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

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

REGULAR MEETING
Tuesday, December 3, 2024

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/83289524838 Webinar ID: 832 8952 4838 Passcode: 904814 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. 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.

OPEN SESSION
4:30 PM

Tour Time - 3:00 PM

TOUR OF INSPECTION

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

A. Southeast Corner of Torres Street and 5th Avenue, Carmel (PERM EN 23-077 - Givens)

B. Rio Park, East of Dolores Street and Lasuen Drive, Carmel

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

EXTRAORDINARY BUSINESS

A. Carmel High School Report Out

B. Recognition of Mayor Dave Potter, Mayor Pro Tem Bobby Richards and Council Member Karen Ferlito for their years of services on the Council

C. Bridge to Everywhere (Rio Park) Committee Presentation

PUBLIC APPEARANCES

Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Appearances. Each person's comments shall be limited to 3 minutes, or as otherwise established by the Chair. Persons are not required to provide their names, however, it is helpful for speakers to state their names so they may be identified in the minutes of the meeting. Under the Brown Act, public comment for matters on the agenda must relate to that agenda item and public comments for matters not on the agenda must relate to the subject matter jurisdiction of this legislative body. If a member of the public attending the meeting remotely violates the Brown Act by failing to comply with these requirements of the Brown Act, then that speaker will be muted.

ANNOUNCEMENTS

A. City Administrator Announcements

B. City Attorney Announcements

C. Councilmember Announcements

D. Ad Hoc Committees - Report Out

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. Second Reading and Adoption of Ordinance No. 2024-002, amending Chapter 10.36.010 of the Carmel-by-the-Sea Municipal Code by adding subsection (1), under Section (C); Identifying Commercial Loading Zones to comply with CVC 22500 and Assembly Bill 413-The "Daylighting Bill"

2. Resolution 2024-094 authorizing the City Administrator to establish and adopt the new class specification and salary schedule of Library Associate, adopt revisions to the current Librarian I and II classes and new salary schedules.

ORDERS OF BUSINESS

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

3. Resolution 2024-095 Authorizing the Mayor to Execute a Seventh Amendment to the City Administrator At-Will Employment Agreement Effective October 1, 2024.

4. Resolution 2024-098 authorizing the City Administrator to execute a construction

contract with Coastal Paving & Excavating, Inc., in an amount, including contingency, of $1,285,185, for Projects #1, 2, and 3 of the Drainage System Repairs Projects.

5. Receive a Report regarding Public Works Department Services, Key Accomplishments over the past seven years, and the 2024 Infrastructure Report Card

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

PUBLIC HEARINGS

7. Resolution 2024-099 - Consideration of a partial after-the-fact Permanent Encroachment Permit, PERM EN 23-077 (Givens), for development in the public right of way which includes a series of terraced retaining walls, a new staircase with handrail, and a new driveway retaining wall located on the southeast corner of Torres Street and 5th Avenue in the Single-Family Residential (R-1) District.

FUTURE AGENDA ITEMS

ADJOURNMENT

8. Presentations received after agenda posting

9. 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

December 3, 2024
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Paul Tomasi, Chief of Police & Public Safety Director
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Second Reading and Adoption of Ordinance No. 2024-002, amending Chapter 10.36.010 of the Carmel-by-the-Sea Municipal Code by adding subsection (1), under Section (C); Identifying Commercial Loading Zones to comply with CVC 22500 and Assembly Bill 413-The "Daylighting Bill"

RECOMMENDATION:

Waive the reading in full and adopt Ordinance No. 2024-002, amending Chapter 10.36.010 of the Carmel-by-the-Sea Municipal Code adding subsection (1), under Section (C); Identifying Commercial Loading Zones to comply with CVC 22500 and Assembly Bill 413-The "Daylighting Bill".

BACKGROUND/SUMMARY:

Assembly Bill (AB) 413 is a state law that went into effect on January 1, 2024. Also known as the "Daylighting Bill," AB 413 amended the California Vehicle Code (CVC) Section 22500 to prohibit the Stopping, Standing, or Parking of any vehicle on the approach side of the intersection within 20 feet of any marked or unmarked crosswalk, or within 15 feet of any intersection with a curb extension. AB 413 allows local authority to permit commercial loading or unloading in areas impacted by AB 413, if the local authority; (a) authorizes the commercial vehicle loading and unloading by ordinance and identifies the locations in an ordinance; and (b) marks the commercial loading and unloading zones with paint or signage.

Staff is recommending a change to the Carmel-by-the-Sea Municipal Code (CMC) Chapter 10.36.010 “Loading Zones - Indication” by adding subsection (C)(1) identifying the intersections in the City commercial loading zones at which the City intends to authorize vehicle loading and unloading subject to the requirements of AB 413 and CVC Section 22500.

Current language of CMC 10.36.010:

10.36.010 Loading Zones – Indication.

A. The City Council is authorized to determine and to mark loading zones as follows:

1. At any place in the central traffic district or any business district;

2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes exclusive of the passenger loading zones at the entrances to public theaters.

C. Commercial loading zones and combined commercial loading and passenger loading zones shall be indicated by a yellow paint line stenciled with black letters, “Loading Only,” upon the tops of all curbs within such zones, and the combined commercial loading and passenger loading zone shall in addition be marked with a suitable sign.

D. Passenger loading zones shall be indicated by a white line stenciled with black letters, “Passenger Loading Only,” upon the tops of all curbs in the zones. (Ord. 177 C.S. § 1, 1968; Ord. 196 § 52, 1938; Code 1975 § 551).

Staff’s recommendation is to add the following language under Section (C); adding Subsection (1) with the following language:

C. Commercial loading zones and combined commercial loading and passenger loading zones shall be indicated by a yellow paint line stenciled with black letters, “Loading Only,” upon the tops of all curbs within such zones, and the combined commercial loading and passenger loading zone shall in addition be marked with a suitable sign.

1. Per California Vehicle Code section 22500 and AB 413, Commercial Loading Zones are permitted within 20 feet of the vehicle-approach side of the crosswalk(s), marked or unmarked, at each of the following intersections. If a curb extension is present, the Commercial Loading Zones are permitted within 15 feet of the crosswalk(s) marked or unmarked, at each of the following intersections. Curbs shall be painted yellow and stenciled with black letters indicating “Commercial Loading 20 Minutes Only”:

- **Northside of 4th, East of Mission**
- **Westside of Mission, North of 4th**
- **Northside of 4th, East of San Carlos**
- **Eastside of San Carlos, South of 4th**
- **Westside of Junipero, North of 5th**
- **Eastside of Junipero, South of 5th**
- **Westside of Mission, North of 5th**
- **Eastside of San Carlos, South of 5th**
- **Eastside of Dolores, South of 5th**
- **Eastside of Lincoln, South of 5th**
- **Westside of Mission, North of 6th**
- **Eastside of Mission, South of 6th**
- **Southside of 6th, West of Mission**
- **Westside of San Carlos, North of 6th**
- **Eastside of San Carlos, South of 6th**
- **Southside of 6th, West of San Carlos**
- **Westside of Dolores, North of 6th**
- **Northside of 6th, East of Lincoln**
- **Eastside of Lincoln, South of 6th**

- **South side of 6th, West of Lincoln**
- **Eastside of Monte Verde, South of 6th**
- **Southside of 7th, West of Junipero**
- **Northside of 7th, East of San Carlos**
- **Westside of San Carlos, North of 7th**
- **Southside of 7th, West of San Carlos**
- **Northside of 7th, East of Dolores**
- **Westside of Dolores, North of 7th**
- **Eastside of Dolores, South of 7th**
- **Southside of 7th, West of Dolores**
- **Northside of 7th, East of Lincoln**
- **Eastside of Lincoln, South of 7th**
- **Westside of Lincoln, North of 7th**
- **Northside of 7th, East of Monte Verde**
- **Northside of 8th, East of Lincoln**
- **Westside of Dolores, North of 8th**
- **Eastside of Dolores, South of 8th**
- **Westside of San Carlos, North of 8th**
- **Northside of 8th, East of San Carlos**
- **Northside of 8th, East of Camino Real**
- **Southside of 8th, West of Camino Real**
- **Northside of 8th, East of Carmelo**
- **Southside of 8th, West of Carmelo**
- **Southside of 9th, West of Dolores**
- **Southside of 9th, West of San Carlos**
- **Eastside of San Carlos, South of 12th**

FISCAL IMPACT:

None for this action.

PRIOR CITY COUNCIL ACTION:

At the November 5, 2024 regular meeting the City Council voted request the City Attorney read the title of the Ordinance only and to waive the reading in full and introduce Ordinance No. 2024-002.

ATTACHMENTS:

Attachment 1) Draft Ordinance No. 2024-002

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

ORDINANCE NO. 2024-002

AN ORDINANCE OF THE CITY COUNCIL OF CARMEL-BY-THE-SEA AMENDING CHAPTER 10.36.010 OF THE CARMEL-BY-THE-SEA MUNICIPAL CODE BY ADDING SUBSECTION (1), UNDER SECTION (C); IDENTIFYING COMMERCIAL LOADING ZONES TO COMPLY WITH CVC 22500 AND ASSEMBLY BILL 413-THE "DAYLIGHTING BILL"

WHEREAS, on October 2023, Governor Gavin Newson signed Assembly Bill 413 (AB 413) into law, which aims to increase visibility at crosswalks across California; and

WHEREAS, AB 413 went into effect January 1, 2024, and enforcement is required to begin on January 1, 2025; and

WHEREAS, AB 413, also known as the “Daylighting Bill,” adds adds subdivision (n) to the existing California Vehicle Code section 22500: Stopping, Standing and Parking, generally prohibiting the stopping, standing, or parking of a vehicle within 20 feet of the vehicle approach side of any marked or unmarked crosswalk, or within 15 feet of any crosswalk where a curb extension is present; and

WHEREAS, AB 413 allows local authority to permit commercial loading or unloading in areas impacted by AB 413 if the local authority: (a) authorizes the commercial vehicle loading and unloading by ordinance and identifies the specific locations in the ordinance; and (b) marks the commercial loading and unloading zones with paint or signage; and

WHEREAS, the Traffic Safety Committee (TSC) has analyzed accident data for the City from the past six years and has identified intersections that have the highest probability for pedestrian versus vehicle accidents, determined the number of parking spaces in the business district, and have come up with a plan to convert certain areas into loading zones in compliance with AB 413; and

WHEREAS, on August 28, 2024, the TSC presented the draft AB 413 Parking Plan to the public, and on October 1, 2024, the TSC presented the plan to City Council; and

WHEREAS, the proposed AB 413 Parking Plan brings the City into compliance with AB 413 and allows for flexibility based on future needs of the City while limiting the impact on the City’s existing available parking. Future changes to the plan would be made by the TSC, unless required to be made through the City Council; and

WHEREAS, the City Council gave direction to staff on October 1, 2024 to return with a draft ordinance amending Carmel-by-the-Sea Municipal Code Chapter 10.36.010 “Loading Zones” to identify the areas converted to Commercial Loading Zones and to begin implementation of the proposed parking plan associated with AB 413.

THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10.36.010 is hereby amended, to add Subsection (C)(1) as follows:

10.36.010 Loading Zones – Indication.

A. The City Council is authorized to determine and to mark loading zones as follows:

1. At any place in the central traffic district or any business district.
2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes exclusive of the passenger loading zones at the entrances to public theaters.

C. Commercial loading zones and combined commercial loading and passenger loading zones shall be indicated by a yellow paint line stenciled with black letters, "Loading Only," upon the tops of all curbs within such zones, and the combined commercial loading and passenger loading zone shall in addition be marked with a suitable sign.

1. Per California Vehicle Code section 22500 and AB 413, Commercial Loading Zones are permitted within 20 feet of the vehicle-approach side of the crosswalk(s), marked or unmarked, at each of the following intersections. If a curb extension is present, the Commercial Loading Zones are permitted within 15 feet of the crosswalk(s) marked or unmarked, at each of the following intersections. Curbs shall be painted yellow and stenciled with black letters indicating "Commercial Loading 20 Minutes Only":

- **Northside of 4th, East of Mission**
- **Westside of Mission, North of 4th**
- **Northside of 4th, East of San Carlos**
- **Eastside of San Carlos, South of 4th**
- **Westside of Junipero, North of 5th**
- **Eastside of Junipero, South of 5th**
- **Westside of Mission, North of 5th**
- **Eastside of San Carlos, South of 5th**
- **Eastside of Dolores, South of 5th**
- **Eastside of Lincoln, South of 5th**
- **Westside of Mission, North of 6th**

- **Eastside of Mission, South of 6th**
- **Southside of 6th, West of Mission**
- **Westside of San Carlos, North of 6th**
- **Eastside of San Carlos, South of 6th**
- **Southside of 6th, West of San Carlos**
- **Westside of Dolores, North of 6th**
- **Northside of 6th, East of Lincoln**
- **Eastside of Lincoln, South of 6th**
- **South side of 6th, West of Lincoln**
- **Eastside of Monte Verde, South of 6th**
- **Southside of 7th, West of Junipero**
- **Northside of 7th, East of San Carlos**
- **Westside of San Carlos, North of 7th**
- **Southside of 7th, West of San Carlos**
- **Northside of 7th, East of Dolores**
- **Westside of Dolores, North of 7th**
- **Eastside of Dolores, South of 7th**
- **Southside of 7th, West of Dolores**
- **Northside of 7th, East of Lincoln**
- **Eastside of Lincoln, South of 7th**
- **Westside of Lincoln, North of 7th**
- **Northside of 7th, East of Monte Verde**
- **Northside of 8th, East of Lincoln**
- **Westside of Dolores, North of 8th**
- **Eastside of Dolores, South of 8th**
- **Westside of San Carlos, North of 8th**

- **Northside of 8th, East of San Carlos**
- **Northside of 8th, East of Camino Real**
- **Southside of 8th, West of Camino Real**
- **Northside of 8th, East of Carmelo**
- **Southside of 8th, West of Carmelo**
- **Southside of 9th, West of Dolores**
- **Southside of 9th, West of San Carlos**
- **Eastside of San Carlos, South of 12th**

D. Passenger loading zones shall be indicated by a white line stenciled with black letters, "Passenger Loading Only," upon the tops of all curbs in the zones.

SECTION 2. **Environmental Determination.** The proposed amendments are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15304 (exemption for minor alterations to land) because restriping of pavement, painting curbs, and related actions to implement the commercial loading restrictions are minor alterations in the condition of land that do not involve removal of healthy, mature, scenic trees. The proposed amendments are also categorically exempt from CEQA pursuant to CEQA Guidelines section 15301 (Class 1 Existing Facilities exemption) because restriping of pavement, painting curbs, and related actions are minor alterations of existing public facilities that involve no expansion of existing or former use. Further, none of the exceptions to the use of a categorical exception as set forth in CEQA Guidelines section 15300.2 apply to these improvements. Additionally, this matter does not have the potential for causing a significant effect on the environment, pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and involves only general policy and procedure making.

SECTION 3. **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.

SECTION 4. **Effective Date.** This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea.

SECTION 5. **Codification.** The City Clerk is hereby authorized and directed to codify the provisions of Section 1 of this Ordinance into the Carmel-by-the-Sea Municipal Code.

INTRODUCED, at a Regular City Council Meeting on November 5, 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this ____ day of _____ 2024 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

December 3, 2024
CONSENT AGENDA

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brandon Swanson, Assistant City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2024-094 authorizing the City Administrator to establish and adopt the new class specification and salary schedule of Library Associate, adopt revisions to the current Librarian I and II classes and new salary schedules.

RECOMMENDATION:

Adopt Resolution 2024-094 authorizing the City Administrator to establish and adopt the new class specification and salary schedule of Library Associate, adopt revisions to the current Librarian I and II classes and new salary schedules.

BACKGROUND/SUMMARY:

In December 2019, the City approved a new MOU for LiUNA/UPEC and two side letters committing the City to undertake two classification studies including Public Works Maintenance classes and Library classes. The 2019 Library Side Letter is **Attachment 4**. It was anticipated that the studies would be completed within a year of the MOU approval. Due to the pandemic the studies were delayed. The Public Works study was completed in late 2022. The Library study has been ongoing since 2023.

The Library Classification Study Report (**Attachment 5**) recommends adopting a new paraprofessional class specification for some of the current Library Assistants and a re-titling and revising of the Librarian I and Librarian II classes. The updated job descriptions for Supervising Librarian and Library Associate are included as **Attachments 2 & 3**. The compensation study indicated that the Librarian class was more than twelve percent (12%) below the market median of other nearby communities (**Attachment 6**).

Pay Schedule for General Employees Unit (affiliated unit of LiUNA) Classifications:

Establish the salary of the Library Associate Class at ten percent (10%) above the salary of the current Library Assistant class:

Library Assistant *(no change)*	G-204	Hourly:	$28.13	$29.54	$31.01	$32.56	$34.20
		Monthly:	$4,875.87	$5,120.27	$5,375.07	$5,643.73	$5,928.00
		Annual:	$58,510.40	$61,443.20	$64,500.80	$67,724.80	$71,136.00
Library Associate	G-234	Hourly:	$30.94	$32.49	$34.12	$35.83	$37.62
		Monthly:	$5,362.93	$5,631.60	$5,914.13	$6,210.53	$6,520.80

(pending approval)		Annual:	$64,355.20	$67,579.20	$70,969.60	$74,526.40	$78,249.60

Revise the pay schedule for the newly re-titled Librarian class with a top step of $7,726/month which is the market median of the surrounding agencies:

Librarian *(pending approval)*	G-254	Hourly:	$36.67	$38.50	$40.43	$42.45	$44.57
		Monthly:	$6,356.13	$6,673.33	$7,007.87	$7,358.00	$7,725.47
		Annual:	$76,273.60	$80,080.00	$84,094.40	$88,296.00	$92,705.60

Pay Schedule for Management Employees Unit (affiliated unit of LiUNA) Classifications:

Revise the pay schedule for the newly re-titled class of Supervising Librarian with a top step of $8,498/month which is ten percent (10%) above the Librarian top step:

Supervising Librarian *(pending approval)*	G-254	Hourly:	$40.34	$42.35	$44.47	$46.69	$49.03
		Monthly:	$6,992.27	$7,340.67	$7,708.13	$8,092.93	$8,498.53
		Annual:	$83,907.20	$88,088.00	$92,497.60	$97,115.20	$101,982.40

The LiUNA Management Employees Unit is more appropriate to represent the Supervising Librarian class. A Tentative Agreement between LiUNA General, LiUNA Management, and the City is included as **Attachment 7**.

The Resolution included as **Attachment 1** will adopt the recommendations which align with the City's goals of compensating its employees at a competitive and fair level considering the relevant labor market, while encouraging employees to maintain long-term employment with the City to provide knowledgeable and first-class municipal services to the City's residents and visitors.

FISCAL IMPACT:

The cost of these recommendations for the remainder of the fiscal year is estimated to be $63,725. The current budget has sufficient appropriations for the revised salary schedule. The FY 2025/26 budget will be developed to accommodate these increases.

PRIOR CITY COUNCIL ACTION:

Resolution 2019-08 adopted a new MOU for LiUNA on December 3, 2019, which included the side letters for the Library and Public Works studies.

ATTACHMENTS:

Attachment 1) Resolution 2024-094
Attachment 2) Exhibit A Supervising Librarian Job Description
Attachment 3) Exhibit B Library Associate Job Description
Attachment 4) Library Side Letter
Attachment 5) Carmel Classification Study Report
Attachment 6) Library Salary Survey
Attachment 7) Library Tentative Agreement signed

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2024-094

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO ESTABLISH AND ADOPT THE NEW CLASS SPECIFICATION AND SALARY SCHEDULE OF LIBRARY ASSOCIATE, ADOPT REVISIONS TO THE CURRENT LIBRARIAN I AND II CLASSES AND NEW SALARY SCHEDULES IN ACCORDANCE WITH MUNICIPAL CODE 2.52.520

WHEREAS, there is a Memorandum of Understanding (MOU) between the City and general employees represented by the Laborers' International Union of North America, United Public Employees of California; and

WHEREAS, in December 2019 the City of Carmel-by-the-Sea approved a new MOU with the Laborers' International Union of North America, United Public Employees of California (LiUNA/UPEC), and two side letters committing the City to undertake two classification studies including Public Works Maintenance classes and Library classes; and

WHEREAS, after pandemic delays the Public Works study was completed in late 2022 and the Library study has been ongoing since 2023; and

WHEREAS, the City has the goal of compensating its employees at a competitive and fair level considering the relevant labor market, while encouraging employees to maintain long-term employment with the City to provide knowledgeable and first-class municipal services to the City's residents and visitors; and

WHEREAS, the City and LiUNA/UPEC have reached an agreement which is embodied in the attached Memorandum of Understanding for the period of July 1, 2022 through June 30, 2024; and

WHEREAS, Municipal Code 2.52.520 and amendments thereto provide, among other things that the City Council establish the legal current salary range from the salary schedule for each class of position; and

WHEREAS, the salary resolution is adopted annually or periodically by the City Council upon review and recommendation of the City Administrator; and

WHEREAS, the California Public Employee's Retirement Law, at Section 570.5 of the California Code of Regulations Title 2, requires the City to publish pay rates and ranges on the City's internet site and the City Council to approve the pay rates and range in its entirety each time a modification is made; and

WHEREAS, staff recommends that the City Council adopt the current City pay rates and ranges for General Unit classifications be amended.

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

1. Authorize and approve the City Administrator to establish the new Supervising Librarian and Library Associate job descriptions **(Exhibits A & B)**
2. Authorize and approve the City Administrator to establish the salary ranges below:

Library Assistant *(no change)*	G-204	Hourly:	$28.13	$29.54	$31.01	$32.56	$34.20
		Monthly:	$4,875.87	$5,120.27	$5,375.07	$5,643.73	$5,928.00
		Annual:	$58,510.40	$61,443.20	$64,500.80	$67,724.80	$71,136.00
Library Associate	G-234	Hourly:	$30.94	$32.49	$34.12	$35.83	$37.62
		Monthly:	$5,362.93	$5,631.60	$5,914.13	$6,210.53	$6,520.80
		Annual:	$64,355.20	$67,579.20	$70,969.60	$74,526.40	$78,249.60

Librarian	G-254	Hourly:	$36.67	$38.50	$40.43	$42.45	$44.57
		Monthly:	$6,356.13	$6,673.33	$7,007.87	$7,358.00	$7,725.47
		Annual:	$76,273.60	$80,080.00	$84,094.40	$88,296.00	$92,705.60

Supervising Librarian	G-254	Hourly:	$40.34	$42.35	$44.47	$46.69	$49.03
		Monthly:	$6,992.27	$7,340.67	$7,708.13	$8,092.93	$8,498.53
		Annual:	$83,907.20	$88,088.00	$92,497.60	$97,115.20	$101,982.40

3. Adopt revisions to the current Library Assistant, Librarian I, and Librarian II classes and retitle the Librarian I as Librarian and Librarian II as Supervising Librarian.
4. Reallocate four (4) of the current full-time Library Assistant positions to the newly adopted Library Associate class.
5. Place employees in the new/revised class at salary steps in accordance with Carmel Municipal Code 2.52.570 Salary Determination – Promotions
6. Modify the LiUNA Management Unit to add the class of Supervising Librarian and modify the LiUNA General Unit to delete the class of Librarian II.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of December, by the following roll call vote:

AYES:

NOES

ABSENT:

ABSTAIN:

APPROVED:

_____
Dave Potter, Mayor

ATTEST:

_____
Nova Romero, MMC, City Clerk

CITY OF CARMEL BY THE SEA

SUPERVISING LIBRARIAN

DEFINITION

Under general supervision, performs a variety of professional Library duties in the areas of adult and/or youth services; outreach; collection development; special collections, cataloging, technical services, reference, and/or other areas as assigned; provides technical and/or direct library services to the community and contributes to the development of programs and services for target audiences; identifies current community needs/interests and projects future needs; performs related work as required. Provides supervision for assigned staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Library and Community Activities Director. Exercises functional and technical supervision and training to less experienced librarians, paraprofessional, clerical, and technical staff and/or volunteers.

CLASS CHARACTERISTICS

This is the supervisory level class in the professional Librarian series. Incumbents are expected to function independently with programs, projects, technical assignments, and to provide training and supervision to staff and volunteers. Incumbents at this level receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of the assigned program or service area.
The Supervising Librarian is distinguished from Library and Community Activities Director by the latter's greater complexity of assignments, responsibilities that span multiple Library service areas, and overall administration of the department. It is distinguished from the Librarian class by its supervisory responsibilities and breadth of knowledge of specialty areas.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

- Provides citywide leadership in the area of assignment and/or general library operations.
- Oversees/supervises assigned professional, paraprofessional, and technical/clerical staff, and supervision to assigned staff including scheduling for assigned area.
- Participates in the selection, direction, training, and supervision of staff; assigns and schedules work and evaluates staff performance; counsels employees and recommends disciplinary action if/when appropriate.
- Develops, implements, and evaluates services and programs. Provides routine to complex assistance and advice to library users in the effective use of Library collections, facilities and services; demonstrates the use of library resources, tools, equipment, and electronic resources.
- Answers readers' advisory and reference questions by accessing a variety of print and non-print resources.
- Leads the development and management of library collections; reviews and analyzes collection use; selects and de-selects a variety of materials and e-resources for purchase based on community and user needs and attention to the variety of ages, abilities, education, interests, languages, cultures, and socioeconomic backgrounds; may select

materials and e-resources for an assigned area of a branch collection or for the systemwide collection; manages collection budgets on a branch or system-wide basis.
- Provides input on policy and procedure revisions and acquisition of equipment.
- Oversees maintenance of on-line public access catalog and all other computerized systems and equipment.
- Participates in the development and administration of the assigned Library annual budget; assists the Director in forecasting the additional funds needed for staffing, equipment, materials, and supplies.
- May participate in the development of RFP's and the negotiation of vendor contracts and service level agreements.
- Provides outreach to community organizations, and schools; informs community members and organizations about library services, programs, collections, and resources and serves as liaison with patrons, community groups and other departments; provides information on available resources, programs, and/or services.
- Organizes, maintains, and catalogs/indexes a variety of print and digital materials.
- Performs copy and original cataloging of print and non-print materials; creates, maintains, and updates catalog records.
- Oversees copy cataloging and creates original cataloging records, maintains library standards for bibliographic records, upgrades catalog records as needed, and interprets cataloging policies to staff.
- Directs the preparation of exhibits and displays; organizes and presents both live and virtual programs and events.
- Participates in meetings, committees, or projects intended to enhance services or promote consistent policies and procedures across the library.
- Participates with management and library staff in long-range planning for library services including evaluation and recommendation of purchases.
- Oversees the maintenance and improvements to the Library's website and integrated Library System (ILS).
- Responds to suggestions, requests, or concerns from library users, community members, and staff.
- Participates in continuing education programs and professional development as appropriate.
- Represents the library in meetings with the community or special interest groups.
- Participates in library meetings related to assigned area.
- Develop and oversee acquisition procedures; select suppliers and coordinate supply activities including periodicals, magazines, and newspapers.
- Oversees circulation activities including lending and return activities, coordinating requests for and distribution of materials for shut-in patrons; receive and process request for book selections.
- Maintains and compile library activity reports and statistics.
- Performs other duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:
- Principles, practices, and procedures of professional library work, including library reference, reader's advisory, community outreach, collection development, special collections and other professional library services.
- Principles, and practices of staff supervision, training, counseling, performance evaluation, and the disciplinary process.
- Practices of adult and youth services, including provision of reader's advisory services, program presentation, and service promotion.

- Principles, techniques, and procedures in cataloging, indexing, classifying, and organizing library materials.
- Principles, practices, and techniques of public relations, community outreach, and service promotion.
- Principles, practices, and techniques of creating, organizing, and presenting a variety of programs for library users.
- Principles and techniques used in research.
- Library materials selection, de-selection, and weeding standards.
- Technological, professional, and societal developments, current literature, and sources of information related to library services.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures relevant to assigned area of responsibility.
- Record keeping principles and procedures.
- Modern office practices and technology.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Techniques for effectively representing the Library in contacts with governmental agencies, community groups, various business, professional, educational, and regulatory organizations, and the public.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, other local agencies, and Library staff.

Ability to:

- Hire, train, supervise, motivate, and evaluate assigned staff.
- Create, organize, and/or present appropriate programs for target audiences.
- Advise library users on reference sources and methods.
- Perform detailed reference searches using online, print, and other methods.
- Provide reader's advisory services and referrals to library users.
- Instruct library users and staff in the use of catalogs and reference tools.
- Identify the needs of the public and assist with collection development by evaluating and recommending materials for acquisition.
- Evaluate technology, recommend standards, and make appropriate recommendations for purchase and implementation of software or other technology products.
- Use initiative and independent judgment.
- Organize own work and the work of others, set priorities, and meet deadlines.
- Maintain accurate records and files.
- Prepare clear and concise reports and other written materials.
- Use technology to assist library users to conduct research, prepare reports, and use email and other communications technologies.
- Interact tactfully and diplomatically during interactions with staff, the public, and community groups while appropriately adhering to and enforcing library policies, procedures, and practices.
- Make sound, independent decisions within established policy and procedural guidelines.
- Use English effectively to communicate orally and in writing.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

Master of Library and Information Science (MLIS), Master of Library Science (MLS), or Master of Science in Library Science (MSLS) degree from an accredited college or university; two (2) years of experience as a professional librarian.

Previous supervisory experience is desirable.

Possession of a California driver's license, Class C may be required.

Possession of a California driver's license, Class C may be required.

Special Requirements:

Physical Demands
Must possess mobility to work in a standard office and library setting and use standard office equipment, including a computer; vision to read printed materials and a computer screen; hearing and speech to communicate in person, before groups, and over the telephone; and the ability to operate a motor vehicle in order to travel to various branches, meeting sites, educational institutions, and community events. This classification primarily works indoors and requires movement between work areas. Finger dexterity is needed to access, enter, and retrieve materials and data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push and pull drawers open and closed to retrieve and file information. May push and pull carts and shelving units weighing up to fifty (50) pounds. Positions in this classification occasionally shelve books and lift and carry reports, records, and materials that typically weigh less than twenty-five (25) pounds.

Work Environment
Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances; some outreach assignments may involve outdoor work. Employees may interact with staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures. Employees in assignments providing direct assistance to the public may encounter abrasive, disruptive, and/or disorderly members of the community.

May be required to work flexible schedules including evenings and weekends.

CITY OF CARMEL BY THE SEA

LIBRARY ASSOCIATE

DEFINITION

Under general supervision, performs a variety of paraprofessional duties that follow established procedures and involve a variety of library support services such as reference, readers' advisory, outreach, program support and collection maintenance; provides direct patron support through instruction and aid in the use of library resources; provides supplemental circulation services and performs related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a Supervising Librarian or the Library and Community Activities Director. May provide technical direction to clerical or technical staff and/or volunteers.

CLASS CHARACTERISTICS

This is a paraprofessional level class, functioning as support staff to Librarians by assisting library users with reference questions and readers' advisory, and providing other program support. At this level incumbents work independently within identified parameters and resolve problems of diverse scope where analysis requires evaluation of identifiable factors. This class is distinguished from the Librarian class series in that the Librarian requires broader technical knowledge and training in library services. This class is distinguished from the Library Assistant in that the Library Associate requires the performance of paraprofessional duties of a broader nature such as program planning and development and community outreach activities.

EXAMPLES OF IMPORTANT/ESSENTIAL DUTIES

- Receives and responds to questions from library users concerning resources; answers reference questions from users, may collaborate with other library staff and direct more difficult reference questions to appropriate staff. Responds to suggestions, requests, or concerns from library users or community members.
- Plans, develops, and presents programs and conducts education and training for a variety of groups within the library and within the community including but not limited to story time and book clubs.
- May serve as a liaison with the patrons and various community groups with respect to planning and conducting programs.
- Performs outreach activities within the community as assigned.
- Assists Librarians with larger programs/events as assigned.
- Assists internal and external customers in person, over the telephone and through electronic communication.
- Monitors equipment and work area problems; coordinate purchases or repairs necessary to resolve issues/problems.

- May suggest books and materials for purchase or de-selection; may participate in the ordering and procurement of materials.
- Uses a computer to enter and retrieve information, locate library materials and to check materials in and out; receives and processes requests and holds.
- Provides information regarding library services, policies, and procedures and the location and use of library materials and equipment.
- May compile library activity reports and statistics.
- Maintains positive relationships with other staff and members of the public.
- Performs other duties as assigned.

JOB RELATED/ESSENTIAL QUALIFICATIONS

Knowledge of:

- Principles, practices, and procedures of paraprofessional library work, including library reference, reader's advisory, community outreach, collection development, special collections and other professional library services.
- Principles and techniques used in the development and presentation of outreach and library programs.
- Core library operating principles, including confidentiality of customer information, freedom of information, and intellectual freedom.
- Techniques for providing a high level of customer service by effectively working with the public, vendors, contractors and Library staff.
- Alphabetic and numeric systems for classifying and organizing library materials.
- Standard library practices and procedures including circulation.
- Applications of automated library systems.
- Principles, practices, and techniques of effectively dealing with the public and public relations.
- Library classification, cataloging, and bibliographic terminology.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures relevant to assigned area of responsibility.
- Basic record keeping principles and procedures.
- Basic principles and practices of data collection and report preparation.
- Basic arithmetic principles and cash handling.
- Modern office practices, methods and computer equipment.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures relevant to assigned area of responsibility.
- Record keeping principles and procedures.
- Modern office practices and technology.
- English usage, grammar, spelling, vocabulary, and punctuation.
- Techniques for effectively representing the Library in contacts with governmental agencies, community groups, various business, professional, educational, and regulatory organizations, and the public.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, other local agencies, and Library staff.

Ability to:

- Perform paraprofessional and basic professional library tasks as assigned including reference, readers' advisory, collection management, outreach, and program development and support.

- Advise library users on the use of library resources, equipment, and facilities.
- Organize own work, set priorities, and meet deadlines.
- Interpret, explain, and apply all relevant Library policies and procedures, and applicable Federal and State laws, codes, and regulations.
- Understand customer's needs and deliver services by focusing on the customer.
- Explain policies and procedures to library users.
- Take initiative to ensure a positive and successful customer experience by contributing to finding solutions, regardless of assigned responsibility.
- Use computers and other technology to assist customers, conduct research, prepare reports, and use email and other communications technologies.
- Use tact, initiative, prudence, and independent judgment to make sound, independent decisions within established policy, procedural, and legal guidelines.
- Use English effectively to communicate in person, over the telephone, and in writing.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.
- Respond to customers and address customer issues in a timely, accurate, courteous, and respectful manner.
- Keep relevant parties informed of all major issues; recommend changes if/where appropriate.
- Establish, maintain and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

Any combination of education and experience that demonstrates the required knowledge and ability is qualifying. A typical way to obtain the required qualifications is:

A bachelor's degree and two (2) years of library experience.

Additional library experience may substitute for the required education on a 2:1 basis (e.g. two (2) years' experience = one (1) year of library science education).

Possession of a California driver's license, Class C may be required.

Special Requirements:

Physical Demands

Must possess mobility to work in a standard office and library setting and use standard office equipment, including a computer; vision to read printed materials and a computer screen; hearing and speech to communicate in person, before groups, and over the telephone; and the ability to operate a motor vehicle in order to travel to various branches, meeting sites, educational institutions, and community events. This classification primarily works indoors and requires movement between work areas. Finger dexterity is needed to access, enter, and retrieve materials and data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push and pull drawers open and closed to retrieve and file information. May push and pull carts and shelving units weighing up to fifty (50) pounds. Positions in this classification occasionally shelve books and lift and carry reports, records, and materials that typically weigh less than twenty-five (25) pounds.

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Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances; some outreach assignments may involve outdoor work. Employees may interact with staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures. Employees in assignments providing direct assistance to the public may encounter abrasive, disruptive, and/or disorderly members of the community.

May be required to work flexible schedules including evenings and weekends.

Exhibit A

Side Letter between LiUNA and the City of Carmel by the Sea dated

Classification and Compensation

The City will undertake a review of the Public Works Maintenance related classes as well as the Librarian series and Library Assistant classes, including the Circulation Supervisors position. The City will begin this study within 90 days of the approval of the MOU. It is anticipated that this will take approximately nine (9) months to complete at which time the City will meet and confer with LiUNA to discuss the findings. If the study is not completed within nine (9) months, the City will provide bi-weekly progress updates to LiUNA until the study has been completed and shared with LiUNA.

City of Carmel by the Sea
Classification and Compensation Review of Library Staff

Introduction

Carmel-by-the-Sea is a beautiful and quaint coastal community located on the Monterey Peninsula. It is famous for its European-style village, picturesque white sand beach, and dog friendly downtown with hundreds of shops, restaurants, and art galleries. Carmel is a popular tourist destination and offers a wide variety of cultural activities to its residents and visitors. Carmel's population is approximately 4,000 residents.

The City of Carmel-by-the-Sea ("The City") is a general law city with a City Council/City Administrator form of government. The City Council is comprised of four generally elected Councilmembers and an elected Mayor. Traditionally, the City Council adopts annual goals and objectives for the City that strongly value the City's community character, long-term vitality, organizational effectiveness, and fiscal stability.

Background

In November of 2019, the City of Carmel by the Sea and the Union (LiUNA) agreed to a side letter to undertake a review of the Library classes.

The City Council approved the successor Memorandum of Understanding with LiUNA in 2019. The City had plans to begin the study in the spring when the 2020 Coronavirus Pandemic shut down operations and beginning the study was delayed. A study of the classes in the Public Works Department was undertaken in 2021 and completed in 2022. The Library study began in March 2023. Sloan Sakai Yeung and Wong consultant Georgia Cochran was contracted by the City of Carmel by the Sea to undertake this review.

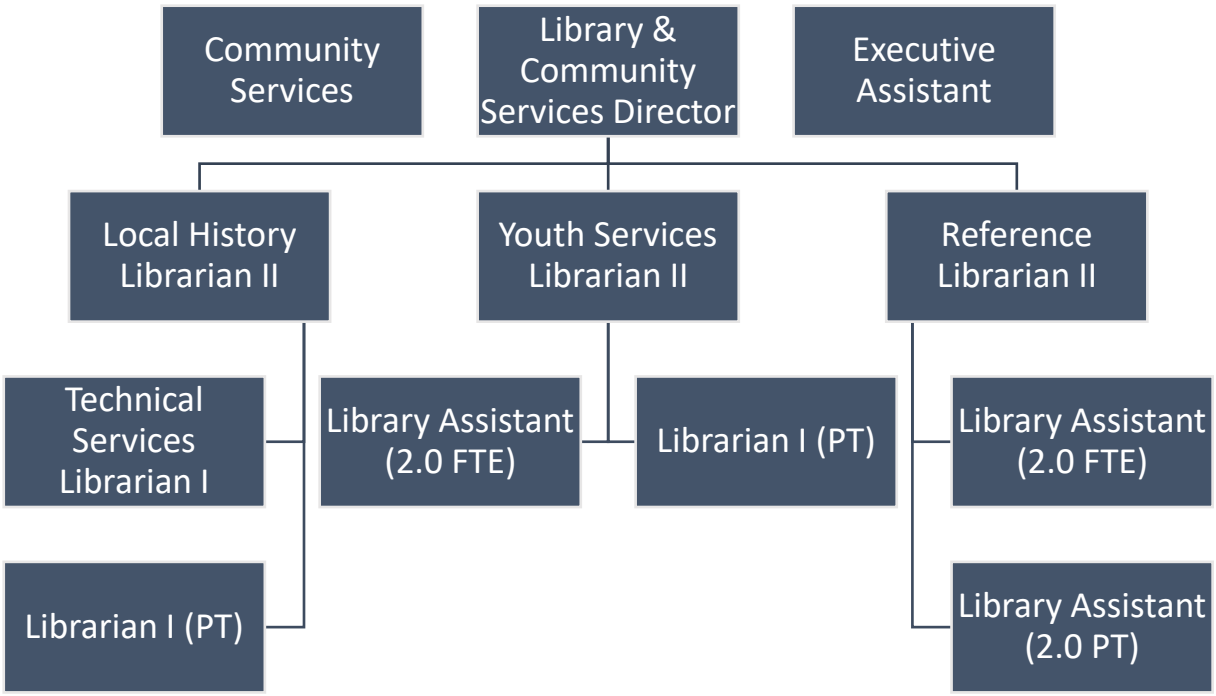
Carmel Library

The Carmel Library consists of the Harrison Memorial Library, the Park Branch Library, and a local history collection. It serves as an efficient medium for the free and equitable distribution and exchange of books, information, and ideas; and a recognized social center providing the community with a place to learn, interact and gather. The Library aspires to be a welcoming place, in-person and virtually, where reading, learning and imagination thrive; a recognized leader and respected voice in our community; and a model library in our industry.

The Library is governed by a five-member Board of Trustees appointed by the City Council. The Harrison Memorial Library Board of Trustees, the Carmel Public Library Foundation, Harrison Memorial Library Friends of the Library, and the City work together in partnership to sustain the vital and historic tradition of providing free public library service of excellent quality for the residents and visitors of the City of Carmel and the Monterey Peninsula.

This report is focused mainly on the appropriate classes used in the Library and provides both classification and compensation recommendations.

The Carmel Library organization chart is provided below for context to this report.



Methodology/Tasks

The study began in March of 2023 with a discussion of the proposed methodology for data gathering which included data collection from incumbents as well as supervisors and including comments from Ashlee Wright, the Director of Library and Community Services.

Library employees were asked to complete a position description questionnaire (PDQ) to provide information about their assignment, tasks, background, and other data. The documents were submitted by employees in March 2023.

Follow up interviews were done in March and April 2023 via telephone with Library staff which included:

Name	Job Title/Assignment	Length of Service (at time of interview)
Katie O'Connell	Librarian II/Local History/Park Branch	7 years
Lea Ann MacDonald	Librarian II/Youth Services	10 months
Aubrey Young	Librarian/Technical Services/Harrison Library	8 months
Sarah Cohen	Librarian (part time)	5 months

Sierra Eng-Hampton	Librarian (part time)	7 months
Jeanette Campbell	Library Assistant /Harrison Library	28 years
Renee Martine	Library Assistant/Park & Harrison Libraries	27 years
Michaela Carroza	Library Assistant/Park Library	10 years
Afza Irani	Library Assistant/Harrison Library	1 year 3 months
Randy Nolan	Library Assistant (part time)/Harrison Library	1 year 5 months
Cindy McConnell	Library Assistant (part time)/Harrison Library	1 year 3 months

Following a review of all the information obtained the City's current class specifications were reviewed against the notes from the individual interviews and drafts of revised/new class specifications began.

After discussions with LiUNA regarding the class structure, a salary survey was conducted using the Library Assistant II and the Librarian classes as benchmarks. The results of that survey (attached) indicate that the Library Assistants were slightly above market (using the City's traditional coastal agencies as comparators) and the Librarian class was below market.

Findings/Observations

The City' Library operations are small. The City has multiple Librarian classes (Reference Librarian, Technical Services Librarian, etc.), which can limit the Library's ability to assign professional staff where needed. It was noted that the full time Library Assistants were performing beyond the typical clerical/technical definition and spent a significant amount of their time performing what is best termed as 'para-professional' duties, including multiple outreach activities and developing and conducting programs such as story time. While these duties do not rise to the level of a Librarian, the para-professional duties justify a separate class to distinguish it from a Library Assistant.

All the incumbents interviewed expressed an attitude of teamwork and stated that while they are assigned in one area that they are occasionally called upon to assist in another area due to workload, staffing, or other pressing priorities.

A salary survey was done for the classes of Library Assistant and Librarian in the spring of 2024; salaries were updated as of July 2024. The supervisor class was reviewed but not surveyed as there are insufficient matches within the survey jurisdiction and industry standards generally set a supervisory class a set percentage above the highest class supervised. The salaries of the Library Assistant class were shown to be above the median of the agencies surveyed by almost 3% as of July 2024. The Librarian class, however, was just over twelve percent (12%) below the median of the agencies surveyed.

Recommendations

Existing Class Revisions:

1. Combine the Librarian classes (Technical Services, Reference) into a single 'Librarian' class with functions for these areas included in the class specification and referencing that each incumbent may be assigned to perform duties in one or multiple areas.
2. Revise the current Library Assistant to accurately reflect the duties being performed.
3. Modify the Librarian II class specification to reflect all the duties currently being performed by the Libarian II's and re-title the class to Supervising Librarian to accurately reflect their role. The distinguishing feature between the current structure of Librarian I and Librarian II is the supervision and oversight responsibilities. It is more easily recognizable for that with the recommended title.

Create New Class:

4. Create a new class of Library Associate to reflect the paraprofessional duties currently being performed by the full time Library Assistants.

Compensation:

5. Set the salaries for the Library classes as follows:

Class Title	Current Step 5	Proposed Step 5	Change (%)	% above
Library Assistant	5,928/mo.	5,928/mo.	0%	
Library Associate (new)	n/a	6,521/mo.	n/a	10%
Librarian	6,881/mo.	7,726/mo.	+~12%%	n/a%
Supervising Librarian	7,604/mo.	8,498/mo.	+~10%	10%

This reflects setting the salary of the new Library Associate at ten percent (10%) above the current class of Library Assistant, setting the Librarian class at the surveyed median and setting the Supervising Librarian at ten percent (10%) above the Librarian class.

Allocations:

6. Allocate the current full-time Library Assistants and any vacant full-time Library Assistant positions to the newly created Library Associate class.
7. Allocate the current Librarian I's (reference or technical services) and any vacant Librarian positions to the revised class of Librarian.
8. Allocate the current Librarian II's and any vacant positions to the revised class of Supervising Librarian.

(This recommendation aligns with the City's goals of compensating its employees at a competitive and fair level considering the relevant labor market, while encouraging employees to maintain long-term employment with the City to provide knowledgeable and first-class municipal services to the City's residents and visitors.)

Exhibits:

A. 2109 Side Letter between LiUNA and the City of Carmel by the Sea (unsigned copy)
B. New Classification Specification – Library Associate
C. Revised Classifications – Library Assistant, Librarian and Supervising Librarian
D. Salary data (as of July 2024)

SloanSakai
Sloan Sakai Yeung & Wong LLP

EXHIBIT D

City of Carmel
Title: Librarian (Librarian I)
Analysis Date: August 2024

	Survey Agency	Comparable Classification	Work Unit	Top Step Monthly Salary	Rank
	Capitola	N/C			
	Hollister	N/C			
	Marina	N/C			
	Monterey County	Librarian II	CEMA	$7,746	3
	Monterey City	N/C		$7,782	2
	Pacific Grove	Librarian	MEA	$7,705	4
	Salinas	Librarian II	SMEA	$6,361	7
	Santa Cruz	Librarian II	MGMT	$8,007	1
	Seaside	N/C			
	Watsonville	Librarian	Mid-MGMT	$7,041	5
	Carmel	Librarian I	General	$6,881	6
			Median	$7,726	
			Variance From Median	-12.27%	
			Average	$7,440	
			Variance From Average	-8.12%	

SloanSakai
Sloan Sakai Yeung & Wong LLP

EXHIBIT D

City of Carmel
Title: Library Assistant
Analysis Date: August 2024

	Survey Agency	Comparable Classification	Work Unit	Top Step Monthly Salary	Rank
	Capitola	N/C			
	Hollister	N/C			
	Marina	N/C			
	Monterey County	Library Assistant II	SEIU 521	$4,730	6
	Monterey City	Library Assistant II	GEM	$5,976	2
	Pacific Grove	Library Assistant	General	$5,951	3
	Salinas	Library Clerk	SMEA	$4,565	7
	Santa Cruz	Library Assistant II	SEIU	$5,999	1
	Seaside	N/C			
	Watsonville	Library Assistant	SEIU	$5,604	5
	Carmel	Library Assistant	General	$5,928	4
			Median	$5,777	
			Variance From Median	2.61%	
			Average	$5,471	
			Variance From Average	8.36%	

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Attachment 7

Tentative Agreement

Between

LiUNA GENERAL UNIT AND LiUNA MANAGEMENT UNIT

And

The City of Carmel by the Sea

November 13, 2024

The attached agreement is submitted for the resolution of all issues currently being discussed related to the Classification and Compensation of the City of Carmel's Library classes.

Acceptance of Class Specifications:

- Accept the new classification of Library Associate (attached)
- Accept the revised classifications of Library Assistant, Librarian, and Supervising Librarian (attached)

Bargaining Unit Modification:

- Delete the current Librarian II class from the General Unit
- Add the new class of Supervising Librarian to the Management Unit

Salaries:

- Library Assistant class – salary remains the same
- Library Associate – set the salary at 10% above the Library Assistant class – move the four (4) full time positions of Library Assistant (and any associated employees) to the class of Library Associate, place incumbents into the salary range in accordance with Carmel's Municipal Code
- Librarian – set salary at median of surveyed agencies, Top Step of $7,726/mo.
- Supervising Librarian – set the salary at 10% above the Librarian class.

Signed by:
Ryan Heron
73945E7B0C6C498...

For LiUNA

11/20/2024

Date

DocuSigned by:
Brandon Swanson
371EC7DDB19148A...

for the City

11/22/2024

Date

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

December 3, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brandon Swanson, Assistant City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2024-095 Authorizing the Mayor to Execute a Seventh Amendment to the City Administrator At-Will Employment Agreement Effective October 1, 2024.

RECOMMENDATION:

Adopt Resolution 2024-095 Authorizing the Mayor to Execute a Seventh Amendment to the City Administrator At-Will Employment Agreement Effective October 1, 2024.

BACKGROUND/SUMMARY:

On February 2, 2016, the City entered into an Employment Agreement with Chip Rerig, to serve as the City Administrator with a base salary of $190,000. Since that time, the City Council has approved salary increases for the City Administrator and the current base salary of Mr. Rerig is **$241,087.60 (2022 base salary + 4% COLA approved in Aug. 2024)**

The attached Resolution authorizes the Mayor to execute a seventh amendment to the City Administrator At-Will Employment Agreement effective October 1, 2024. Exhibit A (**Attachment 2**) to the Resolution is a proposed seventh amendment to City Administrator At-Will Employment Agreement which includes a proposed salary increase of 4% of the current salary of $241,087 which is $9,643. The total base salary proposed in the Seventh Amendment is $250,730.

FISCAL IMPACT:

The proposed salary increase in the seventh amendment to the City Administrator At-Will Employment Agreement is $9,643.

PRIOR CITY COUNCIL ACTION:

- Resolution No. 2016-012: Resolution authorizing the Mayor to execute an Employment Agreement between the City and Chip Rerig on February 2, 2016

- Resolution No. 2017-088: Resolution approving a First Amendment to the City Administrator Employment Agreement on August 8, 2017

- Resolution No. 2018-110: Resolution authorizing the Mayor to execute a Second Amendment to the

City Administrator Employment Agreement Effective March 1, 2018

- Resolution No. 2020-034: Resolution authorizing the Mayor to Execute a Third Amendment to the City Administrator At-Will Employment Agreement Effective June 1, 2020

- Resolution No. 2020-077: Authorizing the Mayor to Execute a Fourth Amendment to the City Administrator At-Will Employment Agreement Effective November 1, 2020

- Resolution No. 2022-015: Authorizing the Mayor to Execute a Fifth Amendment to the City Administrator At-Will Employment Agreement Effective October 1, 2021

- Resolution No. 2022-097: Authorizing the Mayor to Execute a Sixth Amendment to the City Administrator At-Will Employment Agreement Effective October 1, 2022

ATTACHMENTS:

Attachment 1) Resolution 2024-095
Attachment 2) Exhibit A

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2024-095

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE MAYOR TO EXECUTE A SEVENTH AMENDMENT TO THE CITY ADMINISTRATOR AT-WILL EMPLOYMENT AGREEMENT EFFECTIVE OCTOBER 1, 2024

WHEREAS, pursuant to Resolution No. 2016-012, the City of Carmel-by-the-Sea ("City") and Chip Rerig executed an Employment Agreement ("Employment Agreement") effective February 2, 2016 to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2017-088, City and Chip Rerig executed a First Amendment to the Employment Agreement to continue to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2018-110, City and Chip Rerig executed a Second Amendment to the Employment Agreement to continue to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2020-034, City and Chip Rerig executed a Third Amendment to the Employment Agreement to continue to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2020-077 City and Chip Rerig executed a Fourth Amendment to the Employment Agreement to continue to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2022-015 City and Chip Rerig executed a Fifth Amendment to the Employment Agreement to continue to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2022-097 City and Chip Rerig executed a Sixth Amendment to the Employment Agreement to continue to provide City Administrator services to the City; and

WHEREAS, pursuant to Resolution No. 2024-069 Amending At-Will (Unrepresented) Salary Ranges to align with Cost of Living Adjustments (COLAs) for the Management Unit Effective August 1, 2024 there was a 4% salary COLA salary increase for all At-Will employees including Chip Rerig; and

WHEREAS, the functions, duties and prerogatives of the City Administrator are specified in the Carmel-by-the-Sea Municipal Code and the provisions of the City Municipal Code shall control should any conflict exist pertaining to either this Resolution or the Seventh Amendment that it authorizes; and

WHEREAS the City Administrator shall continue to serve at the pleasure of the City Council; and

WHEREAS, this action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment; and

WHEREAS, the attached proposed Seventh Amendment to the Employment Agreement is presented to the City Council for approval.

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

Authorize a Seventh Amendment to the Employment Agreement as follows:

1. Effective October 1, 2024, increase the City Administrator's annual base salary for a merit increase based upon performance of 4% of the current salary of $241,087 which is $9643 and shall be increased to $250,730.

2. Section 4 of the Employment Agreement (Term) is amended to read: City Administrator's Term of employment shall continue until March 1, 2029 or the date of earlier termination in accordance with the provisions in the Employment Agreement unless the Term is extend by the Parties in writing.

3. The Mayor is authorized and directed to execute a Seventh Amendment to the City Administrator At-Will Employment Agreement (Exhibit A) to this Resolution.

4. This Resolution shall take effect immediately following passage and adoption by the Carmel-by-the-Sea City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of December 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: ATTEST:

Dave Potter, Mayor

Nova Romero, MMC, City Clerk

SEVENTH AMENDMENT TO CITY ADMINISTRATOR AT-WILL EMPLOYMENT AGREEMENT

This Seventh Amendment to City Administrator At-Will Employment Agreement ("Seventh Amendment") is made and entered into between the City of Carmel-by-the-Sea, California, a municipal corporation ("City") and Richard ("Chip") Lyons Rerig, an individual ("City Administrator"). The City and the City Administrator are sometimes individually referred to as a "Party" and collectively as "Parties." This Seventh Amendment shall be effective on October 1, 2024.

WHEREAS, the Parties entered into an Employment Agreement ("Employment Agreement") on February 2, 2016.

WHEREAS, pursuant to Section 7A of the Employment Agreement, City Administrator received a base salary that, at the time of the Employment Agreement, was $190,000.00.

WHEREAS, the current base salary of the City Administrator based upon Resolution No. 2024-069 is $241,087.

WHEREAS, pursuant to the Employment Agreement, the City Council of the City of Carmel-by-the-Sea ("City Council") grants salary increases to City Administrator in its discretion.

WHEREAS, the Parties now desire to amend the Employment Agreement as follows:

NOW, THEREFORE, in consideration of the promises herein, the Parties agree as follows:

1. Salary Increase: The City Council hereby approves a salary increase for merit based on performance for the City Administrator to $250,730 effective October 1, 2024.

2. Section 4 of the Employment Agreement (Term) is amended to read: City Administrator's Term of employment shall continue until March 1, 2029 or the date of earlier termination in accordance with the provisions in the Employment Agreement unless the Term is extend by the Parties in writing.

3. Government Code Provisions

   a. Pursuant to Government Code section 53260, in the event City provides City Administrator with a cash settlement related to termination of the Employment Agreement, the cash settlement shall not exceed the lesser of (1) an amount equal to the monthly salary of Employee multiplied by 18 or (2) an amount equal to the monthly salary of City Administrator multiplied by the number of months left on the unexpired term of the Employment Agreement.

   b. Pursuant to Government Code sections 53243 and 53243.3, in the event City provides paid leave salary to City Administrator pending an investigation into City Administrator, the City Administrator shall fully reimburse City for any paid leave salary if City Administrator is convicted of a crime involving an abuse of his office or position.

c. Pursuant to Government Code sections 53243.1 and 53243.3, in the event the City provides funds for City Administrator's legal criminal defense, the City Administrator shall fully reimburse City for any such funds if City Administrator is convicted of a crime involving an abuse of his office or position.

d. Pursuant to Government Code sections 53243.2 and 53243.3, in the event LAFCO provides City Administrator with a cash settlement related to City Administrator's termination, City Administrator shall fully reimburse City for any such cash settlement if City Administrator is convicted of a crime involving an abuse of his office or position.

e. Pursuant to Government Code section 53243.4, an "abuse of office or position" means (a) an abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority, or (b) a crime against public justice, including, but not limited to, a crime described in Title 5 (commencing with Section 67), Title 6 (commencing with Section 85), or Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

4. Except as specifically modified and amended in this Seventh Amendment, the Employment Agreement and its prior amendments remain in full force and effect and binding upon the Parties.

IN WITNESS WHEREOF, the Parties have executed this Seventh Amendment.

CITY OF CARMEL-BY THE SEA

A Municipal Corporation

By:_____
Dave Potter, Mayor
Date: _____

By:_____
Chip L. Rerig, City Administrator
Date: _____

ATTEST:

By:_____
Nova Romero, MMC, City Clerk
Date: _____

APPROVED AS TO FORM:

By:_____
Brian Pierik, City Attorney
Date: _____

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

December 3, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2024-098 authorizing the City Administrator to execute a construction contract with Coastal Paving & Excavating, Inc., in an amount, including contingency, of $1,285,185, for Projects #1, 2, and 3 of the Drainage System Repairs Projects.

RECOMMENDATION:

Adopt Resolution 2024-098 authorizing the City Administrator to execute a construction contract with Coastal Paving & Excavating, Inc., in an amount, including contingency, of $1,285,185, for Projects #1, 2, and 3 of the Drainage System Repairs Projects.

BACKGROUND/SUMMARY:

Known as the "Drainage System Repairs at 4 Locations Project," the project description was included in the Fiscal Year (FY) 2024/25 Capital Improvement Program (CIP) Budget as follows:

> *"The 2023 City-wide Drainage Master Plan Update identified numerous spot repairs needed for our existing underground storm drain pipes, as well as reconfigurations to eliminate significant "bottlenecks" in the drainage system. The Master Plan divided these repairs into 6 high priority repairs valued at $3.7M, 9 medium priority improvements at $7.7M, and 8 low priority projects at $3.3M. This Project, and subsequent projects programmed in the 5-year CIP, are intended to address these high priority issues.*
>
> *In July 2023, Neill Engineers was issued a $159,100 Amendment to their Professional Services Agreement to design four drainage system repairs: 1) along Eleventh Avenue, from Carmelo Street to San Antonio Avenue, 2) along Lincoln Street, from First to Second Avenues, and along Second Avenue, from Lincoln to Monte Verde Streets, 3) along Santa Fe Street, from Eighth Avenue south to the Mission Trail Nature Preserve outfall, and 4) a new headwall at Acacia Way/Flanders Way."*

Please note that Projects #1, 2, and 3 were listed as "high priority" improvements in the 2023 Storm Drain Master Plan Update (SDMPU). These three projects will redirect storm drainage from potentially flooding City streets and private properties by channeling the water into drain inlets and underground

drainage pipelines. For example, Project #2 will resolve a pending flooding claim/litigation issue with a County resident residing on the west side of Lincoln Street. Project #1 will discharge storm water properly into the Ocean, Project #2 will discharge into Pescadero Canyon, and Project #3 will discharge into the Mission Trail Nature Preserve (MTNP) creek.

The construction Bid Package was arranged such that the Basis of Award of the contract would be for the lowest Base Bid for these 3 high priority locations.

Project #4 is not listed as one of the 23 priorities in the SDMPU. Rather, this location is considered a "nuisance" drainage problem with a history of complaints from residents along Acacia Way, a private driveway. At the request of the residents and Council, Project #4 was added into the larger drainage project for efficiency and cost-effectiveness. Project #4 includes construction of a rock-lined headwall at the entry of a private drainage pipe, and regrading and repaving the intersection of Flanders Way and Acacia Way in front of the headwall to better channel storm flow from Flanders Way, a public street, into the private pipe. The private drainage pipe is aligned along the west side of the Acacia Way driveway. Staff added Project #4 into the Bid Package as a Bid Additive item which could easily be included, or deferred, at the time the Council awards a construction contract with the other three priority locations.

As the design plans were substantially completed, the City's on-call environmental consultant, Denise Duffy & Associates, was tasked to evaluate and prepare Notices of Exemption under CEQA for the two project locations discharging into natural drainage courses (Projects #2 and #3). Also, in lieu of acquiring a small drainage easement on private property at the south end of Santa Fe Street for Project #3, the final pipeline alignment was rerouted to stay entirely within the public right-of-way to avoid impacts to the private property.

The City's Project Manager completed the plan reviews, compiled bidding and construction contract documents, and managed the bidding phase. Bid advertisement notices were published in the Carmel Pine Cone, Central Coast Builders Association, and posted on the City's and other public purchasing websites. In addition, courtesy calls and emails were sent to 42 contractors, including to the five contractors who attended the pre-bid meeting which took place on August 14th.

Three responsive, responsible bid proposals were received and opened at a Public Bid Opening held on September 5, 2024, with the following results:

Projects	**Engineer's Estimate**	**Coastal Paving & Excavating**	**MPE**	**Anderson-Pacific**
Base Bid – Projects #1-3 (Basis of Award)	$1,130,000	**$1,168,350**	$1,187,000	$1,309,585
Bid Additive – Project #4	24,000	48,000	44,200	25,750

The lowest Base Bid for Projects #1, 2, and 3 of $1,168,350, submitted by Coastal Paving & Excavating, Inc., was 3% above the Engineer's cost estimate and 2% below the next low bidder, indicating that the bids were highly competitive. However, Coastal Paving & Excavating's Additive Bid for the Acacia Headwall Project #4 was $48,000, double the Engineer's estimate of $24,000. The other

contractors bid $26k to $44k for this same additive bid item. Due to risks associated with underground construction, a 10% contingency of $116,835 is recommended.

Established in 2014 and located in Monterey, Coastal Paving & Excavating possesses a Class A General Engineering and Class C-12 Earthwork and Paving contractor licenses. They specialize in construction of underground utilities and asphalt paving projects. Over the past few years, this contractor completed several waterline projects for CalAm Water and paving projects for Monterey County and the Monterey Regional Airport, all with favorable references. Construction of will take approximately three months to complete following issuance of the Notice to Proceed, weather permitting.

Staff is recommending that the City Council awards the construction contract for Projects #1,2, and 3 (the Base Bid) but not award the contract for the Bid Additive Project #4 (Acacia Headwall) because despite staff's due diligence review of the 1983 Improvement Plans and 1984 Parcel Map which created the private Acacia Way driveway, it is inconclusive if the City has the right to construct the proposed headwall without a Right of Entry Agreement agreeable to the residents.

Further considerations to defer the Project #4 at this time include:

1. In 1998, a former Public Works Director wrote a letter to the residents, in response to a local resident's letter **(Attachment #2)**, explaining that the natural topography of the site has always resulted in drainage flowing southerly down into the ravine located south of the development, and that the City has no obligation to improve the natural drainage course within private properties.

2. No plans nor permit were found indicating that the City approved the private storm drain pipeline from the existing drainage entry point near Flanders Way south towards the ravine beyond. We do know that the downstream segment of the subject pipeline has a smaller diameter than the upstream pipeline, indicating the overall pipeline may not have been properly designed.

3. Constructing a headwall and regrading the street would better channel surface from Flanders Way into the private pipe, However, concentrating all of the flow into the undersized private pipeline will inevitably lead to an increase of maintenance issues, such as clogs, in the future. City crews have helped minimize the nuisance problem over the years by stacking sandbags and clearing out clogs, and we will continue to do so.

Environmental Determination

The Santa Fe Street Storm Drain Improvement Project and the Lincoln Street Storm Drain Improvement Project are considered exempt from the California Environmental Quality Act (CEQA) based on the following provisions:

1. **Section 15301(b) - Existing Facilities**:
   - These projects involve minor alterations to existing publicly owned facilities (i.e., storm drain systems) used to provide services. The work is not expected to result in a significant expansion of the existing infrastructure.
2. **Section 15303(d) - Small Facilities**:
   - The projects involve the installation of small-scale equipment or facilities, further supporting the exemption from CEQA as they involve limited alterations and improvements.
3. **Section 15061(b)(3) - No Significant Effect**:
   - It is determined with certainty that the proposed activities will not have a significant effect on the environment, making them categorically exempt from CEQA review.

In accordance with these exemptions, the City will file two Notices of Exemption upon project approval.

However, the Eleventh Avenue Storm Drain Improvement Project (Carmelo Street to San Antonio Avenue) and the Acacia Way/Flanders Way Headwall Project are not considered projects under CEQA. As per Public Resources Code Section 21065, these projects do not involve any physical changes to the environment—either directly or indirectly—so they are not subject to environmental review under CEQA.

FISCAL IMPACT:

In June 2024, Council adopted the CIP Budget for FY 2024/2025 which included $1,218,000 for this Project in CIP Account Number 301-311-00-43008. Council also approved a separate CIP Contingency Fund of $400,000 for any CIP project that may need additional funds to proceed into construction.

The total estimated cost for this Project in the current FY, including the cost for the proposed construction contract with a 10% contingency of $1,285,185, are listed below.

No.	Company	Services	Cost
1	Neill Engineers	Design Support During Construction	$6,400
2	Denise Duffy & Associates	CEQA Environmental Reviews	6,000
3	Coastal Paving & Excavating	Construction – Base Bid (Projects #1, 2, 3)	1,168,350
4	Coastal Paving & Excavating	10% Contingency for Unforeseen Conditions	116,835
		Total	**$1,297,585**

The total estimated Project cost of $1,297,585 would expend all of the $1,218,000 CIP Budget appropriated for this Project. The balance needed to award the construction contract of $79,585 is available from the $400,000 CIP Contingency Fund which has a current balance of $371,920. This reallocation would reduce the Contingency Fund down to $292,335 for any future needs this FY, which may include: Vista Lobos Electrical Panel and EV Charging Stations Project, Sunset Center Retaining Wall Repairs, and/or the FY 2024/25 Conglomerate Paving Project.

PRIOR CITY COUNCIL ACTION:

In July 2023, Council adopted Resolution 2023-072 approving an Amendment to the Professional Services Agreement with Neill Engineers, Corp., in the amount of $159,100, to prepare design plans for four drainage improvement projects.

In June 2024, Council adopted Resolution 2024-047 adopting the FY 2024/25 CIP Budget which appropriated $1,2180,000 for construction of the Drainage System Repairs at 4 Locations Project plus $400,000 as a separate CIP Contingency Fund.

ATTACHMENTS:

Attachment 1) - Resolution 2024-098
Attachment 2) - 1998 Correspondence re: Acacia Way Drainage

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
RESOLUTION NO. 2024-098

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONSTRUCTION CONTRACT WITH COASTAL PAVING & EXCAVATING, INC. IN AN AMOUNT, INCLUDING CONTINGENCY, OF $1,285,185 FOR PROJECTS #1, 2, AND 3 OF THE DRAINAGE SYSTEM REPAIRS PROJECTS

WHEREAS, in July 2023, the City Council adopted Resolution 2023-072 approving an Amendment to the Professional Services Agreement with Neill Engineers, Corp., in the amount of $159,100, to prepare design plans for the following four drainage projects: 1) along Eleventh Avenue, from Carmelo Street to San Antonio Avenue, 2) along Lincoln Street, from First to Second Avenues, and along Second Avenue, from Lincoln to Monte Verde Streets, 3) along Santa Fe Street, from Eighth Avenue south to the Mission Trail Nature Preserve outfall, and 4) a new headwall at Acacia Way/Flanders Way" at the entry of a private drainage pipe; and

WHEREAS, Projects #1, 2, and 3 were listed as "high priority" improvements identified in the 2023 Storm Drain Master Plan Update (SDMPU) and included in the construction contract documents as the Base Bid; and

WHEREAS, the Project #4 site is considered a local "nuisance" drainage problem for residents along Acacia Way, a private driveway, and was included in the contract documents as a Bid Additive; and

WHEREAS, despite staff's due diligence review of the 1983 Improvement Plans and 1984 Parcel Map which created the private Acacia Way driveway, it is inconclusive if the City has the right to construct the proposed headwall without a Right of Entry Agreement, and further, the private drainage pipe does not appear to have been properly designed or permitted; and

WHEREAS, in June 2024, Council adopted Resolution 2024-047 approving the Fiscal Year (FY) 2024/25 Capital Improvement Program (CIP) Budget which appropriated $1,218,000 to fund these drainage Projects and established a separate CIP Contingency Fund in the amount of $400,000 for any CIP project that may need additional funds to proceed into construction; and

WHEREAS, three responsive bid proposals were received at the Public Bid Opening held on September 5, 2024; and

WHEREAS, Coastal Paving & Excavating, Inc., of Monterey, submitted the lowest Base Bid of $1,168,350, which was 3% above the Engineer's cost estimate and 2% below the next low bidder; and

WHEREAS, due to risks associated with underground construction, a 10% contingency of $116,835 is recommended, resulting in a total contract amount of $1,285,185; and

WHEREAS, the total estimated Project cost for FY 2024/25, including the cost for construction with contingency, plus fees for environmental reviews and engineering support during construction, is $1,297,585 and exceeds the $1,218,000 CIP funding appropriated for this Project; and

WHEREAS, the balance needed of $79,585 is available in the CIP Contingency Fund for FY 2024/25, leaving $292,335 of the Contingency Fund remaining for any other CIP project that may need additional funds to proceed into construction.

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 Construction Contract with Coastal Paving & Excavating, Inc. in an amount, including a 10% contingency, of $1,285,185, for Projects #1, 2, and 3 of the Drainage System Repairs Projects.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of December, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:	ATTEST:
_____	_____
Dave Potter Mayor	Nova Romero, MMC City Clerk

Joan Buikema Buchanan
Barbara J. Buikema
P.O. Box 4283
Carmel, CA 93921

February 14, 1998

Mr. Jim Cullen
Director of Public Works
P.O. Box SS
Carmel-by-the-Sea, CA 93921

Subject: Flood Damage & Request for Emergency Response

Dear Mr. Cullen:

I am writing to request a claim form for damage sustained on my property at 3 S.W. Acacia and Flanders Way in Carmel during the storms of the past week. We sustained excessive damage to the drive way and back slope of our property due to excessive storm water run-off. It is our contention that the City of Carmel-by-the-Sea has failed to maintain the drainage system above our property.

We would like to file a claim based on the following:

1. The amount of water diverted onto our property from streets located above us accumulated and over-saturated the land which in turn caused the slope behind our home to fail. There was inadequate drainage provided on the surface and streets from all developed areas above our home.
2. The storm drain facilities running down Acacia Ave in the front of our home became blocked by debris and diverted a tremendous amount of storm water run-off onto our property. There was a devastating amount of water running down the street, flowing over the neighbor's property above us and then down onto our property. Had the storm drainage system worked properly a great deal if not all of the water could have been diverted.
3. The water that did not run over the neighbor's driveway continued down the street to our driveway where we have sustained substantial damage from erosion and destruction of the asphalt driveway and land bordering it.
4. The city's drainage pipe along the side of our street is exposed due to the erosion effects of all the storm drain water. The asphalt has literally been destroyed and washed down into the canyon.

A City work crew was on our street Saturday evening, February 7th and indicated to us that the drain had some sort of obstruction in it that was preventing it from doing the job it was designed to do. We were told that they could not come back until Monday, February 9th to clear the drain because they did not have the equipment they needed. It was reported to us by a neighbor that the crew returned on Tuesday, February 10th, and drilled 115 feet but was unable to clear the blockage.

What has completely taken us by surprise is the amount of damage and how quickly it occurred. We feel the City of Carmel has been negligent in their obligation to maintain proper drainage. The potential effects of El Nino were widely publicized well in advance of the recent storm conditions. As a result of the City's failure to maintain an adequate drainage system we have sustained severe property damage. The storms of 1998 have left us deluged because of the storm drain run-off diverted onto our property..

We have spent considerable effort in preventative maintenance and damage control; however, our property remains at risk. We are consulting a Geotechnical engineer in an effort to maximize our efforts. While we are painfully aware that more rain is forecasted, we would like to file a claim for damage already sustained.

We are very concerned about the erosion of the slope surrounding our home which is jeopardizing our safety. Please respond to this claim immediately, so that we may work with you to minimize any further damage.

Sincerely,

B. Buikema

Barbara J. Buikema

Joan Buikema Buchanan

Joan Buikema Buchanan

cc: Mr. Ken White, Mayor
Mr. Jere A. Kersnar, City Manager
Mr. Clayton Neill, City Engineer
Mr. Don Freeman, City Attorney
Carmel-by-the-Sea City Council

Attachment 2

LOT 22, BLK 102

City of Carmel-by-the-Sea

POST OFFICE BOX SS
CARMEL-BY-THE-SEA, CALIF. 93921 (408) 624-3543

JAMES M. CULLEM, P.E.
DIRECTOR OF PUBLIC WORKS

24 February 1998

Joan Buikema Buchanan
Barbara J. Buikema
P.O. Box 4283

SUBJECT: FLOOD DAMAGE AND REQUEST FOR EMERGENCY RESPONSE

Dear Ms. Buchanan and Ms. Buikema:

In response to your letter of February 14, 1998, please not that Acacia Way is not a City Street, despite the fact that it is paved and is identified by the City's standard street marker. You also need to be aware that rain water on Crespi, Vizcanio, and Flanders Way follows the topography of the area and flows onto Acacia Way towards the ravine behind your property. The City has no obligation to change the natural drainage route, nor to maintain any drainage structure or systems south of Flanders Way.

During storm emergencies, however, the Public Works Department provided what assistance it could, even on private property. For example, during the recent storms, the City crews cleared drains, placed base rock, and set sandbags as a service to the residents.

As we discussed on site last week, the control of rainwater through private property remains the responsibility of the property owner. I also noted that the work you had done in your back yard and the resulting cutoff of the drainlines between your property and your neighbor's contributed to the saturation of your yard and the landslides into the ravine.

I hope this discussion clarify's the responsibility of both the City and individual property owners in dealing with stormwater. None-the-less, if you still believe that your have a valid claim against the City, I have enclosed a copy of a Claim for Damage form which you would need to submit to City Hall.

If you have additional questions, please do not hesitate to contact me at the public Works Department, 624-3543.

Sincerely,

James M. Cullem, P.E.
Director of Public Works

C: Greg D'Ambrosio, Assistant City Administrator

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

December 3, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Robert Harary, P.E, Director of Public Works
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive a Report regarding Public Works Department Services, Key Accomplishments over the past seven years, and the 2024 Infrastructure Report Card

RECOMMENDATION:

Receive a Report regarding Public Works Department Services, Key Accomplishments over the past seven years, and the 2024 Infrastructure Report Card.

BACKGROUND/SUMMARY:

The Mission of the Public Works Department is to plan, design, construct, operate, and maintain public infrastructure, including streets, sidewalks, storm drains, building facilities, forests, parks, beach, and other assets that contribute to the health, safety, and well-being of the Village community.

Located at the Public Works facility and Corporation Yard on the east side of Junipero Street, south of Fourth Avenue, the Department has made honorable progress over the past seven years under the leadership of Public Works Director Robert Harary. As Bob approaches retirement after a 42-year career, 34 of which were serving local governments, he is making a final presentation for the benefit of the City Council, incoming Councilmembers, and the community at large. The presentation will cover the following key topics:

1) Review of the Department's structure, resources, and key services provided by each division.

2) Overview of significant and diverse accomplishments over the past seven years.

3) Comparison of the City's infrastructure conditions, based on the original Infrastructure Report Card presented in 2017, and the state of the infrastructure today.

1. Public Works Department Overview

Public Works consists of an administrative unit and five operating divisions: Environmental Programs, Facilities Maintenance, Forestry, Parks and Beach, Project Management, and Street Maintenance.

Administration Unit: Prepares Council agenda reports, monthly status reports, and the annual and 5-year Capital Improvement Plans (CIP), makes presentations, serves as Executive Team liaison to the Forest and Beach Commission, and on the TAMC Technical Advisory Committee and Traffic Safety Committee, performs engineering services, and provides administrative support, budgeting, scheduling, and performance oversight of the operating divisions.

Environmental Programs: Enforces State storm water quality and waste reduction/recycling regulations, oversees the City's waste hauler contract, implements projects outlined in the Climate Action and Adaptation Plans, serves on the ReGen Monterey and Monterey Regional Stormwater Management Program committees, manages habitat-sensitive projects in the North Dunes and Mission Trail Nature Preserve, evaluates energy reduction initiatives, provides CEQA guidance for Public Works projects, and coordinates with partners on resiliency, environmental stewardship, and sustainability-focused projects.

Facilities Maintenance: Maintains and repairs 20 City-owned buildings and facilities totaling 137,000 square feet, including eight historic buildings nearly 100 years old, supports facility renovation-oriented capital improvements, oversees janitorial contract, obtains quotes and manages building trade contractors, implements ADA compliance projects, and performs annual fire safety apparatus inspections, generator servicing, and backflow testing.

Forestry, Parks, and Beach: Manages 12,000+ City trees, including planting, pruning, and removal services, prepares reports and presentations for Forest & Beach Commission meetings, maintains eight City parks, Carmel Beach, open spaces, and landscaped islands, collaborates with volunteer organizations, processes tree removal and pruning permits, reviews private development applications, manages multiple on-call tree care and landscape maintenance contractors, and provides emergency response during storms.

Project Management: Implements planning, engineering, design, public bidding, and construction of capital improvement projects, including transportation, drainage, and facility renovation projects, conducts condition assessments, manages consultants and contractors, coordinates with utilities and other City departments, prepares special conditions of approval for major encroachment permits, reviews technical reports and plans, obtains permits, and prepares specifications, contract documents, and cost estimates.

Street Maintenance: Supervises Public Works field personnel, prioritizes and allocates equipment, tools, and materials, repairs streets, potholes, sidewalks, curbs, fencing, storm drainage system, berms, and traffic signs, restores pavement striping and markings, performs street sweeping, provides fleet maintenance services, reviews utility and encroachment permit applications, supports City events, and provides emergency response.

2. **Review of significant and diverse accomplishments**

Below is a sampling of the Public Work's Department's key accomplishments over the past seven years:

- **ADA Transition Plan**: Prepared to guide annual ADA Upgrade Projects.
- **Carmel Forest Master Plan**: Developed draft plan, and conducted community survey and workshops.
- **City's first ever Storm Drain Master Plan**: 2020 and 2023 Update prepared.
- **City's first official Bike Route and first application of Micro-surfacing Pavement treatment:** San Carlos Street, between Eighth and Thirteenth Avenues.
- **Climate Action and Climate Adaptation Plans**: Prepared and adopted.

- **Coastal Engineering Study, Phase 1**: Completed, and $500k Coastal Commission Gran awarded for Phase 2.
- **Electric Street Sweeper**: Purchased with a $250k rebate from 3CE.
- **Forest Theater**: Developed Lease Agreement with Pacific Repertory Theatre.
- **Harrison Memorial Library Gathering Room**: Constructed.
- **Mass SOQs**: Implemented process to streamline consultant selections and contracting.
- **No Plastics Ordinance**: First of its kind in the region.

- **North Dunes Habitat Restoration**: Significant transformation.
- **Pavement Condition**: Best pavement in Monterey County.
- **Sunset Center:** Painted exterior of the north wing.

Additional accomplishments will be highlighted in the upcoming presentation.

3. The City's Infrastructure Report Card 2024 compared to 2017 conditions

Modeled after the American Society of Civil Engineer's nation-wide Infrastructure Report Card, the Director will review the condition of six key infrastructure components within the City:

1) Streets: includes pavement condition, sidewalks, curbs, medians, and traffic flow
2) Drainage System
3) Buildings and Facilities
4) City Fleet
5) Forestry and Parks
6) Beach and Shoreline

Each of these components will be assigned a grade from A to F, reflecting their current condition. These grades will be compared to the baseline year 2017 to track progress made and/or identify areas requiring further attention.

This exercise is intended to be a holistic assessment of our infrastructure, emphasizing that rehabilitation costs increase as infrastructure deteriorates. Maintaining infrastructure at a reasonably satisfactory level is more cost-effective in the long run than allowing it to decline into disrepair and requiring costly, and sometimes urgent, reconstruction.

FISCAL IMPACT:

There is no fiscal impact associated with receiving this report. The adopted Operating Budgets for Public Works was $3.3M for FY 2017/18 and $6.5M for FY 2024/25. The adopted Capital Improvement Program was $3.3M for FY 2017/18 and $12.2M for FY 2024/25.

The presentation will demonstrate that major investment in the City's infrastructure utilizing Measure C and D revenues for general infrastructure projects, Measure X, SB-1, Gas Tax, and RSTP funds for transportation projects, and the Vehicle and Equipment Fund for fleet renewal, for examples, has made a noticeable difference in maintaining, and in some instances improving, the condition of the City's infrastructure that previously suffered from decades of deferred maintenance and lack of investment. Ongoing investment in several areas, notably for older building renovations, shoreline infrastructure repairs, and drainage improvements, are imperative moving forward.

Over the past years, a number of cost-cutting and streamlining measures were also implemented to stretch these resources. For example, several roadway and drainage improvement projects were bundled together, multiple tree contractors were issued task orders for bulk work, facility condition assessments were used to objectively prioritize building repairs, and instances of sole source contracting was replaced with improved,

competitive processes.

PRIOR CITY COUNCIL ACTION:

The City Council received the First Public Works Report and Infrastructure Report Card presentation in October 2017. Council received the Second Public Works Report and Infrastructure Report Card in October 2018, and a Third Report in February 2020. These presentations were also given to the Forest & Beach Commission, Planning Commission, and Community Activities Commission over the years.

ATTACHMENTS:

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

December 3, 2024
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brandon Swanson, Assistant City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Update on City Council Resolution 2024-062 to develop alternative sites and programs that would allow for an amendment to the City's adopted 6th cycle Housing Element to remove Vista Lobos and Sunset Center from the Housing Sites Inventory List.

RECOMMENDATION:

Receive the report and provide feedback as appropriate

BACKGROUND/SUMMARY:

On April 8, 2024, the City Council adopted the 6th Cycle Housing Element, which covers 2023-2031. The City is responsible to plan for 349 new housing units by 2031.

On April 25, 2024, the State Department of Housing and Community Development (HCD) certified the City's Housing Element. Two city-owned sites, Vista Lobos and Sunset Center, were included as potential affordable housing sites to achieve certification (Housing Element Program 1.1.B: City-Owned Sites).

On July 9, 2024, in response to concerns regarding the redevelopment of the city-owned sites, the City Council passed Resolution 2024-062 (Attachment 1) directing staff to begin work immediately exploring and developing alternative affordable housing sites and programs to submit a formal general plan housing element amendment that provides alternative affordable housing opportunities and removes the need for housing units at Vista Lobos and Sunset Center. Additionally, staff were directed to return to the City Council in September and October with updates on progress.

On September 10, 2024, and October 1, 2024, the City Council received updates on the joint efforts of the Affordable Housing Alternatives (AHA) community group and City staff to explore four strategies to provide lower-income housing in lieu of developing city-owned sites.

December Update

City Council Resolution 2024-062 directed staff to return at the October 2024 meeting with a rough draft of an amendment that would ultimately be submitted to the State Department of Housing and Community Development

(HCD). Three months was not enough time to prepare an amendment that contains the level of detail required for consideration by HCD. To present alternative sites that can satisfy lower-income housing requirements, additional research and analysis is needed. City staff and the AHA community group continue to meet with the consultant weekly to refine four viable strategies: Accessory Dwelling Units, Downtown sites, Hotel-to-Residential conversion, and Church sites.

What is our goal?
The goal of pursuing an amendment to the adopted Housing Element is to identify alternative sites (i.e., private property) to accommodate the very-low, low, and moderate-income units currently planned for Vista Lobos and the north and south parking lots of Sunset Center. Below is a breakdown of units by income category for each site.

Table 1. City-Owned Sites

	Very Low Income	Low Income	Moderate Income	Market Rate	Total
Vista Lobos	28	11	17	0	56
Sunset Center North	20	10	3	0	33
Sunset Center South	30	25	5	0	60
Total	78	46	25	0	149

The four strategies that are currently being pursued are:

1. Accessory Dwelling Units & Junior Accessory Dwelling Units (Housing Element Program 1.3.C).
    - The adopted Housing Element projects 34 new ADUs/JADUs by 2031. The city is projected to meet and possibly exceed this target based on the number of ADUs constructed and currently under construction. The proposed Housing Element amendment seeks to establish a higher projected number based on current trends in new unit production. The City's consultant, Veronica Tam, is working on amending the annual progress reports submitted during the 5th cycle housing element to reflect the number of ADUs permitted more accurately. This effort will support a higher projection as part of the 6th cycle amendment currently being explored. Initial estimates projected an additional 14 ADUs; however, more recent estimates suggest that an additional 30 ADUs could be included in the 6th cycle projections.
    - The proposed amendment also includes an analysis of the type and size of ADUs produced to date and whether smaller units could be deemed "affordable by design," satisfying a portion of the lower-income housing need without the requirement for deed restrictions. A survey will be sent out before the end of the year to property owners who created an ADU on their property since 2017. The results of the survey will be used to inform the analysis. To further incentivize the use of ADUs as rental housing, the Council might also consider allocating water credits in exchange for a limited term deed restriction (e.g., 5-10 years).
    - In collaboration with the ADU subcommittee of the AHA community group, City staff released a resource guide for homeowners that includes important information they need to know when exploring adding an ADU or JADU to their property (Attachment 3). The guide was distributed in the City Administrator's Friday letter on November 8th and posted to the City's website

(https://ci.carmel.ca.us/post/housing-resources).

City staff continue to monitor and collect data on accessory dwelling units as they go through the city's permitting process. A few interesting data points include,

- Since 2017, 24 percent of ADU applications were for units smaller than 300 square feet, and 48 percent were between 301 and 500 square feet.
- Nearly half of all ADU applications were conversions of existing structures or living spaces.

2. Hotel-to-Residential Conversions (Housing Element Program 1.3.B).
    - The adopted Housing Element aims to convert 33 hotel rooms to permanent housing and transfer the development rights for 33 hotel rooms to another site within the commercial district.
    - Several smaller, older, lower-performing hotels are being evaluated as potential sites for conversion to residential. In some cases, these sites were apartments before being converted to hotel rooms and may still retain kitchens.
    - The proposed amendment seeks to create a more robust program for hotel room conversion, to absorb a portion of the lower-income housing requirement currently assigned to the city-owned sites.
    - The Hotel subcommittee of the AHA community group has coordinated meetings with local developers to discuss refinements to the program which would "supercharge" it above what was already planned to be implemented in the Housing Element. The interest in this program has been strong, so the City's consultant is working on language and producing data that would reinforce how the projected number of units should be increased as part of an amendment.

3. Housing on Church Sites (Housing Element Program 1.1.D).
    - Senate Bill 4 was passed by the State legislature, streamlining the development process for churches to build affordable housing on church-owned land. State law allows up to 20 dwelling units per acre and one story above the allowable building height on church sites.
    - On November 19, 2024, the AHA community group hosted a forum with representatives from the faith community, local architects, City staff, and affordable housing advocates to discuss housing opportunities and constraints on church sites. The meeting was well attended and included an engaging discussion.

4. Downtown Housing Opportunities (various Housing Element programs).
    - The adopted Housing Element includes a variety of programs to encourage the creation of new housing units throughout the downtown area.
    - The proposed amendment seeks to identify specific sites (privately owned) that can absorb a portion of the lower-income housing requirements currently assigned to the city-owned sites.
    - The Downtown subcommittee of the AHA community group is compiling detailed property characteristics, which will include a walking survey of the downtown area to identify potential housing opportunities.

City staff and the AHA community group continue to meet weekly. Consultant Veronica Tam also attends a

portion of the weekly meetings. Additionally, the four subcommittees meet weekly, with staff and the consultant attending on an as-needed basis.

Next Steps/Project Timeline:
The current project timeline anticipates that a first draft of Housing Element Amendment will be available for public review in February, 2025. This would be the first formal draft, and would include redlines of the Housing Element and recalculated unit counts on the City owned sites. If this schedule holds, then it would be expected to receive HCD comments on the draft in March, 2025. Subsequent to HCD comments, and assuming no major roadblocks, the Planning Commission and City Council would be considering the Housing Element amendment for adoption in in June and July of 2025, respectively.

FISCAL IMPACT:

Fiscal Impact:
The City Administrator entered into a Professional Services Agreement with Veronica Tam & Associates to provide technical assistance to develop alternative sites and programs that would allow for an amendment to the City's adopted 6th cycle Housing Element to remove Vista Lobos and Sunset Center from the Housing Sites Inventory List. The contract is for a not-to-exceed amount of $59,999. As of October 24, 2024, $5,865 has been spent on consultant services.

PRIOR CITY COUNCIL ACTION:

Prior City Council Action:
On April 8, 2024, the City Council adopted Resolution 2024-029, approving a General Plan Amendment and adopting the 2023-2031 6th cycle Housing Element update.
On July 9, 2024, the City Council adopted Resolution 2024-062 directing staff to begin work immediately exploring and developing alternative affordable housing sites and programs in order to submit a formal general plan housing element amendment that provides alternative affordable housing opportunities and removes the need for housing units at the Sunset Center and Vista Lobos properties as part of the city's 6th cycle housing element.

ATTACHMENTS:

Attachment 1 - City Council Reso No. 202-062
Attachment 2 - Sites Strategy Memo dated Oct 7, 2024
Attachment 3 - Accessory Dwelling Unit Resource Guide

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2024-062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DIRECTING STAFF TO BEGIN WORK IMMEDIATELY, UPON ADOPTION OF THIS RESOLUTION, EXPLORING AND DEVELOPING ALTERNATIVE AFFORDABLE HOUSING SITES AND PROGRAMS, IN ORDER TO SUBMIT A FORMAL GENERAL PLAN HOUSING ELEMENT AMENDMENT WHICH PROVIDES ALTERNATIVE AFFORDABLE HOUSING OPPORTUNITIES AND REMOVES THE NEED FOR HOUSING UNITS AT THE SUNSET CENTER AND VISTA LOBOS PROPERTIES AS PART OF THE CITY'S 6TH CYCLE HOUSING ELEMENT. STAFF IS FURTHER DIRECTED TO RETURN TO COUNCIL NO LATER THAN THE REGULAR SEPTEMBER 2024 COUNCIL MEETING WITH AN UPDATE ON PROGRESS AND RETURN NO LATER THAN THE REGULAR OCTOBER, 2024 CITY COUNCIL MEETING WITH A ROUGH DRAFT OF AN AMENDMENT THAT WOULD ULTIMATELY BE SUBMITTED TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

WHEREAS, the City of Carmel-by-the-Sea (City) currently has an adopted General Plan Housing Element (Housing Element) which is certified by the California Department of Housing and Community Development (HCD) for the State's 6th Housing Cycle spanning the years 2023-2031 (6th Cycle) which plans for the potential development of market rate and affordable housing totaling 349 new units; and

WHEREAS, the City wishes to maintain certification of the Housing Element throughout the entire 6th Cycle; and

WHEREAS, the City has, and continues to support the development of new affordable housing units within the city limits while protecting and honoring its design character; and

WHEREAS, the Sunset Center and Vista Lobos parking lots (City Owned Sites) are currently included on the certified Housing Element 'Sites Inventory' as sites that could collectively be developed with a total of 149 affordable housing units; and

WHEREAS, the City Owned Sites, in conjunction with others on the 'Sites Inventory', make up the total number of 231 affordable units required to be planned for development as part of the City's 6th Cycle Regional Housing Needs Allocation (RHNA); and

WHEREAS, the City wishes to find viable alternative sites and further develop programs (Alternatives) that would better spread affordable housing units around the City and remove the need to utilize the City Owned Sites; and

WHEREAS, the City wishes to move quickly and efficiently, with public input, to develop Alternatives and submit a Housing Element Amendment for certification by HCD which removes the City Owned Sites from the 'Sites Inventory', but does not reduce the total number of 231 new affordable units planned for development as part of the currently certified 6th Cycle Housing Element.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Carmel-By-The-Sea does hereby direct staff to begin work immediately, upon adoption of this resolution, exploring and developing alternative affordable housing sites and programs, in order to submit a formal General Plan Housing Element Amendment which provides alternative affordable housing opportunities and removes the need for housing units at The Sunset Center and Vista Lobos properties as part of the City's 6th Cycle Housing Element. Staff is further directed to return to Council no later than the regular September, 2024 Council meeting with an update on progress and return no later than the regular October, 2024 City Council meeting with a rough draft of an amendment that would ultimately be submitted to the State Department of Housing and Community Development (HCD).

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 9th day of July 2024, by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:

Dave Potter, Mayor

ATTEST:

Nova Romero, MMC, City Clerk

VERONICA TAM AND ASSOCIATES

October 7, 2024

To: Marnie Waffle

From: Veronica Tam

Subject: Carmel Housing Element Sites Strategy

Understanding

According to the City's HCD-certified Housing Element, we understand that, accounting for units already permitted, the City has a remaining RHNA of 292 units. The City primarily relies on three City-owned sites to meet its remaining lower income RHNA. ADUs and hospitality employee housing are also components of the City's lower income RHNA strategy.

We understand the City is interested in exploring options to lessen the burden on the City-owned properties. This memo outlines potential options the City may explore further.

Table 1: Adopted Housing Element – Lower Income RHNA Summary

	Very Low	Low	Moderate	Above Moderate	Total
Remaining RHNA	**106**	**67**	**37**	**82**	**292**
Hospitality Employee Housing	8	12	11	0	31
Projected ADUs	10	10	10	4	34
Site 1: Sunset Center North	20	10	3	0	33
Site 2: Sunset Center South	30	25	5	0	60
Site 3: Vista Lobos	28	11	17	0	56
Site 8: Carmel Foundation	11	10	0	0	21
Site 11: Forest Cottages SP	0	2	0	4	6
Total Capacity	107	80	46	8	241

ADU Options

1. Petition for a Higher Trend

The adopted Housing Element states the following:

> *"Using the more conservative number of 30 ADUs permitted between 2018 and 2022, extrapolated to the eight-year planning period for the 6th Cycle Housing Element update, this equates to **48 units**…Based on the City's permit history and active support for ADUs, as well as the continued interest by property owners in rehabilitating existing ADUs and constructing new ADUs, it is reasonable to estimate a minimum of 34 ADUs over the eight-year planning period, although City*

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Pasadena, CA 91105 P (626) 818-9488

*staff expects to exceed this number. Following the rule of thumb recommended by HCD, these **34 units** have been distributed to very low-, low-, moderate-, and above moderate-income households as follows: 30 percent, 30 percent, 30 percent, 10 percent, respectively." (p. C-75)*

Using current data (2023 and 2024), demonstrate that the City can easily exceed the projection of 48 units, let alone reducing that to 34 units as currently used in the Housing Element. This may have to couple with other City actions to facilitate/incentivize ADU construction. If successful, the City could add 14 additional units: 4 very low, 4 low, 4 moderate, and 2 above moderate.

2. Opportunities for Amnesty and Conversion of Guesthouses

In 2020, AB 670 went into effect - a new bill that gives all Californians five years to legalize their unpermitted ADUs and granny flats by bringing the structure up to code. AB 2533 just signed by the Governor extends the ADU amnesty law to unpermitted ADUS and JADUs built before 2020. The City may explore the extent of illegally built ADUs and JADUs and property owners' interest in pursuing the amnesty program. Most cities that have such amnesty programs generally have some knowledge if such units exist in the community and where they are concentrated. An actual survey is not recommended as it may raise concerns from homeowners regarding potential code enforcement citations. Typically, an amnesty program allows homeowners to legalize their illegal ADUs as long as they meet basic building code standards. The city would have to "forgive" certain zoning infractions. The legalized units would be new housing units, eligible for RHNA credits once permitted. However, to use this as a RHNA strategy for sites, the City would have to gauge public interest, estimate the number of potential units, and develop a robust program to program the strategy. The objective is to entice HCD to accept a higher number for ADU projection.

In addition to legalizing illegal units, existing guesthouses may be used as rentals. There can also be opportunities for converting these into legal housing units using the same approach.

Housing at Hotel Sites

1. Hospitality Employee Housing

The adopted Housing Element states the following:

"To incentivize the development of on-site employee housing within existing sites for overnight visitor accommodations, the City has developed Program 1.3.D, which amends the Municipal Code to allow at least one on-site affordable employee housing unit in conjunction with one new overnight visitor accommodation room… Initially, the program would be voluntary. However, at the mid-cycle mark, if the program has not gained interest, it would become mandatory…As there are 46 hotels in the City, this program has the potential to add at least 31 moderate- and lower-income units to the City's housing stock." (p. C-72 and C-73)

The Housing Element assumes 31 units (8 very low, 12 low, and 11 moderate income). The City may consider modifying the program to indicate each hotel can have at least one unit but not exceed five percent of the number of rooms. Assuming larger hotels would require more employee housing units than smaller hotels, the City could potentially increase the number of employee housing units to 47 units, already a conservative assumption that hotels with fewer than ten rooms would not participate in the program. Using the same income distribution for the additional 16 units, the City may be able to gain 4 very low, 5 low, and 7 moderate income units.

Table 2: Hotels by Size

APN	Address	Overnight Visitor Accommodation Establishment Name	No. of Rooms	Up to 5%
010287008000	San Antonio, 4 SE of 13th	Edgemere Cottages	Closed	
010264006000	8th & Camino Real	La Playa Hotel	75	4
010095010000	Junipero between 5th & 6th	Best Western Carmel Bay View Inn	56	3
010213003000	Ocean between Lincoln/Monte Verde	The Pine Inn	49	2
010019061000	Ocean & Monte Verde	Normandy Inn	48	2
010147008000	7th & Lincoln Ave	Cypress Inn	44	2
010131025000	San Carlos at 5th	Carmel Lodge/Stillwell Hotel	42	2
010124012000	4th & San Carlos	Svensgaard's Inn	35	2
010094002000	Ocean & Junipero	Carmel Village Inn/Le Petit Pali	34	2
010142002000	San Carlos @ 7th	Coachman's Inn	30	2
010136023000	5th & San Carlos	Best Western Carmel's Townhouse Lodge	28	1
010123014000	4th & San Carlos	Hotel Carmel	28	1
010214032000	Ocean @ Monte Verde	Lobos Lodge	28	1
010109016000	Mission @ 3rd Ave	Tradewinds Carmel	28	1
010124001000 010124014000	2 NW of 4th on San Carlos	Hofsas House	26	1
010109015000	SWC 3rd & Junipero	Horizon Inn	26	1
010021024000 010021025000 010021002000 010021003000 010021026000 010021027000 010021028000 010021029000	Carpenter between 1st & 2nd	Carmel Resort Inn	25	1
010286015000	San Antonio & 13th	Colonial Terrace/Carmel Beach Hotel & Spa	25	1
010087003000	Junipero between 7th & 8th	The Hideaway/Le Petit Pali @ 8th	24	1
010087013000	7th & Mission	Wayside Inn	22	1
010148015000	Dolores & 8th	Adobe Inn	20	1
010136022000	San Carlos between 4th & 5th	Candle Light Inn	20	1
010097007000	Junipero & 5th	Carmel Inn & Suites	20	1
010191005000	Monte Verde @ 7th	L'Auberge Carmel	20	1
010136021000	San Carlos @ 4th	Carmel Fireplace Inn	18	1
010094001000	Torres & Ocean Ave	Comfort Inn Carmel by the Sea	18	1
010195501500	7th & Casanova	Carmel Green Lantern Inn	17	1
010097018000	Mission & 5th	Carmel Oaks	17	1
010123005000	4th @ Mission Street	Carmel Wayfarer Inn	15	1
010087002000	Junipero between 7th & 8th	Carriage House Inn	13	1

Table 2: Hotels by Size				
APN	Address	Overnight Visitor Accommodation Establishment Name	No. of Rooms	Up to 5%
010136016000	Dolores & 7th	Vagabond House	13	1
010131011000	San Carlos between 4th & 5th	Briarwood Inn	12	1
010124009000	SE Dolores & 3rd	Carmel Country Inn LLC	12	1
010214029000	Monte Verde & 6th	Tally-Ho Inn	12	1
010104002000	4th & Torres	Carmel Garden Inn	10	1
010196027000	Monte Verde & 7th	Monte Verde Inn	10	1
010104005000	SEC 3rd & Junipero	Ocean View Lodge	9	0
010273014000	Camino Real between 11th & 12th	Sea View Inn	8	0
010201013000	Monte Verde @ 7th	Monte Verde Inn East	7	0
010268008000	San Antonio & 8th	Carmel Cottage Inn LLC	6	0
010261014000	SE Camino Real & Ocean	Lamplighter Inn	6	0
010194018000	SS 8th between Monte Verde & Casanova	Stonehouse Inn c/o Carmel Realty	6	0
010131013000	E/S San Carlos between 4th & 5th	Briarwood Inn II/Holland Court Inn	5	0
010085005000	SW Ocean/Torres	Forest Lodge	4	0
010261015000	Camino Real 2 SE of Ocean	Sunset House	3	0
010148007000	NE Corner Lincoln & 8th	The Homestead	3	0
SOURCE: City of Carmel-by-the-Sea				47

2. Transferable Development Rights

Program 1.3.B which encourages property owners to consider rehabilitating their sites as multi-family rental residences through a transfer of development rights. According to the Housing Element (p. C-74), of the 46 Overnight Visitor Accommodation sites listed in Table C-55, 5 meet the eligibility criteria for transfer of development rights to rehabilitate as multi-family residential. Each of these sites are located in the City's Commercial District and are greater than 0.5 acres in size.

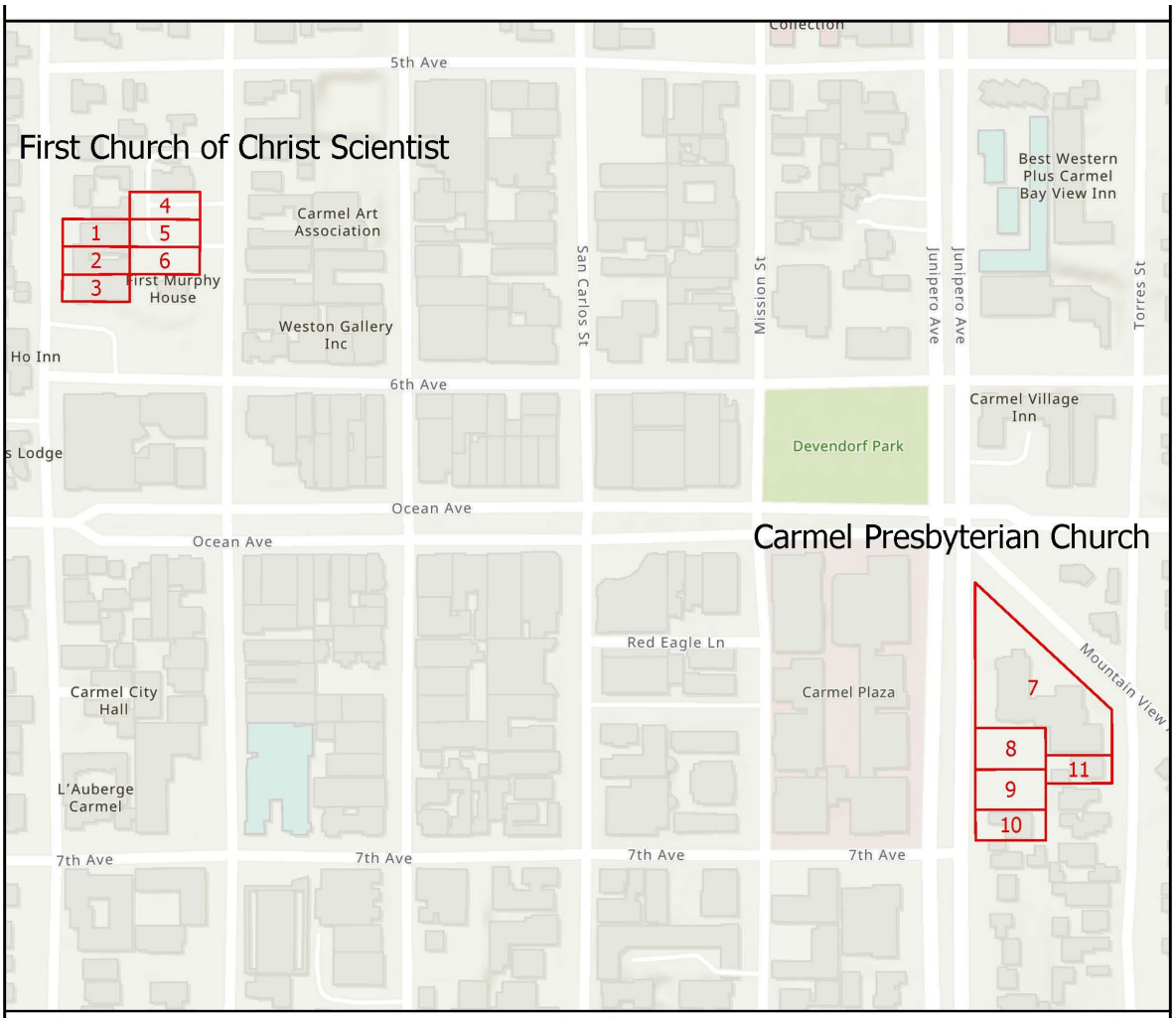
However, because there are no expressed interests in taking advantage of this program, the Housing Element has not assigned any RHNA units for this strategy. To be accepted by HCD for RHNA capacity, specific sites with expressed interest must be identified. Once specific locations are identified, the City could argue that the capacity and income distribution should be based on the proposed plans, regardless of lot sizes.

Housing on Church Properties

We recommend exploring SB 4 opportunities on the City's religious facility properties. SB 4, the Affordable Housing on Faith Lands Act, provides a streamlined process for religious organizations and nonprofit colleges to develop affordable housing on their property. SB 4 makes it legal for faith-based institutions and non-profit colleges to build affordable, multi-family homes on lands they own by streamlining the permitting process and overriding local zoning restrictions. The bill also guarantees "by-right" approval of new homes, as long as they are consistent with all objective building standards and comply with existing environmental protections.

Objective standards include density consistent with State-established default density. For Carmel (a community with population less than 25,000), this is 20 units per acre. As for

height, the housing development is allowed a height of one story above the maximum height otherwise applicable to the parcel. Utilizing SB 4 is NOT considered rezoning.



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1. First Church of Christ

Currently, the adopted Housing Element includes only one church property: Site 5 - First Church of Christ Parking Lot (0.28 acre) for 9 above moderate income units, utilizing SB 10 to streamline the subdivision of this site into 9 single-family lots. However, because these are intended as single-family lots, they are considered feasible as above moderate income housing only.

We understand that First Church of Christ had previously communicated with the City regarding its interest in redeveloping the entire site. The six parcels total 0.54 acre. Assuming the SB 4 allowable density of 20 units per acre, this site can potentially yield 11 units (estimated at 3 very low, 3 low, and 5 moderate income). We understand that the church has expressed interest in doing much more than 11 units. However, this cannot be achieved unless their site is rezoned for higher density development. If this is a desired approach, a program to rezone the property would be needed in order to claim a higher number of units on this site for RHNA.

2. Carmel Presbyterian Church

The Carmel Presbyterian Church has four parcels that can potentially be used for affordable housing. These include the two parking parcels and two single-family homes that are currently used as housing for staff. These four parcels total only 0.46 acre only. HCD may not accept this as adequate for facilitating lower income in the City given the allowable density of only 20 units per acre. However, the City may be able to assign these as moderate income units (estimated at 9 units).

3. Carmel Mission

We understand Carmel Mission has a large campus and has expressed interest in developing transitional/supportive housing. If the City is able to work with the Mission to identify a portion of the property for development, it could reduce the burden on the City-owned properties. Allocation of approximately five acres on this campus can potentially replace all three City-owned sites.

Summary of Potential Unit Changes (excluding Downtown)

Without lot consolidation, it is extremely challenging to use Downtown properties for lower income RHNA units. Based on the strategies discussed above, the City has the potential to move all 25 moderate income units and some lower income units off the City-owned properties (see **Table 3**).

Table 3: Summary of Potential Additional Units					
	Very Low	Low	Moderate	Above Moderate	Total
City-Owned Sites					
Site 1: Sunset Center North	20	10	3	0	33
Site 2: Sunset Center South	30	25	5	0	60
Site 3: Vista Lobos	28	11	17	0	56
Total	78	46	25	0	149
Potential Additional Units					
Projected ADUs	4	4	4	2	14
Hospitality Employee Housing	4	5	7	0	16
First Church	3	3	5	0	11
Carmel Presbyterian	0	0	9	0	0
Carmel Mission	--	--	--	--	--
Total	11	12	25	2	50
Remaining on City-Owned Properties	67	34	0	-2	

Downtown Properties

1. Underutilized Properties and Lot Consolidation Potential

Sites feasible for lower income housing should be at least 0.5 acre. Given the small lot sizes, downtown properties are less feasible for lower income units, unless the City is able to identify properties with potential for lot consolidation or demonstrate with more recent examples of affordable housing projects on small lots. Our search must expand beyond City limits given that there has been only one project in the City more than six/seven years ago.

Nevertheless, even if HCD would not accept downtown sites for lower income units, the City can increase the capacity for moderate income units and thereby lowering the number of units on the City-owned properties.

Typical factors for identifying potential parcels are:

- Property owner interest in redevelopment - this is the most convincing factor to HCD
- Vacant lot
- Lot with vacated uses - for lease or for sale signs, boarded up, vacated
- Existing uses - similar to uses being recycled in the region, such as retail and office uses, banks, and auto-related uses such as repair shops, gas stations, and used car sales
- Improvement to land value ratio (ILVR) less than 1.0 – higher thresholds may be used for retail and office uses if the City is able to demonstrate such uses with higher ILVR have been redeveloped in the region

- Age of structure or effective year at least 30 years - a threshold when major system upgrades are needed
- Floor Area Ratio (building square footage over lot area) less than 50% of allowable
- Height – at least one story less than allowed

To utilize this strategy, in addition to identifying potential parcels, the City will also need to:

- Look for other examples of affordable housing development on small lots in the region and demonstrate that potential sites identified in Carmel are similar in characteristics as these project locations.
- Modify program to provide incentives for lot consolidation. HCD typically accepts these incentives:
    - Ministerial process for lot consolidation
    - Increased density or other flexible development standards
    - Reduced/deferred/waived fees
    - Assistance with connecting property owners with developers

2. Office Conversion

City policy requires that conversion of second story space must be for residential uses. Identifying potential conversion can provide possibly moderate income housing based on unit size and type. Typically, HCD would accept small multi-family units (especially rental) to be affordable to moderate income households. To utilize this strategy, the following information would be helpful:

- Property owner interest
- Available second story space - for lease signs or vacated
- Examples of recent conversion - the Mill Valley example uses 1,000 square feet per unit but Carmel should be able to use a small unit size to estimate capacity

Summary

Each of these strategies discussed above requires further assessment for actual potential. Only after the City has determined one or more of these strategies could yield an adequate number of units to replace or reduce the burden on the City-owned sites, we could arrange a meeting with HCD to obtain preliminary comments.

A Property Owner Question & Answer Guide
"Considering an Accessory Dwelling Unit (ADU) in Carmel-by-the-Sea"

Carmel-by-the-Sea plans to add 349 new housing units throughout the city by 2031, as required by State law. This is a **BIG** hurdle for the one-square-mile village, which has no vacant land and is characterized by small lots. However, Accessory Dwelling Units (ADUs) are one option that blends and disperses new housing into the Village's existing neighborhoods. ADUs, historically referred to as Subordinate Units in Carmel and also known by names such as granny flats or in-law units, have the potential to add more affordable housing options for the local workforce, artists, and more, enhancing lifestyles and diversity for us all.

Preserving the village's character is important when planning for an ADU. While state ADU laws are broad and ever-changing, careful consideration of the placement, size, views, privacy, trees, landscape, and setbacks, along with the alignment of architectural styles, materials, and colors with your current home, are important to protect the special character and environmental resources that make Carmel so unique. This guide addresses a variety of questions about ADUs to assist homeowners who are exploring adding an ADU to their property.

Important Notes

State legislation and local requirements are subject to change.
Unique factors affecting your property may apply to your ADU and are not represented in this Guide.
Consult the Community Planning & Building Department for updates.

What are the different types of accessory dwelling units?

There are two types of ADUs:

- **ADU** (Accessory Dwelling Unit). A complete, independent place to live, sleep, eat, cook, and bathe, with an exterior entry separate from the primary dwelling. An ADU does not have an internal connection with the primary dwelling.

- **JADU** (Junior ADU). A living space no more than 500 square feet in size, fully contained inside the walls of the primary dwelling. The bathroom can be private or shared with the primary dwelling. An efficiency kitchen must be provided. A JADU has a separate exterior entry and internal circulation to the primary dwelling.

What are the basic requirements for an ADU and JADU?

Requirements & Considerations	ADU	JADU (Junior ADU)	Clarifications or References
Bedroom	Yes	Yes	
Bathroom	Yes	Yes*	Sink, Toilet & Shower/Bathtub *Can be shared with the primary dwelling.
Exterior Entry	Yes	Yes	Not less than 32" side-hinged egress door that provides access to the public way.[1]
Inter-Accessibility with Primary Dwelling	No	Yes	A JADU is required to be inter-accessible only if the bathroom facility is shared.
Kitchen	Yes	No	Permanent provisions for eating and cooking are required.
Efficiency Kitchen[2]	No	Yes	A cooking facility with appliances, a food prep counter, and storage cabinets.
Maximum Unit Size (current State Law)	850 SF for 1 BR 1,000 SF for a 2 BR* 50% of the living area or 800 square feet**	500 sq ft	*For detached ADUs. **For attached ADUs.
Setbacks	4' side and rear setbacks	N/A	Exception: Conversion of existing structures can maintain existing setbacks.
Building Height	Max. 16'-24'*	N/A	16' for detached ADUs up to 800 SF with 4' side/rear setbacks. *Up to 24' if attached to the primary dwelling.
Parking	None	None	
Building Permit	Yes	Yes	For detached ADUs less than 800 SF, no more than 16 feet tall, with 4-foot side and rear setbacks, a permit can be issued in 60 days.
New Utility Connection Charges	No	No	Submeter is optional.
Fire Sprinklers	Yes*	Yes*	*If the primary dwelling has, or is required to have, sprinklers.
Solar System	Yes*	No	Solar-ready infrastructure is required for new detached ADUs only. Refer to the California Energy Code www.energy.ca.gov.
Owner Occupancy	No	Yes	If the property has a JADU, the owner must occupy one of the dwelling units.

[1] Exterior changes require review by the Planning Division.
[2] "Efficiency kitchen" includes a sink, a cooking facility with appliances, a food preparation counter and storage cabinets. Appliances are limited to those that do not require electrical service greater than 120 volts, or natural or propane gas.

What other considerations should I be aware of?

- An ADU is a self-contained, independent dwelling on the same site as the primary dwelling.
- ADUs can be detached from the primary dwelling or attached to the primary dwelling.
- JADUs are created within the walls of the existing or proposed primary dwelling.
- Conversion of an existing guesthouse, studio, or garage can be a more affordable way to establish an ADU on your property.
- A guesthouse or studio may already contain a full or partial bath providing existing water credits and plumbing.
- A garage may contain a utility sink, which counts toward the water credits needed for an ADU.
- If you are considering a major remodel to your existing home, explore options to include an ADU, JADU, or both!
- ADUs cannot be sold separately from the primary dwelling[3].

Is my ADU/JADU required to be rented?

No. Who occupies the ADU/JADU and whether you charge rent to those occupants is your choice. ADUs provide housing options for various situations (See **Who might occupy my ADU/JADU?** below). Due to their smaller size, ADUs can be more affordable, increasing the number of great people calling Carmel-by-the-Sea home.

Note: Short Term Rentals (rental for less than 30 days) are not allowed in Carmel's residential neighborhoods. Learn more here.

Who might occupy my ADU/JADU?

- Family members or friends attending local colleges, starting a career, or saving to purchase a home.
- Aging family members with special needs.
- Caregivers (for adults or children).
- You! For downsizing or renting out your primary dwelling for rental income.
- Tenants working in hospitality, healthcare, education, arts, etc.

What commonly motivates property owners to consider an ADU?

- Future rental income.
- Increase in property value.
- Housing for caregivers, relatives, and others.
- Flexible living space as your needs change over time.
- Streamlined permit approvals.

How do ADUs contribute to our community and environment?

With ADUs, you can:

- Welcome new residents to our community, adding to its vitality.
- Provide housing opportunities for family, friends, the local workforce, and service providers.
- Provide more affordable housing options.
- Integrate housing into existing neighborhoods.
- Reduce drive time for local workers, decreasing emissions and roadway congestion.
- Contribute to alleviating the California Housing Crisis and …
- Help the Village meet the State-mandated requirements to produce 349 new housing units by 2031.

[3] Exception: The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation.

How do ADUs and JADUs contribute to the State-mandated housing requirements?

Every new housing unit counts!

- The 6th cycle Housing Element, adopted in April 2024, estimates that 34 new ADUs will be constructed by 2031, an average of four per year.
- Since 2018, 30 new ADUs have been completed, and an additional 22 ADUs are currently under construction. That equals 52 new housing units dispersed throughout the Village!
- Due to their smaller size, ADUs and JADUs have the potential to provide housing opportunities for a broader range of income levels.
- Consider the following:
    - An ADU or JADU occupied by a caregiver rent-free as part of their compensation package is considered an affordable housing unit.
    - An ADU or JADU occupied by an aging family member rent-free is considered an affordable housing unit.
    - An ADU or JADU occupied by a family member or friend at a discounted rate while attending college or just starting out after graduation is considered an affordable housing unit.
    - A 250-square-foot ADU rented at market rate may also qualify as an affordable housing unit due to its smaller size.

As you can see, a new ADU/JADU can serve various housing needs beyond just providing rental income for the owner. As your needs change over time, so can the use of your ADU/JADU.

Are there requirements, assistance or services available to aid in qualifying renters?

Yes! Many local property management companies provide screening, qualification, and rental agreement templates that comply with federal, state, and local laws. The following are a few online services and organizations that may be helpful:

- California Apartment Association provides standard rental templates. https://caanet.org/topics/rental-lease-agreements/
- American Apartment Owners Association provides background check services. https://www.american-apartment-owners-association.org/tenant-screening-background-checks/california/
- California Tenants and Landlords Rights and Responsibilities https://landlordtenant.dre.ca.gov/resources/guidebook/index.html

What about the scarce water and meters in our Village?

- Older homes have less efficient water fixtures (e.g., sinks, toilets, showers, etc.) that can be replaced with newer, more efficient fixtures, freeing up the water needed to supply an ADU. This is often called "Harvesting of Water Credits".
- Some homes may have unused water credits. By identifying current appliances and water fixtures (e.g., washing machines, dishwashers, showerheads, etc.), you can better understand your specific water needs.
- Click here for the Monterey Peninsula Water Management District (MPWMD) Water Release Form to calculate your existing fixture count and the amount of water needed for a new ADU. Other useful forms can be found on MPWMD's website. For more information on fixture counts and water credits, please contact MPWMD at (831) 658-5601.
- Unique requirements of your ADU planning may influence your needs or preference for a separate/new water meter. Currently, there is a regional moratorium on new meters and limited available new water credits that may impact your building timeline.

- Some homeowners may already have a guesthouse or studio with a bathroom that can be converted to an ADU by adding a kitchen. Confirming you have adequate water credits for your kitchen sink or optional dishwasher is a first step.

Are there tax considerations I should be aware of?

The following information is general in nature. Please consult a tax professional as part of your ADU planning.

- When adding square footage to your home or undertaking a substantial removal, the assessed value of your property and your resulting tax bill may increase. Examples include building an addition to your home, constructing a detached ADU, or converting a garage to an ADU.
- All improvements requiring a building permit are reported to the Monterey County Assessor; however, not all improvements will impact your property taxes. For more information, please contact the Assessor at (831) 755-5035.
- State or Federal taxation applies to rental income generated by an ADU.
- Rental income from two or fewer residential units is exempt from City business license requirements and taxation.

What are the permit and utility fee considerations?

- The City is exploring reduced permit fees for ADUs and JADUs as an incentive to property owners. Details on incentives will be addressed separately from this Guide.
- JADU: A building permit is required to establish a JADU and for any associated improvements (e.g., installing an exterior entry door and an efficiency kitchen.
- ADU: A building permit is required to construct a new attached or detached ADU. This includes electrical, plumbing, and mechanical.
- Garage/Guest House/Studio Conversion: A building permit is required to convert existing structures into an ADU.
- Additional considerations:
  - The Building Code requires that a detached ADU include solar-ready infrastructure.
  - The Carmel Municipal Code requires that electrical service lines be undergrounded if the electrical panel is upgraded or the value of the project is more than $200,000.
  - Fire sprinklers are required if the primary dwelling has sprinklers.
- School District Fees: The school district charges $0.49 per square foot on new residential construction.
  - Additions less than 500 square feet are exempt from this fee[4].
- Traffic Impact Fees: ADUs under 750 square feet are exempt from impact fees assessed by TAMC (Transportation Agency for Monterey County).
- ADUs and JADUs converted from existing square footage are not considered new or separate dwelling units for delivery of water, sewer, or power. Local special districts (sewage) or water corporations cannot charge connection fees.

Are there financial assistance and/or funding options?

- Explore these California programs:
  - https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units
  - https://www.calhfa.ca.gov/adu/index.htm
- Local programs include:
  - Habitat for Humanity, https://www.habitatmontereybay.com/adu
  - Carmel-by-the-Sea resources https://ci.carmel.ca.us/post/housing-resources

[4] https://www.carmelunified.org/departments/business-services/developer-fees (August 26, 2024)

What are the steps, from planning through permits and estimated timing?

- Complete the water district's Residential Water Release Form to determine your existing fixture count and calculate the amount of water you need for an ADU or JADU. You can also contact MPWMD at (831) 658-5601 to find out if there is an existing water permit on file for your property.
- Work with a designer/contractor to develop plans for your ADU/JADU.
- Submit a Building Permit application to the Carmel-by-the-Sea Building Safety Division.
    a. For online permit submissions, visit https://carmel.portal.iworq.net/portalhome/carmel.
    b. Submittal requirements for an attached ADU.
    c. Submittal requirements for a detached ADU.
    d. For additional resources, visit the Building Safety Division "Application and Informational Handout" webpage here.
- Work with a contractor to construct your ADU/JADU.
- Upon completion, you will receive a Certificate of Occupancy from the Building Safety Division.
- Begin using your new housing unit!

If you want to establish an ADU or JADU, please email housing@ci.carmel.ca.us.
Please also sign up online to receive updates on ADUs.

More Reference Documents & Sources

State of California Department of Housing and Community Development (HCD)
https://www.hcd.ca.gov/policy-and-research/accessory-dwelling-units

- State Handbook/Guidelines (PDF) for ADUs as of July 2022.
- Frequently Asked Questions: Junior Accessory Dwelling Units (undated).
- HCD guidance on Tiny Homes (not in Carmel's Housing Programs at this time).

California Coastal Commission (CCC)
https://www.coastal.ca.gov/

- Updates Regarding the Implementation of New ADU Laws (January 2022).
- Implementation of New ADU Laws (April 2020).

State of California Legislation on ADU's (subject to change)

- California Senate Bill (SB) 477 on Accessory dwelling units.
- State law governing ADUs.
- State law governing JADUs.

We are seeking your feedback on this Guide.
*Please email comments, questions, and suggestions to **housing@ci.carmel.ca.us**.*

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

December 3, 2024
PUBLIC HEARINGS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Brandon Swanson, Assistant City Administrator
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2024-099 - Consideration of a partial after-the-fact Permanent Encroachment Permit, PERM EN 23-077 (Givens), for development in the public right of way which includes a series of terraced retaining walls, a new staircase with handrail, and a new driveway retaining wall located on the southeast corner of Torres Street and 5th Avenue in the Single-Family Residential (R-1) District.

RECOMMENDATION:

Adopt Resolution 2024-099 (Attachment 1) denying Permanent Encroachment application (EN 23077) for the installation of additional encroachments, including two terraced landscape walls and railroad tie and decomposed granite steps, the legalization of, and modification to, existing encroachments, including wood retaining walls at the northwest corner of the property, driveway river stone retaining wall and wood steps on the north side of the property in the public right-of-way, adjacent to a single-family residence located at the southeast corner of Torres Street and 5th Avenue.

BACKGROUND/SUMMARY:

The applicant is requesting to both create new and to legalize and maintain existing encroachments in the public right-of-way. On behalf of the owners, the Applicant is requesting City Council consideration of the encroachments (Attachment 2).

On March 3, 2023, the Planning Commission approved a Design Study Application, DS 22-226, Givens (Resolution 2023-014-PC), for a Final Design Study and associate Coastal Development Permit for the demolition of more than 50 percent of an existing 1,216-square-foot single-story residence and detached garage and the construction 1,470-square-foot single-story residence with a detached garage at the Southeast corner of Torres Street and 5th Avenue.

As part of the Design Study approval, staff identified the subject encroachments, which include the existing driveway, retaining wall, and garden. An encroachment permit for the subject encroachments or any associated approval was not on file. The applicant was required to obtain an encroachment permit for the right-of-way improvements to retain the existing driveway, retaining wall, and garden wall without modifications. The Planning Commission did not discuss or make any recommendations; they only agreed

with the staff's condition to obtain an encroachment permit. In accordance with CMC 12.08.125, Nonconforming Existing Encroachments, Condition of Approval ("CoA" – CoA #35) was included as part of the project that was approved by the Planning Commission.

> *Prior to final inspection, the Applicant shall obtain an encroachment permit for existing right-of-way encroachments and provide proof of liability insurance.*

Rather than removing the unpermitted work, the applicant is requesting to legalize and maintain the existing encroachments that were identified as part of the Design Study Application in addition to creating new encroachments that include a new staircase with a handrail and a series of terraced retaining walls.

The request for the encroachment has been referred to the City Council in accordance with CMC 12.08.050.D, which states: *If the proposed encroachment does not conform to these standards (CMC 12.08.060), or it is the opinion of the City Administrator that the nature of the encroachment is contrary to the public interest or should be referred to the City Council for determination.*

Project Description:
The Applicant is seeking approval to replace existing railroad tie steps from Fifth Avenue onto parcel add a new railroad tie and decomposed granite staircase, a series of terraced retaining walls of redwood with 2x12 boards (not to exceed 29"), stump removal and to landscape the ROW. Secondary encroachments include repairing/replacing the wood stairs in NE corner of ROW on 5th Ave, planting ROW with zero water CA natives from Carmel Plant list and maintaining the existing plants in the right-of-way. The applicant is requesting these encroachments as the right-of-way erodes into 5th Avenue and Torres Street during winter rain.

Applicable Regulations:
General Plan Policy P1-43 states,

Maintain and enhance the informal, vegetated, open space character of the City's rights-of-way. Trees in the rights-of-way shall not be removed to provide parking. With the exception of driveways, installation of new paving in the rights-of-way by private property owners is prohibited. (LUP)

CMC Section 17.34.070.B (Public Right-of-Way in the R-1 District) states that pathways paved only with decomposed granite or other soil materials are permitted and above-ground encroachments are prohibited (except paving for driveways). The full text of the section is provided below.

1. Landscaping in public rights-of-way in the R-1 district is limited to drought-tolerant plants that are native and are consistent with the character of the Monterey Peninsula environment.

2. Plants should be natural in character and informally arranged to reflect the surrounding forest atmosphere. Landscaping shall not include bedding plants, highly colorful flowering plants and "formal plant arrangements."

3. Landscaping should consist of leafy ground covers, low shrubs and/or trees of the urbanized forest. Natural dirt rights-of-way with pine needles is also permitted. Parking spaces may be defined in the unpaved right-of-way with landscaping.

4. Paving, gravel, boulders, logs, timbers, planters or other above-ground encroachments are prohibited, except paving for driveways. Pathways paved only with decomposed paved only with decomposed granite or other soil materials made of soil materials are permitted.

Residential Design Guideline 1.5 states,

Maintain and enhance the informal, vegetated, open space character of the right-of-way.

- Use simple planting plans when right-of-way landscaping is proposed.
- Emphasize native plants.
- Do not add paving or boulders to the right-of-way.

Residential Design Guideline 1.7 states,

Where a parking area in the right-of-way is to be defined, use a design that will reinforce the forest image.

- Natural soil, shredded bark and wood chips are preferred surface materials. Gravel is prohibited.
- Separate an existing parking space in the right-of-way from any driveway with plantings.
- Only the city is authorized to add paving or boulders in the public right-of-way, except in the cases of driveways and authorized encroachments.

Residential Design Guideline 2.2 states,

Maintain existing patterns of street edge design and street paving.

- Avoid adding new pavement at the edge that would widen the street or create a parking space.
- Maintain an informal unpaved and/ or landscaped edge where it exists.

Residential Design Guideline 10.3 states,

Planting in areas visible from the street or other public places should continue the forest character.

- Locate plants in relaxed, informal arrangements that are consistent with the urban forest character.
- Avoid formal, unnatural arrangements of plants and paving except in areas out of public view.
- Reserve the use of bedding plants and exotic flowering plants to small accents at walkways, entries or near special site features.
- Lawns visible from the street are inappropriate to the forest setting and should be avoided.

Residential Design Guideline 10.4 states,

Plants in the public right-of-way should be predominantly green foliage plants, in keeping with the design traditions of Carmel.

- Leaving the right-of-way natural is encouraged.
- Naturalized landscaping consistent with the City's forest character may be added to the right-of-way and be designed to blend into landscaping on site to enhance the sense of open space.
- If planted, the use of native trees, ground covers and low shrubs is preferred.
- Avoid the use of bedding plants and exotic species in the public right-of-way.

Note: No new paving for parking may be created in the right-of-way and when development occurs on a site any existing paving in the right-of-way must be removed unless specifically authorized through an encroachment permit.

Carmel Municipal Code Chapter 12.08 (Encroachments) states that it is the policy of the City to discourage encroachments onto public lands. When approving an encroachment, they shall be kept to a minimum and permitted only when a) consistent with the General Plan, b) preserve the public health, safety, or welfare, c) contribute to the general planning and zoning objectives of the City, and d) are characteristic with the appearance of the neighborhood and City.

A permit is required to place or maintain any encroachment in the public right-of-way. "Encroachment" is defined as, *any excavation, structure or object, temporary or permanent, upon, over, or under any City property or public right-of-way, except driveways*… A permanent encroachment is any encroachment that remains in the public right-of-way for more than 90 days.

Applications for encroachments are submitted to the Director of Community Planning & Building for coordination of reviews by appropriate City departments. The City Administrator is authorized to approve encroachments that conform to the standards in CMC 12.08.060. If the proposed encroachment does not conform to these standards, or it is the opinion of the City Administrator that the nature of the encroachment is contrary to the public interest or should be referred to the City Council for determination, then the application shall be scheduled for action by the City Council. Due to the nature of the encroachment, the City Administrator is referring the application to the City Council for action. Each standard is listed below, followed by the applicant's response to the standard and the staff's response. The City Council has the authority to exercise discretion in determining conformance with applicable review standards. Unlike the City Administrator, Council has these standards to use as a guide for review, but is not required by the code to find that the proposed encroachment all the standards.

ANALYSIS:

Encroachment Application Review Standards

There are nine (9) review standards A through I. Standard I applies only to wireless communication facilities and does not apply to this application.

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

Applicant's Response: The applicant has indicated that the homeowners manage the soil that erodes into the ROW after heavy rains. They are requesting the encroachments as a mitigation measure of the erosion concerns that arise from the hillside of Torres Street.

Staff's Response: The applicant has not provided a justifiable need for maintaining or expanding the existing encroachments. The scope of this application would significantly expand encroachments in the public right-of-way. Staff has discussed with the applicant potential mitigation measures to prevent further erosion. The options provided included the installation of a 6" rolled AC berm at the edge of the road continuing around the north and south sides of the driveway and the installation of jute netting, filter fabric and ground cover landscaping.

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

Applicant's Response: The proposed encroachments will improve public safety by creating safer access to

the property and result in the reclaiming of areas that can be impeded by soil erosion each rainy season.

Staff Response: The proposed encroachments do not create a hazard to public health or safety.

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

Applicant's Response: Proposed encroachments will not disrupt current drainage patterns. The intention of the proposed work is to slow the existing drainage speeds and to prevent erosion.

Staff Response: The proposed terraced retaining walls are not in compliance with the Design Guidelines for the treatment of the right-of-way. The proposed preferred method of mitigating the erosion that is compatible with the General Plan, Carmel Municipal Code and Residential Design Guidelines would be with the use of jute netting and native plants.

The Community Planning and Building Department and Public Works Department also apply a standard Condition of Approval to projects where there is a natural slope in the right-of-way that does not accommodate the parking of vehicles. That condition requires:

> *Projects with a natural slope within the right-of-way immediately adjacent to the property where parking is not practical shall install jute netting and a drought tolerant ground cover to manage post-construction erosion control. Plants installed within the drip line of trees shall be selected from the City's "List of Compatible Plants Under and Around Native Trees" located in the Forest Management Plan.*

D. Circulation and Parking.

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

Applicant's Response: The proposed encroachment will not adversely impact existing right-of-way or preclude existing right-of-way. The encroachment will improve vehicular traffic by preventing soil erosion into the street during rain events. There are no sidewalks or pedestrian areas in the right-of-way

Staff's Response: The existing encroachment does not substantially affect vehicular access. The proposed terraced retaining walls may improve vehicular and pedestrian access as vehicles can be located further off the roadway onto portions of the unimproved right-of-way.

E. Public Use and Enjoyment.

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

Applicant's Response: The applicant is proposing landscaping that will increase visual interest along an area that is not landscaped near the downtown area. The proposed encroachments include flowering CA Native landscaping that will increase the public enjoyment of the right-of-way.

Staff's Response: The proposed encroachments diminish public use and enjoyment but reducing the amount of public open space of the right-of-way. The proposed encroachment effectively creates an extension of the property into the right-of-way. The landscape walls create a barrier between the roadway and the remainder of the right-of-way. The terraced retaining walls act to close off a portion of the right-of-way to create an extension of a private yard.

F. Compatibility.

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

Applicant's Response: The proposed encroachment follows the General Plan. The stairs are a natural material that allow for safe access pedestrian access to the parcel. The proposed encroachment does not create a undesirable land use precedent as there are similar encroachments present in the City. The proposed encroachment would not adversely affect adjoining parcels. The proposed encroachments and their mitigation are compatible with the surrounding area and adjoining properties.

Staff's Response: The City has adopted clear standards that guide the treatment of the right-of-way that are described and adopted in the General Plan, zoning code, and Residential Design Guidelines. The proposed encroachment is contrary to the policy direction, design objectives, and standards of the zoning code. The addition of the proposed encroachments would bring the property further out of compliance for the treatment of the right-of-way.

General Plan Policy P1-43 states, *Maintain and enhance the informal, vegetated, open space character of the City's rights-of-way.* The current property frontage treatment is a natural finish, without landscaping, and a rolled asphalt berm at the street edge to keep surface water from flowing from the street onto private property.

CMC Section 17.34.070.B (Public Right-of-Way in the R-1 District) states that above-ground encroachments are prohibited (except paving for driveways). Logs, timbers, planters or other above-ground encroachments are prohibited. Defining the boundary of a landscaped area with stones, rocks, logs, etc. are typically discouraged in favor of a natural, informal forest edge.

G. Public Property/Greenbelt.

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

Applicant's Response: The encroachment will retain the existing trees and bushes in the right-of-way. A large tree stump will be removed, at the request of the Planning Commission. The right-of-way will be planted with flowering CA Natives. Significant trees were identified by the City Forester during the planning phase of the home remodel in 2022. The trees are marked on the site plan and will be protected during encroachment work.

Staff's Response: The General Plan describes the right-of-way as an important open space resource that contributes to the city's parklike environment. As described in the General Plan:

> *The city of Carmel has nine formally designated park, open space, and recreational areas as well as the Rio Park, which is located outside of the City limits, but is owned by the City. The parks and open space amount to over 68 acres of land. In addition, the City has approximately 67 acres of other areas that can be considered an important open space resource, but are not available for the traditional park and recreation use. Unimproved Right of Way, otherwise known as a linear greenbelt, as well as miniature parks are examples of such resources. (Open Space and Conservation Element, Page 7-6)*

The General Plan further defines the greenbelt area as:

An unimproved right-of-way (ROW), where roadway width is reduced and a certain percentage of the ROW is dedicated to self-sufficient landscaping. Linear greenbelt landscaping might include shrubbery, decorative rocks, occasional benches, and trees that may also act as traffic calming features. Management of these areas is limited.
The City Forester has visited the site and has determined the existing trees in the right-of-way are not impacted by the maintenance of the encroachment or the removal of the encroachment, provided the trees are appropriately protected during construction activities. The significant trees are designated on the site plan and will be protected during encroachment work. No removal of any significant trees is proposed.

H. Mitigation. When deemed appropriate by the City, the applicant shall include those measures appropriate to compensate the City for the loss of the use of City property or the public right-of-way, or to repair damage thereto.

Applicant's Response: The applicant agrees to measures appropriate to compensate the City for the loss of the use of City property or the public right-of-way, or to repair damage thereto.

Staff's Response: As staff has recommended denial of the encroachment, mitigation has not been proposed. If the City Council is inclined to grant the encroachment, or a similar encroachment, mitigation may be considered to compensate the city for the loss of the use of the city's property or the public right-of-way.

FISCAL IMPACT:

The applicant has paid an encroachment permit fee, which covers the costs associated with processing the permit. The adjacent property owner is responsible for maintaining approved encroachments.

PRIOR CITY COUNCIL ACTION:

None.

ATTACHMENTS:

Attachment 1) Resolution 2024-099
Attachment 2) Plans
Attachment 3) Applicant Letter

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

RESOLUTION NO. 2024-099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING A PERMEANT ENCROACHMENT APPLICATION (EN 23077, GIVENS) FOR THE INSTALLATION OF ADDITIONAL ENCROACHMENTS, INCLUDING TWO TERRACED LANDSCAPE WALLS AND RAILROAD TIE AND DECOMPOSED GRANITE STEPS, LEGALIZATION OF, AND MODIFICATION TO, EXISTING ENCROACHMENTS, INCLUDING WOOD RETAINING WALLS AT THE NORTHWEST CORNER OF THE PROPERTY, A DRIVEWAY RIVER STONE RETAINING WALL, AND WOOD STEPS ON THE NORTH SIDE OF THE PROPERTY, IN THE PUBLIC RIGHT-OF-WAY, ADJACENT TO A SINGLE-FAMILY RESIDENCE LOCATED AT THE SOUTHEAST CORNER OF TORRES STREET AND 5th AVENUE. APN: 010-092-012-000.

WHEREAS, on March 27, 2024, Jay Auburn, ("Applicant") submitted an application on behalf of Troy and Sharyl Givens ("Owner" & "Permittee") requesting approval of a Permeant Encroachment Permit application EN 24-077 (Givens) described herein as ("Application"); and

WHEREAS, the Application has been submitted for the property located at the southeast corner of Torres Street and 5th Avenue in the Single-Family Residential (R-1) District; and

WHERAS, at the March 8, 2023 Planning Commission meeting, the commission approved DS 22-226 (Givens), through Resolution 2023-014-PC, for the demolition of a single-story residence and detached garage and construction of a new single-story residence and detached garage; and

WHERAS, staff included Condition of Approval ("CoA" – CoA #35), requiring the applicant obtain an encroachment permit for existing right-of-way encroachments; and

WHEREAS, the Applicant is proposing to create additional encroachments, legalize and maintain the existing non-conforming encroachments in the public right-of-way; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 12.08.030 (Permit-Required), a permit is required to create, erect, construct, place, operate, or maintain any obstruction, structure, or encroachment, including utility lines, sanitary system transmission lines, or reclaimed water system lines in, over, under or on any sidewalk area, street, public right-of-way, park or parkway; and

WHEREAS, in accordance with CMC Section 12.08.050 (Permit-Process and Determination), the City Administrator or his/her designee may approve the application if it conforms to the standards set forth in CMC 12.08.060 (Encroachment Application Review Standards); and

WHEREAS, if the proposed encroachment does not conform to these standards, or it is the opinion of the City Administrator that the nature of the encroachment is contrary to the public interest or should be referred to the City Council for determination, then the application shall be scheduled for action by the City Council; and

WHEREAS, on November 22, 2024, a notice of the public hearing scheduled for December 3, 2024, was published in the Carmel Pine Cone in compliance with State law (California Government Code

65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before November 23, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on December 3, 2024, the City Council held a duly noticed public hearing to receive public testimony regarding the Permanent Encroachment Permit application, including without limitation, information provided to the City Council by City staff and through public testimony; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Council at the hearing including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the City Council did hear and consider all said reports, attachments, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.,* "CEQA"), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.,* the "CEQA Guidelines") and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, according to Section 15270 of the California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, CEQA does not apply to projects which a public agency rejects or disapproves. Further, the physical removal of the encroaching features was considered as part of the associated Design Study (DS 23-171) as all encroaching features were proposed to be removed as part of that project. That project was found by the Planning Commission to be Categorically Exempt under Section 15303 (Class 3) – New Construction or Conversion of Small Structures; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding Encroachment Permit Application EN 24-077 (Givens):

1) There is no justifiable need for the encroachment
2) The encroachment may impact the public's right to access the right-of-way (visual and physical);
3) The encroachment is incompatible with the policies, ordinances, and design guidelines for the treatment of the right-of-way; and

BE IT FURTHER RESOLVED that the City Council of the City of Carmel-by-the-Sea does hereby **DENY** a Permeant Encroachment Application (EN 23-077) for the installation of additional encroachments, including two terraced landscape walls and railroad tie and decomposed granite steps, the legalization of, and modification to, existing encroachments, including wood retaining walls at the northwest corner of the property, driveway river stone retaining wall and wood steps on the north side

of the property in the public right-of-way, adjacent to a single-family residence located at the southeast corner of Torres Street and 5th Avenue, APN: 010-092-012-000.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of December, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:	ATTEST:
_____	_____
Dave Potter	Nova Romero
Mayor	City Clerk

GIVENS RESIDENCE RIGHT OF WAY ENCROACHMENT

SE CORNER 5TH & TORRES , CARMEL , CALIFORNIA
APN 010-092-012-000 [CARMEL-BY-THE-SEA]

HOURS OF CONSTRUCTION

THE OPERATION OF TOOLS AND EQUIPMENT USED IN CONSTRUCTION SHALL BE LIMITED TO THE HOURS AUTHORIZED BY LOCAL AUTHORITY. NO HEAVY EQUIPMENT RELATED CONSTRUCTION ACTIVITY IS ALLOWED ON SUNDAYS OR HOLIDAYS. IF THE CITY ADOPTS A NOISE ORDINANCE IN THE FUTURE, APPLICABLE PROVISIONS OF SAID ORDINANCE SHALL REPLACE THIS CONDITION.
DISCOVERY OF PREHISTORIC OR ARCHAEOLOGICAL RESOURCES :
SHOULD CONCENTRATIONS OF ARCHAEOLOGICAL OR PALEONTOLOGICAL MATERIALS BE ENCOUNTERED DURING CONSTRUCTION OR GRADING OPERATIONS, ALL GROUND-DISTURBING WORK SHALL BE TEMPORARILY HALTED ON THE SITE AND THE COMMUNITY DEVELOPMENT DEPARTMENT CONTACTED. WORK NEAR THE ARCHAEOLOGICAL FINDS SHALL NOT BE RESUMED UNTIL A QUALIFIED ARCHAEOLOGIST HAS EVALUATED THE MATERIALS AND OFFERED RECOMMENDATIONS FOR FURTHER ACTION. PREHISTORIC MATERIALS THAT COULD BE ENCOUNTERED INCLUDE: OBSIDIAN OR CHERT FLAKES OR TOOLS, LOCALLY DARKENED MIDDEN, GROUND STONE ARTIFACTS, DEPOSITIONS OF SHELL, DIETARY BONE, AND HUMAN BURIALS. SHOULD HUMAN REMAINS BE UNCOVERED, STATE LAW REQUIRES EXCAVATION IS HALTED IN THE IMMEDIATE AREA AND THAT THE COUNTY CORONER BE CONTACTED IMMEDIATELY. SHOULD THE CORONER DETERMINE THAT THE REMAINS ARE LIKELY THOSE OF A NATIVE AMERICAN, THE CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION MUST BE CONTACTED WITHIN 24 HOURS OF IDENTIFICATION. THE HERITAGE COMMISSION CONSULTS WITH THE MOST LIKELY NATIVE AMERICAN DESCENDANTS TO DETERMINE THE APPROPRIATE TREATMENT OF THE REMAINS.

CONSTRUCTION PLAN SUMMARY

Attachment 2

1. THE PROPOSED PROJECT IS A SFR REMODEL THAT IS TO BE COMPLETED IN A TIME FRAME OF 6 MONTHS
2. THE PROPOSED PROJECT WILL BE BUILT BY A LICENSED CONTRACTOR WITH AN AVERAGE OF SIX WORKERS WORKING ON THE PROJECT PER WORKING DAY.
3. PARTIES RESPONSIBLE DURING CONSTRUCTION:
   A. OWNER: TROY & SHARYL GIVENS
   B. CONTRACTOR: LEWIS BUILDERS
4. ON AVERAGE, TWO TO THREE TRUCKS A DAY AT SITE AND ONE TRIP TO MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT A WEEK.
5. HOURS OF OPERATIONS: M-F, 8AM - 5PM.
6. PROJECT SCHEDULING: START JULY 2023 TO FEBRUARY 2024

VICINITY MAP

WATER CREDITS

FIRE SPRINKLERS

ZONING CONFORMANCE

CONTACT INFO

LEGAL OWNER	APPLICANT / DESIGNER
TROY & SHARYL GIVENS SE CORNER 5TH &TORRES CARMEL 93921	LEWIS BUILDERS 3706 The Barnyard G11 Carmel, CA (831) 250 7168
ENGINEER OF RECORD	ENERGY COMPLIANCE

SITE DETAILS

LAND USE:	SINGLE FAMILY RESIDENTIAL
ZONING:	LDR
SITE AREA:	4,000 SF
YEAR BUILT:	1950
OCCUPANCY TYPE:	R1
CONSTRUCTION TYPE:	V-B
SPRINKLED:	YES
LIVING AREA:	1,201 SF
HOUSE:	*1,025 SF*
GARAGE:	*191 SF*
JURISDICTION:	CARMEL-BY-THE-SEA
WATER:	CALAM
SEWER:	SEWER
ELECTRICITY/GAS:	PG&E
SOIL GROUP:	CARMEL TYPE "C"
HISTORIC BLDG:	NO
ARCHEOLOGY:	NO
FLOODPLAIN:	NO
WUI ZONE:	NO
EASEMENTS:	NO
ENCROACHMENT:	REQUESTED
NON-CONFORMING:	YES
VARIANCE:	NO

BUILDING CODES

ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO THE MOST CURRENT EDITION OF THE FOLLOWING:
- CALIFORNIA BUILDING CODE 2022
- CALIFORNIA RESIDENTIAL CODE 2022
- CALIFORNIA MECHANICAL CODE 2022
- CALIFORNIA PLUMBING CODE 2022
- CALIFORNIA ELECTRICAL CODE 2022
- CALIFORNIA FIRE CODE 2022
- CALIFORNIA ENERGY CODE 2022
- CALIFORNIA GREEN BUILDING STANDARDS CODE 2022
- CARMEL-BY-THE-SEA MUNICIPAL CODES 2021
- CARMEL-BY-THE-SEA RESIDENTIAL DESIGN GUIDELINES 2001

NOTES

RE-SUBDIVIDED CORNER LOT

ENCROACHMENT PERMIT REQUESTED FOR EXISTING RETAINING WALL, NEW LANDSCAPE WALLS, NEW STEPS & DRIVEWAY RECONFIGURATION IN ROW. AN ENCROACHMENT PERMIT SHALL BE OBTAINED FOR ANY WORK IMPEDING THE RIGHT OF WAY.

DEFERRED SUBMITTAL

PLANNING
LANDSCAPE PLAN
RIGHT OF WAY ENCROACHMENT (SUBMITTED 05/24/24)

BUILDING
FIRE SUPPRESSION
GAS SCHEMATIC
PLUMBING SCHEMATIC

PROJECT DESCRIPTION

ROW ENCROACHMENT SCOPE OF WORK:
1 REPLACE/REPAIR ROTTEN WOOD STAIRS IN NE CORNER OF ROW ON 5TH AVE.
2 REMOVE ERODED SOIL FROM 5TH AVE (RECLAIM THE STREET PAVING), RETURN TO ROW HILLSIDE
3 ALL ROW SHALL BE PLANTED WITH ZERO WATER CA NATIVES FROM THE CARMEL PLANT LIST. PLANTINGS AT STREET LEVEL SHALL HAVE A MATURE HEIGHT UNDER 25". ALL PLANTINGS SHALL SELF SEED EACH YEAR & REQUIRE NONE-TO-LOW MAINTENANCE.
4 EXISTING TREES, SHRUBS AND FLOWERING PLANTS IN ROW TO BE RETAINED UNLESS THEY INTERFERE WITH VISIBILITY AT THE TORRES & 5TH INTERSECTION.
5 INSTALL TWO NEW WOOD LANDSCAPE WALLS, NOT TO EXCEED 30" IN HEIGHT, TO PREVENT HILLSIDE EROSION INTO STREET.
6 REMOVE LARGE TREE STUMP ALONG TORRES ST.
7 MINOR REGRADING BEHIND EACH RETAINING WALL TO CREATE A DRAINAGE SWALE AND EQUALIZE THE GRADE IN EACH TERRACE.
8 EXISTING RETAINING WALL AT NORTHWEST PROPERTY LINE TO BE REPAIRED AS NEEDED. X
9 KEEP EXISTING RIVER STONE RETAINING WALL ON NORTH SIDE OF DRIVEWAY.
10 REMOVE EXISTING ASPHALT DRIVEWAY IN ROW AND PARCEL.
11 RECONFIGURE DRIVEWAY TO PROVIDE USABLE ACCESS TO WIDENED GARAGE.
12 NEW DRIVEWAY IN ROW AND PARCEL TO BE PERMEABLE SAND SET PAVERS FROM CALSTONE.
13 RETAIN EXISTING ASPHALT DRIVEWAY APRON & SOFT CURBS.
14 REMOVE NON-PROTECTED SHRUBS AND TREES AT SOUTHWEST CORNER OF ROW TO ACCOMMODATE DRIVEWAY SHIFT TOWARD SOUTH. FINAL SHAPE TBD ON SITE BY TERRAIN AND PROXIMITY TO EXISTING OAK TREE IN NEIGHBOR ROW.
15 INSTALL NEW RAILROAD TIE AND DECOMPOSED GRANITE STEPS ALONG NORTH EDGE OF RECONFIGURED DRIVEWAY FOR SAFE ACCESS TO RESIDENCE DURING RAIN EVENTS. CURRENT SLOPE OF THE DRIVEWAY CREATES SLIP HAZARD, STAIRS ARE NEEDED FOR SAFE PEDESTRIAN ACCESS TO TORRES ST.
16 MOVE EXISTING RIVER STONE RETAINING WALL FROM THE SOUTH SIDE OF EXISTING DRIVEWAY. SAVE RIVER STONES AND REBUILD A LANDSCAPE WALL ALONG SOUTH SIDE OF RECONFIGURED DRIVEWAY. STYLE TO MATCH EXISTING RIVER STONE WALL.
17 THE STOP SIGN ON TORRES MAY REQUIRE NEW CONCRETE BASE IF DISTURBED BY RETAINING WALL INSTALLATION OR EROSION RECLAMATION OF STREET.

RFI #1 SCOPE OF CHANGES X
1 EXISTING WOOD RETAINING WALL IN ROW (AT NORTHWEST PROPERTY LINE) TO REMAIN IN CURRENT LOCATION. IT CANNOT BE RELOCATED INSIDE PROPERTY LINES. RELOCATION WOULD REQUIRE EXCAVATION IN THE 6' NO-DIG-ZONE OF SIX TREES, INCLUDING TWO MASSIVE TREES WHICH COULD CAUSE SIGNIFICANT DAMAGE IF THEY FALL DUE TO ROOT DISTURBANCE.
2 THE EXISTING WOOD WALL MATCHES THE STYLE OF THE PROPOSED WOOD RETAINING WALLS. STONE CLADDING WILL NO LONGER BE APPLIED TO THE EXISTING RETAINING WALL.
3 ADDITIONAL NATIVE NO/LOW WATER PLANT SELECTIONS FOR ROW INSTALLATION. (CITY BEAUTIFICATION).

FAR & SITE COVERAGE TABLE

PAGE INDEX

ROW-0 ROW ENCROACHMENT PROJECT DATA
ROW-1 PROPOSED ROW PLAN
ROW-2 PROPOSED ROW PLAN W/DEMO UNDERLAY
ROW-3 ROW SECTION AT CORNER OF 5TH & TORRES
ROW-4 ROW SECTION AT NEW STEPS, PLANT LIST
ROW-5 DRIVEWAY & STEPS IN ROW
ROW-6 RIGHT OF WAY PHOTOGRAPHS

PERMIT SUBMITTAL RECORD

06/28/22	1.0	ER	PLN1.0	INITIAL PLANNING SUBMITTAL
09/12/22	1.3	ER	PLN2.0	PLANNING RFI #1
11/18/22	1.7	ER	PLN3.0	PLANNING RFI #2/CO #1
12/19/22	2.0	ER	PLN4.0	PLANNING CO#2
03/02/23	2.3	ER	PLN5.0	PLANNING RFI INFOR
04/11/23	2.5	ER	BLD1.0	INITIAL BUILDING SUBMITTAL
04/27/23	2.6	ER	BLD2.0	BUILDING RFI INFORMAL
06/07/23	2.8	ER	BLD3.0	BUILDING RFI #1
07/17/23	3.0	ER	BLD4.0	BUILDING RFI #2 INFORMAL
07/22/24	3.6	ER	BLD5.0	BUILDING CO #1
05/24/24	3.5	ER	ROW1.0	INITIAL ROW SUBMITTAL
08/23/24	3.7	ER	ROW2.0	INFORMAL RFI #1

DRAWING REVISION LOG

INITIAL 05/24/24 FIRST ROW SET PS3.5 ROW1.0 ER

X REV X 08/23/24 RFI #1 INFORMAL PS3.7 JOB3.7 ER
NO STONE CLADDING ON (E) RETAINING WALL & DO NOT RELOCATE; MORE PLANTS

ROW-0

VERSION: 3.7
DATE: 8/23/24
RIGHT OF WAY

ROW ENCROACHMENT PROJECT DATA

REV #	DATE / DESCRIPTION	BY	REV #	DATE / DESCRIPTION	BY
X	08.23.24 ROW RFI #1 (INFORMAL)	ER			

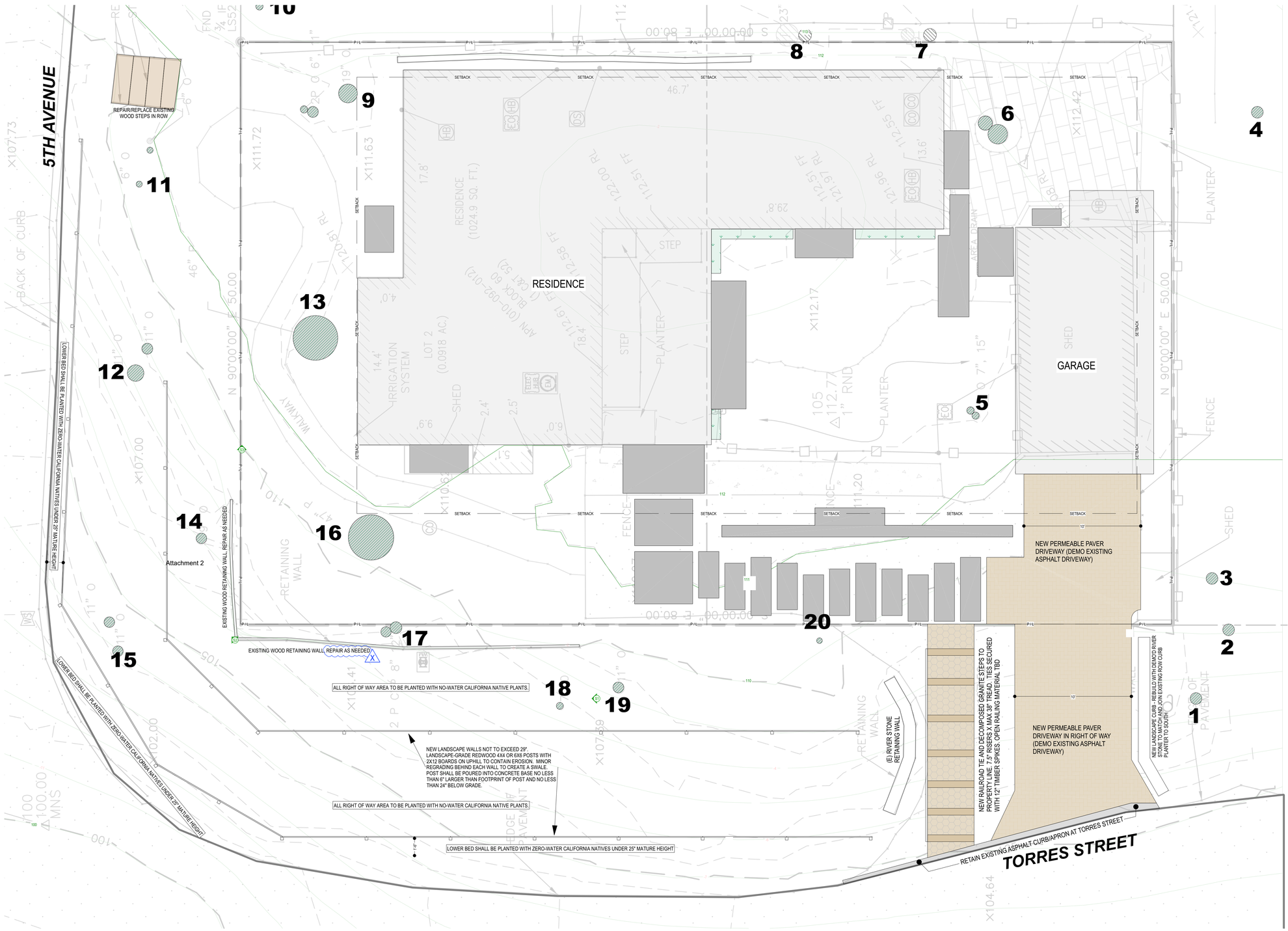
GIVENS ADDITION & REMODEL
SE CORNER 5TH & TORRES , CARMEL , CALIFORNIA
APN 010-092-012-000

STAMP/SIGNATURE

ALL DESIGNS, CONCEPTS AND IDEAS REPRESENTED IN THESE DRAWINGS ARE THE PROPERTY OF LEWIS BUILDERS AND ARE TO BE USED IN CONJUNCTION WITH THE PROJECT FOR WHICH THEY WERE PREPARED. THEY MAY NOT BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF LEWIS BUILDERS. ALL DIMENSIONS AND CONDITIONS MUST BE ESTABLISHED BY THE CONTRACTOR TO ENSURE THE ACCURACY OF THESE PLANS. IF ANY DISCREPANCIES OR ADVERSE CIRCUMSTANCES ARISE IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY LEWIS BUILDERS IN WRITING BEFORE THE COMMENCEMENT OF ANY WORK INVOLVED.

LEWIS BUILDERS
CA. LICENSE
#B-844741
CARMEL CA 93923
(831) 250 7168

DESIGN + BUILD



PROPOSED RIGHT OF WAY PLAN

SCALE: 1/4"=1'

0 1 3 5 10 20

ROW-1

VERSION: 3.7

DATE: 8/23/24

RIGHT OF WAY

PROPOSED ROW PLAN

REV #	DATE / DESCRIPTION	BY
A	08.23.24 ROW RFI #1 (INFORMAL)	ER

GIVENS ADDITION & REMODEL

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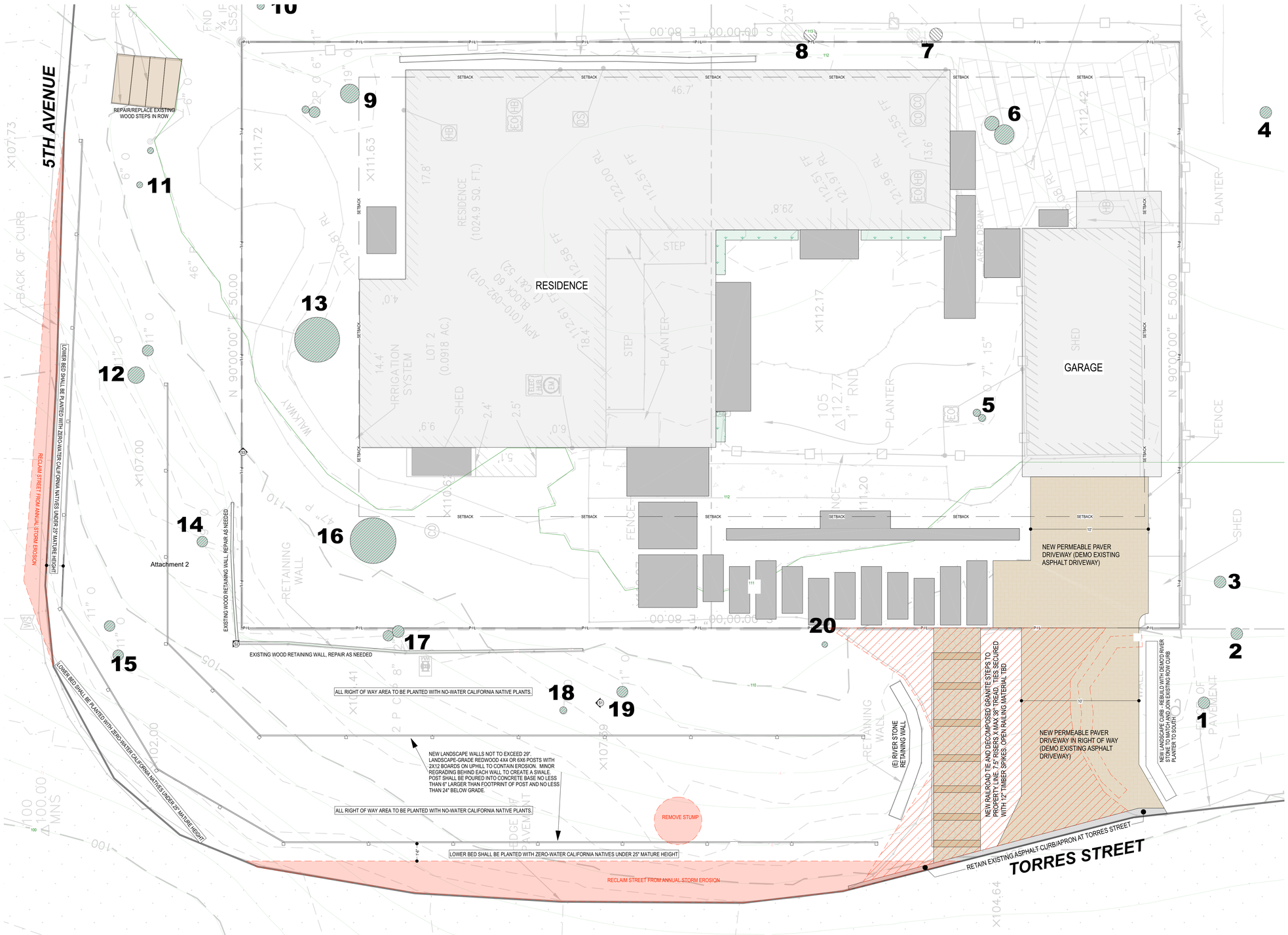
LB DESIGN + BUILD



PROPOSED RIGHT OF WAY W/ DEMO OVERLAY

SCALE: 1/4"=1'

0 1 3 5 10 20

ROW-2

VERSION: 3.7

DATE: 8/23/24

RIGHT OF WAY

PROPOSED ROW PLAN W/ DEMO OVERLAY

REV #	DATE / DESCRIPTION	BY	REV #	DATE / DESCRIPTION	BY
	08.23.24 ROW RFI #1 (INFORMAL)	ER			

GIVENS ADDITION & REMODEL

SE CORNER 5TH & TORRES, CARMEL, CALIFORNIA
APN 010-092-012-000

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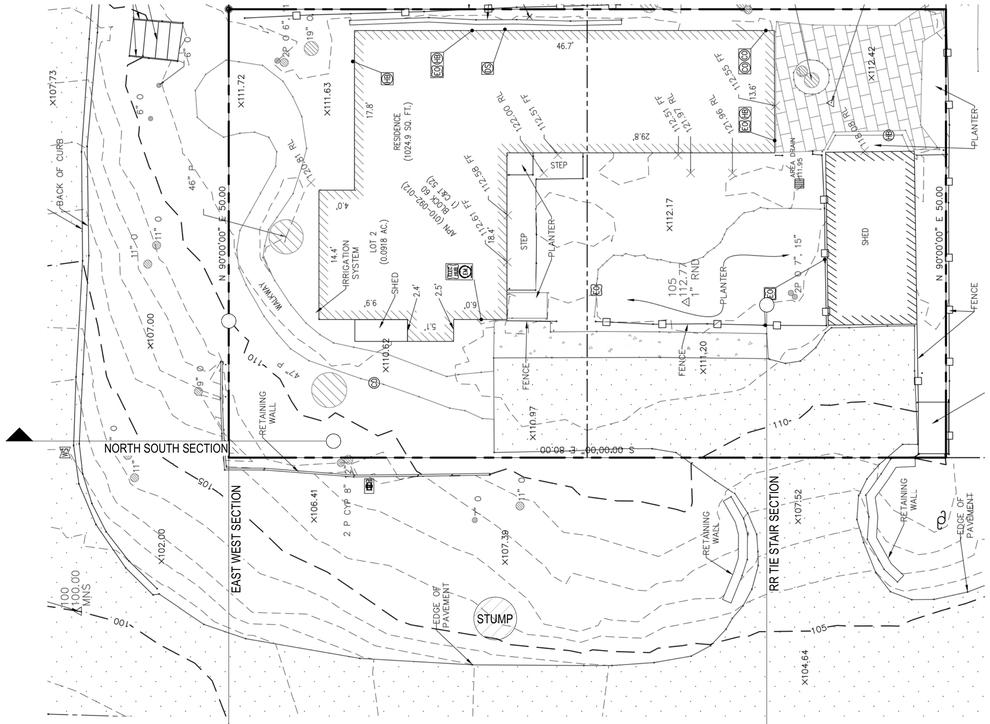
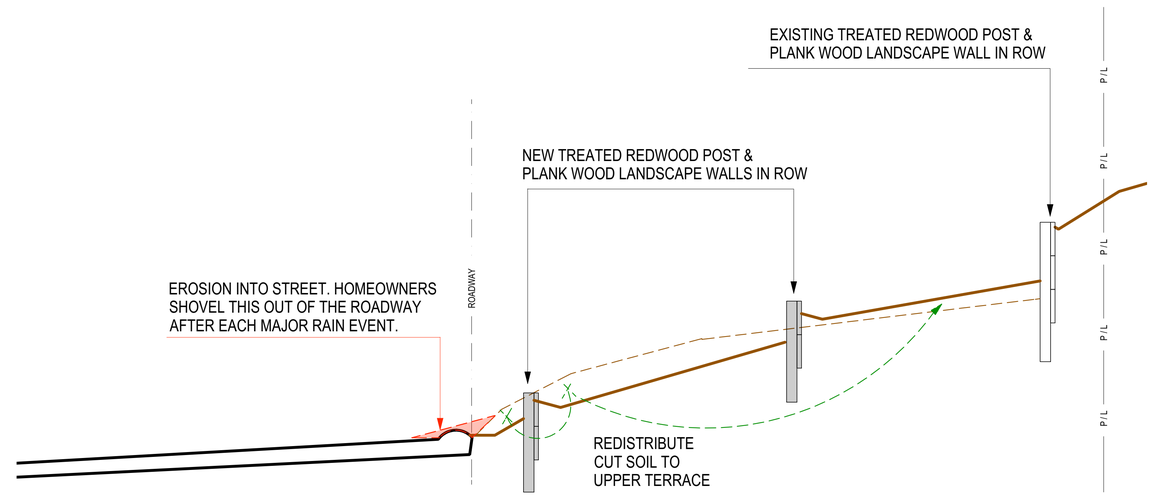


SITE SURVEY

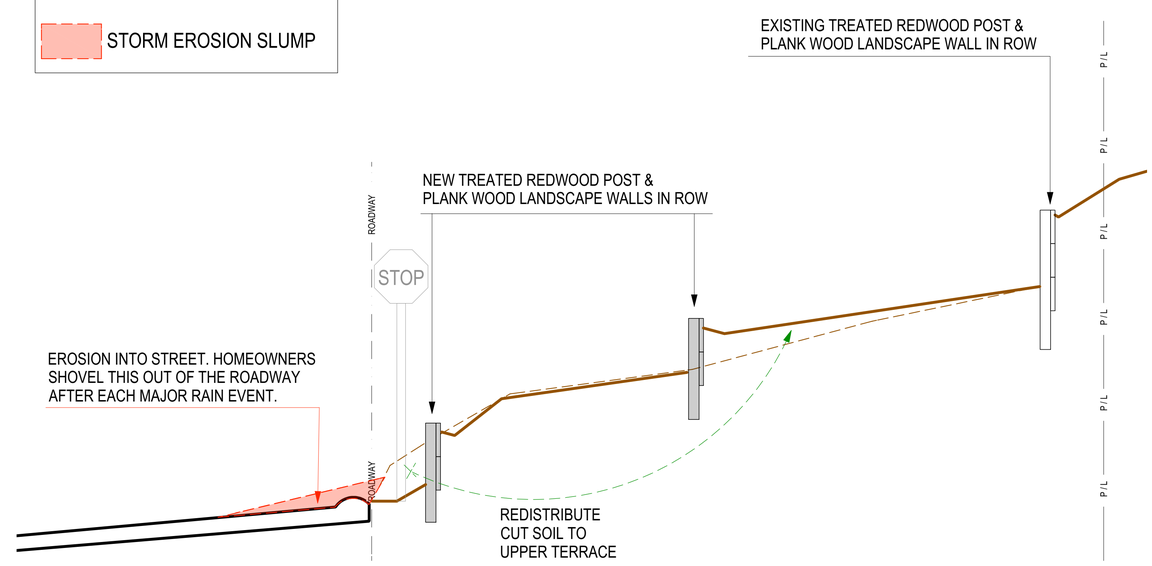
RIGHT OF WAY PLAN - PROPOSED & DEMO



SECTION NORTH SOUTH
LOOKING EAST UP 5TH STREET

SECTIONS LEGEND

- EXISTING GRADE
- PROPOSED GRADE
- STORM EROSION SLUMP



SECTION EAST WEST LOOKING NORTH UP
TORRES STREET TOWARD INTERSECTION

ROW-3

VERSION: 3.7
DATE: 8/23/24
RIGHT OF WAY

ROW SECTIONS AT CORNER OF 5TH/TORRES

REV #	DATE / DESCRIPTION	BY	REV #	DATE / DESCRIPTION	BY
	08.23.24 ROW RFI #1 (INFORMAL)	ER			

GIVENS ADDITION & REMODEL

SE CORNER 5TH & TORRES, CARMEL, CALIFORNIA
APN 010-092-012-000

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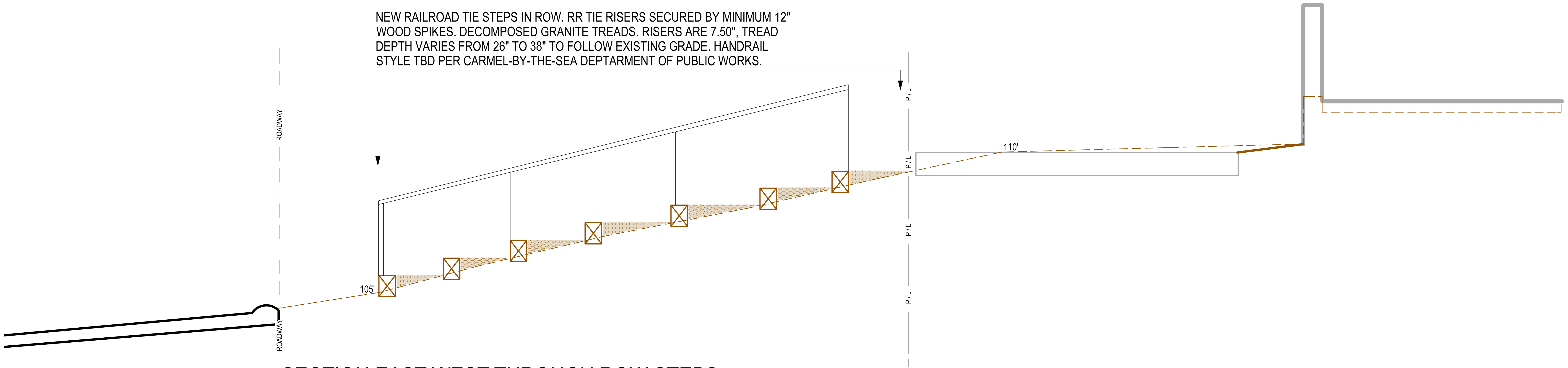


SECTION EAST WEST THROUGH ROW STEPS

HANDRAIL SHALL BE NO LESS THAN 34" AND NO MORE THAN 38" ABOVE THE NOSE OF THE STEP TREADS.

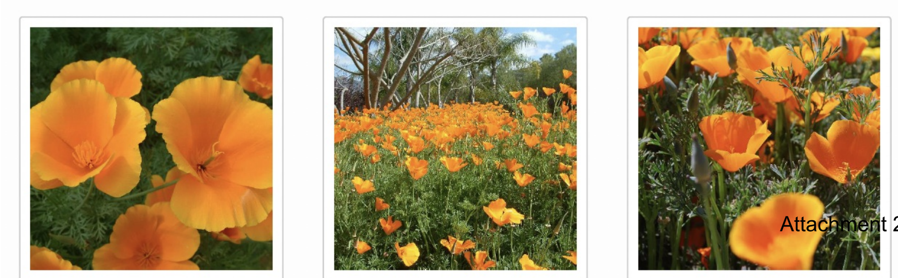
HANDRAILS FOR STEPS SHALL BE CONTINUOUS FOR THE FULL LENGTH OF THE FLIGHT FROM THE POINT DIRECTLY ABOVE THE TOP RISER TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE FLIGHT.

THE HANDGRIP OF THE HANDRAIL SHALL NOT BE LESS THAN 1-1/4" NOR MORE THAN 2" IN CROSS SECTIONAL DIMENSION.

HANDRAIL TO BE MOUNTED ON (N) RAILROAD TIE STEPS.

LOW WATER NATIVE PLANTS UNDER 25" MATURE HEIGHT FOR RIGHT OF WAY AT STREET CURBS

Eschscholzia californica
California Poppy



Attachment 2

PLANT TYPE: Annual
HEIGHT: 0.5-1.5 ft.
WIDTH: 1-2 ft.
SUN: Full, Half
WATER: Medium
SOIL: Sandy, Clay, Loam, Rocky, Unparticular

LEAF SEASON: Deciduous
LEAF COLOR: Blue Green, Grey Green, Light Green
FLOWER COLOR: Gold, Orange
FLOWER SEASON: Spring, Summer
FRUIT SEASON: n/a
FRUIT TYPE: n/a

HABIT: Mound
DESIGN STYLES: Meadow, Ranch, Wild Garden
LOCATION USES: Perennial Border, Parking Strip, Parking Lot, Raised Planter, Roadside, With Rocks
ATTRACTS WILDLIFE: n/a

DESCRIPTION
The California State Flower. This small annual (sometimes acts as a perennial) plant will grow to less than 1' tall and has light, small blue green leaves with gold and orange flowers that bloom in spring and summer. It is an aggressive grower and can get away from you in a residential garden space. Plant it in spaces where it is alright for it to roam.

Penstemon heterophyllus
Foothill Penstemon

PLANT TYPE: Perennial
HEIGHT: 1.5-2 ft.
WIDTH: 2-3 ft.
SUN: Full
WATER: Low
SOIL: Sandy, Clay, Rocky

LEAF SEASON: Evergreen
LEAF COLOR: Green
FLOWER COLOR: Blue
FLOWER SEASON: Spring
FRUIT SEASON: n/a
FRUIT TYPE: n/a

HABIT: Upright
DESIGN STYLES: Meadow, Mediterranean, Ranch, Seascape, Spanish, Wild Garden
LOCATION USES: Entry, Patio, Parking Lot, Walkways, With Rocks
ATTRACTS WILDLIFE: Birds

DESCRIPTION
This perennial will grow 1.5'-2' tall and 2'-3' wide. It has long slender green, deciduous foliage with blue violet colored flowers that bloom from spring through early summer. It does well in full sun and is drought tolerant once it's established. It tolerates coastal, desert and mountain areas. Do not over fertilize. It needs well draining soil. Birds love this plant too!

Cistus salviifolius
Sageleaf Rockrose

PLANT TYPE: Shrub
HEIGHT: 2 ft.
WIDTH: 6-8 ft.
SUN: Full, Half
WATER: Very Low, Low
SOIL: Sandy, Clay, Loam, Rocky, Unparticular

LEAF SEASON: Evergreen
LEAF COLOR: Grey Green
FLOWER COLOR: White
FLOWER SEASON: Spring, Summer
FRUIT SEASON: n/a
FRUIT TYPE: n/a

HABIT: Prostrate
DESIGN STYLES: Meadow, Mediterranean, Ranch, Seascape, Spanish
LOCATION USES: Entry, Foundation, Parking Strip, Parking Lot, Raised Planter, Roadside, Walkways, With Rocks
ATTRACTS WILDLIFE: n/a

DESCRIPTION
This low-spreading shrub reaches a size of 2' tall by 6'-8' wide. It bears white flowers that are 1" wide with yellow centers in spring and summer. This variety makes a good groundcover. The plant requires average to good drainage, and little or no summer watering when established. It should be grown in sun or part shade. Leaves are evergreen, gray green and sticky which release a perfume in heat. This shrub does best in full sun and tolerates coastal conditions. It is deer resistant.

Epilobium canum
California Fuchsia

PLANT TYPE: Perennial
HEIGHT: 2 ft.
WIDTH: 4 ft.
SUN: Full
WATER: Very Low
SOIL: Unparticular

LEAF SEASON: Deciduous
LEAF COLOR: Grey
FLOWER COLOR: Orange
FLOWER SEASON: Summer, Fall
FRUIT SEASON: n/a
FRUIT TYPE: n/a

HABIT: Irregular
DESIGN STYLES: English Cottage, Mediterranean, Ranch, Spanish
LOCATION USES: Perennial Border, Patio, With Rocks
ATTRACTS WILDLIFE: Hummingbirds

DESCRIPTION
The California Fuchsia is a perennial with dense, narrow, grey green foliage and orange summer flowers. The growth habit of this plant is sprawling and low, 2' tall and 4' wide. It attracts hummingbirds and butterflies. It prefers full sun and is drought tolerant once it's established. Also widely known as Zauschneria

Ceanothus 'Centennial'
Centennial Mountain Lilac

PLANT TYPE: Shrub
HEIGHT: 0.5- 1 ft.
WIDTH: 4-5 ft.
SUN: Full, Half
WATER: Very Low, Low, Medium
SOIL: Sandy, Loam, Rocky

LEAF SEASON: Evergreen
LEAF COLOR: Dark Green
FLOWER COLOR: Blue
FLOWER SEASON: Summer
FRUIT SEASON: Summer
FRUIT TYPE: n/a

HABIT: Prostrate
DESIGN STYLES: Meadow, Mediterranean, Ranch, Spanish
LOCATION USES: Entry, Shrub Border, Parking Strip, Parking Lot, Raised Planter, Swimming Pool, Walkways, With Rocks
ATTRACTS WILDLIFE: Pollinators, Bees

DESCRIPTION
The hybrid Ceanothus makes a perfect ground cover, with a profuse flowering of shiny dark green leaves which are almost hidden by very dark blue, delicate flower clusters. It is a heat resistant cultivar and looks the best with one summer pruning.
Be cautious about providing plant with excess water.

LOW WATER NATIVE PLANTS OVER 25" MATURE HEIGHT FOR RIGHT OF WAY UPPER TERRACES

DO NOT INSTALL WHERE MATURE PLANT WILL INTERFERE WITH VISIBILITY AT THE TORRES & 5TH INTERSECTION

Fremontodendron decumbens
Pine Hill Flannel Bush

PLANT TYPE: Shrub
HEIGHT: 3 ft.
WIDTH: 3 ft.
SUN: Full
WATER: Very Low
SOIL: Sandy, Loam, Rocky

LEAF SEASON: Evergreen
LEAF COLOR: Dark Green
FLOWER COLOR: Orange, Red, Yellow
FLOWER SEASON: Spring, Summer
FRUIT SEASON: n/a
FRUIT TYPE: n/a

HABIT: Broad
DESIGN STYLES: Mediterranean, Ranch, Spanish
LOCATION USES: Perennial Border, Shrub Border, Parking Strip, Park, Parking Lot, Raised Planter, Roadside
ATTRACTS WILDLIFE: n/a

DESCRIPTION
This variety of flannel bush is a low mounding evergreen shrub that grow 3'-5' tall and 6'-10' wide. It has soft, dark green, lobed leaves, blooming in spring and summer with orange or copper-colored flowers. It does best in full sun with well draining soil. When established, this plant is drought tolerant, needing occasional watering. This is a great shrub for hillsides.

Salvia clevelandii
Cleveland Blue Sage

PLANT TYPE: Shrub
HEIGHT: 3-5 ft.
WIDTH: 5-8 ft.
SUN: Full, Half
WATER: Very Low, Low
SOIL: Sandy, Loam, Rocky

LEAF SEASON: Evergreen
LEAF COLOR: Green
FLOWER COLOR: Blue, Lavender
FLOWER SEASON: Summer
FRUIT SEASON: n/a
FRUIT TYPE: n/a

HABIT: Round, Upright
DESIGN STYLES: Mediterranean, Ranch, Spanish, Wild Garden
LOCATION USES: Entry, Parking Strip, Patio, Parking Lot, Walkways, With Rocks
ATTRACTS WILDLIFE: Hummingbirds

DESCRIPTION
The Cleveland Sage is a perennial shrub that grow 3-5' tall and wide. It has fragrant gray foliage and blue, lavender or white flowers that bloom between May and August. This shrub needs full sun and prefers well drained soil. The Cleveland Sage is a prolific bloomer and is drought tolerant.

Garrya elliptica
Coast Silktassel

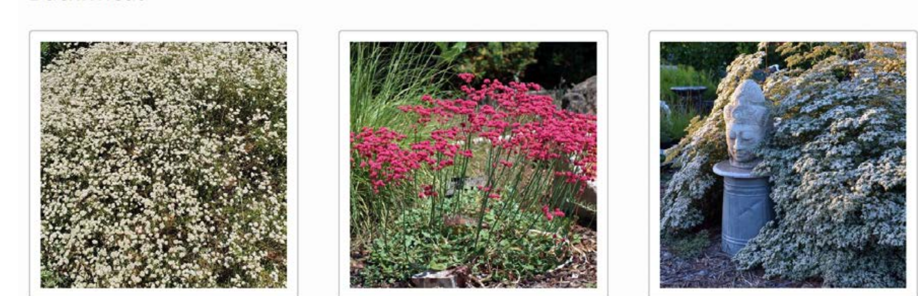
PLANT TYPE: Shrub
HEIGHT: 6-12 ft.
WIDTH: 10 ft.
SUN: Full, Half
WATER: Low
SOIL: Sandy, Loam, Rocky

LEAF SEASON: Evergreen
LEAF COLOR: Dark Green
FLOWER COLOR: White
FLOWER SEASON: Winter
FRUIT SEASON: n/a
FRUIT TYPE: n/a

HABIT: Irregular
DESIGN STYLES: Mediterranean, Ranch, Seascape, Spanish
LOCATION USES: Background, Foundation, Patio, Walls / Fences
ATTRACTS WILDLIFE: Birds

DESCRIPTION
This shrub will reach about 10' tall and wide. It has small, leathery, dark green leaves with wavy margins and gray woolly undersides. Silvery gray flowers which look like tassels, appear in winter. It tolerates full sun except in hot inland areas; Coast Silktassel appreciates afternoon shade in these areas. It does best in well draining, average soil. It is salt and wind tolerant. It grows in coastal areas also.

Eriogonum species
Buckwheat



PLANT TYPE: Shrub
HEIGHT: 2-6 ft.
WIDTH: 2-8 ft.
SUN: Full, Half
WATER: Very Low, Low
SOIL: Sandy, Clay, Loam, Rocky, Unparticular

LEAF SEASON: Evergreen
LEAF COLOR: Grey Green, Grey
FLOWER COLOR: Pink, White
FLOWER SEASON: Summer, Fall
FRUIT SEASON: n/a
FRUIT TYPE: n/a

HABIT: Upright
DESIGN STYLES: Mediterranean, Ranch, Seascape, Spanish, Wild Garden
LOCATION USES: Shrub Border, Park, Roadside
ATTRACTS WILDLIFE: Butterflies

DESCRIPTION
This is the most common buckwheat that grows in California. It is incredibly drought tolerant and hardy. It's long flowering season (almost year-round) makes it an important nectar source for butterflies and pollinators so be sure to include it when planning a habitat garden.Birds also enjoy the seed heads in fall. Flowers are a pale pink when in tight bud, becoming white as the flowers open, and them becoming rusty brown as the flowers dry out. This gives some added interest and fall color to gardens in the autumn that is unique to California. Birds also enjoy the seed heads in fall.

Ceanothus 'Ray Hartman'
Ray Hartman California Lilac

PLANT TYPE: Shrub
HEIGHT: 12 ft.
WIDTH: 8-10 ft.
SUN: Full, Half
WATER: Low, Extra in Summer
SOIL: Clay, Loam, Rocky, Unparticular

LEAF SEASON: Evergreen
LEAF COLOR: Dark Green
FLOWER COLOR: Blue
FLOWER SEASON: Winter, Spring
FRUIT SEASON: n/a
FRUIT TYPE: n/a

HABIT: Broad, Upright
DESIGN STYLES: Mediterranean, Ranch, Seascape, Spanish, Wild Garden, Woodland
LOCATION USES: Background, Perennial Border, Shrub Border, Foundation, Patio, Park, Parking Lot, Raised Planter, Roadside, Walls / Fences
ATTRACTS WILDLIFE: n/a

DESCRIPTION
Growing vigorously as either a large shrub or small tree, the Ray Hartman has big, round, dark green leaves and medium blue, delicate flowers in 3"-5" clusters that bloom in winter and spring. It grows to 12' high and 8'-10' wide. This cultivar has good tolerance for heat; it needs occasional deep watering with good drainage. It does well in coastal as well as inland valley gardens. Deer love new foliage. Plant in full to part sun; it is not fussy about soil, growing in clay as well as sandy soil.

ROW-4

VERSION: 3.7
DATE: 8/23/24
RIGHT OF WAY

ROW SECTION AT NEW STEPS, PLANT LIST

REV #	DATE / DESCRIPTION	BY	REV #	DATE / DESCRIPTION	BY
X	08.23.24 ROW RFI #1 (INFORMAL)	ER			

GIVENS ADDITION & REMODEL

SE CORNER 5TH & TORRES , CARMEL , CALIFORNIA
APN 010-092-012-000

STAMP/SIGNATURE

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LEWIS BUILDERS
CA. LICENSE
#B-844741
CARMEL CA 93923
(831) 250 7168

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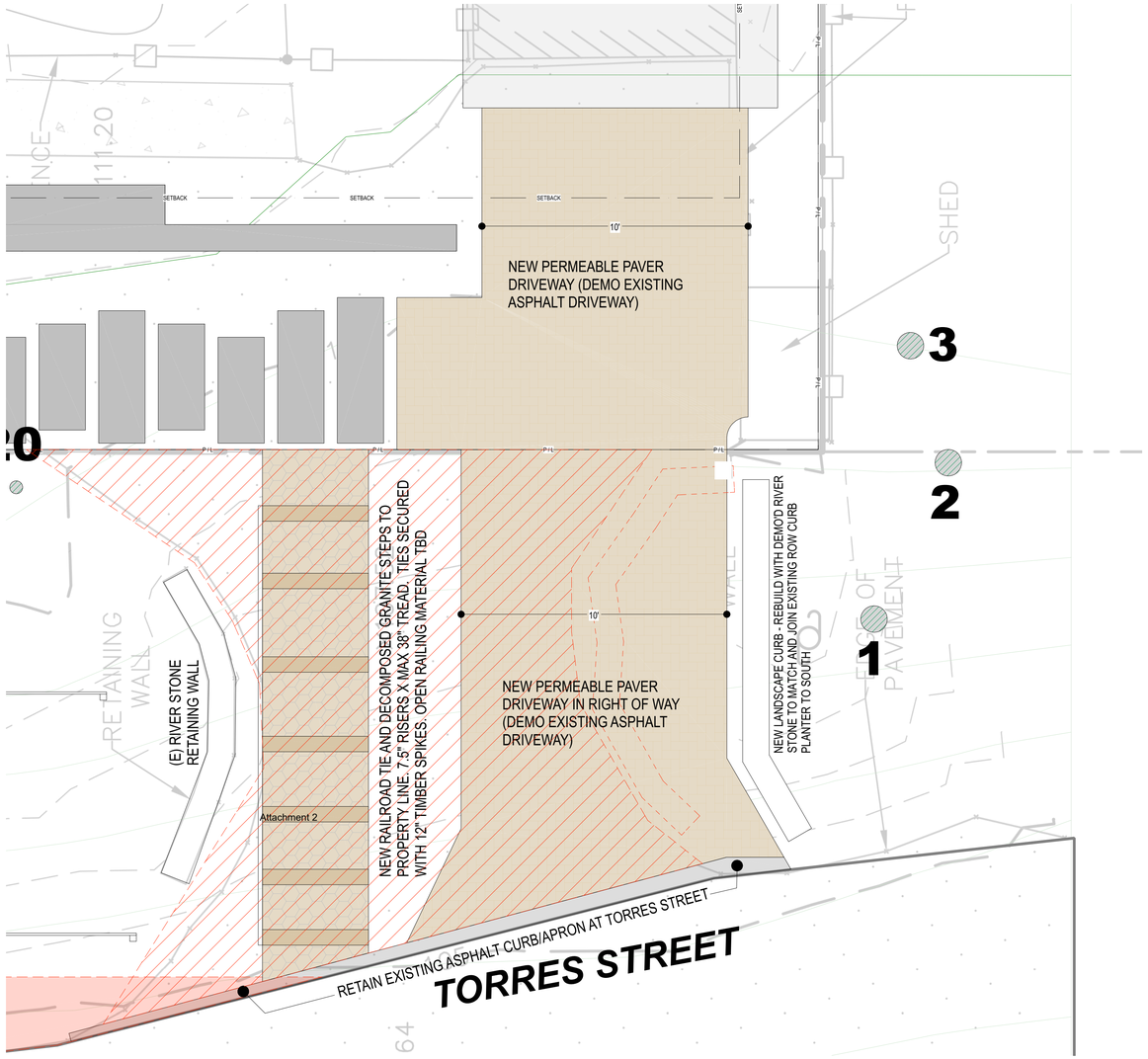


PROPOSED DRIVEWAY PLAN

SCALE: 1/2"=1'

FOOTPRINT OF EXISTING IMPERVIOUS PAVER DRIVEWAY TO DEMO

NEW PERMEABLE PAVER DRIVEWAY

INSTALLER MUST CALL FOR DRIVEWAY GRAVEL BED INSPECTION BEFORE INSTALLING PAVER STONES IN THE CITY RIGHT OF WAY.

Narrow Joint Permeable Mission

Permeable pavers help the environment by protecting the quality of our water supplies. They reduce the amount of storm water runoff entering our natural waterways carrying with it contaminants and pollutants. The water can naturally drain into the surface through the spaces in the pavers. Permeable pavers also will help with erosion control, and flooding issues.

APPLICATIONS

PEDESTRIAN · PATIOS · POOL DECKS · LIGHT VEHICULAR · HEAVY VEHICULAR · PERMEABLE*

DURAFUSION TECHNOLOGY

PRODUCT DETAILS

Sizes	Nominal Size	Stone FT²	Stones Pallet	FT² Pallet
	4 x 8 (80mm)	4.64	432	93
	6 x 6 (80mm)	4.10	384	93
	6 x 12 (80mm)	2.60	192	93

Narrow Joint Permeable Mission pavers are designed for use in permeable and sand set applications.

Stocked in the following Mission Colors: Gray Charcoal and Gray Charcoal Tan.
Note: Gray Charcoal may require additional lead time.

PATTERNS

Size	Bags/ Pallet	Sq. Ft./ Bag
50 LB Bag	56	35-50
2000 LB Sack	1 Sack	1,300-2,000

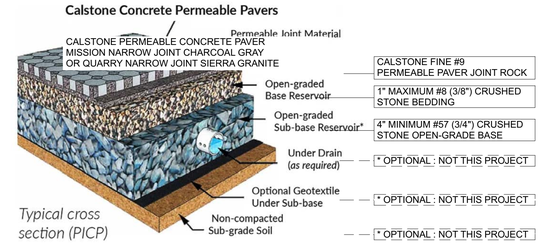
Calstone's Fine #9 Permeable Paver Joint Rock must be used with our Narrow Joint design.

Fine #9 Benefits:
- Fast joint installation
- High infiltration rates
- Improved joint interlock

About "Narrow Joint" Permeable Pavers
Our permeable system is complete with our proprietary Fine #9 Joint Rock. Our permeable system has narrow joint widths of 4mm and initial infiltration rates in
excess of 150"/hr.

Permeable interlocking concrete pavement (PICP) with open-graded base and sub-base for infiltration and storage.

Calstone Concrete Permeable Pavers



Typical cross section (PICP)

For proper installation procedures ***visit: icpi.org/Calstone*** *Choose Tech Spec #18 (Construction of Permeable Interlocking Concrete Pavement Systems)*

ROW-5

VERSION: 3.7
DATE: 8/23/24
RIGHT OF WAY

DRIVEWAY & STEPS IN ROW

REV #	DATE / DESCRIPTION	BY	REV #	DATE / DESCRIPTION	BY
	08.23.24 ROW RFI #1 (INFORMAL)	ER			

GIVENS ADDITION & REMODEL

SE CORNER 5TH & TORRES, CARMEL, CALIFORNIA
APN 010-092-012-000

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LB DESIGN + BUILD

DESIGN + BUILD

TORRES (GIVENS) STATEMENT FOR CITY COUNCIL
REGARDING ROW PERMANENT ENCROACHMENT APPLICATION PERM EN 23-077

The applicant proposes replacing existing railroad tie steps from Fifth Avenue onto parcel, and a new railroad tie and Decomposed Granite staircase, with handrail from Torres Street onto parcel. Both stairs traverse steep hillsides which are treacherous for pedestrian access. The driveway is on the Torres hill slope and is slippery for pedestrians during rain or heavy fog events. The right of way currently erodes into 5th Avenue and Torres Street during winter rains. The homeowner have shoveled the eroded soil back into the ROW after each rain episode. It is the applicant's belief that the addition of 2 landscape walls will prevent the ongoing erosion and limit soil and debris from accompanying the existing drainage paths downhill. This will keep both streets at their desired width without hill-slip after rains. The homeowners would like to remove the large, unsightly tree stump on Torres Street and landscape the ROW with pollinator and hummingbird friendly CA native flowers and flowering shrubs. Their efforts will bring beauty and safety to a high visibility corner in the downtown corridor.

A. Need. The applicant shall be determined to have a justifiable need for the encroachment, and the encroachment shall not be contrary to the public interest. Applicant requests mitigation of erosion problem of hillside and stairs to property on steep hillside of Torres Street

B. Safety. The granting of an encroachment permit shall not create a hazard to public health or safety.Encroachment work shall improve public safety by introducing stairs with handrail into property, removal of large tree trunk impeding into Torres Street and reclaiming areas of Torres & 5th Streets impeded by soil erosion each rainy season. Landscape walls shall keep all soil off the roads, resulting in cleanliness and consistent roadway width year round.

C. Drainage. The proposed encroachment shall not adversely affect the normal drainage of surface water, unless an acceptable mitigation is included that will be advantageous to the general public and meet the standards herein. Work shall not disrupt current drainage patterns. Proposed work will slow the existing drainage speeds and prevent soil erosion which has plagued this corner in the past.

D. Circulation and Parking.

1. The proposed encroachment shall not adversely affect vehicular and/or pedestrian traffic nor the parking of vehicles.The encroachment will improve vehicular traffic by preventing soil erosion (hill slide) into the street during rain events. There are no sidewalks or pedestrian areas in the ROW, thus no effect.

2. The proposed encroachment shall not adversely impact existing rights-of-way nor preclude or make difficult the establishment or improvement of existing or potential streets or pedestrian ways.The encroachment will not adversely impact nor preclude existing rights of way. Improvement or establishment of future work will be aided by tree trunk removal, landscape wall installation and reclaiming of the existing roadway from hill slide.

E. Public Use and Enjoyment.

1. The proposed encroachment shall not diminish public use or enjoyment, either visual or physical, of the City property or public right-of-way to be encroached upon. The encroachment follows Carmel Design Guidelines for visual aesthetic. The ROW will be landscaped for the Public enjoyment with flowering CA Native landscaping. It will bring color and beauty to a dark, unlandscaped corner in the busy, walkable downtown area.

2. The encroachment and enjoyment shall be in the public interest. See above.
3. The length of time an encroachment has existed shall not by itself prejudice a decision. Not Applicable

DESIGN + BUILD

F. Compatibility.

1. The proposed encroachment and its mitigation shall be consistent with the General Plan and the adopted ordinances of the City. Particular attention shall be given to Section P1-48 of the General Plan, which prohibits the construction of sidewalks and concrete curbs in the R-1 district, unless necessary for drainage and/or pedestrian safety. The encroachment follows the General Plan. The stairs are natural materials and for safe pedestrian access to the parcel.

2. The encroachment shall not create, extend, or be reasonably likely to lead to an undesirable land use precedent. The encroachment will not create undesirable land use precedent. Similar encroachments are present in the City.

3. Granting of a permit shall not adversely affect the usability or enjoyment of one or more adjoining parcels. The encroachment would not adversely affect adjoining parcels.

4. The proposed encroachment and its mitigation shall be compatible with the surrounding area and adjoining properties.The proposed encroachment and its mitigation are compatible with the surrounding area and adjoining properties.

G. Public Property/Greenbelt.

1. The proposed encroachment shall not adversely affect any public property, including existing vegetation or its root structure, and shall not significantly reduce greenbelt area that may be used for tree planting. The encroachment will retain existing ROW trees and bushes. A large tree stump shall be removed, at request of the Planning Commission. Right of Way shall be planted with flowering CA Natives, increasing and improving the greenbelt.

2. Significant trees which would be affected by the proposed encroachment shall be identified by the Director of Forest, Parks and Beach and approval for removal shall follow City policy. Significant trees were identified by the City Forester during the planning phase of home remodel in 2022. Trees are marked on Site Plan, will be protected during Encroachment work, and shall be ringed with CA Natives from the City's list of compatible plants for protected trees in the tree root zone.

H. Mitigation. When deemed appropriate by the City, the applicant shall include those measures appropriate to compensate the City for the loss of the use of City property or the public right-of-way, or to repair damage thereto. Applicant agrees to measures appropriate to compensate the City for the loss of the use of City property or the public right-of-way, or to repair damage thereto.

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

December 3, 2024
ADJOURNMENT

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Nova Romero, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Presentations received after agenda posting

RECOMMENDATION:

BACKGROUND/SUMMARY:

FISCAL IMPACT:

PRIOR CITY COUNCIL ACTION:

ATTACHMENTS:

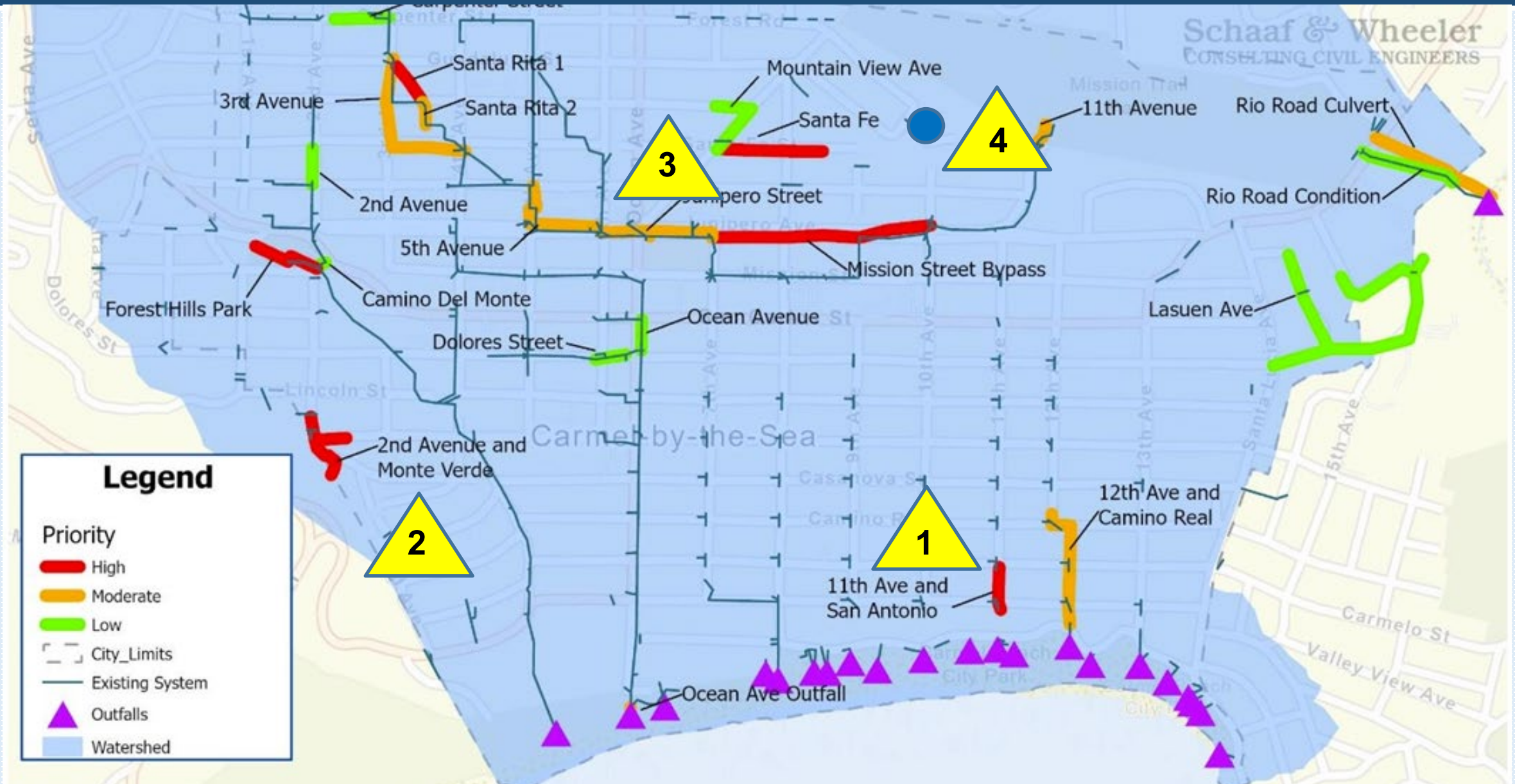
3 Drainage Project Presentation
Housing Update Presentation
PW Infrastructure Report Card Presentation
Givens Presentation

Drainage System Repairs Projects

Adopt Resolution 2024-098
Awarding a Construction Contract to
Coastal Paving & Excavating, Inc. for the
Drainage System Repairs Projects

City Council Meeting
December 3, 2024

2023 Storm Drain Master Plan Update



Drainage System Repairs Projects

Project No.	Location	Problem	SDMPU Priority	Discharges to
1	**Eleventh Avenue**: (Carmelo to San Antonio)	Potential Flooding	High	Ocean
2	**Lincoln Street**: (First to Second), and **Second Avenue:** (Lincoln to Monte Verde)	Potential Flooding	High	Pescadero Canyon
3	**Santa Fe Street:** (Eighth Ave to MTNP Creek)	Potential Flooding	High	MTNP Creek
4	**Acacia Way/Flanders Way**	Nuisance Water	N/A	Private Pipe

Project Development & Bids

- 4 Drainage Projects designed by Neill Engineers Corp.
- Environmental NOEs (Projects #2, #3) by Denise Duffy & Associates
- Project Management and construction contract documents by PW staff
- Base Bid for Projects #1, 2, 3. Additive Bid for Project #4
- 3 Responsive, responsible bids received at the September 5th Bid Opening
- Coastal Paving & Excavating, of Monterey, submitted lowest Base Bid of $1,168,350, 3% above Engineer's Estimate, 2% below next low bidder
- Bid Additive of $48,000 double the Engineer's Estimate
- 10% Contingency recommended for underground work, $116,835
- **Total Construction Contract (Base Bid only) is $1,285,185**
- Work will take 3 months to complete, weather permitting

Project #4 – Acacia Headwall

- Review of 1983 Plans and 1984 Parcel Map – inconclusive rights to construct
- Private drainage pipe had no known plans nor permit, questionable design
- The natural topography of the site has always resulted in drainage flowing southerly down to the ravine located south of the development.
- 1998 Letter: “The City has no obligation to change the natural drainage route, nor to maintain any drainage structure south of Flanders Way.”
- Not a High Priority per SDMPU – nuisance
- Project #4 would channel more flow into private pipe, increasing potential for clogs, maintenance problems

Drainage System Repairs Projects

Company	Services	Cost
Neill Engineers	Design Support during Construction	$6,400
Denise Duffy & Assoc.	Environmental Reviews	6,000
Coastal Paving & Excavating	Construction	1,168,350
Coastal Paving & Excavating	10% Contingency	116,835
	Totals	**$1,297,585**

Funding:

Source	Amount
FY 2024/25 – CIP this Project	$1,218,000
FY 2024/25- CIP Contingency Fund	79,585
Total	**$1,297,585**

Recommendation

Adopt Resolution 2024-098
authorizing the City Administrator to execute a
Construction Contract with
Coastal Paving & Excavating, Inc.,
in the amount, with 10% contingency, of $1,285,185
for the Drainage System Repairs
Projects #1, #2, and #3 only

CITY OF CARMEL-BY-THE-SEA

Housing Element
2023-2031

Update on Resolution No. 2024-062
Amendment to adopted 6th Cycle Element

City Council Meeting

December 3, 2024

Background

- April 8, 2023 - City Council adopts the 6th cycle Housing Element
  - Prevents Builder's Remedy and other punitive measures
  - Concerns regarding use of city-owned parking lots at Sunset Center and Vista Lobos
  - Concerns with concentrating affordable housing and the scale of buildings
- July - Council provides direction to explore alternative sites and amendment
  - Direction given to return with periodic updates on progress
- Effort ongoing to find viable alternatives to relocate affordable units
  - **GOAL:** create alternatives for **149 affordable units** of housing to replace City sites
  - Working hand in hand with Affordable Housing Alternatives or "AHA" group

Productive Meetings – Ongoing

- Regular weekly meetings with AHA and City Staff since July
- Housing consultant Veronica Tam added to regular meetings
  - Providing narrative and data that is meaningful to HCD - increased **VIABILITY**
- Broadened outreach to share refined programs and get interest
  - Increases **VIABILITY**
    - Hotel operators
    - Affordable housing developers
    - Churches
    - ADU owners
    - Affordable housing administrators (Carmel Foundation)

Amendment Focus

Still four main areas of focus for amendment:

1. ADUs
2. Hotel Conversion
3. Church Sites
4. Downtown Properties

- Strong interest in ALL four programs
- All efforts focused on **VIABILITY** of each area
  - Collaborative effort between City Staff and AHA
  - All work towards goal of 149 affordable units

ADUs

- Adopted Housing Element already projects 34 ADUs
- Survey of ADU owners launching mid December
  - How ADUs are currently used (rental or not)
  - What could be done to increase their use as housing
- Anticipating increase of 15-30 total units pending survey results
- Encouraging current statistics
  - 48% of existing ADUs are under 500 square feet
  - 50% of ADUs have been conversion of existing structure
- ADU ordinance in process
  - Streamline smaller ADUs
  - Harmonize development with LCP

Hotels

- Two existing programs in adopted Housing Element - Supercharging
  - Affordable employee units
  - Development credit transfer – Conversion to affordable housing
- Meetings with multiple developers and hotel operators
  - Strong interest – **VIABILITY**
- Reviewing draft amendment with HCD in December
  - Language refines program, and makes more **VIABLE**
- Adopted Housing Element projects 31 units for employee program
  - HCD did not give credit for conversion program
  - Anticipating credit for 50+ new affordable units

Churches

- Adopted Housing Element only credits one (1) church site
- November 19 community meeting
  - Church representatives
  - Architects
  - Developers
  - Land use experts
- Useful resources being created because of meeting feedback
  - Guides to navigate legal and land use challenges
- Interest from churches when given resources – **VIABILITY**

Downtown

- Adopted Element credits zero affordable units to downtown site
  - All above moderate
  - No interest letters received in first round
- Compiling detailed property characteristics to show **VIABILITY**
  - HCD recognizes certain property traits as markers for potential development
  - Includes walking survey to collect real data
- Also using AHA local connections to meet with building owners
  - Looking to get interest = **VIABILITY**

Next Steps

- Complete drafts and begin adoption process
- Milestone amendment timeline:
  - February, 2024 – First full draft completed. Public review at joint PC/CC workshop
  - March, 2024 – HCD Review of first draft (PC/Council/Public comments incorporated)
  - April, 2024 – HCD comments received, City responds
  - May, 2024 – Final draft completed based on all comments
  - June, 2024 – Planning Commission review/recommendation hearing
  - July, 2024 – City Council “intent to adopt” hearing
  - August, 2024 – HCD formally certifies
  - September, 2024 – City Council formally adopts

6th Cycle Housing Element Amendment

Questions?

CITY OF CARMEL-BY-THE-SEA

Public Works Report and Infrastructure Report Card

A Farewell Address
Robert Harary, P.E.
Director of Public Works

City Council

December 3, 2024

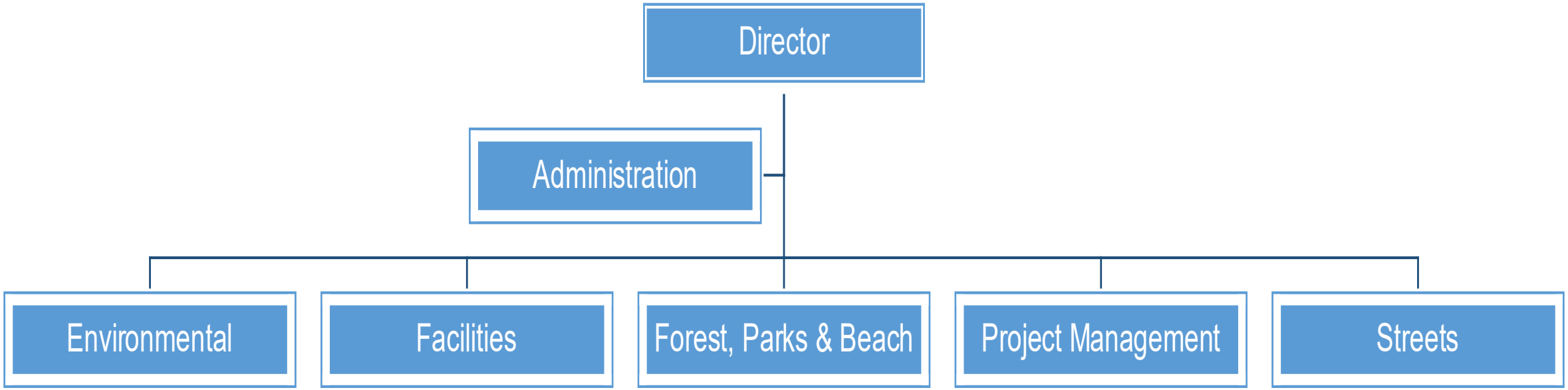
OBJECTIVES

- Review Department Structure, Resources, and Services
- Review Significant/Diverse Accomplishments past 7 years
- Infrastructure Report Card 2024 Compared to 2017

TEAM PUBLIC WORKS

CITY OF CARMEL-BY-THE-SEA

PUBLIC WORKS ORGANIZATION



Fiscal Year 2018/19:
$3.37M Operating Budget
$4.37M CIP Budget
21 FTE Positions, 5 Vacancies

Fiscal Year 2024/25:
$6.54M Operating Budget
$12.18M CIP Budget
25 FTE Positions, 5-6 Vacancies

PW ADMINISTRATION

Public Works Director, Admin Analyst, Admin Coordinator

- **Annual and 5-year Capital Improvement Plan (CIP)**
- **Budgeting and Financials processing**
- **Council Reports and presentations**
- Department meetings, team building, training
- **Forest & Beach Commission, TAMC TAC, and Traffic Safety Committees**
- Program Management Consultants oversight (CIP projects)
- Recruiting

ACCOMPLISHMENTS - ADMINISTRATION

- CIP Contingency Fund established
- **City Engineer** duties returned in-house
- **Council Strategic Priorities** – updated progress
- Friday Letters
- **Leadership Carmel Legacy Projects**: Forest Hill Park Nature Play and Scenic and Eighth Avenue Overlook
- **Forest Theatre Lease Agreement with Pac Rep**
- **Mass SOQ Process** – streamline consultant selection process
- Purchasing Ordinance Update – supported
- Replaced Sole Source procurements with competitive processes
- **Revised Construction Contract and Professional Services Agreement templates**

ENVIRONMENTAL PROGRAMS

Environmental Programs Manager,
Environmental Analyst

- Climate Action and Adaptation Plan Projects
- **Coastal Engineering Study**
- Environmental & CEQA guidance for Public Works
- **Regional MRSWMP and ReGEN Committees**
- Regulatory & Environmental Agency coordination
- Review private development applications
- **Sensitive Habitat Projects: North Dunes and Mission Trails Nature Preserve**
- **Storm Water Quality Annual Reports to WQCB**
- Storm Water inspections, enforcement
- **Waste/Recycling projects**

ACCOMPLISHMENTS - ENVIRONMENTAL

- **Climate Action and Climate Adaptation Plans** – prepared, adopted
- Climate Committee established
- **Coastal Engineering Study, Phase I** complete, Phase 2 - $500k CCC Grant
- **Dual Trash/Recycling Cans** replaced small, trash-only squirrel cans
- **Earth Day established**
- GIS System initiated
- **No Plastics Ordinance adopted** – first in region
- SB 1383 – Waste Reduction/Recycling/Organics program to reduce GHG
- Storm Water Ordinances Sections 17.42, 17.43 updated

FACILITIES MAINTENANCE

Facilities Maintenance Supervisor,
Facilities Maintenance Specialist

- **20 Buildings with 137,000 SF**
- Annual Safety Inspections
- **Coordinate repairs w/building trade contractors and vendors**
- Generators testing and maintenance
- **Janitorial Services oversight**
- Small construction projects
- **Supports building-oriented CIP projects**
- Urgent Repairs

ACCOMPLISHMENTS - FACILITIES

- **1,000+ Lights Replaced with LEDs**
- **ADA Transition Plan 2018 developed, 7 years ADA Upgrade Projects**
- Concrete Beach Access Stairs repaired
- Electric Heat Pumps installed at no cost
- **Electrical Panel Assessments**: CH, FS, SC, VL, replaced holiday tree panel
- Forest Theatre: New Stage Deck, Stage Truss
- **Janitorial Contract** – revamped, rebid, computerized inspection program
- Ocean Avenue Median Islands Lighting Project
- **Park Restrooms Improvements**
- Scout House: Roof Replaced, Decision to relocate to another site

FORESTRY, PARKS & BEACH

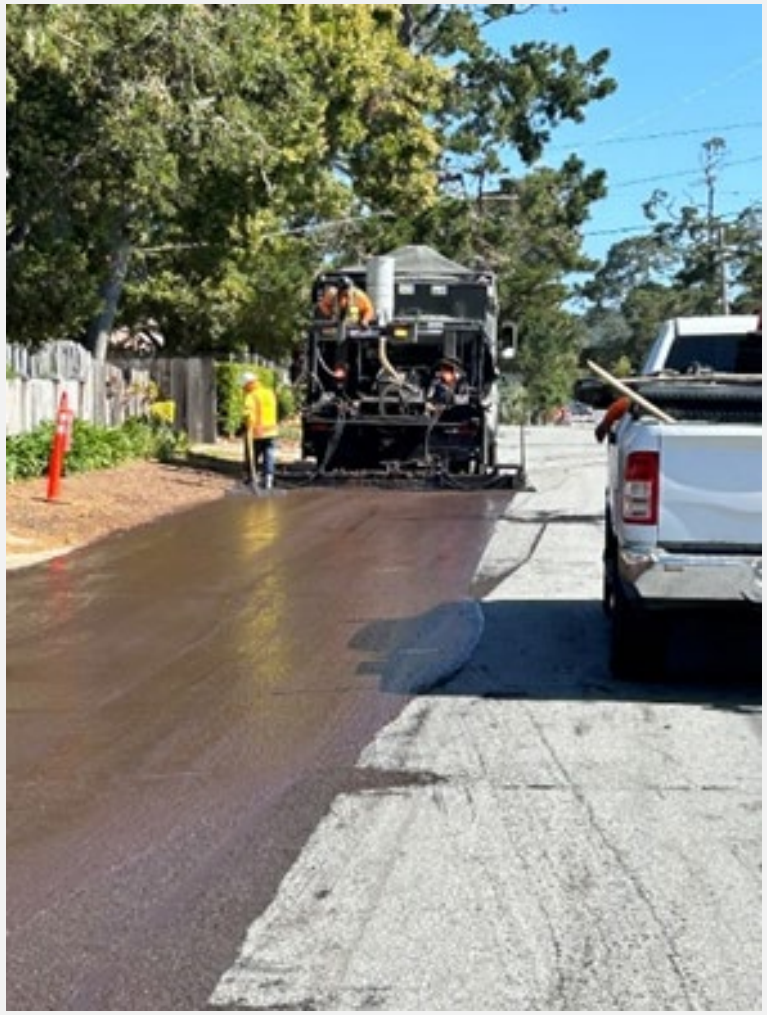
City Forester, Assistant Forester, Permit Tech, Tree Climber, Gardener, and 2 Maintenance Workers

- 12K Trees: planting, watering, pruning, removals, stump grinding
- **Carmel Forest Master Plan development**
- **Collaborate with Volunteers Groups**
- Coordinate PG&E safety pruning
- **Emergency Response**
- **Forest & Beach Commission** reports and presentations
- Fuel Reduction Program
- Issue Permits for tree removals and pruning
- **Manage 3 Trees and 1 Landscape Maintenance Contractors**
- Private Development Applications, site assessments
- Pruning for Traffic Safety

ACCOMPLISHMENTS - FORESTRY

- **CFMP – 12,000 Tree Inventory, Condition Assessment, Tree Keeper**
- Community Wildfire Prevention Plan – supported
- **Crew Capabilities Increased:** mid to large tree removals and stumps
- Demonstration Rain Garden at Public Works
- Mass Tree Pruning Downtown (2022)
- **MTNP – Significant Invasive Removals (FOMTNP)**
- Multiple on-call Tree Service Contractors implemented
- **Revamped on-call Task Order Processing**
- Stump Grinder – City's first
- **Tree Fees Modified** – evaluations only and waived if dead

PROJECT MANAGEMENT



2 Project Managers (Supplemented by 3 PM Consultants)

- **CIP Projects: Engineering Design, Bidding, and Construction Management services**
- Conditions of Approval for major Encroachment Permits
- Coordinates with other departments, utilities, regulators
- Manages Consultants and Contractors
- Prepares/reviews technical reports, plans, specifications, contract documents, cost estimates
- **Transportation, Drainage, Facility Renovation Projects**

ACCOMPLISHMENTS – PROJECTS

- **Building Condition Assessments:** City Hall, Fire Station, PW, Vista Lobos
- **Diesel and Gas Fuel Tanks, Pump Removed** from PW Yard
- MTNP Footbridge Reconstructed at Eleventh Avenue, PW Team Building
- **MTNP – Tank and Pump House Removed, Well Decommissioned**
- **San Antonio Pathway Reconstruction Project** - construction
- Sunset Center – Electrical Panel Reconstruction and EV Chargers (2026)
- Shoreline Infrastructure Repairs, Phase 1 and Fourth Avenue Outfall Wall Reconstruction – Consultant Agreement IP
- **Vista Lobos EV Chargers and Electrical Panel** – designed (construct 2025)

STREET MAINTENANCE

Public Works Superintendent, Streets Supervisor,
2 Maintenance Workers III, 6 Maintenance Workers I/II

- **Annual Sidewalks and Storm Drainage Condition Surveys**
- Beach Sand redistribution
- Emergency Response
- Fleet Maintenance
- Repair curbs, gutters, fences, walls
- **Street Maintenance:** potholes, pavement patching, berms
- Street Saver Pavement Management System
- **Street Sweeping**
- **TAMC Funding:** Measure X, Gas Tax, SB-1, RSTP funds
- **Traffic Signage, striping, markings**
- Utility and Encroachment Permit applications

ACCOMPLISHMENTS - STREETS

- 20-Year Regional Transportation Plans updated
- Bike Route USBR 95, Canada to Mexico borders, to pass through Carmel
- **Cross Training Maintenance Workers – Forestry and Streets**
- **First Official Bike Route – San Carlos, Eighth to Thirteenth**
- Traffic Control Plan Guidelines developed
- Traffic Sign Plotter replaced
- **Sidewalk Repairs** – ongoing, dedicated crew
- **Supported Numerous Special Events**
- Vehicle Barriers purchased

ACCOMPLISHMENTS - VOLUNTEERS

Carmel Cares

- **Scenic Pathway Improvements**
- **Ocean Avenue Median Islands landscaping**
- Forest Theater landscaping and other improvements
- **Community Engagement Programs**: Median Minders, Downtown Detail

Friends of Mission Trail Nature Preserve

- Trails Maintenance
- **Weedies**: Invasive removals, landscaping

Garden Club

- Gardens: City Hall, Harrison Memorial Library, North Dunes

Friends of Carmel Forest

- Tree plantings and care

ACCOMPLISHMENTS – CITY HALL, FIRE

City Hall

- **ADA Upgrades**
- Ceiling Lights and Tiles
- Climate Control System
- Covid Filtration Systems, Plexiglass
- Parking Lot Resurfaced
- **Retaining Wall repaired**
- **Roof Replaced**

Fire Station

- Back Deck resurfaced
- **Backup Generator refurbished**
- Bay Doors painted
- Kitchen Appliances
- Lockers
- **Painted Interior upstairs**
- Roof Repairs, partial replacement
- **Vehicle Exhaust System**

ACCOMPLISHMENTS - LIBRARIES

Harrison Memorial Library

- ADA Upgrades
- **Exterior Painted**
- **Gathering Room** constructed
- HVAC Units replaced
- **Library Master Plan and Condition Assessments**

Park Branch Library

- **Backup Generator and Sump Pump System** for basement
- Dehumidifier for History Vault
- Dumbwaiter Decommissioned
- Interior Painting, Lobby Remodel
- **Storm Shelter electrical outlets and heating**
- **Story Room modifications**
- Tenant Improvements

ACCOMPLISHMENTS – POLICE/PUBLIC WORKS

- Building Condition Assessments
- **Concept Plan developed to Maximize Existing Site (coming soon!)**
- Construction Phasing Plan developed to minimize swing space needs
- **Electrical Panels replaced in Garage**
- Garage Rollup Door replaced
- Lightning Suppression System
- PW Breakroom Renovation
- PW Building Exterior Painting
- PW Front Office Remodeled
- **Police Dispatch Room Renovation**
- Police Detectives Office Renovation

ACCOMPLISHMENTS – SUNSET CENTER

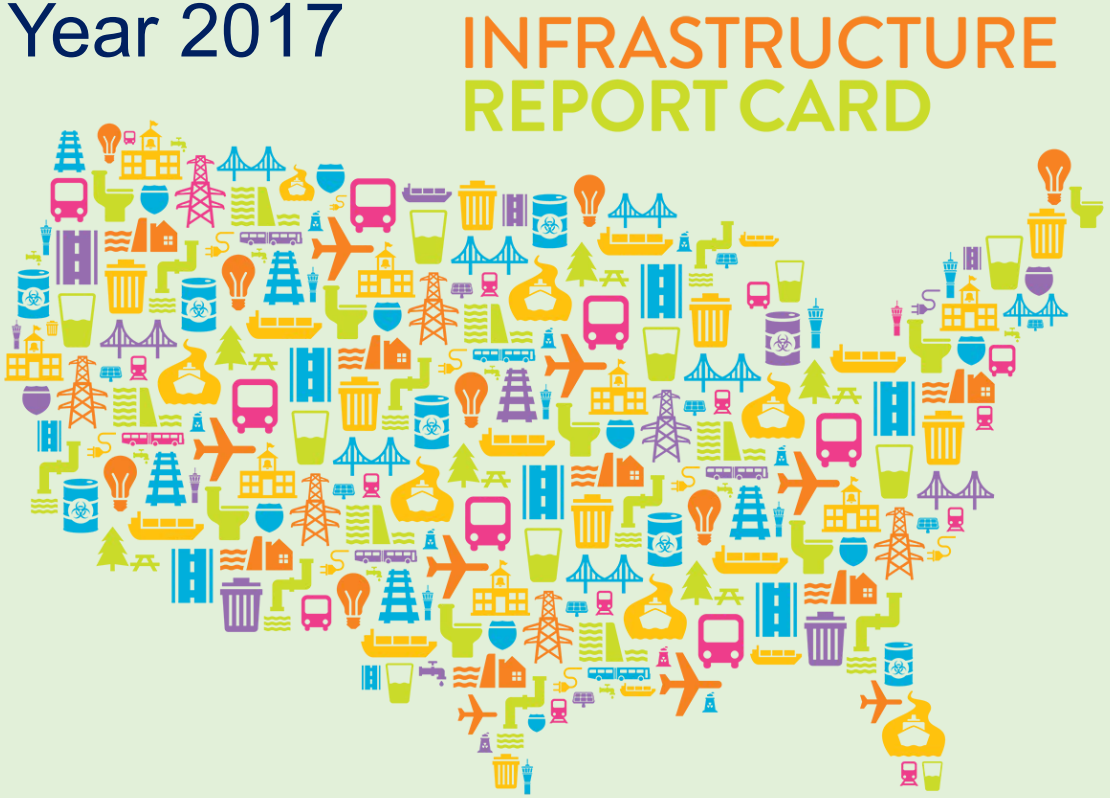
- **Boiler Replaced**
- Bollards
- Carpenter Hall Heater Replacement
- **Cottage Windows Repaired**
- Fire Pipe Leak emergency repair
- **Fire Pump Replaced – emergency**
- **North Wing Exterior Painted**
- Portico Design Concept
- **Retaining Wall Repairs designed**, “Shovel ready” (2025)
- Stage Rigging System

ACCOMPLISHMENTS – UTILITIES

- **Cal AM – Dolores Waterline,** Santa Lucia to Eighth Avenue
- CAWD – Rehab Sewer Manholes
- **CAWD – Guadalupe & Santa Fe Pipe Bursting (2025)**
- CAWD – Scenic Road Sewer Reconstruction (2025)
- **Del Mar – Underground District Established using Rule 20A Credits**
- **PG&E – Gas Line replacement – Fourth Avenue, Camino Del Monte**
- WAVE – Fiber Optic Cable Permit IP

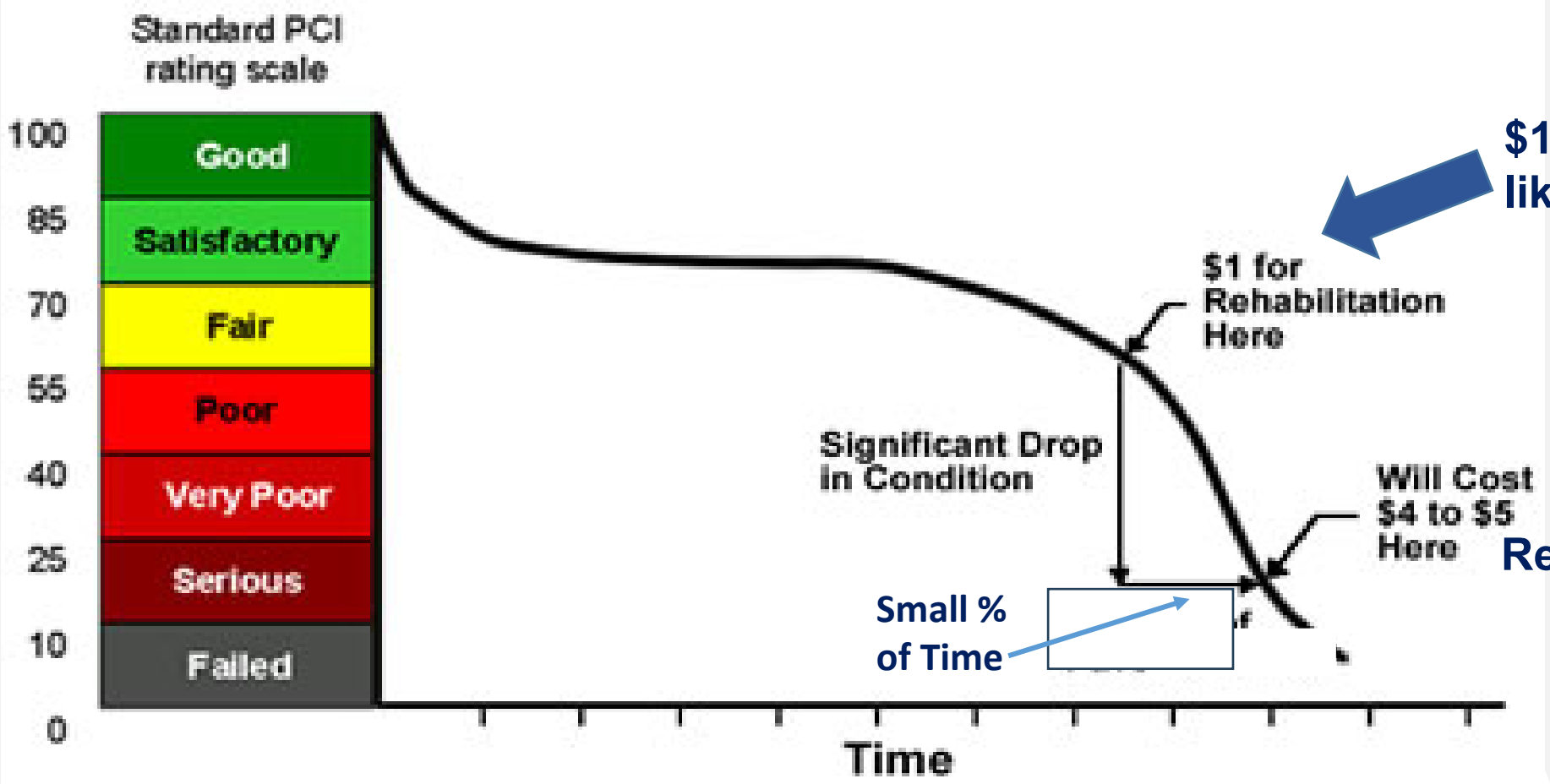
INFRASTRUCTURE REPORT CARD

- American Society of Civil Engineer's National Report Card model
- 6 Categories: Streets/Pavement, Drainage System, Facilities, Fleet, Forestry/Parks, and Beach/Shore
- 2024 compared to Benchmark Year 2017
- School Grades: A to F



INFRASTRUCTURE DECAY & RENEWAL

INFRASTRUCTURE LIFE CYCLE



$1 Renovation to like-new condition

Reconstruction

REPORT CARD: Pavement, Streets

- **Best Pavement Condition in Monterey County**
- External Funding – Gas Tax, Measure X, RSTP, SB-1 – 30% of project budget
- **FY 2018/19, 2019/20, 2021/22 Annual Paving Projects**, including Ocean Ave.
- **FY 2022/23 – Concrete Streets** "shovel ready" - $2.7M
- **FY 2024/25 – Conglomerate Paving Project,** $2.8M funded (2025)
- **Micro-Surfacing** – first application

- **Challenges: Bike Lanes, Concrete Streets Cost, County Potholes, Sidewalks**

Road Class	2017	2024
Arterials	62	80
Collectors	62	64
Residential	59	71
Overall PCI	**62**	**70**

2017	**C+**
2024	**B+**

REPORT CARD: Drainage

- ***In 2017, we had no idea what the condition of our drainage system was. Now we know exactly where investment is needed, in priority order!***

- **3 Drainage Projects**: 11th, Lincoln/Second, Santa Fe
- **Fifth Avenue Storm Drain Improvement Project**
- **MTNP 3 Drainage Projects**
- MTNP Stream Stability Study 2019 – 8 projects
- **Storm Drain Master Plan 2020 – City's first and Update 2023**

- **Challenges: Junipero Bypass, #1 Priority, $3M+**
- **Surface water in/out of private properties**

2017	**D-**
2024	**C+**

REPORT CARD: Facilities

- **Condition Assessments Completed** for most facilities
- Libraries Master Plan could launch major upgrades for both libraries
- **Numerous Improvement Projects and Repairs Completed**

2017	C-
2024	D

Challenges:

- **8 buildings +/- 100 years old**
- **Flanders Mansion and Scout House: unused for decades, but deterioration, maintenance, and repairs ongoing**
- **Millions $ needed for City Hall, Fire Station, Vista Lobos identified repairs**
- **Police and Public Works Building – Past useful life, unfit for staff, and 7 years of planning – Let's get it done!**
- **Sunset Center needs major repairs (ex. lobby elevator modernization)**
- **Deferred Maintenance Graph – Moving from $1 Renovations to $5 Rebuilds**

REPORT CARD: Fleet

- **6 EV Charging Stations installed, 12+ in progress**
- ATV for beach
- Community Activities Van
- **Dump Truck**
- **Electric Street Sweeper,** $250k 3CE rebate
- Electric Bikes and Motorcycles
- EVs for Police and City Hall
- **Fleet Maintenance** returned in-house (since 1990s)
- **Ordered Ambulance & Fire Engine (2025)**
- Traffic Line Striper

2017	C
2024	B

Challenge:

- **State Mandates for EV Conversion**

REPORT CARD: Forestry/Parks

- **Carmel Forest Master Plan** in progress
- Contractor Task Order Processing
- **Crew Skills improved**
- **Emergency Response protocol improved**
- PG&E Pruning coordination improved
- Citizen Requests tracking improved

Challenges:

- **3+ Year backlog: Dead, Very Poor, Poor Trees**
- **600+ Stumps**
- **Aging Forest: drought, disease**
- **Impacts from Winter Storms**
- **Outdated Tree Ordinances**
- **Staff Vacancies**

2017	B
2024	C+

REPORT CARD: Beach/Shore

- **Beach Cleanups** – Public/Private Partnership
- CIP for Beach Stair Repairs and Fourth Avenue Outfall Reconstruction
- **Coastal Engineering Study** – Condition Assessments, Beach Sand, SLR
- **Fire Pits removed**
- **North Dunes Habitat Restoration**, Volleyball Courts relocated
- **Scenic Pathway** transformation

2017	D+
2024	C

Challenges:

- **Climate Change: increasing storms and sea level rise**
- **Equipment Access Ramp washed out**
- **Permitting Requirements for beach repairs**
- **Wooden Stairs at end of useful life**

INFRASTRUCTURE SUMMARY

Infrastructure	2017 Grades	2024 Grades
Pavement/Streets	C+	B+
Drainage	D-	C+
Facilities	C-	D
Fleet	C	B
Forestry/Parks	B	C+
Beach/Shore	D+	C
Overall	**C-**	**C+**

Doing Better:

1) Streets
2) Drainage
3) Fleet

Investment Needed:

1) Buildings and Facilities
2) Drainage System
3) Shoreline Infrastructure

QUESTIONS?

Thank You!

Encroachment Permit
EN 23077 (Givens)

City Council Meeting

December 3, 2024

Background

- March 3, 2023
  - PC Approved Design Study (DS 22-226 – Givens)
  - Condition of Approval #35: Remove existing encroachments **or** obtain encroachment permit
- Application filed for permanent encroachment
  - Legalize unpermitted existing encroachments
  - Add new encroachments
  - Main stated reason = control erosion and additional access

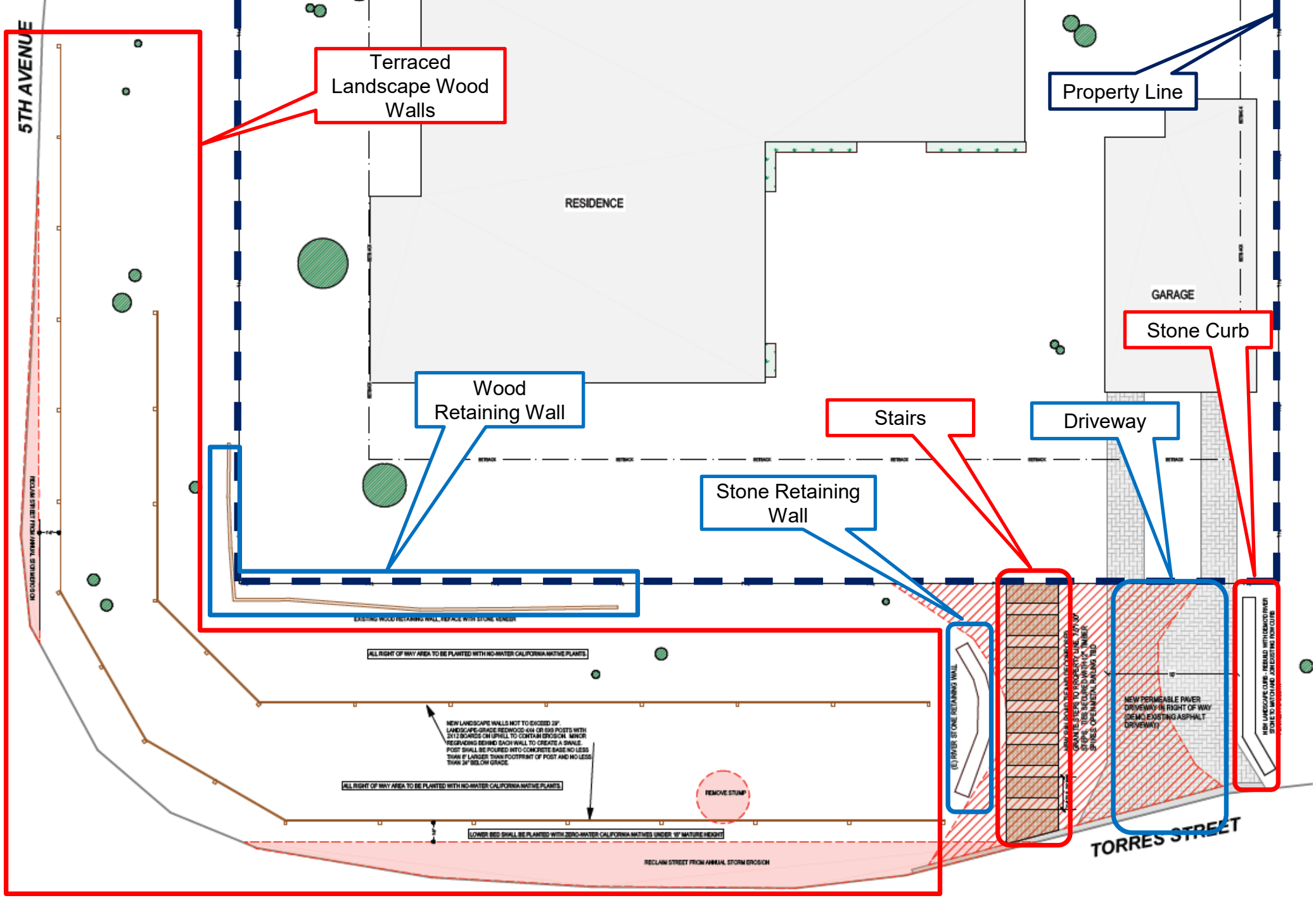
Property Line

Existing unpermitted encroachments

-Driveway
-Stone Retaining Wall
-Wood Retaining Wall
-Landscaping

Proposed new encroachments

-Terraced Landscape Wood Walls (x2)
- Stone Landscape Curb
- Stairs
- Landscaping



Torres Street View

5th Avenue Street View

CMC 12.08.060 Encroachment Application Review Standards

A. Need

B. Safety

C. Drainage

D. Circulation and Parking

E. Public Use and Enjoyment

F. Compatibility

G. Public Property/Greenbelt

12.08.060 Encroachment Application Review Standards.

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

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

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

D. Circulation and Parking.

1. The proposed encroachment shall not adversely affect vehicular and/or pedestrian traffic nor the parking of vehicles.

2. The proposed encroachment shall not adversely impact existing rights-of-way nor preclude or make difficult the establishment or improvement of existing or potential streets or pedestrian ways.

E. Public Use and Enjoyment.

1. The proposed encroachment shall not diminish public use or enjoyment, either visual or physical, of the City property or public right-of-way to be encroached upon.

2. The encroachment and enjoyment shall be in the public interest.

3. The length of time an encroachment has existed shall not by itself prejudice a decision.

F. Compatibility.

1. The proposed encroachment and its mitigation shall be consistent with the General Plan and the adopted ordinances of the City. Particular attention shall be given to Section P1-48 of the General Plan, which prohibits the construction of sidewalks and concrete curbs in the R-1 district, unless necessary for drainage and/or pedestrian safety.

2. The encroachment shall not create, extend, or be reasonably likely to lead to an undesirable land use precedent.

3. Granting of a permit shall not adversely affect the usability or enjoyment of one or more adjoining parcels.

4. The proposed encroachment and its mitigation shall be compatible with the surrounding area and adjoining properties.

G. Public Property/Greenbelt.

1. The proposed encroachment shall not adversely affect any public property, including existing vegetation or its root structure, and shall not significantly reduce greenbelt area that may be used for tree planting.

2. Significant trees which would be affected by the proposed encroachment shall be identified by the Director of Forest, Parks and Beach and approval for removal shall follow City policy.

H. Mitigation. When deemed appropriate by the City, the applicant shall include those measures appropriate to compensate the City for the loss of the use of City property or the public right-of-way, or to repair damage thereto.

CMC 12.08.060 Encroachment Application Review Standards

Need

- Applicant has not provided any justifiable need for maintaining the encroachments. Scope would expand encroachments in ROW.
- Option of a rolled asphalt berm discussed with applicant to control erosion – would significantly reduce encroachment.
- There is already a way to physically access the property via the driveway.

CMC 12.08.060 Encroachment Application Review Standards

Drainage

- Proposed encroachment is inconsistent with City Design Guidelines.
- Preferred method for drainage/erosion control
  - Jute netting
  - Native plants
- Public Works standard condition of approval
  - Projects with natural slope in ROW install jute netting and plant natives to control erosion
- Rolled asphalt berm would be less intrusive to ROW and still effective

CMC 12.08.060 Encroachment Application Review Standards

Public Use and Enjoyment

- Proposed encroachment diminishes public use and enjoyment.
- Reduces amount of public open space in ROW
- Creates an extension of private property into ROW

CMC 12.08.060 Encroachment Application Review Standards

Compatibility

- Currently not compatible with General Plan, Municipal Code and Design Guidelines.
- General Plan (P1-43) encourages maintaining informal spaces. Current property frontage is in natural state.
- Zoning Code (17.34.070.B) discourages defined landscape areas with rocks, stone, wood, etc.
- Encroachment would bring property further out of compliance with regulations.

Standard of Review

12.08.050 Permit – Process and Determination.

A. NOT APPLICABLE (review standard for commercial districts)

B. The Director of Community Planning and Building shall forward the application for encroachment permit to the City Administrator after the appropriate City department(s) has reviewed the application and made recommendations.

C. The City Administrator, or his/her designate, may approve the application **if it conforms to the standards set forth in CMC 12.08.060 below**.

D. If the proposed encroachment does not conform to these standards, or it is the opinion of the City Administrator that the nature of the encroachment is contrary to the public interest or should be referred to the City Council for determination, **then the application shall be scheduled for action by the City Council**. In all other cases, the decision of the City Administrator shall be final, unless appealed as provided for in CMC 12.08.090. The applicant shall be notified by the City Administrator within 10 days of the City Administrator's decision to grant, deny, or refer any application.

E. NOT APPLICABLE (review standard for wireless facilities)

12.08.060 Encroachment Application Review Standards.

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

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

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

D. Circulation and Parking.

E. Public Use and Enjoyment.

F. Compatibility.

G. Public Property/Greenbelt.

Mandatory Findings

- Staff - Must make all 5 to approve
- Council - Not required to make all 5 (Discretion allowed)
  - **12.08.050 Permit – Process and Determination.**
  - A. Applications for encroachments involving properties in the CC, SC, RC and R-4 districts which accompany applications for design review shall be forwarded to the Planning Commission for its consideration and recommendation.
  - B. The Director of Community Planning and Building shall forward the application for encroachment permit to the City Administrator after the appropriate City department(s) has reviewed the application and made recommendations.
  - C. The City Administrator, or his/her designate, may approve the application if it conforms to the standards set forth in CMC 12.08.060 below.
  - D. If the proposed encroachment does not conform to these standards, or it is the opinion of the City Administrator that the nature of the encroachment is contrary to the public interest or should be referred to the City Council for determination, then the application shall be scheduled for action by the City Council. In all other cases, the decision of the City Administrator shall be final, unless appealed as provided for in CMC 12.08.090. The applicant shall be notified by the City Administrator within 10 days of the City Administrator's decision to grant, deny, or refer any application.
  - E. Notwithstanding CMC 12.08.040(A) and 12.08.050(A), (B), (C) and (D), for applications that are subject to both Chapters 12.08 and 17.46 CMC, the reviewing authority under Chapter 17.46 CMC shall process and decide both applications concurrently under the procedures in Chapter 17.46 CMC, including any appeals. (Ord. 2023-06 § 4, 2023; Ord. 89-9 § 1, 1989).

Recommendation

Adopt Resolution 2024-099 denying a Permanent Encroachment Application (EN 23077) for the legalization of existing, and addition of new encroachments in the public right-of-way, adjacent to a single-family residence located at the southeast corner of Torres Street and 5th Avenue.

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

December 3, 2024
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
Correspondence #3
Correspondence #4

Carmel-by-the-Sea

Attachment 1

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

Fwd: ROW Landscaping at Torres & 5th.

Marnie R. Waffle <mwaffle@ci.carmel.ca.us> Mon, Dec 2, 2024 at 8:11 AM
To: Brandon Swanson <bswanson@ci.carmel.ca.us>
Cc: Nova Romero <nromero@ci.carmel.ca.us>

Letters of support for the Givens encroachment permit.

Best regards,

Marnie R. Waffle, AICP
Principal Planner

City of Carmel-by-the-Sea
Community Planning & Building
(831) 620-2010 main
(831) 620-2057 direct
www.ci.carmel.ca.us

---------- Forwarded message ---------
From: **Erin Rose** <erin@johnlewisgroup.com>
Date: Sun, Dec 1, 2024 at 6:39 PM
Subject: Fwd: ROW Landscaping at Torres & 5th.
To: Marnie R. Waffle <mwaffle@ci.carmel.ca.us>

Hello Marnie, we received two unsolicited letters of support from neighbors over the weekend. I wanted to give you a heads up that we'll be bringing them to the Council Meeting on 12/3. I will forward more if we receive them, or bring you printed copies to the meeting if they come in late on the afternoon of 12/3.

I hope you had a nice, relaxing Thanksgiving!

Erin Rose
Lead Residential Designer

Lewis Builders
www.LewisBuilder.com
erin@LBdesign.build
831-250-7168 (office)
808-217-7623 (cell)
Find us

---------- Forwarded message ---------
From: **Rebecca Henderson** <rebecca@rrhenderson.com>
Date: Fri, Nov 29, 2024 at 5:05 PM
Subject: Landscaping at Torres & 5th.
To: <jay@lbdesign.build>, <scott@lbdesign.build>

Dear Jay and Scott -

We received the communication regarding the landscaping project at the corner of Torres and 5th. We live next door at Torres 2 SW and are supportive of the work proposed. We strongly believe this will be an enhancement to the street and corner and this work will greatly improve the current aesthetics.

We are out of town - otherwise we would appear at the hearing in support of the project and work proposed. Please reach out if you need anything else from us.

Attachment 1

Thanks
Ralph and Rebecca Henderson
[redacted]

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

From: **Janice Heise** [redacted]>
Date: Sat, Nov 30, 2024 at 2:55 PM
Subject: Givens project
To: Scott Julian <scott@johnlewisgroup.com>

This is a copy of the email sent to the city:
Dear City Council,
Our next door nieghbors are requesting approval for their landscaping project. We have seen the plans and enthusiastically approve this project. It will be a lovely enhancement to the beauty of our neighborhood.
Please contact us if you have any questions.
Sincerely,
Lynnette Barkley and
Jan Heise
[redacted]
Jan Heise
Chopra Certified Instructor
Integrative Health Coach
3174423345

Building Permit Form

BP 23-153 (Givens)

Property Owner Name	GIVENS TROY & SHARYL TRS
Project Location	SE Corner of Torres & 5th
APN #	010092012000
Block	60
Lot	2 & 4
Contractor Name	Lewis Builders
Contractor Ph. #	831-758-6391
City Contact	Jermel Laurie, Building Official
Date Approved	07/18/2023

Description of Work: 197 SF of Additions to single story SFR demolition; reconfigure roof & add solar, update on demand water heater, new dual fuel generator, new solar battery, bring site coverage into compliance

The City of Carmel-by-the-Sea has approved a project at this location. The scope of the project is described above. Questions regarding this project may be directed to the Community Planning & Building Department at 831-620-2010.

THIS NOTICE SHALL REMAIN POSTED IN A LOCATION CLEARLY VISIBLE FROM THE PUBLIC RIGHT OF WAY FOR THE DURATION OF THE PROJECT

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Carmel-by-the-Sea will conduct a Public Hearing via teleconference and in person on Tuesday, December 3, 2024, at 4:30 p.m., or as soon thereafter as possible, for the following purpose:

Proposed Action: PERM EN 23-077 (Givens): Consideration of a partial after-the-fact Permanent Encroachment Permit, PERM EN 23-077 (Givens), for development in the public right of way which includes a series of terraced retaining walls, a new staircase with handrail, and a new driveway retaining wall located on the southeast corner of Torres Street and 5th Avenue in the Single-Family Residential (R-1) District. APN: 010-092-012-000.

Project Location: Southeast corner of Torres Street and 5th Avenue; Block 60; Lot 2; APN: 010-092-012-000

Coastal Permit Status: Not required

Appealable to the Coastal Commission: No

Environmental Status: Exempt

To attend in person, visit City Hall located on Monte Verde Street between Ocean and Seventh Avenues. To participate via teleconference, use this link: To participate via teleconference, use this link: https://ci-carmel-ca-us.zoom.us/j/83289524838.To participate via phone, dial +1 (253) 215-8782. Webinar ID: 832 8952 4838. Passcode: 904814.

The City Council meeting will be broadcast live on the City's website at http://carmel.novusagenda.com/agendapublic/meetingtresponsive.aspx and the City's YouTube Channel at https://www.youtube.com/c/CityofCarmelbytheSea and archived there after the meeting.

The staff report and relevant documents will be available at least 72 hours in advance of the meeting on the City's website at http://www.ci.carmel.ca.us. For more information regarding City Council meetings, please contact the City Clerk's office at 831-620-2016 or by email: cityclerk@ci.carmel.ca.us.

All interested persons are invited to attend via teleconference at the time and place specified above to give oral or written testimony concerning this matter. Written comments may be submitted to the City Clerk at City Hall located on the east side of Monte Verde Street between Ocean and Seventh Avenues, Carmel-by-the-Sea, California, 93921 or P.O. Box CC, Carmel-by-the-Sea, California, 93921 or by email cityclerk@ci.carmel.ca.us prior to the meeting. With respect to written comments, please submit them at least 2 hours before the meeting in order to ensure they are provided to the legislative body and made part of the record. Comments received after that time and up to the end of the public hearing will be saved as part of the record but may not be provided to the legislative body prior to or during the public hearing.

Please direct questions about this item to Marnie Waffle: mwaffle@ci.carmel.ca.us or 831-620-2057.

Publish Date: 11/22/2024 – The Carmel Pine Cone

LB

Attachment 2

LB
DESIGN + BUILD
STOP

Attachment 2

NO PARKING

NO PARKING

CC Meeting - public comment rec'd 12-3-24

Attachment 3

In the middle of June in 2020, you, Mayor Potter and the City Manager, Chip Rerig, in a vlog, invited people from around the country to visit our beach. Chip Rerig said quote, "We are not gonna close the beach for the Fourth of July because the great outdoors are always open. So please come." Not that you ever had the authority to close it in the first place, but nonetheless:

Just a few weeks later, on the morning the weekend the country celebrates its liberation from tyranny, you, Chip Rerig, QUOTE on the "sage advice from Chief Paul Tomasi" decided, crowned yourself an emperor. You got up on the morning of July 3rd, and made the unilateral decision as an unelected politician to use your standing army to terrify the tourists that had flown here from around the country and purchased hotel rooms to be able to enjoy our beach, to see it had been roped off like a crime scene. And one tourist did come from another place in California, (FIRST POSTER) who wanted to engage in the criminality of walking his dog in the ocean. Officers Johnson and Boucher stalked him the length of the People's beach, while the man repeatedly said, "I'm not committing any crime." Officer Greg Johnson of your police department said, "Wait until he gets over there and then go get him. We're gonna put him in and he's going straight to jail."

His head was submerged under water. He lost his iPhone in the surf. All the people that were scared to walk past the police tape on that evening, watched in fear, and one woman said, "Oh my God, they just took that guy down!" In this photo, is Officer Joseph Boucher, Jacob Clifford and Michael Bruno attack the man from behind - for walking his dog in the Ocean.

The man was taken to jail in handcuffs, soaking wet, with no shoes, and had to hire an attorney to unwind him from the false criminal charges, you, Chip Rerig, Chief Tomasi, Jeff Baron, Bobby Richards and Dave Potter approved of in your next City Council meeting. He was released in the middle of the night. All of you and your police department didn't care when or if he got home safely.

And this was all done, because you claimed, We, the People were going to violate the dreaded six foot distancing rule and kill one another and ourselves, despite the fact that, as one local tv station said, "although the beach was noticeably empty, the town was still swimming with visitors." So you had NO PROBLEMS WHATSOEVER with people spending money in the

shops to bring in revenue, but playing water sports, or standing on the sand, was a crime that deserved a jail cell.

And as you can see from this photo, **(SECOND POSTER)** your BEACH CLOSURE never had anything to do with keeping us safe from ourselves. It had to do with what happens when the power of officials, including Chief of Police Paul Tomasi, goes unchecked, because maybe, We, the People, were also to blame, for sleeping at the wheel.

Rather than condemning this unprovoked attack on a peaceful tourist after being invited here by the mayor and Chip Rerig, in the next City Council meeting, on July 7th, 2020, voted-out Mayor Dave Potter, QUOTE "thanked the community members for their support of the beach closure."

Council Member Jeff Baron was quoted as saying, that he "thanked the police department for keeping the beach clear and thanked those who are not normally involved with that type of thing in their efforts with supporting the beach closure."

Chip Rerig, an unelected politician, who still, for reasons unknown, continues to sit on the board of VisitCarmel, when he was responsible for what happened to this man when he VISITED CARMEL, "thanked Carmel residents for their support in HIS decision to close the beach over the Fourth of July holiday weekend and thanked the Police Department and Monterey Fire for their assistance in educating people if they arrived at the beach …"

Is this what you mean, by "educating us" if we arrived at the beach during that weekend, Chip?

Bobby Richards said in an interview, that they had "closed" Carmel Beach because you all were afraid of a "compression factor." Is this the "COMPRESSION FACTOR" Council Member Richards, that you claimed you were all afraid of?

So the question is, was this inflicted on us to keep us safe or did it really, always, have to do with **BEING INTOXICATED BY YOUR ABILITY TO DOMINATE YOUR BOSSES WITH VIOLENCE**. Your bosses, us, the people sitting behind me, and those watching on video.

For 3 years, the people tried to obtain the 3 active body cameras of this attack, but we were told repeatedly, by the $50,000/month City Attorney, Brian Pierik, that they were not

disclosable, and he did that by citing false penal codes and caselaw. We even sent the police department what is called a litigation hold memo in 2021, that if you would not disclose this footage then, you were to preserve them. And yet two of them were destroyed anyway, and the one sent to us in federal litigation, had been tampered with, and ends abruptly off just before this man gets attacked. So all the body camera footage of your betrayal of the People, is gone forever. And to add insult to injury, we paid for this. The People of Carmel and the tourists, paid for their own enslavement.

We know a caller called in last month, to read off partially what happened to the attorney you hired, Jonathan Redford, when he tried, in vain, to defend your attempts to conquer us. For the entirety of the time he tried to attach himself to this case, he wasn't admitted to practice law in that Court. And, time permitting, we are going to read to all the good People of Carmel, the confession Jonathan Redford was ordered to enter into the case, when thank goodness, someone held you accountable for your crimes against nature:

Quote: "I made the unfortunate and regrettable mistake of erroneously believing that I was already admitted to practice in the Court that the Buccola case was venued in when I first became made aware of the case."

"As a result, I erroneously and regrettably did not apply for admission with the Northern District of California when I first appeared in this case as counsel for the Carmel Defendants."

"Moreover, because of this unintentional mistake, I did file many motions and make court appearances in this matter prior to becoming admitted to practice in the Northern District of California. I take full responsibility for this mistake and aver to the Court that said mistake was not done with any intent to deceive or fraud the Court or the Plaintiff in this matter or with any intent to engage in unprofessional conduct in violation of the Local Rules.

"THE FACT IS that I did exercise the privileges of membership in the Northern District of California when I was not entitled to for a period of time. However, during the time I did so I was regrettably unaware that I was doing so (as set forth above) and sincerely apologize to the Court for that. Immediately upon learning of the mistake I had made, I applied for admission to the Northern District of California and was admitted on February 27, 2024."

"The following day, February 28, 2024, I also entered a Notice of Appearance in this matter, as I had previously been unaware of the Northern District's requirement for a Notice of Appearance to be filed by counsel per Local Rule 5.1.The following day, February 28, 2024, I also entered a Notice of Appearance in this matter, as I had previously been unaware of the Northern District's requirement for a Notice of Appearance to be filed by counsel per Local Rule 5.1.

"On April 2, 2024, a withdrawal as counsel of record was filed on my behalf in this matter. Since that date, I have no longer worked for Carpenter Rothans & Dumont LLP and have not done any further work on this case aside from the preparation of the instant Declaration.

"I would sincerely and humbly request that the Court discharge the Order to Show Cause and not refer me to the Court's Standing Committee on Professional Conduct.

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 29, 2024, at Santa Clarita, California. Jonathan D. Redford - Declarant." For your records if anyone wants to look it up, is at docket number 241, or ECF 241.

On the day they withdrew Redford from the case filed because you stole from God's children, your firm, *Carpenter, Rothans and Dumont*, had Esther Teixeira (tuh-sherra) file a Notice of Appearance, at ECF 160, she claimed, "I am admitted to practice or otherwise authorized to practice in this court, and I appear in this case as counsel for: Carmel-by-the-Sea; Joseph Boucher; Greg Johnson; Gerald Maldonado; Paul Tomasi; Chip Rerig." End quote. And it was signed by Esther Teixeira. Except that she wasn't either. This monumental and identical error, caused the court, at document number 254 to order Teixeira to also explain, how in the world, she could have made the identical error as her predecessor Redford. At document number 257, and anyone can look these up on Pacer if you have an account, Teixeira confessed the following:

"In the immediacy of Mr. Redford's departure, it was unclear whether I or Thomas Fay, another attorney in the firm who had been assisting Mr. Redford, would assume handling of this case. Thus, on April 2, 2024, I filed an Appearance of Counsel. At that time, I had been

practicing law for approximately 9 months. I failed to exercise due diligence when reading and completing the Appearance of Counsel form and failed to seek guidance from a more experienced attorney, and consequently made the regrettable mistake of filing the notice without first seeking admission in the Northern District.

"When I learned that I was not admitted to practice in the Northern District but that my admission was required before filing an Appearance of Counsel, I immediately applied for admission, and was admitted on August 22, 2024.

"I regret my mistake and understand that it was solely my lack of research, due diligence, and failure to ask a more experienced attorney for guidance on the matter, that led me to fail to comply with my duty and obligation to this Court. Going forward, I will make every effort not to commit this mistake again.

Sworn under penalty of perjury by Esther K. Teixeira - Declarant."

And remember everyone, you are continuing to pay for these confessions to be entered into the case, while these politicians keep going to the bank.

Well the Court was none too pleased with these blunders, and at document number 270, the Court ordered your entire firm to explain what in the world was happening and why they shouldn't be referred over to the Standards Committee on Professional Conduct.

At document number 276, Steven J. Rothans from your firm, Carpenter, Rothans and Dumont responded and he wrote, quote:

"During the time that my former partner Jonathan Redford had been working on this particular civil case (Buccola v. Boucher, et al.) I believed in good faith that he was a member in good standing of the Northern District, as he and I had worked on other matters previously. Once we discovered that Mr. Redford was not a member of the Northern District, I was informed by him that he had instructed his secretary to file the necessary documents to insure that he promptly became a member. We later learned that the secretary had inadvertently filed the documents with the wrong or incorrect court. Subsequently, that was rectified and Mr. Redford became a member in good standing in this court.

"Earlier this year my partner Mr. Redford left our firm on two weeks' notice after working with us for approximately twenty (20) years. I am informed that subsequently Associate

Esther Teixeira's name appeared on a few pleadings before she was licensed to practice in the Northern District. However, she did not appear in court or take any substantive action on this file before she was authorized to practice in this court.

"I sincerely apologize if these circumstances caused this court any undue consumption of time on these issues. We will insure that no other firm lawyers appear in this case unless they are authorized members in good standing with this court. Should you require any additional information from us, please let me know." Signed under penalty of perjury, by Steven J. Rothans.

Incidentally, at document number 176 in the case, Redford's replacement, Thomas Fay, claimed that Redford had "retired." But that was just another false statement entered into the case, because Redford merely found another job at the law firm of Stone Dean in Woodland Hills, CA. And the people of Carmel, keep paying to be deceived by their own servants.

But how about what was posted in your agendas, for the second half of 2020. Where you Mayor Potter, Council members Jeff Baron and Bobby Richards approved of the following:

"SECTION 2. It is hereby ordered that the following rules shall apply for the use of City beaches at all times:

"2.1 No person shall have on the beach any of the following: coolers or other containers for the storage of food or drinks, umbrellas, shade structures or tents, beach equipment, BBQs, chairs, or tables …"

"2.2 Persons may only use the beach for walking, running, swimming and surfing.

"2.3 No person shall engage in the following activities at the beach: group activities, sports except as allowed by subsection 2.2, sitting, lounging, picnics, SUNBATHING, BBQs or fires of any kind.

"SECTION 3. This Order shall be **PUNISHABLE** as set forth in the City Municipal Code Section 1.16.01 Oand Section 2.64.100."

And if you go to 2.64.100 in the Municipal code of Carmel by the Sea it reads, "It shall be a misdemeanor, punishable by a fine of not to exceed $500 or by imprisonment for not to exceed six months, or both …"

Did you honestly, tell us, We, the People, THE AUTHORS AND SOURCE OF GOVERNMENT, that WE WOULD BE PUNISHED BY SIX MONTHS IN JAIL FOR SUNBATHING? FOR BRINGING A COOLER ONTO A BEACH? Who are you People?

And let's not forget, that on July 17, 2020, Chief Paul Tomasi gave an interview with the Carmel Pine Cone, threatening us, HIS BOSSES, that if we brought a chair onto Carmel Beach - we could face a jury trial.

The case, which was filed because of your attempts to lay claim to a part of the Coast, shows what happens with you violate the laws of the One who created our beautiful beach in the first place. The spiraling errors of your attorneys were set into motion by a power which no man on earth can oppose. Let this serve as a caution to politicians everywhere, particularly those filling your positions, to not steal nature from His children, ever again. Because clearly, it made God angry.

We hope that this will inspire you to turn a corner in your positions, to at all times, remember that you are our servants, and all service should be done in reverence to God.

public comment (from Victoria Beach)

Attachment 4

CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

Staff Report

SR 2016-1215
December 6, 2016
Consent Agenda

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Marc Wiener, AICP, Community Planning and Building Director Brian Roseth, Planning Consultant, Monterey Bay Planning Services
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Receive project update on the Rio Park/Larson Field pathway project and provide direction regarding access agreements

RECOMMENDATION

1. Receive the project update.
2. Approve "in concept" the proposed land exchange and shared parking arrangement with Homestead LLC, pending finalization of legal agreements.
3. Authorize staff and Monterey Bay Planning Services to resume negotiations with the Monterey Catholic Diocese and the Carmel Area Wastewater District to obtain approvals of legal agreements.
4. Direct staff to return to the City Council with proposed easements and agreements.

BACKGROUND / SUMMARY

PROJECT BACKGROUND:

In 2014, the City Council of Carmel-by-the-Sea adopted an initiative to establish a regional trails system. To implement this initiative, a contract was authorized with Monterey Bay Planning Services (MBPS) to provide assistance with the development and permitting of a new pedestrian and bicycle trail connecting Lasuen Drive to Rio Road through the City's Rio Park property and Larson Field. The project is supported by several General Plan Policies, including Policy P4-46 which states an objective to establish *"a trail network linking the state-owned Odello land and Carmel River State Beach to the Carmel Mission, Mission Trail Nature Preserve and Beach Bluff Pathway"* and Policy P2-30, which states to *"work with appropriate agencies to seek funding for pedestrian and bicycle projects."*

The proposed project is a combined bikeway and pedestrian walkway that connects Rio Road with the Lasuen/Dolores Street intersection. The connections at both trail ends will tie in with established bicycle routes designated by the City and the County. While the trail will have public street terminations, all remaining portions of the trail will be located on private properties away from busy public streets. Easements or lot line adjustments will be required to cross three of the four properties involved. The City already owns the fourth property (Rio Park). Attachment-1 shows a map of the trail route as approved by the City Council. The trail will meet the design standards for a Class-1 bikeway. A Class-1 bikeway is defined as providing a completely separated right of way for the exclusive use of bicycles and pedestrians with cross- flow minimized. The trail will provide access to the City's park property and could serve as a future gateway to the Carmel River and

destinations south of the river, once the park is improved. By conforming to Class-1 standards, the trail will be comfortable and safe for users and should be simpler to qualify for grant funding.

STATUS REPORT:

Achieving this project involves five tasks: trail design, environmental review, easement negotiations, permits and construction. This section updates the status of the first three tasks.

Design

The general design for the trail has been completed. This includes specific design features required to fit the trail into each property, as well as the street connections and street improvements. The trail design is the result of working closely with the underlying property owners. A traffic engineer also assisted with the design of the street connections to ensure that public safety would not be compromised. As a result, all parties have been generally supportive of the project. The design incorporates all mitigations recommended in the environmental review.

Environmental Review

On April 7, 2015 the City Council accepted the draft trail alignment "in concept" and launched the environmental review process. A Mitigated Negative Declaration was prepared, circulated and reviewed by the Planning Commission. Mitigations to protect biological and cultural resources, particularly during construction, were added to the project. Mitigations affecting the trail design included street/sidewalk modifications at each end of the trail to improve public safety, the addition of trash cans along the trail to control litter and the addition of signage. Public comments during the environmental review process also led to the addition of a small parking area on the Rio Park property. This will accommodate vehicles attracted to the project and will offset the loss of parking on Lasuen Drive where a short stretch of two-way bike lane will connect the western termination of the trail to a mid-block crosswalk. The Mitigated Negative Declaration was adopted by the City Council on December 1, 2015.

Easement Negotiations

The trail cannot be built without crossing properties owned by Homestead Inn LLC (Mission Ranch), the Catholic Diocese of Monterey, and the Carmel Area Wastewater District (CAWD). From the outset of the project, MBPS began negotiations with each of these parties to explore potential routes and to find solutions for problems or concerns that might arise from trail construction and use. Eventually design solutions emerged that received "conceptual approval" from all three of these parties. A brief summary of the most important issues for each property follows.

Homestead LLC--Mission Ranch abuts the south property line of the Carmel Mission at the intersection of Dolores Street and Lasuen Drive. At this point, a driveway provides access to the Ranch's tennis court parking lot. Existing easements across this property are currently the only means of accessing the CAWD and Rio Park properties; neither of these two properties enjoy street frontage. The proposed trail would have added another easement across this land and the owner of Mission Ranch, while generally supportive of the City's project, was concerned about liability issues.

After a long period of inconclusive negotiations, it was evident that the project was in jeopardy and a new approach was needed. The idea of a land exchange was discussed by the City and Mission Ranch representatives. In February 2016, this was presented to the City Council. The Council directed staff and MBPS to pursue this new concept and to suspend work on other aspects of the project until both parties were in agreement on how to provide access for the trail.

Mission Ranch and MBPS pursued this concept and have reached agreement on the following solution for trail access. The City and Homestead LLC would exchange land by means of a lot line adjustment. Attachment-2 shows both properties and illustrates the proposed exchange.

Parcel #1:

The City would receive 5,700 square feet of land where the tennis court driveway and adjacent slope now exists. This would enlarge the Rio Park property to the west and provide direct street access for vehicles and the proposed trail. As the new underlying land owner of this parcel, the City would accept the liability for all access across it. This eliminates the original concern expressed by Homestead LLC. The City would then grant an easement to restore employee and patron access to the Mission Ranch tennis court parking area. This easement would generally follow the boundaries of the existing driveway pavement.

Parcel #2:

Homestead LLC would receive 5,700 square feet of the Rio Park property in the vicinity of the project's parking lot. This would reduce Rio Park back to its original size. The new parking lot would straddle both properties and would be a shared resource. Reciprocal easements would allow park users and/or Mission Ranch users to park on a first-come, first-served basis. Attachment-3 illustrates the land exchange, parking lot and trail alignment in greater detail.

Homestead LLC has agreed to the proposed lot line boundary, the design of the proposed parking lot and the overall concept. Legal documents for the shared parking area and for the restored access to the tennis court parking lot have been drafted. These are currently under review by the respective legal counsels.

Catholic Diocese--Larson Field has multiple uses that must be accommodated. It serves as a playground for the Junipero Serra School at the Mission, Carmel Youth Baseball (CYB) holds games at the field throughout the baseball season and various special events take place throughout the year. The biggest issues for the Diocese are to safeguard the safety of the children who use the field and to continue to meet the operational needs of CYB. To meet both of these needs, the trail will hug the perimeter of the field and a fence will be installed that separates the new trail from the remainder of the property. Minor changes will be made to the baseball facilities to maintain adequate circulation space. The batting cage will be relocated to the south side of the field. Both the Diocese and CYB leadership have given conceptual approval for these modifications.
A meets and bounds description needs to be prepared by the City Engineer. A draft of the trail easement has been prepared and reviewed by both parties. Some language in the draft easement still need to be resolved. Work on this was suspended as directed by the Council's action in February.

Carmel Area Wastewater District (CAWD)--The District owns a narrow strip of land located between Larson Field and the City's Rio Park property. An underground sewer main with multiple manholes at the surface is located within this strip of land. The District requires access to these manholes for periodic inspections which includes pumping with their large vactor truck. Presently, District trucks use the City's Rio Park property to gain access to the pipeline and manholes. When the City eventually improves its property, this access may no longer be feasible and the District may need to confine the movement of its trucks to its own property. This would require the District to establish its own access road. The City explored these issues with District staff in an effort to find a better solution.

The concept that emerged was to build the proposed bike trail to a higher weight standard capable of supporting District trucks, and to use the trail itself for the truck access. To facilitate this, a portion of the trail will be located on the CAWD property. This has the added benefit of keeping more of the Rio Park

property open to other amenities. It also represents significant cost savings for the District. Since building to a higher standard will increase project costs, District staff has acknowledged that it would be appropriate for the District to contribute funding for the bike trail project--to at least offset these costs. CAWD participation in project funding still needs to be negotiated. The re-routed trail alignment, supported by District staff, was approved by the City Council at the December 2015 meeting.

A draft easement has been prepared and reviewed by both parties. MBPS is awaiting receipt of comments from CAWD's legal counsel. The CAWD Board granted conceptual approval of the project in February 2015. The modified design was scheduled to return to the CAWD Board for approval in April 2016, but this was suspended pending resolution of Mission Ranch issues.

NEXT STEPS:

Permits--Once the easements and agreements are accepted by the three involved property owners and the City Council, MBPS will begin work with the City Engineer to prepare and file applications for permits. This project will require a lot line adjustment and a Coastal Development Permit (CDP) from Monterey County plus a Use Permit and a CDP from the City's Planning Commission. The signing of the easements and other legal agreements should wait until after all permits are obtained. This will allow for modifications to the agreements if conditions of approval would affect the trail design.

Funding--Once the easements are accepted it may also be appropriate to begin seeking funding partners. The trail is a regional project and it would make sense to have more than one funding source. At a minimum, potential State-wide grants are available from Cal Trans (SR2S Grants) and the California Coastal Conservancy. There may also be some funds available from TAMC.

Future Projects—Rio Park is owned by the City of Carmel-by-the-Sea, but is located in unincorporated Monterey County and is zoned Medium Density Residential (MDR2). Plans for the development of the park were drafted by a Council-appointed citizen's committee shortly after the property was acquired, but these plans were never pursued and should probably be revisited. At some point, the City Council may want to consider annexing the Rio Park Property. This would give the City more flexibility in zoning, design and permitting. If annexed, the City's General Plan encourages residential and/or other low intensity uses reflecting existing patterns in the area.

CONCLUSION:

Staff's recommendation is for the Council to approve "in concept" the proposed land exchange and shared parking arrangement with Homestead LLC, pending finalization of legal agreements, and to authorize staff to resume negotiations with the Monterey Catholic Diocese and the Carmel Area Wastewater District to obtain approvals of legal agreements. Regardless of any future decision to proceed with the pathway, staff recommends that the City proceed with the land exchange. As an alternative, the Council could suspend any further action on the proposed project.

ENVIRONMENTAL REVIEW:

In compliance with the CEQA, the City Council adopted a Mitigated Negative Declaration (MND) for this project on December 1, 2015.

FISCAL IMPACT

The City originally spent a total of $109,157 on this project, including the development of a concept pathway design, the environmental review, and easement/lot-line negotiations. In February 2016, the City Council approved an additional $61,500 for planning and engineering service contracts for work necessary to obtain the planning permits and to complete a lot line adjustment with Mission Ranch. Of this amount, $4,157 has been spent.

PRIOR CITY COUNCIL ACTION

July 1, 2014 -- The City Council approved a contract with MBPS for an amount of $35,000 to planning service related to the pathway.

April 7, 2015 -- The City Council approved a contract with PMC Planning for an amount of $30,230 for the preparation of an MND.

May 4, 2015 – The City Council approved a contract with MBPS for an amount of $15,000 to planning service related to the pathway.

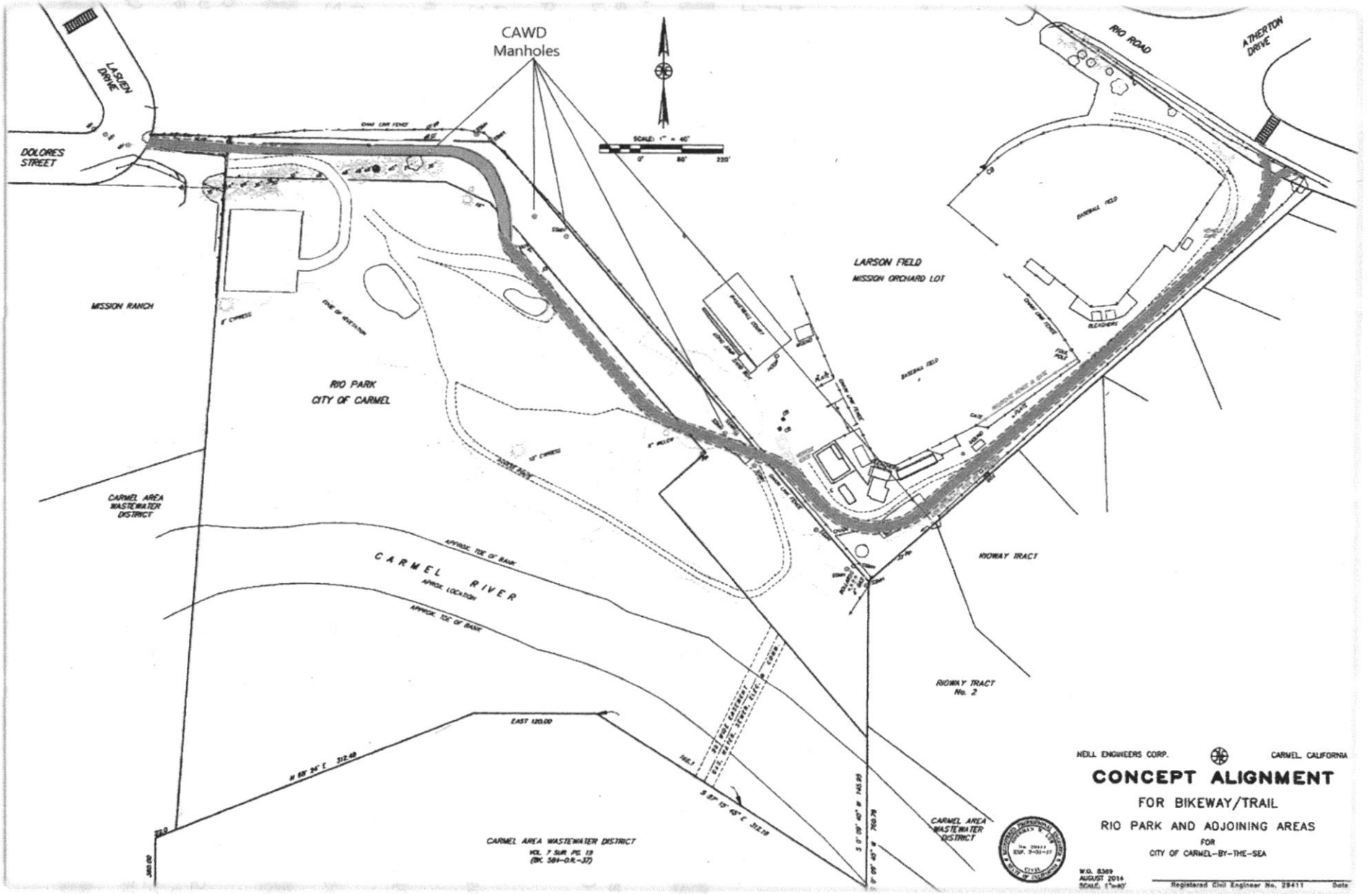
December 1, 2016 -- The City Council adopted a MND and approved the design concept.

February 2, 2016 -- The City Council approved an additional $61,500 ($21,500 MBPS and $35,500 Neils Engineers Corp) for planning and engineering service contracts for work necessary to obtain the planning permits and to complete a lot line adjustment with Mission Ranch

ATTACHMENTS

1. Trail Route
2. Lot Line Adjustment
3. Proposed Land Exchange

Attachment 1 - Approved Trail Route



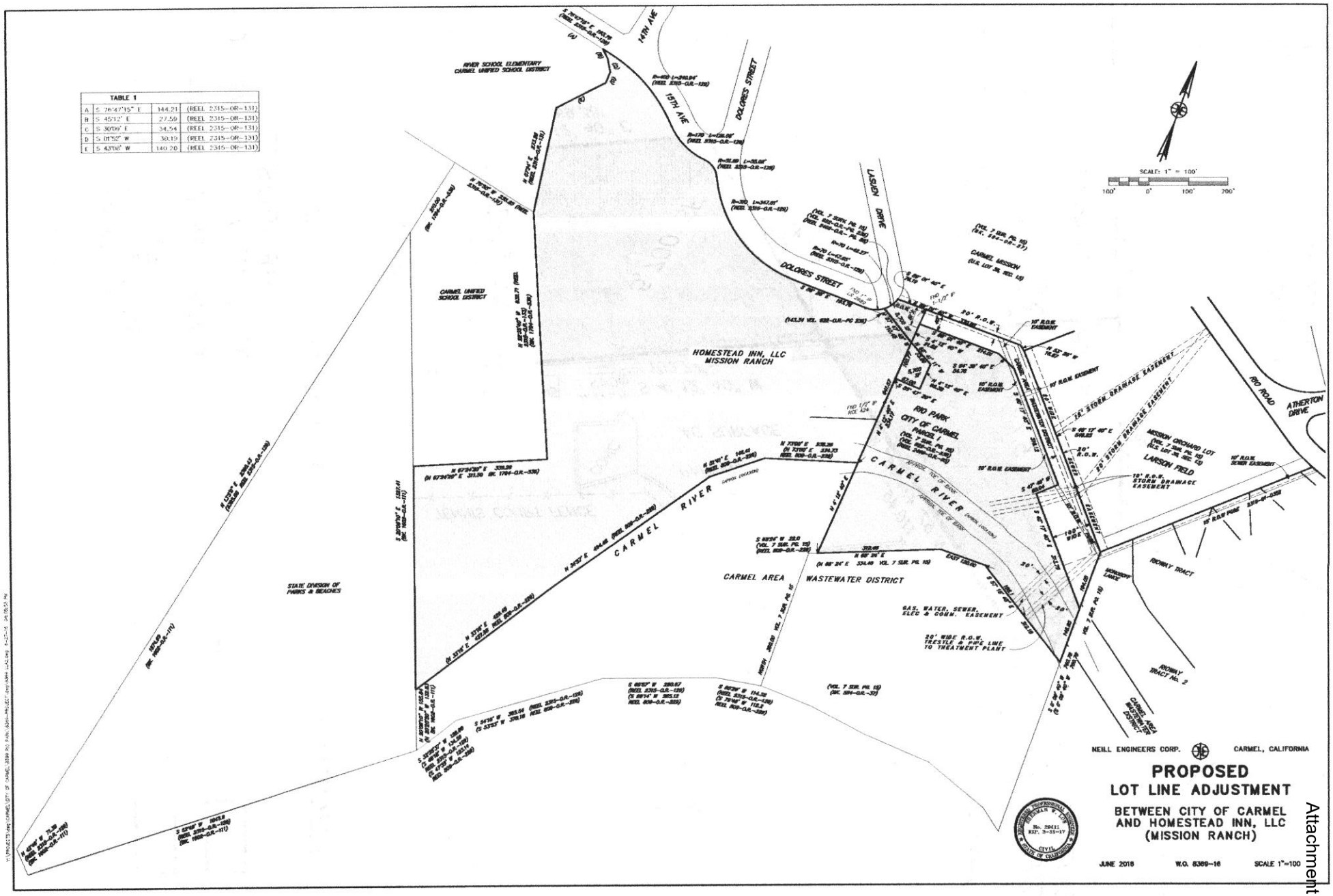
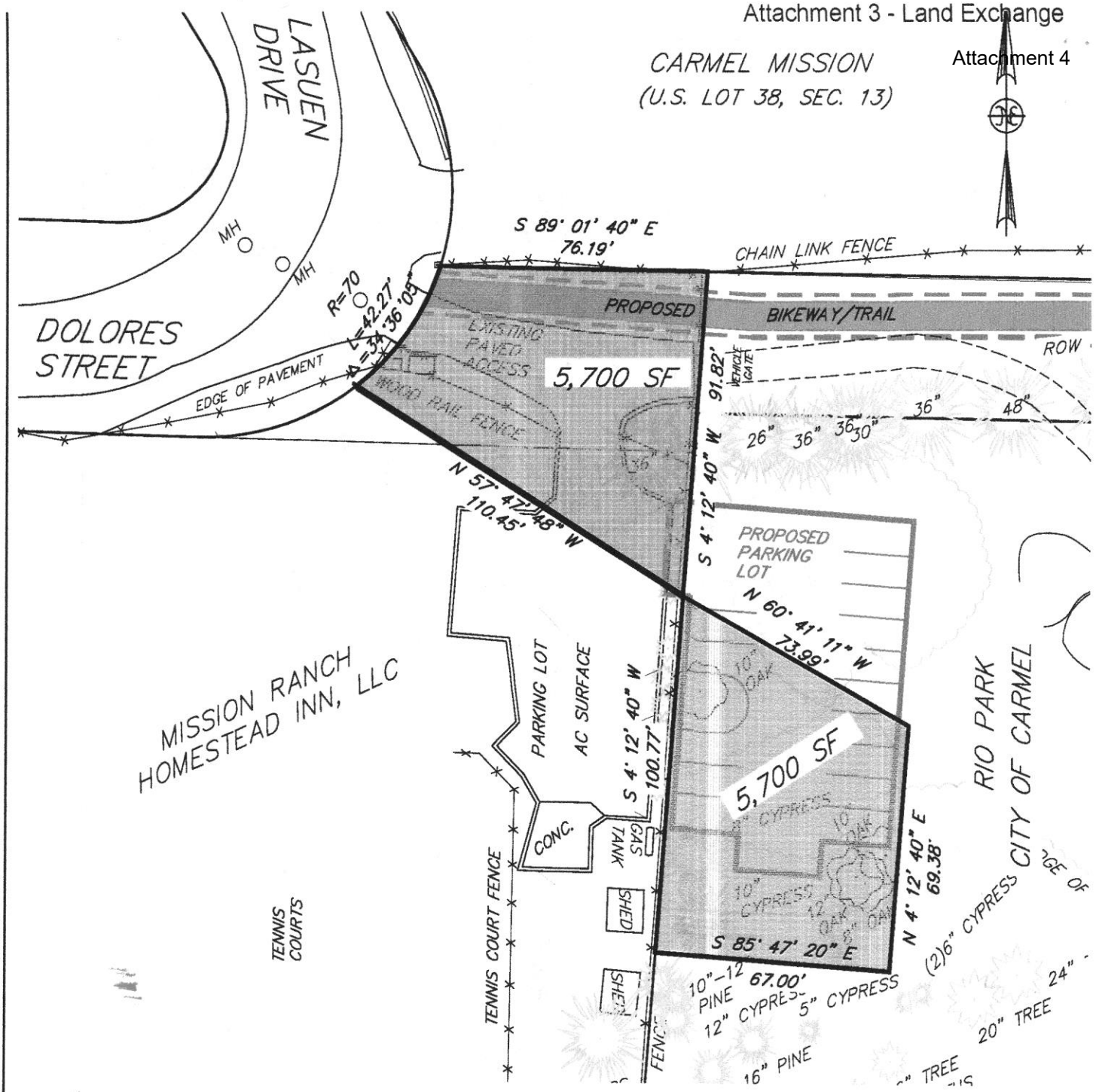


TABLE 1
A S 76°47'15" E 144.21 (REEL 2315-OR-131)
B S 45°12' E 27.59 (REEL 2315-OR-131)
C S 30°09' E 34.54 (REEL 2315-OR-131)
D S 01°52' W 30.19 (REEL 2315-OR-131)
E S 43°08' W 140.20 (REEL 2315-OR-131)
SCALE: 1" = 100'
100' 0' 100' 200'
14TH AVE
15TH AVE
DOLORES STREET
LASUEN DRIVE
RIVER SCHOOL ELEMENTARY
CARMEL UNIFIED SCHOOL DISTRICT
CARMEL UNIFIED SCHOOL DISTRICT
HOMESTEAD INN, LLC
MISSION RANCH
CARMEL MISSION
RIO PARK
CITY OF CARMEL
PARCEL 1
CARMEL RIVER
CARMEL RIVER
STATE DIVISION OF PARKS & BEACHES
CARMEL AREA WASTEWATER DISTRICT
GAS, WATER, SEWER, ELEC & COMM. EASEMENT
20' WIDE R.O.W. TRESTLE & PIPE LINE TO TREATMENT PLANT
MISSION ORCHARD LOT
LARSON FIELD
RIO ROAD
ATHERTON DRIVE
HOWARD TRACT
HOWARD TRACT No. 2
CARMEL AREA WASTEWATER DISTRICT
NEILL ENGINEERS CORP.
CARMEL, CALIFORNIA
PROPOSED
LOT LINE ADJUSTMENT
BETWEEN CITY OF CARMEL
AND HOMESTEAD INN, LLC
(MISSION RANCH)
JUNE 2018
W.O. 8389-16
SCALE 1"=100



LEGEND

MISSION RANCH PROPERTY TO CITY OF CARMEL

CITY OF CARMEL PROPERTY TO MISSION RANCH

NEILL ENGINEERS CORP. CARMEL, CALIFORNIA

PROPOSED LOT LINE ADJUSTMENT

PROPERTY EXCHANGE

BETWEEN
CITY OF CARMEL & HOMESTEAD INN, LCC
(MISSION RANCH)

W.O. 8369-16 JUNE 27, 2016 SCALE 1"=40'