



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

Mayor Dale Byrne, Councilmembers Jeff Baron, Hans Buder, Bob Delves, and Alissandra Dramov  
Contact: 831.620.2000 [www.ci.carmel.ca.us](http://www.ci.carmel.ca.us)

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

### REGULAR MEETING Tuesday, March 4, 2025

4:30 PM

#### HYBRID MEETING ATTENDANCE OPTIONS

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

<https://ci-carmel-ca-us.zoom.us/j/86890317537> Webinar ID: 868 9031 7537 Passcode: 100836 Dial in: (253) 215-8782

#### HOW TO OFFER PUBLIC COMMENT

The public may give public comment at this meeting in person, or using the Zoom teleconference module, provided that there is access to Zoom during the meeting. Zoom comments will be taken after the in-person comments. The public can also email comments to [cityclerk@ci.carmel.ca.us](mailto:cityclerk@ci.carmel.ca.us). Comments must be received at least 2 hours before the meeting in order to be provided to the legislative body. Comments received after that time and up to the beginning of the meeting will be made part of the record.

### OPEN SESSION 4:30 PM

#### CALL TO ORDER AND ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### EXTRAORDINARY BUSINESS

- A. Carmel High School Report Out (Estimated time - 5 min)
- B. Proclamation recognizing March as American Red Cross Month (Estimated time - 5 min)
- C. Proclamation Celebrating the Carmel-by-the-Sea Rotary 75th Anniversary (Estimated time - 5 min)

D. Non-Profit Spotlight - Big Sur Marathon Foundation (Estimated time - 10 min)

## 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 (Estimated time - 10 min)

- A. City Administrator Announcements
- B. City Attorney Announcements
- C. Councilmember Announcements

## ORDERS OF BUSINESS

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

1. Reconsideration of Council Action on Resolution 2025-018 authorizing the City Administrator to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Ausonio, Inc. for Project Management Services, including a fee increase of \$30,000 and a not-to-exceed fee of \$155,000 for Fiscal Year 2024/25 (Estimated time - 10 min)

## PUBLIC HEARINGS

2. PERM EN 250005 (Salehi): Consideration of Resolution 2025-026 granting partial approval of a Permanent Encroachment application (PERM EN 250005, Salehi) allowing the legalization and maintenance of a planter-style retaining wall within the public right-of-way east of and adjacent to the driveway fronting 1st Avenue, and denying the legalization and maintenance of non-conforming perimeter retaining/garden walls, planter curbs, and step landings in the public right-of-way located at the southwest corner of Santa Rita Street and 1st Avenue in the Single-Family Residential (R-1) District. APN: 010-027-001-000. (Estimated time - 30 min)
3. Consider Resolution 2025-027, adopting an Artificial Turf Policy prohibiting the installation of artificial turf/synthetic grass in all zoning districts (Estimated time - 30 min)
4. **APP 25032 (Jensen):** Consideration of an Appeal of the Planning Commission's decision to Approve a Track 1 Design Study referral (DS 24321) with conditions for the replacement of the wood shake roof of a two-story single-family residence located on Santa Lucia 2 NE of Scenic in the Single-Family Residential (R-1) District, Archaeological Significance (AS) Overlay, and Beach/Riparian (BR) Overlay. APN: 010-293-013-000.  
**CEQA Action:** Find denial of the Appeal and upholding the Planning Commission's approval of a Track 1 Design Study categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 and no exceptions listed under Section

15300.2 can be made in this case. (Estimated time - 30 min)

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

**Recommendation:**

1. Request that the City Attorney read the title of the Ordinance; and
2. Introduce Ordinance No. 2025-001 Amending Section 1.04.010 (Definitions) and Adding Sections to Chapter 12.36 (Camping on Public Lands); and schedule a second reading of the Ordinance for the next Council meeting.  
(Estimated time - 15 min)

## **FUTURE AGENDA ITEMS**

### **ADJOURNMENT**

6. 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**

**March 4, 2025  
EXTRAORDINARY BUSINESS**

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Nova Romero, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Proclamation recognizing March as American Red Cross Month (Estimated time - 5 min)

**RECOMMENDATION:**

**BACKGROUND/SUMMARY:**

**FISCAL IMPACT:**

**PRIOR CITY COUNCIL ACTION:**

**ATTACHMENTS:**

Attachment 1) Red Cross Month Proclamation

**A PROCLAMATION OF  
THE CITY OF CARMEL-BY-THE-SEA CITY COUNCIL  
DESIGNATING MARCH AS AMERICAN RED CROSS MONTH**

WHEREAS, during American Red Cross month we recognize the compassion of people in Carmel-by-the-Sea and reaffirm our commitment to care for one another in times of crisis; and

WHEREAS, since Clara Barton founded the American Red Cross more than 140 years ago, generation after generation has stepped up to deliver relief and care across our country and around the world, bringing out the best of humanity in times of crisis; and

WHEREAS, advancing this noble mission, the volunteers, blood and platelet donors, and supporters who now give back through the Central Coast Chapter remain unwavering in their commitment to prevent and alleviate human suffering in the face of today's emergencies; and

WHEREAS, The contributions of local Red Cross volunteers (133 in the county) give hope to the most vulnerable in their darkest hours; and

WHEREAS, last year in Monterey County, volunteers helped 64 families affected by 30 home fires by addressing their urgent needs like food and lodging, as well as providing recovery support. In addition, they installed 655 smoke alarms, collected 1,939 blood donations, provided first aid and CPR training to 1,830 residents, and assisted 153 families of our armed forces; and

WHEREAS, this work to uplift our community is truly made possible by those who selflessly answer the call to help, whenever and wherever it's needed; and

WHEREAS, We hereby recognize this month of March in honor of their remarkable service, and we ask everyone to join in their commitment to care for one another.

NOW, THEREFORE, BE IT PROCLAIMED THAT I, Dale Byrne, Mayor of the City of Carmel-by-the-Sea, on behalf of the City Council and the citizens of Carmel hereby proclaim March 2025 as Red Cross Month. I encourage all Americans to reach out and support its humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of March, in the year two thousand twenty-five, in Carmel-by-the-Sea, California.

\_\_\_\_\_  
Dale Byrne, Mayor



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

**March 4, 2025  
EXTRAORDINARY BUSINESS**

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Nova Romero, City Clerk
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Proclamation Celebrating the Carmel-by-the-Sea Rotary 75th Anniversary (Estimated time - 5 min)

**RECOMMENDATION:**

**BACKGROUND/SUMMARY:**

**FISCAL IMPACT:**

**PRIOR CITY COUNCIL ACTION:**

**ATTACHMENTS:**

Attachment 1) CBTS Rotary 75th Anniversary Proclamation

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

**CELEBRATING THE 75<sup>TH</sup> ANNIVERSARY OF THE CARMEL-BY-THE-SEA ROTARY CLUB**

WHEREAS, the Rotary Club of Carmel-by-the-Sea was founded in 1950 with a mission to serve the community through philanthropy, volunteerism, and leadership, embodying the core values of Rotary International; and

WHEREAS, over the past 75 years, the Carmel Rotary Club has been a cornerstone of philanthropy and community involvement, contributing more than \$4 million to local initiatives that uplift and enrich the lives of those in need; and

WHEREAS, through the generosity of former Rotarian Richard LaSalle, the Club distributes \$350,000 annually to nonprofit organizations throughout Monterey County, ensuring sustained support for essential services and programs; and

WHEREAS, the Rotary Club has remained committed to empowering future generations by awarding \$90,000 in scholarships each year to graduating seniors at Carmel High School, investing in the educational and professional success of local youth; and

WHEREAS, the Club has demonstrated an unwavering dedication through hands-on service, leading efforts such as Carmel Beach cleanups, maintaining the Mission Trail Nature Preserve, supporting Thanksgiving and Christmas meal service at the Carmel Foundation, and partnering with organizations like Rancho Cielo and Tatum's Garden to uplift those in need; and

WHEREAS, the Rotary motto of "Service Above Self" has been at the heart of the Club's mission, inspiring generations of Rotarians to dedicate their time, energy, and resources to bettering their community; and

WHEREAS, on March 29, 2025, the Rotary Club of Carmel-by-the-Sea will commemorate this milestone with a 75th Anniversary Gala at Quail Lodge & Golf Club, celebrating its legacy of service and reaffirming its commitment to a future of continued generosity and impact.

NOW, THEREFORE, BE IT PROCLAIMED THAT I, Dale Byrne, Mayor of Carmel-by-the-Sea, do hereby recognize and celebrate the **75th Anniversary of the Rotary Club of Carmel-by-the-Sea**, expressing gratitude for its outstanding contributions and extending best wishes for many more years of meaningful service to the community.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of March, in the year two thousand twenty-five, in Carmel-by-the-Sea, California.

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Dale Byrne, Mayor



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

March 4, 2025  
ORDERS OF BUSINESS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Mary Bilse, Environmental Programs Manager
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Reconsideration of Council Action on Resolution 2025-018 authorizing the City Administrator to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Ausonio, Inc. for Project Management Services, including a fee increase of \$30,000 and a not-to-exceed fee of \$155,000 for Fiscal Year 2024/25 (Estimated time - 10 min)

## RECOMMENDATION:

The City Council is asked to consider the reconsideration of Council Action on Resolution 2025-018, which authorizes the City Administrator to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Ausonio, Inc. for Project Management Services. The amendment proposes a \$30,000 fee increase, raising the total not-to-exceed fee to \$155,000 for Fiscal Year 2024/25.

## BACKGROUND/SUMMARY:

In accordance with Carmel Municipal Code Section 2.04.140, "Reconsideration of Council Action," any member who voted in the majority on an item may move to reconsider the Council's action on that item at a future meeting. This action follows such a request for reconsideration and allows for further review and discussion on the proposed amendment to the PSA.

## FISCAL IMPACT:

The proposed amendment results in a fee increase of \$30,000, bringing the total not-to-exceed fee to \$155,000 for Fiscal Year 2024/25. These funds are accounted for in the current fiscal budget.

## PRIOR CITY COUNCIL ACTION:

At the February 4, 2024 City Council Meeting, Council adopted Resolution 2025-018 authorizing the City Administrator to execute Amendment No. 3 to the Professional Services Agreement (PSA) with Ausonio, Inc. for Project Management Services, including a \$30,000 fee increase and a not-to-exceed of \$155,000 for Fiscal Year 2024/25.

## ATTACHMENTS:





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

March 4, 2025  
PUBLIC HEARINGS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Katherine Wallace, Associate Planner
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	PERM EN 250005 (Salehi): Consideration of Resolution 2025-026 granting partial approval of a Permanent Encroachment application (PERM EN 250005, Salehi) allowing the legalization and maintenance of a planter-style retaining wall within the public right-of-way east of and adjacent to the driveway fronting 1st Avenue, and denying the legalization and maintenance of non-conforming perimeter retaining/garden walls, planter curbs, and step landings in the public right-of-way located at the southwest corner of Santa Rita Street and 1st Avenue in the Single-Family Residential (R-1) District. APN: 010-027-001-000. (Estimated time - 30 min)

## RECOMMENDATION:

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

## BACKGROUND/SUMMARY:

The applicant is requesting to legalize and maintain existing encroachments in the public right-of-way. On behalf of the property owner, the Applicant is requesting City Council consideration of existing encroachments (Attachment 2) in accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 12.08.050.D.

On August 12, 2024, Planning staff approved a Design Study Application, DS 24115 (Salehi), authorizing additions to the historic "Mary Haven House" (1941) located at the southwest corner of Santa Rita Street and 1<sup>st</sup> Avenue. The project was found consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Resolution 2024-004-HRB). A new accessory dwelling unit was also approved by the Building Division. Building permits for the additions to the residence and the accessory dwelling unit were issued on February 4, 2025.

As part of the Design Study application review, staff identified existing encroachments in the City right-of-way, including retaining walls/garden walls, planter curbs, and step landings. A search of the property file did

not indicate a previously granted encroachment permit or associated approval. The original planset (c.1941) does not include a site plan; elevation views depict natural grade sans retaining walls. Per CMC Section 12.08.125, Nonconforming Existing Encroachments, at the issuance of a building permit, nonconforming encroachments shall be abated or the property owner may submit an application for an encroachment permit. Rather than removing the existing encroachments, the applicant is requesting to legalize and maintain all existing encroachments.

The request for the encroachment has been referred to the City Council in accordance with CMC Section 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 to legalize and maintain all existing retaining walls/garden walls, planter curbs, and step landings in the public right-of-way located at the southwest corner of Santa Rita Street and 1st Avenue. The plans submitted with permanent encroachment permit 250005 (Salehi) indicate 56.5 square feet of existing retaining walls/garden walls with Carmel stone veneer; 14.9 square feet of existing stone planter curbs; and 28.7 square feet of step landings (one concrete landing fronting Santa Rita Street, and one Carmel stone landing fronting 1<sup>st</sup> Avenue). The retaining walls/garden walls vary in height from 6 inches up to 3 feet, 5 inches. The portion of retaining wall measuring 3 feet, 5 inches is located adjacent to an existing driveway fronting 1<sup>st</sup> Avenue. Much of the remaining sections of retaining wall just outside the north and east property boundaries measure 6 inches to 1 foot in height and are better categorized as garden walls as they do not appear to be supporting/retaining a surcharge. The stone planter curbs extend prominently into the right-of-way, and are comprised of a both loose rock and mortared rock.

***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 granite or 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 Section 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 requested 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.

## **ANALYSIS:**

### ***Encroachment Application Review Standards***

There are nine (9) review standards contained in CMC Section 12.08.060.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.

Staff Response: The steeply sloping topography of the site presents a justifiable need for the planter-style retaining wall immediately east of and adjacent to the driveway fronting 1<sup>st</sup> Avenue, measuring up to 3 feet 5 inches in height. The retaining wall necessarily retains earth along the east side of the driveway. The remaining encroachments (remaining portions of retaining wall/garden wall, all planter curbs, and both step landings) do not appear associated with a justifiable need. Therefore, and in this particular case, staff recommends approval of the retaining wall along the driveway and denial of the remaining encroachments.

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

Staff Response: The encroachments do not create a hazard to public health or safety. No incidents (pedestrian, vehicular, etc.) have been reported at this location. The retaining wall recommended for legalization and maintenance is visibly associated with the subject property driveway and does not extend past the driveway.

**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.

Staff Response: The existing encroachments have not been shown to be disruptive to current drainage patterns. A City culvert is located in the immediate vicinity of the property, at the southwest corner of the Santa Rita Street and 1<sup>st</sup> Avenue intersection) to handle drainage of surface water.

#### **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.

Staff Response: The topography of the site naturally encourages vehicular parking within the flat right-of-way fronting Santa Rita Street. The removal of the planter curb from the Santa Fe frontage would additionally allow for small car parking space (approximately 15 feet, per the City Public Works Department).

#### **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.

Staff Response: The encroachments diminish public use and enjoyment by reducing the amount of public open space of the right-of-way. The partial-perimeter retaining/garden walls are located on City property but very closely abut the north and east property lines. The planter curbs, in contrast, significantly extend into the right-of-way and diminish public use and enjoyment of the space. The removal of the planter curb from the Santa Fe frontage would allow for the accommodation of one small car (per the City Public Works Department).

#### **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.

Staff 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. With the exception of the driveway-adjacent retaining wall planter, for which a justifiable need has been identified (topography), the remaining existing encroachments are contrary to the policy direction, design objectives, and standards of the zoning code.

General Plan Policy P1-43 states, *Maintain and enhance the informal, vegetated, open space character of the City's rights-of-way.* The existing planter curbs, in particular, introduce a formality to the right of way. 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. is

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.

Staff Response: There are no existing trees in the right-of-way. Existing vegetation – comprised of low shrubs – do not appear to be impacted by the maintenance of the encroachments, nor would be impacted by the removal of the encroachments.

**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.

Staff Response: Staff has recommended approval of the driveway-adjacent retaining wall deemed necessary due to topography and denial of the remaining encroachments requested by the Applicant. As such, action consistent with staff's recommendation would result in the removal of the remaining existing non-conforming encroachments: remaining perimeter retaining/garden walls, planter curbs, and step landings. Mitigation has not been proposed. If the City Council is inclined to legalize all existing encroachments, 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 property owner of SWC Santa Rita Street and 1<sup>st</sup> Avenue is responsible for maintaining approved encroachments.

### **PRIOR CITY COUNCIL ACTION:**

None.

### **ATTACHMENTS:**

- Attachment 1) Resolution 2025-026
- Attachment 2) Project Plans
- Attachment 3) Site Photos

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

**RESOLUTION NO. 2025-026**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA GRANTING PARTIAL APPROVAL OF A PERMANENT ENCROACHMENT APPLICATION (EN 250005, SALEHI) ALLOWING THE LEGALIZATION AND MAINTENANCE OF A PLANTER-STYLE RETAINING WALL WITHIN THE PUBLIC RIGHT-OF-WAY EAST OF AND ADJACENT TO THE DRIVEWAY FRONTING 1<sup>ST</sup> AVENUE, AND DENYING THE LEGALIZATION AND MAINTENANCE OF NON-CONFORMING PERIMETER RETAINING/GARDEN WALLS, PLANTER CURBS, AND STEP LANDINGS IN THE PUBLIC RIGHT-OF-WAY LOCATED AT THE SOUTHWEST CORNER OF SANTA RITA STREET AND 1<sup>ST</sup> AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT. APN: 010-027-001-000.**

WHEREAS, on January 9, 2025, Amy Denney, (“Applicant”) submitted an application on behalf of Amir and Elmira Salehi (“Owner”) requesting approval of a Permanent Encroachment Permit application EN 250005 (Salehi) described herein as (“Application”); and

WHEREAS, the Application has been submitted for the property located at the southwest corner of Santa Rita Street and 1<sup>st</sup> Avenue in the Single-Family Residential (R-1) District; and

WHEREAS, on August 12, 2024, Planning staff approved Design Study Application, DS 24115 (Salehi), authorizing additions to the historic “Mary Haven House” (1941), following a Determination of Consistency with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* by the Historic Resources Board (Resolution 2024-004-HRB); and

WHEREAS, a building permit was issued on February 4, 2025; and

WHEREAS, in accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 12.08.125, Nonconforming Existing Encroachments, at the issuance of a building permit, nonconforming encroachments shall be abated or the property owner may submit an application for an encroachment permit; and

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

WHEREAS, in accordance with 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 February 14, 2025, 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 February 20, 2025, 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 March 4, 2025, 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 15301 of the California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, the project is categorically exempt from CEQA under Class 1, Existing Facilities, and no exceptions to the exemption exist; 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; 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 250005 (Salehi):

- 1) There is a justifiable need for the planter-style retaining wall in the public right-of-way immediately east of and adjacent to the driveway fronting 1<sup>st</sup> Avenue, due to topography; and
- 2) There is no justifiable need for any of the remaining retaining/garden walls, planter curbs, or step landings, which are contrary to public interest; may impact the public's right to access the right-of-way (visual and physical); are incompatible with the policies, ordinances, and design guidelines for the treatment of the right-of-way; and may diminish the ability to enhance and improve the public greenbelt.



**BE IT FURTHER RESOLVED** that the City Council of the City of Carmel-by-the-Sea does hereby **GRANT** partial approval of Permanent Encroachment Application (EN 250005, Salehi) allowing the legalization and maintenance of a planter-style retaining wall within the public right-of-way east of and adjacent to the driveway fronting 1st Avenue, and denying the legalization and maintenance of non-conforming perimeter retaining/garden walls, planter curbs, and step landings in the public right-of-way located at the southwest corner of Santa Rita Street and 1st Avenue in the Single-Family Residential (R-1) District. APN: 010-027-001-000.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 4th day of March, 2025, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dale Byrne  
Mayor

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Nova Romero, MMC  
City Clerk



### Salehi Residence

Santa Rita St. SW corner of 1st Avenue  
Carmel-by-the-Sea, 93921  
APN: 010-027-001



*North Elevation at 1<sup>st</sup> Avenue*



*East Elevation at Santa Rita*

1. Existing structural retaining wall, historic carmel stone veneer (to remain).
2. Existing planters and stone curbs (to remain).
3. Existing concrete step (to remain).



Planter-style retaining wall east of and adjacent to the driveway fronting 1<sup>st</sup> Avenue. View southeast.



Planter-style retaining wall east of and adjacent to the driveway fronting 1<sup>st</sup> Avenue. View south.



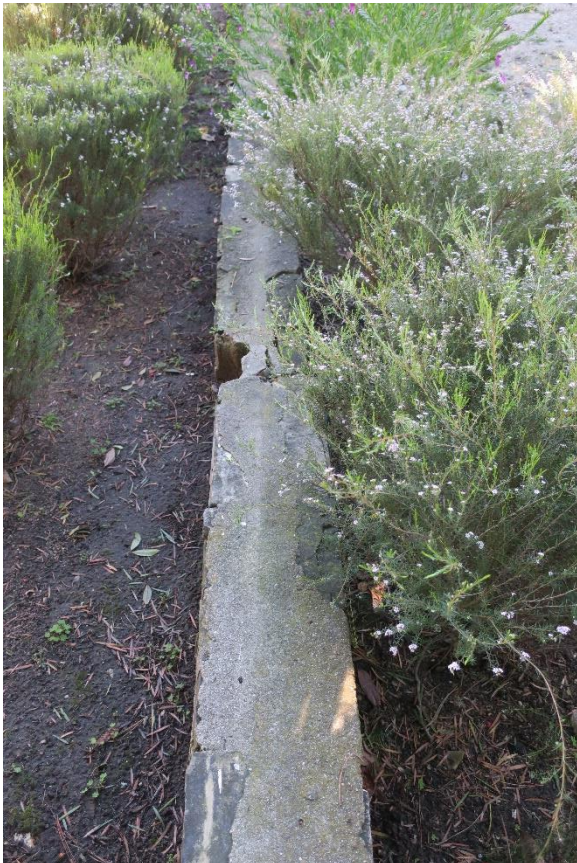
Retaining/garden wall just outside the north property line.



Retaining/garden wall just outside the north property line. View west.



Retaining/garden wall just outside the east and north property lines.



Retaining/garden wall just outside the east property line.



Planter curb fronting 1<sup>st</sup> Avenue.



Planter curb fronting 1<sup>st</sup> Avenue



Planter curb fronting Santa Rita Street.



Planter curb fronting Santa Rita Street.





Step landing fronting 1<sup>st</sup> Avenue.



Step landing fronting Santa Rita Street.



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

March 4, 2025  
PUBLIC HEARINGS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Katherine Wallace, Associate Planner
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	Consider Resolution 2025-027, adopting an Artificial Turf Policy prohibiting the installation of artificial turf/synthetic grass in all zoning districts (Estimated time - 30 min)

## RECOMMENDATION:

Adopt Resolution 2025-027 adopting an Artificial Turf Policy prohibiting the installation of artificial turf/synthetic grass in all zoning districts.

## BACKGROUND/SUMMARY:

In 2016, the State of California enacted Government Code Section 53087.7, which required jurisdictions to approve proposed installations of drought tolerant landscaping, including synthetic grass/artificial turf, on residential property. The law came about as an emergency measure in a time of drought and was intended to encourage use of drought-resistant landscaping alternatives. However, in light of potential harms to public health and the environment, Senate Bill (SB) 676 amended Government Code Section 53087.7 to restore the power of local agencies to limit, further regulate, or prohibit the installation of artificial turf/synthetic grass. In response to SB 676, City staff has prepared an Artificial Turf Policy (**Attachment 2**) prohibiting the installation of artificial turf citywide. The Artificial Turf Policy replaces the City's existing Permitting Standards for Synthetic Grass/Artificial Turf (**Attachment 3**). The Forest and Beach Commission and the Planning Commission considered the Policy on January 16, 2025 and February 11, 2025, respectively, and both bodies have recommended Council adoption (PC Resolution included as **Attachment 4**). A draft resolution (**Attachment 1**) adopting the Artificial Turf Policy has been prepared for the Council's consideration.

## BACKGROUND

Artificial turf is a man-made product of synthetic materials intended to simulate the appearance of natural turf, grass, sod, or lawn. In 2016, the State of California required jurisdictions to approve applications for artificial turf, pursuant to Government Code Section 53087.7:

*(a) A city, including a charter city, county, or city and county, shall not enact any ordinance or regulation, or enforce any existing ordinance or regulation, that prohibits the installation of drought*

*tolerant landscaping, synthetic grass, or artificial turf on residential property.*

*(b) A city, including a charter city, county, or city and county, may impose reasonable restrictions on the type of drought tolerant landscaping, synthetic grass, or artificial turf that may be installed on residential property provided that those restrictions do not do any of the following:*

*(1) Substantially increase the cost of installing drought tolerant landscaping, synthetic grass, or artificial turf.*

*(2) Effectively prohibit the installation of drought tolerant landscaping, synthetic grass, or artificial turf.*

*(3) Significantly impede the installation of drought tolerant landscaping, including, but not limited to, a requirement that a residential yard must be completely covered with living plant material.*

*(c) A city, including a charter city, county, or city and county, may impose reasonable restrictions on the installation or design of synthetic grass or artificial turf within the dripline of a tree protected by local ordinance.*

In December 2017, the City Planning Division developed Permitting Standards for Synthetic Grass/Artificial Turf (Attachment 2) to comply with State law. City records indicate approximately 40 applications for artificial turf have been approved since 2017. The City standards allowed for the installation of synthetic grass/artificial turf if certain application requirements and design standards were met, as follows:

Application requirements:

1. No-fee Track-One Design Study application.
2. All proposals for synthetic grass require submittal of a Track-One Design Study application to the Community Planning and Building Department.
3. The application shall include a site plan of the subject property depicting the proposed location and configuration of the synthetic grass. The site plan shall depict all trees on the property and any other trees near the proposed installation in order for staff to evaluate the proximity of the synthetic grass to the trees. The plan shall include a data table identifying the approximate square-footage of the synthetic grass. A drainage plan may be required depending on sloped lots.
4. The applicant shall submit a sample of the proposed synthetic grass in order for staff to evaluate the material.

Design standards:

1. The synthetic grass and associated base-rock materials shall be located a minimum of six feet from the base of any tree in order to adequately protect tree roots.
2. The applicant shall submit a sample of the proposed synthetic grass for staff evaluation. The City's Residential Design Guidelines encourage maintaining the forested character of the community through the use of natural landscaping. The synthetic grass shall present the appearance of natural grass as recommended by guidelines.
3. The applicant shall demonstrate that the synthetic grass and associated base material is permeable with the ability to percolate water into the soil.

On October 8, 2023, Governor Newsom signed Senate Bill 676 (SB 676), restoring the authority of local

agencies to regulate or prohibit synthetic grass and artificial turf installations. Amended Government Code 53087.7 (effective January 1, 2024) reads:

*(a) A city, including a charter city, county, or city and county, shall not enact any ordinance or regulation, or enforce any existing ordinance or regulation, that prohibits the installation of drought-tolerant landscaping using living plant material on residential property.*

*(b) For the purposes of this section, “drought-tolerant landscaping” shall not include the installation of synthetic grass or artificial turf.*

In response to the amended State law, City staff has prepared an updated Artificial Turf Policy prohibiting the installation of artificial turf in Carmel-by-the-Sea in all zoning districts. Because artificial turf is a plastic petroleum product that may cause adverse effects on public health, stormwater management, pollutant discharge, soil health, and neighborhood character, City staff finds artificial turf/synthetic grass uses in all zoning districts inappropriate.

### *Public Health*

While additional scientific study is warranted and is underway, studies illuminate potential health impacts from exposure to carcinogens, neurotoxins, mutagens, and endocrine disruptors in artificial turf. Phthalates, bisphenol A (BPA), per- and polyfluoroalkyl substances (PFAS), polycyclic aromatic hydrocarbons (PAHs) have been identified as particularly problematic substances. Carmel residents – especially children who play on artificial turf – may be vulnerable to potential exposure risks.

### *Stormwater Management*

Since 2017, City staff has collected and assessed artificial turf samples prior to application approvals, checking for the presence of “drainage holes” punched in the backing material to ensure some level of water percolation through the product. However, despite the presence of drainage holes, the absorption rates of turf products are not comparable to natural plant material. The City’s small lot sizes amplify the importance of onsite water percolation to limit run-off impacts to neighboring properties and City storm drain systems.

### *Pollutant Discharge*

Micro and nanoplastics, nylon, and “crumb rubber” materials in artificial turf deteriorate over time and leach into the air, water, and soil. Carmel Bay is a protected watershed and a designated Area of Special Biological Significance (ASBS). The City storm drains flow directly into the ocean without treatment. The City therefore has significant stormwater management responsibilities and has a strong interest in controlling both the volume and the composition of stormwater discharges.

### *Landfill Material*

Artificial turf products must be periodically removed and replaced as they weather and wear. The average longevity of artificial turf is ten years. Because artificial turf is comprised of layers of various petroleum and plastic products, the aged turf is typically landfilled or incinerated rather than recycled.

### *Soil Health*

Applying a plastic top layer on dirt limits the supply of air, water and organic matter (leaves, etc.) to the soil beneath. This impacts the living organisms like worms and various microorganisms in the soil. Trees, shrubs, and plant material depend on healthy soil.

### *Neighborhood Character*

The City municipal code (CMC 17.34.060.B.1) states: *Plant material located in areas visible from the street or other public places shall be arranged in a relaxed, informal pattern consistent with the character*

*of the Carmel forest. Formal, unnatural arrangements shall be avoided except for focal points.* The Residential Design Guidelines encourage natural settings, natural forest character, and natural materials. While there is a range of turf product quality available on the market, even the most naturalistic-looking products appear synthetic.

The following guidelines apply to both artificial and natural turf, but are provided here for context. Per the “Introduction to Landscape Design” section of the design guidelines: *Overall, the landscape should have an informal character and Front yards should be informal gardens, rather than the traditional grass lawns seen in many other communities.*

Final Design Guideline 10.2 states: *Landscape plans that use native plants and other varieties accustomed to growing along the Central Coast are encouraged.*

Final 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... Lawns visible from the street are inappropriate to the forest setting and should be avoided.*

Due to its synthetic nature and existing language in the municipal code and design guidelines regarding natural, informal landscaping, the use of artificial turf conflicts with the City’s forest character.

#### **FISCAL IMPACT:**

None for this action

#### **PRIOR CITY COUNCIL ACTION:**

N/A

#### **ATTACHMENTS:**

Attachment 1) Resolution 2025-027

Attachment 2) Proposed Artificial Turf Policy

Attachment 3) Old Artificial Turf Permitting Standards

Attachment 4) Resolution 2025-007-PC

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

**RESOLUTION NO. 2025-027**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE- SEA  
ADOPTING POLICY 2025-002 PROHIBITING THE INSTALLATION OF ARTIFICIAL TURF IN  
ALL ZONING DISTRICTS**

WHEREAS, in 2016, the State of California enacted Government Code Section 53087.7, which required jurisdictions to approve proposed installations of drought tolerant landscaping, including synthetic grass/artificial turf, on residential property; and

WHEREAS, in 2017, the City Planning Division developed Permitting Standards for Artificial Turf to comply with State law; and

WHEREAS, the City reviewed and approved approximately forty applications for artificial turf on residential properties between 2017 and 2014; and

WHEREAS, on October 8, 2023, Governor Newsom signed Senate Bill 676, restoring the authority of local agencies to regulate or prohibit synthetic grass and artificial turf installations, effective January 1, 2024; and

WHEREAS, while additional scientific study is needed to conclusively determine the safety – or safety risks of – exposure to artificial turf, the product is known to contain carcinogens, neurotoxicants, mutagens, and endocrine disruptors that may pose a risk to public health; and

WHEREAS, artificial turf provides inferior water percolation rates as compared to natural plant material, hindering water absorption into soil and increasing runoff; and

WHEREAS, micro and nanoplastics, nylon, and “crumb rubber” materials in artificial turf deteriorate over time and leach into the air, water, and soil, endangering Carmel Bay, a protected watershed and a designated Area of Special Biological Significance (ASBS); and

WHEREAS, the application of artificial turf limits the supply of air, water and organic material to soil beneath, affecting living organisms necessary for healthy soil; and

WHEREAS, the average longevity of artificial turf is ten years, and because of its complex makeup of petroleum and plastics, aged turf is typically landfilled or incinerated rather than recycled; and

WHEREAS, the City’s Municipal Code and Design Guidelines speak extensively to the importance of natural settings, natural forest character, and natural materials; and

WHEREAS, because artificial turf is a plastic petroleum product that may cause adverse effects on public health, stormwater management, pollutant discharge, soil health, and neighborhood character, the use of artificial turf/synthetic grass in all zoning districts is inappropriate; and

WHEREAS, City staff has prepared an Artificial Turf Policy prohibiting the installation of artificial turf citywide; and

WHEREAS, on January 16, 2025, the Forest and Beach Commission considered the draft Artificial Turf Policy and recommended City Council adoption; and

WHEREAS, on February 11, 2025, the Planning Commission considered the draft Artificial Turf Policy and recommended City Council adoption; 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 the review of certain projects for environmental impacts and preparation of environmental documents; and

WHEREAS, the City Council finds that pursuant to CEQA regulations the Application is categorically under Class 8 of the California Environmental Quality Act (CEQA) pursuant to Section 15308, Actions by Regulatory Agencies for Protection of the Environment, which reads: "Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption."

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

Adopt Policy 2025-002 prohibiting the installation of artificial turf in all zoning districts.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 4<sup>th</sup> day of March, 2025, by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Dale Byrne, Mayor

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

## CITY OF CARMEL-BY-THE-SEA POLICY AND PROCEDURE

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**Subject:** Prohibition on the installation of artificial turf citywide.

**Policy/Procedure No:** 2025-XX

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**Effective Date:** T B D

**Authority:** Resolution No. xx-xxx

**Purpose:**

To prohibit the installation of artificial turf citywide.

**Policy/Procedure:**

As fully set forth in the policy document, attached.

**Responsible Party:**

City Administrator

**Department of Origin:**

Public Works & Community Planning and Building

**Revision Dates:**

**Rescinded Date:**





## City of Carmel-by-the-Sea

## POLICY PROHIBITING THE INSTALLATION OF ARTIFICIAL TURF CITYWIDE

Statement of Purpose:

The purpose of this policy is to prohibit the installation of artificial turf citywide. For the purpose of this policy, artificial turf is defined as a man-made product of synthetic materials intended to simulate the appearance of natural turf, grass, sod, or lawn.

Policy:

The City recognizes that California struggles with recurrent drought conditions that necessitate water conservation measures. As such, the City encourages drought-resistant living plant material landscaping options. Senate Bill (SB) 676, signed by Governor Newsom on October 8, 2023, amended Section 53087.7 of the Government Code and returned power to cities and counties to ban or regulate artificial turf. The prior regulations, adopted as drought emergency measures in 2016, were intended to encourage a transition to landscaping alternatives that used less water, including artificial turf. Since that time, however, emerging research points to public health and environmental problems associated with these installations, such as exposure to per- and polyfluoroalkyl substances (PFAS) and other chemical compounds, water and soil pollution, stormwater runoff from insufficient ground percolation, and a lack of recyclability.

In addition to these potential environmental impacts, the City municipal code ([CMC 17.34.060.B.1](#)) states: *Plant material located in areas visible from the street or other public places shall be arranged in a relaxed, informal pattern consistent with the character of the Carmel forest. Formal, unnatural arrangements shall be avoided except for focal points.* Carmel's [Residential Design Guidelines](#) encourage natural settings, natural forest character, and natural materials. While there is a range of turf product quality available on the market, even the most naturalistic-looking products appear synthetic.

Additionally, the Final Design Guidelines, "Introduction to Landscape Design" narrative states: *Overall, the landscape should have an informal character, emphasizing foliage over flowers. Front yards should be informal gardens, rather than the traditional grass lawns seen in many other communities. These design traditions should be continued.* Final Design Guideline 10.2 states: *Landscape plans that use native plants and other varieties accustomed to growing along the Central Coast are encouraged.* Final 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.* Due to its synthetic nature and existing language in the municipal code and design guidelines regarding natural landscaping and inappropriateness of lawns, the use of artificial turf conflicts with the City's forest character.

As such, in accordance with SB 676, the City of Carmel-by-the-Sea prohibits the installation of artificial turf. The prohibition is intended to manage the associated potential impacts to the community, which include but are not limited to: public health, stormwater management, pollutant discharge, waste/landfill, and neighborhood character impacts. Therefore, it is the policy of the City to prohibit the installation of artificial turf citywide.



# Permitting Standards for Synthetic Grass/Artificial Turf

On October 9, 2015, the State Governor approved AB 1164, which precludes jurisdictions from disapproving proposals for synthetic grass and artificial turf. AB 1164 allows local governments to impose reasonable restrictions on the type of synthetic grass and artificial turf installed. The following is a set of application requirements and design standards for proposals to install synthetic grass (or artificial turf).

## Application Requirements

1. **There is no application fee for this Track-One Design Study.**
2. All proposals for synthetic grass require submittal of a Track-One Design Study application to the Community Planning and Building Department.
3. The application shall include a site plan of the subject property depicting the proposed location and configuration of the synthetic grass. The site plan shall depict all trees on the property and any other trees near the proposed installation in order for staff to evaluate the proximity of the synthetic grass to the trees. The plan shall include a data table identifying the approximate square-footage of the synthetic grass. A drainage plan may be required depending on sloped lots.
4. The applicant shall submit a sample of the proposed synthetic grass in order for staff to evaluate the material.

## Design Standards

1. The synthetic grass and associated base-rock materials shall be located a minimum of six feet from the base of any tree in order to adequately protect tree roots.
2. The applicant shall submit a sample of the proposed synthetic grass for staff evaluation. The City's Residential Design Guidelines encourage maintaining the forested character of the community through the use of natural landscaping. The synthetic grass shall present the appearance of natural grass as recommended by guidelines.
3. The applicant shall demonstrate that the synthetic grass and associated base material is permeable with the ability to percolate water into the soil.

CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION

RESOLUTION NO. 2025-007-PC

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA RECOMMENDING CITY COUNCIL ADOPTION OF POLICY 2025-(TBD) PROHIBITING THE INSTALLATION OF ARTIFICIAL TURF CITYWIDE**

WHEREAS, in 2016, the State of California enacted Government Code Section 53087.7, which required jurisdictions to approve proposed installations of drought tolerant landscaping, including synthetic grass/artificial turf, on residential property; and

WHEREAS, in 2017, the City Planning Division developed Permitting Standards for Artificial Turf to comply with State law; and

WHEREAS, the City reviewed and approved approximately forty applications for artificial turf on residential properties between 2017 and 2014; and

WHEREAS, on October 8, 2023, Governor Newsom signed Senate Bill 676, restoring the authority of local agencies to regulate or prohibit synthetic grass and artificial turf installations, effective January 1, 2024; and

WHEREAS, additional scientific study is needed to conclusively determine the safety – or safety risks of – exposure to artificial turf, the product contains carcinogens, neurotoxicants, mutagens, and endocrine disruptors that may pose a risk to public health; and

WHEREAS, artificial turf provides inferior water percolation rates as compared to natural plant material, hindering water absorption into soil and increasing runoff; and

WHEREAS, micro and nanoplastics, nylon, and “crumb rubber” materials in artificial turf deteriorate over time and leach into the air, water, and soil, endangering Carmel Bay, a protected watershed and a designated Area of Special Biological Significance (ASBS); and

WHEREAS, the application of artificial turf limits the supply of air, water and organic material to soil beneath, affecting living organisms necessary for healthy soil; and

WHEREAS, the average longevity of artificial turf is ten years, and because of its complex makeup of petroleum and plastics, aged turf is typically landfilled or incinerated rather than recycled; and

WHEREAS, the City’s Design Guidelines speak extensively to the importance of natural settings, natural forest character, and natural materials; and

WHEREAS, because artificial turf is a plastic petroleum product that may cause adverse effects on public health, stormwater management, pollutant discharge, soil health, and neighborhood character, the use of artificial turf/synthetic grass in all zoning districts is inappropriate; and

WHEREAS, City staff has prepared an Artificial Turf Policy prohibiting the installation of artificial turf citywide; and

**NOW THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY** recommend City Council adoption of Policy 2025-(TBD) prohibiting the installation of artificial turf citywide.

**PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA** this 11<sup>th</sup> day of February, 2025, by the following vote:

AYES: Ahlborn, Allen, Karapetkov, Locke

NOES: None


ABSENT: LePage

ABSTAIN: None

APPROVED:

ATTEST:

Signed by:  
  
4FF97D7E0A3D499...  
Michael LePage  
Chair

Signed by:  
  
150194B1D88D490...  
Shelby Gorman  
Planning Commission Secretary



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

March 4, 2025  
PUBLIC HEARINGS

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

**SUBMITTED BY:** Jacob Olander, Associate Planner

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

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

**CEQA Action:** Find denial of the Appeal and upholding the Planning Commission's approval of a Track 1 Design Study categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 and no exceptions listed under Section 15300.2 can be made in this case. (Estimated time - 30 min)

## RECOMMENDATION:

Adopt Resolution 2025-028 (**Attachment 1**) denying the Appeal (APP 25032) by Mary & John Jensen and upholding the Planning Commission's decision to approve the Track 1 Design Study with Conditions (DS 24321, Jensen) for the replacement of the wood shake roof of a two-story single-family residence located on Santa Lucia 2 NE of Scenic as found in Resolution 2025-003-PC.

## BACKGROUND/SUMMARY:

The project site is 7,409 square feet and developed with a two-story residence. The applicant is requesting approval for the replacement of the wood shake roof of a two-story single-family residence with a vertical standing seam metal roof.

This Design Study, DS 24321 (Jensen), was submitted to the Planning Department October 22, 2024. Staff informed the applicant that a Historic Evaluation was required for the property in order to proceed with the Design Study. The residence was designed by the Architect Mark Mills, who is listed in Carmel's Historic Context Statement. On November 26, 2024, the property was reviewed for historic significance. It was determined to be ineligible for the Carmel Historic Inventory on December 23, 2024, due to a lack of association with important events, people, or architecture in the Historic Context Statement and the loss of integrity due to alterations.

Once the property was determined not to be eligible for the Historic Inventory, the application was referred to the next available Planning Commission meeting. Previous Track 1 Design Studies involving metal roofs

with a matte finish and a Solar Reflectance Index (SRI) below 25 have been approved within the City limits at the staff level. However, due to recent, repeated concerns from residents regarding the proliferation of metal roofs, staff was directed to refer projects involving metal roofs to the Planning Commission for consideration.

After consideration, public testimony and deliberation, the Planning Commission approved the design study and adopted Resolution 2025-003-PC incorporating Special Condition of Approval #20 requiring the applicant work with staff to identify an alternate roofing material that complies with the City's code and guidelines. The staff report from the January 15, 2025 Planning Commission meeting provides a detailed analysis for the decision (click here for the January 15, 2025 Staff Report). The video of the hearing is also available online (click here for YouTube link).

On January 27, 2025, Mary & John Jensen submitted a timely appeal (refer to **Attachment 3**). As the project site is located within the Beach and Riparian Overlay (Coastal Commission Appeal Jurisdiction), no fee was charged to the appellant in accordance with CMC 17.54.050.A.4.

## **STAFF ANALYSIS**

### Design Guidelines and Zoning Standards

Residential Design Guideline 9.8 states, "Metal, plastic, and glass roofs are inappropriate in all neighborhoods". CMC Section 17.58.060.D covers the approval process for projects that deviate from the Residential Design Guidelines. It states,

"Findings Required for Approval of Deviations from Design Guidelines. In addition to any other findings required by this code, before approving any project in the single-family residential (R-1) district that deviates from the City's applicable adopted design guidelines, the Director, Historic Preservation Board, or the Planning Commission shall adopt specific findings based on information in the record to show how the proposed deviation from the design guidelines achieves all of the applicable design objectives of CMC 17.58.010, Purpose and Applicability, as well as, or better than, would be achieved by adherence to the adopted design guidelines. (Ord. 2009-07 Att. A, 2009; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004)."

The Design Objective in CMC Section 17.58.010 are,

1. Promote design that maintains the City's intimate and human scale and complements, rather than overrides, natural constraints;
2. Ensure that the design of new homes, residential additions, and exterior alterations preserves the traditional characteristics of scale, good site design, and sensitivity to neighboring properties;
3. Encourage the construction of residences that are diverse and innovative in design yet compatible with the City's forest setting as well as the site design and materials used in surrounding structures;
4. Promote residential design that respects the privacy, solar, access, and private views of neighboring properties;
5. Maintain a tradition of architectural diversity that enhances the character of the commercial district and adds a lively sense of history to Carmel's village ambiance by promoting commercial building design that respect these traditions; and
6. Encourage originality and invention so long as the results encompass the unifying values of human scale

and the use of natural materials and their role in preserving village character and avoid out-of-scale or bizarre building forms or incompatible design.

After discussion, the Commissions first motion failed as the vote was two Commissioner in favor of adopting the resolution as is and two in favor of adopting the resolution with Condition of Approval #20 struck from the resolution. The second motion passed the vote was three to one, adopting the resolution as drafted by City Staff.

### Appeal

The Appellant has provided their grounds for their appeal in the appeal application (refer to Attachment 3). In summary, their grounds for the appeal are:

1. None of the other alternate materials (other than metal) are suitable on the roof structure;
2. The Planning Commission did not discuss the merits of the project, and;
3. The Applicant would like the chance to present the merits of the project thoroughly.

The project applicant was provided with the opportunity to discuss the merits of the project at a noticed public hearing January 15, 2025, held by the Planning Commission. In addition, testimony provided by staff, the project applicant and members of the public were considered and discussed by the Planning Commission. No new information has been presented as part of the appeal that was not previously considered by the Planning Commission.

### Alternatives

The subject site is a bay area regional modern architectural style that would fit a vertical standing seam metal roof. The Council could approve the style of roof and direct the applicant to work with staff on finding a color that would be appropriate. The Planning Commission considered two additional reroof permits for vertical standing seam metal roofs during the January 15, 2025 hearing. Commissions talked at length during the roofing materials discussion agenda item about alternate roof designs; metal shingles, synthetic roofing, composite shingles, etc. The Council could direct the applicant to replace the existing wood shake roof with one of these alternate materials.

If the Council wishes to explore options for permitting a vertical standing seam metal roof, staff recommends providing findings specific to this project regarding the how the project deviating from the design guidelines meets the design objectives of CMC Section 17.58.010 and modification of Condition of Approval #20.

### **ENVIRONMENTAL REVIEW:**

Staff recommends the project be found categorically exempt from the California Environmental Quality Act (CEQA), State CEQA guidelines, and local environmental regulations, pursuant to Section 15301 (Class 1) – Existing Facilities. Class 1 exemptions include minor alterations to private structures involving negligible or no expansion of existing or former use. The existing use is a single-family residence on a 7,409-square-foot building site. The project involves the replacement of the wood shake roof of a two-story single-family residence with a vertical standing seam metal roof at a single-family residence. The project will not change or expand the existing use of the property as a single-family residence.

The proposed project does not present any unusual circumstances that would result in a potentially significant environmental impact, and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines.



### **FISCAL IMPACT:**

None for this action. No separate appeal fee was charged for this appeal application in accordance with CMC 17.54.050.A.4.

### **PRIOR CITY COUNCIL ACTION:**

None for this action. The Council has not considered or acted upon the consideration of the subject reroofing Design Study. Additionally, to staff's knowledge, the Council has not independently considered policy direction on the matter of roofing materials. The Council's position on matters on appeal has been to side with the junior board or commission who is more familiar with the policy documents, findings, and evidence that informed the initial decision of the matter on appeal.

### **ATTACHMENTS:**

- Attachment 1) Resolution 2025-028
- Attachment 2) Planning Commission Adopted Resolution
- Attachment 3) Appeal Form
- Attachment 4) Photos and Color
- Attachment 5) Correspondence sent to PC

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

**RESOLUTION NO. 2025-028**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DENYING THE APPEAL (APP 24036) BY MARY AND JOHN JENSEN UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE A TRACK 1 DESIGN STUDY (DS 24321, JENSEN) WITH CONDITIONS FOR THE REMOVAL OF THE EXISTING WOOD SHAKE ROOF AND INSTALL A NEW ROOF ON AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED ON SANTA LUCIA AVENUE 2 NORTHEAST OF SCENIC ROAD IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, ARCHEOLOGICAL SIGNIFICANCE (AS) OVERLAY, AND BEACH/RIPARIAN (BR) OVERLAY AS FOUND IN RESOLUTION 2025-003-PC. APN: 010-293-013-000**

WHEREAS, on October 21, 2024, Matt Hanner ("Applicant") submitted an application on behalf of John Jensen Trust ("Owners") requesting approval of Track 1 Design Study application DS 24321 (Jensen) described herein as ("Application"); and

WHEREAS, the Application has been submitted for a 7,409-square-foot located on Santa Lucia Avenue 2 NE of Scenic Road in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, the Applicant is requesting approval of the Design Study for the replacement of the wood shake roof of a two-story single-family residence with a vertical standing seam metal roof; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040 (Residential Design Review), changes in exterior materials of structures are subject to a Track One Design Review and may be approved by the Director if the project complies with the Zoning Ordinance and all applicable residential design guidelines; and

WHEREAS, in accordance with CMC 17.58.030.A.3 the Director shall refer for action by the Planning Commission any application for a project that does not comply with applicable adopted design guidelines and design criteria; and

WHEREAS, on January 3, 2025, a notice of public hearing was published in the Carmel Pine Cone for the January 15, 2025, Planning Commission meeting 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 January 5, 2025, 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 or before January 10, 2025, the meeting agenda was posted in three locations in compliance with State law, indicating the date and time of the public hearing; and

WHEREAS, on January 15, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Applications, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, on January 27, 2025, a timely appeal was filed with the City Clerk (APP 25032) by Mary & John Jensen (“Applicant”) on behalf of property owner, John Jensen & Mary Unkovic Trust (“Owner(s)” and (“Appellant”)), requesting reconsideration by the City Council of the Planning Commission’s Approval with Conditions of the Application; and

WHEREAS, on March 4, 2025, the City Council held a de novo hearing to consider the appeal and Application; and

WHEREAS, on March 4, 2024, the City Council held a duly noticed public hearing to receive public testimony regarding the appeal, including without limitation, information provided to the City Council by City staff and through public testimony on the project; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the City Council at the hearing date including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; 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, the City Council finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, consideration of a Coastal Development Permit is required in accordance with Carmel Municipal Code Section 17.52.100.D.2 (Limits on Exemptions for Single-Family Residences and other Improvements) as the subject property is located in the Beach and Riparian Overlay District and is located west of Carmel Street; 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 **DENY** the appeal by John Jensen & Mary Unkovic Trust (APP 25032) and uphold the January 15, 2025 Planning Commission decision to approve the Track 1 Design Study (DS 24321, Jensen) with conditions for the replacement of the wood shake roof of a two-story single-family residence located on Santa Lucia 2 NE of Scenic as found in Resolution 2025-003-PC.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 4<sup>th</sup> day of March, 2025, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Dale Byrne  
Mayor

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Nova Romero, MMC  
City Clerk

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

**PLANNING COMMISSION RESOLUTION NO. 2025-003-PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA APPROVING A TRACK 1 DESIGN STUDY REFERRAL TO REMOVE THE EXISTING WOOD SHAKE ROOF AND INSTALL A NEW ROOF ON AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED SANTA LUCIA AVENUE 2 NORTHEAST OF SCENIC ROAD IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, APN 010-293-013-000.**

WHEREAS, on October 21, 2024, Matt Hanner (“Applicant”) submitted an application on behalf of John Jensen Trust (“Owners”) requesting approval of Track 1 Design Study application DS 24321 (Jensen) described herein as (“Application”); and

WHEREAS, the Application has been submitted for a 7,409-square-foot located on Santa Lucia Avenue 2 NE of Scenic Road in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, the Applicant is requesting approval of the Design Study for the replacement of the wood shake roof of a two-story single-family residence with a vertical standing seam metal roof; and

WHEREAS, in accordance with Carmel Municipal Code (CMC) Section 17.58.040 (Residential Design Review), changes in exterior materials of structures are subject to a Track One Design Review and may be approved by the Director if the project complies with the Zoning Ordinance and all applicable residential design guidelines; and

WHEREAS, in accordance with CMC 17.58.030.A.3 the Director shall refer for action by the Planning Commission any application for a project that does not comply with applicable adopted design guidelines and design criteria; and

WHEREAS, on January 3, 2025, a notice of public hearing was published in the Carmel Pine Cone for the January 15, 2025, Planning Commission meeting 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 January 5, 2025, 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 or before January 10, 2025, the meeting agenda was posted in three locations in compliance with State law, indicating the date and time of the public hearing; and

WHEREAS, on January 15, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Applications, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

Amended January 16, 2025

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

WHEREAS, the Planning Commission did hear and consider all said reports, attachments, recommendations, and testimony herein above set forth and used their independent judgment 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, the Planning Commission finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; 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 Planning Commission of the City of Carmel -By-The-Sea does hereby make the following findings and determinations regarding the Design Study:

<b>FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL</b>		
For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
<b>CMC 17.58.060.B, Findings for Design Review Approval</b>	<b>YES</b>	<b>NO</b>
1. The project conforms to the applicable policies of the General Plan and the Local Coastal Program.	✓	
2. The project complies with all applicable provisions of the Carmel Municipal Code.	✓	
3. The project is consistent with the applicable adopted design review guidelines.	✓	
<b>CMC 17.58.060.C, Additional Findings for Design Study Approval</b>	<b>YES</b>	<b>NO</b>
1. The project conforms with all zoning standards applicable to the site or has received appropriate use permits, variances, or exceptions consistent with the Zoning Ordinance.	N/A	N/A
2. The project contributes to neighborhood character, including the type of forest resources present, the character of the street, the response to local topography, and the treatment of open space resources such as setbacks and landscaping.	✓	
3. The project is compatible with and sensitive to the natural features and built environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts and fills. Construction on steep slopes is minimized to the extent feasible and abrupt changes in grade is minimized or mitigated.	N/A	N/A

<p>4. The project maintains the City’s principles of modesty and simplicity and preserves the City’s tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site.</p>	<p>✓</p>	
<p>5. The project does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements, and in the detailing of doors, windows, roofs, and walkways.</p>	<p>✓</p>	
<p>6. Project details and materials (e.g., windows, doors, chimneys, roofs, and stonework) are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale.</p>	<p>✓</p>	
<p>7. The project is consistent with the City’s design objectives for protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to provide visual relief from structural bulk and a distinct separation from buildings on adjacent sites.</p>	<p>N/A</p>	<p>N/A</p>
<p>8. All demolitions, remodels, and substantial alterations are consistent with the following findings:</p> <p>a. The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City’s design objectives.</p> <p>b. The mass of the building relates to the context of other homes in the vicinity that are in conformance with the City’s design guidelines related to mass and scale.</p> <p>c. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.</p> <p>d. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All moderately significant trees have been protected to the maximum extent feasible. All buildings and structures will be set back at least six feet from significant trees.</p>	<p>N/A</p>	<p>N/A</p>

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Carmel-by-the-Sea does hereby **APPROVE WITH CONDITIONS** Design Studies (DS 24321, Jensen) for the replacement of the wood shake roof of a two-story single-family residence with a new roof and replace existing copper gutters with medium bronze noncopper gutters located on Santa Lucia Avenue 2 NE of Scenic Road in the Single-Family Residential (R-1) Zoning District, APN 010-293-013-000, subject to the following Conditions of Approval:

Amended January 16, 2025

<b>CONDITIONS OF APPROVAL</b>	
<b>No.</b>	<b>Standard Conditions</b>
1.	<p><b>Authorization.</b> The approval of a Design Study (DS 24321, Jensen) for the reroof of an existing two-story single-family residence located at the southeast corner of Junipero Avenue and 10<sup>th</sup> Avenue in the Single-Family Residential (R-1) Zoning District, APN 010-293-013-000, the work includes;</p> <ol style="list-style-type: none"> <li>1. Removal of the wood shake roof from the main house;</li> <li>2. Installation of a new roof on the main house;</li> <li>3. Replace existing copper gutters with medium bronze noncopper gutters;</li> </ol> <p>as depicted in the specifications and pictures submitted by Matt Hanner as approved by City of Carmel-by-the-Sea Planning Commission on January 15, 2025 unless modified by the conditions of approval contained herein.</p>
2.	<p><b>Codes and Ordinances.</b> The project shall be constructed in conformance with all requirements of the R-1 zoning district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.</p>
3.	<p><b>Permit Validity.</b> In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for a period of 12 months from the date of action. During this time, the project must be implemented, or the approval becomes void. Implementation is affected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.</p>
4.	<p><b>Fire Sprinklers - Residential.</b> Additions, alterations, or repairs to existing structures that involve the addition, removal, or replacement of 50 percent or more of the linear length of the walls (interior and exterior) within a 5-year period shall require the installation of an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes (CMC 15.08.135).</p>
5.	<p><b>Modifications.</b> The Applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the Applicant changes the project without first obtaining City approval, the Applicant will be required to submit the change in writing, with revised plans, within two weeks of the City being notified. A cease work order may be issued at any time at the discretion of the Director of Community Planning and Building until a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance with the approved plans prior to the final inspection.</p>
6.	<p><b>Exterior Revisions to Planning Approval Form.</b> All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the "Revisions to Planning Approval" form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.</p>



Amended January 16, 2025

7.	<p><b>Conflicts Between Planning Approvals and Construction Plans.</b> It shall be the responsibility of the Owner, Applicant, and Contractor(s) to ensure consistency between the project plans approved by the Planning Staff, the Planning Commission, or the City Council on appeal and the construction plans submitted to the Building Division as part of the Building Permit review. Where inconsistencies between the Planning approval and the construction plans exist, the Planning approval shall govern unless otherwise approved in writing by the Community Planning &amp; Building Director or their designee.</p> <p>When changes or modifications to the project are proposed, the Applicant shall clearly list and highlight each proposed change and bring each change to the City’s attention. Changes to the project incorporated into the construction drawings that were not clearly listed or identified as a proposed change shall not be considered an approved change. Should conflicts exist between the originally approved project plans and the issued construction drawings that were not explicitly identified as a proposed change, the plans approved as part of the Planning Department Review, including any Conditions of Approval, shall prevail.</p>
8.	<p><b>Indemnification.</b> The Applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the Applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for resolving all such actions by the parties hereto.</p>
9.	<p><b>Hazardous Materials Waste Survey.</b> Prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District.</p>
10.	<p><b>Truck Haul Route.</b> Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning &amp; Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary traffic control measures for the grading activities. The Applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.</p>
11.	<p><b>Conditions of Approval.</b> Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.</p>
<b>Landscape Conditions</b>	
12.	<p><b>Tree Removal Prohibited.</b> Throughout construction, the Applicant shall protect all trees identified for preservation by methods approved by the City Forester. Trees on or adjacent to the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission.</p>
13.	<p><b>Tree Protection Measures.</b> Requirements for tree preservation shall adhere to the following tree protection measures on the construction site.</p> <ul style="list-style-type: none"> <li>• Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved.</li> </ul>

Amended January 16, 2025

	<ul style="list-style-type: none"> <li>• Excavation within 6 feet of a tree trunk is not permitted.</li> <li>• No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree.</li> <li>• Per Municipal Code Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels.</li> <li>• Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing.</li> <li>• Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method that does not sever roots.</li> <li>• If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone, the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged.</li> <li>• If roots larger than 2 inches in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended, and all work stopped until an investigation by the City Forester has been completed, and mitigation measures have been put in place.</li> </ul>
<b>Environmental Compliance Conditions</b>	
14.	<p><b>Drainage Plan.</b> Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning &amp; Building and Public Works Departments a drainage plan that meets the requirements of the City's drainage guidance, SOG 17-07. At a minimum, new and replaced impervious area drainage must be dispersed around the site rather than focused on one corner of the property; infiltration features must be sized appropriately and located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-pervious areas.</p>
15.	<p><b>BMP Tracking Form.</b> Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning &amp; Building and Public Works Departments a completed BMP Tracking form.</p>
16.	<p><b>Semi-Permeable Surfaces.</b> Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning &amp; Building and Public Works Departments cross-section details for all semi-permeable surfaces.</p>
17.	<p><b>Erosion and Sediment Control Plan.</b> Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning &amp; Building and Public Works Departments an erosion and sediment control plan that includes locations and installation details</p>

Amended January 16, 2025

	for erosion and sediment control BMPs, material staging areas, and stabilized access.
<b>Special Conditions</b>	
18.	<b>Conditions of Approval Acknowledgement.</b> Prior to the issuance of a building permit, a completed <b>Conditions of Approval Acknowledgment</b> form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.
19.	<b>Construction Management Plan.</b> Prior to the issuance of a building permit, the Applicant shall submit a Construction Management Plan for review and approval by the Community Planning & Building Director.
20.	<b>Roofing Material.</b> Prior to the issuance of a building permit, the applicant shall submit a revised plan for review and approval by the Planning Division, identifying an alternate roofing material that complies with the City's code and guidelines as specified by the Planning Commission.

Acknowledgment and acceptance of conditions of approval:

_____	_____	_____
Property Owner Signature	Printed Name	Date
_____	_____	_____
Applicant Signature	Printed Name	Date

PASSED, APPROVED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 15<sup>th</sup> day of January, 2025, by the following vote:

AYES: Allen, Locke, Karapetkov

NOES: LePage

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Michael LePage  
Chair

\_\_\_\_\_  
Shelby Gorman  
Planning Commission Secretary



# CITY OF CARMEL-BY-THE-SEA APPEAL FORM

City of Carmel-By-The-Sea  
Attachment 2  
Office of the City Clerk

JAN 27 2025

Appeals to a Board or Commission must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 calendar days following the date of action** and paying the required filing fee as established by City Council resolution.

Appeals to the City Council must be made by completing and submitting an Appeal Form with the City Clerk. Appeals shall be filed **within 10 working days following the date of action** and paying the required filing fee as established by City Council resolution.

MARY + JOHN JENSEN / JENSEN TRUST  
Name of Appellant

PO BOX 5442 CARMEL CA 93921-5442  
Mailing Address of Appellant

831-915-2131 Phone Number      missy@jensen.com Email address

Send correspondence to the following party (if different than Appellant):

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Phone Number      Email address

PLANNING COMMISSION  
Commission, Board, Official or Department whose action is being appealed

Physical location of property involved (street location or address): SANTA LUCIA AVE, 2 NE SCENIC

12 + 14 Lot      A6 Block      010-293-013-000 APN

Date of decision being appealed: 1-15-2025

Specific action or decision being appealed: NOT APPROVING A METAL ROOF AND REQUIRING AN ALTERNATE ROOFING MATERIAL

Grounds for appeal (attach additional pages if necessary):  
NONE OF THE ALTERNATE MATERIALS (OTHER THAN METAL) ARE SUITABLE ON THE ROOF STRUCTURE. PLANNING COMMISSION DID NOT DISCUSS MERITS OF THE PROJECT AND WE WOULD LIKE TO HAVE THE OPPORTUNITY TO PRESENT THEM THOROUGHLY.

Mary U  
Signature of Appellant

Proposed standing seam metal roof and gutter and downspout color.  
Sheffield Metals Medium Bronze









# general\_planning\_application\_2019\_0

Final Audit Report

2024-10-18

Created:	2024-10-18
By:	Matt Hanner (matth@carmelbuilding.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAiwhxzM8IEMmqts6h-IRTruLznRGBVmV9

## "general\_planning\_application\_2019\_0" History

-  Document created by Matt Hanner (matth@carmelbuilding.com)  
2024-10-18 - 3:33:31 PM GMT
-  Document emailed to missy@jdjensen.com for signature  
2024-10-18 - 3:33:56 PM GMT
-  Email viewed by missy@jdjensen.com  
2024-10-18 - 4:20:19 PM GMT
-  Signer missy@jdjensen.com entered name at signing as Mary U Jensen  
2024-10-18 - 4:21:22 PM GMT
-  Document e-signed by Mary U Jensen (missy@jdjensen.com)  
Signature Date: 2024-10-18 - 4:21:24 PM GMT - Time Source: server
-  Agreement completed.  
2024-10-18 - 4:21:24 PM GMT









## **Jensen roof application**

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**Carolyn Ticknor** [REDACTED]

Wed, Jan 1, 2025 at 5:19 PM

To: jolander@ci.carmel.ca.us, bswanson@ci.carmel.ca.us, sgorman@ci.carmel.ca.us

To the Carmel Planning Commission,

We are a neighbor adjacent to the Jensen property, and their roof is prominent in our view as our property sits directly behind theirs. We are supportive of their application to install a metal roof. Importantly, it lowers fire risk. Also, it achieves architectural harmony for their home.

Best regards, Don and Carolyn Ticknor

[REDACTED]  
Carmel-by-the-Sea, CA 93921

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**January 15, 2025 Planning Commision agenda - Jensen roof replacement.**

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Micarl Hill [REDACTED]

Mon, Jan 6, 2025 at 12:32 PM

To: [sgorman@ci.carmel.ca.us](mailto:sgorman@ci.carmel.ca.us), [jolander@ci.carmel.ca.us](mailto:jolander@ci.carmel.ca.us), [bswanson@ci.carmel.ca.us](mailto:bswanson@ci.carmel.ca.us)

Cc: Jensen JD [REDACTED], missy Jensen [REDACTED], Matt Hanner [REDACTED]

January 6, 2025

To:

Shelby Gorman, Administrative Coordinator, [sgorman@ci.carmel.ca.us](mailto:sgorman@ci.carmel.ca.us)Jacob Olander, Associate Planner, [jolander@ci.carmel.ca.us](mailto:jolander@ci.carmel.ca.us)Brandon Swanson, Assistant City Administrator & Acting Director of Community Planning and Building, [bswanson@ci.carmel.ca.us](mailto:bswanson@ci.carmel.ca.us)

Dear Carmel-By-the-Sea planning commission members.

I write in support of J.D and Missy Jensen's request to replace their wood shingle roof with a new Aluminum pre-painted Bronze Color roof that will fit in beautifully in the neighborhood. This will be on your January 15, 2025 planning commission agenda and I plan to be present while they are on holiday. They will be represented by their architect as well as their General Contractor, Carmel Building & Design.

I would like to share two things.

1. Our home was built 13 years ago, coincidentally by Carmel Building & Design. From our understanding our home was the first metal roof approved in Carmel-By-The-Sea. Back then the concern was how metal roofs change over time and look rusty and/or change color. This is not accurate, and our home should serve as proof as our roof looks precisely as it did when built. **(see attached 2 pictures)**
2. When we met Police Chief Paul Tomasi last month we asked him, "what keeps you up at night?" he answered us swiftly with one word "Fire!" and he zeroed in on the wooden shingle roofs as a concern.

Please approve this responsible neighbor's metal roof and help Carmel continue to have aesthetically appealing architecture being mindful of the potential of fire.

Thank you very much for all you do for Carmel.

Micarl & Laureen Hill

[REDACTED]

Carmel-By-The-Sea, CA 93921

[REDACTED]



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

From: **Sarah Brown** <REDACTED>

Date: Sun, Jan 12, 2025 at 5:04 PM

Subject: Ref: Carmel Planning Commission Review of DS 24321 (Jensen)

To: Shelby Gorman <[sgorman@ci.carmel.ca.us](mailto:sgorman@ci.carmel.ca.us)>, Jacob Olander

<[jolander@ci.carmel.ca.us](mailto:jolander@ci.carmel.ca.us)>, Brandon Swanson <[bswanson@ci.carmel.ca.us](mailto:bswanson@ci.carmel.ca.us)>

Dear Planning Department Staff of Carmel-by-the-Sea,

I am writing in support of the above-referenced application for a new metal roof on the Jensen residence on Santa Lucia. I know the house and I believe a metal roof is appropriate for the architectural design of the structure. Also, having recently worked through an application for homeowner's insurance, I know fire-resistant roofing material is required by many insurance companies. A metal roof fulfills that requirement.

Sincerely,

Sarah Brown  
Dolores Street, Carmel-by-the-Sea

January 13, 2025

RE: Metal roof for J.D. and Missy Jensen Residence/Santa Lucia Ave., Carmel-by-the-Sea

To Whom it May Concern:

I am writing to strongly support the request by the Jensens to install a new metal roof. The style, construction material and citing of their house lends itself perfectly to a fire retardant, environmentally sound metal roof. Because the house is cited perpendicular to Santa Lucia and has large trees in front, the viewshed from the street is very limited. Likewise, the visual exposure from Scenic Road is also very limited. The tragedy in Los Angeles should remind us of the importance of wise decisions that will impact and benefit the entire community.

Sincerely submitted,  
Sarah Bouchier

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

From: **Jim Messemer** <REDACTED>

Date: Sun, Jan 12, 2025 at 9:27 AM

Subject: Re: Jensen Roof

To: <[sgorman@ci.carmel.ca.us](mailto:sgorman@ci.carmel.ca.us)>, Brandon Swanson <[bswanson@ci.carmel.ca.us](mailto:bswanson@ci.carmel.ca.us)>, <[jolander@ci.carmel.ca.us](mailto:jolander@ci.carmel.ca.us)>

I am a neighbor of the Jensen's. They are thoughtful, considerate and outstanding members of the Carmel By The Sea community. I am writing to you today to support their desire to install a new metal roof on their home. In lieu of the fire tragedy in Los Angeles it appears their solution is getting ahead of the issues that are plaguing all of us in California. Here are a couple of thoughts for your consideration.

They do not want wood due to fires, and do not want synthetic materials due to chemical run off, and metal suits the style (see Frank Lloyd Wright house metal roof as the architect of that house are working with them and designed their roof in that style), they have selected a brown color closest to the colors of all roofs surrounding them. New roofs in the neighborhood are becoming more and more metal. I can point to the house next door (north) to our home that is presently under construction and has recently installed one. It is beautiful and accentuates our local charm. The Jensen's will as well.

Thank you in advance for your thoughtful consideration to support their request for approval.

Sincerely,

Jim Messemer  
Scenic Road

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

From: **Don Goodhue** <REDACTED>  
Date: Mon, Jan 13, 2025 at 3:47 PM  
Subject: Jensen Residence Roofing Replacement  
To: <[sgorman@ci.carmel.ca.us](mailto:sgorman@ci.carmel.ca.us)>

Jacob Olander, Associate Planner, [jolander@ci.carmel.ca.us](mailto:jolander@ci.carmel.ca.us)  
Brandon Swanson, Acting Director of Community Planning and  
Building [bswanson@ci.carmel.ca.us](mailto:bswanson@ci.carmel.ca.us)

Dear Carmel-By-the Sea Planning Commission members and Chair LePage

I write in support of the Jensens' application for replacing their wooden roof with a standing seam metal roof.

Standing seam metal roofs have adorned many of Europe's and America's most admired and distinguished structures and fine residences for centuries. This traditional system represents an appropriate response to our current fire concerns. As the Jensen's architect and Contractor have detailed the design, it will provide provide a finely scaled, handsome appearance fitting for Carmel. It is no wonder that the neighbors all support the application.

I am certain that the Jensens and their consultants would be happy to discuss further refinements to the design. I urge you to allow them to proceed with this well thought-out submittal.

Sincerely,

Donald Goodhue FAIA Architect  
Former Chair, Carmel Planning Commission

January 13, 2025



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

From: <REDACTED>

Date: Sun, Jan 12, 2025 at 5:47 PM

Subject: DS 24321(Jensen)

To: Shelby Gorman <[sgorman@ci.carmel.ca.us](mailto:sgorman@ci.carmel.ca.us)>, Jacob Olander

<[jolander@ci.carmel.ca.us](mailto:jolander@ci.carmel.ca.us)>, Brandon Swanson <[bswanson@ci.carmel.ca.us](mailto:bswanson@ci.carmel.ca.us)>

**RE: Proposed Action: DS 24321 (Jensen): Consideration of a Track 1 Design Study Referral, DS 24321(Jensen), for the replacement of an existing wood shake roof with a new metal roof on an existing single-family residence located on Santa Lucia 2 NE of Scenic in the Single-Family Residential (R-1) District. APN: 010-293-013-000**

As long-term Carmel-by-the-Sea residents, we wholehearted endorse a metal roof replacement to the Jensen property located at Santa Lucia 2NE of Scenic, Design Study Referral, DS 24321 (Jensen).

In terms of fire deterrence, environmental responsibility and ecologically friendly material, metal roofs are superior to wood or synthetic compositions.

Regarding architectural style, the Jensen's home is aesthetically conducive to a metal roof. Its design by an associate of Frank Lloyd Wright is in a style corresponding to Carmel-by-the Sea's Mrs. Clinton Walker House/Cabin on the Rocks.

Additionally, the proposed bronze/brown color is in perfect harmony with all neighboring roofs.

The home is sited so that the roof is not a primary element seen from either Santa Lucia or Scenic Road, further mitigating any visual effect.

Please consider these imperatives as, with deference, we urge you to approve the metal roof replacement for the Jensen property.

Respectfully Submitted,  
Marguerite & John Krisher

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

From: **ALLYSON KAVNER** <REDACTED>

Date: Mon, Jan 13, 2025 at 9:22 AM

Subject: Public Hearing Notice Requirements Project Planner: Jacob Olander, Associate Planner DS 24321 (Jensen): Matt Hanner, Carmel Building & Design, Contractor Santa Lucia Avenue 2 northeast of Scenic Road Block A6; Lot 12 & 14 APN: 010-293-013-000

To: <[sgorman@ci.carmel.ca.us](mailto:sgorman@ci.carmel.ca.us)>, <[jolander@ci.carmel.ca.us](mailto:jolander@ci.carmel.ca.us)>, <[bswanson@ci.carmel.ca.us](mailto:bswanson@ci.carmel.ca.us)>

Cc: Missy Jensen <REDACTED>

I am writing in support of the application of J D and Missy Jensen who seek approval of their plan to replace their existing wood roof with a standing seam metal roof. I know the house well and believe that the intended material will be a beautiful and architecturally pleasing look in harmony with the neighboring homes/roofs. I urge the Planning Commission to give the Jensen's application an affirmative response.

Thank you for your consideration.

Respectfully,

Allyson Kavner

January 3, 2025

TO: Jacob Olander, Carmel Associate Planner

FROM: Mike Ginn, owns and resides at [REDACTED].

WHAT: My stated approval of a new metal roof as in Proposed Action DS 24321 (Jensen)

Jacob, and others in position to vote on Proposed Action DS 24321 (Jensen),

I live across the street, on the southern side of Santa Lucia. I look at the roof in question daily. I thank the owners for keeping their house in good shape, the new roof just the newest evidence of that. I support their plan to install a metal roof and have no objections.

Let me know if you need anything else from me, with regards to my support of the plan.

Mike Ginn

[REDACTED]



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

March 4, 2025  
PUBLIC HEARINGS

<b>TO:</b>	Honorable Mayor and City Council Members
<b>SUBMITTED BY:</b>	Brian Pierik, City Attorney
<b>APPROVED BY:</b>	Chip Rerig, City Administrator
<b>SUBJECT:</b>	<p>First Reading and Introduction of Ordinance No. 2025-001 Amending Section 1.04.010 (Definitions) and Adding Sections to Chapter 12.36 (Camping on Public Lands)</p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"><li>1. Request that the City Attorney read the title of the Ordinance; and</li><li>2. Introduce Ordinance No. 2025-001 Amending Section 1.04.010 (Definitions) and Adding Sections to Chapter 12.36 (Camping on Public Lands); and schedule a second reading of the Ordinance for the next Council meeting.</li></ol> <p>(Estimated time - 15 min)</p>

## RECOMMENDATION:

1. Request that the City Attorney read the title of the Ordinance; and
2. Introduce Ordinance No. 2025-001 Amending Section 1.04.010 (Definitions) and Adding Sections to Chapter 12.36 (Camping on Public Lands); and schedule a second reading of the Ordinance for the next Council meeting.

## BACKGROUND/SUMMARY:

In the case of *City of Grants Pass, Oregon v. Johnson*, the United States Supreme Court upheld the constitutionality of the City's anti-camping ordinance which prohibited: (1) sleeping on public sidewalks, streets, or alleys; (2) camping in public places; and (3) camping or overnight parking in city parks.

The proposed Ordinance (**Attachment 1**) provides a more detailed definition of "camping" and "act of human habitation" and includes a procedure for the confiscation and return of personal property resulting from violations of the City's anti-camping regulations.

## FISCAL IMPACT:

No direct fiscal impact for this action.

## PRIOR CITY COUNCIL ACTION:

None for this item.

## ATTACHMENTS:

Attachment 1) Draft Ordinance No. 2025-001

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

**ORDINANCE NO. 2025-001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
AMENDING MUNICIPAL CODE SECTION 1.04.010 (DEFINITIONS) AND ADDING SECTIONS  
TO CHAPTER 12.36 (CAMPING ON PUBLIC LANDS)**

WHEREAS, in the case of City of Grants Pass, Oregon v. Johnson, the United States Supreme Court upheld the constitutionality of the City's anti-camping ordinance which prohibited: (1) sleeping on public sidewalks, streets, or alleys; (2) camping in public places; and (3) camping or overnight parking in city parks; and

WHEREAS, this Ordinance is proposed to provide a more detailed definition of "camping" and "act of human habitation" and adopting a procedure for the confiscation and return of personal property resulting from violations of the City's anti-camping regulations; and

WHEREAS, this Ordinance will promote the public health, safety and welfare of the City and the public.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA  
DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Carmel-by-the-Sea does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

**SECTION 2. Determinations.** Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:

Municipal Code Section 1.04.010 is hereby amended to add definitions of "Acts connected with human habitation" and "Camp" and "Camping" as set forth in Exhibit A attached hereto and hereby incorporated by this reference; and

Municipal Code Sections 12.36.020 (Definitions) and Section 12.36.030 (Property Removal) and Section 12.36.040 (Personal Effects) and Section 12.36.050 (Disposition of Personal Effects) are hereby added to the City Municipal Code as set forth in Exhibit B attached hereto and hereby incorporated by this reference.

**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 Exhibit A and B of this Ordinance into the Carmel-by-the-Sea Municipal Code.

**INTRODUCED at a Regular City Council Meeting on March 4, 2025.**

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA**  
this \_\_\_\_ day of \_\_\_\_\_ 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

\_\_\_\_\_  
Dale Byrne  
Mayor

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

**Exhibit A**

Section 1.04.010

The following words and phrases, whenever used in the ordinances of the City of Carmel-by-the-Sea, California, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "Acts connected with human habitation" shall include activities such as sleeping, setting up housekeeping or cooking, and/or any other activity where it reasonably appears, in light of all the circumstances, that a person or persons is using a vehicle or public space as a living accommodation.
- B. "Camp" or "Camping" means the act of living in or using an outdoor area for lodging or living accommodations, or using cots, bedding material, personal cooking facilities, tarpaulin, sleeping bags, bedrolls, or similar equipment.
- C. "City" means the City of Carmel-by-the-Sea, California, or the area within the territorial limits of the City of Carmel-by-the-Sea, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provisions.
- D. "Council" means the City Council of the City of Carmel-by-the-Sea. "All its members" or "all Council members" means the total number of persons holding office.
- E. "County" means the County of Monterey.
- F. "Law" denotes applicable Federal law, the Constitution and statutes of the State of California, the ordinances of the City of Carmel-by-the-Sea, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- G. "May" is permissive.
- H. "Month" means a calendar month.
- I. "Must" and "shall" are each mandatory.
- J. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."



K. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

L. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

M. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

N. "Preceding" and "following" mean next before and next after, respectively.

O. "Property" includes real and personal property.

P. "Real property" includes lands, tenements and hereditaments.

Q. "Sidewalk" means a pedestrian way with a surface paved with permanent materials such as concrete, blacktop, etc.

R. "Sidewalk area" consists of that area lying between the property line and the curb line, in the public right-of-way.

S. "State" means the State of California.

T. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

U. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

V. "Written" includes printed, typewritten, mimeographed, multigraphed, photocopied, or otherwise reproduced in permanent visible form.

W. "Year" means a calendar year.

## **Exhibit B**

### **Chapter 12.36**

#### 12.36.010 Camping on Public Lands.

It is unlawful for any person to camp, or to place, erect, or maintain any tents, house trailers, mobile homes, campers, or any other camping facilities of any kind whatsoever on any public property of this City. It is unlawful for any person to sleep out of doors on any public property, including City parks and beachlands, between the hours of sunset and sunrise.

#### 12.36.020 - Definitions

As used in this Section, the following words and phrases have the meaning set forth in this section:

(A) "Camp" shall have the same meaning as in 1.04.010(B).

(B) "Camp paraphernalia" includes, but is not limited to, tents, huts, pillows, tarps, cots, beds, sleeping bags, hammocks, personal cooking facilities or other similar equipment or materials that are used to create temporary shelters and accommodations.

(C) "Enforcement Officer" shall include any individual designated as such pursuant to Section 18.04.050 of this Code or any sworn law enforcement officer.

(D) "Personal effects" means personal property consisting of the following items:

(1) Medication, eye glasses, or other medical devices;

(2) Sleeping bag or bed roll which is sanitary and non-verminous;

(3) Tents in usable and reasonably good condition;

(4) Clothes stored in a manner protecting them from the elements, which are not unsanitary, soiled, or verminous; and

(5) Personal property with an individual fair market value of fifty dollars.

(E) "Public place" means any public property, improved or unimproved, including but not limited to parks, outdoor recreation areas, public parking lots and private parking lots open to the general public, publicly owned drainage culverts and basins, and publicly maintained landscaped areas. "Public place"

also includes any public right-of-way, and includes any public streets, sidewalks, alleyways, or passageways that are open to vehicular, bicycle or pedestrian traffic.

(F) "Store" or "storage" means to put aside or accumulate for later use or safekeeping, to place or leave in a location.

#### 12.36.030 – Property Removal

(A) An Enforcement Officer may remove personal property unlawfully stored or found in a Public Place in violation of Chapter 12.32, 12.36, or Title 17 of this Code as follows:

(1) The location of any personal property including Camping Paraphernalia, will be tagged and dated with a notice including the following:

"It is illegal to store personal property in public places. If this personal property is not removed by [specify date at least 48 hours from posting], this personal property will be deemed intentionally abandoned and subject to removal and possible destruction."

(2) The Enforcement Officer may remove any personal property still unlawfully stored or remaining in the Public Place after the posting period has expired.

(B) If the unlawful camping or storage of personal property in a Public Place presents an immediate threat to the public health or safety, an enforcement officer may immediately remove the personal property without prior notice.

(C) Enforcement Officers shall comply with Pacific Grove Police Department Policies regarding the personal property of the unhoused.

#### 12.36.040– Personal Effects

(A) At the time of removal of any unlawfully stored or remaining personal effects, the Enforcement Officer must conspicuously post and date a notice either at the exact location from which the personal effects were removed or at another nearby location giving the following information:

(1) A list of personal effects removed;

(2) A telephone number for information on retrieving personal effects;

(3) The address and hours of operation where personal effects may be collected; and

(4) The period of time during which the personal effects may be claimed.

(B) Following removal of unlawfully stored or remaining personal effects, an Enforcement Officer must:

(1) Maintain an inventory identifying the personal effects; where the personal effects were approximately located; and the reasonable value of each item;

(2) Place the removed personal effects in containers labeled in a manner facilitating identification by the officer and owner and which reasonably protect such property from damage or theft; and

(3) Store the removed personal effects in a location designated by the city for a period of ninety days.

(C) If personal effects are claimed within ninety days from removal, unless the property is connected to a crime or is illegal to possess, the city will release the stored property to the owner upon the following:

(1) The person claiming ownership identifies the property and approximate location where the property was left by the owner.

#### 12.36.050 – Disposition of Personal Effects

(A) Unlawfully stored or found personal effects removed from a Public Place and remaining unclaimed at the end of ninety days from removal may be disposed of by the city.

(B) All other unlawfully stored or found personal property removed from a Public Place pursuant to this chapter is deemed intentionally abandoned and may be summarily abated and destroyed.



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

March 4, 2025  
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 - Jensen Appeal (2-18-2025 thru 2-24-2025)  
Correspondence - Jensen Appeal (thru 2-28 at 5 pm)  
Correspondence - Jense appeal (thru 3-3-25), and more  
Correspondence - Jensen appeal and more (thru 3-4-25)



**Carmel-  
by-the-Sea**

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

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## Carmel-by-the-Sea Appeal for the Jensen Metal Roof, March 4

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**dfpescado via cityclerk** <cityclerk@ci.carmel.ca.us>

Tue, Feb 18, 2025 at 6:34 PM

Reply-To: d [REDACTED]

To: cityclerk@ci.carmel.ca.us

Cc: jolander@ci.carmel.ca.us, missy@j djensen.com

Dear Carmel-by-the-Sea City Council,

Please approve a metal roof for the JD Jensens at the March 4 City Council Meeting, as it is compatible in style with their Mark Mills-inspired home. A Mark Mills home in town has a metal roof. The Jensens have selected metal which is non-combustible, unlike wood which is vulnerable to fire. The brown color is subdued and tasteful, and the roof surface cannot be seen from the street.

I hope the City Council will support the Jensens' appeal to put on a metal roof.

Sincerely,

Diana Fish





**Carmel-  
by-the-Sea**

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

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## Support for APP 25032 (Jensen)

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**Katie Morganroth** <k[REDACTED]>  
To: cityclerk@ci.carmel.ca.us  
Cc: "Jensen J. D. and Missy" <jdj@jadjensen.com>, jolander@ci.carmel.ca.us

Tue, Feb 18, 2025 at 4:09 PM

Dear Carmel-by-the-Sea City Council,

At the March 4th City Council Meeting, please approve a metal roof for the Jensens as it perfectly suits their home and is an attractive, sustainable and non-combustible option. We are their next door neighbors and are in support of this roof as it suits the style of their home and will blend in nicely with our neighborhood.

Thank you for your consideration.

Katie and Greg Morganroth  
[REDACTED]



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

**APP 25032 (Jensen) Proposed Action - Letter of Support for Metal Roof**

'Alec Leach' via cityclerk <cityclerk@ci.carmel.ca.us>  
Reply-To: Alec Leach <[redacted]>  
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>

Wed, Feb 19, 2025 at 9:47 AM

Dear Mayor Burns and City Council Members,

I am the property owner at [redacted] at San Antonio up the hill from the subject property, approximately four houses. I see no issue and appreciate the safety of the metal roof for the neighborhood. Please favorably consider the Jensen's metal roof and overturn the Planning Commission to **allow them to install the new metal roof.**

-

Sincerely,

Howard "Alec" A. Leach

[redacted]  
[redacted]  
[redacted]

-





**Carmel-  
by-the-Sea**

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

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## For March 4th City Council Meeting - Jensen roof

1 message

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**Stan Meresman** <[REDACTED]>

Wed, Feb 19, 2025 at 1:01 PM

To: cityclerk@ci.carmel.ca.us

Cc: jolander@ci.carmel.ca.us, [REDACTED]

To the City Clerk of Carmel-By-The-Sea.  
Please forward to the City Council.

At the March 4, 2025 City Council meeting, please approve the metal roof for the Jensen home.

- Metal roof suits the style of the Mark Mills mid-century house.
- Metal is non-combustible and sustainable (remember the recent fires in California).
- Although the roof is not visible from the street, they have selected a brown color to blend with the surrounding homes.

Thank you for your consideration.

Stan Meresman and Sharon Meresman

[REDACTED]  
Carmel By The Sea, CA 93921-6085



**Carmel-  
by-the-Sea**

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

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**(no subject)**

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**william rowan** [REDACTED]  
To: cityclerk@ci.carmel.ca.us  
Cc: "jolander@ci.carmel.ca.us" <jolander@ci.carmel.ca.us>

Thu, Feb 20, 2025 at 2:57 PM

Dear Sirs,

We are writing to urge the City Council at the March 4th meeting to approve Missy and JD Jensen's request to replace their existing shake roof with a metal roof.

We live near the Jensens and frequently walk past their house. The metal roof they are requesting will suit well the style of their house and will fit in with the neighborhood. Furthermore the Jensens house is oriented in such a way that the roof is practically not visible from Santa Lucia.

In addition the proposed metal roof will be far better from a fire prevention point of view, a consideration that can only become more important in this area in the future.

Please allow the Jensens to move ahead with their request.

Sincerely,  
Roberta and Bill Rowan  
Fraser Way



**Carmel-  
by-the-Sea**

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

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## March 4 City Council meeting - Jensen appeal

1 message

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**John Cromwell** [REDACTED] t>  
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>  
Cc: Missy Jensen [REDACTED], Jacob Olander <jolander@ci.carmel.ca.us>

Thu, Feb 20, 2025 at 4:05 PM

February 20, 2025

To City Clerk, Carmel-by-the-Sea [cityclerk@ci.carmel.ca.us](mailto:cityclerk@ci.carmel.ca.us)

Re: March 4 City Council meeting

Hello,

Our neighbors, JD & Missy Jensen are attempting to replace their weathered roof with a metal roof. We support this change as it would be an attractive complement to the design of the house. Living in the area, we worry about fires much more often now than in years past and metal roofs seem to offer significant benefits to both individual homeowners and the community at large, as each house that is made more resistant helps with the security of the overall community.

We fully endorse this change and their appeal of the adverse decision of the Planning Commission.

Sincerely,

John Cromwell & Donna Chiaro

[REDACTED]  
[Carmel, CA 93923](#)



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

**Public Hearing on Tuesday, March 4, 2025 at 4:30PM**

1 message

'Jan Hufnagl' via cityclerk <cityclerk@ci.carmel.ca.us> Thu, Feb 20, 2025 at 7:04 PM  
Reply-To: Jan Hufnagl <[REDACTED]>  
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>  
Cc: Missy Jensen <m[REDACTED]>, "jolander@ci.carmel.ca.us" <jolander@ci.carmel.ca.us>, Nancy Garetson <[REDACTED]>

Dear Carmel-By-The-Sea City Council:

This letter is to voice our support for our neighbor friends, JD and Missy Jensen, to replace their shake roof with a metal roof on their home. There are many, many benefits of metal roofing and the one selected by the Jensens will blend in well with the homes surrounding them. We also understand that the other Mark Mills house in town had a metal roof installed, so believe there is precedent for this request.

Therefore, we ask that you approve a metal roof for the Jensens as it perfectly suits their home, is attractive and non-combustible.

Thank you in advance for your consideration!

Jan Hufnagl  
Nancy Garetson



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

## A Review of SRI Levels and Why SRI Does Not Indicate if a Roof is Shiny

Missy Jensen <[REDACTED]>  
To: Carmel-by-the-Sea <cityclerk@ci.carmel.ca.us>  
Cc: Gretchen Flesher <[REDACTED]>, JD Jensen <[REDACTED]>

Mon, Feb 24, 2025 at 4:25 PM

Dear Nova, please forward this for the appeal packet for City Council.

Dear City Council Members,

I have not been able to understand why "SRI level below 25" for metal roofs has specified by Planning Commission. Recommendations have come from them for a roof under 25 SRI, but that does not seem logical as that would allow for only the darkest roof colors which is contrary to preference for roofs that are not very dark.

My conclusion is that the intent was try to use SRI as a measure shininess of roofs, which is supported by Architect Mary Ann Schiketanz's explanation:  
*The Solar Reflectivity Index (SRI) – despite the fact that it has the word “reflectivity” in it regulates how dark or light a color is. It does not address the “reflectivity” of a material.*  
*When the committee was discussing it someone raised the question if there is a numeric way of gauging shininess. I don't know of any...*

Using SRI below 25 is incorrect for medium color roofs preferred by Planning Commission, and does not relate to shininess.

Attached is information to support this.  
Thank you,  
Missy (Mary) Jensen

 **Metal Roof SRI Levels Research\_Missy Jensen.pdf**  
51K

February 9, 2025

To: Victoria Beach, Don Goodhue, Mary Ann Schicketanz, Community Planning & Building Department, Carmel-by-the-Sea City Council

From: Missy (Mary) Jensen, Resident Carmel-by-the-Sea

A Review of SRI Rating Levels and How That Relates to Current Suggested Limit of 25 for a Roof

SRI, Solar Reflective Index, measures how well a surface (roof) reflects solar energy. This is important because some of the heat and radiation that could be absorbed by a roof is reflected. In hot climates and dense urban areas, the goal is to have higher SRI and to reflect light and heat from buildings to reduce cooling costs and heat island effect.

In researching the levels of SRI, I find that the SRI rating for a metal roof for Carmel-by-the-Sea needs to be rethought. The suggested SRI rating of below 25 offers only very dark colors. According to the research presented here, 25 is too low as can be seen in all 6 color charts and ratings from various companies below.

The SRI value ranges are consistent within the categories of light, medium and dark colors. If Carmel-by-the-Sea prefers not to have dark or light roofs, then preferred color range is better guidance than specifying a rating of SRI. Not specifying a rating level may be the best and most practical solution.

Here is a good recap generated by AI:

A typical metal roof color chart with SRI ratings would show lighter colors like white, light grey, and beige with significantly higher SRI values (indicating better heat reflection) compared to darker colors like black, dark brown, and deep blue, which have lower SRI values; here's a sample breakdown:

- High SRI Colors (70+):
  - White: Polar White, Regal White (SRI: 80-90)
  - Light Gray: Cool Gray, Dove Gray (SRI: 70-80)
  - Light Beige: Sandstone, Cream (SRI: 60-70)
- Medium SRI Colors (40-60):
  - Medium Gray: Ash Gray, Slate Gray
  - Taupe: Stone, Almond
  - Green: Evergreen, Patina Green
- Low SRI Colors (Below 40):
  - Dark Gray: Charcoal, Black
  - Dark Brown: Bronze, Copper
  - Dark Blue: Navy, Royal Blue

Here are color and SRI charts for six roofing companies which support the recap of light, medium and dark ratings.

- I. Western States Metal Roofing Color Card and SRI Ratings <https://f.hubspotusercontent30.net/hubfs/6069238/pdf/color-cards/4111-22-wsmr-color-card-standard-colors-pvdf.pdf>

2. CFP <https://cedarforestproducts.com/wp-content/uploads/2019/02/CFP-Metal-Roof-Color-Chart.pdf>
3. Berridge Chart of SRI Values <https://www.berridge.com/resources/chart-of-sri-values/>
4. Golf Coast Supply and Manufacturing [https://gulfcoastsupply.com/wp-content/uploads/2023/08/ColorChart\\_November2022\\_Digital.pdf](https://gulfcoastsupply.com/wp-content/uploads/2023/08/ColorChart_November2022_Digital.pdf)
5. PAC Clad <https://www.pac-clad.com/specs/color-availability-chart/>
6. ASC [https://www.ascbp.com/files/CCI50\\_CladdingColorChart.pdf](https://www.ascbp.com/files/CCI50_CladdingColorChart.pdf)

Thank you for your consideration of this research and the suggestion to eliminate the SRI rating and focus on color range.

Missy Jensen

More information:

Here is a link to an educational video regarding Reflectance, Emissivity, and SRI. <https://sheffieldmetals.com/learning-center/video/cool-metal-roofing-video/>. In the video at time 5:24, the findings from Lawrence Berkeley National Laboratory are quoted: "For every 1% increment in roof reflectance, surface temperature decreases 1 degree F. For every 10% increase in roof reflectance, heating and cooling costs drop \$0.02 per square foot per year." Higher gloss systems will typically reflect more and perform better in the field. Because of this, the reflectance among major manufacturers will typically be fairly close as the market has determined the balance between SRI performance and visual aesthetic.



**Carmel-  
by-the-Sea**

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

## In support of Missy & JD Jensen's appeal to the City Council 3/4/25

2 messages

**Robert Carver** <R[REDACTED]>  
To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>  
Cc: Missy Jensen <missy@jbjensen.com>

Mon, Feb 24, 2025 at 12:46 PM

I am writing in support of Missy & JD Jensen's application for an earth toned metal roof on their Mark Mills designed home at

Santa Lucia Ave, 2 NE of Scenic. The clean lines of a metal roof will complement the home's geometry and contribute to the fire hardening of the neighborhood.

**Robert M. Carver** AIA, LEED AP

**STUDIO CARVER ARCHITECTS**  
**ARCHITECTURE + PLANNING + INTERIOR DESIGN**

P.O. Box 2684  
Carmel, CA 93921

Phone: 831.6 CARVER (831.622.7837)  
Direct Line and VM: 831.250.1744  
E.Mail: [Robert@StudioCarver.com](mailto:Robert@StudioCarver.com)

Website: [www.StudioCarver.com](http://www.StudioCarver.com)

Physical Address for People and Packages:

**STUDIO CARVER ARCHITECTS, Inc.**

[3640 The Barnyard, Suite C32](#)

[Carmel, CA 93923 USA Earth](#)

Yesterday's future is here today.

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Nova Romero &lt;nromero@ci.carmel.ca.us&gt;

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## Metal Roof Appeal

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**'Richard Barrett' via cityclerk** <cityclerk@ci.carmel.ca.us>

Mon, Feb 24, 2025 at 2:01 PM

Reply-To: Richard Barrett &lt;[REDACTED]&gt;

To: cityclerk@ci.carmel.ca.us

Cc: jolander@ci.carmel.ca.us

Members of Carmel-by-the-Sea City Council,

At the March 4 City Council meeting, please approve a metal roof for the Jensens to replace their existing shake roof.

A standing seam metal roof would be an attractive and noncombustible material to replace the Cedar shakes on the Jensens' Mark Mills designed house. The Jenson house roof is simple without dormers, hips and valleys that would visually complicate a less planar roofscape.

The roof surface is not visible from the street.

A 2019 study by R&D Engineering found that metal roofs increased energy efficiency by as much as 218% against conventional 3-tab asphalt shingles. Additionally, a metal roof can reduce cooling costs by up to 25%

Asphalt shingles are petroleum derived products and manufacturing requires fiberglass, tar, and other petroleum products. Old composition shingles are not widely recycled and are not biodegradable. As petroleum based product, they are not considered sustainable.

Using standing seam metal roofing in an honest and natural manner (as opposed to stamping metal into Cedar shake patterns) fits the ethos of no faux materials in Carmel.

Thank you for your consideration.

**RICHARD FERSON BARRETT, ARCHITECT**

[24698 Dolores Street](#)

[Carmel, California 93923](#)

Phone: 831. 601-9377

Email: [rfbarchitect@comcast.net](mailto:rfbarchitect@comcast.net)

[www.richardfersonbarrett.com](http://www.richardfersonbarrett.com)



**Carmel-  
by-the-Sea**

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

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## Form submission from: Contact us

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**Larry & Katie Kelly** <info@ci.carmel.ca.us>

Mon, Feb 24, 2025 at 6:05 AM

Reply-To: [REDACTED]

To: cityclerk@ci.carmel.ca.us



02/24/2025 - 6:05am

[City of Carmel »](#)

### WEBFORM SUBMISSION

Submitted by anonymous user: [45.21.253.213]

Your name:

Larry & Katie Kelly

Your e-mail:



Message:

We are in favor of the metal roof for the Jensen's house on Santa Lucia.  
Fire resistant and unobtrusive.Larry and Katie Kelly

### CONTEXT INFORMATION

Profile contacted:

[City Clerk](#)

[View results](#)

[Download results](#)

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**Carmel-  
by-the-Sea**

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

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## **Metal roof**

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**Eric Miller <Eric@ericmillerarchitects.com>**

Tue, Feb 25, 2025 at 6:54 AM

To: "cityclerk@ci.carmel.ca.us" <cityclerk@ci.carmel.ca.us>, JD & Missy Jensen <missy@jbjensen.com>

To whom it may concern,

The metal roof, proposed by the Jensens, is consistent with the design language of the Mark Mills house. The material and color selected by the architect will compliment the home.

Also, as we all know, wood shake roofs are a fire hazard and represent a serious fire hazard for the City.

Please allow the proposed roof replacement.

Best,

Eric Miller Architect, AIA

*The information contained in this email is confidential information strictly meant for the use of this sender. If you are not the intended recipient, you are hereby prohibited to distribute, forward or copy any part of this communication and furthermore you are required to immediately delete the original message. Thank you.*

February 9, 2025

To: Victoria Beach, Don Goodhue, Mary Ann Schicketanz, Community Planning & Building Department, Carmel-by-the-Sea City Council

From: Missy (Mary) Jensen, Resident Carmel-by-the-Sea

A Review of SRI Rating Levels and How That Relates to Current Suggested Limit of 25 for a Roof

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Here is a good recap generated by AI:

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- High SRI Colors (70+):
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  - Taupe: Stone, Almond
  - Green: Evergreen, Patina Green
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2. CFP <https://cedarforestproducts.com/wp-content/uploads/2019/02/CFP-Metal-Roof-Color-Chart.pdf>
3. Berridge Chart of SRI Values <https://www.berridge.com/resources/chart-of-sri-values/>
4. Golf Coast Supply and Manufacturing [https://gulfcoastsupply.com/wp-content/uploads/2023/08/ColorChart\\_November2022\\_Digital.pdf](https://gulfcoastsupply.com/wp-content/uploads/2023/08/ColorChart_November2022_Digital.pdf)
5. PAC Clad <https://www.pac-clad.com/specs/color-availability-chart/>
6. ASC [https://www.ascbp.com/files/CCI50\\_CladdingColorChart.pdf](https://www.ascbp.com/files/CCI50_CladdingColorChart.pdf)

Thank you for your consideration of this research and the suggestion to eliminate the SRI rating and focus on color range.

Missy Jensen

More information:

Here is a link to an educational video regarding Reflectance, Emissivity, and SRI. <https://sheffieldmetals.com/learning-center/video/cool-metal-roofing-video/>. In the video at time 5:24, the findings from Lawrence Berkeley National Laboratory are quoted: "For every 1% increment in roof reflectance, surface temperature decreases 1 degree F. For every 10% increase in roof reflectance, heating and cooling costs drop \$0.02 per square foot per year." Higher gloss systems will typically reflect more and perform better in the field. Because of this, the reflectance among major manufacturers will typically be fairly close as the market has determined the balance between SRI performance and visual aesthetic.



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

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## Support Metal roof Santa Lucia Ave 2 NE Scenic Rd-APP25032

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**Buff LaGrange** <bufflagrange@gmail.com>  
To: cityclerk@ci.carmel.ca.us  
Cc: missy@j djensen.com, jolander@ci.carmel.ca.us

Thu, Feb 27, 2025 at 7:42 AM

Hello,

I am a local realtor, live up the street from the Jensen home and own a cottage at 2552 Santa Lucia Ave. I am in full support of a metal roof for the Jensen home, as I feel it is more important than ever to have a roof that is non-combustable and safer in the case of a fire. It just makes sense, even from an insurance perspective.

I also think that the look and color of the roof are very compatible to the style of the Mark Mills design and have no issue with the design element for Carmel.

Sincerely,  
Buff LaGrange

BUFF LaGRANGE  
**COLDWELL BANKER REALTY**  
[bufflagrange@gmail.com](mailto:bufflagrange@gmail.com)  
831.594.6566  
CalBRE#01264147



Nova Romero &lt;nromero@ci.carmel.ca.us&gt;

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## Jensen Roof

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**'Justin Pauly' via cityclerk** <cityclerk@ci.carmel.ca.us>

Fri, Feb 28, 2025 at 1:47 PM

Reply-To: Justin Pauly &lt;jtp@justinpaulychitects.com&gt;

To: "cityclerk@ci.carmel.ca.us" &lt;cityclerk@ci.carmel.ca.us&gt;, Missy Jensen &lt;missy@jden.com&gt;

Hello,

I am writing in support of the Jensen's metal roof application. I am confused as to why the City is struggling so much with metal roofs and why they cannot come up with guidelines on them. In the past, when the City asked my opinion on metal roofs I made the following recommendations:

- The roofs should not be used on complicated roof plans as the flashing and details make them look chunky and non-residential. In the case of the Jensen's roof, the plan appears to be simple gables and so the roof should look clean and elegant.
- The city should not allow "painted" or colorful metal roofs- like blue, green or red. While the Jensens have chosen a kynar coated roof...they have chosen a coating in a metallic color that should look nice with the wood siding currently on the house.

In this circumstance, I feel as though the roof should have been approved by the City.

Please let me know if you have any questions.

Best,

jtp

**justin pauly** architect

[jtp@justinpaulychitects.com](mailto:jtp@justinpaulychitects.com)

**JUSTIN PAULY ARCHITECTS**



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[www.justinpaulyarchitects.com](http://www.justinpaulyarchitects.com)





Nova Romero &lt;nromero@ci.carmel.ca.us&gt;

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**Fwd: March 4 agenda item: Salehi Encroachment**

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**Katherine Wallace** <kwallace@ci.carmel.ca.us>  
To: Nova Romero <nromero@ci.carmel.ca.us>

Thu, Feb 27, 2025 at 9:03 AM

Hi Nova,

Forwarding this to you.

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

From: **Carolyn Hardy** <chardy824@gmail.com>

Date: Wed, Feb 26, 2025 at 9:14 PM

Subject: March 4 agenda item: Salehi Encroachment

To: Dale Byrne &lt;dalebythesea@gmail.com&gt;, Bob Delves &lt;rdelves@ci.carmel.ca.us&gt;, Hans Buder &lt;hans@hansbuderforcarmel.com&gt;, Jeff Baron &lt;jbaron@ci.carmel.ca.us&gt;, Alissandra Dramov &lt;adramov@ci.carmel.ca.us&gt;

Cc: Carmel - Chip Rerig &lt;crerig@ci.carmel.ca.us&gt;, Carmel - Brandon Swanson &lt;bswanson@ci.carmel.ca.us&gt;, Katherine Wallace &lt;kwallace@ci.carmel.ca.us&gt;

Council,

I like to check your agendas to see what's on deck for the coming week and what you have to deal with. It's what I do in my spare time in retirement!

In looking over the Salehi request for an encroachment permit, I couldn't help but notice that the site plans submitted in your packet are deficient for making any determination where the property lines are and where the edges of the streets are located, and the like. It may not be an accurate site plan. You should insist on having reliable information. The map provided the city is not signed by a person authorized to practice land surveying in the State of California, which is a requirement of state law. I have learned this through osmosis!

I would encourage you to support staff's recommendations to deny the rock encroachments and step landing, but except the retaining wall that protects the driveway, and approve the low masonry stone walls subject to revocation in the future if conflicts ever arose.

And I would hope that the City Planning Department will be more vigilant in what they accept as "site plans", making sure that any map showing a property line is prepared by a person licensed in land surveying. Architects can't do it and contractors can't do it.

The City could be making decisions on "garbage in". And we know what happens with garbage in!

Best of luck,  
Carolyn Hardy

Sent from my iPad

MAR 03 2025

Office of the City Clerk

February 28, 2025

Members of the Carmel-by-the-Sea City Council,

I encourage you to approve the metal roof that the Jensen's have requested for their home on Santa Lucia. The matter will be on the agenda of the March 4th City Council meeting.

While I cherish Carmel's design aesthetic, was the executive director of a historic house and garden, and have a traditional cottage on Casanova, I also admire the metal roofs that have been installed recently on two nearby homes. With their brown coloring, they blend in beautifully with the tree canopy and foliage - to the extent that you hardly notice them.

I have an appreciation for metal roofs from two perspectives.

1) I previously owned an old stone farmhouse from the 1800's that had a galvanized standing seam roof. The metal roof looked perfectly appropriate on a house with such character.

2) When building a new home to LEED certified standards, a standing seam metal roof was recommended as being the environmentally responsible choice over other roofing materials.

Given that metal roofs are environmentally responsible, are a wise choice for fire protection, and can blend in well with our trees and structures, I hope you will encourage their use in Carmel.

The Jensen's have been appropriately thoughtful in their choice of roofing material. A brown metal roof is well-suited for their house, non-combustible, and would blend in with the setting.

Please approve the Jensen's request.

Respectfully,

Jennifer Budge





**Carmel-  
by-the-Sea**

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

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## APP 25032 (Jensen)

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'dianebobreid' via cityclerk <cityclerk@ci.carmel.ca.us>

Sun, Mar 2, 2025 at 2:54 PM

Reply-To: dianebobreid <[REDACTED]>

To: cityclerk@ci.carmel.ca.us

We are concerned about the arbitrary nature of the Planning Commission's denial of a metal roof for the Jensen home.

The Jensen home is perfectly suited for a metal roof. It is in character with the modern design by prominent architect, Mark Mills. The roof is largely unnoticed from street level and no impacted neighbor has raised objection to the proposal.

In addition, the applicant is clear that resistance to fire is a primary concern, as is the matter of insurability. There are other roofing material options available, but the proposed aluminum roof is preferable not only because it is non-combustible, but for reasons of structural strength, resistance to salt corrosion and long life.

There is no reasonable basis for denial of the Appeal, particularly since a number of metal roofs have been approved and installed in Carmel.

We urge the Mayor and City Council to defeat Resolution 2025-028 and rule in favor of Appeal (APP 25032).

Diane and Robert Reid

[REDACTED]  
Carmel

MAR 03 2025

Dear Mr. Baron, Carmel by the Sea City Council Members, and Mayor Byrne,

Office of the City Clerk

Please make sure this is distributed to all the council members and Mayor Byrne.

On December 14th, 2024, a huge City owned Cypress fell in a storm and caused damage to my and my neighbors conduit pipes housing all electrical wiring into our main power boxes. This tree did not border my property...but its reach could have actually done far more damage! We were lucky!!!

As a result, I went through the proper channels to file a claim with the city for reimbursement of expenses incurred by needing to hire an electrician to repair the damage before PG&E would agree to restore power. I spent many hours and made many calls to get this handled in hopes of getting power restored on a weekend, on the heels of a storm. I anticipated the possibility of the City making this simple process a complicated one. Therefore, I knew getting estimates would be a good idea and in the end would be a benefit for either party. Rather than spending \$2,000.00, or \$1,700.00, I ultimately accepted the estimate of the electrician who was willing to do it for \$1,300.00, as long as we were willing to wait until Monday, which we did. And, he did great work!!!

My claim was submitted on 12/20/24. A mere 11 days later I received a denial letter from Carl Warren and Company; the law entity representing the City. It would be wise for you to familiarize yourselves with the details of the this claim. Nova should have all the info along with pictures of the damage and the tree. I am happy to supply a copy of the denial letter if needed, but I highly suspect you already have that.

I have kept copious notes, copies of emails and a log of date/times I called and left messages for the City ( Nova) and my numerous attempts to reach a gal named Beth Devares at Carl Warren & Company. I should add that the only way I was able to get that name was from my neighbor. Upon my first attempt to reach anyone at Carl Warren & Company or possibly be transferred to their dispute department, I was informed no such department existed and the gal there had no one she could refer me to. Not helpful. To date, Beth has never responded. Nova was finally bothered enough to send me a short email verifying that my neighbors previous account of bringing the tree to the City's attention would have no bearing or be a consideration where our claim was concerned. I was disappointed that she couldn't be bothered to reach out via phone to answer the questions that I still had. Not disappointed enough, however, to keep reaching out. So, I reached out to an attorney friend of mine hoping he'd be able to help me understand what was truly happening here.

According to Carl Warren and Company the reason for denying the claim is as follows:

"In this subject matter, the City of Carmel by the Sea did not have any prior notification or complaints of an issue with the specific tree located on 10th Ave and Camino Real, Carmel by the Sea, CA.

Under Govt Code 835 (b) a public entity has to have actual or constructive notice of the dangerous condition under Section 835.2 and sufficient time prior to the injury to have taken measures to protect against the dangerous condition."

One would conclude: if the tree was previously brought to the attention of the City by the home owner suffering the damages, they would therefore be in compliance with the law and be able to seek reimbursements for damages caused. At least that's the obvious interpretation. Not withstanding, of course, the lack of clarity on what "sufficient time prior....." actually implies. Good grief.

Well, I've come to learn, this excuse or reason is also of no consequence to accurately legitimize the reason for denial. My neighbors, the ones who submitted a claim for the exact type and amount of damage, and who also received a denial for the same reasoning, DID indeed bring the tree in question to the City's attention in February of 2024. According to their subsequent follow-up with the City regarding re-consideration of the claim due to their having brought the tree in question to the City's attention almost a year prior to the incident, the decision for denial was left in place. Why? Apparently, it is enough for the City to deem the tree "healthy," in order to yet again, be absolved of any financial responsibility for damages. That is so incredibly convenient for the City, isn't it?

As an aside, it was evident after the tree fell that it was rotting from the inside out. So, not a healthy tree. However, let it be known, I do not even find it a relevant factor whether the tree is healthy or not. The length of the branches alone posed a threat!

I am however, left to wonder, is it the City's hope that the claimant will just go away because they value their time and/or the prospect of investing yet more of their own financial resources to litigate an even more daunting task? According to the denial letter from Carl Warren and Company, that is the only avenue available now. Shameful.

The irony of this situation is not lost on me. I doubt it will be for you as well. Eight (8!) months ago I had to bring the attention of a City owned oak tree whose limb overhangs our house to the City's attention. After having a new roof installed and providing pictures to our insurance company, they informed me they would not be renewing our insurance unless the limbs overhanging were removed. So, the lengthy process of reaching out to the City in order to get you to maintain YOUR tree, threatening MY asset, began. Eventually, I was able to obtain a letter from the City that was accepted by our insurance company in which the City verified they would take responsibility to trim the tree in question. I'm finding little humor in the fact that it took far longer for me to obtain the letter from the City than it took to receive the denial of our claim from Carl Warren & Company. A testament that indeed, things can actually happen fast if deemed important enough. Insurance was renewed. Phew. While I would much rather be saying 'Thank you' for dealing with your responsibility, perhaps you'll find it just as disappointing and maddening to know that to date, THIS TREE HAS YET TO BE TRIMMED!! According to my last correspondence with the City it was to be done by February 28th, 2025. This date being the third provided to me for time of completion. So, once again, I am forced to continue following up on this, as the idea of having to deal with the City AND our insurance company if damages occurred as a result of the City's negligence in maintaining their tree....well, that just sounds like no fun at all!

Why has it taken this long to get this handled?

Some have suggested I turn to my own insurance company to help deal with my claims issue. I am sure you can appreciate my hesitation in doing so.

Another Not So Fun fact: Other than the, "Application for Tree Evaluation, Pruning, or Removal" ( an application that also requires FAR more, albeit absurd, work by the owner than is needed, and especially absurd if regarding a city owned tree), the City's website has no information for owners regarding the requirements or protocol in how owners go about being in compliance with the current 'rules', and thus allowing them to be eligible for reimbursements for damages caused by City trees. However, I certainly was comforted to find a 6 page "Pruning Standard" document with detailed instruction and rules about, "how to trim a tree." Really?

After attending the meeting at the Women's Club on February 6th, 2025 meant to address concerns about the current protocols for fire preparedness, I walked away with several thoughts.

The whole meeting was more like a bandaid...lip service given in an attempt to comfort us if indeed a disaster were to occur. I wasn't comforted but I was educated to the fact of how unprepared we are.

It may surprise you to know that I would **never** expect anyone to be prepared enough to handle the magnitude of what was seen in the SoCal fires! Taking into considerations, a) the significant changes in weather patterns, b) coupled with the fact that we are set up / and adequately prepared to deal with fires of a much smaller ( single structure was the term used) scale and then of course, c) the current and continuing issues surrounding home owners insurance, my main question is, why are we not addressing the elephant in the room?

For all, but certainly not limited to, the reasons above, **NOW IS THE TIME** to wipe the slate clean and put the protection of the residents and their assets as **THE PRIORITY!** This means developing **NEW** protocols and procedures in alignment with the modern day risks we all now face by making it easier for owners to care for their assets. While this letter is specifically pertaining to trees, the above statement could as easily be applied for those of us trying to maintain houses so old ( or not) that even insurance payouts wouldn't begin to allow us to rebuild. Refer to the current requirements put upon owners to simply take responsibility to maintain their own trees! The cost of the actual tree work itself should be quite enough; adding fees/ the need to schedule and wait to have your Forester tell me IF my tree is allowed to be trimmed or removed all in the hopes of receiving permission to commence with the actual work is no doubt a waste of time and money for the owner. Ugh. What am I missing? **And it certainly means putting the onus of damages caused by City trees where it belongs. With the City.**

Why is it my responsibility to keep the City informed ( file for a permit/file a report ) about the status of its trees? I'd consider that a courtesy, not a mandate. And certainly not reason enough for the City to be absolved of taking responsibility for damages caused by their trees. If a neighbors tree causes damage to my property, they are not absolved of their responsibility simply because I failed to police their tree.

Why should the City not be held responsible for damages caused to residents and/or their property as a result of damage caused by a City tree?

So, I am left to conclude:

- 1) It is in the best interest of **each owner** to file and have on record complaints/concerns of **ANY and ALL City owned trees** that could potentially be a threat to their personal property, (regardless of the location of the tree). It is not enough that a neighbor also effected had previously brought forth issues.
- 2) If the City deems the tree as "healthy", (even if it is not), the prior notification on file indeed becomes null and void. Ultimately verifying the reason for denial as not accurate or true. What is a person to do?
- 3) The City values its trees more than the lives, well being, and the assets of the residents, even though they are often elected to provide outcomes and solutions to problems which may be a threat to the safety of residents and their assets. My house and my living in my house allows me to be a resident, therefore my asset should also be considered valuable to protect.
- 4) The City website clearly and conveniently has no notices or postings of any kind that addresses the protocol of what is needed for an owner to be in compliance in order to be eligible for reimbursement from the City for damages caused by City trees. Unless I'm missing something, this too I find incredibly convenient for the City.

- 5) The City finds it logical and acceptable to put the onus, tethered with permitting fees and extensive rules/regs, on its residents to file complaints/concerns/potential risks/ or the health of a tree, privately or City owned, with the City. And, in so doing still has no obligation to follow through on work needing to be done in a timely manner. Eight months and many storms later is **not** considered timely, no matter the reason.

From the outside, it appears the City continues to operate 'business as usual' in the face of ever changing environmental issues which unfortunately now pose additional risk factors for the owner to try and stay on top of....all while hoping its something that can be afforded. Our modern day risks and reality are not being reflected accurately or taken into consideration where the city's antiquated protocols and rules/regs are concerned. In the midst of deadly and costly examples for the world to see, being proactive, rather than reactive, by swiftly allowing and addressing fire MITIGATION would seem the wise choice for, at the very least, a modicum of hope in the face of a fire.....no matter the scope. If staffing shortages are an issue, all the more reason to put items in place which offer an easier path for owners to mitigate fire dangers; as well as the call to action for the City to manage and accept responsibility for its trees.

Looking for any advise from neighbors having dealt with anything similar to my issue, I posted an inquiry on NextDoor. I take absolutely no comfort in knowing, a) I am clearly not alone and b) that there are far worse stories bearing much heavier financial burdens by other residents living in the City of Carmel, resulting from fallen city trees. I feel particularly saddened to think of the elderly folks who have lived here for years, paid their taxes, done right by the City and its rules, and who live on fixed incomes having to navigate through this type of ordeal in the face of any type of tragedy or damage caused to them by the City.

While this is shameful for so many reasons, in the end, the only way I could help was to inform them of what I had learned. At the very least, they should feel absolutely compelled to file notice on any and every tree that could pose a threat. Even if they need to do it every year to stay in compliance with the nebulous "sufficient time prior....." section listed in the CA code. What they don't know yet, is that even if they do, chances are good, the City may find it's "out" by having the tree deemed 'safe.' I can't help but think of the old phrase, Damned if you do, damned if you don't.

From the front page article in the Pine Cone several weeks ago, I am hopeful that new perspectives may be emerging. The existing navigational challenges and the 'red tape' is exhausting and quite honestly, seems to make SO much work for ALL involved.

While I may not be privy to the ways, or all that goes into trying, to actually change long standing processes, I trust that is why we elect you to do the jobs you do. However, I certainly will continue to offer my input as a resident, albeit a very disgruntled one at the moment, as we are the ones effected by the decisions and choices you make.

Thank you for your time and I look forward to hearing your thoughts and answers to my inquiries.

Respectfully,  
Liz Gilliam



Nova Romero &lt;nromero@ci.carmel.ca.us&gt;

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**Fwd: March 4 agenda item: Salehi Encroachment**

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**Katherine Wallace** <kwallace@ci.carmel.ca.us>  
To: Nova Romero <nromero@ci.carmel.ca.us>

Thu, Feb 27, 2025 at 9:03 AM

Hi Nova,

Forwarding this to you.

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

From: **Carolyn Hardy** <[REDACTED]>  
Date: Wed, Feb 26, 2025 at 9:14 PM  
Subject: March 4 agenda item: Salehi Encroachment  
To: Dale Byrne <[REDACTED]>, Bob Delves <rdelves@ci.carmel.ca.us>, Hans Buder <hans@hansbuderforcarmel.com>, Jeff Baron <jbaron@ci.carmel.ca.us>, Alissandra Dramov <adramov@ci.carmel.ca.us>  
Cc: Carmel - Chip Rerig <crerig@ci.carmel.ca.us>, Carmel - Brandon Swanson <bswanson@ci.carmel.ca.us>, Katherine Wallace <kwallace@ci.carmel.ca.us>

Council,

I like to check your agendas to see what's on deck for the coming week and what you have to deal with. It's what I do in my spare time in retirement!

In looking over the Salehi request for an encroachment permit, I couldn't help but notice that the site plans submitted in your packet are deficient for making any determination where the property lines are and where the edges of the streets are located, and the like. It may not be an accurate site plan. You should insist on having reliable information. The map provided the city is not signed by a person authorized to practice land surveying in the State of California, which is a requirement of state law. I have learned this through osmosis!

I would encourage you to support staff's recommendations to deny the rock encroachments and step landing, but except the retaining wall that protects the driveway, and approve the low masonry stone walls subject to revocation in the future if conflicts ever arose.

And I would hope that the City Planning Department will be more vigilant in what they accept as "site plans", making sure that any map showing a property line is prepared by a person licensed in land surveying. Architects can't do it and contractors can't do it.

The City could be making decisions on "garbage in". And we know what happens with garbage in!

Best of luck,  
Carolyn Hardy

Sent from my iPad





March 4, 2025

City of Carmel-By-The-Sea  
City Council  
P.O. Box CC, Carmel-By-The-Sea, CA 93921

**RE: Written Testimony expressing concern over resolution to ban synthetic turf in Carmel-By-The-Sea.**

Submitted by:  
Melanie Taylor, CAE  
President and CEO  
Synthetic Turf Council (STC)  
2331 Rock Spring Road, Forest Hill, MD 21050

Dear members of the Carmel-By-The-Sea City Council:

My name is Melanie Taylor, CAE, President and CEO of the Synthetic Turf Council (STC). On behalf of STC, I am writing to express my concerns over the resolution to ban synthetic turf in the City of Carmel-By-The-Sea, California and what it could mean for families and communities if implemented.

As a 501(c)6 trade association, STC has represented the synthetic turf industry for more than 20 years. We represent over 190 members and promote industry excellence through voluntary guidelines, certifications, and other learning platforms. In particular, we serve as a resource for current, credible, and independent research on the safety and environmental impact of synthetic turf, as well as technical guidance on the selection, installation, maintenance, and environmentally responsible disposal of synthetic turf. Our membership includes representatives from every stage of synthetic turf production, installation and maintenance, including builders, design professionals, civil engineers, testing labs, maintenance providers, manufacturers, suppliers, installation contractors, infill and shock pad suppliers, and specialty service companies.

Communities, schools, businesses, and families across the country choose synthetic turf because of the significant benefits it offers, including being accessible year-round, being more affordable to maintain, and protecting the environment through reduced water and chemical use. The synthetic turf industry is proud to deliver quality products that make a positive difference and are used by thousands of communities nationwide.

## Environmental benefits of synthetic turf

There are many significant environmental benefits to using synthetic turf. First, synthetic turf greatly reduces water use and water pollution compared to what's needed to support grass systems. In states where water conservation is vital, one full-size synthetic turf sports field can save millions of gallons of water each year, depending on local climate and usage. Based on a 2024 [report](#) by the Vancouver Board of Parks and Recreation, a multi-field synthetic turf sports field uses 0 gallons of water per year as compared to up to 2.7 million gallons of water used for a grass field. Also, valley high schools in Henderson, NV estimate about [2 million gallons of water](#) saved for each grass field converted to synthetic turf and, "that's just going to further contribute to the water efficiency that we have seen in our communities," stated Bronson Mack from the Southern Nevada Water Authority. At the same time, the EPA [states](#) that of "the estimated 29 billion gallons of water used daily by households in the U.S., nearly 9 billion gallons, or 30 percent, is devoted to outdoor water use. In the hot summer months, or in dry climates, a household's outdoor water use can be as high as 70 percent."

Secondly, the use of synthetic turf reduces the need for toxic chemicals. With runoff of toxic pesticides and fertilizers as a principal cause of water pollution, synthetic turf reduces the need for significant amounts of harmful pesticides, fertilizers, fungicides, and herbicides which are used to maintain grass.

## Innovations in turf recycling and microplastics mitigation

When it comes to recycling, the synthetic turf industry is finding innovative solutions for fields at the end of their life. There are several examples of the work STC members are doing to reuse or recycle synthetic turf to avoid landfilling, including:

- [Shaw Sports Turf](#) recycles old synthetic turf into performance shock pads for new synthetic turf fields.
- [BestPLUS's GreenBoard](#), a plastic lumber product, is made with 98% recycled plastic, and at least 40% is from recycled synthetic turf.
- [TenCate](#) recently announced a program to efficiently convert used synthetic turf into a liquid feedstock, which can then be reused to create new synthetic turf and other valuable products.
- Finally, [AstroTurf](#) forged a strategic alliance with the Turf Recycling Plant (TRP) in Calhoun, Georgia, to pioneer a sustainable solution for the recycling of end-of-life synthetic turf systems.

As a consumer-driven industry, synthetic turf companies are constantly innovating to help designers, contractors, owners and users mitigate microplastic pollution by keeping the component materials in the field and out of the environment. Mitigation measures include: containment barriers, cleaning stations, drainage filters, maintenance control zones, field construction best practices, etc. The turf industry is continuing to develop [guidelines](#) and stewardship programs to ensure synthetic turf fields are properly managed before, during, and after their useful life.

Our industry takes seriously our commitment to sustainable practices and continues to innovate more recycling and responsible end-of-life solutions. Our industry is working together with

regulators and lawmakers in states nationwide to align on the best practices for end-of-life processes. We are committed to inspiring and connecting healthier communities through safe and sustainable spaces.

### **More play for children and expanded access**

In addition to its environmental benefits, synthetic turf provides play areas that ensure kids and families can safely stay active outdoors, rain or shine. Synthetic turf fields can be used consistently for various activities like sports, band practice, and community events, and can endure countless hours of play, reducing maintenance costs and providing a reliable surface for users of all abilities.

Synthetic turf allows families to enjoy its benefits and athletes to play year-round—in contrast, a grass field simply cannot remain usable at the same rate, in the rain, or during the months when grass doesn't grow. Synthetic turf fields provide a space for [multi-purpose competition](#), allowing multiple sports to be played on a single field thus supporting local economies. Additionally, as a sports field, synthetic turf expands access for all [communities](#), including underserved areas where resources for athletic and play fields are limited.

### **Long-term community benefits of turf in California**

Synthetic turf is a lasting investment that enhances public spaces for years to come. Synthetic turf transforms neglected areas into clean, usable spaces with minimal upkeep, maintaining its vibrant green appearance year-round and providing an aesthetically pleasing landscape. The money saved from using turf can be redirected to support critical community initiatives, allowing communities to focus on economic growth, infrastructure improvements, and expanding educational opportunities.

In various communities across California, synthetic turf fields have proven to provide substantial benefits, particularly in terms of increased safety for young athletes, their extended longevity, and the sense of unity they bring to communities. These fields have not only enhanced recreational facilities but have also become central hubs for fostering community engagement and promoting healthy lifestyles.

In Moreno Valley, the installation of a new synthetic turf field at March Field Park has been a significant boon for the community. Mayor Ulises Cabrera [remarked](#), "This beautiful soccer arena will continue to serve as a hub for our youth to learn important life skills such as teamwork, sportsmanship, and healthy competition." This sentiment underscores how synthetic turf can transform local recreational spaces into valuable assets for community development and youth engagement.

Similarly, in Visalia, the transition from a problematic grass field to a synthetic turf one has markedly improved player safety. The previous grass field was often muddy and difficult to play on, posing risks to young athletes. The new synthetic turf field, equipped with a cooling system, allows children to play safely in various weather conditions year-round. As Juan Castellanos, a parent in Visalia, [pointed out](#), "This new field is actually a matter of student safety," highlighting the crucial role that synthetic turf plays in ensuring a safe playing environment.

Moreover, the durability and sustainability of synthetic turf fields make them ideal for long-lasting recreational spaces. Kirk Shrum, superintendent of schools in Visalia, emphasized the long-term benefits, [stating](#), "This space is an incredible asset to our Highland community, and this field will be used for years to come." This durability not only supports ongoing community activities but also ensures that the investment in synthetic turf yields long-term returns for communities across the country.

Finally, take the City of Irvine, where their sports complex hosts over 5 million visitors annually. Last year, the city decided to expand the use of synthetic turf in the complex specifically because of the [benefits it provides](#) in increased access and more manageable maintenance. The city stated: "Synthetic turf is available for use all day, withstands diverse, heavy sports traffic, and can be used in the rain. These advantages mean a synthetic turf field will provide almost four times more use hours over its life cycle than a comparable, well-maintained, natural grass field."

The proposed ban in Carmel-By-The-Sea overlooks these benefits.

### **The synthetic turf industry's approach on PFAS**

STC members are committed to maintaining the highest quality standards for synthetic turf systems. Our member manufacturers proactively engage with their component and raw material suppliers to ensure that their products contain no PFAS-based ingredients, including polymeric PFAS processing aids. Additionally, our members self-audit through voluntary testing processes that rely on EPA-approved methods for individual PFAS analytes and/or a total organic fluorine test to verify the absence of intentionally-added PFAS. These tests are widely used and provide verifiable, consistent data across different projects and regions. While PFAS are unfortunately present in our environment, STC members are committed to do our part to ensure the absence of intentionally-added PFAS in our products.

### **STC welcomes the opportunity to work with policymakers and community members**

Synthetic turf provides environmental benefits, increased access, and cost savings to communities across the country. STC is committed to the safety of our product, good stewardship of the environment, and to the communities in Carmel-By-The-Sea that use turf everyday. Motions to ban synthetic turf hinder communities' ability to access these benefits should be reconsidered. STC looks forward to working with community leaders in Carmel-By-The-Sea to ensure families, businesses, schools, and others are able to continue to use turf and enjoy its benefits. We welcome the opportunity to work with you on this policy decision.

Thank you for your time and consideration.

Melanie Taylor, CAE  
President and CEO  
Synthetic Turf Council (STC)  
[www.syntheticurfCouncil.org](http://www.syntheticurfCouncil.org)



**Carmel-  
by-the-Sea**

Attachment 4

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

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## **Public comment on behalf of the Synthetic Turf Council (STC) – re: Resolution 2025-027, adopting an Artificial Turf Policy prohibiting the installation of artificial turf/synthetic grass in all zoning districts**

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'Jennifer Lee' via cityclerk <cityclerk@ci.carmel.ca.us>  
Reply-To: Jennifer Lee <jennifer.lee@pentagroup.com>  
To: cityclerk@ci.carmel.ca.us  
Cc: melanie@syntheticturfcouncil.org

Tue, Mar 4, 2025 at 9:48 AM

Good morning,

I'm submitting a public comment on behalf of Melanie Taylor, President and CEO of the Synthetic Turf Council (STC), attached and pasted below regarding Resolution 2025-027 ahead of this afternoon's hearing.

Please let us know if you have any questions.

Best,  
Jennifer

–

March 4, 2025

City of Carmel-By-The-Sea  
City Council  
P.O. Box CC, Carmel-By-The-Sea, CA 93921

**RE: Written Testimony expressing concern over resolution to ban synthetic turf in Carmel-By-The-Sea.**

Submitted by:  
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Synthetic Turf Council (STC)  
[2331 Rock Spring Road, Forest Hill, MD 21050](https://www.synthetic-turf-council.com)

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Similarly, in Visalia, the transition from a problematic grass field to a synthetic turf one has markedly improved player safety. The previous grass field was often muddy and difficult to play on, posing risks to young athletes. The new synthetic turf field, equipped with a cooling system, allows children to play safely in various weather conditions year-round. As Juan Castellanos, a parent in Visalia, [pointed out](#), "This new field is actually a matter of student safety," highlighting the crucial role that synthetic turf plays in ensuring a safe playing environment.

Moreover, the durability and sustainability of synthetic turf fields make them ideal for long-lasting recreational spaces. Kirk Shrum, superintendent of schools in Visalia, emphasized the long-term benefits, [stating](#), "This space is an incredible asset to our Highland community, and this field will be used for years to come." This durability not only supports ongoing community activities but also ensures that the investment in synthetic turf yields long-term returns for communities across the country.

Finally, take the City of Irvine, where their sports complex hosts over 5 million visitors annually. Last year, the city decided to expand the use of synthetic turf in the complex specifically because of the [benefits it provides](#) in increased access and more manageable maintenance. The city stated: "Synthetic turf is available for use all day, withstands diverse, heavy sports traffic, and can be used in the rain. These advantages mean a synthetic turf field will provide almost four times more use hours over its life cycle than a comparable, well-maintained, natural grass field."

The proposed ban in Carmel-By-The-Sea overlooks these benefits.

### **The synthetic turf industry's approach on PFAS**

STC members are committed to maintaining the highest quality standards for synthetic turf systems. Our member manufacturers proactively engage with their component and raw material suppliers to ensure that their products contain no PFAS-based ingredients, including polymeric PFAS processing aids. Additionally, our members self-audit through voluntary testing processes that rely on EPA-approved methods for individual PFAS analytes and/or a total organic fluorine test to verify the absence of intentionally-added PFAS. These tests are widely used and provide verifiable, consistent data across different projects and regions. While PFAS are unfortunately present in our environment, STC members are committed to do our part to ensure the absence of intentionally-added PFAS in our products.

### **STC welcomes the opportunity to work with policymakers and community members**

Synthetic turf provides environmental benefits, increased access, and cost savings to communities across the country. STC is committed to the safety of our product, good stewardship of the environment, and to the communities in Carmel-By-The-Sea that use turf everyday. Motions to ban synthetic turf hinder communities' ability to access these benefits should be reconsidered. STC looks forward to working with community leaders in Carmel-By-The-Sea to ensure families, businesses, schools, and others are able to continue to use turf and enjoy its benefits. We welcome the opportunity to work with you on this policy decision.

Thank you for your time and consideration.

Melanie Taylor, CAE

President and CEO  
Synthetic Turf Council (STC)  
[www.syntheticturfcouncil.org](http://www.syntheticturfcouncil.org)

Attachment 4

--

**Jennifer Lee**  
Associate, Strategy

C: +1 (415) 680-8656  
[jennifer.lee@pentagroup.com](mailto:jennifer.lee@pentagroup.com)

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**Public Comment - Carmel-By-The-Sea - Melanie Taylor, President and CEO of the Synthetic Turf Council (STC).pdf**  
271K



ERIC SCHLOSSER

March 3, 2025

Dear Members of the Carmel City Council,

Missy and J.D. Jensen have been our wonderful neighbors for more than two decades. They are deeply civic-minded, and they exemplify so much of what is best about Carmel.

The Jensen house is beautiful, discreet, and unobtrusive. A steel roof on the house *will not in any way detract* from the charm of our neighborhood. More importantly, allowing them to add a steel roof will help ensure that a fire won't destroy the neighborhood.

I feel badly that the Jensens have encountered so much difficulty gaining approval for this roof. But I'm glad that their battle has prompted a discussion about how to preserve the unique qualities of Carmel, while confronting the climate threats of the 21<sup>st</sup> century.

Metal roofs have been popular in the United States since the late 1700s. One was installed on Princeton University's Nassau Hall in 1802, after its wooden roof caught on fire, gutting the building. Thomas Jefferson was a strong advocate of metal roofs, using the material in his designs for Monticello and the University of Virginia. "I would advise you to cover with tin, not shingles," Jefferson wrote to an architect in 1821, "it is the lightest & most durable cover in the world."

I hope that common sense will now prevail. Steel roofs are practical, durable, fire-proof, and entirely in keeping with the traditional aesthetics of Carmel.

With best wishes,

A large black rectangular redaction box covers the signature area.

Eric Schlosser



**Carmel-  
by-the-Sea**

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

---

## Fwd: CC Agenda 3/4/25 Public Comment

---

'Tasha Witt' via cityclerk <cityclerk@ci.carmel.ca.us>

Mon, Mar 3, 2025 at 10:15 PM

Reply-To: Tasha Witt <tashawitt@[REDACTED]>

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

Tasha Witt  
[REDACTED]

Begin forwarded message:

**From:** Tasha Witt [REDACTED]

**Date:** March 3, 2025 at 4:02:09 PM PST

**To:** Dale Byrne <dbyrne@ci.carmel.ca.us>, Robert Delves <rdelves@ci.carmel.ca.us>, Jeff Baron <jbaron@ci.carmel.ca.us>, Alissandra Dramov <[REDACTED]>, hbuder@ci.carmel.ca.us, Chip Rerig <crerig@ci.carmel.ca.us>, Brandon Swanson <bswanson@ci.carmel.ca.us>

**Subject:** CC Agenda 3/4/25 Public Comment

Hello Council Members,

For tomorrow's agenda, I see one item I'd like to comment on which is the Ausonio project payment decision. My understanding is the city hired their services as project manager in charge of the \$175K city re-roofing project and the city roof was left unprotected when it rained and there was water damage in city hall. The result is the management company is asking the city to pay \$15k in addition for the repair and mess created due to improper weather proofing by their subcontractors. I see it was a 4-1 vote in favor of them receiving the payment to complete the project.

I have some experience in this area having a building project of my own in the city. I understand that contractor's don't have the funds to cover their mistakes and only have their insurance and liability to cover these type of issues. Also, we have seen that a lot of finger pointing those goes on between the contractor and sub contractors as to whom is at fault. It is clear the city is not at fault for the damage, yet is being asked to cover the cost. If the project manager cannot work with the subcontractor to employ their insurance to cover the cost of the repair work and the project manager is also unwilling to employ their insurance coverage, then I would expect at the very minimum that the project manager should not receive their typical 10-15% markup as their management fee on the repair. Basically, the project manager should not be profiting off the repair due to poorly managing the subcontractor in weather proofing city hall during the repair process.

Best,

Tasha Witt

Carmel-by-the-Sea resident  
[REDACTED]

**ANTHONY LOMBARDO & ASSOCIATES**  
A PROFESSIONAL CORPORATION

ANTHONY L. LOMBARDO  
KELLY MCCARTHY SUTHERLAND  
JOSEPH M. FENECH  
CODY J. PHILLIPS  
SHERYL A. FOX  
DEBORAH M. CASTLES

144 W. GABILAN STREET  
SALINAS, CA 93901  
(831) 751-2330  
FAX (831) 751-2331

March 4, 2025

Our File No: 5700.000

Chair Michael LePage  
City of Carmel Planning Commission  
P.O. Box CC  
Carmel-by-the-Sea, CA 93921

Re: DS 24207(Hermle-Collins)

Dear Chair Le Page and Members of the Planning Commission:

Our office represents Lynne Hermle and Craig Collins, owners of the property (“Property”) located at Mission Street 4NE of 1<sup>st</sup>. The Property is the subject of a Design Study Application 24207 (“Hapuna”). This matter was before the Planning Commission on October 9, 2024, and November 13, 2024.

A group submitted a letter to the Planning Commission (“Concerned Citizens Letter”) claiming that the City failed to properly comply with the California Environmental Quality Act (“CEQA”) with respect to its consideration of the Design Study of Hapuna. The Concerned Citizens Letter is incorrect both legally and factually and the City’s implementation of CEQA is, in fact, correct.

**THE PLANNING COMMISSION ACTION ON DS 24207 IS NOT A “PROJECT”  
FOR CEQA PURPOSES**

The Concerned Letter states that:

“CEQA review must be initiated and completed prior to any conceptual design approval because the conceptual design approval is functionally the approval of all substantial aspects of the project...”.

CEQA applies to discretionary projects that are carried out by a public agency. Public Resources Code (“PRC”) Section 21080(a). An activity must have two essential elements before it can be considered a project. First, action by the public agency must result in a form of entitlement or permit. Second, the activity must result in a direct (or reasonably foreseeable) physical environmental change. PRC Section 21065. To trigger CEQA, the public agency must propose to commit to a definite course of action on the proposed project, and no longer have the

discretion to impose modifications or mitigations. 14 C.C.R. Section 15352(a). Approval does not include an agency's "mere interest" in a project or inclination to support a project. 14 C.C.R. 15004(b)(4). Approval is deemed to occur when there is a commitment to issue a discretionary contract...permit...or other entitlement. C.C.R. Section 15352 (b).

In *Save Tara v. City of West Hollywood* (2008) 45 Ca. 4<sup>th</sup> 116, 139, the Court considered whether the city's approval of a conditional conveyance and development agreement with a developer amounted to project approval, and it stated the general test as follows:

[C]ourts should look not only to the terms of the agreement but to the surrounding circumstances to determine whether, as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives or mitigation measures that CEQA would otherwise require to be considered, including the alternative of not going forward with the project.

The consideration of a Concept Design Study does not satisfy the CEQA definition of "project" because action on a Concept Design Study does not result in issuance of an entitlement, permit or authorization. Approval of a Concept Design Study is a step in the process that leads to CEQA review. Further, approval of a Concept Design Study does not cause a direct or reasonably foreseeable indirect physical environmental change. The City has always and will conduct a CEQA analysis during the Final Details hearing.

**CEQA PROVIDES A CATEGORICAL EXEMPTION FOR THE CONSTRUCTION OF SINGLE-FAMILY RESIDENCES AND THERE IS NO EXCEPTION TO THE EXEMPTION THAT WOULD APPLY TO THIS PROJECT**

The Concerned Citizens Letter states:

"The three modern design homes do not qualify for Categorical Exemptions from CEQA review. If a project potentially falls within any of the categorical exemption classes the Lead Agency must evaluate whether any exception applies to disqualify the proposed project from exemption.....At least two exceptions apply to this three-house project. First the "cumulative effect of successive projects of the same time, in the same place over time is significant, and second, there is a reasonably possibility of significant effect on the environment due to unusual circumstances."

**THE CONSTRUCTION OF 3 HOMES.**

The reference to the "Project" being three modern houses, in a row, side-by-side, having the same owner, design team and builder" refers to DS 24207 (Hapuna), DS 24208 (Kailea) and DS 24209 (Ahana). Kailea and Ahana received conceptual design study approval on October 9, 2024.

However, 14 C.C.R. Section 15303(a) provides that "...up to three single-family residences may be constructed or converted under this exemption." Thus, the fact that there are three houses being built does not disqualify this project from qualifying for a categorical exemption.

### **UNUSUAL CIRCUMSTANCES**

A project that might otherwise be eligible for a categorical exemption will not be eligible for a categorical exemption if there is a reasonable possibility of a significant effect on the environment due to unusual circumstances (Unusual Circumstances Exception).

An agency's determination that the project presents unusual circumstances involves a factual inquiry under which the agency weighs the relevant evidence to determine if those circumstances are unusual in comparison with other projects in the exempt class. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal. 4 1086. The California Supreme Court found in this case that a 10,000 sq. ft. home in a neighborhood of 2,000 sq. ft. homes did not create an "unusual circumstance" even though there was a dramatic size difference in comparison to existing homes. The site had an extremely steep slope requiring significant excavation and significant tree removal. The Court concluded that these were not "unusual circumstances" for purposes of CEQA because these issues are common in the construction of a home.

Similarly, there is nothing about the construction of these three houses that are not normally associated with home construction including modern style homes being built in an older neighborhood or 3 homes being built at once (which is specifically defined in the CEQA exemption or other construction activities occurring in the vicinity of home construction). In fact, houses built together at the same time, with the same architectural style, by the same owner and developer are a tradition in Carmel. Please see a letter from Kent Seavey dated February 6, 2025 (copy attached as Exhibit 1), that documents previous such occurrences. Constrained parking for construction workers and demolition of existing structures are also common issues related to construction and not "unusual circumstances". The City will impose standard conditions of approval to address these issues so that the neighborhood will not be unduly burdened.

The remainder of proposed "unusual circumstances" contained in the correspondence are indicative of the misapplication of CEQA discussed in the January 31, 2025, Pine Cone Editorial (Exhibit 2). The presence of historical homes in the vicinity, foreseeable construction of commercial and utility projects in Carmel, and the recently adopted Housing Element would not even begin to justify an exception to the categorical exemption.

### **THE CONCERNED CITIZENS LETTER PRESENTS NO EVIDENCE TO SATISFY THE CEQA REQUIREMENTS FOR AN EXCEPTION TO THE EXEMPTION BASED ON CUMULATIVE IMPACTS OF SUCCESSIVE PROJECTS**

The Concerned Citizens Letter references past construction projects, trenching, approval of new projects, permitted and as yet unpermitted commercial projects, and the ludicrous proposition that the adoption of the City's Housing Element supports the claim that cumulative impacts of successive project satisfy CEQA requirements for an exception to the exemption based on cumulative impacts of successive projects. If this were the case, no development anywhere would qualify for a categorical exemption at any time.

The California Courts have made it clear that a project opponent cannot satisfy the CEQA requirements for showing a cumulative impact by simply listing other projects in the area or occurring at the same time. An opponent must also provide evidence that the impacts of the exempt project and other projects will have an identifiably significant impact on the environment based on substantial evidence. Speculation that significant cumulative impacts will occur simply because other projects may be approved in the same area is insufficient to trigger this exception. Listing other projects in the area that might cause significant cumulative impacts is not evidence that the proposed project will have adverse impacts or that the impacts are cumulatively considerable. *Hines v. California Coastal Comm'n* (2010) 186 CA4th 830, 857.

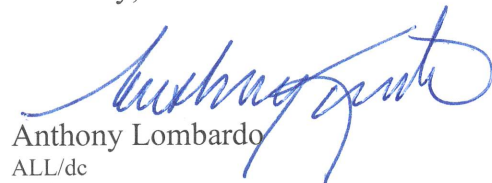
A laundry list of other activities which are or may occur in Carmel in the future is not evidence that the construction of these homes will have adverse impacts or that the impacts are cumulatively considerable.

### CONCLUSION

The correspondence from the project opponents indicates either a lack of understanding of the California Environmental Quality Act or, worse, an attempt to mislead the public and the Planning Commission.

The same individuals opposed the Hofsas House project on virtually identical grounds, which was rejected unanimously by the Carmel City Council, and the Planning Commission should do the same in the case of these three homes.

Sincerely,



Anthony Lombardo  
ALL/dc  
Enclosures

cc: Evan Kort, Senior Planner  
Brandon Swanson, Assistant City Administrator/Building Director  
Brian Pierik, City Attorney  
clients

KENT L. SEAVEY  
310 LIGHTHOUSE AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
(831) 375-8739

February 6, 2025

Mr. Anthony Lombardo  
Anthony Lombardo & Assoc.  
144 West Gabilan Street

Salinas, CA 93901

Dear Mr. Lombardo:

Thank you for the opportunity to discuss any historical precedents relative to the development of individual residential properties immediately adjacent to one another, in Carmel-By-The-Sea. Such development has occurred in the city since its inception in 1888, when Abby Jane Hunter's Women's Real Estate Investment Co. Built two Queen Anne style homes on 4<sup>th</sup> Ave. at Guadalupe, immediately adjacent. She would have added more on her then seven lots, but went out of business due to a national recession at the time..

Because, in part, Carmel was originally laid out on a standard period housing grid, lots were selling at very low prices, and were being purchased in groups for development. Hunter had about seven lots when she started. Some land sales were in hundreds of parcels throughout the evolving community. The cost benefit ratio of developing several properties adjacent to one another made sense due to constraints of access to building materials and transport at the time.

In the early 1920s contractor Hugh Comstock built such groupings off of Torres & 6<sup>th</sup> Ave. which became his general headquarters for many years. In 1928 Eastern Developer W. O. Swain was able to get Carmel to accept its first subdivision, made up of five Comstock cottages at Santa Rita & Ocean Ave. M.J. Murphy had done the same much earlier around Ninth & Monte Verde. His designs were a combination of vernacular & Tudor building types.

**EXHIBIT 1**

HISTORIC PRESERVATION MUSEUM INTERPRETATION

In the late 1920s, the Hatton Fields Tract opened for development. Local Carmel contractor S. S. Novak, working with Oakland based architect A. Nastovic began what would be a similar concentration of residential housing (4 to 6 houses) off the NW corner of 7<sup>th</sup> Ave. & Hatton Road. These were primarily Tudor types with one or two Spanish Eclectic designs. Several have been altered, but the concentration is clearly evident (the *Monterey Daily Herald* newspaper notes in an article dated 1/8/27, “Novak contemplates erection of four more houses in the Hatton Field District.” ) The “Norman Castle” described in the article is still in the cluster.

Another important example of of this form of group housing was a small complex of pre-WWII flat-roofed modern residences built on the sand dunes at the North end of Carmel beach, called “Sand & Sea”. It was developed in 1941 by Carmel Relator Elizabeth McClung White, with noted architect-designer, Jon Konigshofer, in what has come to be regarded as the Bay Region Modern Style (listed as one of the themes in the 2025 Carmel Historic Context Statement). At war’s end, in the late 1940s, a number of homes in this regionalist mode were built in Carmel by contractor Raymond Lloyd with Thomas Elston & Wm. Cranston, as were architects Albert Henry Hill, Robert Jones and others. The residential building type is still in vogue.

Another variation of the Modern architectural style emerged in the 1950s & 1960s, the Wrightian Organic style. It was not entirely different in principle from Bay Region Modernism. Local architects inspired by the work of Frank Lloyd Wright. Mark Mills a Taliesin fellow for four years, Rowan Maiden and Olaf Dahlstrand were all influenced by Wrightian methods. Albert Henry Hill & his engineer John Kruse designed and constructed a small cluster of modern residences called the “Three Sisters” on Lopez Ave. in 1961 with dramatic roof forms sheltering buildings constructed of local natural materials. Their Vivian Homes design business built at least twelve modern homes in Carmel in the 1960s.

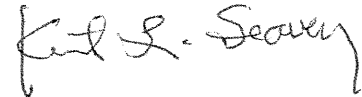
Modern homes in Carmel continue to be constructed within a historical trend of modest size and massing, employing natural materials and incorporating their landscape settings as a significant component of their designs. The aesthetic threads connecting them to their predecessors include independence and creativity in working with form and materials, knowledge of the lessons of the past, curiosity about the possibilities of new or different technologies, and a profound respect for the environment (see documentation provided).

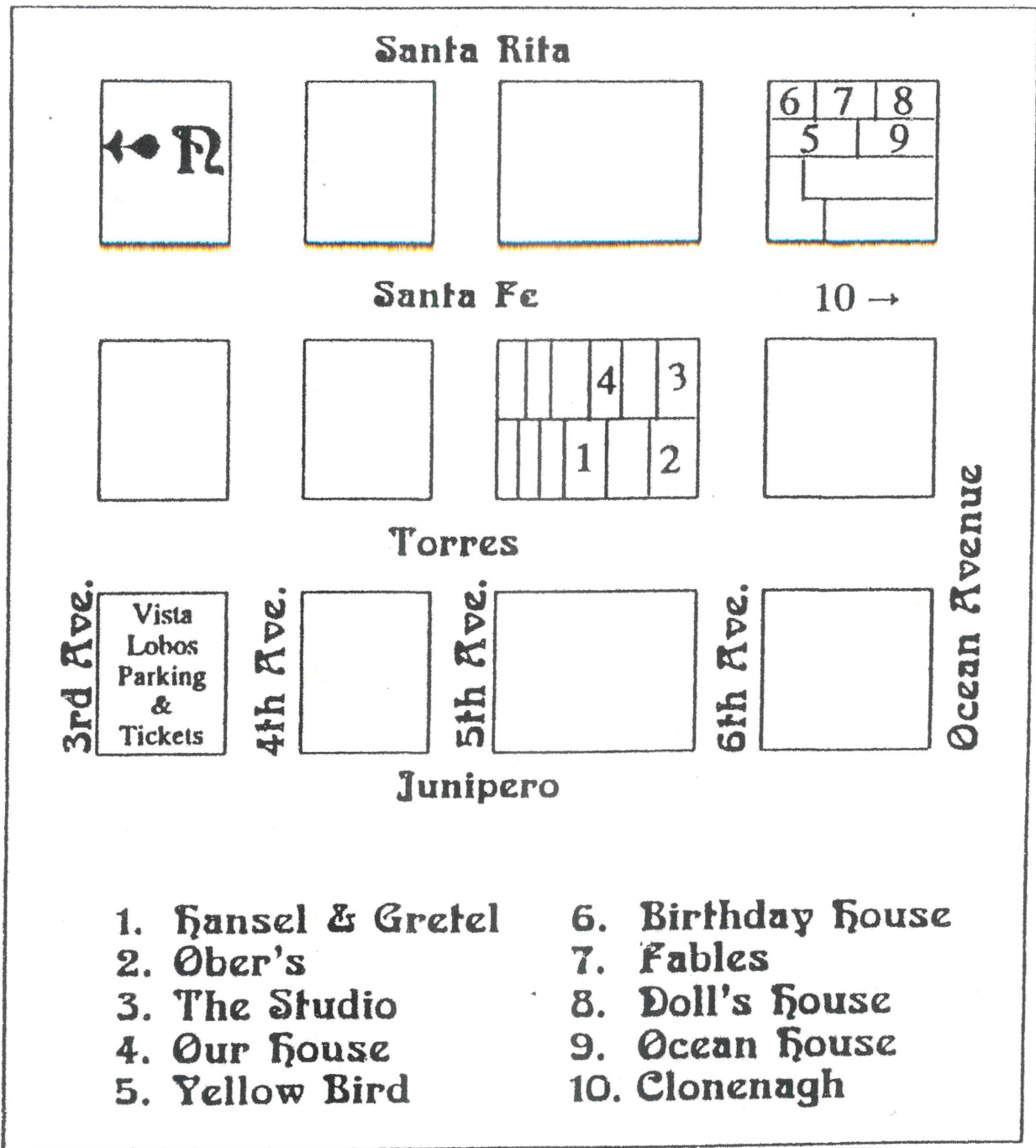


Modernism in building design in Carmel has been with us, in a sense, since California's new ideas of what a house should be appeared in Charles Keeler's 1904 publication "The Simple Home". The use of natural, local materials, open & airy designs, large expanses of glass windows, allowing the outdoor spaces to flow into the interior living spaces." Topography, vegetation and view shed were and are what matter in reasonable habitation.

These principles were echoed by noted American architectural historian Lewis Mumford, the *New Yorker* architectural critic who established the concept of Bay Area Regionalism in 1947, as "That native and humane form of modernism as a free yet unobstructed expression of the terrain, the climate, and the way of life in California." His cogent description of the architectural form, clearly should fit seamlessly into Carmel's concept of the "Carmel Tradition", as should these Small clusters of period residences constructed in the village, over time, and as should the proposed addition of the "Mission Sisters" grouping be recognized as part of this tradition.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Karl L. Seaver". The signature is written in dark ink and is positioned below the typed name "Karl L. Seaver".



Looking at the map of High Comstock and W.O. Swain's cluster of houses between 1924-1928. Swain, '26-'28.

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# ORIGINALITY IN HATTON FIELDS

Hatton Fields, the peninsula's newest fine home territory, is the site of a unique house which is now undergoing finishing touches under the direction of S. S. Novak, Carmel contractor.

Novak built the place for his own use, but Jack Orcutt, Monterey attorney, saw it and was taken with it that he bought it out of hand.

It is a chalk rock building, designed by A. Nastovic, Oakland architect, who was at one time connected with the architectural department at the University of Moscow. Nastovic has designed many of the homes in Hatton Fields.

The central room of the structure is a high ceiling studio chamber, with a huge fireplace. The ceiling is of stained wood with the rafters uncovered.

Two bedrooms, a kitchen and bath complete the home. Hardwood floors are being installed throughout.

The roof is of French tile, made in Carmel by the Carmel Tile and Roofing Company. The interior is of plaster.

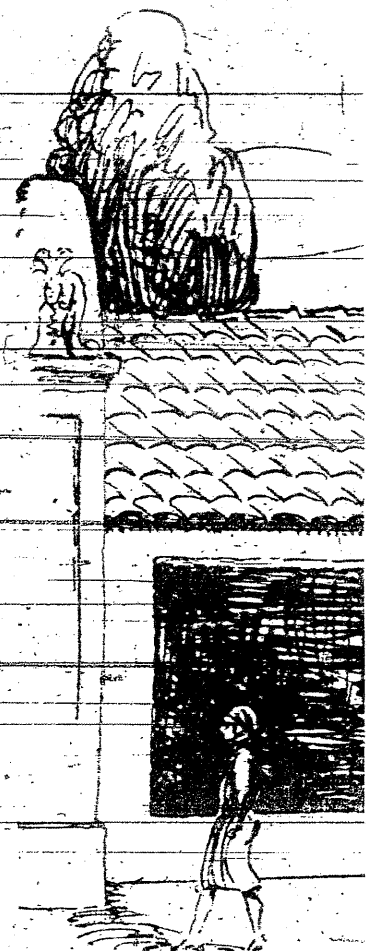
Sub-contractors include: M. J. Murphy, lumber and millwork; Carmel Tile Company, roofing; and A. Morrati, rock work.

Novak contemplates erection of four more houses in the Hatton Field district. One is to be a miniature Norman Castle, to be built for an Oakland couple. Two are to be Spanish type places, while the third, an English cottage, is to be occupied by himself.

### PLAYER SIGNS

NEW YORK, Jan. 8 (AP).

Rogers Hornsby today signed a two year contract to play second base and captain the New York Giants. Terms were not announced but the former St. Louis manager was given an increase over his Cardinal salary, which was \$30,000 a year.



This is the attractive new business district.

## ATTRAC CA

The men whose business accurately guess the future are some close figuring days of 1926, trying to advance the probable development of Carmel's business. "If wishes were fairs might ride," and prediction were certitude, men could coin money in few months.

THE CARMEL CYMBAL

June 15, 1926 p. 15

ABELARD

Page Eight)

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lists becomes as

SIX HOUSES TO GO UP  
IN HATTON FIELDS AT ONCE

Building in Hatton Fields is begin-  
ning with the construction of six hous-  
es, all designed by A. Nastovic, the  
man who is famous for the monu-  
ment to Alexander III at Moscow.  
Three of these homes will be located  
on Ocean avenue and the other three  
in among the trees to the south.  
Nastovic says that some of the houses  
will be of Spanish and others of Eng-  
lish architecture.



Looking NW off 7<sup>th</sup> Ave. at A. Nastovic's cluster of Tudor homes  
in Hatton Fields, 1927-1928, Photo, Kent Seavey, February, 2025.

Page 1 of 5

Resource Name or #: (Assigned by recorder) *Konigshofer-White-Sand & Sea Hist. Dist.*

P1. Other Identifier: *Elizabeth McClung White-Jon Konigshofer Development*

P2. Location:  Not for Publication  Unrestricted a. County *Monterey*

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad \_\_\_\_\_ Date \_\_\_\_\_ T \_\_\_\_\_ ; R \_\_\_\_\_ ; 1/4 of \_\_\_\_\_ 1/4 of Sec \_\_\_\_\_ ; E \_\_\_\_\_

c. Address: \_\_\_\_\_ City *Carmel-by-the-Sea* Zip *93921*

d. UTM: (Give more than one for large and/linear resources) \_\_\_\_\_ ; \_\_\_\_\_ mE/ \_\_\_\_\_ mN

e. Other Locational Data (Enter Parcel #, legal description, directions to resource, elevation, etc., as appropriate)

*West side San Antonio South of 4th MoCo Assessor's Parcels #s 10-321-16, 10-321-22, 10-321-24, 10-321-26, 10-321-28 Sand & Sea Plots 1,2,3,4,5*

Parcel No. *MoCo 10-321-16,*

P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

*The Sand and Sea District is part of a subdivision in Carmel that dates originally to 1900. Parcels 1 to 5, closest to San Antonio and 4th, were developed in 1941 by Elizabeth McClung White, a Carmel real estate agent, with designs for a house on each parcel by architect-designer Jon Konigshofer in an interesting mix of Modern Architecture and Craftsman Tradition details that have been characterized as the Second Bay Area Tradition.*

*The subdivision lies on the west side of N. San Antonio Street, projecting into the upper tier of the rolling sand dunes of Carmel Beach. It is flanked on the north by private residential property, with a large stand of mature eucalyptus trees. To the west are several dwellings in the Patterson Subdivision, from the 1970s, and to the southwest is the City of Carmel's Beach property.*

(See Continuation Sheet)

P3b. Resource Attributes: (List attributes and codes) *HP2 - Single Family Properties*

P4. Resources Present  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)



P5b. Description of Photo: (View, date, accession #)

P6. Date Constructed/Age and Sources:  
 Prehistoric  Historic  Both

*1941 - Carmel Building Files*

P7. Owner and Address  
*Multiple Owners*

P8. Recorded by: (Name, affiliation, and address)  
*Richard N. Janick, P.O. Box 223408, Carmel, CA 93922*

P9. Date Recorded: *8/28/2002*

P10. Survey Type: (Describe)  
*HRI Carmel 2001*

P11. Report Citation: (Cite survey report and other sources, or enter "none")

Attachments  NONE  Continuation Sheet  District Record  Rock Art Record  Other: (List)  
 Location Map  Building, Structure, and Object Record  Linear Feature Record  Artifact Record  
 Sketch Map  Archaeological Record  Milling Station Record  Photograph Record

Resource Name or #: (Assigned by recorder) *Konigshofer-White-Sand & Sea Hist. Dist.*

D1. Historic Name: *White-Konigshofer Development* D2. Common Name: *K-W Sand & Sea Historical District*

**D3. Detailed Description** (Discuss overall coherence of the district, its setting, visual characteristics, and minor features. List all elements of district.):

*The Sand and Sea District is part of a subdivision in Carmel that dates originally to 1900. Parcels 1 to 5, closest to San Antonio and 4th, were developed in 1941 by Elizabeth McClung White, a Carmel real estate agent, with designs for a house on each parcel by architect-designer Jon Konigshofer in an interesting mix of Modern Architecture and Craftsman Tradition details that have been characterized as the Second Bay Area Tradition.*

*Three of the four contributing buildings are flat roofed. The fourth, on Lot #5, has a low-pitched peaked roof. All are characterized by the use of horizontal wood siding, large, multi-paned, wood picture windows, wide overhanging eaves, horizontal exterior wood siding, large brick chimneys, and a lower wainscot of brick veneer. From the south they appear as unobtrusive elements on the landscape, framed behind an informal line of dense shrubbery on the south side, and a tall stand of eucalyptus trees to the north.*

*The siting of each house in the district takes into account the topography of the land and is respectful of the sight lines to the sand dunes of Carmel Beach. The individual lots are all irregular in plan, and the houses are situated on stepped terraces to allow each an unobstructed view of the sand dunes and Carmel Beach to the south and west.*

*The buildings on lots #2 through #5 are contributors to the district. The recent (1972) house on Lot #1 is a non contributor.*

**D4. Boundary Description** (Describe limits of district and attach map showing boundary and district elements.):

*Five irregular adjacent lots bound by San Antonio Avenue on the east; north, by an access passageway from San Antonio Avenue and 4th running down to Carmel Bay; south by city-owned sand dunes and beach extending from Carmel Bay to San Antonio Avenue, west by irregular lot boundary lines of lots developed in 1970s sloping toward Carmel Bay.*

(Continuation Sheet)

**D5. Boundary Justification:**

*The district includes Lots #1 thru #5 of the Sand & Sea Subdivision of 1941. It is bounded on the north, and northeast by N. San Antonio Road, and a private residential parcel, on the west by the Patterson Subdivision of 1972, and on the southwest and south by the public lands of the City of Carmel-by-the-Sea. The district includes only those lots of record noted above.*

**D6. Significance: Theme** *Architectural Development in Carmel* **Area** *Carmel-by-the-Sea*

**Period of Significance** *1880-1941* **Applicable Criteria** *CR#3* **Discuss district's importance in terms of its historical context as defined by theme, period of significance, and geographic scope. Also address the integrity of the district as a whole.)**

*The Konigshofer-White Sand and Sea District is significant under California Register Criteria #3 in the area of architectural development as a district of four intact houses designed by architect Jon Konigshofer for Real Estate Agent Elizabeth McClung White in 1941. Originally five distinct houses (two with detached garages) were designed. Only the two-story garage of Plot #1 was built, and a house was later added in 1972 by architect Warren Thompson. The other four houses, # 2, 3, 4, and 5 were all built and have had virtually no modifications. The blending of modern architectural materials with the natural site, the use of open plans and minimum maintenance were all important factors in the designs which are part of the Second Bay Area Tradition that was celebrated in Sunset Magazine and popularized by such architects as William Wilson Wurster, Harwell Hamilton Harris, Henry Hill, Clarence  
(See Continuation Sheet)*

**D7. References** (Give full citations including the names and addresses of any informants, where possible.):

1. Carmel Building Records, Planning Department, City Hall, Carmel
2. Carmel Historical Context Statement 1997
3. Original Plot Map (1941) by Jon Konigshofer for E. M. White

(See Continuation Sheet)

**D8. Evaluator:** *Richard N. Janick*

**Date:** *8/28/2002*

**Affiliation and Address:** *Richard N. Janick, P.O. Box 223408, Carmel, CA 93922*

**CONTINUATION SHEET**

Page 3 of 5 Resource Name or #: (Assigned by recorder)

Konigshofer-White-Sand & Sea Hist. Dist.

Recorded by: Richard N. Janick

Date 8/28/2002

Continuation  Update

D. 4 Boundary Description (Continued from Page 2)

Construction History

1. Permit #912 (August 2, 1941) Only two-story garage constructed. Original plans in file of attached gable roof house (not constructed) (Plot 1)
  - a. Permit #73-22 (January 31, 1973) New residence built by Patterson Family utilizing existing garage. Architect: Warren Thompson
2. Permit #848 (May 5, 1941) House No. 2 (Plot 2)
3. Permit #847 (May 6, 1941) House No. 3 (Plot 3)
  - a. Permit #959 (October 29, 1941) 2-car detached garage for House No. 3
4. Permit #844 (May 5, 1941) House No. 4 (Plot 4)
  - a. Permit #960 (October 29, 1941) 1-car detached garage for House No. 4
5. Permit #849 (May 6, 1941) House No. 5 (Plot 5)

D. 7. References (Continued from Page 2)

4. Plot Map (1966) by Clayton Neill Engineering - Original permit #s, dates and common names for each house
5. "Privacy in a Group," House No. 3- Sand & Sea designed by Jon Konigshofer, Sunset Magazine, January 1947. Photography by Morley Baer
6. Hale, Sharon, "A Tribute to Yesterday," 1980. Valley Press

D. 6. Significance (Continued from Page 2)

Mayhew and Gardiner Dailey, all of whom built houses in Carmel from the 1930s to the 1960s.

The Bay Area Tradition was coined by critic Lewis Mumford in an exhibition about Bay Area architecture in 1949 at the Civic Center Museum in San Francisco to describe the fusion of Modern Architecture materials and processes with the aesthetics and planning principles of the Craftsman Movement. The E.M. White houses by Konigshofer are perfect examples of this new genre that saw the new modest flat roof open plan houses become the heir of the single-wall gabled roof Craftsman Cottages of the 1920s and 30s. Eighty percent of the original development is intact which meets District definition standards, and the designs meet the criteria for architectural development as stated in the Carmel Historical Context Statement of 1997.

JON KONIGSHOFER

Born in Alameda, CA on January 13, 1907, Jon received his basic education locally. He spent two years at the University of Oregon prior to a stint as a merchant seaman that took him to New York. While in New York, he studied at the Art Students League with the view of becoming a magazine illustrator. Konigshofer had also studied design at the Oakland College of Arts and Crafts under Xavier Martinez and Hamilton Wolfe, supporting his studies as a draftsman with a local architectural firm. He came to Carmel in 1937 where he went to work for M. J. Murphy as a designer. He soon left the firm to strike out on his own.

He worked on the design of John Gardener's Tennis Ranch in Carmel Valley and remodeled the Pine Inn for Harrison Godwin and the LaPlaya Hotel for Fred Godwin. His first house design was for J. D. Greenan in 1938, a ranch style overlooking Mission Fields. His second design was for Marie Spreckels Etezalde. He did a lot of work at Pebble Beach including Big Crosby's house. In 1941, when Hollywood producer John Nesbitt brought in Frank Lloyd Wright to design and build a home for him in Pebble Beach, Jon Konigshofer was selected to supervise the project. Unfortunately, the building was never constructed, the principal reason being Wright's unwillingness to provide Nesbitt with a firm cost estimate for the building and the beginning of World War II.

Although never licensed as an architect, Jon Konigshofer's residential designs drew much attention and many were published in leading popular and professional journals in the late 1940s and 1950s. His work appeared in "Architectural Forum," "The Architectural Record," "House Beautiful," "Sunset," "House and Garden" and yearbook of the Encyclopedia Britannica.

In March of 1952, "Life Magazine" featured his "Hillside House" as affordable residential housing under \$10,000. Konigshofer's knowledge of Wright's concept of the Usonian House is clearly evident in his own designs. Jon Konigshofer is credited with at least 50 homes in Pebble Beach and more than 150 buildings, residential and commercial, on the Monterey Peninsula.

Elizabeth McClung White worked in the real estate business in Carmel as early as 1922 and particularly for Coastal Properties in the 1930s and 40s. She was also at one time an assistant manager of the Mission Ranch. A medical scholarship at the University of Virginia exists in her name.

The Konigshofer-White-Sand & Sea District clearly meets the criteria under architectural development as stated in the Carmel Historic Context Statement (1997).

**CONTINUATION SHEET**

Page 4 of 5      Resource Name or #: (Assigned by recorder)  
Recorded by:      Richard N. Janick

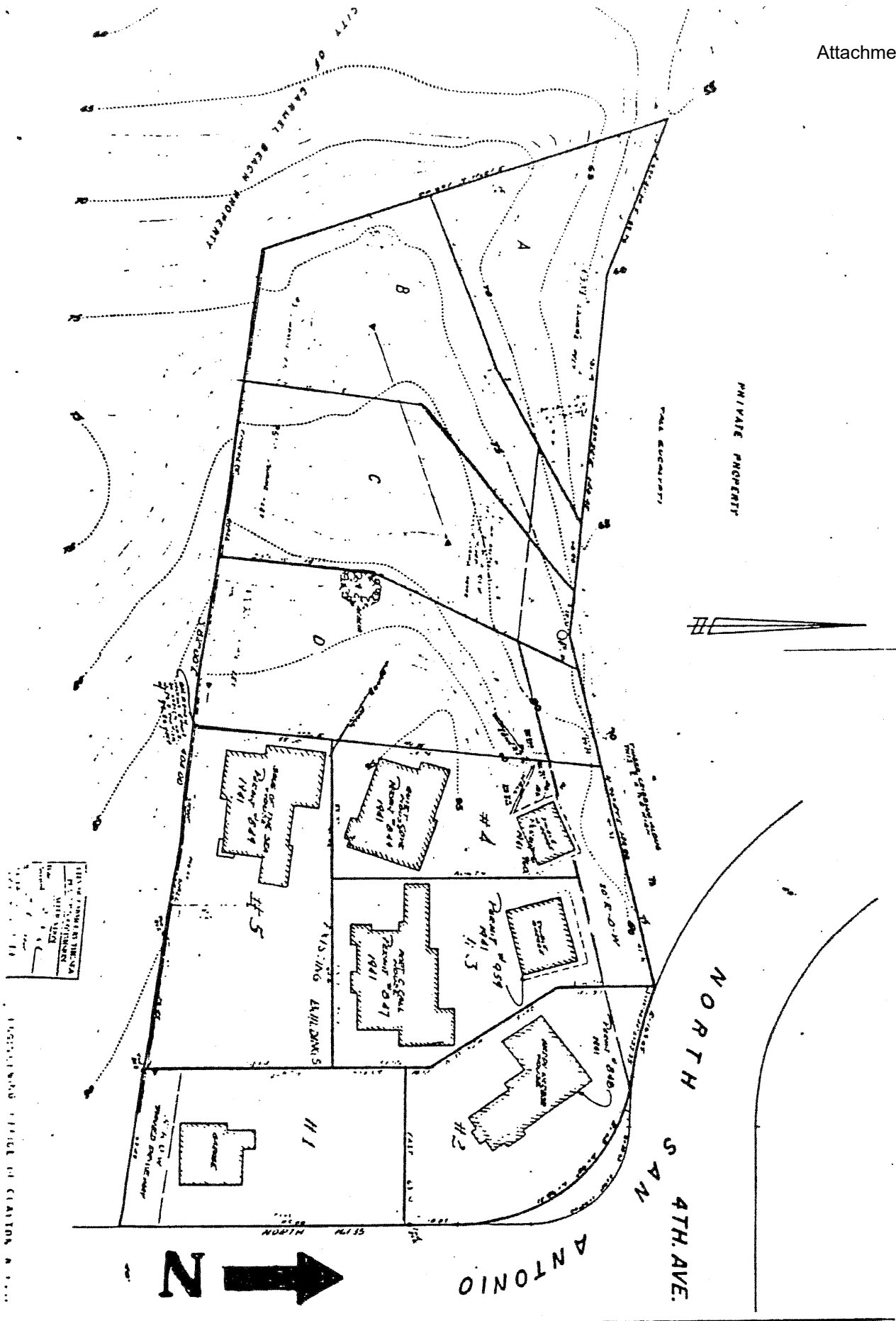
Konigshofer-White-Sand & Sea Hist. Dist.  
Date 8/28/2002       Continuation     Update

P. 3 Description (Continued from Page 1)

The siting of each house in the district takes into account the topography of the land and is respectful of the sight lines to the sand dunes of Carmel Beach. The individual lots are all irregular in plan, and the houses are situated on stepped terraces to allow each an unobstructed view of the sand dunes and Carmel Beach to the south and west.

Four of the originally planned five houses were constructed according to the drawings on file with the Carmel Planning Department, and have little or no evidence of alteration over time. Two detached garages to the north have been modified. A fifth house, originally planned for Lot #1 only had its garage base built. In 1972 a modern residence was constructed on the site, which is listed as a non contributor to the district.

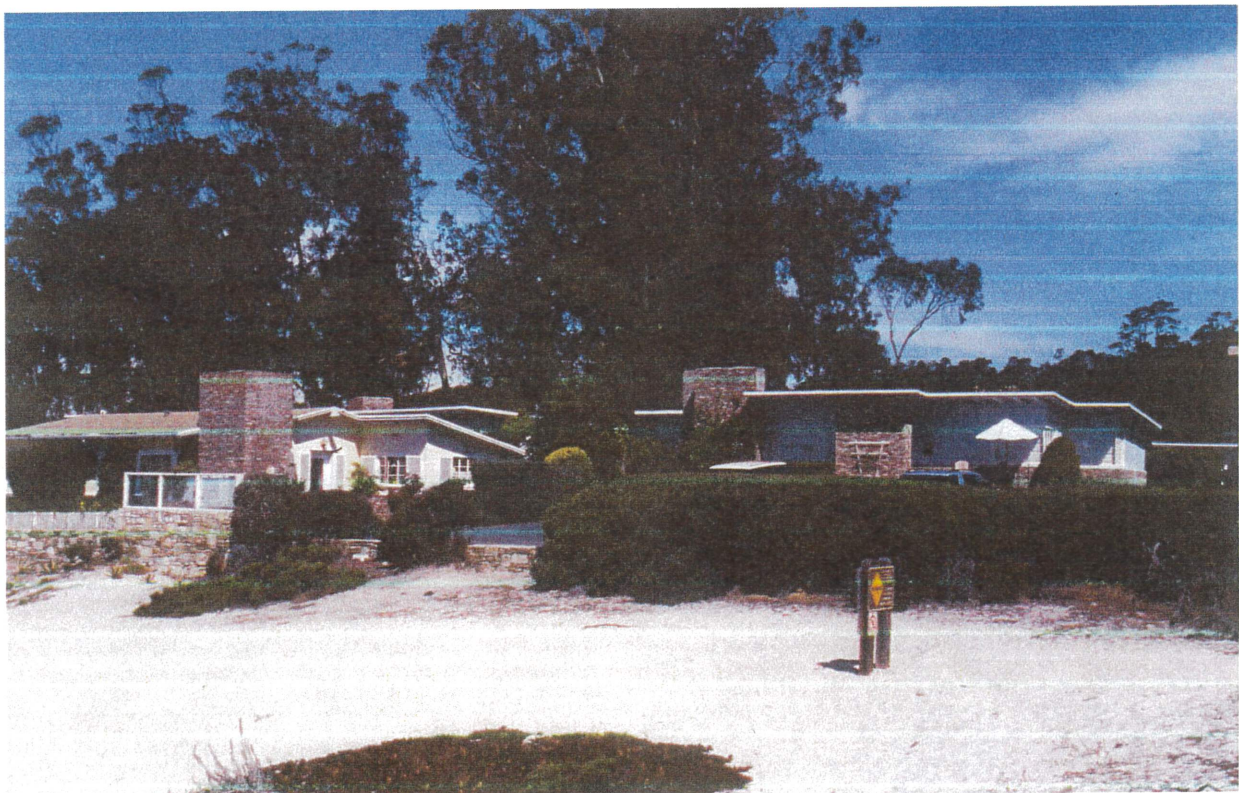




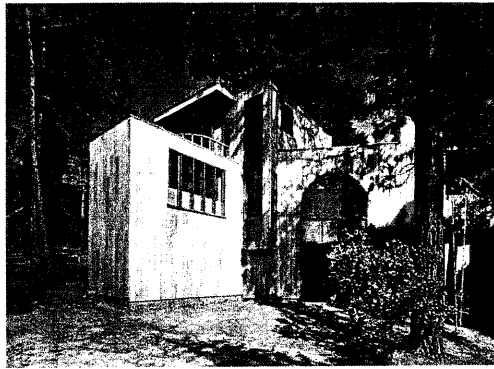
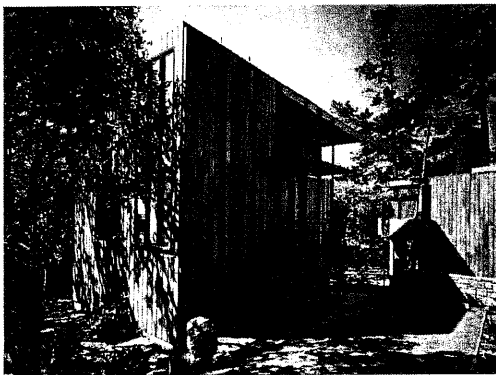
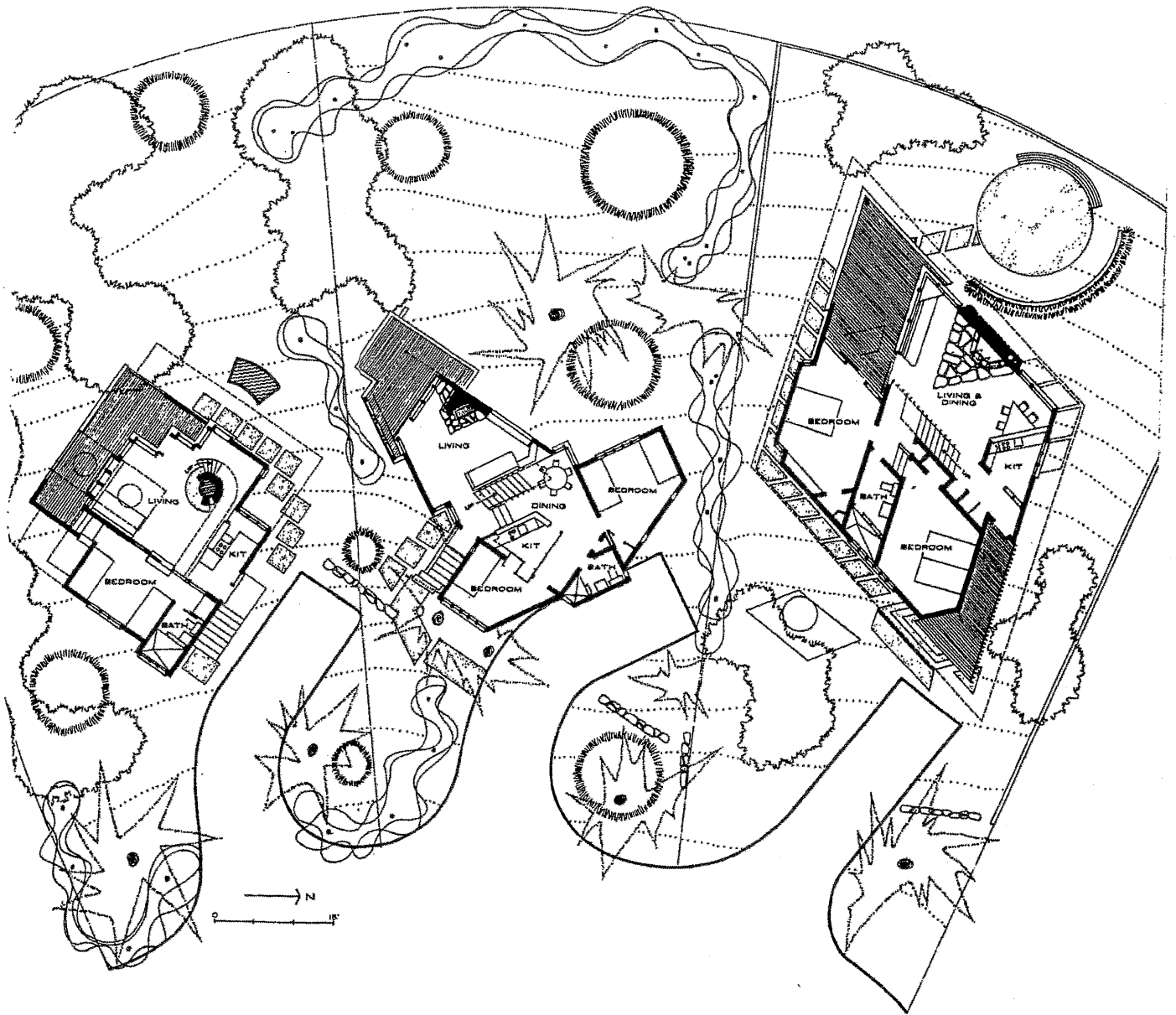
Looking North at modern "Sand & Sea" housing cluster, off 4<sup>th</sup> & San Antonio, 1941, by Jon Konigshofer, DPR523 image.



1950



2010



Looking at Albert H. Hills "Three Sisters" modern cluster, on Lopez 1963, note materials, natural setting, Photos unknown.

**Editorial**

**CEQA can't catch a break**

PITY THE poor California Environmental Quality Act. For decades, it was royalty in the Golden State, overriding local control of land uses, empowering environmentalists, frustrating property owners and giving thrills to all those narcissistic activists you see at every city council and county board of supervisors meeting.

So worshipped was CEQA, you'd think it was more infallible than the pope. At least, from the 1970s until just a few years ago, it was treated that way.

But things started to change when powerful politicians and their union allies started noticing that CEQA was getting in the way of projects that would benefit them. Sure, some poor schlub with an undeveloped lot in the middle of a city might spend years trying to figure out what CEQA required him to do, and then even longer in court trying to prove he did it, but when big-money projects started to get the same treatment, the Legislature and the governor rushed to create exemptions. Outstanding examples of this "good for thee but not for me" are the NFL football stadium in Inglewood, the NBA arena in Sacramento, freeway widening projects from San Diego to Eureka, all sorts of "sustainable" transportation proposals, and even major housing developments, provided they served a favored constituency.

As the years went by, it wasn't just things the politicians liked that were lost in the CEQA labyrinth. So destructive was the law, it created a massive housing shortage that even the most ardent no-growther could no longer ignore. And that's when things like the state housing mandates started to emanate from Sacramento — once again overriding local control over land uses, but this time, instead of blocking new development, the legislature and the governor started requiring it and waiving CEQA rules to make sure it happens.

And then came the fires in Los Angeles. This week, Gov. Gavin Newsom issued an executive order suspending not CEQA, but its evil twin, the Coastal Act, to help get the thousands of homes destroyed in Pacific Palisades and other communities rebuilt.

"We will not let over-regulation stop us from helping the L.A. community rebuild and recover," Newsom said.

The step came just days after the governor issued a separate order waiving environmental review and permitting requirements under the California Environmental Quality Act that he said would have resulted in delays for rebuilding efforts.

The entire effort led the Sacramento Bee to ask, "Do environmental rules even matter?"

"It is remarkable that Newsom put the Coastal Commission in a choke hold," wrote Tad Weber. "Over-regulation is the charge Republicans have leveled at the commission for years."

Environmental laws to protect species, be they plants or animals, "exist for a reason," Weber observed. "To keep mankind from exterminating creatures and polluting the planet, the only home for humans. But recent history shows how the rules meant to protect nature can also be abused to stop almost anything from being built."

You don't say!

California is finally acting with common sense when it comes to balancing environmental concerns with human needs. What's a shame is that it took so long — and a massive housing shortage and a deadly fire catastrophe — to get them to do it.

**BEST of BATES**

Attachment 4



"You're asking me how to get to Porta Bella? My memory went out when Doc Stanford's Drug Store folded."

**Letters to the Editor**

The Pine Cone encourages submission of letters which address issues of public importance. Letters cannot exceed 350 words, and must include the author's name and home town. We reserve the right to determine which letters are suitable for publication and to edit for length and clarity.

The Pine Cone only accepts letters to the editor by email. Please submit your letters to mail@carmelpinecone.com

**Preserving Flanders Dear Editor,**

The Friends of Mission Trail Nature Preserve board of directors would like to respond to the "Flanders Birthday" letter published in last week's Pine Cone. Our goal is to clarify certain misleading statements and share insights into our vision for Flanders Mansion, ensuring its place as a cherished part of the preserve, which we are honored to steward.

The Flanders Mansion Restoration Committee (part of Carmel Outlands) describes its proposal as a "low-impact plan that protects the property, complements Mission Trails, respects the neighborhood, and ensures financial sustainability." To the contrary, the proposal seeks to transform Flanders into a publicly accessible "event destination" where the appointed executive director and his family may reside, manage a commercial enterprise, and operate the property as a

"museum," misleadingly asserting that this use would involve no "personal gain."

Carmel Outlands' proposal overlooks the significant ramifications to the Mission Trail's habitats, trails, and wildlife. It also exposes Hatton Road and many surrounding area residents to the dangers and disruptions of increased traffic, parking, and noise, which will necessitate a costly environmental impact study.

To protect one of the most inviting and historic properties in the Carmel region—loved by neighbors, dog enthusiasts, birders, and local tourists — our group has partnered with concerned neighbors who strongly oppose this proposal. Our subgroup, Friends for Flanders, will establish a self-funded fellowship program that offers the community direction on forestry management, climate change, native plant expertise, best practices for fire safety, and effective forest and beach conservation.

Using the Mission Trail Nature Preserve as a living laboratory, our group, which has a 15-year track record of fundraising and stewardship, will oversee the restoration of Flanders Mansion to provide housing for a "resident ranger" and fellows for a set term. This genuinely "low-impact" solution respects the neighbors' needs and leaves the preserve as intended: a place of tranquility and beauty.

While we await the city council's strategic priorities directive for an open, transparent process, we present this alternative option that preserves our local gem and benefits our entire community.

For more information about our

See LETTERS page 29A

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**EXHIBIT 2**