

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION
REGULAR MEETING AGENDA**

Special Meeting
City Hall
East side of Monte Verde Street
Between Ocean & Seventh Avenues

June 11, 2014
Wednesday
No Tour Required
Meeting – 4:00 p.m.

I. CALL TO ORDER AND ROLL CALL

Commissioners: Jan Reimers, Chair
 Don Goodhue, Vice-Chair
 Michael LePage
 Keith Paterson
 Ian Martin

II. TOUR OF INSPECTION

No items.

III. ROLL CALL AND REORGANIZATION OF COMMISSION OFFICERS

IV. PLEDGE OF ALLEGIANCE

V. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS

VI. APPEARANCES

Anyone wishing to address the Commission on matters not on the agenda, but within the jurisdiction of the Commission, may do so now. Please state the matter on which you wish to speak. Matters not appearing on the Commission agenda will not receive action at this meeting but may be referred to staff for a future meeting. Presentations will be limited to three minutes, or as otherwise established by the Commission Chair. Persons are not required to give their name or address, but it is helpful for speakers to state their name in order that the Secretary may identify them.

VII. CONSENT AGENDA

Items placed on the Consent Agenda are considered to be routine and are acted upon by the Commission in one motion. There is no discussion of these items prior to the Commission action unless a member of the Commission, staff, or public requests specific items be discussed and removed from the Consent Agenda. It is understood that the staff recommends approval of all consent items. Each item on the Consent Agenda approved by the Commission shall be deemed to have been considered in full and adopted as recommended.

1. Consideration of draft minutes from May 15, 2014 Special Meeting

VIII. CONSENT AGENDA (PULLED ITEMS)

(This is a placeholder to be used only in the event that one or more items are pulled from the consent agenda.)

IX. PUBLIC HEARINGS

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

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| 1. AD 14-03 (Commercial Activities)
City of Carmel-by-the-Sea
Areas subject to the Beach and
Riparian Overlay District | Re-consideration of an Administrative
Determination (AD 14-03) for Clarification
on What Constitutes Commercial Activities in
the Beach and Riparian Overlay District |
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X. DIRECTOR'S REPORT

XI. SUB-COMMITTEE REPORTS

XII. ADJOURNMENT

The next meeting of the Planning Commission will be:

Regular Meeting – Wednesday, July 9, 2014, at 4:00 p.m.

The City of Carmel-by-the-Sea does not discriminate against persons with disabilities. Carmel-by-the-Sea City Hall is an accessible facility. The City of Carmel-by-the-Sea telecommunications device for the Deaf/Speech Impaired (T.D.D.) Number is 1-800-735-2929.

The City Council Chambers is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are available upon request of the Administrative Coordinator. If you need assistance, please advise the Planning Commission Secretary what item you would like to comment on and the microphone will be brought to you.

NO AGENDA ITEM WILL BE CONSIDERED AFTER 8:00 P.M. UNLESS AUTHORIZED BY A MAJORITY VOTE OF THE PLANNING COMMISSION. ANY AGENDA ITEMS NOT CONSIDERED AT THE MEETING WILL BE CONTINUED TO A FUTURE DATE DETERMINED BY THE COMMISSION.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning & Building Department located in City Hall, E/s Monte Verde between Ocean & 7th Avenues, during normal business hours.

**CITY OF CARMEL-BY-THE-SEA
PLANNING COMMISSION – MINUTES
SPECIAL MEETING OF MAY 15, 2014**

I. CALL TO ORDER AND ROLL CALL FOR TOUR OF INSPECTION

PRESENT: Commission Members: LePage, Paterson, Goodhue, and Reimers

ABSENT: Commissioners Members: None (one seat vacant)

STAFF PRESENT: Rob Mullane, AICP, Community Planning & Building Director
Marc Wiener, Senior Planner
Bryce Ternet, Contract Planner
Roxanne Ellis, Commission Secretary
Mike Branson, City Forester
Sharon Friedrichsen, Public Services Director
Cindi Lopez, Community Services Assistant
Janet Bombard, Library and Community Services Director

II. TOUR OF INSPECTION

The Commission convened at **2:30 p.m.** and then toured the following sites:

1. (SI 14-20) City of Carmel-by-the-Sea: Various beach access locations
2. (SI 14-19) Love Dentistry: SW Corner of Lincoln & 7th, Block 93; Lot(s) 1 & 3
3. (DR 14-09) L'Occitane: SE Corner Ocean & Mission, Block 78; Lot(s) ALL
4. (DS 14-21) Gordon Residence: NE Corner of Dolores & 2nd; Block 10; Lot(s) West ½ of 18 & 20
5. (DS 14-29) Darley Residence: 2nd 2 SW of Santa Rita, Block 24; Lot(s) West ½ of 1 & 3
6. (DS 14-14) Hawley Residence: Santa Fe 5 SW of 8th; Block 100, Lot(s) 9 & 11

III. ROLL CALL

Chairwoman Reimers called the meeting to order at **4:05 p.m.**

IV. PLEDGE OF ALLEGIANCE

Members of the audience joined Commission Members in the pledge of allegiance.

V. ANNOUNCEMENTS/EXTRAORDINARY BUSINESS

There were no announcements.

VI. APPEARANCES

1. Barbara Livingston, resident and CRA President, asked if everyone could remember to speak into the microphone.
2. Roberta Miller, resident, spoke regarding concerns she has with t-shirt vendors in the City selling other t-shirts besides Carmel-by-the-Sea t-shirts and asked that this be investigated.

VII. CONSENT AGENDA

Items placed on the Consent Agenda are considered to be routine and are acted upon by the Commission in one motion. There is no discussion of these items prior to the Commission action unless a member of the Commission, staff, or public requests specific items be discussed and removed from the Consent Agenda. It is understood that the staff recommends approval of all consent items. Each item on the Consent Agenda approved by the Commission shall be deemed to have been considered in full and adopted as recommended.

1. Consideration of minutes from April 17, 2014 Special Meeting.

Commissioner Paterson suggested that future minutes include the applicant's information as done for previous minutes. He also would like Resolution 14-01 (for Item #8: Review of the FY 2014/15 Capital Improvement Plan) to express his concerns about the capital improvement plan and the severe inconsistencies in the budget for the Scenic Avenue Restrooms.

Chair Reimers noted that for DS 13-149 (Sturdivant) it was stated that "project was issued a Notice of Ineligibility" and should be corrected to note that the residence is history and was issued a Determination of Consistency.

Rob Mullane, Community Planning and Building Director, noted that staff will revise the minutes accordingly.

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| 2. DS 13-120 (Tope) | Consideration of a Final Design Study (DS 13- |
| Andrew & Lara Tope | 120) and associated Coastal Development Permit |
| Forest Road 2 NW of 7 th Ave. | applications for alterations to an existing |
| Block 83; Lot 7 | residence located in the Single-Family |
| APN: 010-041-007 | Residential (R-1) Zoning District |

Chair Reimers opened the public hearing, and asked if any member of the public wished to pull any items. Seeing no public speakers or requests to pull any items, Chair Reimers closed the public hearing.

Motion: Commissioner LePage made a motion to approve the two items on the consent agenda with the adjustments made to the minutes as noted by the Commissioners. The motion was seconded by Commissioner Paterson and approved on the following vote:

AYES: COMMISSIONERS: LEPAGE, PATERSON,
GOODHUE & REIMERS
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE

VIII. CONSENT AGENDA (PULLED ITEMS)

There were no items pulled just corrections to the minutes of April 17, 2014 as noted in the record.

IX. PUBLIC HEARING

1. SI 14-20 (Beach Signage) Consideration of a Sign Permit (SI 14-20)
City of Carmel-by-the-Sea application and associated Coastal
Various beach access locations Development Permit for new waterfront
including those along the shoreline signage along Carmel Beach and Scenic
between 4th Ave. and Martin Way Pathway
APNs: various including 010-331-
001 and 010-321-007

Mike Branson, City Forester, presented the staff report showing examples of the proposed signage.

Chair Reimers opened the public hearing.

Speaker #1: Barbara Livingston noted concerns with the number of signs proposed and spoke in support of including street identifiers and limiting the number fires on the beach.

Speaker #2: Cassandra Hazen spoke in favor of eliminating the beach fires altogether. Supports having consistency with street identifiers.

Speaker #3: Kathy Bang supports the signs and suggest that signs clearly state where fires are and are not permitted.

Speaker #4: Elinor Laiolo supported the addition of signage regarding no sleeping on beach.

Seeing no other speakers, Chair Reimers closed the public hearing.

There were several questions and suggestions from Commission to staff related to the design, placement, and modifications of the signage. The Commission's overall desire was to have a more professionally designed theme be developed and brought back.

Motion: Commissioner LePage made a motion to continue application with the direction given by the Planning Commission. The motion was seconded by Commissioner Paterson and approved on the following vote:

AYES: COMMISSIONERS: LEPAGE, PATERSON, GOODHUE
& REIMERS
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE

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| 2. AD 14-03 (Commercial Activities) | Consideration of an Administrative |
| City of Carmel-by-the-Sea | Determination (AD 14-03) for Clarification |
| Areas subject to the Beach and | on What Constitutes Commercial Activities in |
| Riparian Overlay District | the Beach and Riparian Overlay District |

Rob Mullane, Community Planning and Building Director, presented the staff report and spoke relative to past events and current events.

Cindi Lopez, Community Services, answered several questions from the Commission.

Chair Reimers opened the public hearing.

Speaker #1: Barbara Livingston spoke in support of not having commercial activity in the beach areas and noted that the Wines by the Glass event is definitely a commercial activity. She recommended requiring a tie to recreation.

Seeing no other speakers, Chair Reimers closed the public hearing.

The Commission discussed what defines commercial activity and provided comments and questions related to: the exchange of money, restricting beach access, promotion of service/product, number of people events attract, preserving natural resources, and the purpose of the beach being used recreationally and socially.

The Commission was not supportive of special events in the North Dunes area, as this is an environmentally sensitive area. The Commission noted that one way of defining commercial activity is something that has a promotion of a service or product, regardless of whether there is a charitable beneficiary. Such a definition would include the Wines by the Glass event. Events should also not be exclusive, and instead should be open to the public. They should also not restrict or interfere with public access to the beach. There was a recommendation to consider difficult requests on a case by case basis and bring these to the Planning Commission. Large events should be restricted or prohibited because of their larger impacts.

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| 3. DS 14-14 (Hawley) | Consideration of Final Design Study (DS 14- |
| Charles Hawley | 14), Use Permit (UP 14-11), and Coastal |

Santa Fe St. 5 SW of 8th Ave.
Block 100; Lots 9 & 11
APN: 010-053-003

Development Permit applications for the demolition of an existing residence and construction of a new residence located in the Single-Family Residential (R-1) Zoning District

Marc Wiener, Senior Planner, presented the staff report including a summary of recommendations made to applicant on the driveway re-grade plans , the lowering of the ridge height by one foot, the replacement of tree on property, light fixtures, placement of windows and fence for privacy to neighbors.

Chair Reimers asked the applicant to address the Commission.

Speaker #1: Merritt Hawley, Project Architect, answered questions from the Commission and requested reconsideration for the recommendation to lower the ridge height.

Chair Reimers opened the public hearing.

Speaker #2: Ole Pedersen, neighbor, spoke in support of a taller fence and the applicant relocating the big window outside Mr. Pedersen's master bedroom.

Speaker #3: Barbra Livingston, asked if a 3-D rendering could be provided to Commission by the applicant.

Seeing no other speakers, Chair Reimers closed the public hearing.

Motion: Commissioner LePage made a motion to accept the Design Study as presented with the special conditions as noted in the staff report and require applicant to build a 7 foot fence to the rear of the property. The motion was seconded by Commissioner Paterson and approved on the following vote:

AYES:	COMMISSIONERS: LEPAGE, PATERSON, GOODHUE & REIMERS
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

4. DR 13-40 (Cortile San Remo Bldg.) Greg Schultz
Lincoln 4 NE of 6th Ave.
Block 55; Lots 10 & 12
APN: 010-138-019
- Consideration of a Design Review (DR 13-40) application for alterations to a building located in the Service Commercial (SC) Zoning District. The applicant is proposing to remodel the exterior of the Cortile San Remo Building and is also proposing alterations to the Su Vecino Court.

Mr. Wiener presented the staff report and summarized the request. The Commission had questions on the proposed design including the balcony width, proposed reclaimed brick in the courtyard, and the non-conforming use of the restaurant on the second story of the building; these questions were addressed by Mr. Wiener.

Chair Reimers asked the applicant to address the Commission.

Speaker #1: Anthony Lombardo, spoke on behalf of the applicant regarding the balcony and noted that the applicant does not plan on using it for additional dining space.

Speaker #2: Claudio Ortiz, Project Architect, went over the project revisions and clarified the purpose of two water fixtures is to draw people into the courtyard. Mr. Ortiz spoke in favor of brick patterns that would appease the Commission and the neighboring property owner.

Chair Reimers opened the public hearing.

Speaker #3: Greg Schultz, Applicant/Building Owner, spoke in favor of working with staff and neighbor on an acceptable brick pattern.

Seeing no other speakers, Chair Reimers closed public hearing.

Motion: Commissioner LePage made a motion to accept the application with revisions to the conditions of approval as follows: Special Condition #11 to leave the balcony size as-is and Special Condition #12 to work with staff on an acceptable patio brick pattern that provides more design interest. The motion was seconded by Vice Chair Goodhue and approved on the following vote:

AYES:	COMMISSIONERS:	LEPAGE, PATERSON, GOODHUE, AND REIMERS
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	NONE

5. SI 14-19 (Love Dentistry) David Love SW Corner of Lincoln & 7 th Ave. Block 93, Lots 1 & 3, APN: 010-192-001	Consideration of a Sign Permit (SI 14-19) application request for a second business sign for a business located in the Residential and Limited Commercial (RC) Zoning District
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Chair Reimers recused herself from the discussion because she owns property in proximity to the project site and left the dias.

Bryce Ternet, Contract Planner, presented staff report and summarized the request. He noted that a primary sign had recently been approved at the staff level, and has been installed in the courtyard near the business's entrance.

Mr. Mullane clarified that the applicant is proposing a flush-mounted wall sign and noted that there are no other wall-mounted signs on the 7th Avenue frontage of the building. He also provided more information on the City's requirement that all requests for multiple business signs go to Commission for approval. He noted that many businesses have multiple sign, some of which were properly permitted prior to the revisions to the City's signage regulations, but that many of these have been installed without permits.

Chair Goodhue asked the applicant to address the Commission.

Speaker #1: David Love, applicant, spoke on the history of signage at the site and the need for a second sign so that his patients can locate his office from the street. He distributed some exhibits to the Commission regarding the location of signage.

Vice Chair Goodhue opened the public hearing.

Speaker #2: Fred Taylor, Project Contractor, presented additional sign exhibits and provided additional information about the request.

Speaker #3: Roberta Miller stated she is not in favor of a second sign.

Speaker #4: Robert Banfield spoke in support of a second sign.

Seeing no other speakers, Vice Chair Goodhue closed the public hearing.

The Planning Commission discussed the City's sign regulations and the need to serve the business associated with this application. Topics included the business not being able to be easily located, the courtyard's business directory, the current sign and proposed sign being faux marble and not being consistent with the City's signage regulations.

Motion: Commissioner LePage made a motion to accept application SI 14-19 with the following conditions: that applicant submit a sign that meets the sign standards which would be installed at the 7th Avenue elevation or the exterior hallway location and that the applicant must remove the existing hanging sign over doorway but could replace that with a door sign no bigger than 3" x 12" to be affixed on the doorway. The motion was seconded by Commissioner Paterson and approved on the following vote:

AYES:	COMMISSIONERS: LEPAGE, PATERSON, AND GOODHUE
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: REIMERS

6. DS 14-29 (Darley)
Robert Darley

Consideration of Concept Design Study (DS
14-29) and associated Coastal Development

2nd Ave., 2 Southwest of Santa Rita
Blk 24; West ½ of Lots 1 & 3
APN: 010-028-002

Permit applications for the demolition of an existing residence and construction of a new residence located in the Single-Family Residential (R-1) Zoning District

Chair Reimers returned to the dais. Commissioner Paterson recused himself from the discussion and left the dais.

Mr. Wiener presented the staff report and summarized staff concerns with lack of diversity in architectural style, privacy and views, mass, and scale related to project.

Chair Reimers asked the applicant to address the Commission.

Speaker #1: Robert Darley, Applicant/Owner, went over the project, submitted a rendering of the front elevation, and addressed questions from the Commission.

Chair Reimers opened the public hearing.

Speaker #2: Barbara Livingston announced that she does not support the approval of this design study due to the residence to the west being similarities in design.

Seeing no other speakers, Chair Reimers closed the public hearing.

The Commission commented on the similarities of design and location being on a busy street. Mr. Darley addressed the comments and questions of the Board.

Motion: Chair Reimers made a motion to continue the application with the following direction: to modify the design of house to lessen the visual impact of the roof from the view of the street, to encourage the retention of the proposed materials, and to have the house redesign looks considerably different from the adjacent residence to the west. The motion was seconded by Vice Chair Goodhue and approved on the following vote:

AYES:	COMMISSIONERS:	LEPAGE, GOODHUE, AND REIMERS
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONRES:	NONE
ABSTAIN:	COMMISSIONERS:	PATTERSON

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| 7. DS 14-21 (Gordon)
Kathleen Gordon
NE Corner of Dolores and 2 nd Ave.
Blk 10; West ½ of Lots 18 & 20
APN: 010-126-021 | Consideration of Concept Design Study (DS 14-21) and associated Coastal Development Permit application for the construction of a new residence located in the Single-Family Residential (R-1) Zoning District |
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Commissioner Paterson returned to the dais.

Mr. Wiener presented the staff report and gave a summary of the design study. Mr. Wiener noted that two letters regarding the project and that these letters have been provided to Commission. One of the letters was from the adjacent neighbor to the east expressing concerns on impact of views, solar access, and privacy. The other letter was from the project applicant.

Chair Reimers asked the applicant to address the Commission.

Speaker #1: Safwat Malek, Project Architect, spoke briefly on the project in relation privacy, setbacks, and the oval windows.

Chair Reimers opened the public hearing.

Speaker #2: Karen Nelson, Project Designer, spoke about the proposed living wall and addressed questions from the Commission.

Chair Reimers wanted to state for the record that she is acquainted with Ms. Nelson and their relationship will not affect her decision on this item.

Speaker #3: James Faye, Eastside Neighbor, expressed his concerns on solar access and offered suggestions of a solar pattern study and reorientation of applicant's balcony.

Speaker #4: Barbra Livingston spoke in support of a wood shake roof, living wall, and the planting of one upper canopy tree.

Seeing no other speakers, Chair Reimers closed the public hearing.

Motion: Commissioner LePage made a motion to continue the item with the following direction: 1) Eliminate or reduce the size of the deck on the east side of the residence to mitigate the privacy impact to the eastern neighbor; 2) Evaluate the fenestration on the east side of the residence to mitigate the impact to the eastern neighbor. Include the use of opaque glass on the east-facing bathroom window; Consider the use of wood shake or tile roofing as opposed to composition shingle; and Provide additional information on the grid that would be used for the living wall and consider proposing an alternative system to support the living wall. The motion was seconded by Vice Chair Goodhue and approved on the following vote:

AYES:	COMMISSIONERS:	LEPAGE, GOODHUE, PATTERSON AND REIMERS
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	NONE

8. DR 14-09 (L'Occitane)
Ariana Douso
SE Cor. Ocean Ave. & Mission
Street (Carmel Plaza)
Blk 78, Lots ALL
APN: 010-086-006

Consideration of a Design Review (DR 14-09)
application for alterations to a commercial
storefront at the Carmel Plaza located in the
Central Commercial (CC) Zoning District

Chair Reimers recused herself from the discussion because she owns property in proximity to the project site and left the dais.

Mr. Ternet presented staff report and summarized the issues with color scheme. He provided the color sample board. Mr Ternet also confirmed that the windows for this storefront are being altered as part of the project.

Vice Chair Goodhue asked the applicant to address the Commission.

Speaker #1: Jim Griffin, property manager, spoke on the Plaza's approval of design, door sash, window sash, and presented the Commission with a sample board of proposed colors.

Mr. Mullane noted that the Carmel Plaza Design Guidelines has guidance for the street-facing exterior and different guidelines for the interior/court-yard facing facades. He noted that staff still has concerns with the color-scheme as presented in the Plaza Design Guidelines.

Seeing no other speakers, Vice Chair Goodhue closed the public hearing.

Motion: Commissioner LePage made a motion to accept the application with the color sample presented to the Board and a revision of Special Condition #2 that the storefront gold paint shall have a satin finish as opposed to glossy. The applicant shall work with staff on the revised finish. The motion was seconded by Commissioner Paterson and approved on the following vote:

AYES:	COMMISSIONERS:	LEPAGE, PATTERSON, AND GOODHUE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONRES:	NONE
ABSTAIN:	COMMISSIONERS:	REIMERS

X. DIRECTOR'S REPORT:

Commissioner Reimers returned to the dais.

The Director's report addressed the following:

1. Discussion on and possible revisions to Planning Commission Rules of Procedure process for appointing Chair and Vice Chair

There was a brief discussion on this item, and the Board decided to leave as-is for now and revisit after the fifth Commissioner is seated.

2. Review of subcommittee appointments and assignments as necessary

Mr. Mullane noted the existing membership of the standing sub-committees: Awnings, Wine Tasting, and Median Lighting. The Awning Subcommittee members were noted as Chair Reimers and Vice Chair Goodhue. The Wine Tasting Subcommittee members were noted as Vice Chair Goodhue and Commissioner Paterson. The Median Lighting Subcommittee members were noted as Chair Reimers and Commissioner Lepage.

Chair Reimers noted that there is a fourth sub-committee: the North Dunes Subcommittee, with the membership being Chair Reimers and Commissioner Lepage, with that subcommittee’s work to take place further down the line.

Motion: Chair Reimers made a motion to accept the subcommittee memberships as discussed. The motion was seconded by Commissioner LePage and approved on the following vote:

AYES:	COMMISSIONERS:	LEPAGE, PATTERSON, GOODHUE, AND REIMERS
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONRES:	NONE
ABSTAIN:	COMMISSIONERS:	NONE

3. Status Report on Implementation Actions related to the Shoreline Management Plan and Forestry Management Plan

Mr. Mullane reported on the progress related to implementation of the Shoreline Management Plan and Forestry Management Plans:

- Security patrols to assist with the education of beach fire rules
- The use of fire rings to help contain the fires
- Coastal Commission consent on the installation of a wireless irrigation valve actuator for the irrigation repair to the cistern on Scenic
- Coastal Commission staff wants to review a full package for a Coastal Development Permit before additional restoration activities in the North Dunes and elsewhere.
- Sharon Friedrichsen, Public Services Director, sent out proposal for the structural engineering review of the beach stairs and beach armoring structures.
- Construction for the beach bathrooms will start in late May and anticipated to be complete by October 2014. Ways to cut down on project’s cost are being examined.

Mr. Mullane reminded the public and the Commission that the Carmel Residents Association has donated five copies of Creating Carmel: the Enduring Vision written by Harold & Ann Gilliam available for loan at the Community Planning and Building Counter. Mr. Mullane thanked the CRA for their donation.

Mr. Mullane also announced that Planning application forms are being updated and Joe Headley will be starting with the city as the new Building Official on June 9th

XI. ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned by Chair Reimers at 9:18 p.m.

The next meeting of the Planning Commission will be:

Regular Meeting – Wednesday, June 11, 2014, at 4:00 pm, with a tour of inspection to begin at approximately 2:00 p.m.

Roxanne Ellis
Acting Planning Commission Secretary

ATTEST:

Janet Reimers, Chairwoman

Permit from Community Services staff). Staff is also clear that the City's Municipal Code does not allow vendors of wares or services nor corporate events in these areas.

The direction that staff is seeking for this Administrative Determination is whether certain planned or proposed annual events are consistent with the City's prohibition on "commercial activities" in the beach, dune/bluffs, and Del Mar Parking Lot as set forth in Section 17.20.200 of the City's Municipal Code.

A more detailed presentation of the issue that staff is seeking direction on was included in the May 15, 2014 staff report, which is included as Attachment 1.

ATTACHMENT1:

- Attachment 1 – Staff report from 5/15/14 Planning Commission meeting



CITY OF CARMEL-BY-THE-SEA

Planning Commission Report

May 15, 2014

To: Chair Reimers and Planning Commissioners
From: Rob Mullane, AICP, Community Planning and Building Director *RM*
Subject: Consideration of an Administrative Determination (AD 14-03) for Clarification on What Constitutes Commercial Activities in the Beach and Riparian Overlay District

Recommendation:

Direct staff regarding the interpretation for what type of events would be considered commercial activities and hence be prohibited on Carmel Beach, along the bluff, or in Del Mar parking area

Application: AD 14-03 **APN:** various
Location: Areas subject to the Beach and Riparian Overlay District
Block: various **Lots:** various
Applicant: N/A

Background and Project Description:

The City receives several requests each year to use the beach, bluff-top areas, and/or the Del Mar Parking Lot for special events. These include weddings, parties, sports events, and other events or activities. The City’s Municipal Code prohibits commercial activities in these areas, but allows non-commercial activities, as long as they meet the City’s special event requirements. A clear definition of “commercial activities” is not provided in the Municipal Code, and as such staff is seeking Planning Commission guidance on whether certain events sponsored by non-profit entities and/or for charitable beneficiaries should be considered commercial activities.

Staff Analysis:

The City’s Zoning regulations (Title 17 of the Carmel Municipal Code) include overlay districts that provide regulations in addition to those for the underlying base Zoning District. One such

overlay district is the Beach and Riparian Overlay District, which includes Carmel Beach and a large portion of the area between the beach and San Antonio (or North San Antonio) Avenue (refer to the City's Zoning Map included as Attachment B). The regulations for the Beach and Riparian Overlay District are set forth in Sections 17.20.120 through 17.20.200 of the City's Municipal Code.

The stated purpose of the Beach and Riparian Overlay District (from Section 17.20.120) is:

to provide review standards applicable to public and private property development located near public beach lands to ensure that proposed development is compatible with the public enjoyment of the City's coastal resources and with the California Coastal Act.

Section 17.20.200 (included as Attachment A) sets forth the additional regulations applicable within this Zoning Overlay District. Item L of Section 17.20.200 states:

L. Commercial Activity Prohibited on Carmel Beach Lands. It is unlawful to conduct sales or undertake commercial activities on Carmel Beach, along the bluff, or in Del Mar parking area west of Scenic Road.

The intent of Section 17.20.200.L with respect to vendors selling wares on the beach or bluff-top areas or in the Del Mar Parking Lot is clear. Such commercial activities are expressly prohibited. However, other events that charge for attendance could also be considered commercial activities and would similarly be prohibited. As an example, a restaurant holding a single or periodic dining event on the beach and charging for this event would be prohibited.

Certain other events, such as the Run in the Name of Love and the Annual Surf-about, are recreation- and/or coastal recreation-oriented, as well as open to the public and hence, are considered by City staff to be consistent with the City's regulations and the intent of the Beach and Riparian Overlay District. Coastal Commission staff concur that these types of events are consistent with the California Coastal Act and that the City should permit these events. While a Special Event Permit from the City is required, such events given their temporary nature are often, but not always, determined to be exempt from a Coastal Development Permit.

The challenge for staff is how to treat other, less coastal recreation-oriented events. The key question for this administrative determination request is how should staff treat non-profit

events or those for charitable causes that are proposed for the beach and shoreline areas. Should these be considered commercial events and as such, be prohibited along the beach and bluff-top areas as well as in the Del Mar Parking Lot.

Adding to the confusion for staff is the fact that many events: for example, the Carmel Art and Film Festival and the Pacific Grove Auto Rally, have for several years been granted Special Event Permits for activities in the beach, bluff top, and Del Mar Parking Lot areas, in seeming conflict with the City's regulations for these areas. Staff has also recently received an inquiry about moving the Carmel by the Glass Event to an area in the dunes by the Del Mar restrooms for 2015.

Staff is seeking guidance from the Planning Commission on whether some or all of these events should be considered as outside the intended prohibition on "commercial activity." The Planning Commission may decide that:

- that none of these events meet the intended allowance for special events; or
- that some (those that are non-profit with all proceeds going to a charitable organization) should be permitted but not others (those that may be sponsored by non-profit organizations but without a charitable organization beneficiary).

One final thing to note is that any change in the way for-profit commercial events are regulated in the shoreline area would require an amendment to the City's Zoning Code and the associated certification of a Local Coastal Program Amendment by the Coastal Commission.

To assist with the discussion and determination, staff has included an excerpt from the City's Shoreline Management Plan that pertains to recreational activities and events (Attachment C) and a list of traditional/annual special events in Carmel (Attachment D).

ATTACHMENTS:

- Attachment A – Section 17.20.200 Municipal Code Excerpt
- Attachment B – Zoning Map
- Attachment C – Sections 5.2 and 5.3 from the Shoreline Management Plan
- Attachment D – 2014 Calendar for Traditional/Annual Special Events

17.20.200 Regulations Incorporated from Other Titles.

The following regulations apply in the beach overlay district.

A. Riding on Beach. Equestrians are allowed on the beach without restriction.

B. Dogs on Public Beach and Park Land. It is unlawful for the owner or person having charge of any dog to permit the dog to run at large on any City-owned beach lands or on any City-owned park lands unless the owner or person having charge is also present and in control of the dog at such time as it is running loose.

C. Dogs on Scenic Road and the Beach Bluff Pathway. On Scenic Road from its eastern property edge to the base of the beach embankment between Eighth Avenue and the south City limits, all dogs and other animals shall be deemed running at large within the meaning of this chapter unless led or restrained by a chain, strap, or cord attached to their collars or harness that is actually held by a person or made fast to a stationary object.

D. Location and Time Limits on Beach Fires. No person, firm, corporation or other entity shall build, light, maintain, cause or permit to be built, lighted or maintained any open or outdoor fire on any public beach designated by the City after the hour of 10:00 p.m. No fires shall be permitted at any time on the slopes leading thereto within the City. This prohibition is applicable to all that beach and slope area lying west of Scenic Road and south of Ocean Avenue to the southern City boundary. No fires shall be permitted at any time on all that beach and slope area lying west of San Antonio from Ocean Avenue to the northern City boundary. The prohibition against all fires on all the beach that lies at or below the high tide line shall extend from 10:00 p.m. on the day it commences until 7:00 a.m. the following day.

E. Recreational Fires on Carmel Beach. All fires on Carmel Beach shall meet the following requirements:

1. Beach fires shall be used for cooking or warmth and shall be located on that part of the City beach property which lies south of an extension of the center line of Tenth Avenue and west of a line reached by the high tide; provided, that all of the following conditions are met:

a. The base of the fire shall be defined as the level at which the lowest burnable material or ash is located, and it shall be on the beach sand unless the fire is in a hibachi, charcoal grill or other like receptacle, in which case the base shall be a horizontal plane touched by the lowest burning material.

- b. The burnable material used in the fire shall not extend more than two feet above the base of the fire.
- c. Flames from the fire shall not extend into the air more than five feet from the base of the burnable material in the fire.
- d. The longest horizontal straight-line distance through the base of the fire shall not exceed four feet.
- e. Flammable liquids other than charcoal starter shall not be used in any manner in connection with starting or maintaining the fire.
- f. No fire shall be built, lit, or maintained on any slope or within 25 feet of any wall, vegetation or combustible material not intended to be used in the fire.
- g. All flammable coals, embers or burning material shall be extinguished with sea water by the person or persons building, lighting or maintaining the fire prior to said person or persons leaving the beach.
- h. The extinguished remains of all fires shall be left exposed and not covered with sand.
- i. Building, lighting, maintaining or causing or permitting to build light or maintain a fire in violation of any of the above conditions shall be an infraction.
- j. Penalties. Any person who shall violate any of the provisions of this chapter that necessitates the response of the Fire Department shall be guilty of an infraction punishable by a fine of not more than \$50.00 per hour or portion thereof, not to exceed \$500.00.

F. Alcohol Prohibited on Public Beaches After 10:00 p.m. No person may serve, possess or consume alcoholic beverages of any kind on the public beach or slopes leading thereto in the City after the hour of 10:00 p.m. This prohibition is applicable to the entire beach and slope area lying west of San Antonio Avenue as it extends to the north from Ocean Avenue, to the northern City boundary and west of Scenic Road, from Ocean Avenue to the southern City boundary. This prohibition against the possession or consumption of alcoholic beverages shall extend from 10:00 p.m. on the day it commences until 7:00 a.m. the following day.

G. Skateboarding on Scenic Road and the Accessways Leading Thereto. It is unlawful for any person to ride, use or operate any skateboard, bellyboard, coaster, skatewheeled coaster or similar contrivances upon Scenic Road between Eighth Avenue and Santa Lucia or upon the following accessways leading to Scenic Road from the western edge of San Antonio Street: Eighth Avenue, Ninth Avenue, Tenth Avenue, Eleventh Avenue, Twelfth Avenue and Thirteenth Avenue.

H. Protection of Slopes and Beach Bluffs. It is unlawful to walk over or otherwise traverse any slope or area between Scenic Road and the beach or any other public area leading to the beach when the City Council has by resolution prohibited walking over or traversing such area, and designated specific paths, steps or ways for public access to the beach, and signs have been posted at reasonable locations giving notice of the prohibition. It is unlawful to climb or walk on shoreline revetments, rip-rap or seawalls.

I. Disturbance of Natural Resources. Without a coastal development permit it shall be unlawful to dig and remove any beach sand, whether submerged or not, to make any excavation by tool, equipment, blasting, or other means or agency, except that this shall not prohibit the removal of driftwood or the construction of sand castles or other similar sand structures on the beach, utilizing natural materials found on the beach. This provision shall not apply to the City's annual sand movement program as described in the Shoreline Management Plan adopted as part of the certified coastal land use plan.

J. Driving on Beaches. No person shall drive or operate any vehicle on any beach, park, or other property owned by the City except on designated roads or parking areas unless such driving or operation is for a governmental purpose, emergency rescue work, or necessitated by authorized construction work.

K. Percussion Instruments and Amplified Sound. It is unlawful for any person to play percussion instruments on Scenic Road, the pathway, or the beach bluff. It is unlawful for any person to use sound amplifying equipment on the City Beach without a permit.

L. Commercial Activity Prohibited on Carmel Beach Lands. It is unlawful to conduct sales or undertake commercial activities on Carmel Beach, along the bluff, or in Del Mar parking area west of Scenic Road.

M. Beach Parking Restrictions. It is unlawful to park on Scenic Road or in the Ocean Avenue/Del Mar Parking Lot from midnight until 5:00 a.m. without a City resident's parking permit.

N. Hay Bales. It is unlawful to place or leave hay bales on the beach, bluffs or on the Beach Bluff Pathway.

O. Sand Redistribution. The City shall undertake sand redistribution activities to camouflage existing revetments and accommodate public access in accordance with the following provisions:

1. All sand redistribution activities shall be completed prior to Memorial Day, or as soon after as possible, and shall be timed and conducted in a manner that minimizes impacts to beach recreation.
2. Sand redistribution shall only take place if there is enough sand available to cover the existing revetments without diminishing the area of beach available for public access and recreation.
3. Bulldozed areas shall be smoothed over at the end of each day to prevent creation of large sand berms that restrict or interfere with public access along Carmel's beach. The City shall avoid over-excavating the beach berm, and use the minimal amount of sand necessary to maintain public safety and cover existing revetments.
4. The City shall provide adequate personnel, and, where necessary, install temporary construction fencing, to protect public safety and minimize impacts to recreation during sand redistribution activities.
5. All construction equipment and temporary fencing shall be removed from the beach daily, and immediately upon completion of sand redistribution events.

P. Retain the current portable second restroom facility at Santa Lucia Avenue. Encourage construction of one or more permanent restrooms south of Eighth Avenue, including consideration of a permanent restroom at the portable restroom location at Santa Lucia Avenue. Prohibit removal of the Santa Lucia portable restroom unless adequate permanent restroom facilities have been constructed south of Eighth Avenue. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

control. As in all parts of the City, people must pick up and properly dispose of their dog's wastes. The City has installed dispensers for special plastic waste-disposal bags ("Mutt-Mitts") at near the top of each beach access stairway along the Pathway.

5.2 SPONSORED EVENTS

People may hold private events on Carmel Beach, including parties and weddings. Any event attended by more than 50 people, or that uses commercial- or City support, requires a Carmel Special Event Permit, as described below.

Every year, the Carmel shoreline becomes the site of several public events. All events are free admission and open to the public. Popular activities, including the Fourth of July and the Great Sand Castle Contest, intensify traffic and parking conditions and require enhanced City support services (e.g. additional trash collection services, increased removal of litter and trash from the beach, and placement, servicing and removal of a significant number of portable restrooms).

Each public event requires a Special Event Permit from the City. Event sponsors must make a presentation to the Special Events Committee, describing their event. Sponsors must also submit plans for parking, trash collection/recycling, portable toilets, and beach/vegetation monitoring. The City's Special Events Committee has oversight responsibility for each event and prepares an "after-event" impact analysis report.

A list of Carmel's annual Special Events appears in Table 3, following:

Table 3 - ANNUAL SPECIAL EVENTS

Event	Date	Location	Description/ Impact on Traffic and Parking
Resolution Run	January 1st	Scenic Rd, south of Eighth Ave.	A 5K-10K Walk-Run/ Minimal impact on traffic and parking
Kite Festival	Spring	Carmel Beach	Kite flying for children and adults/Increased traffic and parking.
Surf-About	Spring/Summer	Carmel Beach	Surfing contest/ Minimal impact on traffic and parking.
Fourth of July⁶³	July 4th	Carmel Beach	Beach activities/ Restrictions on traffic and parking. ⁶⁴
Movies on the Beach	Summer	Thirteenth Ave. cove	Evening films/ Minimal impact on traffic and parking.
Great Sand Castle Contest	Fall	Carmel Beach	Sand castle building/ Increased traffic and parking.

⁶³ The Fourth of July celebration on Carmel Beach is not an organized/sponsored event. Use of fireworks on Carmel Beach is prohibited (CMC 8.32.170).

⁶⁴ During Fourth of July celebration event or during any other temporary event, if travel and parking are restricted on Scenic Road and on portions of Ocean, San Antonio, Carmelo, Eighth, Thirteenth, and Santa Lucia Avenues a Coastal Development Permit is required.

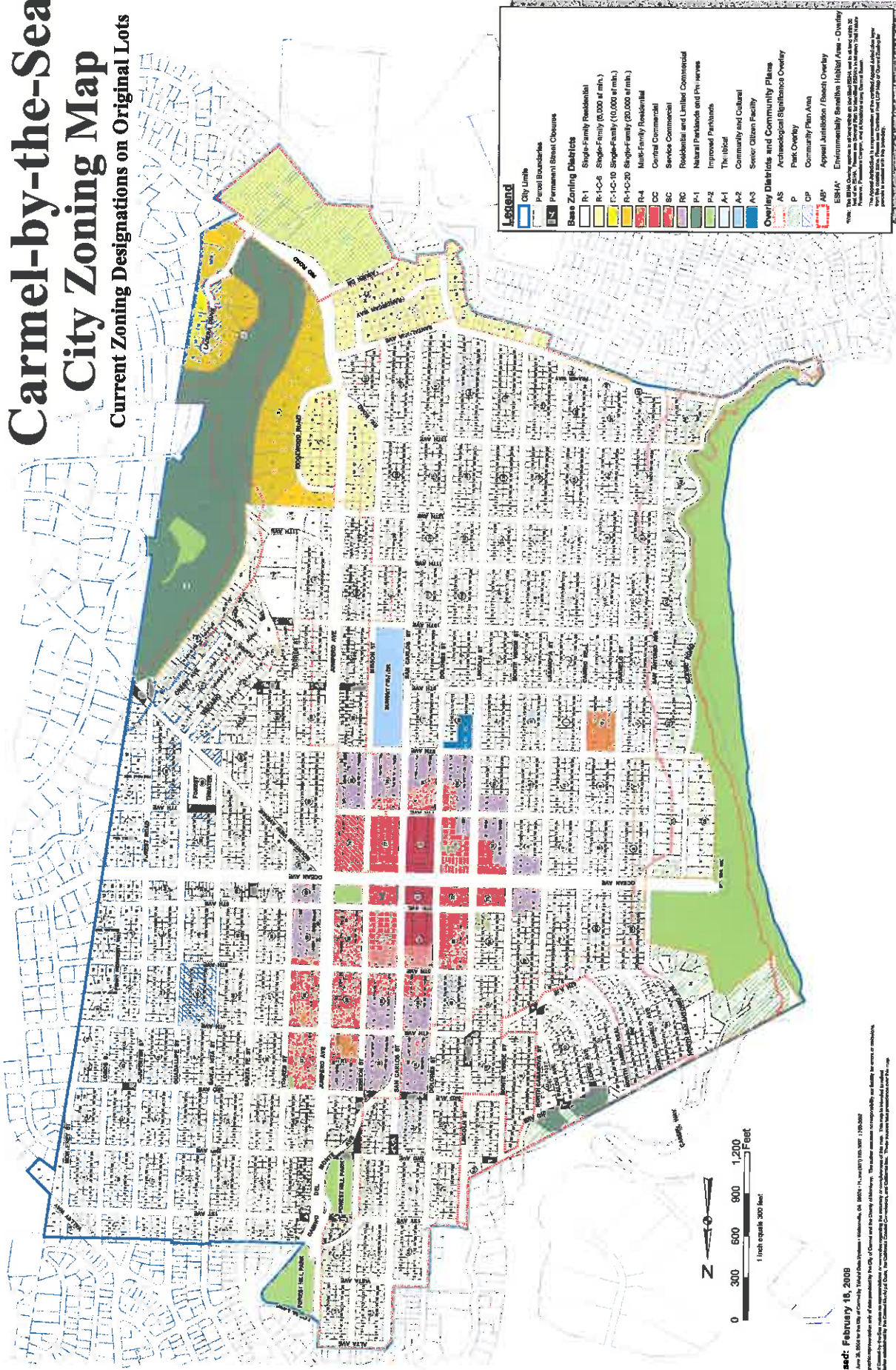
5.3 MANAGEMENT POLICIES

- Provide for a wide variety of passive and active recreational experiences for all beach users while protecting the resource values of beach environs. (G4-4)
- Maintain the City's beach, park and open space resources in a manner to encourage use and enjoyment by residents and visitors. (O4-9)
 - Establish and maintain in public ownership the entire sandy beach on Carmel's shoreline from the north to the south City boundary. (P4-45)
 - Allow surfing, hiking, picnicking, horseback riding, and typical beach games, such as Frisbee and volleyball on the beach without restriction. Allow dogs on the beach when on a leash or under voice control. Require dogs on the Beach Bluff Pathway to be on a leash. However, if the dog policy combined with educational efforts does not promote a safe environment for beach users and dogs, a leash law for certain times should be considered. (P4-47)
 - Prohibit percussion instruments on Scenic Road, the Beach Bluff Pathway, and beach bluff without a permit. Prohibit sound amplifying equipment on the City Beach without a permit. (P4-49)
 - Prohibit sales or other commercial activities on Carmel Beach, along the bluff or in the Ocean Avenue/Del Mar parking lot. (P4-50)
 - Prohibit overnight camping on any portion of the beach and bluffs. (P4-51)
 - Allow alcohol consumption on the beach until 10:00 p.m. (P4-52)
 - Prohibit bicycles and skating on pedestrian access easements between Scenic Road and San Antonio Avenue and on the Beach Bluff Pathway. (P4-53)
 - Prohibit private dune buggies and motorized marine vehicles on the beach. (P4-54)

- Implement procedures and regulations for temporary events on the beach that will protect public access and environmental resources. (P4-56)
- Prohibit motorized vehicles and motorized recreational equipment on Carmel Beach, sand dunes and other City owned parkland. This prohibition does not apply to city and contracted maintenance vehicles or public safety vehicles. (P5-24)
- Restrictions on parking and traffic along Scenic Road, the Del Mar parking lot, San Antonio and the public rights-of-way west of San Antonio shall require a Coastal Development Permit.
- Allow beach users the opportunity to enjoy a fire for warmth or cooking, while protecting the sand from degradation. (O4-10)
 - Allow beach fires until 10:00 p.m. south of Tenth Avenue but at least twenty-five feet from the base of bluffs. Install appropriate signage to indicate this distance and time limit and to indicate methods for correct extinguishing of fires with water. (P4-57)
 - Continue Police Department enforcement of the no-fire regulation north of Tenth Avenue and especially in the North Dunes and Del Mar Dunes areas. (P5-41)

Carmel-by-the-Sea City Zoning Map

Current Zoning Designations on Original Lots



Revised: February 18, 2008
 Prepared June 26, 2003 for the City of Carmel-by-the-Sea, California by the City of Carmel and the County of Monterey. This map is a graphic representation only and does not constitute a contract. The map is subject to change without notice. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared.