replacement) structures in the following locations unless the application includes a written justification, based on factual and verifiable evidence, that shows no structure/location is technically feasible and available outside these locations:
  - a. directly in front of the areas which are five feet in either direction from the centerline of each entry door or window in the front façade of any occupied residential building.
  - b. within a 500-foot radius from another wireless facility within the public rights-of-way.
3. **Public Right-of-Way Location Safety Considerations.** Applicants shall not propose adding new structures in the following locations:
  - a. Any location that would create a hazard to public health or safety.
  - b. Any location that would adversely affect the normal drainage of surface water, unless an acceptable mitigation is included that will be advantageous to the general public.
  - c. Any location that would adversely affect vehicular and/or pedestrian traffic or the parking of vehicles including placements in any visibility triangle that obstructs or restricts the view necessary for the safe operation of motor vehicles as determined by the Traffic Safety Committee.
  - d. Any location that would adversely affect the root structure of any existing trees, or significantly reduce greenbelt area that may be used for tree planting.

- e. Any location within 10 feet away from any driveways for police stations, fire stations, or other emergency responder facilities.
- f. Any location that would physically interfere with or impede access to any:
  - (i) above-ground or underground infrastructure for traffic control, or public transportation, including, without limitation, any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
  - (ii) public transportation vehicles, shelters, street furniture, or other improvements at any public transportation stop;
  - (iii) above-ground or underground infrastructure owned or operated by any public or private utility agency;
  - (iv) fire hydrant or water valve;
  - (v) doors, gates, sidewalk doors, passage doors, stoops, or other ingress and egress points to any building appurtenant to the right-of-way; or
  - (vi) fire escape.

## F. Design Standards

- 1. **General Requirements.** This subsection establishes generally applicable design standards for all Type I, Type II, Type III and Type IV wireless facilities in all locations. The design of Type I, Type II, Type III and Type IV wireless facilities must also comply with applicable administrative guidelines adopted by the Planning Commission pursuant to subsection 17.46.040(B)(2), Chapter 17.58, and the City Council pursuant to subsection 17.58.020(E).
  - a. **Stealth/Concealment.** All wireless facilities must be stealth to the maximum extent feasible. Colors and materials for wireless facilities shall be muted, subdued, non-reflective and chosen to minimize visibility to the greatest extent feasible.
  - b. **Overall Height.** On public and private parcels, wireless facilities may not exceed more than 10 feet above the maximum height allowed by this code for the underlying zoning district where the facility is proposed. In the public right-of-way, wireless facilities on an existing pole may not have an overall height that exceeds the height of the existing pole by more than 10 feet and wireless facilities that involve a replacement pole or a new pole may not have an overall height that is more than 10 feet above the height of the replaced pole or existing poles in the vicinity unless additional height necessary to comply with CPUC safety standards such as General Order 95.
  - c. **Finishes.** All exterior surfaces shall be painted, colored, and/or wrapped in flat, muted, subdued, non-reflective hues that match the underlying structure or blend with the surrounding environment. All exterior surfaces on wireless facilities shall be constructed from, or coated with, graffiti-resistant materials. All finishes shall be subject to the reviewing authority's prior approval.
  - d. **Noise.** All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in this

- code. The reviewing authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.
- e. **Lights.** Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC, other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Any light beacons or lightning arresters shall be included in the overall height calculation.
  - f. **Trees and Landscaping.** Wireless facilities shall not be installed (in whole or in part) on new poles within any tree drip line. Wireless facilities may not displace any existing tree or landscape and/or hardscape features. All wireless facilities proposed to be placed in a landscaped area must include landscape and/or hardscape features (which may include, without limitation, trees, shrubs and ground cover) and a landscape maintenance plan. The existing native vegetation shall be maintained to the maximum extent feasible. The reviewing authority may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the stealth techniques required under this chapter. All plants proposed or required must be reviewed as part of a formal landscaping plan and approved by the City.
  - g. **Signage; Advertisements.** All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the reviewing authority, required by law or recommended under FCC or other federal governmental agencies for compliance with RF emissions regulations.
  - h. **Security Measures.** To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealth, and the reviewing authority may condition approval on additional stealth elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape or hardscape features. Barbed wire, razor ribbon, electrified fences or any similar security measures are prohibited. Alarm systems shall not include any visible alarms or audible sirens or other sounds.

- i. **Fire Safety.** All wireless facilities shall be designed by qualified, licensed persons to provide the maximum protection that is technically feasible to prevent electrical and fire hazards. All wireless facilities shall be proactively monitored and maintained to continue and if possible, improve the safety design.
  - j. **Compliance with Laws.** All wireless facilities must be designed and sited in compliance with all applicable federal, state, regional, and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, general plan and any applicable specific plan, this code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.
  - k. **View Protection.** Wireless facilities shall be located and designed to preserve significant coastal views from the public right-of-way in conformance with Section 30251 of the California Coastal Act. The protection of public views should not prevent reasonable development of the site, yet development shall not preclude reasonable protection of any significant coastal view. Designs should respect views enjoyed by neighboring parcels and should not present excess visual mass or bulk to public view or to adjoining properties. Wireless communications facilities, to every extent possible, should be sited to not create visual clutter or negatively affect important public or private views as determined by the reviewing authority. Collocation is encouraged when it will decrease visual impact. This objective is intended to balance the private rights to views from all parcels that will be affected by a proposed wireless facility. No single parcel should enjoy a greater right than other parcels except the natural advantages of each site's topography. Wireless facilities which substantially eliminate an existing significant view enjoyed on another parcel should be avoided.
2. **Administrative Detailed Wireless Facility Design Guidelines.** The Planning Commission may develop, and from time to time amend, Administrative Detailed Wireless Facility Design Guidelines consistent with the generally applicable design standards contained in this ordinance to clarify the aesthetic and public safety goals and standards in this chapter for City staff, applicants and the public. The Administrative Detailed Wireless Facility Design Guidelines shall provide more detailed standards to implement the general principals articulated in this section and may include specific standards for particular wireless facilities or site locations, but shall not unreasonably discriminate between functionally equivalent service providers. If a conflict arises between the development standards specified in this chapter and the Administrative Detailed Wireless Facility Design Guidelines, the development standards specified in this chapter shall control.



G. **Standards Applicable to Type V Wireless Facilities.** Type V applications are evaluated under the criteria for an eligible facilities request established by federal law and FCC regulations to determine whether or not the request involves a “substantial change” to an “eligible support structure” as these terms are defined in Section 17.46.020. Type V applications also must comply with any generally applicable law, regulation, rule or standard or permit condition reasonably related to public health or safety.

#### **17.46.050 Wireless Application Types and Submittal Requirements.**

##### A. **Application Types**

1. **Conditional Use Permit Applications.** There shall be four (4) specific types of applications for conditional use permits under this section, which shall include Type I, Type II, Type III, and Type IV applications. The Planning Commission is the initial reviewing authority for Type I-IV applications. Decisions of the Planning Commission may be appealed to the City Council.

- a. **Type I Applications: Collocations of Small Wireless Facilities.** Type I applications shall be limited to applications wherein an applicant seeks to place a new small wireless facility upon an existing structure and either (i) the structure is not an existing tower or base station (as defined for EFR purposes) or (ii) the structure is an existing tower or base station (as defined for EFR purposes) but the proposed facility does not qualify as an EFR. If the completed facility would still meet the physical limits and requirements to meet the definition of a small wireless facility after the installation of the new equipment, then the application to install such new equipment is a Type I application.
- b. **Type II Applications: Collocations which do not qualify as a Small Wireless Facility Collocation or EFR.** Type II applications shall be limited to applications wherein an applicant is seeking to place a new personal wireless service facility upon an existing structure which does not meet the definition of a small wireless facility or which will not meet the definition of a small wireless facility if and when the proposed new personal wireless service equipment is installed upon the existing facility and/or structure and either (i) the structure is not an existing tower or base station (as defined for EFR purposes) or (ii) the structure is an existing tower or base station (as defined for EFR purposes) but the proposed facility does not qualify as an EFR.
- c. **Type III Applications: New Small Wireless Facilities on New or Replacement Structures.** Type III applications shall be limited to applications seeking to install and/or construct a new small wireless facility that involves placement of a new or replacement structure.
- d. **Type IV Applications: New Towers and All Other Wireless Facilities, Except EFRs.** Type IV applications shall include any applications for the

installation of a new personal wireless service facility which does not meet the criteria for Type I, Type II, Type III or Type V applications.

2. **Administrative Use Permit Applications.** There shall be one type of application for an administrative use permit under this section, which shall be a Type V application. The Director is the initial reviewing authority for Type V applications. Decisions of the Director may be appealed to the City Council.
  - a. **Type V Applications: Eligible Facilities Requests or EFRs.** Type V applications shall include any applications that purport to meet the criteria for an eligible facilities request under federal law and FCC regulations.

## B. Submittal Requirements.

1. **Application Content.** All applications for a permit under this Chapter must include all the information and materials required by the Application for Wireless Facility form and the applicable Wireless Facility Application Checklist adopted by resolution of the Planning Commission. The Planning Commission is authorized to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Planning Commission finds necessary, appropriate or useful for processing any application governed under this chapter. All such requirements must be in written form and publicly stated and available. All applications shall, at a minimum, require the applicant to submit probative evidence to demonstrate that the proposed project will be in compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions. It shall be the obligation of any applicant to use the correct forms and explicitly and correctly identify which type of application they are filing.
2. **Application Fee/Deposit.** The applicant shall submit with its written materials the full application fee or deposit amount established by City Council resolution. If no application fee has been adopted at the time of application, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the City for its reasonable costs incurred in connection with the application, including costs of consultants retained by City. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be refunded to the applicant.
3. **Application Submittal.** All applications submitted under this chapter must be submitted to the City during the office hours specified for intake of applications submitted under this chapter as established by the Community Planning and Building Department and posted on the City's webpage. Applicants may submit one application or multiple applications whenever feasible and not prejudicial to other applicants. Any application received in a different manner or outside those

established intake hours, whether delivered in-person, by mail or through any other means, will not be considered duly filed whether the City retains the submitted materials or not.

4. **Other Permits and Reviews That May Be Required.** In addition to any permit required by this Chapter, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state, or local laws or regulations for the construction of the proposed facility, which includes, without limitation, any applicable permits or reviews listed below:
  - a. **Forest and Beach Commission Review.** Any proposed project that involves a request to remove or prune any tree type identified in Chapter 17.48 must be approved by the Forest and Beach Commission prior to determining completeness of the application.
  - b. **Historic Resources Board Review.** In accordance with Section 17.32.220, facilities proposed within a historic district or within the boundaries of an historic property included in the inventory are subject to additional review under Chapter 17.32 prior to consideration by the Planning Commission.
  - c. **Coastal Development Permit Review.** In accordance with Section 17.52.090, any person wishing to undertake any development in the coastal zone shall obtain a coastal development permit unless excluded from coastal permit requirements pursuant to Section 17.52.100.
5. **Voluntary Community Meetings.** The City strongly encourages, but does not require, prospective applicants and applicants to schedule, notice, arrange, and attend one or more voluntary community meetings with all interested members of the public. Community meetings may be conducted before or after application submittal. This community meeting is intended to give applicants the opportunity to hear from members of the public regarding the proposed project and any alternative locations or designs. Voluntary community meetings do not cause any FCC shot clock to begin.

#### **17.46.060 Application Review Procedures.**

##### **A. Completeness Review By Director**

1. In addition to exercising other duties and powers listed in Section 17.52.030 and elsewhere in this Title relevant to the application, the Director shall review each application and determine whether or not the application is complete and inform the applicant in writing that the application is complete or that additional information is needed to complete the application consistent with timeline in Section 17.52.020 and the applicable FCC shot clock.



2. If the Director determines that the application is defective or incomplete, they shall promptly deliver a Notice of Incompleteness to the applicant in order to pause the applicable FCC shot clock.
3. The Director may take such other steps as may be required for the City to timely act upon applications for placement of wireless facilities, including entering into agreements with applicants to extend the time for action on any application under the applicable FCC shot clock.

## B. **Consultants**

1. **Use of Consultants.** Where deemed reasonably necessary by the City, the City may retain the services of professional consultants to assist the City in carrying out its duties in reviewing and making decisions on applications. The applicant and private landowner, if applicable, shall be jointly and severally responsible for payment of all the reasonable and necessary costs incurred by the City for such services. The City shall provide the Applicant with a detailed invoice of time spent and the nature of the review. In no event shall that responsibility be greater than the actual cost to the City of such engineering, legal, or other consulting services.
2. **Advance Deposits for Consultant Costs.** The City may require advance periodic monetary deposits held by the City on account of the applicant or landowner to secure the reimbursement of the City's consultant expenses. The City Council shall establish policies and procedures for the fixing of escrow deposits and the management of payment from them. When it appears that there may be insufficient funds in the account established for the applicant or landowner by the City to pay current or anticipated vouchers, the City shall cause the applicant or landowner to deposit additional sums to meet such expenses or anticipated expenses in accordance with policies and procedures established by the City Council. No reviewing agency shall be obligated to proceed unless the applicant complies with escrow deposit requirements.
3. **Independent Consultants Retained by Fire Safety Authority.** The Fire Safety Authority has the authority to select and retain an independent consultant with expertise and/or specialized training in fire safety and fire hazard mitigation and prevention satisfactory to the Fire Safety Authority in connection with any application. The Fire Safety Authority may request independent consultant review on any matter committed to the Fire Safety Authority for review or approval. Subject to applicable laws, if the Fire Safety Authority elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the actual and reasonable costs in connection with the services provided, which may include without limitation any actual and reasonable costs incurred by the independent consultant to attend and participate in any meetings or hearings. The same procedures for fee deposits, cost reimbursements and refunds to the applicant as described in this Section shall be applicable to independent consultant review required by the Fire Safety Authority.

**D. Director Denial Without Prejudice Due to Failure to Respond to Notice(s) of Incompleteness.** To promote efficient review and timely decisions, any application governed under this chapter regardless of type may be denied by the Director without prejudice when the applicant fails to tender a substantive response to the City within 120 calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director, in the Director's discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 120th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

**E. Environmental Review.** Environmental review of the proposed project to protect and assure that citizens of the community contribute to the preservation and the enhancement of the environment shall be performed in accordance with Chapter 17.60 of the City's Municipal Code.

**F. Fire Safety Authority Review.** After submittal by the applicant, the relevant application materials shall be transmitted to the Fire Safety Authority for their review and any recommended conditions.

**G. Staff Report and Recommendations.** A staff report shall be prepared for Type I-IV applications involving a public hearing. Staff reports shall evaluate the compliance of the proposed project with the applicable City policies, regulations and requirements. The report shall recommend, with appropriate findings, the approval, approval with conditions, or disapproval of the application, based on the project evaluation. The report and supporting materials will be made available to the public in advance of the public hearing.

#### **17.46.070 Public Notices, Public Hearings, Decision Notices and Appeals.**

##### **A. Application Submittal Notices – For Types I-V**

- 1. Posted and Hand-Delivered Notices.** Within five days after an application is duly filed with the Director, (A) the applicant shall (1) post notice on the proposed project site in a location near to and visible from the public rights-of-way or in the public right-of-way if the project site is in the public right-of-way; ~~(2) provide a hand-delivered postcard notice to neighbors within 100-foot radius of the site;~~ and (2) provide the Director an affidavit that such notice has been posted; and ~~hand-delivered.~~ (B) the Director shall provide a hand-delivered postcard notice to neighbors within 100-foot radius of the site. The applicant is responsible for maintaining and replacing the posted notice as necessary during the duration of the application review process until the reviewing authority acts on the application. The posted notice shall be composed from durable quality and weather-resistant materials that will not deteriorate under normal circumstances for the duration of the notice period. The posted notice

shall be no more than two square feet and not violate Section 17.40.070. The notice/sign shall not be placed in any location where it would obstruct travel or visibility for vehicles, bicycles, pedestrians or other users in the public right-of-way. The City encourages applicants to consult with the department on placement locations to avoid any potential hazards.

2. **City Website Notice.** Within 10 days after an application is duly filed with the department, the Director shall post notice of the submittal on the City's website.
  3. **Notice Content.** The notices required by this Section 17.46.070(A) shall include: (1) the project location with both an approximate street address and GPS coordinates; (2) the City's permit application number; (3) the application type and a general project description with photo simulations; (4) the applicant's contact information as provided on the application submitted to the City; (5) a URL for the City's website page where application information can be obtained once uploaded in accordance with Section 17.46.070(A)(2); and (6) a statement as to whether a public hearing will be required for the application.
- B. **Public Hearing Notices (For Types I-IV).** Public hearing notices shall be provided consistent with the requirements of Section 17.52.110, except that the mailing radius shall be 500 feet.
- C. **Public Hearings (For Types I-IV).** The Planning Commission shall conduct a public hearing upon each conditional use permit application, consistent with the procedures in §17.52.160.
- D. **Decision Notices.**
1. **For Types I-V.** Within five calendar days after the Planning Commission makes a decision on a Type I, II, III or IV application or the Director makes a decision on a Type V application, the Director shall: (1) deliver a written decision notice to the applicant; (2) post written notice of the decision at the proposed project site; (3) provide a hand-delivered written notice of the decision to neighbors within 100-foot radius of the site; and (4) post the decision on the City's website.
  2. **Content of Decision Notices for Types I-V.** The written notice sent to the applicant, posted at the proposed project site and hand-delivered to neighbors must contain: (1) the decision made (approval or denial); (2) either the reasons for the decision or where the reasons for the decision are available; (3) if the decision is a denial, a statement whether the denial is with prejudice or without prejudice for the purposes of CMC 17.52.170(D); and (4) instructions for how and when to file any appeal.

3. **For Director Denials Without Prejudice.** The Director must send a written notice to the applicant to deny an application without prejudice due to failure to respond to notice(s) of incompleteness pursuant to Section 17.46.060(D)(1). The written notice shall state: (1) the number of days that have passed without the applicant tendering a substantive response to the City after the Director last deemed the application incomplete in a written notice to the applicant; (2) a statement that denial is without prejudice; and (3) instructions for how and when to file any appeal.

#### E. Appeals.

1. **For Types I-V.** Within ten calendar days after the Director issues the decision notices pursuant to Section 17.46.070(D)(1) or (3), any interested person may file a written appeal for cause in accordance with the provisions in Chapter 17.54; provided, however, that (1) the time for filing an appeal and the notice provisions in this chapter shall control over those in Chapter 17.54 and (2) appeals from an approval shall not be permitted when based solely on environmental effects from RF emissions exposure from the approved facility that was found compliant with applicable FCC regulations and guidelines.
2. **For Director Denials Without Prejudice.** Within ten calendar days after the Director issues the decision notice pursuant to Section 17.46.070(D)(3) denying an application without prejudice, the applicant may file a written appeal for cause in accordance with the provisions in Chapter 17.54; provided, however, that the time for filing an appeal and notice provisions in this chapter shall control over those in Chapter 17.54.
3. **Appeals to City Council.** The City Council shall be the appellate authority for all appeals in accordance with the provisions of Chapter 17.54. The City Council shall issue a written decision that contains the reasons for the decision, and such decision shall be the final action of the City and not subject to any further administrative appeals.

#### **17.46.080 Findings Required.**

##### A. Types I to IV Applications

1. **Required Findings for Approval.** The reviewing authority may approve wireless facility applications only when the reviewing authority makes all the following findings:
  - a. the proposed wireless facility will not result in adverse visual impacts or have an adverse impact on property values because it complies with all applicable development standards in Section 17.46.040 and the Administrative Detailed Wireless Facility Design Guidelines;

- b. if applicable, to the extent the proposed wireless facility does not comply with all applicable development standards in Section 17.46.040 and the Administrative Detailed Wireless Facility Design Guidelines, the applicant has requested a special exception and the findings for granting a special exception pursuant to Section 17.46.080(C) can be made;
  - c. the proposed wireless facility will comply with all applicable FCC regulations and guidelines for human exposure to RF emissions and will not, either individually or cumulatively with other transmitters in the vicinity, result in RF exposures that exceed the FCC's maximum permissible exposure level for the general population;
  - d. the proposed wireless facility will comply with all applicable fire safety and public safety standards;
  - e. the proposed wireless facility will comply with fall zone requirements in the Administrative Detailed Wireless Facility Design Guidelines;
  - f. all public notices required for the application have been given;
  - g. all the findings required for a use permit pursuant to Section 17.64.010;
  - h. all the findings for discretionary design review approval pursuant to Section 17.58.060;
  - i. if applicable, all the findings required for a Coastal Development Permit.
2. **Conditional Approvals.** Subject to any applicable federal or state laws, nothing in this chapter is intended to limit the reviewing authority's ability to conditionally approve any application governed under this chapter as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the general plan and any applicable specific plan, this code, or this chapter.

## B. Type V Applications (EFRs)

1. **Required Findings for Approval.** The reviewing authority may approve or conditionally approve an application for an EFR administrative design review approval when the reviewing authority finds that the proposed project:
  - a. involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
  - b. does not substantially change the physical dimensions of the existing wireless tower or base station in that it meets each and every one of the



applicable criteria for an eligible facilities request stated in the definition of “substantial change,” after application of the definitions in 47 C.F.R. 1.6100(b). The reviewing authority shall make an express finding for each criterion.

2. **Findings for Denial.** The reviewing authority may deny without prejudice any application for an EFR administrative design review approval when the reviewing authority finds that the proposed project:
  - a. does not meet the findings required in Section 17.46.080(B)(1);
  - b. involves the replacement of the entire eligible support structure; or
  - c. violates any generally applicable law, regulation, rule or standard or permit condition reasonably related to public health or safety.
3. **Conditional Approvals.** Subject to any applicable limitations in federal or state law, nothing in this chapter is intended to limit the reviewing authority’s authority to conditionally approve an application for an EFR administrative design review approval to comply with all generally applicable laws and to protect and promote the public health and safety.

**C. Special Exceptions for Federal or State Preemption or Minor Deviations in Design (Types I to IV only)**

1. **Preface.** The provisions in this section establish the circumstances under which the City may grant a special exception to the standards in this chapter, Chapter 17.58 or the Administrative Detailed Wireless Facility Design Guidelines, but only if specifically requested by the applicant in writing at the time of application submittal and only to the extent necessary to avoid conflict with applicable federal or state law or it is a minor deviation that achieves all of the applicable design objectives of this Chapter, as well as, or better than, would be achieved by adherence to the adopted Design Guidelines. An exception granted in one instance shall not be deemed to create a presumption or expectation that an exception will be granted in any other instance.
2. **Required Findings.** The reviewing authority shall not grant any special exception unless the reviewing authority finds the following:
  - a. the applicant has shown that denial of an application will result in an effective prohibition or otherwise violate federal law; OR the applicant has shown that denial of an application will violate state law; OR the applicant has shown that it is a minor deviation that achieves all of the applicable design objectives of this Chapter, as well as, or better than, would be achieved by adherence to the adopted design guidelines.

- b. the special exception requested by the applicant does not compromise or excuse compliance with any fire safety or other public health and safety requirements; and
  - c. the special exception is narrowly tailored such that any deviation from the requirements of this chapter is only to extent necessary for compliance with federal or state law or to achieve all of the applicable design objectives of this Chapter, as well as, or better than, would be achieved by adherence to the adopted Design Guidelines.
3. **Evidentiary Standard.** The applicant shall have the burden to prove to the reviewing authority that an exception should be granted pursuant to this section. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for a special exception.

#### **17.46.090 Standard Conditions of Approval.**

- A. **Wireless Facility Standard Terms and Conditions.** All wireless facilities approved under this chapter or deemed approved by the operation of law shall be automatically subject to the Wireless Facility Standard Terms and Conditions adopted by the Planning Commission by resolution, unless modified by the reviewing authority in an approval decision.
- B. **Modified Approval Conditions.** The reviewing authority, when granting approval of a permit application, may modify, add to or remove standard conditions set forth in the Wireless Facility Standard Terms and Conditions adopted by the Planning Commission by resolution, as the reviewing authority deems necessary or appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions to the particular facts and circumstances associated with the project; and/or (3) memorialize any changes to the proposed project needed for compliance with the City's Municipal Code, generally applicable health and safety requirements and any other applicable laws.

#### **17.46.100 Violations**

Any use or condition caused or permitted to exist in violation of any provision of this chapter shall be and hereby is declared a public nuisance and may be subject to administrative citations as set forth in Chapter 18.04 of this code, summary abatement pursuant to Chapter 15.57 of this code, California Code of Civil Procedure § 731, or any other remedy available to the City.

**SECTION 3.** Conforming Amendments To Title 17. The following Sections of Title 17 of the Carmel-by-the-Sea Municipal Code are amended as follows (all other sections remain unchanged):

**Section 17.08.040:** the residential uses table listing for “Communications” uses in the Transportation, Communications and Utilities uses table shall read:

Transportation, Communication and Utilities			
Antennas and Transmission Towers – Telecommunications	C	C	See Chapter 17.46 for findings
Antennas and Transmission Towers – Other	-	C	
Facilities Within Buildings	C	C	

**Section 17.12.020.H.** shall read:

“H. Outdoor Antennas. Except as provided in Chapter 17.46 CMC, Telecommunications and Wireless Facilities and antennas used by Federal Communications Commission licensed ham operators or operators certified by RACES or ARES, both of which are excluded from the application of these provisions, antennas erected in the R-4 land use district shall be subject to the following standards:

1. No antenna or its supporting structure shall be located in the area between the front property line and the portion of the main structure or building located closest to the front property line.
2. No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.
3. All ground-mounted antennas shall be camouflaged by walls, antenna color, fences, or landscaping. Landscaping shall be of a type and variety capable of growth within one year to a landscape screen that obscures the visibility of the antenna. The landscaping plan shall be approved by the City Forester before it is implemented.
4. No antenna shall be erected within the public viewshed as identified in CMC 17.12.050, Preservation of Public Viewshed.
5. No part of any antenna shall be higher than 24 feet.”

**Section 17.14.030:** the commercial uses table listing “Communications” uses in the Transportation, Communications and Utilities uses table shall read:

Transportation, Communication and Utilities				
Antennas and Transmission Towers – Telecommunications	C	C	C	
Antennas and Transmission Towers – Other	-	-	-	
Facilities Within Buildings	P	P	C	



**Section 17.14.220.F.** shall read:

“F. Antennas. ~~Except for antennas preempted by Federal law, antennas in the commercial districts shall be located and screened to reduce their visibility from the public right-of-way and adjacent properties.~~ All antenna installations must be reviewed and approved through the commercial design review procedures. Except as provided in Chapter 17.46 CMC, Telecommunications and Wireless Facilities, antennas located in any commercial land use district shall conform to the following standards:

1. All ground-mounted antennas shall be required to maintain their supporting structures at least three feet from any property line.
  
2. All ground-mounted antennas shall be screened by walls, color, fences or landscaping. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen, which obscures the visibility of the antenna. The landscaping plan shall be approved by the City Forester before it is implemented.
  
3. No part of any antenna shall be higher than the maximum height allowed in the underlying land use district.
  
4. A maximum of one antenna shall be allowed on a building site.
  
5. All roof-mounted antennas are prohibited except as provided in CMC ~~17.46.020(E)~~ 17.46.030(B) (general development standards).”

**Section 17.18.030:** the public and quasi-public uses table listing for “Communications” uses in the Transportation, Communications and Utilities uses table shall read:

Transportation, Communication and Utilities			
Communication Facilities			
Antennas and Transmission Towers – Telecommunications	C	C	See Chapter 17.46 CMC
Antennas and Transmission Towers – Other	-	C	
Facilities Within Buildings	C	C	

**Section 17.40.070.H.** shall read:

“H. Signs in the public right-of-way, except for signs posted by a Federal, State, or local governmental entity with permission of the City and application notices posted in accordance with CMC 17.46.070(A)(1).”

**Section 17.52.150.C** shall read:

“C. Appeals. All final actions of the Director may be appealed to the Planning Commission in accordance with Chapter 17.54 CMC, Appeals, except for Director

decisions pursuant to CMC 17.46.050(A)(2) and 17.46.060(D) which may only be appealed to the City Council.”

**Section 17.54.010.E.** shall read:

“E. The findings and actions of the Planning Director shall be final and conclusive from and after the date of final action unless an appeal is filed with the Planning Commission Secretary pursuant to CMC 17.54.040(A), Appeals to the Forest and Beach Commission or the Planning Commission, or CMC 17.54.040(B), Appeals to the Historic Resources Board, or with the Coastal Commission pursuant to CMC 17.54.040(D) and 17.54.050, or with the City Clerk pursuant to CMC 17.54.040(C), Appeals to City Council. “

**Section 17.54.040.C.** shall read:

“C. Appeals to the City Council. Decisions to approve or deny projects made by the Planning Commission, Forest and Beach Commission, or the Historic Resources Board may be appealed to the City Council by filing a notice of appeal in writing in the office of the City Clerk within 10 working days following the date of action by the decision-making body and paying the required filing fee as established by City Council resolution. Notwithstanding the foregoing, decisions for projects subject to Chapter 17.46 (Telecommunications and Wireless Facilities) made by the Planning Director or by the Planning Commission must be appealed within the time periods specified in CMC 17.46.070(E).“

**Section 17.54.080.A.** shall read:

“A. Appeals of Decisions on Permits. Any decision to approve, deny or conditionally approve any permit made by the Director (except for denials without prejudice made pursuant to CMC 17.46.060(D)), the City Forester, the Planning Commission, or the Historic Resources Board may be appealed by any aggrieved party. Coastal Commissioners may appeal these decisions pursuant to CMC 17.54.020 and 17.54.050.”

**Section 17.58.030.B.1.d.** shall read:

“d. Installation of antennas and associated equipment.”

**Section 17.58.040.B.1 and the introductory part of B.2** shall read:

B. Residential Track Two Design Study. Track two is a discretionary review process for projects that require a public hearing with the Planning Commission. All track two projects shall require public notice and a hearing pursuant to CMC 17.52.110, Notice of Public Hearing.

1. Applicability. Residential district track two design review is for the construction of new dwellings, rebuilds, substantial alterations, installation of antennas and associated equipment, and other projects that comply with applicable zoning standards and design review guidelines but do not qualify for track one processing.

2. Procedures. Except for the installation of antennas and associated equipment which shall be subject to the procedures in CMC 17.58.030.B.2, dDesign review for track two projects is a three-phase process requiring: (1) preliminary site assessment, (2) design concept review, and (3) final details review. The application shall not be deemed complete until the preliminary site assessment has occurred and the City has received a complete application for design concept review. When a use permit, variance, or other land use permit is required, the application shall not be deemed complete until design concept review is completed and the City has received a complete application for final details review and for the applicable land use permit. The procedure for track two projects includes the following:

**Section 17.68.070 “Communication Facilities”** uses shall read:

Antennas and Transmission Towers - Telecommunications. Communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception or transmission systems. Examples of transmission towers - telecommunications are limited to telephone exchange or microwave relay towers, and cellular telephone transmission or personal communications systems towers.

Antennas and Transmission Towers - Other. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception or transmission systems. Examples of transmission towers- other are limited to radio towers, television towers, telephone exchange or microwave relay towers, and cellular telephone transmission or personal communications systems towers and other towers that are not used for telecommunications.

Facilities Within Buildings. Includes radio, television, or recording studios and telephone switching centers; excludes antennas and transmission devices.

**Section 17.70.010 and Section 17.70.020** shall be amended to repeal the following listed terms and corresponding definitions:

Amateur Radio Antenna (See Antenna);

Antenna; Monopole (See Telecommunications Terms);

Satellite Antenna (See Antenna);

Telecommunications Facility, Co-Located (See Telecommunications Terms);

Telecommunications Facility (See Telecommunications Terms);

Telecommunications Terms (Building-Mounted Telecommunications Facility; Monopole; Telecommunications Facility; Telecommunications Facility, Co-Located).

**Section 17.70.010** shall be further amended to add to the listed terms the following:

“Telecommunications and Wireless Terms. See Chapter 17.46.”

**SECTION 4.** Conforming Amendments to Titles 12 and 13. The following Sections of Title 12 and 13 of the Carmel-by-the-Sea Municipal Code are amended to read (all other sections remain unchanged):

**Section 12.08.050** shall be amended to add a new subsection E as follows:

“E. Notwithstanding Section 12.080.040.A. and Section 12.08.050.A, B, C and D, for applications that are subject to both Ch. 17.46 and Ch. 12.08, the reviewing authority under Ch. 17.46 shall process and decide both applications concurrently under the procedures in Ch. 17.46, including any appeals.”

**Section 12.08.060** shall be amended to add a new subsection I as follows:

“I. For applications that are subject to both Ch. 17.46 and Ch. 12.08, only the standards in Ch. 17.46 and the applicable administrative guidelines shall apply.”

**Section 13.28.070.E.** shall be amended to read as follows:

“E. Antennae, associated equipment that is within the supporting structure or integrated with the antennae, and supporting structures, used by a utility for furnishing communication services.”

**SECTION 5.** Effective Date. This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea and after approval by the California Coastal Commission.

**SECTION 6.** Severability. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining sections, subsections, provisions, sentences, clauses, phrases or words of this Ordinance.

**INTRODUCED** at a Regular City Council Meeting on \_\_\_\_\_, 2023.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this \_\_ day of \_\_\_\_\_, 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

Mayor

City Clerk

**DRAFT**

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

**ORDINANCE NO. 2023-006**

**AN ORDINANCE OF THE CITY COUNCIL OF CARMEL-BY-THE-SEA AMENDING THE CARMEL MUNICIPAL CODE (CMC) TITLE 17 (ZONING) BY REPEALING AND REPLACING CHAPTER 17.46 (TELECOMMUNICATIONS AND WIRELESS FACILITIES) AND MAKING CONFORMING AMENDMENTS TO ZONING CODE SECTIONS 17.08.040, 17.12.020, 17.14.030, 17.14.220, 17.18.030, 17.40.070, 17.52.150, 17.54.010, 17.54.040, 17.54.080, 17.58.030, 17.58.040, 17.68.070, 17.70.010 AND 17.70.020 AND TO MUNICIPAL CODE SECTIONS 12.08.050, 12.08.060, 13.28.070; AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the City of Carmel-by-the-Sea currently regulates the placement of wireless facilities throughout the City under Title 17, Chapter 17.46 of the Municipal Code; and

**WHEREAS**, Chapter 17.46 was last amended in 2004; and

**WHEREAS**, there have been significant changes in state and federal law affecting local authority over wireless siting since Chapter 17.46 was last amended, including the passage of new federal laws and state laws, the adoption of new Federal Communications Commission regulations and orders, the amendment of California Public Utility Commission orders related to utility infrastructure, and various judicial decisions interpreting those laws and regulations; and

**WHEREAS**, notwithstanding the various changes in state and federal law, local governments continue to retain authority to regulate the placement, construction, and modification of personal wireless service facilities, subject to those matters where local authority has been limited or removed by state or federal law; and

**WHEREAS**, Carmel-by-the-Sea has made longstanding and sustained efforts to preserve its distinct “village in a forest, by the sea” character, the natural beauty of its shoreline environment, and its charm as a popular visitor destination, by not allowing incompatible development that degrades the visual and economic value of adjoining properties, especially in residential areas; and

**WHEREAS**, Carmel-by-the-Sea’s topography, forested nature, location partially within and partially adjacent to California’s High Fire-Threat District (HFTD), and narrow streets, with few gutters or sidewalks or streetlights, gives rise to many unique concerns

and situations relating to fire safety, traffic circulation, parking and pedestrian safety;  
and

**WHEREAS**, if not adequately regulated, the installation of personal wireless services facilities within the City can pose a threat to the public health, safety, and welfare; traffic and pedestrian safety hazards; negative impacts to trees; creation of visual and aesthetic blights and potential safety concerns arising from improper design or excessive size, heights, noise, or lack of camouflaging; and

**WHEREAS**, the City therefore intends to exercise its powers to regulate personal wireless service facilities to the maximum extent allowed by law, to protect its residents and visitors, promote public health, safety and community welfare, preserve the natural resources and unique scenic quality of Carmel-by-the-Sea, and protect the character of the City's residential neighborhoods, while nonetheless respecting and adhering to the law as it is today and may change in the future; and

**WHEREAS**, the City Council and Planning Commission held a joint special meeting on wireless regulation on February 28, 2022 to receive an update on changes to the law, to receive public feedback and to provide general direction to staff on an update to the City's wireless regulations; and

**WHEREAS**, the Planning Commission conducted a duly noticed public workshop on a draft of the wireless regulations (ordinance, design guidelines, standard conditions of approval, and application forms) on March 29, 2023 to receive public feedback; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed ordinance, design guidelines, standard conditions of approval, and application forms on August 23, 2023 at which it took public testimony, held a discussion, and voted to adopt the design guidelines, standard conditions of approval, and application forms, and to recommend that City Council adopt of the proposed code amendments (Resolution No.2023-044);

**WHEREAS**, on September 12, 2023 the City Council held a duly noticed public hearing on the proposed code amendments;

**WHEREAS**, the City determined this ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines; and

**WHEREAS**, the proposed amendments are in full conformity with the City's Local Coastal Plan and the California Coastal Act (Public Resources Code Section 30510 et seq.)

**SECTION 1.** CEQA Review. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The Ordinance does not authorize any specific development or installation on any specific piece of property within the City's boundaries. Moreover, when and if an

application for installation is submitted, the City will at that time conduct preliminary review of the application in accordance with CEQA. Alternatively, even if the Ordinance is a “project” within the meaning of State CEQA Guidelines section 15378, the Ordinance is exempt from CEQA on multiple grounds. First, the Ordinance is exempt CEQA because the City Council’s adoption of the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3)). That is, approval of the Ordinance will not result in the actual installation of any facilities in the City. In order to install a facility in accordance with this Ordinance, the applicant would have to submit an application for installation of the wireless facility. At that time, the City will have specific and definite information regarding the facility to review in accordance with CEQA. And, in fact, the City will conduct preliminary review under CEQA at that time. The City Council therefore directs that a Notice of Exemption be filed with the County Clerk of the County of Monterey within five working days of the passage and adoption of the Ordinance.

**SECTION 2.** Repeal and Replacement of Chapter 17.46. Chapter 17.46 of Title 17 of the Carmel-by-the-Sea Municipal Code is hereby repealed in its entirety and replaced with the following:

## **Chapter 17.46 TELECOMMUNICATIONS AND WIRELESS FACILITIES**

Sections:

- 17.46.010 Purpose and Findings.**
- 17.46.020 Definitions.**
- 17.46.030 Applicability.**
- 17.46.040 General Development Standards.**
- 17.46.050 Wireless Application Types and Submittal Requirements.**
- 17.46.060 Application Review Procedures.**
- 17.46.070 Public Notices, Public Hearings and Appeals.**
- 17.46.080 Findings Required.**
- 17.46.090 Standard Conditions of Approval.**
- 17.46.100 Violations**

### **17.46.010 Purpose and Findings.**

A. **Purpose.** The purpose of this chapter is to establish comprehensive requirements and development standards for the siting, design, construction, maintenance and modification of wireless facilities in Carmel-by-the-Sea, including on public and private property and in public rights-of way, in order to manage their deployment and minimize adverse aesthetic impacts to Carmel-by-the-Sea’s unique village character, consistent with and to the full extent of the City’s authority under federal and California law.



**B. Findings.** The City Council hereby finds that:

1. Limitations on the placement of wireless facilities within the City limits are necessary to:

a. Protect Carmel-by-the-Sea's distinct "village in a forest, by the sea" character with its centralized commercial core surrounded by residential land uses.

b. Protect Carmel-by-the-Sea's charm as a popular visitor destination, known as much for its spectacular coast as for its unique community character.

c. Recognize and respect that Carmel-by-the-Sea is among a limited number of California coastal communities where nearly the entire shoreline from the first public road to the sea is open to the public and easily accessible, and that over the years, Carmel has maintained a balance between preserving the beauty of the shoreline environment and adding the physical improvements that make the Carmel shoreline accessible and enjoyable to the public, keeping the entire beach and bluff as natural appearing as possible consistent with public access, habitat protection, safety and provision of limited recreational support facilities.

d. Recognize and respect that Carmel-by-the-Sea's streets are narrow in width, 26 to 34 feet, with few gutters or sidewalks and that this lack of formal development of streets throughout Carmel (with the exception of some of the downtown thoroughfares) has been a conscious effort on the part of residents to maintain a "village in a forest" atmosphere, and gives rise to many unique situations relating to traffic, circulation, parking and pedestrian safety.

2. Personal wireless services can serve as an important and effective part of Carmel-by-the-Sea's emergency response and communications.

3. The regulations contained herein are designed to promote public health, safety and community welfare, preserve the natural resources and scenic quality of Carmel-by-the-Sea and protect the character of the City's residential neighborhoods, recognizing that the preservation of the residential character in Carmel is central to all land uses, consistent with the findings in (1) and (2), while regulating managed development of wireless infrastructure throughout the City.

4. The provisions of this chapter are intended to:

a. Comply with all applicable goals, objectives and policies of the General Plan, the City's Local Coastal Program and the California Coastal Act.

b. Minimize adverse aesthetic impacts associated with wireless facilities in all districts.

c. Preserve Carmel's primarily residential character by keeping business and commerce subordinate to its residential character.

d. Comply with all federal law, Federal Communications Commission rules, regulations and standards, California law, and California Public Utilities Commission regulations and standards.

e. Ensure the safe installation and maintenance of wireless facilities to protect against fire hazards made more prevalent by Carmel's unique urbanized forest, topography and accessibility.

### **17.46.020 Definitions.**

The definitions in this Section apply to this chapter. Undefined terms shall have the meaning assigned to them in Chapter 17.70. Per Section 17.02.090(C), to the extent that this chapter quotes or paraphrases any State or Federal Statute for convenience and any conflict is discovered, or is created through amendment, the State or Federal Statute shall control and shall be cause for an amendment to this chapter.

#### **A. Generally Applicable Definitions**

1. **"accessory equipment"** means equipment other than antennas used in connection with a wireless facility. The term includes transmission equipment.

2. **"amateur station"** means the same as defined by the FCC in 47 C.F.R. § 97.3, which means a station in an amateur radio service consisting of the apparatus necessary for carrying on radio communications. This term includes amateur radio antennas and related facilities used for amateur radio services.

3. **"antenna"** means the same as defined by the FCC in 47 C.F.R. § 1.6002(b), which means an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services.

4. **"base station"** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(1), which means:

A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower or any equipment associated with a tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.6100(b)(1)(i) through (ii) of 47 C.F.R. § 1.6100 that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.6100(b)(1)(i)–(ii) of 47 C.F.R. § 1.6100.

5. **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(g), which means (1) Mounting or installing an antenna facility on a pre-existing structure; and/or (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure. For eligible facilities requests, the definition of collocation in B.1 below applies instead of this definition.
6. **“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
7. **“Director”** means the City of Carmel-by-the-Sea Community Planning and Building Director or the Director’s designee.
8. **“EFR” or “eligible facilities request”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(3) which means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.
9. **“FCC” or “Commission”** means the Federal Communications Commission, as constituted by the Communications Act of 1934, Pub. L: 73-416, 48 Stat. 1064, codified as 47 U.S.C. §§ 151 *et seq.* or its duly appointed successor agency.

10. **“Fire Safety Authority”** means the Chief Building Official of the City of Carmel-by-the-Sea or the Fire Safety Authority’s designee.

11. **“historic resource”** means any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in, the National Register of Historic Places, the California Register of Historical Resources, the “Carmel Inventory of Historic Resources” or the “Carmel Inventory” as defined in code Section 17.32.230, the “Carmel Register of Historic Resources” or the “Carmel Register” as defined in code Section 17.32.230, or any “historic resource” or “historical resource” as defined in code Section 17.32.230. The term includes artifacts, records and remains related to or located within such properties. The term also includes properties with traditional religious and/or cultural importance to any Native American tribe.

12. **“OTARD”** means any “over-the-air reception device” subject to the FCC rules in 47 C.F.R. §§ 1.4000 *et seq.*, which generally includes satellite television dishes and antennas, and certain fixed wireless antennas not greater than one meter in diameter.

13. **“personal wireless service facility”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(i) which means an antenna facility or a structure that is used for the provision of personal wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

14. **“personal wireless services”** means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i) which means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

15. **“public right-of-way”** or **“public rights-of-way”** means land or an interest in land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to or open to the use by the general public for road or highway purposes. The term does not include private or public utility easements unless such easement is reserved for or dedicated to or open to the use by the general public for road or highway purposes.

16. **“reviewing authority”** means the City official or appointed/elected body responsible for application review and vested with authority to approve, approve with modifications and/or conditions, or deny such applications.

17. **“RF”** means radiofrequency.

18. **“small wireless facility”** means the same as defined by the FCC in 47 C.F.R. § 1.6002(l), which means a personal wireless service facility that meets each of the following conditions:

- (a) The facilities (i) are mounted on structures 50 feet or less in height including their antennas; or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures; or (iii) do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (b) Each antenna associated with the deployment is no more than three (3) cubic feet in volume, excluding associated antenna equipment;
- (c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment, cumulatively total no more than twenty-eight (28) cubic feet in volume;
- (d) The facility does not require antenna structure registration under 47 CFR Part 17 (Construction, Marking and Lighting of Antenna Structures);
- (e) The facility is not located on tribal land; and
- (f) The facility will not result in human exposure to radiofrequency radiation in excess of the applicable FCC safety standards set forth within Table 1 of 47 CFR §1.1310(E)(1).

19. “**FCC shot clock**” means the time defined by the FCC in 47 C.F.R. § 1.6003 or 1.6100(c) (as applicable) in which a state or local government must act on an application or request for authorization to place, construct or modify personal wireless services facilities.

20. “**stealth**” means concealment elements, measures and techniques that mimic or blend with the underlying structure, surrounding environment and adjacent uses to screen all transmission equipment from public view and integrate the wireless facility into the built or natural environment such that, given the particular context, the reasonable person would not recognize the structure as a wireless facility. Stealth concealment techniques include, without limitation: (1) transmission equipment placed completely within existing or replacement architectural features such that the installation causes no visible change in the underlying structure; (2) new architectural features that mimic or blend with the underlying or surrounding structures in style, proportion and construction quality such that they appear part of the original structure’s design; and (3) concealment elements, measures and techniques that mimic or blend with the underlying structure, surrounding environment or adjacent uses

21. “**structure**” means the same as defined by the FCC in 47 C.F.R. § 1.6002(m) which means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services). A tree including live, dead, partially cut down or limbed tree is not a structure and may not be used for placement of wireless facilities.

22. **“tower”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(9) which means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

23. **“transmission equipment”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(8) which means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

24. **“Type I application”** means an application type that shall be limited to applications wherein an applicant seeks to place a new small wireless facility upon an existing structure and either (i) the structure is not an existing tower or base station (as defined for EFR purposes) or (ii) the structure is an existing tower or base station (as defined for EFR purposes) but the proposed facility does not qualify as an EFR. If the completed facility would still meet the physical limits and requirements to meet the definition of a small wireless facility after the installation of the new equipment, then the application to install such new equipment is a Type I application.

25. **“Type II application”** means an application type that shall be limited to applications wherein an applicant is seeking to place a new personal wireless service facility upon an existing structure which does not meet the definition of a small wireless facility or which will not meet the definition of a small wireless facility if and when the proposed new personal wireless service equipment is installed upon the existing facility and/or structure and either (i) the structure is not an existing tower or base station (as defined for EFR purposes) or (ii) the structure is an existing tower or base station (as defined for EFR purposes) but the proposed facility does not qualify as an EFR.

26. **“Type III application”** means an application type that shall be limited to applications seeking to install and/or construct a new small wireless facility that involves placement of a new or replacement structure.

27. **“Type IV application”** means an application type that shall include any applications for the installation of a new personal wireless service facility which does not meet the criteria for Type I, Type II, Type III or Type V.

28. **“Type V application”** means an eligible facilities request or EFR as defined by the FCC in 47 C.F.R. § 1.6100(b)(3), which is any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

29. **“utility pole”** means a wood or steel vertical structure in the public right-of-way designed to support electric, telephone and similar utility lines. A tower is not a utility pole.

30. **“visibility triangle”** means that portion of both the public and private property at any corner bounded by the curb line or edge of roadway of the intersecting streets and a line joining points on the curb or edge of roadway a distance in feet equivalent to the width of the roadway from the point of intersection of the extended curb lines or edges of roadway.

31. **“wireless facility”** means the transmitters, antenna structures and other types of installations used for the provision of wireless services at a fixed location, including, without limitation, any associated tower(s), structure(s), and base station(s).

**B. Additional Definitions Applicable to Eligible Facilities Requests (EFRs) Only**

1. **“collocation”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(2), which means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

2. **“eligible support structure”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4) which means any tower or base station, provided that it is existing at the time the relevant eligible facilities request application is filed with the State or local government.

3. **“existing”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(4) which means a constructed tower or base station is “existing” for purposes of an EFR, if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

4. **“site”** means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(6), which means that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and

any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by a State or local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the Section 6409(a) process.

5. “**substantial change**” or “**substantially change**” means the same as defined by the FCC in 47 C.F.R. § 1.6100(b)(7), which establishes different criteria based on the particular facility type and location. For clarity, the definition in this chapter reorganizes the FCC’s criteria and thresholds for a substantial change according to the facility type and location.

- a. For towers outside the public rights-of-way, a substantial change occurs when:
  - i. the proposed collocation or modification increases the overall height more than 10% or the height of one additional antenna array with separation from the nearest antenna not to exceed 20 feet (whichever is greater); or
  - ii. the proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or
  - iii. the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four; or
  - iv. the proposed collocation or modification involves excavation or deployment outside the current boundaries of the leased or owned property surrounding the wireless tower by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site.
- b. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
  - i. the proposed collocation or modification increases the overall height more than 10% or 10 feet (whichever is greater); or



- ii. the proposed collocation or modification increases the width more than 6 feet from the edge of the wireless tower or base station; or
  - iii. the proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or
  - iv. the proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are ten percent (10%) larger in height or volume than any existing ground-mounted equipment cabinets; or
  - v. the proposed collocation or modification involves excavation or deployment outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- c. In addition, for all towers and base stations wherever located, a substantial change occurs when:
- i. the proposed collocation or modification would defeat the existing concealment elements of the eligible support structure as determined by the reviewing authority; or
  - ii. the proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change described in this definition.
- d. The thresholds for a substantial change outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. The thresholds for height increases are cumulative limits from the originally-permitted eligible support structure. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted eligible support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites that existed prior to February 22, 2012, the cumulative limit for vertically separated deployments is measured from the permitted site dimensions as they existed on February 22, 2012—the date that P.L. 112-96 was signed into law.

#### **17.46.030 Applicability.**

- A. **General.** This chapter applies to all requests for the City's regulatory authorization to construct, install, operate, collocate, modify, relocate, remove or otherwise deploy wireless facilities on property within the City's territorial and jurisdictional boundaries, unless expressly exempted pursuant to subsection (B). This includes permit applications submitted to the City for decision in its regulatory capacity for wireless facilities on property or structures owned or controlled by the City and located within the City, including in public rights-of-way; provided, however, that this chapter does not govern whether or under what terms and conditions the City, in its capacity as the property or structure owner, would lease, license or otherwise allow a wireless facility on such property or structures.
- B. This chapter shall not be applicable to the following:
1. wireless facilities installed completely indoors and used to extend personal wireless services into a business or the subscriber's private residence, such as a "femtocell" or indoor distributed antenna system;
  2. OTARD antennas which are regulated pursuant to Chapter 15.40 (Antennas and Satellite Dishes);
  3. antennas and related transmission equipment used in connection with a duly authorized amateur station operated by a federally licensed amateur radio operator as part of the Amateur Radio Service; provided, that its maximum height does not exceed the height requirements of the zoning district;
  4. wireless facilities or other transmission equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power, generation, transmission and distribution facilities subject to CPUC General Order 131-D;
  5. temporary wireless facilities parked in a fixed location within the public rights-of-way for no longer than 10 days under an approved special events permit pursuant to Chapter 12.48.

#### **17.46.040 General Development Standards.**

- A. **Location Standards.** When considering compatibility of a location and structure for Type I, Type II, Type III and Type IV wireless facilities, the City requires applicants to propose those that will be the least intrusive to community character and values. Subsection B provides a ranking that describes Zoning Districts where wireless facilities are least compatible to most compatible with other uses. Subsection C provides the City's preference for placements on parcels over public rights-of-way. Subsection D provides structure rankings. Subsection E provides additional special considerations for site selection on public right-of-way.

- B. **Ranked Locations.** Applicants must propose placement in locations with the least intrusive land use designation (i.e.: Zoning) technically feasible and potentially available. Applications proposing placement in Tier I or II must include a written justification as part of the application submittal, supported by factual and verifiable evidence, that shows no location in a Tier III land use tier is technically feasible and available. The following land use tiers are ranked from least compatible to most compatible:

*Tier I (Least Compatible):*

Senior Citizen Facility (A-3), Multi-Family Residential (R-4), Single-Family Residential (R-1), and Residential and Limited Commercial (RC).

*Tier II:*

Improved Parklands (P-2), Natural Parklands and Preserves (P-1), and Theatrical (A-1).

*Tier III (Most Compatible):*

Central Commercial (CC), Service Commercial (SC), and Community and Cultural (A-2).

- C. **Preference for Placement on Public and Private Parcels Over on Public Right-of-Way.**

Placement on public and private parcels is strongly preferred over placements in the public rights-of-way because Carmel's public rights-of-way are narrow in width (26 to 34 feet), with few gutters or sidewalks. Limiting wireless facilities in public rights-of-way is necessary: (i) to ensure that the flow of pedestrian and vehicular traffic, including ingress to, or egress from, any residence, public building, or place of business or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles is maintained; (ii) to provide reasonable access for the use and maintenance of sidewalks, pathways, hydrants, restrooms, trash receptacles, firefighting apparatus, as well as access to locations used for public transportation services; (iii) to ensure no interference to the performance of police, firefighter, and other emergency medical personal; and (iv) to maximize public access in the commercial districts and along the coast which have unusually high pedestrian and vehicular traffic volumes. Applications proposing placement in the public right-of-way must include a written justification as part of the application submittal, supported by factual and verifiable evidence, that shows placement on a parcel is not technically feasible and available

- D. **Structure Selection.** Applicants shall propose placement on the most-compatible structure that is technically feasible and available. Any application to place a wireless facility on a structure other than the most compatible structure

must include a written justification, based on factual and verifiable evidence, that shows no more compatible structure is technically feasible and available.

1. **Structure Selection on Parcels.** The following structures are ranked from least compatible to most compatible on parcels:
  - a. new (non-replacement) structures.
  - b. residential historic structures
  - c. existing building rooftops.
  - d. existing (or replacement) non-building structures without existing wireless facilities.
  - e. existing non-building structures with existing wireless facilities.
2. **Structure Selection on Public Rights-of-Way.** New (non-replacement) structures of any type (pole or non-pole) are the least compatible structures to use on public rights-of-way. Existing (or replacement) utility poles are the most compatible structures. Selection of structures/locations in the public right-of-way is also subject to the limitations in Subsection E below.

**E. Additional Special Considerations for Locations in the Public Right-of-Way.**

1. **Highly Incompatible Locations in the Public Right-of-Way.** Applicants shall not propose to install wireless facilities in/on a highly incompatible location in the public right-of-way unless the application is accompanied by a request for a special exception finding under Subsection 17.46.080(C). The following is a list of highly incompatible locations:
  - a. any location in the public right-of-way within the Single-Family Residential Zoning District.
  - b. any location in the public right-of-way that would trigger review of consistency with the Secretary of the Interior's Standards for potential impacts to a historic resource on a residential parcel in any Tier I zone in B above;
  - c. any location in the public right-of-way within the area depicted in Figure 1 below.



**FIGURE 1**

2. **Additional Public Right-of-Way Location Selection Standards.** Applicants shall not select existing structures and shall not propose new (non-replacement) structures in the following locations unless the application includes a written justification, based on factual and verifiable evidence, that shows no structure/location is technically feasible and available outside these locations:
  - a. directly in front of the areas which are five feet in either direction from the centerline of each entry door or window in the front façade of any occupied residential building.
  - b. within a 500-foot radius from another wireless facility within the public rights-of-way.
  
3. **Public Right-of-Way Location Safety Considerations.** Applicants shall not propose adding new structures in the following locations:
  - a. Any location that would create a hazard to public health or safety.
  - b. Any location that would adversely affect the normal drainage of surface water, unless an acceptable mitigation is included that will be advantageous to the general public.
  - c. Any location that would adversely affect vehicular and/or pedestrian traffic or the parking of vehicles including placements in any visibility triangle that obstructs or restricts the view necessary for the safe operation of motor vehicles as determined by the Traffic Safety Committee.
  - d. Any location that would adversely affect the root structure of any existing trees, or significantly reduce greenbelt area that may be used for tree planting.

- e. Any location within 10 feet away from any driveways for police stations, fire stations, or other emergency responder facilities.
- f. Any location that would physically interfere with or impede access to any:
  - (i) above-ground or underground infrastructure for traffic control, or public transportation, including, without limitation, any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
  - (ii) public transportation vehicles, shelters, street furniture, or other improvements at any public transportation stop;
  - (iii) above-ground or underground infrastructure owned or operated by any public or private utility agency;
  - (iv) fire hydrant or water valve;
  - (v) doors, gates, sidewalk doors, passage doors, stoops, or other ingress and egress points to any building appurtenant to the right-of-way; or
  - (vi) fire escape.

## F. Design Standards

- 1. **General Requirements.** This subsection establishes generally applicable design standards for all Type I, Type II, Type III and Type IV wireless facilities in all locations. The design of Type I, Type II, Type III and Type IV wireless facilities must also comply with applicable administrative guidelines adopted by the Planning Commission pursuant to subsection 17.46.040(B)(2), Chapter 17.58, and the City Council pursuant to subsection 17.58.020(E).
  - a. **Stealth/Concealment.** All wireless facilities must be stealth to the maximum extent feasible. Colors and materials for wireless facilities shall be muted, subdued, non-reflective and chosen to minimize visibility to the greatest extent feasible.
  - b. **Overall Height.** On public and private parcels, wireless facilities may not exceed more than 10 feet above the maximum height allowed by this code for the underlying zoning district where the facility is proposed. In the public right-of-way, wireless facilities on an existing pole may not have an overall height that exceeds the height of the existing pole by more than 10 feet and wireless facilities that involve a replacement pole or a new pole may not have an overall height that is more than 10 feet above the height of the replaced pole or existing poles in the vicinity unless additional height necessary to comply with CPUC safety standards such as General Order 95.
  - c. **Finishes.** All exterior surfaces shall be painted, colored, and/or wrapped in flat, muted, subdued, non-reflective hues that match the underlying structure or blend with the surrounding environment. All exterior surfaces on wireless facilities shall be constructed from, or coated with, graffiti-resistant materials. All finishes shall be subject to the reviewing authority's prior approval.
  - d. **Noise.** All wireless facilities must be compliant with all applicable noise regulations, which includes, without limitation, any noise regulations in this

- code. The reviewing authority may require the applicant to incorporate appropriate noise-baffling materials and/or noise-mitigation strategies to avoid any ambient noise from equipment reasonably likely to exceed the applicable noise regulations.
- e. **Lights.** Wireless facilities may not include exterior lights other than as may be required under Federal Aviation Administration, FCC, other applicable federal or state governmental regulations. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible. Any lights associated with the electronic equipment shall be appropriately shielded from public view. Any light beacons or lightning arresters shall be included in the overall height calculation.
  - f. **Trees and Landscaping.** Wireless facilities shall not be installed (in whole or in part) on new poles within any tree drip line. Wireless facilities may not displace any existing tree or landscape and/or hardscape features. All wireless facilities proposed to be placed in a landscaped area must include landscape and/or hardscape features (which may include, without limitation, trees, shrubs and ground cover) and a landscape maintenance plan. The existing native vegetation shall be maintained to the maximum extent feasible. The reviewing authority may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the stealth techniques required under this chapter. All plants proposed or required must be reviewed as part of a formal landscaping plan and approved by the City.
  - g. **Signage; Advertisements.** All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the reviewing authority, required by law or recommended under FCC or other federal governmental agencies for compliance with RF emissions regulations.
  - h. **Security Measures.** To prevent unauthorized access, theft, vandalism, attractive nuisance or other hazards, reasonable and appropriate security measures, such as fences, walls and anti-climbing devices, may be approved. Security measures shall be designed and implemented in a manner that enhances or contributes to the overall stealth, and the reviewing authority may condition approval on additional stealth elements to mitigate any aesthetic impacts, which may include, without limitation, additional landscape or hardscape features. Barbed wire, razor ribbon, electrified fences or any similar security measures are prohibited. Alarm systems shall not include any visible alarms or audible sirens or other sounds.

- i. **Fire Safety.** All wireless facilities shall be designed by qualified, licensed persons to provide the maximum protection that is technically feasible to prevent electrical and fire hazards. All wireless facilities shall be proactively monitored and maintained to continue and if possible, improve the safety design.
  - j. **Compliance with Laws.** All wireless facilities must be designed and sited in compliance with all applicable federal, state, regional, and local laws, regulations, rules, restrictions and conditions, which includes without limitation the California Building Standards Code, Americans with Disabilities Act, general plan and any applicable specific plan, this code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.
  - k. **View Protection.** Wireless facilities shall be located and designed to preserve significant coastal views from the public right-of-way in conformance with Section 30251 of the California Coastal Act. The protection of public views should not prevent reasonable development of the site, yet development shall not preclude reasonable protection of any significant coastal view. Designs should respect views enjoyed by neighboring parcels and should not present excess visual mass or bulk to public view or to adjoining properties. Wireless communications facilities, to every extent possible, should be sited to not create visual clutter or negatively affect important public or private views as determined by the reviewing authority. Collocation is encouraged when it will decrease visual impact. This objective is intended to balance the private rights to views from all parcels that will be affected by a proposed wireless facility. No single parcel should enjoy a greater right than other parcels except the natural advantages of each site's topography. Wireless facilities which substantially eliminate an existing significant view enjoyed on another parcel should be avoided.
2. **Administrative Detailed Wireless Facility Design Guidelines.** The Planning Commission may develop, and from time to time amend, Administrative Detailed Wireless Facility Design Guidelines consistent with the generally applicable design standards contained in this ordinance to clarify the aesthetic and public safety goals and standards in this chapter for City staff, applicants and the public. The Administrative Detailed Wireless Facility Design Guidelines shall provide more detailed standards to implement the general principals articulated in this section and may include specific standards for particular wireless facilities or site locations, but shall not unreasonably discriminate between functionally equivalent service providers. If a conflict arises between the development standards specified in this chapter and the Administrative Detailed Wireless Facility Design Guidelines, the development standards specified in this chapter shall control.



G. **Standards Applicable to Type V Wireless Facilities.** Type V applications are evaluated under the criteria for an eligible facilities request established by federal law and FCC regulations to determine whether or not the request involves a “substantial change” to an “eligible support structure” as these terms are defined in Section 17.46.020. Type V applications also must comply with any generally applicable law, regulation, rule or standard or permit condition reasonably related to public health or safety.

#### **17.46.050 Wireless Application Types and Submittal Requirements.**

##### A. **Application Types**

1. **Conditional Use Permit Applications.** There shall be four (4) specific types of applications for conditional use permits under this section, which shall include Type I, Type II, Type III, and Type IV applications. The Planning Commission is the initial reviewing authority for Type I-IV applications. Decisions of the Planning Commission may be appealed to the City Council.

- a. **Type I Applications: Collocations of Small Wireless Facilities.** Type I applications shall be limited to applications wherein an applicant seeks to place a new small wireless facility upon an existing structure and either (i) the structure is not an existing tower or base station (as defined for EFR purposes) or (ii) the structure is an existing tower or base station (as defined for EFR purposes) but the proposed facility does not qualify as an EFR. If the completed facility would still meet the physical limits and requirements to meet the definition of a small wireless facility after the installation of the new equipment, then the application to install such new equipment is a Type I application.
- b. **Type II Applications: Collocations which do not qualify as a Small Wireless Facility Collocation or EFR.** Type II applications shall be limited to applications wherein an applicant is seeking to place a new personal wireless service facility upon an existing structure which does not meet the definition of a small wireless facility or which will not meet the definition of a small wireless facility if and when the proposed new personal wireless service equipment is installed upon the existing facility and/or structure and either (i) the structure is not an existing tower or base station (as defined for EFR purposes) or (ii) the structure is an existing tower or base station (as defined for EFR purposes) but the proposed facility does not qualify as an EFR.
- c. **Type III Applications: New Small Wireless Facilities on New or Replacement Structures.** Type III applications shall be limited to applications seeking to install and/or construct a new small wireless facility that involves placement of a new or replacement structure.
- d. **Type IV Applications: New Towers and All Other Wireless Facilities, Except EFRs.** Type IV applications shall include any applications for the

installation of a new personal wireless service facility which does not meet the criteria for Type I, Type II, Type III or Type V applications.

2. **Administrative Use Permit Applications.** There shall be one type of application for an administrative use permit under this section, which shall be a Type V application. The Director is the initial reviewing authority for Type V applications. Decisions of the Director may be appealed to the City Council.
  - a. **Type V Applications: Eligible Facilities Requests or EFRs.** Type V applications shall include any applications that purport to meet the criteria for an eligible facilities request under federal law and FCC regulations.

## B. Submittal Requirements.

1. **Application Content.** All applications for a permit under this Chapter must include all the information and materials required by the Application for Wireless Facility form and the applicable Wireless Facility Application Checklist adopted by resolution of the Planning Commission. The Planning Commission is authorized to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Planning Commission finds necessary, appropriate or useful for processing any application governed under this chapter. All such requirements must be in written form and publicly stated and available. All applications shall, at a minimum, require the applicant to submit probative evidence to demonstrate that the proposed project will be in compliance with all applicable health and safety laws, regulations or other rules, which includes without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions. It shall be the obligation of any applicant to use the correct forms and explicitly and correctly identify which type of application they are filing.
2. **Application Fee/Deposit.** The applicant shall submit with its written materials the full application fee or deposit amount established by City Council resolution. If no application fee has been adopted at the time of application, then the applicant must submit a signed written statement that acknowledges that the applicant will be required to submit a deposit estimated by the Director to reimburse the City for its reasonable costs incurred in connection with the application, including costs of consultants retained by City. Should the deposit be inadequate an additional deposit shall be required. If the deposit exceeds the actual costs, the difference will be refunded to the applicant.
3. **Application Submittal.** All applications submitted under this chapter must be submitted to the City during the office hours specified for intake of applications submitted under this chapter as established by the Community Planning and Building Department and posted on the City's webpage. Applicants may submit one application or multiple applications whenever feasible and not prejudicial to other applicants. Any application received in a different manner or outside those

established intake hours, whether delivered in-person, by mail or through any other means, will not be considered duly filed whether the City retains the submitted materials or not.

4. **Other Permits and Reviews That May Be Required.** In addition to any permit required by this Chapter, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state, or local laws or regulations for the construction of the proposed facility, which includes, without limitation, any applicable permits or reviews listed below:
  - a. **Forest and Beach Commission Review.** Any proposed project that involves a request to remove or prune any tree type identified in Chapter 17.48 must be approved by the Forest and Beach Commission prior to determining completeness of the application.
  - b. **Historic Resources Board Review.** In accordance with Section 17.32.220, facilities proposed within a historic district or within the boundaries of an historic property included in the inventory are subject to additional review under Chapter 17.32 prior to consideration by the Planning Commission.
  - c. **Coastal Development Permit Review.** In accordance with Section 17.52.090, any person wishing to undertake any development in the coastal zone shall obtain a coastal development permit unless excluded from coastal permit requirements pursuant to Section 17.52.100.
5. **Voluntary Community Meetings.** The City strongly encourages, but does not require, prospective applicants and applicants to schedule, notice, arrange, and attend one or more voluntary community meetings with all interested members of the public. Community meetings may be conducted before or after application submittal. This community meeting is intended to give applicants the opportunity to hear from members of the public regarding the proposed project and any alternative locations or designs. Voluntary community meetings do not cause any FCC shot clock to begin.

#### **17.46.060 Application Review Procedures.**

##### **A. Completeness Review By Director**

1. In addition to exercising other duties and powers listed in Section 17.52.030 and elsewhere in this Title relevant to the application, the Director shall review each application and determine whether or not the application is complete and inform the applicant in writing that the application is complete or that additional information is needed to complete the application consistent with timeline in Section 17.52.020 and the applicable FCC shot clock.

2. If the Director determines that the application is defective or incomplete, they shall promptly deliver a Notice of Incompleteness to the applicant in order to pause the applicable FCC shot clock.
3. The Director may take such other steps as may be required for the City to timely act upon applications for placement of wireless facilities, including entering into agreements with applicants to extend the time for action on any application under the applicable FCC shot clock.

**B. Consultants**

1. **Use of Consultants.** Where deemed reasonably necessary by the City, the City may retain the services of professional consultants to assist the City in carrying out its duties in reviewing and making decisions on applications. The applicant and private landowner, if applicable, shall be jointly and severally responsible for payment of all the reasonable and necessary costs incurred by the City for such services. The City shall provide the Applicant with a detailed invoice of time spent and the nature of the review. In no event shall that responsibility be greater than the actual cost to the City of such engineering, legal, or other consulting services.
2. **Advance Deposits for Consultant Costs.** The City may require advance periodic monetary deposits held by the City on account of the applicant or landowner to secure the reimbursement of the City's consultant expenses. The City Council shall establish policies and procedures for the fixing of escrow deposits and the management of payment from them. When it appears that there may be insufficient funds in the account established for the applicant or landowner by the City to pay current or anticipated vouchers, the City shall cause the applicant or landowner to deposit additional sums to meet such expenses or anticipated expenses in accordance with policies and procedures established by the City Council. No reviewing agency shall be obligated to proceed unless the applicant complies with escrow deposit requirements.
3. **Independent Consultants Retained by Fire Safety Authority.** The Fire Safety Authority has the authority to select and retain an independent consultant with expertise and/or specialized training in fire safety and fire hazard mitigation and prevention satisfactory to the Fire Safety Authority in connection with any application. The Fire Safety Authority may request independent consultant review on any matter committed to the Fire Safety Authority for review or approval. Subject to applicable laws, if the Fire Safety Authority elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the actual and reasonable costs in connection with the services provided, which may include without limitation any actual and reasonable costs incurred by the independent consultant to attend and participate in any meetings or hearings. The same procedures for fee deposits, cost reimbursements and refunds to the applicant as described in this Section shall be applicable to independent consultant review required by the Fire Safety Authority.

**D. Director Denial Without Prejudice Due to Failure to Respond to Notice(s) of Incompleteness.** To promote efficient review and timely decisions, any application governed under this chapter regardless of type may be denied by the Director without prejudice when the applicant fails to tender a substantive response to the City within 120 calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director, in the Director's discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 120th day that shows good cause to grant the extension. Good cause for an extension shall include, without limitation, delays due to circumstances outside the applicant's reasonable control.

**E. Environmental Review.** Environmental review of the proposed project to protect and assure that citizens of the community contribute to the preservation and the enhancement of the environment shall be performed in accordance with Chapter 17.60 of the City's Municipal Code.

**F. Fire Safety Authority Review.** After submittal by the applicant, the relevant application materials shall be transmitted to the Fire Safety Authority for their review and any recommended conditions.

**G. Staff Report and Recommendations.** A staff report shall be prepared for Type I-IV applications involving a public hearing. Staff reports shall evaluate the compliance of the proposed project with the applicable City policies, regulations and requirements. The report shall recommend, with appropriate findings, the approval, approval with conditions, or disapproval of the application, based on the project evaluation. The report and supporting materials will be made available to the public in advance of the public hearing.

#### **17.46.070 Public Notices, Public Hearings, Decision Notices and Appeals.**

##### **A. Application Submittal Notices – For Types I-V**

1. **Posted and Hand-Delivered Notices.** Within five days after an application is duly filed with the Director, (A) the applicant shall (1) post notice on the proposed project site in a location near to and visible from the public rights-of-way or in the public right-of-way if the project site is in the public right-of-way; and (2) provide the Director an affidavit that such notice has been posted; and (B) the Director shall provide a hand-delivered postcard notice to neighbors within 100-foot radius of the site. The applicant is responsible for maintaining and replacing the posted notice as necessary during the duration of the application review process until the reviewing authority acts on the application. The posted notice shall be composed from durable quality and weather-resistant materials that will not deteriorate under normal circumstances for the duration of the notice period. The posted notice shall be no more than two square feet and not violate Section 17.40.070. The notice/sign shall not be placed in

any location where it would obstruct travel or visibility for vehicles, bicycles, pedestrians or other users in the public right-of-way. The City encourages applicants to consult with the department on placement locations to avoid any potential hazards.

2. **City Website Notice.** Within 10 days after an application is duly filed with the department, the Director shall post notice of the submittal on the City's website.
3. **Notice Content.** The notices required by this Section 17.46.070(A) shall include: (1) the project location with both an approximate street address and GPS coordinates; (2) the City's permit application number; (3) the application type and a general project description with photo simulations; (4) the applicant's contact information as provided on the application submitted to the City; (5) a URL for the City's website page where application information can be obtained once uploaded in accordance with Section 17.46.070(A)(2); and (6) a statement as to whether a public hearing will be required for the application.

**B. Public Hearing Notices (For Types I-IV).** Public hearing notices shall be provided consistent with the requirements of Section 17.52.110, except that the mailing radius shall be 500 feet.

**C. Public Hearings (For Types I-IV).** The Planning Commission shall conduct a public hearing upon each conditional use permit application, consistent with the procedures in §17.52.160.

**D. Decision Notices.**

1. **For Types I-V.** Within five calendar days after the Planning Commission makes a decision on a Type I, II, III or IV application or the Director makes a decision on a Type V application, the Director shall: (1) deliver a written decision notice to the applicant; (2) post written notice of the decision at the proposed project site; (3) provide a hand-delivered written notice of the decision to neighbors within 100-foot radius of the site; and (4) post the decision on the City's website.
2. **Content of Decision Notices for Types I-V.** The written notice sent to the applicant, posted at the proposed project site and hand-delivered to neighbors must contain: (1) the decision made (approval or denial); (2) either the reasons for the decision or where the reasons for the decision are available; (3) if the decision is a denial, a statement whether the denial is with prejudice or without prejudice for the purposes of CMC 17.52.170(D); and (4) instructions for how and when to file any appeal.
3. **For Director Denials Without Prejudice.** The Director must send a written notice to the applicant to deny an application without prejudice due

to failure to respond to notice(s) of incompleteness pursuant to Section 17.46.060(D)(1). The written notice shall state: (1) the number of days that have passed without the applicant tendering a substantive response to the City after the Director last deemed the application incomplete in a written notice to the applicant; (2) a statement that denial is without prejudice; and (3) instructions for how and when to file any appeal.

#### E. **Appeals.**

1. **For Types I-V.** Within ten calendar days after the Director issues the decision notices pursuant to Section 17.46.070(D)(1) or (3), any interested person may file a written appeal for cause in accordance with the provisions in Chapter 17.54; provided, however, that (1) the time for filing an appeal and the notice provisions in this chapter shall control over those in Chapter 17.54 and (2) appeals from an approval shall not be permitted when based solely on environmental effects from RF emissions exposure from the approved facility that was found compliant with applicable FCC regulations and guidelines.
2. **For Director Denials Without Prejudice.** Within ten calendar days after the Director issues the decision notice pursuant to Section 17.46.070(D)(3) denying an application without prejudice, the applicant may file a written appeal for cause in accordance with the provisions in Chapter 17.54; provided, however, that the time for filing an appeal and notice provisions in this chapter shall control over those in Chapter 17.54.
3. **Appeals to City Council.** The City Council shall be the appellate authority for all appeals in accordance with the provisions of Chapter 17.54. The City Council shall issue a written decision that contains the reasons for the decision, and such decision shall be the final action of the City and not subject to any further administrative appeals.

#### **17.46.080 Findings Required.**

##### A. **Types I to IV Applications**

1. **Required Findings for Approval.** The reviewing authority may approve wireless facility applications only when the reviewing authority makes all the following findings:
  - a. the proposed wireless facility will not result in adverse visual impacts or have an adverse impact on property values because it complies with all applicable development standards in Section 17.46.040 and the Administrative Detailed Wireless Facility Design Guidelines;

- b. if applicable, to the extent the proposed wireless facility does not comply with all applicable development standards in Section 17.46.040 and the Administrative Detailed Wireless Facility Design Guidelines, the applicant has requested a special exception and the findings for granting a special exception pursuant to Section 17.46.080(C) can be made;
  - c. the proposed wireless facility will comply with all applicable FCC regulations and guidelines for human exposure to RF emissions and will not, either individually or cumulatively with other transmitters in the vicinity, result in RF exposures that exceed the FCC's maximum permissible exposure level for the general population;
  - d. the proposed wireless facility will comply with all applicable fire safety and public safety standards;
  - e. the proposed wireless facility will comply with fall zone requirements in the Administrative Detailed Wireless Facility Design Guidelines;
  - f. all public notices required for the application have been given;
  - g. all the findings required for a use permit pursuant to Section 17.64.010;
  - h. all the findings for discretionary design review approval pursuant to Section 17.58.060;
  - i. if applicable, all the findings required for a Coastal Development Permit.
2. **Conditional Approvals.** Subject to any applicable federal or state laws, nothing in this chapter is intended to limit the reviewing authority's ability to conditionally approve any application governed under this chapter as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in the general plan and any applicable specific plan, this code, or this chapter.

## B. Type V Applications (EFRs)

1. **Required Findings for Approval.** The reviewing authority may approve or conditionally approve an application for an EFR administrative design review approval when the reviewing authority finds that the proposed project:
- a. involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
  - b. does not substantially change the physical dimensions of the existing wireless tower or base station in that it meets each and every one of the applicable criteria for an eligible facilities request stated in the definition of



“substantial change,” after application of the definitions in 47 C.F.R. 1.6100(b). The reviewing authority shall make an express finding for each criterion.

2. **Findings for Denial.** The reviewing authority may deny without prejudice any application for an EFR administrative design review approval when the reviewing authority finds that the proposed project:
  - a. does not meet the findings required in Section 17.46.080(B)(1);
  - b. involves the replacement of the entire eligible support structure; or
  - c. violates any generally applicable law, regulation, rule or standard or permit condition reasonably related to public health or safety.
3. **Conditional Approvals.** Subject to any applicable limitations in federal or state law, nothing in this chapter is intended to limit the reviewing authority’s authority to conditionally approve an application for an EFR administrative design review approval to comply with all generally applicable laws and to protect and promote the public health and safety.

#### C. **Special Exceptions for Federal or State Preemption or Minor Deviations in Design (Types I to IV only)**

1. **Preface.** The provisions in this section establish the circumstances under which the City may grant a special exception to the standards in this chapter, Chapter 17.58 or the Administrative Detailed Wireless Facility Design Guidelines, but only if specifically requested by the applicant in writing at the time of application submittal and only to the extent necessary to avoid conflict with applicable federal or state law or it is a minor deviation that achieves all of the applicable design objectives of this Chapter, as well as, or better than, would be achieved by adherence to the adopted Design Guidelines. An exception granted in one instance shall not be deemed to create a presumption or expectation that an exception will be granted in any other instance.
2. **Required Findings.** The reviewing authority shall not grant any special exception unless the reviewing authority finds the following:
  - a. the applicant has shown that denial of an application will result in an effective prohibition or otherwise violate federal law; OR the applicant has shown that denial of an application will violate state law; OR the applicant has shown that it is a minor deviation that achieves all of the applicable design objectives of this Chapter, as well as, or better than, would be achieved by adherence to the adopted design guidelines.

- b. the special exception requested by the applicant does not compromise or excuse compliance with any fire safety or other public health and safety requirements; and
  - c. the special exception is narrowly tailored such that any deviation from the requirements of this chapter is only to extent necessary for compliance with federal or state law or to achieve all of the applicable design objectives of this Chapter, as well as, or better than, would be achieved by adherence to the adopted Design Guidelines.
3. **Evidentiary Standard.** The applicant shall have the burden to prove to the reviewing authority that an exception should be granted pursuant to this section. The standard of evidence shall be the same as required by applicable federal or state law for the issue raised in the applicant's request for a special exception.

#### **17.46.090 Standard Conditions of Approval.**

A. **Wireless Facility Standard Terms and Conditions.** All wireless facilities approved under this chapter or deemed approved by the operation of law shall be automatically subject to the Wireless Facility Standard Terms and Conditions adopted by the Planning Commission by resolution, unless modified by the reviewing authority in an approval decision.

B. **Modified Approval Conditions.** The reviewing authority, when granting approval of a permit application, may modify, add to or remove standard conditions set forth in the Wireless Facility Standard Terms and Conditions adopted by the Planning Commission by resolution, as the reviewing authority deems necessary or appropriate to: (1) protect and/or promote the public health, safety and welfare; (2) tailor the standard conditions to the particular facts and circumstances associated with the project; and/or (3) memorialize any changes to the proposed project needed for compliance with the City's Municipal Code, generally applicable health and safety requirements and any other applicable laws.

#### **17.46.100 Violations**

Any use or condition caused or permitted to exist in violation of any provision of this chapter shall be and hereby is declared a public nuisance and may be subject to administrative citations as set forth in Chapter 18.04 of this code, summary abatement pursuant to Chapter 15.57 of this code, California Code of Civil Procedure § 731, or any other remedy available to the City.

**SECTION 3.** Conforming Amendments To Title 17. The following Sections of Title 17 of the Carmel-by-the-Sea Municipal Code are amended as follows (all other sections remain unchanged):

**Section 17.08.040:** the residential uses table listing for “Communications” uses in the Transportation, Communications and Utilities uses table shall read:

Transportation, Communication and Utilities			
Antennas and Transmission Towers – Telecommunications	C	C	See Chapter 17.46 for findings
Antennas and Transmission Towers – Other	-	C	
Facilities Within Buildings	C	C	

**Section 17.12.020.H.** shall read:

“H. Outdoor Antennas. Except as provided in Chapter 17.46 CMC, Telecommunications and Wireless Facilities and antennas used by Federal Communications Commission licensed ham operators or operators certified by RACES or ARES, both of which are excluded from the application of these provisions, antennas erected in the R-4 land use district shall be subject to the following standards:

1. No antenna or its supporting structure shall be located in the area between the front property line and the portion of the main structure or building located closest to the front property line.
2. No antenna shall be roof-mounted except on a flat portion of the roof structure with parapets, and/or architecturally matching screening plan.
3. All ground-mounted antennas shall be camouflaged by walls, antenna color, fences, or landscaping. Landscaping shall be of a type and variety capable of growth within one year to a landscape screen that obscures the visibility of the antenna. The landscaping plan shall be approved by the City Forester before it is implemented.
4. No antenna shall be erected within the public viewshed as identified in CMC 17.12.050, Preservation of Public Viewshed.
5. No part of any antenna shall be higher than 24 feet.”

**Section 17.14.030:** the commercial uses table listing “Communications” uses in the Transportation, Communications and Utilities uses table shall read:

Transportation, Communication and Utilities				
Antennas and Transmission Towers – Telecommunications	C	C	C	
Antennas and Transmission Towers – Other	-	-	-	
Facilities Within Buildings	P	P	C	

**Section 17.14.220.F.** shall read:

“F. Antennas. ~~Except for antennas preempted by Federal law, antennas in the commercial districts shall be located and screened to reduce their visibility from the public right-of-way and adjacent properties.~~ All antenna installations must be reviewed and approved through the commercial design review procedures. Except as provided in Chapter 17.46 CMC, Telecommunications and Wireless Facilities, antennas located in any commercial land use district shall conform to the following standards:

1. All ground-mounted antennas shall be required to maintain their supporting structures at least three feet from any property line.
  
2. All ground-mounted antennas shall be screened by walls, color, fences or landscaping. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen, which obscures the visibility of the antenna. The landscaping plan shall be approved by the City Forester before it is implemented.
  
3. No part of any antenna shall be higher than the maximum height allowed in the underlying land use district.
  
4. A maximum of one antenna shall be allowed on a building site.
  
5. All roof-mounted antennas are prohibited except as provided in CMC ~~17.46.020(E)~~ 17.46.030(B) (general development standards).”

**Section 17.18.030:** the public and quasi-public uses table listing for “Communications” uses in the Transportation, Communications and Utilities uses table shall read:

Transportation, Communication and Utilities			
Communication Facilities			
Antennas and Transmission Towers – Telecommunications	C	C	See Chapter 17.46 CMC
Antennas and Transmission Towers – Other	-	C	
Facilities Within Buildings	C	C	

**Section 17.40.070.H.** shall read:

“H. Signs in the public right-of-way, except for signs posted by a Federal, State, or local governmental entity with permission of the City and application notices posted in accordance with CMC 17.46.070(A)(1).”

**Section 17.52.150.C** shall read:

“C. Appeals. All final actions of the Director may be appealed to the Planning Commission in accordance with Chapter 17.54 CMC, Appeals, except for Director

decisions pursuant to CMC 17.46.050(A)(2) and 17.46.060(D) which may only be appealed to the City Council.”

**Section 17.54.010.E.** shall read:

“E. The findings and actions of the Planning Director shall be final and conclusive from and after the date of final action unless an appeal is filed with the Planning Commission Secretary pursuant to CMC 17.54.040(A), Appeals to the Forest and Beach Commission or the Planning Commission, or CMC 17.54.040(B), Appeals to the Historic Resources Board, or with the Coastal Commission pursuant to CMC 17.54.040(D) and 17.54.050, or with the City Clerk pursuant to CMC 17.54.040(C), Appeals to City Council. “

**Section 17.54.040.C.** shall read:

“C. Appeals to the City Council. Decisions to approve or deny projects made by the Planning Commission, Forest and Beach Commission, or the Historic Resources Board may be appealed to the City Council by filing a notice of appeal in writing in the office of the City Clerk within 10 working days following the date of action by the decision-making body and paying the required filing fee as established by City Council resolution. Notwithstanding the foregoing, decisions for projects subject to Chapter 17.46 (Telecommunications and Wireless Facilities) made by the Planning Director or by the Planning Commission must be appealed within the time periods specified in CMC 17.46.070(E).“

**Section 17.54.080.A.** shall read:

“A. Appeals of Decisions on Permits. Any decision to approve, deny or conditionally approve any permit made by the Director (except for denials without prejudice made pursuant to CMC 17.46.060(D)), the City Forester, the Planning Commission, or the Historic Resources Board may be appealed by any aggrieved party. Coastal Commissioners may appeal these decisions pursuant to CMC 17.54.020 and 17.54.050.”

**Section 17.58.030.B.1.d.** shall read:

“d. Installation of antennas and associated equipment.”

**Section 17.58.040.B.1 and the introductory part of B.2** shall read:

B. Residential Track Two Design Study. Track two is a discretionary review process for projects that require a public hearing with the Planning Commission. All track two projects shall require public notice and a hearing pursuant to CMC 17.52.110, Notice of Public Hearing.

1. Applicability. Residential district track two design review is for the construction of new dwellings, rebuilds, substantial alterations, installation of antennas and associated equipment, and other projects that comply with applicable zoning standards and design review guidelines but do not qualify for track one processing.

2. Procedures. Except for the installation of antennas and associated equipment which shall be subject to the procedures in CMC 17.58.030.B.2, dDesign review for track two projects is a three-phase process requiring: (1) preliminary site assessment, (2) design concept review, and (3) final details review. The application shall not be deemed complete until the preliminary site assessment has occurred and the City has received a complete application for design concept review. When a use permit, variance, or other land use permit is required, the application shall not be deemed complete until design concept review is completed and the City has received a complete application for final details review and for the applicable land use permit. The procedure for track two projects includes the following:

**Section 17.68.070 “Communication Facilities”** uses shall read:

Antennas and Transmission Towers - Telecommunications. Communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception or transmission systems. Examples of transmission towers - telecommunications are limited to telephone exchange or microwave relay towers, and cellular telephone transmission or personal communications systems towers.

Antennas and Transmission Towers - Other. Broadcasting, recording, and other ~~communication~~ services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception or transmission systems. Examples of transmission towers- other are limited to radio towers, television towers, ~~telephone exchange or microwave relay towers, and cellular telephone transmission or personal communications systems towers~~ and other towers that are not used for telecommunications.

*Facilities Within Buildings.* Includes radio, television, or recording studios and telephone switching centers; excludes antennas and transmission devices.

**Section 17.70.010 and Section 17.70.020** shall be amended to repeal the following listed terms and corresponding definitions:

Amateur Radio Antenna (See Antenna);

Antenna; Monopole (See Telecommunications Terms);

Satellite Antenna (See Antenna);

Telecommunications Facility, Co-Located (See Telecommunications Terms);

Telecommunications Facility (See Telecommunications Terms);

Telecommunications Terms (Building-Mounted Telecommunications Facility; Monopole; Telecommunications Facility; Telecommunications Facility, Co-Located).

**Section 17.70.010** shall be further amended to add to the listed terms the following:

“Telecommunications and Wireless Terms. See Chapter 17.46.”

**SECTION 4.** Conforming Amendments to Titles 12 and 13. The following Sections of Title 12 and 13 of the Carmel-by-the-Sea Municipal Code are amended to read (all other sections remain unchanged):

**Section 12.08.050** shall be amended to add a new subsection E as follows:

“E. Notwithstanding Section 12.080.040.A. and Section 12.08.050.A, B, C and D, for applications that are subject to both Ch. 17.46 and Ch. 12.08, the reviewing authority under Ch. 17.46 shall process and decide both applications concurrently under the procedures in Ch. 17.46, including any appeals.”

**Section 12.08.060** shall be amended to add a new subsection I as follows:

“I. For applications that are subject to both Ch. 17.46 and Ch. 12.08, only the standards in Ch. 17.46 and the applicable administrative guidelines shall apply.”

**Section 13.28.070.E.** shall be amended to read as follows:

“E. Antennae, associated equipment that is within the supporting structure or integrated with the antennae, and supporting structures, used by a utility for furnishing communication services.”

**SECTION 5.** Effective Date. This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea and after approval by the California Coastal Commission.

**SECTION 6.** Severability. If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining sections, subsections, provisions, sentences, clauses, phrases or words of this Ordinance.

**INTRODUCED** at a Regular City Council Meeting on \_\_\_\_\_, 2023.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this \_\_ day of \_\_\_\_\_, 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

Mayor

City Clerk





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

October 2, 2023  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Jane Hogan, Accountant
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2023-092 authorizing the City Administrator to execute a Professional Services Agreement with Carmel Chamber of Commerce for Visitor Center operations and services for a not-to-exceed amount of \$60,000 and a term expiring on June 30, 2024

## RECOMMENDATION:

Adopt Resolution 2023-092 authorizing the City Administrator to execute a Professional Services Agreement with Carmel Chamber of Commerce for Visitor Center operation and services for a not-to-exceed amount of \$60,000 and a term expiring on June 30, 2024.

## BACKGROUND/SUMMARY:

The purpose of this agenda item is to authorize the City Administrator to execute an agreement with the Carmel Chamber of Commerce for Visitor Center operations and services for fiscal year 2023-2024. The Carmel Chamber of Commerce operates the Visitor Center located in the Carmel Plaza on Ocean Avenue between Junipero and Mission, which helps provide assistance and referrals to visitors regarding lodging, dining, retail and cultural and recreational activities. The Center is open seven days a week and closed on major holidays. According to the Chamber, the cost of operating the center is estimated a \$135,500 a year. The proposed agreement with the Chamber will provide \$60,000 to support the operating costs associated with the Center. The Carmel Municipal Code requires contracts of \$60,000 or more be approved by Council resolution.

Staff supports a new annual agreement with the Carmel Chamber of Commerce based on the organization's 100 year expertise in promoting and understanding Carmel-by-the-Sea businesses and ensuring continuity and consistency of operations and services provided to locals and visitors alike.

## FISCAL IMPACT:

The FY 23-24 Adopted Budget includes \$60,000 for Carmel Chamber of Commerce to perform Visitor Center operations and services.

## PRIOR CITY COUNCIL ACTION:

The City has historically authorized similar annual agreements with the Carmel Chamber of Commerce.

## ATTACHMENTS:

Attachment 1) Resolution 2023-092

Attachment 2) PSA Carmel Chamber of Commerce

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

**RESOLUTION NO. 2023-092**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CARMEL CHAMBER OF COMMERCE FOR VISITOR CENTER OPERATIONS AND SERVICES FOR A NOT-TO-EXCEED AMOUNT OF \$60,000 AND A TERM EXPIRING ON JUNE 30, 2024**

WHEREAS, the City of Carmel-by-the-Sea (City) historically utilizes Carmel Chamber of Commerce to perform operations and services under a Professional Services Agreement; and

WHEREAS, the City wishes to continue to utilize Carmel Chamber of Commerce's specialized knowledge and skills providing information and assistance to visitors through the Visitor Center; and

WHEREAS, Carmel Chamber of Commerce possess the skills to perform these services; and

WHEREAS, on June 6, 2023, the City's adopted Fiscal Year 2023-2024 Budget includes \$60,000 for Visitor Center operational services; and

WHEREAS, the Carmel Municipal Code requires Council to approve contracts with a value of \$60,000 or more by resolution; and

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

Authorize the City Administrator to execute a professional services agreement with Carmel Chamber of Commerce for Visitor Center operations and services for a not-to-exceed the amount of \$60,000 and a terming expiring June 30, 2024.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 2nd day of October 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter  
Mayor

\_\_\_\_\_  
Nova Romero  
City Clerk

**PROFESSIONAL SERVICES AGREEMENT**  
**for the**  
**Carmel Chamber of Commerce Visitors Center**

**THIS AGREEMENT** is executed this \_\_\_\_ day of September, 2023, by and between the City of Carmel-By-The-Sea, a municipal corporation, (hereinafter "City"), and the Carmel Chamber of Commerce, Inc., a 501(c)(3) organization (hereinafter "Consultant"), collectively referred to herein as the "parties".

**WHEREAS**, the City wishes to engage Consultant to perform the services required by this Agreement; and

**WHEREAS**, Consultant is willing to render such professional services, as hereinafter defined, on the following terms and conditions; and

**WHEREAS**, Consultant represents that it is trained, experienced and competent and holds all necessary licenses and certifications to perform the services required by this Agreement.

**NOW, THEREFORE**, in consideration of the terms and conditions herein contained, the parties hereby covenant and agree as follows:

**1. SERVICES**

- A. **Scope of Services.** Consultant agrees to provide to the City, as the scope of services ("Scope of Services") under this Agreement, the following: operating the Carmel Chamber of Commerce Visitors Center and providing information and assistance to visitors regarding lodging, shopping, dining, cultural and recreational opportunities within the City. Consultant agrees to all of the following:
- i. Consultant will furnish all of the labor, technical, administrative, professional and other personnel, all supplies and materials, equipment, printing, vehicles, transportation, office space and facilities, and all tests, testing and analyses, calculations, and all other means whatsoever, except as otherwise expressly specified in this Agreement, necessary to perform the services required of Consultant under this Agreement.
  - ii. Consultant's designated representative(s) who are authorized to act on its behalf and to make all decisions in connection with the performance of services under this Agreement is the Executive Director of the Carmel Chamber of Commerce.
  - iii. Consultant represents that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant will at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described in this Agreement. In meeting its obligations under this Agreement, Consultant must employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

- iv. City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. Acceptance of any of Consultant's work by City will not constitute a waiver of any of the provisions of this Agreement.
- v. The Consultant must maintain any work site in the City in a safe condition, free of hazards to persons and property resulting from its operations.

**B. Change Orders.**

- i. Agreements and Change Orders exceeding \$59,999 require City Council approval to be valid.
- ii. The City may order changes to the Scope of Services, consisting of additions, deletions, or other revisions, and the compensation to be paid Consultant will be adjusted accordingly. All such changes must be authorized in writing, and executed by Consultant and City. The cost or credit to City resulting from changes in the services will be determined by the written agreement between the parties. However, any increase in compensation beyond the compensation limit amount approved by the City Council must be authorized in advance by the City Council and any service provided by Consultant in the absence of such approval are at Consultant's sole risk.
- iii. Consultant will not be compensated for any services rendered in connection with its performance of this Agreement that are in addition to or outside of those set forth in the Scope of Services or otherwise required by this Agreement, unless such additional services are authorized in advance and in writing by City.
- iv. If Consultant believes that additional services are needed to complete the Scope of Services, Consultant will provide the City Administrator with written notification describing the proposed additional services, the reasons for such services, and a detailed proposal regarding cost.

**C. Familiarity with Services and Site.**

- i. By executing this Agreement, Consultant represents that Consultant:
  - a. has thoroughly investigated and considered the Scope of Services to be performed;
  - b. has carefully considered how the services should be performed;
  - c. understands the facilities, difficulties, and restrictions attending performance of the services under this Agreement; and
  - d. possesses all licenses required under local, state or federal law to perform the services contemplated by this Agreement, and will maintain all required licenses during the performance of this Agreement.
- ii. If services involve work upon any site, Consultant has or will investigate the site and is or will be fully acquainted with the conditions there existing, before commencing its services. Should Consultant discover any latent or unknown conditions that may materially affect the performance of services, Consultant will immediately inform City of such fact and will

not proceed except at Consultant's own risk until written instructions are received from City.

## 2. COMPENSATION

- A. **Total Fee.** Subject to any limitations set forth in this Agreement, the City agrees to pay and Consultant agrees to accept as full and fair consideration for the performance of this Agreement, a total amount not-to-exceed Sixty Thousand Dollars (\$60,000). Such compensation is the "Maximum Authorized Expenditure" under this Agreement. Payment of any compensation to Consultant is contingent upon performance of the terms and conditions of this Agreement to the satisfaction of the City. If the City determines that the Services set forth in the written invoice have not performed in accordance with the terms of this Agreement, the City is not responsible for payment until the Services have been satisfactorily performed.
- B. **Invoicing.** Consultant must submit to the City two (2) biannual written invoices, to the City's Project Representative, identified in Section 5 below, for Thirty Thousand (\$30,000) each.

The City will review each invoice submitted by Consultant to determine whether the work performed and expenses incurred are in compliance with this Agreement. In the event that no charges or expenses are disputed, the invoice will be approved and paid.

Except as to any charges for work performed or expenses incurred by Consultant that are disputed by City, the City will pay on each such invoice within thirty (30) days of receipt; provided, however, that Consultant submits an invoice which is not incorrect, incomplete, or not in accord with the provisions of this Agreement. If any charges or expenses are disputed by City, the invoice will be returned by City to Consultant for correction and resubmission, and the City will not be obligated to process any payment to Consultant until thirty (30) days after a correct and complying invoice has been submitted by Consultant. Payment to Consultant for services performed under this Agreement may not be deemed to waive any defects in the services performed by Consultant, even if such defects were known to City at the time of payment. City reserves the right to withhold future payment to Consultant if any aspect of the Consultant's work is found to be non-conforming to the terms of this Agreement.

The City is not obligated to pay Consultant a greater percentage of the Maximum Authorized Expenditure than the actual percentage of services completed as of the invoice date.

Consultant agrees to remit and is responsible for all withholding taxes, income taxes, unemployment insurance deductions, and any other deductions required by applicable federal, state or local laws and regulations for Consultant, its employees, subconsultants and vendors of services or goods.

- C. **Adjustment of Maximum Authorized Expenditure.** The City may increase or decrease the Maximum Authorized Expenditure by issuing a Change Order to the Agreement in accordance with Section 1.B "Change Orders" above. Should Consultant consider that any request or instruction from the City's Project Representative constitutes a change in the scope of services, Consultant will advise the City's Project Representative, in writing, within fourteen (14) calendar days of such request or instruction. Without said written advice within the time period specified, the City is not obligated to make any payment of additional compensation to Consultant.

**D. Audit and Examination of Accounts:**

- i. Consultant must keep and will cause any assignee or subconsultant under this Agreement to keep accurate books of records and accounts, in accordance with sound accounting principles, which pertain to services to be performed under this Agreement.
- ii. Any audit conducted of books of records and accounts must be kept in accordance with generally accepted professional standards and guidelines for auditing.
- iii. Consultant must disclose and make available any and all information, reports, books of records or accounts pertaining to this Agreement to the City and any city of the County of Monterey, or other federal, state, regional or governmental agency which provides funding for these Services.
- iv. All records provided for in this Section are to be maintained and made available throughout the performance of this Agreement and for a period of not less than four (4) years after full completion of the Services. All records, which pertain to actual disputes, litigation, appeals or claims, must be maintained and made available for a period of not less than four (4) years after final resolution of such disputes, litigation, appeals or claims.

**3. AGREEMENT TERM**

- A. **Term.** The work under this Agreement will commence by July 1, 2023 and must be completed by June 30, 2024 unless sooner terminated or the City grants an extension of time in writing pursuant to the terms of this Agreement, except for provisions in this Agreement that will survive the termination or completion of this Agreement. Consultant will perform Change Order services as set out in Section 1.B, "Amendment of Services (Change Orders)," in a timely manner or in accordance with the agreed upon Change Order Project Schedule.
- B. **Timely Work.** Consultant will perform all Services in a timely fashion, as set forth more specifically in Section 3.A, "Term," ~~and Section 3.C, "Project Schedule,"~~ of this Agreement. Failure to perform is deemed a material breach of this Agreement, and the City may terminate this Agreement with no further liability hereunder, or may authorize, in writing, an extension of time to the Agreement.

**4. CONSULTANT'S EMPLOYEES AND SUBCONSULTANTS**

- A. **Not an Agent of the City.** Nothing in this Agreement will be interpreted to render the City the agent, employer, or partner of Consultant, or the employer of anyone working for or subcontracted by Consultant, and Consultant must not do anything that would result in anyone working for or subcontracted by Consultant being considered an employee of the City. Consultant is not, and must not claim to be, an agent of the City.
- B. **Independent Contractor:**
  - i. Consultant is an independent contractor. This Agreement does not create the relationship of employer and employee, a partnership, or a joint venture. The City may not control or

direct the details, means, methods or processes by which Consultant performs the Services. Consultant is responsible for performance of the Services and may not delegate or assign any Services to any other person except as provided for in this Agreement. Consultant is solely liable for the work quality and conditions of any partners, employees and subconsultants.

- ii. No offer or obligation of permanent employment with the City or particular City department or agency is intended in any manner, and Consultant may not become entitled by virtue of this Agreement to receive from the City any form of employee benefits including but not limited to sick leave, vacation, retirement benefits, workers' compensation coverage, insurance or disability benefits. Consultant will be solely liable for and obligated to pay directly all applicable taxes, including federal and state income taxes and social security, arising out of Consultant's performance of Services under this Agreement. Consultant will defend, indemnify and hold the City harmless from any and all liability, which the City may incur because of Consultant's failure to pay such taxes.

## 5. REPRESENTATIVES AND COMMUNICATIONS

- A. **City's Project Representative.** The City appoints the individual named below as the City's Project Representative for the purposes of this Agreement ("City's Project Representative"). The City may unilaterally change its project representative upon notice to Consultant.

Name: Chip Rerig  
 Title: City Administrator  
 Address: P.O. Box CC, Carmel-by-the-Sea, CA 93921  
 Telephone: 831-620-2058  
 Email: crrerig@ci.carmel.ca.us

- B. **Consultant's Project Manager.** Consultant appoints the person named below as its Project Manager for the purposes of this Agreement ("Consultant's Project Manager").

Name: Lance Wills  
 Title: Executive Director  
 Company: Carmel Chamber of Commerce  
 Address: P.O. Box 444, Carmel-by-the-Sea, CA 93921  
 Telephone: 831-624-3877  
 Email: execdir@carmelchamber.org

- C. **Meet and Confer.** Consultant agrees to meet and confer with the City's Project Representative, its agents or employees with regard to Services as may be required by the City to insure timely and adequate performance of this Agreement.
- D. **Communications and Notices.** All communications between the City and Consultant regarding this Agreement, including performance of Services, will be between the City's Project Representative and Consultant's Project Manager. Any notice, report, or other document that either party may be required or may wish to give to the other must be in writing and will be validly given to and received by the addressee, if delivered personally, on the date of such



personal delivery, if delivered by email, on the date of transmission, or if by mail, seven (7) calendar days after posting.

## 6. INDEMNIFICATION

Consultant hereby agrees to the following indemnification clause:

To the fullest extent permitted by law (including, without limitation, California Civil Code Sections 2782 and 2782.6), Consultant will defend (with legal counsel reasonably acceptable to the City), indemnify and hold harmless the City and its officers, designated agents, departments, officials, representatives and employees (collectively "Indemnitees") from and against claims, loss, cost, damage, injury expense and liability (including incidental and consequential damages, Court costs, reasonable attorneys' fees as may be determined by the Court, litigation expenses and fees of expert consultants or expert witnesses incurred in connection therewith and costs of investigation) to the extent they arise out of, pertain to, or relate to, the negligence, recklessness, or willful misconduct of Consultant, any subconsultant or subcontractor, anyone directly or indirectly employed by them, or anyone that they control (collectively "Liabilities"). Such obligations to defend, hold harmless and indemnify any Indemnitee will not apply to the extent that such Liabilities are caused in part by the active negligence or willful misconduct of such Indemnitee.

Notwithstanding the provisions of the above paragraph, Consultant agrees to indemnify and hold harmless the City from and against all claims, demands, defense costs, liability, expense, or damages arising out of or in connection with damage to or loss of any property belonging to Consultant or Consultant's employees, subconsultants, representatives, patrons, guests or invitees.

In no event will the obligation of the Consultant exceed the limitations on the duty to defend and indemnify as set forth in Civil Code Sections 2782, 2782.6, and 2782.8.

## 7. INSURANCE

Consultant must submit and maintain in full force all insurance as described herein. Without altering or limiting Consultant's duty to indemnify, Consultant must maintain in effect throughout the term of this Agreement a policy or policies of insurance with the following minimum limits of liability:

- A. Commercial General Liability Insurance including but not limited to premises, personal injuries, bodily injuries, property damage, products, and completed operations, with a combined single limit of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- B. Professional Liability Insurance with limits of not less than \$1,000,000 per occurrence or claim and \$2,000,000 in the aggregate. Consultant will have a policy for professional liability coverage that provides coverage on an occurrence basis or obtain extended reporting (tail) coverage (with the same liability limits) for at least three years following the City's acceptance of the work.
- C. Automobile Liability Insurance covering all automobiles, including owned, leased, non-owned, and hired automobiles, used in providing Services under this Agreement, with a combined single limit of not less than \$1,000,000 per occurrence.

- D. Workers' Compensation Insurance. If Consultant employs others in the performance of this Agreement, Consultant must maintain Workers' Compensation insurance in accordance with California Labor Code section 3700 and with a minimum of \$1,000,000 per occurrence.
- E. Other Insurance Requirements:
- i. All insurance required under this Agreement must be written by an insurance company either:
    - a. admitted to do business in California with a current A.M. Best rating of no less than A:VI; or
    - b. an insurance company with a current A.M. Best rating of no less than A:VII. Exception may be made for the State Compensation Insurance Fund when not specifically rated.
  - ii. Each insurance policy required by this Agreement may not be canceled, except with prior written notice to the City.
  - iii. All liability and auto policies must:
    - a. Provide an endorsement naming the City of Carmel-by-the-Sea, its officers, officials, employees, and volunteers as additional insureds. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used).
    - b. Provide that such Consultant's insurance is primary as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City is excess to the Consultant's insurance and will not contribute with it.
    - c. Contain a "Separation of Insureds" provision substantially equivalent to that used in the ISO form CG 00 01 10 01 or their equivalent.
    - d. Provide for a waiver of any subrogation rights against the City via an ISO CG 24 01 10 93 or its equivalent.
  - iv. Prior to the start of work under this Agreement, Consultant will file certificates of insurance and endorsements evidencing the coverage required by this Agreement with the City. Consultant will file a new or amended certificate of insurance promptly after any change is made in any insurance policy which would alter the information on the certificate then on file.
  - v. Neither the insurance requirements hereunder, nor acceptance or approval of Consultant's insurance, nor whether any claims are covered under any insurance, may in any way modify or change Consultant's obligations under the indemnification clause in this Agreement, which will continue in full force and effect. All coverage available to the Consultant as named insured will also be available and applicable to the additional

insured. Notwithstanding these insurance requirements, Consultant is financially liable for its indemnity obligations under this Agreement.

- vi. All policies must be written on a first dollar coverage basis or contain a deductible provision. Any deductibles or self-insured retentions (“SIR”) must be declared to and approved by the City. At the option of the City, either: the insured will reduce or eliminate such deductibles or SIR as respects the City, its officers, officials, employees and volunteers; or Consultant will provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses. In no event will any SIR or insurance policy contain language, whether added by endorsement or contained in the policy conditions, that prohibits satisfaction of any self-insured provision or requirement by anyone other than the named insured, or by any means including other insurance, or which is intended to defeat the intent or protection of an additional insured.
- vii. City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.
- viii. Consultant must require and verify that all subconsultants and subcontractors maintain insurance meeting all the requirements in this Agreement.
- ix. If Consultant, for any reason, fails to have in place at all times during the term of this Agreement all of the required insurance coverage, the City may, but is not obligated to, obtain such coverage at Consultant’s expense and deduct the cost from the sums due Consultant. Alternatively, City may terminate the Agreement.
- x. The existence of the required insurance coverage under this Agreement will not be deemed to satisfy or limit Consultant’s indemnity obligations under this Agreement. Consultant acknowledges that the insurance coverage and policy limits set forth in this Agreement constitute the minimum coverage and policy limits required. Should any coverage carried by the Consultant or any subcontractor of any tier have limits of liability that exceed the limits or have broader coverage than required in this Agreement, those higher limits and that broader coverage are deemed to apply for the benefit of any person or organization included as an additional insured and those limits and broader coverage will become the required minimum limits and insurance coverage in all sections of this Agreement. Any insurance proceeds available to City in excess of the limits and coverages required by this Agreement, and which is applicable to a given loss, must be made available to City to compensate it for such losses.
- xi. Consultant must give City prompt notice of claims made of lawsuits initiated that arise out of or result from Consultant’s performance under this Agreement, and that involve or may involve coverage under any of the required liability insurance policies.
- xii. The Consultant hereby waives any right of subrogation that any of its insurers may have or that they may accrue out of the payment of any claim related to the Consultant’s performance of this Agreement, regardless of whether any endorsements required by this section are obtained.

## 8. PERFORMANCE STANDARDS

- A. Consultant shall operate the Center for eight (8) hours on Mondays-Saturdays and six (6) hours on Sundays for 362 days of the year.

## 9. CONFIDENTIALITY

- A. **No Disclosure.** Consultant must keep confidential and may not disclose, publish or release any information, data, or confidential information of the City to any person other than representatives of the City duly designated for that purpose in writing by the City. Consultant may not use for Consultant's own purposes, or for any purpose other than those of the City, any information, data, or confidential information Consultant may acquire as a result of the performance of the Services under this Agreement. Consultant must promptly transmit to the City any and all requests for disclosure of any such confidential information or records. The obligations under this Section will survive the expiration or earlier termination of this Agreement.
- B. **California Public Records Act.** Consultant acknowledges that the City is subject to the California Public Records Act (Government Code Section 6250 et seq.), known as the "PRA," and agrees to any disclosure of information by the City as required by law. Consultant further acknowledges that it may have access to personal information as defined under the PRA, and Consultant will not use any such personal information for any purposes other than for the performance of Services under this Agreement without the advance written approval of the City.

All Scopes of Services and related documents received will be public records, with the exception of those elements, identified by the Consultant as business trade secrets and are plainly marked "Trade Secret," "Confidential," or "Proprietary." If disclosure is required under the PRA or otherwise by law, the City will not be liable or responsible for the disclosure of any such records and the Consultant will indemnify, defend, and hold the City harmless for any such disclosure.

## 10. CONFLICT OF INTEREST

Consultant covenants that neither Consultant, nor any officer, principal or employee of its firm, has or will acquire any interest, directly or indirectly, that would conflict in any manner with the interests of City relating to this Agreement or that would in any way hinder Consultant's performance of services under this Agreement. Consultant's attention is directed to the conflict of interest rules applicable to governmental decision-making contained in the Political Reform Act (California Government Code Section 87100 and following) and its implementing regulations (California Code of Regulations, Title 2, Section 18700 et seq.), and California Government Code section 1090.

Consultant is required to file a Form 700 in compliance with the City's Conflict of Interest Code unless a written determination by the City Administrator is made modifying or eliminating said requirement, or unless otherwise exempted by law.

In addition, Consultant, Consultant's employees, and subconsultants agree as follows:

- A. That they will conduct their duties related to this Agreement with impartiality, and must, if they exercise discretionary authority over others in the course of those duties, disqualify themselves

from dealing with anyone with whom a relationship between them could bring the impartiality of Consultant or its employees into question;

- B. May not influence, seek to influence, or otherwise take part in a decision of the City knowing that the decision may further their private interests;
- C. May not accept any commission, discount, allowance, payment, gift, or other benefit connected, directly or indirectly, with the performance of Services related to this Agreement, that causes, or would appear to cause, a conflict of interest;
- D. May have no financial interest in the business of a third party that causes, or would appear to cause, a conflict of interest in connection with the performance of the Services related to this Agreement, and if such financial interest is acquired during the term of this Agreement, Consultant must promptly declare it to the City, and;
- E. May not, during the term of this Agreement, perform a service for, or provide advice to, any person, firm, or corporation, which gives rise to a conflict of interest between the obligations of Consultant under this Agreement and the obligations of Consultant to such other person, firm or corporation.

## 11. DISPUTE RESOLUTION

- A. **Dispute Resolution Procedures.** The parties will make reasonable efforts to promptly resolve any dispute, claim, or controversy arising out of or related to this Agreement (“Dispute”) using the Dispute Resolution Procedures set forth in this Section.
- B. **Negotiations.** First, the City’s Project Representative and Consultant’s Project Manager will make reasonable efforts to resolve any Dispute by amicable negotiations and will provide frank, candid, and timely disclosure of all relevant facts, information, and documents to facilitate negotiations. Should these negotiations be unsuccessful in resolving the Dispute, the matter will be promptly referred to the City Administrator or designee, and the Consultant’s Principal, who will meet and confer, in good faith, to resolve the Dispute to mutual satisfaction of the parties.
- C. **Mediation.** If all or any portion of a Dispute cannot be resolved by good faith negotiations as set forth above within thirty (30) days of the date that the matter was referred to the City Administrator pursuant to subsection B above, either party may, by notice to the other party, submit the Dispute for formal mediation to a mediator selected mutually by the parties from the Monterey Superior Court’s Court-Directed Mediator Panel list. The duration of any such mediation may not exceed 2 hours unless otherwise agreed to by the parties. The cost of the mediation (including fees of mediators) will be borne equally by the parties, and each party will bear its own costs of participating in mediation. The mediation will take place within or in close proximity to the City of Carmel-by-the-Sea.

In any mediation conducted pursuant to this section, the provisions of California Evidence Code section 1152 will be applicable to limit the admissibility of evidence disclosed by the parties in the course of the mediation. In the event the parties are unsuccessful in resolving the dispute through the mediation process, then the parties agree that the dispute will be submitted to Binding Arbitration to a single Arbitrator in accordance with the existing Rules of Practice and

Procedure of the Judicial Arbitration and Mediation Services, Inc. (JAMS) within thirty (30) days of the close of mediation as declared by the mediator.

- D. **Arbitration.** The submission to Mediation and Arbitration in accordance with the requirements of this section of any and all agreements, differences, or controversies that may arise hereunder is made a condition precedent to the institution of any action or appeal at law or in equity with respect to the controversy involved. The award by the arbitrator will have the same force and effect and may be filed and entered, as a judgment of the Superior Court of the State of California and is subject to appellate review upon the same terms and conditions as the law permits for judgments of Superior Courts. A “Prevailing Party” will be determined in the Arbitration, and the prevailing party will be entitled to reasonable attorney’s fees and costs incurred, and accrued interest on any unpaid balance that may be due. Costs will include the cost of any expert employed in the preparation or presentation of any evidence. All costs incurred and reasonable attorney fees will be considered costs recoverable in that proceeding, and be included in any award.

## 12. TERMINATION OF AGREEMENT

- A. **Termination for Convenience.** Either party may terminate this Agreement, in whole or in part, with or without cause, at any time during the Agreement Term upon ninety (90) days written notice. Upon termination of this Agreement by either party for any reason, the Consultant will refund the City for prepaid amounts prorated based on the date of termination through the end of the invoiced period.

## 13. LEGAL ACTION / VENUE

- A. Should either party to this Agreement bring legal action against the other, the validity, interpretation and performance of this Agreement will be controlled by and construed under the laws of the State of California, excluding California’s choice of law rules.
- B. Venue for any such action relating to this Agreement will be in Monterey County.
- C. If any legal action or proceeding, including action for declaratory relief, is brought for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement, the prevailing party may recover reasonable attorneys’ fees as may be determined by the Arbitrator, experts’ fees, and other costs, in addition to any other relief to which the party may be entitled.

## 14. MISCELLANEOUS PROVISIONS

- A. **Non-discrimination.** During the performance of this Agreement, Consultant, and its subconsultants, may not unlawfully discriminate against any person because of race, religious creed, color, sex, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, or sexual orientation, either in Consultant’s employment practices or in the furnishing of services to recipients. Consultant further acknowledges that harassment in the workplace is not permitted in any form, and will take all necessary actions to prevent such conduct.

- B. **Acceptance of Services Not a Release.** Acceptance by the City of the Services to be performed under this Agreement does not operate as a release of Consultant from professional responsibility for the Services performed.
- C. **Force Majeure.** Either party is absolved from its obligation under this Agreement when and to the extent that performance is delayed or prevented, and in the City's case, when and to the extent that its need for vehicles, materials, or Services to be supplied hereunder are reduced or eliminated by any course, except financial, for reasons beyond its control. Such reasons include, but are not limited to: earthquake, flood, epidemic, fire, explosion, war, civil disorder, act of God or of the public enemy, act of federal, state or local government, or delay in transportation to the extent that they are not caused by the party's willful or negligent acts or omissions, and to the extent that they are beyond the party's reasonable control.
- D. **Headings.** The headings do not govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of this Agreement. The headings are for convenience only.
- E. **Entire Agreement.** This Agreement, including the Exhibits attached hereto, constitutes the entire agreement between the parties hereto with respect to the terms, conditions, and Services and supersedes any and all prior proposals, understandings, communications, representations and agreements, whether oral or written, relating to the subject matter thereof pursuant to Section 1B, "Change Order of Services." Any Change Order to this Agreement will be effective only if it is in writing signed by both parties hereto and will prevail over any other provision of this Agreement in the event of inconsistency between them.
- F. **Conflict between Agreement and Exhibits.** In the event of a conflict between a provision in this Agreement and a provision in an Exhibit attached to this Agreement, the provisions in this Agreement will take precedence.
- G. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which will be deemed an original, and may be signed in counterparts, but all of which together will constitute one and the same Agreement.
- H. **Multiple Copies of Agreement.** Multiple copies of this Agreement may be executed, but the parties agree that the Agreement on file in the office of the City's City Clerk is the version of the Agreement that governs should any difference exist among counterparts of this Agreement.
- I. **Authority.** Any individual executing this Agreement on behalf of the City or Consultant represents and warrants hereby that he or she has the requisite authority to enter into this Agreement on behalf of such party and bind the party to the terms and conditions of this Agreement.
- J. **Severability.** If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions will not be impaired thereby. Limitations of liability and indemnities will survive termination of the Agreement for any cause. If a part of the Agreement is valid, all valid parts that are severable from the invalid part remain in effect. If a part of this Agreement is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.







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

October 2, 2023  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Nova Romero, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2023-093 approving a supplemental budget appropriation to the Fiscal Year 2023-24 Adopted budget for Discretionary Grants in the amount of \$5,000 for the Carmel High School Mock Trial Team

## RECOMMENDATION:

Adopt Resolution 2023-093 approving a supplemental budget appropriation to the Fiscal Year 2023-24 Adopted budget for Discretionary Grants in the amount of \$5,000 for the Carmel High School Mock Trial Team.

## BACKGROUND/SUMMARY:

The Lyceum Monterey County Mock Trial program is an educational program which introduces local high school students to the American legal system. Every year, Mock Trial Teams from participating local high schools are provided a case, and each team creates both a prosecution and defense argument.

City Council received a donation request (**Attachment 2**) from the Carmel High School (CHS) Mock Trial team. The CHS Team is eligible to compete in the Empire International Tournament held in Chicago. The CHS students are fundraising towards their goal of raising \$35,000 to cover the entry fees, room, board, and transportation for the 12 students on the Mock Trial Team to participate in the World Championship this November.

Last year, the Council generously donated \$5,000 to the CHS Mock trial team. City Council expressed a desire to support the CHS Mock Trial Team again this year. By adopting the attached Resolution, Council will authorize a decrease of \$5,000 from the general fund balance and increase of \$5,000 to the discretionary grant fund for the FY 23-24 budget in the Community Promotions account 101-110-00-42005.

## FISCAL IMPACT:

Decrease of \$5,000 from the general fund balance and increase of \$5,000 to the discretionary grant fund for the FY 23-24 budget in the Community Promotions account 101-110-00-42005.

## PRIOR CITY COUNCIL ACTION:

In 2022, Council adopted Resolution 2022-091 awarding a \$5,000 discretionary grant donation to the Carmel Mock Trial Team.

## **ATTACHMENTS:**

Attachment 1) Resolution 2023-093

Attachment 2) CHS Mock Trial Team Letter

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

**RESOLUTION NO. 2023-093**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A SUPPLEMENTAL BUDGET APPROPRIATION TO THE FISCAL YEAR 2023-2024 ADOPTED BUDGET FOR DISCRETIONARY GRANTS IN THE AMOUNT OF \$5,000 FOR THE CARMEL HIGH SCHOOL MOCK TRIAL TEAM**

WHEREAS, the City Council adopted Resolution 2023-067 approving the Fiscal year 2023-2024 Adopted Budget on June 6th, 2023; and

WHEREAS, the City recognizes of the accomplishments of the Carmel High School Mock Trial Team, which has continued its record of excellence at the California State Championships and their nine-year-straight championship streak in the Monterey County 2023 Mock Trial Finals; and

WHEREAS, the City supports the Carmel High School Mock Trial Team students competing at the National level in the November Empire World Championship in Chicago; and

WHEREAS, the City Council desires to donate \$5,000 the Carmel High School Mock Trial Team to help offset the travel costs to compete at the World Championship in November.

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

Award a \$5,000 grant donation to the Carmel High School Mock Trial Team, and authorize a decrease of \$5,000 from the general fund balance and increase of \$5,000 to the discretionary grant fund for the FY 23-24 budget in the Community Promotions account 101-110-00-42005.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of October, 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter, Mayor

\_\_\_\_\_  
Nova Romero, MMC, City Clerk

# Carmel High School

## *Home of the Padres*

2 August 2023

Dear Mayor Potter and the Carmel City Council,

As a follow up to my comment, here is a letter which includes instructions on how to donate to Carmel High School Mock Trial. To reiterate, we are fundraising again this year to be able to participate in two international tournaments, and we are looking for the city's support.

Our goal is to finance the entry fees, room and board, and transportation for 12 students and two adults to attend the Empire Mock Trial World Championship in Chicago November 3-6, as well as the entry fees and supplies for additional students to be able to participate in Empire Interstellar, an online tournament October 11-16.

Last year, your generosity was pivotal in helping us reach our goal. Because of it, we were able to travel to Chicago where Carmel took 7th in the Empire International Tournament in addition to two individual awards. This year, we are aiming even higher! We sincerely appreciate your part in making that possible.

Now, we are working to raise a total of \$35,000 to once again make this trip accessible for each member of our competition team. We would be extraordinarily grateful to receive the city's support.

Donations can be made through the Carmel High School student store or via check made out to "Carmel High School- Associated Student Body," and mailed to P.O. Box 222780 Carmel, CA 93922.

Thank you so much for considering our request! We sincerely appreciate your time and thought. Please let me know if you have any questions, thoughts, or would be interested in setting up a meeting with myself and/or other team representatives.

Thank you,

Shayla Dutta  
[sdutta@cusd.me](mailto:sdutta@cusd.me)  
(831) 884 8990

Bill Schrier, Mock Trial Coach  
[bschrier@carmelunified.org](mailto:bschrier@carmelunified.org)



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

October 2, 2023  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Jane Hogan, Accountant
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2023-094 authorizing a \$3,033 contribution to Interfaith Homeless Emergency Lodging Program (I-HELP) for emergency homeless shelter services

## RECOMMENDATION:

Adopt Resolution 2023-094 authorizing a \$3,033 contribution to Interfaith Homeless Emergency Lodging Program (I-HELP) for emergency homeless shelter services.

## BACKGROUND/SUMMARY:

The Interfaith Homeless Emergency Lodging Program (I-HELP) operated by the non-profit Outreach Unlimited is the only local agency that provides overnight emergency shelter without a waiting list for unhoused men and women from Monterey on a nightly basis. I-HELP provides transportation for unhoused individuals to local churches for overnight shelter without requiring religious participation.

This year, the funding for I-HELP changed dramatically when the County of Monterey redirected funds to Pajaro flood victims. I-HELP has indicated that it would need to stop services during the winter months if funding is not provided. The City received a request from the City Manager of Monterey on August 28, 2023 to support I-HELP fill its financial funding gap. The requested funding would be based on population estimates for the City at a rate of \$1 per resident, or \$3,033.

The City of Monterey has already authorized a \$29,874 contribution to I-HELP at its September 19, 2023 City Council Regular Meeting. The City of Pacific Grove has also been invited to consider a \$1 per capita contribution to I-HELP.

## FISCAL IMPACT:

The City's FY 23-24 Adopted Budget included \$30,000 for the Council discretionary grant program. As the Council has already identified and allocated the \$30,000 set aside for the discretionary grant program, funding for the I-Help contribution would reduce the General Fund balance.

## PRIOR CITY COUNCIL ACTION:

Council adopted Resolution 2019-016 approving the appropriation of \$4,656 for the homeless challenge

grant on February 5, 2019.

## **ATTACHMENTS:**

Attachment 1) Resolution 2023-094

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

**CITY COUNCIL  
RESOLUTION NO. 2023-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING A CONTRIBUTION TO INTERFAITH HOMELESS EMERGENCY LODGING PROGRAM (I-HELP) FOR EMERGENCY HOMELESS SHELTER SERVICES FOR A NOT-TO-EXCEED AMOUNT OF THREE THOUSAND THIRTY-THREE DOLLARS (\$3,033.00)**

WHEREAS, the Interfaith Homeless Emergency Lodging Program (I-HELP) operated by the non-profit Outreach Unlimited is the only agency that provides overnight emergency shelter with a waiting list for unhoused men and women from regional area on a nightly basis;

WHEREAS, this year’s program funding changed drastically when Monterey County redirected funding to Pajaro flooding victims;

WHEREAS, the City Council has considered the City of Monterey’s request for a \$3,033 (\$1.00 per resident) to assist I-HELP;

WHEREAS, the City Council hereby adopts a contribution of \$3,033 (\$1.00 per resident) to assist the homeless in a regional effort;

WHEREAS, the City Council has already identified and allocated the \$30,000 budgeted for the discretionary grant program for FY 23-24, funding for the I-Help contribution would reduce the General Fund balance.

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

Authorize a contribution to Interfaith Homeless Emergency Lodging Program (I-HELP) to assist the homeless for a not-to-exceed amount of three thousand thirty-three dollars (\$3,033.00).

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 2nd day of October, 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter  
Mayor

\_\_\_\_\_  
Nova Romero  
City Clerk



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

October 2, 2023  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Mary Bilse, Environmental Programs Manager
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2023-095 Approving the Reformation of the Climate Committee

## RECOMMENDATION:

Adopt Resolution 2023-095 (Attachment 1) approving the reformation of the Climate Committee.

## BACKGROUND/SUMMARY:

In October 2019, Council adopted Resolution 2019-75 approving the formation of the Climate Change and Resilience Plan Working Group (“Climate Committee”) and appointed two Council Members (Jeff Baron and Carrie Theis), four members of the public (John Hill, Michael LePage, Scott Lonergan, and LaNette Zimmerman), and two staff members (Agnes Martelet and Evan Kort). We express our sincere appreciation to the members of the Climate Committee for their feedback, insight, passion, and years of service.

The original Climate Committee held monthly meetings starting in November 2019 through July 2022 (with interruptions due to Covid) to guide preparation of the Climate Action Plan and the Climate Adaptation Plan (CAPs). Many guest speakers/technical experts from diverse agencies, including 3CE, AIA, AMBAG, CAWD, Fire Department, Monterey County, MPWMD, PG&E, Public Works, and the USGS, presented information to the Climate Committee. Other topics reviewed at Committee meetings included technical studies, such as the travel demand study and Vulnerability Assessment, to identify climate issues specific to Carmel-by-the-Sea. Collectively, this information was used to establish the City’s climate adaptation goals, policies, and actions.

In August 2022, Council adopted the City’s Final Climate Action Plan and Climate Adaptation Plan and emphasized the need to implement, monitor, evaluate and adjust the projects outlined in the Plans. Since the major, initial goal of the Committee was accomplished upon adoption of the CAPs, the Climate Committee has not resumed since adoption of these Plans, and several Committee members have since resigned.

At the January 31, 2023 City Council Strategic Priorities Workshop, Councilmember Baron asked to resume the Climate Committee, particularly as it is linked to the first major initiative of the CAPs, namely the Coastal Engineering Study Project.

In March and August 2023, the first two technical assessments of the Coastal Engineering Study (namely the Carmel Beach Coastal Infrastructure Assessment and the Shoreline and Beach Change Analysis: Seasonal and Long Term) were presented to the Forest & Beach Commission as they directly relate to beach



impacts. However, these two studies, and a number of other forthcoming reports from the Coastal Engineering Study, could also be presented to the Climate Committee to discuss their relationship to the long-term goals and implementation of the overall CAPs.

Recently, Councilmember Baron and staff agree to reform the Climate Committee with reduced impacts to Committee members and staff. It was decided that the reformed Committee should meet only on an as-needed basis to provide support and oversight of implementation of the CAPs. It is also proposed that the reformed Climate Committee consist of one Councilmember (Jeff Baron) and three members of the public (Carrie Theis, Michael LePage, and Scott Lonergan), all of whom were on the original Committee. Unlike the original Committee, this time, one staff member (Environmental Programs Manager Mary Bilse) will be the staff liaison to the Committee and prepare the agendas and reports, but will not serve on the Committee.

In addition to the Coastal Engineering Study topics to be reviewed by the reformed Committee, there may be other future projects to discuss with the Climate Committee, such as the City's EV fleet conversion/EV charging stations, a proposed Electrification Policy, and energy efficiency upgrades.

#### **FISCAL IMPACT:**

None regarding this action.

#### **PRIOR CITY COUNCIL ACTION:**

In October 2019, Council adopted Resolution 2019-75 approving the formation of the Climate Change and Resilience Plan Working Group.

In August 2022, the City Council adopted the City's Final Climate Action Plan and Climate Adaptation Plan.

In January 2023, the proposal to reform the Climate Committee was introduced at the Council Strategic Priorities Workshop.

#### **ATTACHMENTS:**

Attachment 1: Resolution 2023-095

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

**RESOLUTION NO. 2023-095**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
APPROVING THE REFORMATION OF THE CLIMATE COMMITTEE**

WHEREAS, in October 2019, the City Council adopted Resolution 2019-75 approving the formation of the Climate Change and Resilience Plan Working Group; and

WHEREAS, in August, 2022, Council adopted the City's Final Climate Action Plan and Climate Adaptation Plan and emphasized the need to implement, monitor, evaluate, and adjust the projects outlined in the Plans; and

WHEREAS, in January 2023, the proposal to reform the Climate Committee was introduced at the Council Strategic Priorities Workshop; and

WHEREAS, the reformed Climate Committee will consist of one Councilmember (Jeff Baron), and three members of the public (Carrie Theis, Michael LePage, and Scott Lonergan); and

WHEREAS, one staff member (Environmental Programs Manager Mary Bilse) will be the staff liaison to the Committee and prepare the agendas and reports; and

WHEREAS, the reformed Climate Committee should meet only on an as-needed basis to provide support and oversight of implementation of the Plans; and

WHEREAS, in addition to the Coastal Engineering Study topics now underway to be reviewed by the reformed Committee, there may be other future projects to discuss with the Committee, such as the EV fleet conversion/EV charging stations, a proposed Electrification Policy, and energy efficiency upgrades.

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

Approve the reformation of the Climate Committee, to include one Councilmember, Jeff Baron, and three members of the public: Carrie Theis, Michael LePage, and Scott Lonergan.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 2<sup>nd</sup> day of October, 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter  
Mayor

\_\_\_\_\_  
Nova Romero, MMC  
City Clerk



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

October 2, 2023  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Robert Harary, P.E, Director of Public Works
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution No. 2023-096, approving the conversion from an uncontrolled to a 1-way stop-controlled intersection at Lincoln Street and First Avenue, and from an uncontrolled to a 2-way stop controlled intersection at Lincoln Street and Second Avenue

## RECOMMENDATION:

Adopt Resolution No. 2023-096, approving the conversion from an uncontrolled to a 1-way stop-controlled intersection at Lincoln Street and First Avenue, and from an uncontrolled to a 2-way stop controlled intersection at Lincoln Street and Second Avenue.

## BACKGROUND/SUMMARY:

On August 15, 2023, a concerned citizen emailed Public Works regarding two adjacent intersections that currently have no stop signs. The concerns included, *"cars not stopping, yielding or slowing down before they make turns at two dead end or T intersections heading west on Second (cross street with Lincoln) and again heading west on First (cross street Pescadero Road) by Stevenson School."* He also stated that trees and shrubs block the views at the corners, and that other local residents shared his concerns.

At their August 23, 2023 meeting, the Traffic Safety Committee, comprised of the Director of Public Safety, Director of Public Works, and Director of Community Planning and Building, met to discuss issues ranging from parking, loading zones, and safety at intersections. The Committee discussed their observations of these intersections following the prior Tour of inspection. The intersections are summarized as follows.

**Lincoln Street/First Avenue:** Currently, vehicles heading westbound on First Avenue arrive at a T intersection with Lincoln Street to the south and Pescadero Road to the north. The intersection itself is mostly within the City limits, with Pescadero Road heading north into the County. Trees at the corners somewhat limit visibility, and Stevenson School is located nearby off of Dolores Street.

**Lincoln Street/Second Avenue:** This intersection is geometrically different than most intersections in the City. North of Second Avenue, Lincoln Street is divided by a split level, median island. South of Second Avenue, there is no median. Westbound Second Avenue is somewhat steep heading down towards Lincoln Street, and west of Lincoln Street, Second Avenue is a short, dead-end road. Currently, there are no stop signs. There are various trees, shrubs, and a power pole that limit visibility for certain turn movements.

One member of the public spoke in support of installing stop signs at both locations.

The Traffic Safety Committee considered alternatives to installing additional stop signs, such as significantly pruning or removing trees at the corners. However, Committee members were concurred that even with visibility improvements, there would still be inadequate stop control devices at these two intersections, and noted that no alternative would be as effective as installing stop signs.

The Committee voted unanimously to recommend a stop sign for westbound First Avenue at Lincoln Street, and for both westbound and eastbound Second Avenue at Lincoln Street, upon approval by the City Council.

All intersections are unique in terms of line of site visibility, roadway widths, alignments, centerline offsets, grades, and pavement markings. Therefore, the Director of Public Works, with confirmation by the Director of Public Safety, will determine if ancillary safety upgrades are prudent, such as installing "Stop Ahead" signs and/or painting pavement markings, after the stop signs are installed and monitored.

#### **FISCAL IMPACT:**

The estimated cost for three (3) stop signs, up to two (2) potential 'Stop Ahead' signs, and posts is \$1,250. Sufficient funding is available in the Public Works Streets Division Operating Budget, Account #101-119-41-42105.

#### **PRIOR CITY COUNCIL ACTION:**

N/A.

#### **ATTACHMENTS:**

Attachment #1 - Resolution 2023-096

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

**RESOLUTION NO. 2023-096**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
APPROVING THE CONVERSIONS OF AN UNCONTROLLED TO A ONE-WAY STOP-  
CONTROLLED INTERSECTION AT LINCOLN STREET AND FIRST AVENUE, AND  
FROM AN UNCONTROLLED TO A TWO-WAY STOP-CONTROLLED INTERSECTION  
AT LINCOLN STREET AND SECOND AVENUE**

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

WHEREAS, the TSC received a request to address potential safety issues at the intersections of Lincoln Street and First Avenue, and at Lincoln Street and Second Avenue; and

WHEREAS, the uncontrolled, T-intersection of Lincoln Street and First Avenue is located near Stevenson School, and has trees at the corners that limit visibility; and

WHEREAS, the uncontrolled intersection of Lincoln Street and Second Avenue is unique in that Lincoln Street north of the intersection is a divided roadway but is not divided to the south, and Second Avenue is steep heading westbound into the intersection, and eastbound is a short, dead-end road; and

WHEREAS, following a Tour of Inspection, the TSC met on August 23, 2023 to review these intersections and consider safety improvements; and

WHEREAS, the TSC determined that one stop sign is warranted westbound on First Avenue at Lincoln Street, and that two stop signs are warranted for westbound and eastbound on Second Avenue at Lincoln Street; and

WHEREAS, the TSC unanimously agreed to recommend to the City Council to approve adding stop signs at these intersections.

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

Approve the conversion from an uncontrolled to a 1-way stop-controlled intersection at Lincoln Street and First Avenue, and from an uncontrolled to a 2-way stop controlled intersection at Lincoln Street and Second Avenue.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 2nd day of October, 2023, by the following roll call vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dave Potter  
Mayor

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Nova Romero, MMC  
City Clerk



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

October 2, 2023  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Jeff Watkins, Acting Police Chief
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2023-097 authorizing the City Administrator to purchase two (2) Dodge Ram 1500 Police Special Service Vehicles (SSV) Crew Cab 4X4 trucks from My Jeep-Chrysler-Dodge-Ram, not exceeding \$90,000

## RECOMMENDATION:

Adopt Resolution 2023-097 authorizing the City Administrator to purchase two (2) Dodge Ram 1500 Police Special Service Vehicles (SSV) Crew Cab 4X4 trucks from My Jeep-Chrysler-Dodge-Ram, not exceeding \$90,000

## BACKGROUND/SUMMARY:

The City of Carmel by-the-Sea Police Department administrative staff has determined that expanding the police vehicle fleet from a four-police vehicle model to a six-police vehicle model would be beneficial for several reasons. The police department currently has four police vehicles that are patrol-capable. Currently, we utilize (2) Dodge Durango 4x4 SUV-style vehicles and (2) Dodge Charger passenger vehicles.

At any given time, we have a minimum of two officers working a patrol shift. Frequently, we will have a third officer working a cover shift to compliment the patrol model, leaving one vehicle for reserve. Our Dodge Chargers year models 2018 and 2019 are reaching their life expectancy and rotational age. By adding to our fleet now, we can effectively extend the life expectancy of our current vehicles.

Utilizing three vehicles for patrol per day with a four-car rotation is detrimental for multiple reasons. This model does not allow for much downtime on the working capacity of the current fleet. The current vehicles are being used 24 hours a day, seven days a week, which puts more wear and tear on multiple vehicles. Should one vehicle break down, there would not be enough vehicles for staff to operate during a major event or incident with the current model. During this year's Car Week, current breakdowns forced admin vehicles into service as there were not enough patrol vehicles for working patrol officers. Staff recommends purchasing (2) Dodge Ram 1500 police-equipped trucks as patrol vehicles. This purchase would aid in the following ways:

- Allow the current fleet to be rotated per shift and sides of the week, which would reduce run times by half, thus reducing wear and tear and breakdowns.
- Reserve vehicles for unforeseen incidents such as breakdowns.



- Allow most of your police force to have a vehicle when more than four officers are working at any given time. (Car Week, U.S Open, Pebble Beach Pro-Am, federal holidays, etc.)
- 4x4 trucks would allow beach access for multiple vehicles should an incident occur.
- 4x4 trucks would aid in hauling storm preparation equipment, barricades, misc street closure supplies, and road hazards (tree branches, debris, etc., without involving public works as often.)
- 4x4 trucks would handle our streets more effectively as truck chassis are better equipped for our village roads.

## **PURCHASING**

Staff recommends purchasing two 2023 Dodge Ram 1500 Police Special Service Vehicles (SSV) Crew Cab 4X4 trucks. Once the Purchase Order (PO) has been secured, the PO will be provided to Salinas My Jeep-Chrysler-Dodge-Ram Government Fleet Sales account Administrator Dennis Greathead, who will facilitate the purchase and preparation of the vehicles. The vehicles will then be delivered to the Carmel By-the-Sea Police Department, along with the delivery receipts and invoices. The delivery time for the vehicles should be February or March of 2024.

## **COMPETITIVE PRICING**

The vehicles will be purchased through Salinas My Jeep-Chrysler-Dodge-Ram Government Fleet Sales Administrator Dennis Greathead and made available through sole source fleet pricing, a national contract offering members competitively awarded contract bids. The price quote for these two vehicles is \$89,489.74, including doc fees, sales tax, DMV filing fees, tire fees, and delivery fees. Per our City's 'Purchasing Policy' this qualifies as a Cooperative Purchase. As the project is over the defined amount of \$60,000.00, it requires City Council approval.

## **FISCAL IMPACT:**

The Fiscal Year 2023-2024 Adopted Budget set aside a Vehicle Replacement reserve of \$304,000, estimated at 10% of the total City fleet replacement value. The funding for the two (2) Police Special Service Vehicles will reduce the Vehicle Replacement reserves by \$90,000.

## **PRIOR CITY COUNCIL ACTION:**

## **ATTACHMENTS:**

Attachment 1) Resolution 2023-097

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

**RESOLUTION NO. 2023-097**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE TWO (2) DODGE RAM 1500 POLICE SPECIAL SERVICE VEHICLES (SSV) CREW CAB 4X4 TRUCKS FROM MY JEEP-CHRYSLER-DODGE-RAM, NOT EXCEEDING \$90,000**

WHEREAS, the City of Carmel by-the-Sea Police Department administrative staff has determined that expanding the police vehicle fleet from a four-police vehicle model to a six-police vehicle model would be beneficial for several reasons; and

WHEREAS, the Fiscal Year 2023-2024 Adopted Budget set aside a vehicle replacement reserve of \$304,000, estimated at 10% of the total City fleet replacement value; and

WHEREAS, a purchase order has been secured through Salinas My Jeep-Chrysler-Dodge-Ram Government Fleet Sales, made available through sole source fleet pricing, a national contract offering members competitively awarded contract bids and qualifies as a Cooperative Purchase; and

WHEREAS, Staff recommends purchasing (2) Dodge Ram 1500 4x4 police-equipped trucks as patrol vehicles to add to the Carmel-by-the-Sea Police fleet.

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

Authorize the City Administrator to purchase two (2) Dodge Ram 1500 police special service vehicles (SSV) crew cab 4x4 trucks from My Jeep-Chrysler-Dodge-Ram, not exceeding \$90,000.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of October, 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter, Mayor

\_\_\_\_\_  
Nova Romero, MMC, City Clerk



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

October 2, 2023  
CONSENT AGENDA

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Emily Garay, Administrative Analyst
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Resolution 2023-098 amending the professional services agreement with Joseph Systems, Inc. dba J4 Systems to increase the agreement amount by \$21,841.70 resulting in a new not-to-exceed amount of \$81,840.70

## RECOMMENDATION:

Adopt Resolution 2023-098 amending the professional services agreement with Joseph Systems, Inc. dba J4 Systems to increase the agreement amount by \$21,841.70 resulting in a new not-to-exceed amount of \$81,840.70.

## BACKGROUND/SUMMARY:

The City utilizes a variety of consultants to augment its staffing capacity, especially to provide specialized services such as the current project to migrate some online systems from physical servers located in the City to a cloud-based platform. For this project, the City has been in an ongoing contract with Joseph Systems, Inc. to provide this specialized support. The City Administrator entered into an agreement with Joseph Systems for contract Computer Consulting services on August 9th, 2021 for a not-to-exceed cost of \$23,008.70, due to the necessity of continued services, the agreement was subsequently amended on: March 1, 2022 (Amendment No. 1), June 15, 2022 (Amendment No. 2), March 1, 2023 (Amendment No. 3), May 2, 2023 (Amendment No. 4), September 12, 2023 (Amendment No. 5). Amendment No. 5 (September 12, 2023), increased the agreement amount by \$8,158.30 to a total not-to-exceed cost of \$59,999.000 with a term end date of November 30, 2023.

Council is being asked to consider adopting Resolution 2023-098 authorizing the City Administrator to execute a sixth amendment (**Attachment 2**) to the existing agreement with Joseph Systems, Inc. that will increase the total cost by an additional \$21,841.70 for a new not-to-exceed amount of \$81,840.70. This additional funding amount is needed for continued System Administration consulting services and Cloud Migration support services.

**FISCAL IMPACT:**

The FY 23-24 Adopted Budget includes \$30,000 for J4 Systems in IT Contract Services.

**PRIOR CITY COUNCIL ACTION:**

Council approved Agreement Amendment No. 3 on April 4, 2023

Council approved Agreement Amendment No. 4 on May 2, 2023

**ATTACHMENTS:**

Attachment 1) Resolution 2023-098

Attachment 2) J4 Systems Amendment No. 6

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

Attachment 1

**RESOLUTION NO. 2023-098**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AMENDMENT NO. 6 TO THE PROFESSIONAL SERVICES AGREEMENT WITH JOSEPH SYSTEMS INC. FOR IT PROJECT SERVICES IN THE AMOUNT OF \$21,841.70 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$81,840.70**

WHEREAS, the City has been in an ongoing contract with Joseph Systems, Inc. to provide this specialized support; and

WHEREAS, City Administrator entered into an agreement with Joseph Systems for contract Computer Consulting services on August 9th, 2021 for a not-to-exceed cost of \$23,008.70; and

WHEREAS, due to the necessity of continued services, the agreement was subsequently amended on: March 1, 2022 (Amendment No. 1), June 15, 2022 (Amendment No. 2), March 1, 2023 (Amendment No. 3), May 2, 2023 (Amendment No. 4), September 12, 2023 (Amendment No. 5); and

WHEREAS, Amendment No. 5 increased the agreement amount by \$8,158.30 to a total not-to-exceed cost of \$59,999.000 with a term end date of November 30, 2023; and

WHEREAS, additional funding amount is needed for continued System Administration consulting services and Cloud Migration support services; and

WHEREAS, the Carmel-by-the-Sea Municipal Code requires contracts exceeding \$59,999 to be entered into only by Council authorization.

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

Authorize the City Administrator to execute Amendment No. 6 to the Professional Services Agreement with Joseph Systems Inc. for IT project services in the amount of \$21,841.70 for a new not-to-exceed amount of \$81,840.70.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of October, 2023, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dave Potter, Mayor

\_\_\_\_\_  
Nova Romero, MMC, City Clerk

**AMENDMENT NO. 6**  
**AGREEMENT NUMBER IT-J4SYSTEMS-43-21-22**  
**JOSEPH SYSTEMS, INC. dba J4 SYSTEMS**

1. This amendment (the "Amendment") is made by City of Carmel-by-the-Sea and Joseph Systems, Inc. dba J4 Systems, parties to agreement IT-J4SYSTEMS-43-21-22 (the "Agreement") executed on August 9, 2021, amended: March 1, 2022 (Amendment No.1), June 15, 2022 (Amendment No.2), March 1, 2023 (Amendment No.3), May 2, 2023 (Amendment No.4), September 12, 2023 (Amendment No.5).

2. The Agreement is amended as follows:

a. Section 2.A (Compensation) of the Agreement is amended and restated as follows:

Subject to any limitations set forth in this Agreement, the City agrees to pay and Consultant agrees to accept as full and fair consideration for the performance of this Agreement, hourly fees as set forth in Consultant's Fee Schedule, in a total amount not-to-exceed **Eighty One Thousand Eight Hundred and Forty Dollars and Seventy Cents (\$81,840.70)**. Such compensation is the "Maximum Authorized Expenditure" under this Agreement. The Fee Schedule includes, but is not limited to, fees for each phase and task, not-to-exceed total fee, hourly rates, reimbursable rates and subconsultant mark-up rates. The use of subconsultants will not be considered a reimbursable expense, and such costs must be applied towards the approved budgeted amount. Payment of any compensation to Consultant is contingent upon performance of the terms and conditions of this Agreement to the satisfaction of the City. If the City determines that the Services set forth in the written invoice have not performed in accordance with the terms of this Agreement, the City is not responsible for payment until the Services have been satisfactorily performed.

3. Except as set forth in this Amendment, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Agreement or any earlier amendment, the terms of this amendment will prevail.

4. Each party represents and warrants that all necessary action has been taken by such party to authorize the undersigned to execute this Amendment and to bind the parties to the performance of its obligations.

5. This Amendment may be executed in counterparts, each of which will be deemed an

original, and all of which, when taken together, constitute one and the same instrument. The Amendment will be considered executed when the signature of a party is delivered by facsimile or other electronic transmission. Such facsimile or other electronic signature will have the same effect as an original signature.

6. If any term, condition, or covenant of this Amendment is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Amendment will not be affected and the Amendment will be read and construed without the invalid, void or unenforceable provision.

CONSULTANT:

By: \_\_\_\_\_ Date: \_\_\_\_\_

CITY:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Chip Rerig, City Administrator

ATTEST:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Nova Romero, City Clerk



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

**October 2, 2023  
CLOSED SESSION**

**TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Chip Rerig, City Administrator

**APPROVED BY:** Chip Rerig, City Administrator

**SUBJECT:** Public Employee Performance Evaluation pursuant to Government Code Section 54957; Title: City Administrator

**RECOMMENDATION:**

**BACKGROUND/SUMMARY:**

**FISCAL IMPACT:**

**PRIOR CITY COUNCIL ACTION:**

**ATTACHMENTS:**





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

**October 2, 2023  
ADJOURNMENT**

**TO:** Honorable Mayor and City Council Members  
**SUBMITTED BY:** Nova Romero, City Clerk  
**APPROVED BY:** Chip Rerig, City Administrator  
**SUBJECT:** Correspondence Received After Agenda Posting

**RECOMMENDATION:**

**BACKGROUND/SUMMARY:**

**FISCAL IMPACT:**

**PRIOR CITY COUNCIL ACTION:**

**ATTACHMENTS:**

Correspondence #1  
Correspondence #2



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## Assault on Local Business Owner

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Rob Frame [REDACTED] >  
To: cityclerk@ci.carmel.ca.us

Sat, Sep 30, 2023 at 11:21 AM

I've seen the video of Chip Rerig assaulting a business owner and it's deeply concerning that he hasn't been terminated. I strongly urge his immediate removal from his position, and I wholeheartedly support the dismantling of the wall. Alissandra does not truly represent the residents who cherish Carmel. Mayor, I implore you to take the necessary action.

Rob Frame [REDACTED]  
Sent from my iPhone



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## Chip Rerig Assault

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Angela Relevé <[REDACTED]>  
To: cityclerk@ci.carmel.ca.us

Sat, Sep 30, 2023 at 11:17 AM

To the Mayor of Carmel,

The video depicting Chip Rerig's assault on a business owner is deeply troubling, and it's baffling that he hasn't faced consequences. I urgently request his removal and fully endorse the dismantling of the divisive wall. Alissandra does not accurately reflect the sentiments of Carmel's residents. Mayor, please take the necessary action.

Sincerely,

Angela Shin



## Call to action

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**IMEA GALLERIA** [REDACTED] >  
To: cityclerk@ci.carmel.ca.us

Sun, Oct 1, 2023 at 3:00 AM

It saddens me to see the assault on Nematic gallery's owner concerning issues relating to the preservation of Carmel. The video of Chip Rerig's physical assault on a business owner is deeply troubling, and it's unacceptable that he's still in his role.

I call for his immediate dismissal and strongly support the demolition of the divisive wall. Ali should be out of touch with the true spirit of Carmel. Mayor, it's time to do what's right.



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## Big City Mob Violence Enters Carmel, by Carmel Administrators

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AltDynamic [REDACTED] >  
To: cityclerk@ci.carmel.ca.us

Mon, Oct 2, 2023 at 10:14 AM

Dear Mayor Potter,

I run an industrial design firm in South Florida. I come to Carmel at least once a year. Some of my clients are automotive manufacturers, I develop products for them throughout the year and also for Car Week. This year, in addition to my usual design work, I was interviewing galleries in Carmel to show some of my sculptures. I ended up choosing Craig Rose's Nematic gallery. I spent nearly two weeks in Carmel this past Car Week. Several family members, friends and local Palm Beach Lamborghini owners flew in for Car Week to enjoy Carmel. Some even shipped their Lamborghinis. We enjoy visiting and my family has been coming for over 50 years. Nematic was consistently an extremely popular gallery tourists were stopping in to explore.

Recently, I learned that Craig was punched in the head while at his own gallery, by city administrator Chip Rerig, while he was conducting city business.

Firstly, no head injury is minor, and I am told that Craig is being checked out by doctors. Secondly, I have tens of thousands of dollars of inventory at Nematic gallery. At the time of the incident, I had many customers in town due to Porsche's Rennsport Reunion 7. Instead of being at the gallery representing me and my work, Craig was instead in an emergency room because one of your administrators decided to employ soviet-style intimidation tactics.

Here in Palm Beach, I don't have to worry about gallerists representing me being concussed by city employees. Do I have to worry that other Carmel-by-the-Sea officials will return to Nematic gallery to intimidate and finish the job Chip Rerig started?

I wish Chip Rerig had the same alacrity and effectiveness to fix Carmel's pothole-riddled roads and streetlights as he did when he punched Craig.

I don't know why Rerig was so worked up, but it was in no way appropriate to strike someone. We both know, in your company, Potter Construction, an employee would be immediately terminated if they punched a customer in the face. I would expect the same for Chip Rerig.

Sincerely,  
Justin



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## Concerns from county resident

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**Jillian Blizzard** [REDACTED]  
To: cityclerk@ci.carmel.ca.us

Mon, Oct 2, 2023 at 11:28 AM

Hi there. I've witnessed the disturbing video of Chip Rerig's attack on a business owner, and it's incomprehensible that he hasn't been let go. I demand his immediate removal and stand firmly behind the removal of the divisive wall. Alissandra is out of sync with the values of Carmel's residents. Mayor, it's time for decisive action.

In my entire time knowing Craig, I have never ever seen him get close to violent. I have never seen him as much as make a fist at someone.

There is no way a person with any kind of authority should remain in their position after an altercation like this.

Your quick action on this matter means a lot to me and will make a significant impact. Thank you for standing by me during this challenging time.

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**Fwd: re the Bowman sculpture**

1 me age

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**Karen Ferlito** <kferlito@ci.carmel.ca.us>  
To: Nova Romero <nromero@ci.carmel.ca.us>

Thu, Sep 28, 2023 at 1:20 PM

We all received this email today. Please include it in the record.

Karen Ferlito  
PO Box 625  
Carmel, CA 93921  
[REDACTED]

Begin forwarded message:

**From:** Peter H Hiller [REDACTED]  
**Date:** September 28, 2023 at 12:55:07 PM PDT  
**To:** Dave Potter <dpotter@ci.carmel.ca.us>, Jeff Baron <jbaron@ci.carmel.ca.us>, adramov@ci.carmel.ca.us, brichards@ci.carmel.ca.us, kferlito@ci.carmel.ca.us  
**Subject:** re the Bowman sculpture

Dear Mayor Potter and Carmel-By-The-Sea Councilmembers,

Thank you all for your vote last meeting in support of keeping the Bowman wall sculpture in its current location.

I hope you will not be deterred from making a final vote on Tuesday October 3rd to the same end.

As I mentioned in my previous letter to you all, I feel a plaque honoring this work of art would be appropriate and I am willing to help pay the costs of such. An informed public is an appreciative public.

Sincerely,

Peter Hiller  
[REDACTED]





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**Re: Historic Property Tax Savings With The Mills Act**

2 me age

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

Fri, Sep 29, 2023 at 3:29 PM

To: Karen Ferlito &lt;kferlito@ci.carmel.ca.us&gt;

Cc: Brandon Swan on b wan on@ci.carmel.ca.us, Nova Romero nromero@ci.carmel.ca.us

Thank you. I'll ask Nova, via copy of this email, to send the link to the entire Council.

Take good care.

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

On Fri, Sep 29, 2023 at 3:22 PM Karen Ferlito <kferlito@ci.carmel.ca.us> wrote:

Interesting that LA is going to consider (or may have already done so) a cap on how much money they are willing to  
lo e

&gt;

> <https://www.jamescolincampbell.com/real-estate-tax/mills-act/#>

&gt;

What is the Mills Act?

> The Mills Act property tax <<https://assessor.lacounty.gov/mills-act-program/>> is a California Statewide program that gives Property owners of Historic Homes, who are eligible and enroll in the program, large annual property tax savings (Average property taxes <<https://www.jamescolincampbell.com/property-tax/>> savings from the Mills Act program is 50%!) This program is only for qualifying Historic Properties. The tax savings are intended to be used to restore and preserve historic properties. Each Municipality in the state is responsible for administering its own historic preservation program – so qualifying requirements for the Mills Act will vary from city to city around the state.

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**Nova Romero** nromero@ci.carmel.ca.us

Fri, Sep 29, 2023 at 3:48 PM

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

Cc: Chip Rerig &lt;crerig@ci.carmel.ca.us&gt;, Brian Pierik &lt;bpierik@ci.carmel.ca.us&gt;, Brandon Swanson b wan on@ci.carmel.ca.us

Please see email below from Councilmember Ferlito, re: Mills Act.

**Nova Romero, MMC****City Clerk**

City of Carmel-by-the-Sea

P.O. Box CC

Carmel by the Sea, CA 93921

(831) 620-2016

[nromero@cbts.us](mailto:nromero@cbts.us)

[Quoted text hidden]



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## Fwd: The 'Great Wall' in Carmel

2 messages

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

Mon, Oct 2, 2023 at 11:00 AM

To: Nova Romero <nromero@ci.carmel.ca.us>, Maxine Gullo <mgullo@ci.carmel.ca.us>

Please forward to Council as public comment. TY.

Sent from my iPhone

Begin forwarded message:

**From:** [henrymollet@icloud.com](mailto:henrymollet@icloud.com)

**Date:** September 30, 2023 at 8:13:49 PM PDT

**To:** [crerig@ci.carmel.ca.us](mailto:crerig@ci.carmel.ca.us)

**Subject:** The 'Great Wall' in Carmel

Chip,

Can you please fwd to City Council. I took pics of the 'Great Wall' in Carmel today. Mind-boggling that it could not be moved.

Henry (Monterey but walking in Carmel all the time)







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

Mon, Oct 2, 2023 at 11:17 AM

To: Jeff Baron <jbaron@ci.carmel.ca.us>, Bobby Richards <brichards@ci.carmel.ca.us>, Alissandra Dramov <renewcarmel@outlook.com>, Karen Ferlito <kferlito@ci.carmel.ca.us>, Dave Potter <dpotter@ci.carmel.ca.us>  
Cc: Brian Pierik <bpierik@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>, Maxine Gullo <mgullo@ci.carmel.ca.us>

Please see the comment below regarding Item # 4 on the October 3rd agenda.



**Nova Romero, MMC**  
**City Clerk**

City of Carmel-by-the-Sea  
P.O. Box CC  
Carmel-by-the-Sea, CA 93921  
(831) 620-2016  
[nromero@cbts.us](mailto:nromero@cbts.us)

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### 6 attachments



**IMG\_1632.jpg**  
142K



**IMG\_1631.jpg**  
126K



**IMG\_1633.jpg**  
121K



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**IMG\_1633.jpg**  
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## Notes for Tuesday meeting

craig rose <craig@creatingfun.com>  
To: cityclerk@ci.carmel.ca.us

Sun, Oct 1, 2023 at 8:49 PM

# Ulrika Plaza

Chris Mitchell - Architect

Ulrika Project First Design Concept

## Arguments against the project:

**Ian Martin, Modernist and local wedding photographer**

**Argued that the Buildings within the first Ulrika project design didn't harmonize with each other.**

- Which is strange because modernists are always excusing industrial designs in the name of diversity? Now they want it to harmonize? How is the architect to make the buildings not look like one big development without designing the buildings different styles?
- The General Plan/Land Use & Community Character Element states
  - "It is intended by this policy that diversity in architecture be encouraged while preserving the broader elements of community design that characterize the streetscape within each neighborhood."
  - And goes on to say, "There is great diversity from street to street within the commercial district."

**Mr. Martin accurately quoted the commercial design guidelines, "New buildings should not imitate styles of the past but strive to achieve compatibility with the old."**

- But, if we don't imitate the past, what styles can we use? Not craftsman, nor mid century modern, coastal california, Frank Lloyd Wright, French, Italian, or English? Architecture of today always has a basis in the past.
- **If we follow this guideline:**
  - are we only allowed to build something out of character??
  - The General Plan states to the contrary: "*Carmel Stone, local granite and the frequent use of wood in hand carved doors, window frames, sills, moldings, roofing materials and signs are all design features that contribute to the village character of the City. These form a contrast to the glass, steel, plastic and featureless gray concrete so often found in other, more urban cities.*"
  - "Conservation allows change and new construction as long as it is consistent with established character."
  - How do we achieve these goals, if we don't use styles from the past?
- **I submit**
  - that this design guideline contradicts the General Plan.
- **Zoning Code 17.02.090 states:**
  - "In the event of a conflict between the regulations of this title and the General Plan/Land Use Plan, the latter shall take precedence."
  - Therefore I submit that if the General Plan takes precedence over zoning codes, the erroneous guideline is impossible to enforce, and that the General Plan take precedence over mere guidelines.
- **I any case, the Guidelines will be revised to support the General Plan and Zoning Codes**
  - **New Draft of Design Guidelines by Nore Winter states:**

### 1.11. Designing in historic styles is appropriate.

- The style should be accurately executed.
- Simplified interpretations of historic styles also are permitted.
- The building must be in keeping with the historic scale and meet all the other relevant guidelines.

## **1.12. Architectural designs that complement Carmel's traditions are appropriate.**

Attachment 2

- A design that expresses its individual character while also being compatible with the neighborhood, is appropriate.
- A new building should differ in style from buildings on nearby properties to continue the sense of diversity along the block.
- A design that exemplifies innovation and the use of skilled workmanship in a compatible way is appropriate.
- **In communicating with many neighbors it was found:**
  - **Over 80 percent:**
    - of the residents surveyed approved of the original Tudor/Mission design.
  - **Please remember**
    - that the original Del Dono project unanimously approved by the Planning Commission for this site ignored numerous design guidelines, and would've been built much to the consternation of a majority of the population.

### **Victoria Beech**

- Stated that we don't want styles of the past.
  - Mistaken representation of the residents

### **Carolyn Hardy (sp)**

- Disneyland appearance
- Lipstick on a pig
- Phoney Windsor style
- No harmony with buildings on the block
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  - These arguments were emotional and not based on guidelines or policy.

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