

# the VOICE

OF THE CARMEL RESIDENTS ASSOCIATION

CELEBRATING 32 YEARS OF COMMUNITY SERVICE

MARCH ♦ APRIL 2019

## EDITORIAL WILD DREAMS

In their wildest dreams, Carmel co-founders Devendorf and Powers could not have imagined the threat to our village character that Carmel currently faces.

State legislation is usurping California cities' right to create and enforce their own zoning.

For 103 years Carmel has defended itself with appropriate zoning against threatened commercial onslaughts. Our vision of what Carmel should be - a village in a forest by the sea wherein commerce is relegated to residential interests. In one fell swoop, we have upended the vision with state legislation creating street vendors to peddle their merchandise on our sidewalks and in our parks.

To their credit, the City Council and staff have created an urgency ordinance to regulate as much as possible the size, number, look, and placement of the vendor

carts. To the CRA's astonishment, no other cities in California have reacted in a similar fashion. Once again, Carmel finds itself in the forefront to find ways to control threats to our village character.

The CRA has sent a letter to our State Senator Bill Monning and to our State Assemblyman Mark Stone, asking them to reopen the street vendor legislation for some tweaks. We suggest that one bill does not fit all cities. What may be good for Los Angeles is not right for a small village with a population of 4,000.

Following the receipt of the CRA letter, Senator Monning reached out to me. On Friday, February 1st, Mike Brown and I met with the Senator in his Monterey office.

He advised us that reopening state legislation can be difficult, but not impossible. His suggestions to us were:



PHOTO: NIC COURY

1. Contact the League of California Cities to assess their interest in helping us with this issue.
2. Engage with other California cities of similar size and get them to join in an alliance with us.
3. Document the street vendor action, particularly as it may relate to street congestion, litter on streets, over-aggressiveness of vendors, etc.

Armed with all of this information and documentation, the state legislature might be willing to reconsider how this law adversely affects cities under a certain population.

This is a daunting task for a non-profit with no paid executive director. Isn't this really the purview of the City Council and staff? ■

*Barbara Livingston*

**President  
Carmel Residents Association**

## READY! SET! PREPARE!

- Evacuation routes
- Alert systems

### CARMEL'S EMERGENCY RESPONSE PLAN

The wildfire storms in northern and southern California have heightened the awareness of central coast residents for safe evacuation routes.

This and other questions regarding emergency responses to earthquakes, tsunamis, fires and winter storms will be discussed on Thursday, March 28 in Carpenter Hall at 5 P.M.

Carmel Police Chief, Paul Tomasi and Carmel/Monterey Fire Chief, Gaudenz Panholzer have promised CRA members a look into how they are preparing for these emergencies.

#### Chief Tomasi will address:

- Emergency Operations Center
- Types of natural emergencies in Carmel (earthquakes, tsunamis, winter storms)

#### Chief Panholzer will take on:

- Fire danger in our Village
- Response plans/resources
- Ways the City is reducing fire risk
- Ways residents can help reduce fire danger

The two Chiefs are hoping to have an Emergency Preparedness professional on hand to help people know what to pack and how to prepare at home for emergencies. There will be some give-away items and hopefully a raffle prize or two to keep it lively.

What residents can do immediately is sign up for Alert Monterey County (<http://alertmontereycounty.org>) to receive notifications in the event of an emergency.

Some residents have already taken measures to prepare for immediate flight should the occasion demand it. At our

house, we have what we call a "Bug Out" bag, filled with all kinds of survival equipment. In addition, we each have our own personal bag with medications, toiletries and warm clothes, as well as a bag for our dog.

Hopefully, we will never have to put these bags to use, but it feels good to be Ready, Set and Prepared! ■

### Ready, Set, Prepare Carmel's Emergency Plan

Thursday, March 28, 5 PM

**Carpenter Hall**  
*at Sunset Center*  
(Mission St.)

*Wine and social hour  
to follow program*

*Free and open to the public*



## THE SONG OF THE STREET VENDOR

**YES, WE HAVE NO BANANAS  
 WE HAVE NO BANANAS TODAY  
 WE HAVE ORANGES AND KIWIS AND PEARS ON DISPLAY  
 MANGOS AND SHRIMP FROM THE BAY**

**BUT**

**YES, WE HAVE NO TIARAS  
 WE HAVE NO TIARAS TODAY  
 WE HAVE WATCHES AND BRACELETS AND RINGS BY THE SCORE  
 MUCH CHEAPER THAN LOCAL STORES**

**BUT**

**YES, WE HAVE NO TAMALES  
 WE HAVE NO TAMALES TODAY  
 WE HAVE TACOS, BURRITOS AND CHILIS TO SPARE  
 TORTILLAS AND BEANS TO SHARE**

**BUT**

**YES, WE HAVE NO VANILLA  
 WE HAVE NO VANILLA TODAY  
 WE HAVE LEMON AND CHOCOLATE AND BERRY PARFAIT  
 SHERBET TO SEND YOUR WAY**

**BUT**

**YES, WE HAVE NO HAMBURGERS  
 WE HAVE NO HAMBURGERS TODAY  
 WE HAVE CHEETOS, DORITOS AND TWINKIES FOR SALE  
 HOT DOGS AND CORN DOGS GALORE  
 BUT, YES, WE HAVE NO BANANAS  
 WE'VE VENDORS IN FRONT OF YOUR DOOR**

## A Store Without Walls

By Doug Schmitz

Mounted on the southern wall in the rotunda room of Il Fornaio at the Pine Inn, where Carmelites gather for coffee and chat, is a 27" x 35" black framed photograph from the early 1920's of a street vendor hawking the *Carmel Pine Cone*.

Attired in top hat, a sweater vest, outer coat and a dark bow tie, the preeminent character in the photograph, his shoes en-



Willard K. Bassett

tangled with ribbon confetti, is Willard K. Bassett, the to-be founder-owner-publisher-sole reporter-business manager-advertising agent of the future *Carmel Cymbal* newspaper. He stands with one edition of the *Pine Cone* in hand, several more folded copies stuck under his left arm braced against his coat. It is a delightful contrast to contemplate, the soon-to-be-Cymbal owner selling the *Pine Cone*, for in the years to follow these local publications would be frequent adversaries on Village policy matters.

Bassett is peddling newspapers in an

outside setting, far away from the walls of an established place of business-- a "brick and mortar" store. He is a street vendor, albeit without a cart.

If there would be a staunch opponent in 2019 of the recent state law (Senate Bill 946) allowing universal vending on public lands and rights of way, Willard K. Bassett, editor and long forgotten street hawker of the *Pine Cone*, would lead that fight, as he did so many public policy battles during his reign at the *Cymbal*. He would opine forcefully and loudly against the new law, for he had a combative personality.

During his ownership of the *Cymbal*, he started a successful petition drive in his newspaper to stop the approval of a gas

activity be from a "fixed place of business"---a store with walls.

Bassett was a "rugged individualist" as one friend noted, and did not shy away from conflict, founding the publication "Controversy" in Carmel-by-the-Sea in 1934, an apt title that also described his character and writing style.

He held strong convictions. WKB believed and fought for a Carmel-by-the-Sea that was distinctive and different from other cities, a community that rejoiced in its individuality. He was willing to challenge governments, individuals or companies that tried to create a bland



**Bassett is peddling newspapers in an outside setting, far away from the walls of an established place of business-- a "brick and mortar" store. He is a street vendor, albeit without a cart.**

station at Junipero and Ocean Avenue; he inaugurated an effort to block a recreation center from being built at the beach; he generated multiple attacks to keep a City Hall, jail and fire station out of Devendorf Park when such structures were proposed by successive City Councils. He was in a sidewalk fight over community matters with an incumbent City Councilor, Joseph Burge, outside the post office on Dolores Street in 1937.

An editor with a "fire and brimstone" flavor, as his obituary noted, Bassett today would have raised the flag of "local control" and how SB 946 violates that long held municipal tenet. He would cite California Government Code sections such as 38775 which authorizes cities to "...prohibit and prevent obstructions..." in rights-of-way. The Willard K. Bassett of today would editorialize on the trampling by the state of the Carmel Municipal Code which specifies in Title 12 that there will be no obstructions of sidewalks, or of Title 5 which mandates all commercial

Carmel. He was opposed to the now-universal red stop signs at road intersections, saying they were not sufficiently artistic or "Carmel-like" and were ubiquitous to all cities and towns, therefore, unsuitable for this Village.

He had a fighter's spirit. He ran for the city council in April 1940 while still owner/editor/reporter of the *Cymbal*. The Village's other newspaper, the *Pine Cone*, endorsed his candidacy, with Editor and Publisher Archibald MacPhail noting that Bassett has "courage" and has "said things and done things in the face of great unpopularity that few other editors would dare to do and say." Despite MacPhail's endorsement, WKB did not win a Council seat. After the campaign, he continued fighting for the Carmel-by-the-Sea he believed in and that he wanted. Carts in parks and on sidewalks is not a sight Willard K. Bassett would have endorsed. There might have been another brawl, this time with a state legislator, outside the post office. ■



## Carmel-by-the-Sea – Fast Forward to 2044...

By Ele Sullivan

A large and enthusiastic group of community members, both residents and non-residents as well as local dignitaries gathered for the CRA panel discussion moderated by Tom Parks on Tuesday, February 12 in Carpenter Hall. We are in for sweeping changes over the next 25 years, with the next 15 years projected to be the greatest era of change in our lifetimes.

We are in for climate change which will greatly impact Carmel according to Mike DeLapa, an environmentalist and executive director of Landwatch, a community based nonprofit and public benefit organization. More volatility is on the way. Our climate will become hotter and drier with more frequent storms followed by droughts. Sadly our beautiful Carmel beaches are experiencing significant erosion of sand. This will result in shrinking of our coastline and loss of beaches as our sea level rises over the next 100 years. In addition it will be important to look carefully at our overgrown and diseased trees as we face more flooding and fires, but as the climate changes our vegetation will change and our ecosystem will adapt.

Brian Congleton, architect, is deeply

properties and could provide additional housing for the more than 2100 workers driving into Carmel each day.

Douglas Schmitz, a historian and former Carmel City Administrator is not only publishing a book on the history of

ordinances to override state law.

Carmel-by-the-Sea has an aging population with the average age of 61. The population is shrinking not growing. Because of the cost of housing, younger families are not moving in, which further



PHOTO: DALE BYRNE

Carmel, but is looking forward to what may be a difficult period of time. He told us that this is a different ball game

complicates the puzzle.

The lifeblood of the town depends on some of the things we have run out of town, with many local businesses unable to afford the cost of commercial leases. Carmel-by-the-Sea has been and will always be a tourist town. Tourism is our main industry and yet creates a challenge. It will take thoughtful and responsible citizens to address the issues and create policies to protect the 100 years of beauty and identity that is Carmel-by-the-Sea.

60 percent of property owners are part-time. They come to enjoy the peace, the beaches, the fine dining and to relax in their home away from home. Part-timers need to rise to the issues facing our village and become involved in solutions to changes that are on the way.

Each of our distinguished panel members could have easily filled the hour with information in their areas of expertise. Hopefully they will be invited back to do just that.

For the full-length version of this article, please go to: <https://www.carmelresidents.org>. ■

**We are in for sweeping changes over the next 25 years, with the next 15 years projected to be the greatest era of change in our lifetimes.**

involved in the life of Carmel and has prepared designs for hundreds of projects, from small and large remodels, to historic assessments, to pilot designs for new energy-conserving facilities. He spoke about the need to protect the scale and nature of the community, while adhering to the state-mandated impacts such as the right to solar access and street vendors (a whole other article) and zoning considerations.

The state of California has been busy studying issues and passing legislation that has already and will deeply impact Carmel over the next 25 years. The requirement to increase affordable housing may lead Carmel to legalize subordinate units on more

than the past 100 years and startled us by saying that in 25 years there may not be a Carmel-by-the-Sea, but rather an annexing of cities and unincorporated areas in the Monterey Peninsula. This possibility could allow for a larger pool of potential leaders and help to sustain financial resources.

A member of the Carmel Planning Commission for years, Michael LePage spoke about the future needs of addressing housing costs and shortages. Carmel has always had subjective standards for building, but he pointed out that builders can now challenge subjective standards since local municipalities cannot pass

## Carmel's City Administrator — A Multi-Tasker

**C**ity Administrator Chip Rerig is a busy man. The interview was for the most part devoted to new State legislation. We thought he was the man to talk to; and as it turned out, he was ready for our questions.

■ *Carmel has a new mayor and a somewhat different City Council. How's the transition going in your opinion?*



PHOTO: DALE BYRNE

It's going very well. Council members are familiar with the village, they are intelligent, engaged in all things Carmel. An election in November is a bit challenging in that with the holidays coming up in weeks we have a pause in moving forward with our agendas. With the opening of this new year I feel we're up to speed, working well and effectively.

■ *The CRA, The Voice, and a preponderance of Carmel citizens are concerned with the prospect of sidewalk vendors plying their trade on our streets.*

I share the concern. I'm frustrated with Sacramento, which seems to believe that one size fits all. Street vendors may be welcomed in certain towns. Here in

Carmel we have characteristics unlike so many of California towns and cities. This legislation has the real potential of impacting the special character of our village. We have put in place a numeric cap of vendors. Currently we have issued 13 permits, and we're the only city in the state that has done so. We have looked at issues of health, safety, and proportionate size of vendors' carts. Our sidewalks are narrow; bulk of carts is absolutely a

concern, one that will be closely looked at before approval of any sidewalk merchant. After a careful overview of our streets in terms of width and appropriate location, we have concluded that only one vendor per block would be licensed.

■ *Why did we not learn of the street vendor legislation until the first of this year? As you must know, this came as a shock to our citizens and neighbors.*

We knew about it not until late last year. It was a rider on a bill that was not widely broadcast or advertised. It took many people in the State by surprise; the bill was especially welcomed in large cities, mostly, where citizens do business on the city streets. For many people in those areas, street vendors' services make for

*By Tom Parks*

convenient shopping and in many instances are a way of life.



■ *What is the city doing to challenge this legislation, if anything?*

The law is in place. We've expressed our displeasure to our senator and our Assembly member. Beyond that, nothing to date.

■ *There is worry in this tiny village that the introduction of street vendors selling everything from cheap merchandise to fast foods will alter and diminish forever the special character of Carmel-by-the-Sea.*

We have a rigorous design process to protect our character. We have code compliances on the books. When things change, or when code compliances are violated or ignored, we address the problems. We have good local citizens who "get it." By that I mean they understand Carmel and its history, culture, and character. We look to those who want what is best for this village and in keeping with the history and beauty of Carmel.

■ *As our City Administrator what is your personal opinion of the introduction of street vendors in this village?*

It remains to be seen. We haven't had the experience of street selling in Carmel. I could say wait and see. And that's probably what we should do. We can't know at this time that street vendors will permanently change the character of our village. At the same time, we will have oversight, monitoring of every cart, and protections which will be in place.

The city will be in control. With all the design requirements, the issues of health and safety, the bulk of the carts and the assigned locations of those carts, I believe the character of the village can be preserved. We can only hope that this is the case.

*Thank you, Chip Rerig. The CRA, along with Carmel citizens, looks to you and the city to protect and celebrate the unique character of this village. ■*



## Arbor Day Celebration

The Forest and Beach Commission is happy to announce that this year's Arbor Day celebration will be on April 20th from 10 am till 12 PM. All residents and visitors are welcome to join in this celebration. We will meet at the west end of Ocean Avenue to celebrate the restoration of the North dunes. We'll have refreshments, activities for the kids, talks and walks to educate us on the needs and care of our natural resources and of course, a tree planting. We're looking forward to seeing you there! ■

## Update on Trees from Forest and Beach Commission

*By Dr. Mo Massoudi*

Our little village known as Carmel-by-the-Sea is a special, unique place to live and to visit. Our village is surrounded by trees of all kinds but predominantly by the famed Monterey Pine, Coast Live Oak, and Monterey Cypress. The City government and its Forest and Beach Commission are the vanguards for the protection, longevity and the sustainability of this unique treasure. However, due to the recent climate change and adverse weather conditions, there has been a significant increase in the number of dead, weakened and sick trees and in particular our tall and majestic upper canopy trees such as our world-renowned Monterey Pines. We now have far fewer trees than five years ago. Can you imagine Carmel with far fewer trees in a decade or two? How would that affect the appearance of our beachfront, wildlife, bird migration, streets, tourism and even the value of real estate? We cannot afford to suffer the loss of our treasured urbanized forest. Reforestation with predominantly native trees is the solu-

tion and the entire community should be committed to saving our forest now. We must plant and care for more trees. There are many ways we can volunteer and contribute and educate ourselves to this noble cause like volunteering and joining the Friends of Carmel Forest, and from time to time attending the monthly Forest and Beach Commission meetings. ■

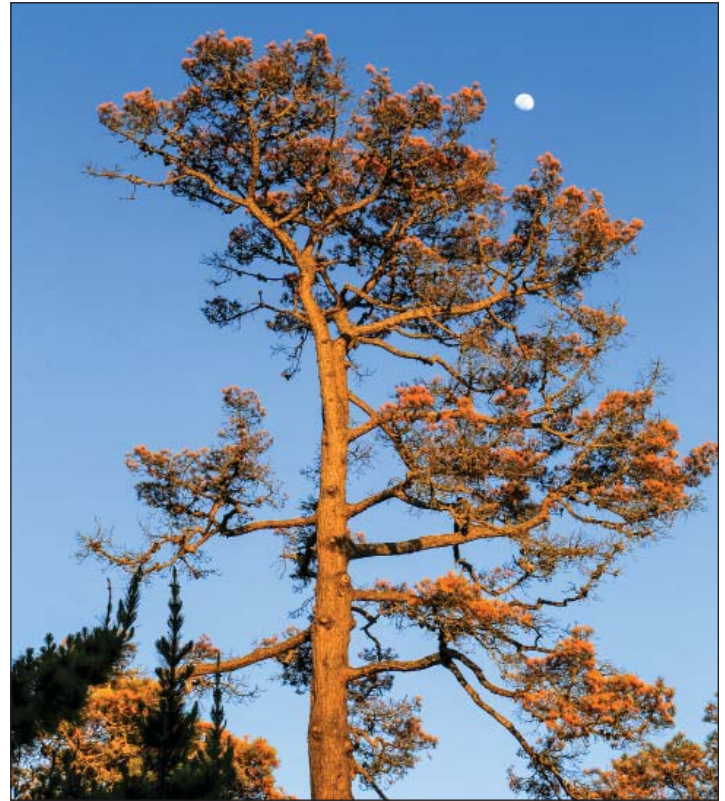


PHOTO: DALE BYRNE

## Carmel's CalPERS Pension Debt: We Need A Better Plan Than Borrowing

*By David Quinnert and Jennifer Nobis*

Carmel has a problem that we believe will have serious consequences to residents in reduced services, higher property taxes and declining property values.

Carmel's unfunded CalPERS retiree pension liability is between \$72 and \$138 million. For a city with annual revenue of \$23 million, that level of pension debt will inevitably force us into bankruptcy.

In 2012, Carmel borrowed \$6 million to fund minimum CalPERS payments, which is still being paid off, while the underlying problem gets worse. The Measure D sales tax increase has not been enough to fully fund the repayment obligations.

Carmel is considering borrowing \$20 million more to continue making

minimum payments. We think that idea is shortsighted as it does not address the underlying problem. The focus has only been on borrowing and raising taxes.

CalPERS is an agency of the State of California. Only the State of California has the authority to determine pension benefits and invest employee/employer contributions.

We submitted a list of solution options on January 31st to Mayor Potter and the other Council members. City Manager Chip Rerig called us, and we met with him on February 8th. He was receptive to our ideas and promised to get back to us. We asked that he coordinate a meeting for us with Mayor Potter.

We believe there are two solution options that should be evaluated:

1. Lobby the State of California to take full responsibility for all of the CalPERS past and future unfunded debt, similar to the Social Security model. They created CalPERS, and they should be required to competently manage it.
2. File for bankruptcy and reorganize with Social Security and a 401K, where employers do not have responsibility for funding liabilities.

Carmel cannot do this alone. We need a coalition with our neighboring Monterey County cities, and perhaps other cities, all of which have the same problem.

We hope that is the beginning of a process that will liberate Carmel from this impossible amount of debt. ■

## Annual Membership Renewal

If you have not already done so, it is now time to renew your CRA membership for 2019. The CRA Board made a decision in 2018 to open up CRA membership to all people who have a vested interest in our Village. That includes folks



who own or rent homes/apartments in Carmel-by-the-Sea and the surrounding area.

New for 2019! The CRA has worked with local restaurants and retailers to develop a CRA Village Incentive Program (VIP). The goal is to motivate our community to shop and eat locally. When you present your VIP card you will be recognized as a local and presented with either a discount or a freebie!

The 2019 CRA VIP card was mailed at the end of January. Make sure to renew your membership for 2019 to enjoy this and all the other benefits of being a member of the CRA!

## CRA Dines Out!

Please mark your calendars for April 9th at 5:30 p.m. for our first CRA Dines Out! meal of 2019. We are very excited to experience the “new” Carmel Bouchée located on Mission Street, 2 SW of Ocean. Many of you will remember Chef Jacques Zagouri who has returned to the restaurant. Chef has planned a wonderful meal for us. Our first course will begin with a choice of Green Salad or Mushroom Soup. Our entree course will be a selection of either Braised Short Ribs, Vegan Rigatoni, or Salmon, followed by a choice of Profiteroles or Floating Island for dessert. Select wines will be offered at \$7.00 per glass. The cost for this evening

of exceptional dining will be \$50.00 per person which includes tax and gratuity.

Please join us by sending your check made out to the CRA and include your first course, entree and dessert selections. Please mail your checks to Sue Taylor, 225 Crossroads Blvd. #168, Carmel CA 93923. Reservations must be received by March 29th. If you have any questions, contact Sue at 707-292-5549.

## Recycling Information

Some of you may not know that the rules for what is and what is not recyclable are evolving. To make sure you are doing your part, please check out this website <http://whatgoeswhere.info>. You can also download the “What Goes Where” app for your phone.

*For more information related to waste reduction and recycling in Carmel, you can also go to our City website at: <https://ci.carmel.ca.us/post/waste-reduction-and-recycling>*

## What They’re Saying...

Ever wonder what goes on when your newsletters get stamped, sealed and addressed? Here’s what one member of the CRA mailing group has to say:

“I wish we had a set-up to watch or hear the mailing party online, and of course join in the conversation too. It is so fun and interesting, the best happening in Carmel that no one knows about.”  
Want to join the mailing party? Call Barbara, 626-1610

## Remembering...

Each time Carmel loses a long-time resident, it has been said that it is like losing a library.

Lucinda Lloyd wrote about the recent passing of Howard Brunn:

*Another tall tree in Carmel’s forest has fallen, one of the few remaining old growth trees.*

*With each passing of an old guard member, Carmel’s living history is diminished. Howard was a walking encyclopedia of our hometown.*

## In Memoriam

*Mitzi Frances*  
by Dean Frances

*John Gilmore*  
by Charlotte Gilmore

*Phyllis Kelley*  
by Wayne Kelley

*Pierre Prodis*  
by Carol Prodis

*Harriet Shanner*  
by Hans Lehman

## In Honor of...

*Teddy Alandt*  
by Robert & Corrina Alandt

*Barbara Livingston*  
by Laurie Foster/Michael Livingston



## CRA Communications Team

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Tom Parks

Voice Editorial Board

Monterey Bay Design

Voice Design & Production  
Website Design & Production

Margaret Byrne

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Mary Condry

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# Carmel Residents Association

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## CRA Board of Directors

Barbara Livingston, *President*

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Ann Nelson, Tom Parks, Ann Pendleton, Ken White


*The Carmel Residents Association is committed to the protection and enrichment of the traditional quality of life in Carmel-by-the-Sea and the preservation of its heritage and natural beauty through education, community activities and advocacy.*


*The CRA does not sell, trade, lend or in any other way share our members' information with any organization or company.*


## CHEERS & CHIDES


 **CHEERS** Carmel residents responding to *The Voice* are appalled at the prospect of street vendors. And they're making their voices heard on our streets and in person.


 **CHEERS** Former mayor, Charlotte Townsend, "Street vendors are a threat to the traditions and quality of life in this village."

 **CHEERS** CRA Board President, Barbara Livingston, has written to state Senator Monning requesting him to reconsider street vendor legislation in that it adversely affects small cities under 30,000. Carmel: 3,800.

 **CHEERS** "Our founding fathers will be turning in their graves," says former mayor, Ken White." This, his comment on street vendors.

 **CHEERS** Former mayor, Sue McCloud has expressed her disapproval of street vendors: "Do we really want to see our crowded streets (with people) eating tamales, hot dogs, crepes and the like?"

 **CHEERS** Former City Administrator and Carmel historian, Douglas Schmitz, re street vendors: "Local agencies must push back and seek either repeal or amendment in order to protect (our) local, municipal prerogatives."

 **CHIDES** Thirteen permits have been allocated to street vendors. And they are all local citizens and business people. Can't wait to see a defeated former mayor hustling hot dogs on Ocean Avenue.



*It's been a challenging month in Carmel.*

PHOTO: DALE BYRNE