

Re: Completeness Review 2 - DS 20-285

ekort@ci.carmel.ca.us Evan Kort

Wednesday, December 9, 2020 at 2:54:31 PM Pacific Standard Time

To: [REDACTED] daryl woods

Hi Daryl,

Thanks for getting back to me so quickly.

I definitely am willing to work with you on the deadline and be flexible. I want to make sure I get your questions answered so you can make an informed decision, however, I cannot extend the deadline indefinitely so a decision would need to be made within a reasonable time frame. I will add your questions regarding option B to my agenda for when I meet with the director tomorrow to receive clarification.

As I mentioned, I have yet to have an applicant request the mediation option so some of the details are currently unclear to me as well.

The city does retain two historic consultants, so the mediator *may* be that second consultant (who has not been informed about the project or details of the project status), but it is not clear if they would be able to act in that capacity since they are under contract with the city. The second qualified professional may need to be an outside party who is not under contract with the city brought in to assist in the process. This is one of the questions I am hoping we can resolve sooner than later.

I am not sure if you have had a chance to review the full code section regarding the mediation process, but I have copied it below for your convenience:

CMC 17.32.160.C.4. If the applicant requests a mediation process and staff concurs, the City shall retain, at the expense of the applicant, a second qualified professional to serve as an independent mediator. Parties to the mediation shall include (1) the applicant and their representatives, (2) the City as represented by the Director, and (3) the original qualified professional(s) that determined that the proposed alteration does not comply with the Secretary's Standards. The mediator shall be responsible for structuring the mediation process and facilitating negotiation among the parties. The mediator shall complete an independent evaluation of the project, determine if it complies with the Secretary's Standards and, if necessary, make recommendations for modifications to achieve compliance.

a. If all parties reach agreement that the proposed alteration is consistent with the Secretary's Standards, or reach agreement on modifications that will achieve consistency, staff shall forward the application, evaluation, and work products of the qualified professional, along with any conditions of approval to the Board for review and approval of a determination of consistency.

b. If all parties to the mediation do not reach agreement, then the original determination of inconsistency shall be considered evidence of substantial adverse impact and an Environmental Impact Report shall be prepared prior to any further action on project permits.

Please let me know if any additional questions come up in the interim.

Best,

Evan Kort

Associate Planner

Carmel-by-the-Sea

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ekort@ci.carmel.ca.us



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PLEASE NOTE: Due to the issuance of a shelter in place order by the Monterey County Health Officer, the Community Planning & Building Department is currently **CLOSED**. We apologize for any inconvenience. Staff will be working remotely to receive and review electronic application submittals as well as respond to emails.

If you have a general Planning question, please email planning@ci.carmel.ca.us. For Building questions, please email building@ci.carmel.ca.us. To request a building inspection, please go on-line to: <https://ci.carmel.ca.us/post/electronic-inspection-scheduling> or call the inspection line at (831) 620-2065.

Thank you for your patience and understanding as we adapt to the changing conditions in our community.

On Wed, Dec 9, 2020 at 2:16 PM daryl woods <[REDACTED]> wrote:

Hi again,

I meant to ask, per option "B", who is the "second qualified professional"? And what typically is their position with the city?

Thanks,

273 Lindero
La Selva Beach
California
95076

Daryl Woods Architect
831.234.9853-t

On Tuesday, December 8, 2020, 05:04:30 PM PST, Evan Kort <ekort@ci.carmel.ca.us> wrote:

Hi Daryl,

You are correct in your understanding of option A. A simple way of thinking about this option is using the evaluation as a "correction letter" of sorts and you would revise the plans in the areas in which the project was found to not be consistent. I have no problem if you wish to engage with Margaret to assist, however, that would need to be coordinated through the city and her time would be charged at her contracted hourly rate.

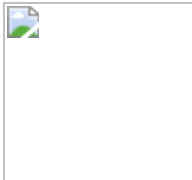
There is no line item on our fee schedule for mediation but I anticipate it would be similar to above where the cost would be charged at the contracted hourly rate for each consultant. The code states, "If the applicant requests a mediation process and staff concurs, the City shall retain, at the expense of the applicant, a second qualified professional to serve as an independent mediator." I have not been involved in a project where this option is selected but I am meeting with our Director on Thursday and can try to get more information if you are interested in this option.

Please let me know if you have any additional questions.

Best,

Evan Kort

Associate Planner
Carmel-by-the-Sea
Direct: (831)620-2023
Mobile: (831)869-8812
ekort@ci.carmel.ca.us



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On Mon, Dec 7, 2020 at 4:57 PM daryl woods <[REDACTED]> wrote:

Hi Evan,

Questions regarding the (3) options are as follows:

A. If I understand this option correctly, it sounds as though I would resubmit "modified" drawings in response to the evaluation for a second review. Correct? And if requested, what's the protocol for working with the "qualified professional", assuming this is Margret Clovis? It's clear that I would add both the existing elevations and a landscape plan per her request. If I chose to modify the project, it only makes sense to be able to engage with either Margret or the "qualified professional" to arrive at a solution. It's not clear these are synonymous.

B. What are anticipated fees for a "second qualified professional"?

Look forward to hearing from you.

Regards,

273 Lindero
La Selva Beach
California
95076
Daryl Woods Architect
831.234.9853-t

On Friday, December 4, 2020, 08:00:14 AM PST, Evan Kort <ekort@ci.carmel.ca.us> wrote:

Mr. Woods,

Please see the attached document regarding your Design Study Application.
Please let me know if you have any questions.

Best,

Evan Kort
Associate Planner
Carmel-by-the-Sea
Direct: (831)620-2023
Mobile: (831)869-8812
ekort@ci.carmel.ca.us



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