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**F12b**

**Prepared December 10, 2015 (for December 11, 2015 hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, Central Coast Deputy Director  
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**Subject: STAFF REPORT ADDENDUM for F12b  
 Appeal Number A-3-CML-15-0033 (Carmel Beach Fire Management Pilot Program)**

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**Addendum Attachments**

1. Dr. Laurie Koteen's December 9, 2015 memo
2. City of Carmel-by-the-Sea Correspondence dated December 4, 2015 and December 8, 2015
3. Additional Public Correspondence
4. Carmel Beach Fire Articles

**1. Summary**

As identified in the staff report dated November 25, 2015 for the above-referenced item, the City of Carmel-by-the-Sea approved a coastal development permit (CDP) to allow the City to install 26 fire rings and to implement a new Beach Fire Management Pilot Program (Program) along the south end of Carmel Beach. The City's CDP decision was appealed to the Commission, with the Appellant alleging Local Coastal Program (LCP) conformance issues with respect to hazards, public safety, public access and recreation, air and water quality, public views, and community character. Since that time, the City has changed its proposed program to include a prohibition on



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wood beach fires altogether, and to instead institute a propane-only program with six propane fire rings. Since the beginning of August of this year, the City has also enforced a prohibition on beach fires on Fridays, Saturdays, Sundays, and all holidays, all without benefit of a valid CDP. As identified in the staff report, staff believes that the Commission should take jurisdiction over the CDP for the Program, and that the Commission should approved a CDP for a modified Program that provides greater specificity and better protects important coastal resources, including allowing for wood beach fires as has historically been the case and is encouraged in the LCP. This addendum does not change any of that, but instead provides important clarifications and context for the Commission's consideration of the issues presented with this case.

Carmel Beach is a prominent and significant local and regional beach access destination, including for visitors who come from far and wide to have a beach fire in the afternoons and evenings. In fact, in addition to Carmel residents, recent City data shows that 80% of beach fire users come from outside of Carmel, which helps to show that these are issues that affect a wide range of population, including inland populations. Beach fires have long been a part of both the cultural fabric and recreational utility associated with Carmel Beach, and, appropriately, beach fires are considered a protected recreational activity in the City's LCP. In fact, unlike some other LCPs, the City's LCP in this case has a number of very specific policies that provide explicit direction on beach fires, including with respect to the expectation that these are wood or charcoal fires, and not some other form of fuel. Importantly, although such fires historically were allowed across the entirety of the roughly one-mile long Carmel Beach, the City currently limits such fires to the southern third of the beach; fires are not allowed on the northern two-thirds of the beach and have been prohibited there for two decades. In other words, beach fires are already managed and constrained at Carmel Beach to a small portion of the beach, to the south. The issues being discussed with the Program are thus related to just this smaller southernmost area of the beach where beach fire enthusiasts are currently confined.

The City's Program was developed in response to concerns raised by the City and its residents that beach fires are leading to both health issues and beach degradation in this southern portion of the beach. The former is associated with the smoke from beach fires, and the latter is associated with the debris left on the beach. In terms of the latter, there are currently no fire rings on Carmel Beach, and instead fires are made directly on the sand. The City has long relied on natural processes of tides and storms to "clean" the beach of fire debris, and this is recognized in the LCP. In fact, this tidal cleansing system is the primary reason beach fires were limited to the southern end of the beach some two decades ago, because this area is flatter and less sloped than the area near Ocean Avenue, and more subjected to such tidal/storm activity. That said, this "cleansing" process does not always consistently work, and several years of relatively mild winters have served to exacerbate these issues in the southern part of the beach. A well designed and implemented fire ring program can readily address these issues by ensuring that the remains of these beach fires are collected and properly disposed of, thus protecting the beach and offshore areas (including in terms of beach and water quality degradation, and dangers to the beachgoing public from fire remains). This is particularly important given the unique granitic 'white sand' nature of Carmel Beach that is both well-known and a visitor draw in and of itself. A fire ring program (as opposed to fires directly in the sand) also allows an opportunity to reconsider where fires are appropriate on Carmel Beach overall.



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In terms of air quality concerns, the Monterey Bay Unified Air Pollution Control District (MBUAPCD), in concert with the City, has been monitoring particulate matter (PM) levels using a monitor inland of the beach at a private residence near the intersection of Scenic Road and 13th Avenue. Data from the monitor shows that there was one exceedance of the federal Clean Air Act's 24-hour PM<sub>2.5</sub> standard within the monitored May through October 2015 six-month timeframe. This exceedance actually took place on a day when beach fires were not allowed because of the City's prohibition (and appears to be at least partly the result of inland wildfires that were burning at the time), and thus cannot be attributed to beach fires. During other times, the data shows PM<sub>2.5</sub> levels to be fairly constant during the week, with 'spikes' in PM<sub>2.5</sub> levels roughly corresponding to weekend and holiday periods. Based on EPA guidelines, the monitored PM<sub>2.5</sub> levels have predominantly fallen into the "good" air quality category about 98% of the time. The PM<sub>2.5</sub> spikes have risen into the "moderate" air quality category about 1.8% of the time, and into the "unhealthy" air quality category less than one-percent of the time.

Importantly, the air quality monitoring done to date cannot distinguish between potential sources of PM<sub>2.5</sub> (e.g., beach fires, but also residential chimney smoke, residential barbecues, vehicular emissions, etc.), and the dataset lacks other important information from which to draw effective conclusions (e.g., baseline and comparative data related to times/areas without beach fires at the beach, robust and site specific meteorological data, complete beach and fire use data, etc.). In fact, given the issues with the dataset, it cannot be concluded that beach fires alone are the cause of all PM readings at the 13th Avenue monitoring station, nor that they are the cause of all of the air quality issues associated with those readings. Based on the weekend fire data collected by the City, it seems fair to conclude that beach fires on the five monitored weekends had a relationship to the higher PM readings during the same time, but attributing all such readings (and all other PM readings over the monitored time frame) to beach fires is not borne out by the data. In fact, the level of PM at the 13th Avenue monitoring station is roughly the same before and after the City's moratorium on beach fires, including specifically on weekends where similar types of 'spikes' in PM readings continue to occur even after the City imposed its beach fire moratorium. Given this, it is clear that there are other sources of PM unrelated to beach fires that are also affecting PM concentrations at the 13th Avenue monitoring station.

That said, however, staff agrees that beach fire smoke appears to be a contributor to PM readings, and is an issue that needs to be addressed. The real issue is not reaching that conclusion, rather the real issue is how best to address the identified concerns. Initially, the City's approach was based on limiting and managing beach fires, including no longer allowing unlimited fires directly on the sand in the southern third of the beach, and instead limiting such fires to 26 fire rings in that area. The City's approach was based on using wood and charcoal as fuel sources for the 26 fire rings, as those are the allowable types of fuel sources allowable under the LCP. That is the Program that the City approved in May of this year, and that is the Program that is the subject of this appeal. Since that time, however, the City has changed its approach. The City's current proposal would provide six City-sponsored propane-fueled fire rings in the southern third of Carmel Beach, and allow unlimited portable user-supplied propane devices in that same area. Fires would only be allowed in the City-provided fire rings from one-hour before sunset until 10 p.m.; fires in user-supplied propane devices would be allowed from 7 a.m. to 10 p.m. Staff does not support the City's modified proposal.



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Again, staff concurs with the City that there are problems associated with the current unmanaged beach fire situation at Carmel Beach and that management measures are necessary to address and abate those problems. However, the City's proposed course of action to abate those problems is not LCP and Coastal Act compliant, and raises a series of coastal resource protection issues. A complete ban on wood beach fires is inconsistent with the City's LCP, which expressly provides for and protects wood beach fires. Furthermore, the City's proposed propane-only program cannot be approved because the LCP explicitly prohibits flammable liquids (like propane) on the beach. In addition, the City's post-prohibition monitoring data suggests that there are other factors beyond wood beach fires contributing to the PM2.5 levels along Carmel Beach, thus undermining the justification for imposing a complete ban on wood beach fires.

Staff continues to recommend approval of a CDP that provides for the 26 fire rings (for wood and charcoal use) originally approved by the City, and that provides associated parameters for the placement, signage, use, monitoring, and maintenance associated with those rings, including in terms of monitoring air quality. Staff believes this to be an appropriately measured response, and one that can allow for monitoring and adaptation over time to adjust Program parameters as warranted. Such a Program would appropriately limit beach fires (i.e., 26 fire rings allowed as opposed to the unlimited number of fires that are currently allowed), and can strike an appropriate balance to address the identified problems while continuing to provide for the rich experience and recreational utility associated with wood fires on Carmel Beach. It will also address other issues associated with unlimited fires built directly on the beach sand by confining them to 26 fire rings that can be appropriately maintained to avoid beach degradation. By building in monitoring and adaptation, the Program can change over time to ensure effectiveness, and also to address any new challenges or any other unforeseen effects. It can also help to protect this important low-cost visitor-serving activity on the beach in Carmel, not just for Carmel residents, but for the 80% of beach fire users coming to Carmel Beach from outside of Carmel for this important public recreational access activity.

### **2. Purpose of this Addendum**

The purpose of this addendum is to provide the above summary, as well as to provide copies of comments received, and to supplement the recommended findings and conditions with additional clarifications and updates, including a response to comments received, including from the City of Carmel. In addition, recent articles on the subject are attached. Where applicable, text in underline format indicates additional text that is being added to the staff recommended findings and conditions (in the staff report dated prepared November 25, 2015), and text in ~~cross-through~~ format indicates text being deleted.

### **3. Dr. Laurie Koteen's Memorandum**

Commission Staff Ecologist, Dr. Laurie Koteen, has prepared a technical memorandum regarding her analysis of the MPUAPCD's PM2.5 monitoring data collected at the 13th Avenue monitoring station in the City of Carmel. Dr. Koteen advised on the initial preparation of the staff report, and indeed the staff report reflects her findings and conclusions on the air quality issues at that time. Since then, Dr. Koteen has finalized her memo on the subject, and that memo is attached to this addendum and added to the staff report as new Exhibit 13. Dr. Koteen's memo amplifies the recommended findings, and continues to suggest that the dataset has some issues,



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and it cannot be used to demonstrate that beach fires are the cause of all PM<sub>2.5</sub> issues in Carmel. Dr. Koteen states:

*The 13th Avenue monitor cannot distinguish between PM 2.5 from beach fires versus other potential sources (e.g., residential fireplaces and barbeques, vehicular exhaust, etc.), so it is not possible to measure the correlation explicitly due to beach fires. This analysis generally presumes all PM 2.5 to be from beach fires as a cautionary and conservative approach. However, there clearly is a need for more advanced monitoring data of this type to be able to conclusively establish relationships between smoke on the beach and inland PM 2.5 concentrations... In addition, the 13th Avenue monitor was not able to collect high quality meteorological data, so this [the assumption that there is a sea breeze pushing potential beach fire smoke toward the monitor] is a proxy for what might be reasonably inferred in this regard...more robust data collection would be required to be able to differentiate among different potential contributors affecting PM concentrations, including not only in relation to sources, but other related and critical data (e.g., meteorological data, beach fire number and location data, etc.). ... in addition to issues previously noted regarding the nature of the data set, a few additional caveats must be applied to this analysis. First, the dataset is very short, and includes data from five weekends only, and during time periods when wind conditions were assumed to be pushing smoke inland. A longer dataset along with baseline and comparative data would likely give a truer picture of the actual relationship between the number of fires and PM 2.5.*

At the same, time, Dr. Koteen's analysis does suggest a correlation between numbers of beach fires in the southern third of Carmel Beach and higher PM<sub>2.5</sub> readings at the 13<sup>th</sup> Avenue monitoring station during those same times, and concludes that limiting the number of beach fires, and better managing them, would be an appropriate response to the data provided. Dr. Koteen concludes:

*To conclude, and to answer the questions posed above, yes, one exceedance of the Clean Air Act 24-hour PM 2.5 standards did occur over the five-month time period examined. However, that exceedance occurred on a Sunday when the beach fire moratorium was in place, and there were no beach fires. Thus, this exceedance was due to PM 2.5 sources other than beach fires. This exceedance instead appears to have been associated with the large fires that occurred inland of Carmel Beach along Highway 68 at that time, and was definitely not associated with fires on Carmel Beach. Eight other instances of relatively high PM 2.5 concentrations did occur on weekends in late May through July, with six hours that fell into the "Unhealthy for Sensitive Groups" range and two hours in the "Unhealthy" range. These instances occurred when there were also larger numbers of fires on Carmel Beach on those dates. However, these instances were limited to a total of 0.17% of the study period in the "Unhealthy for Sensitive Groups" range, and 0.055% of the study period in the "Unhealthy" range. The remainder of the data show that air quality remained in the "Moderate" range 1.8% of the time and in the "Good" range for 98% of the time.*

*At this time, collection of a larger dataset of particulate matter concentrations is warranted to assess whether annual PM 2.5 standards are exceeded, and to what degree such exceedances might be correlated to beach fires. An attempt to identify other sources of PM*



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*2.5 would also be prudent from a public health standpoint, as the data record clearly indicates that PM 2.5 is generated from sources unrelated to beach fires (i.e., chimney smoke, backyard barbeques, vehicle emissions, industrial processes, etc.). The collection of high quality meteorological data in conjunction with the air quality dataset would also be helpful for interpretation of the potential sources of high particulate matter, as would further data on the number of fires that occur each day, including on days when documentation confirms that no fires occurred. Based on this analysis, I conclude that limiting the number of beach fires, and better beach fire management within the allowed beach fire area at Carmel Beach would be a prudent and cautious approach to help avoid exceeding “Good” air quality guidelines inland of that area, but that a ban on all such fires is not supported by the data.*

In addition, Dr. Koteen reviewed data provided by the MBUAPCD that included 1-hour PM2.5 concentrations taken at the 13th Avenue monitoring station between the dates of May 21, 2015 and October 19, 2015. This is an additional eleven days longer than the dataset used by staff in its November 25, 2015 report. Some of the findings on air quality regarding the percentage of hours characterized as “good,” “moderate,” and “unhealthy” have been revised as a result. For accuracy and consistency, the staff report is modified to update the numerical figures contained on pages 2 and 3 as follows (again, additions in underline, and deletions in ~~striketrough~~):

*The City’s Program is in response to concerns raised by the City and its residents that these beach fires are leading to both health issues and beach degradation. The former is associated with the smoke from beach fires, and the latter associated with the debris left on the beach, including because the beach currently does not have any fire rings and fires are made directly on the sand. The Monterey Bay Unified Air Pollution Control District (MBUAPCD), in concert with the City, has been monitoring smoke levels (actually PM2.5 levels) inland of the beach since late May of this year, for a total of ~~140~~ 151 days monitored. Data from the smoke monitor shows that there was one exceedance of the federal Environmental Protection Agency (EPA) 24-hour PM2.5 standard during this time, which occurred on a day when wood beach fires were not allowed. Otherwise, the data shows PM2.5 levels to be fairly constant during the week, and generally increase on weekends, with ‘spikes’ in smoke levels roughly corresponding to spikes in the numbers of beach fires. Based on EPA guidelines for the 1-hour PM2.5 concentrations, the monitored smoke levels have predominantly fallen into the “good” air quality category 98% of the total number of hours in the monitoring timeframe, but there are instances when the “spikes” have fallen into the “moderate” air quality category (~~1.3~~ 1.8%), and even times where the data indicates “unhealthy” air (~~0.7~~ roughly 0.2%) (see Exhibit 7 and Exhibit 13). Thus, and although there is a need for more robust data collection and development, it is clear that the monitor has identified some PM2.5 levels that extend into unhealthy ranges, and it is clear that there is an air quality problem in the surrounding Carmel Beach area to which beach fires appear to contribute that needs to be understood and addressed.*

Likewise, the staff report is modified to update the numerical figures contained on page 24 as follows:



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*In sum, a total of ~~140~~ 151 days have been monitored by the MPUAPCD and the City. Data from the smoke monitor shows that there was one exceedance of the federal EPA 24-hour standard which occurred on a day when wood beach fires were banned. Data from this monitor also shows that PM2.5 levels are fairly constant during the week, and generally increase on weekends, with ‘spikes’ in PM2.5 levels roughly corresponding to spikes in the numbers of beach fires. Based on the EPA’s AQI guidelines detailed above, the monitored PM2.5 levels have predominantly fallen into the “good” air quality category (98% of the measured 1-hour averages), but there are instances when the ‘spikes’ have fallen into the “moderate” air quality category (~~4.3~~ 1.8%), and even times where the data indicates “unhealthy” air (~~0.7~~ 0.225%) (see Exhibit 7 and Exhibit 13)<sup>1</sup>. Thus, and although there is a need for more robust data collection and development, it is clear that the monitor has identified some PM2.5 levels that extend into unhealthy ranges, and it is clear that there is an air quality problem to which beach fires appear to contribute that needs to be understood and addressed.*

The staff report is also modified so that the final sentence in footnote 12 on page 4 states:

*... This exceedance may instead be correlated with the Tassajara Wildfire in Carmel Valley that occurred around that time. See Exhibit 7 and Exhibit 13.*

Finally, the staff report is modified to include a reference to Dr. Koteen’s memo at the end of the “Air Quality Issues” section on page 24 as follows:

*Dr. Koteen’s December 9, 2015 memo can be found in Exhibit 13.*

#### 4. Violation

Additional clarification is needed in the staff report’s violation discussion (Section IV(H)(6) of the staff report, starting on page 46). The clarifications explain how the Commission and its staff understand the Beach Fire Management Pilot Program in relation to the City’s other inconsistent actions with respect to beach fires at Carmel Beach (e.g., the City’s beach fire moratorium, and their potential public nuisance ordinance). However, as stated in the staff report, the City’s actions, which the Commission currently considers as violations, are not the subject of this appeal. Thus, the last paragraph of the violation finding on page 48 of the staff report is modified as follows:

*The above described violations are not addressed in this CDP application, and will not be resolved by; the Commission’s action on this item. This matter has been referred to the Commission’s Enforcement Division for investigation and possible action pursuant to Chapter 9 of the Coastal Act. ~~The information is simply provided to put into context the City’s various actions that are outside the scope of and inconsistent with this CDP on appeal, as well as staff’s position with respect to these actions.~~ However, approval of this permit pursuant to the staff recommendation and implementation, by the City, of a Beach Fire Management Pilot Program as described herein – pursuant to the terms and ~~with the~~*

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<sup>1</sup> *The “unhealthy” air category as it is used in this section refers to “unhealthy for sensitive individuals” and “unhealthy for all individuals.” Adding together the percentages of “good”, “moderate”, and “unhealthy” air quality data results in a total of 100.025%; the 0.025% is due to rounding adjustments.*



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*conditions of this CDP ~~herein~~ will restore beach access and recreational opportunities ~~as required by~~ consistent with the City's LCP and the Coastal Act. Although development has taken place prior to the Commission's consideration of this appeal and de novo review, consideration by the Commission has been based solely upon the City's LCP and the public access and recreation policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of development undertaken on the subject site without a coastal permit.*

### 5. User-Supplied Devices

It was intended that the required maintenance associated with the City fire rings under the approved Program would extend to the user-supplied portable wood containment devices, but the findings and conditions were not explicit in this regard. In addition, it was intended that the Program would include provisions for peak use parameters, such as were associated with the City's originally approved Program (i.e., allowing some additional number of user-supplied portable wood containment devices during peak use times, like July 4<sup>th</sup>). The staff report is modified as follows:

Special Condition 1(c) on staff report page 8 is modified as follows:

*Fuels. All 26 fire ring devices and all user-supplied portable wood containment devices (see below) are intended for use with wood and charcoal fuel sources only. Only dry, "clean" and untreated firewood may be used in the fire ring and portable devices. Propane and other flammable liquids, other than charcoal starter, shall be prohibited to start or maintain a fire on Carmel Beach.*

Special Condition 1(d) on staff report page 8 is modified as follows:

*Seasonal and Peak Period Management. The Program shall include a seasonal management component that provides for removal of the fire rings prior to the devices becoming threatened by high tides, large storms, and wave action, and return to the beach once storms subside. The Program shall indicate that the fire rings will initially be in place on the beach during the peak beach-going period from March 15th through October 15th of each year. The fire rings shall be retained on the beach outside of these peak-period dates provided favorable weather conditions exist along with a low chance of tidal or storm surge that would impact the fire rings. User-supplied portable wood containment devices shall only be allowed to be used on the beach when the City-provided fire rings are not present on the beach, during expected peak use times (e.g., 4<sup>th</sup> of July, Memorial Day, Thanksgiving, etc.), and the Program shall provide parameters for such allowable containment devices consistent with this approval.*

Special Condition 1(e) on staff report page 8 is modified as follows:

*Maintenance. The fire rings and all user-supplied portable wood containment devices shall be maintained in such a way that ash, debris, and wood material is not allowed to escape the fire rings, whether via wind and other natural events or via excess buildup or otherwise. The*



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*areas around the fire rings and the areas where user-supplied portable wood containment devices are used shall be maintained free of ash, debris, and wood material. The fire rings shall be maintained a minimum of three-days per week during peak use periods (i.e., from March 15th through October 15th of each year), and on an as needed basis during all times (peak and off-peak) when the fire rings are present on the beach. During times when user-supplied portable wood containment devices are allowed, all required maintenance parameters shall extend to areas of their use as well. Ash collection and disposal containers shall be provided when user-supplied fire containment devices are allowed to be used on the beach. All ash, debris, and wood material shall be properly disposed of away from the beach. When the fire rings are removed from the beach due to the seasonal management program specified in subsection (d) above, the fire rings shall be properly stored away from the beach.*

The third paragraph on staff report page 37 is modified as follows:

*... The fire rings may be removed during periods of high tides, storms, and low beach profiles, and the fire rings must be returned to the beach once storms subside and the beach profile recovers. User-supplied portable devices shall be allowed during winter months when the fire rings are removed, and during peak use time otherwise. The fire rings shall be maintained a minimum of three-days per week during peak use periods and on an “as needed” basis during off-peak periods. All ash, debris, and wood material shall be properly disposed of away from the beach. During times when user-supplied portable wood containment devices are allowed, all required maintenance parameters shall extend to areas of their use as well, and ash collection and disposal containers shall be provided. The location of all proposed signage for the program must be shown in site plan view. The BFMPP shall also include specific detail on the color, design, size, and content of all signage. The Beach Fire Management Pilot Program shall be valid for a period of three years and shall be in substantial conformance with Exhibit 6. All references to propane components in the BFMPP shall be removed. Special Condition 1(c) is imposed prohibiting the use of flammable liquids including propane on Carmel Beach.*

The second paragraph on staff report page 46 is modified as follows:

*The use of fire rings for wood fires will provide containment of ash and debris and addresses the issues of discoloration of the white sand. However, fire rings do generate debris that, if not properly disposed of, could adversely impact water quality, specifically if inundated by tidal action, but also if debris is blown out of the rings by high winds. User-supplied devices, when allowed, share these issues. To ensure that ash and other debris left in fire rings are adequately disposed of, Special Condition 1(e) requires the preparation of a maintenance plan that requires the City to undertake regular scheduled maintenance, a minimum of three days per week during the peak season (March 15 through October 15), with removal of ash and debris from the fire rings as necessary to prevent these materials from ending up on the sandy beach. These required maintenance parameters extend to the areas around the rings, and, during times when user-supplied portable wood containment devices are allowed, extend to areas of their use as well. This condition also requires associated maintenance as necessary the rest of the year whenever the rings beach fires are present occurring in the City-provided fire rings or in user-supplied wood fire containment devices. Special Condition*



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*1(e) further requires the City to provide ash collection containers for the disposal of ash and debris from user-supplied wood fire containment devices as well as provisions for ash and debris disposal away from the beach ~~are further required by this condition.~~*

### 6. City Provided Propane

The City's recent correspondence clarifies that their revised project proposal for installation of six propane fire devices includes that the City would cover the cost of operation for such rings. Thus, the staff report is modified as follows:

Footnote 11 at the bottom of staff report page 3 is modified as follows:

*Although the City's new program is not completely fleshed out, as staff understands it currently, the City proposes to install six propane fire rings, as well as propane lines and propane tanks in or under the sand. ~~It is not clear whether the~~ The City indicates that the City would provide propane for which users would pay a fee, or would provide propane for the use of such rings for free, or some other mechanism.*

The second paragraph on staff report page 25 is modified as follows:

*Additionally, the City has identified two potential options for six propane-only fire rings that the City would purchase and make available, including providing propane to fuel them at no cost to the users, on a first-come, first-serve basis for use on Carmel Beach and which cannot be reserved or held in advance by the general public, except by ...*

### 7. Response to Comments

The Commission has received a number of comments on the staff report dated prepared November 25, 2015, including from the City of Carmel-by-the-Sea. To address the City's and others public correspondence received since issuance of the staff report, a "Response to Comments" section is added to the staff report as a new Section H.7 (the existing Section H.7: California Environmental Quality Act (CEQA), shall be renumbered to Section H.8, and all references in the staff report amended accordingly) just before the staff report's "CEQA" section, starting on staff report page 48, to provide additional context regarding these and related issues. The City's letters and public correspondence are also added to the staff report in Exhibit 12 (Correspondence). The "Response to Comments" section is as follows (where references to "this report" are references to the staff report dated November 25, 2015):

### 7. Response to Comments

#### *City's Comments*

#### **Propane and LCP Consistency**

The City of Carmel-by-the-Sea submitted a letter dated December 4, 2015 (see Exhibit 12). In that letter, the City contends that propane is not a liquid and is therefore not prohibited for use on Carmel Beach by the LCP. The LCP prohibits the use of most flammable liquids and states in relevant part:



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***IP Regulations Section 17.20.20.E Recreational Fires on Carmel Beach.*** *All fires on Carmel Beach shall meet the following requirements:*

*(e) Flammable liquids other than charcoal starter shall not be used in any manner in connection with starting or maintaining the fire.*

As noted in the analysis of propane on pages 42 and 43 of this report, propane is a highly flammable form of liquefied petroleum gas. It is a byproduct of natural gas processing and petroleum refining. The LCP explicitly states that flammable liquids other than charcoal starter may not be used in any manner in connection with starting or maintaining a fire. Propane is stored and transported as a liquid, and it is a liquid in the cylinder that would be stored on the beach. The phrase “in any manner” is encompassing and would include the storage and use of liquefied propane cylinders on the beach. Further, the prohibition on the use of flammable liquids other than charcoal starter is primarily based on safety concerns (i.e., the purpose of the policy is to take a cautionary approach towards the use of highly flammable substances like gasoline and propane in order to protect public safety). Propane devices can explode and cause significant injury. The Commission has a responsibility to ensure that whatever is approved on the beach is safe for public use and the City has not yet provided the information and detail to ensure that the public will be safeguarded. Accordingly, the Commission cannot conclude that the proposed propane-only program is consistent with Section 17.20.20.E of the LCP. As such, the City would need to pursue an LCP amendment prior to approving and implementing a beach fire program that relies on the use of propane devices.

The City’s letter also suggests that the notion of LCP inconsistency was first raised in the November 25, 2015 staff report. This statement is inaccurate. Commission staff hosted a meeting in its Central Coast District Office on October 9, 2015 (two months ago) on the beach fire management issue that included City staff (i.e., the Mayor, the City Manager, the Public Works and Planning Directors, and the Chief of Police) and the Air Pollution Control Officer from the Monterey Peninsula Air Pollution Control District. During that meeting, City staff initially brought up the idea of some type of propane-only program, acknowledging that the details of it had not yet been developed (and many still remain undeveloped). At that time, Commission staff observed that the LCP contained provisions that may prevent the use of propane-fueled devices on Carmel Beach. This was also brought up in subsequent discussions with City staff regarding the propane program leading up to the preparation and release of this report.

Although propane as beach fire fuel on Carmel Beach as an option is not consistent with the LCP at this time, the Commission is supportive of working with the City to understand and evaluate the parameters that might be associated with allowing such propane fuel on the beach in the future, and developing an LCP amendment that appropriately addresses and resolves identified issues and concerns to allow for propane fuel if such evaluation indicates it could be a potential safe and appropriate fuel on the beach consistent with coastal resource protection (including in terms of storage, delivery, lighting, etc.).

#### **Propane Devices Used Elsewhere**

In support of its propane-fuel for beach fires proposal, the City further contends that propane fire devices are being deployed in the South Coast Air Quality Management District with the approval of the Commission in an effort to reduce emissions from wood beach fires. This is



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simply incorrect. The idea of propane-fueled devices was raised early on in CDP application 5-14-1213 for a fire ring management plan in Newport Beach (see discussion of that permit starting on page 25 of this report). Initially, the City of Newport Beach had identified propane fire rings as a potential alternative to traditional wood beach fires. The City chose to remove that option from the list of potential alternatives when it was unable to produce the requested detail regarding fuel supply, operations, and public safety. Importantly, these are some of the same details that are thus far missing from Carmel's proposal. On June 11, 2015, the Commission approved CDP 5-14-1213 for a Beach Fire Management Plan that allows for 64 fire rings available to the public, including a mix of wood-burning and charcoal-only fire rings. The approved Plan did not include any propane-fueled devices.

#### **Cost of Beach Fires**

On page 3 of the City's letter, the City states that it would supply the propane for use of the City-sponsored fire rings and suggests that unlike wood, it would be provided at no charge to fire ring users. However, individuals have been bringing firewood to Carmel Beach for decades and based on the numbers of fires occurring on the beach over time, the cost of wood borne by members of the public does not appear to have been an impediment to beach fires. Thus, there does not appear to be an economic disincentive associated with the cost of wood for beach fires.

Additionally, the City's revised project proposal (i.e., propane-only fire ring devices), which is attached as Exhibit 5 to this report, indicates that there would be no cost to the public to use any one of the six City-sponsored fire rings. While that may be true (details on funding of the program have not been revealed), the City's proposal does not begin to meet the demand for beach fires currently observed on Carmel Beach. As noted in this report, during peak beach use periods, there are on average 22 fires on Friday and Sunday evenings and up to 46 fires on average during Saturday nights. The City's six propane fire devices will result in a big gap between demand for and the supply of said units. The City's program does provide for an unlimited number of user-supplied portable devices, which in theory could make up the difference between supply and demand. However, given that these user-supplied devices cost \$100 to \$250 plus the cost of propane fuel, these portable devices cannot be characterized as "free" or "low cost."

Another area that has not fully been considered is the cost of providing propane to the City-sponsored devices. The City has stated that it intends to provide the propane fuel for its City-sponsored fire rings. The City's revised proposal suggests that the propane fire rings will be available from one hour before sunset until 10pm or about two-and-half hours during the summer (a bit longer during non-summer periods). Even if the use of propane for beach fires were allowable by the LCP, the City's proposed hours of availability would not meet LCP requirements that beach fires be allowed from 7am to 10pm daily. However, if the City's propane devices were allowed, the cost to operate a propane device rated at 128,000 BTU's for roughly two-and-a-half to three hours during the peak summer season would equate to a tank of propane per day per ring or roughly \$17.50.<sup>2</sup> For all six fire rings, the cost to the City would be

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<sup>2</sup> *Assumes fire rings with five-gallon tanks and an average price of propane of roughly \$3.50 per gallon.*



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cost roughly \$105 in propane each day and at least \$15,750<sup>3</sup> for the entire 150-day peak beach use period (i.e., late May through mid-October).

If the City were to comply with current LCP requirements regarding the availability of the fire rings between the hours of 7am and 10pm (i.e., 15 hours each day), then each fire ring rated at up to approximately 128,000 BTU's and operating throughout the duration of the day would use a five-gallon canister approximately every three hours, or up to five five-gallon tanks per day. Assuming an average price of propane of roughly \$3.50 per gallon and assuming constant use of the fire rings from 7am to 10pm daily, the cost of operating one fire ring per day would run about \$87.50; six fire ring devices using five tanks per day would cost \$525 per day. Over a roughly 150-day peak beach use season (i.e., roughly late May through mid- October), the cost to operate six fire rings could be some \$78,750. As discussed throughout the public access findings of the staff report, six fire rings falls short of conforming with Coastal Act and LCP requirements to maximize public access and provide for low-cost recreational opportunities, such as beach fires, particularly considering when there have been, on average, 22 fires per night on Fridays and Sundays, and 46 fires on Saturday evenings. Again, the City has stated that it intends to provide the propane fuel for its City-sponsored fire rings but has not indicated how it intends to fund the program and it is clear that the costs could be considerable.

In short, the cost details associated with the City's proposed propane fire-ring program are not completely developed, and could impede implementation of a program that the City says it would pay for. This, in turn, could impede free use of these rings. In addition, the potential user-supplied propane options are also costly, estimated to range in price from some \$90 to \$250 (see discussion starting on page 30 of this report). These are hardly low-cost units, and propane at \$3.50 per gallon is not low-cost either. It is not clear how the City's program would be designed to offset some or all of these costs as well.

#### **Health Effect below Air Quality Thresholds**

The City asserts that despite EPA's daily and annual air quality standards for PM2.5, adverse health consequences result from exposures much lower than the federal standards, and the implication is that the standards and guidelines used in this report and in Dr. Koteen's memorandum cannot be relied upon by public health officials, local agencies, or regulators to make policy decisions regarding PM2.5 concentrations and beach fires. The City has not, however, provided any citation to studies or literature supporting this claim. As indicated in this report, and as discussed in Dr. Koteen's memo and as evidenced by MPUAPCD's monitoring data, there was only one exceedance of the Clean Air Act's 24-hour standard for PM2.5 concentrations, and that exceedance was on a Sunday when the City was enforcing its unpermitted beach fire prohibition. As such, it is unclear how it could be attributed to beach fires.

In addition, Dr. Koteen found that although no standards had been violated, and although air quality was within EPA's identified "good" range some 98% of the time, "spikes" in PM2.5 concentrations that could be correlated to wood fires warrant a better fire management program, but that a ban on all weekend fires was not supported by the data. As a result, this approval is

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<sup>3</sup> *This amount could be greater given the longer periods that the fire rings could be used during the off-peak season when the sun sets earlier and the use of fire rings could be greater than two-and-a-half to three hours per day.*



### **A-3-CML-15-0033 (Carmel Beach Fire Management Pilot Program) Addendum**

based on a cautionary approach to beach fire management, and to adopt the City's initial proposal to limit the number of wood beach fires to 26 fire rings. By building in monitoring and adaptation, the Program can change over time to ensure effectiveness, and also to address any new challenges or any other unforeseen effects. As discussed further on page 35 of this report, Richard Stedman, the Air Pollution Control Officer for the Monterey Peninsula Unified Air Quality Control District (Air District) submitted a letter to Commission staff indicating that the district "fully supports" the City's [initial] efforts (i.e. 26 wood fire rings) to reduce wood smoke from beach fires and stated:

*Limiting the number of fire rings on the beach is a common sense approach that should be effective in addressing the problem.*

Commission staff spoke with Mr. Stedman on several occasions regarding beach fires in Carmel and the City's initial proposal to cap the number of rings at 26. And Commission staff continued to work with Mr. Stedman on changes to address air quality concerns in developing this recommendation. Although Mr. Stedman could not say what the appropriate number of fire rings was, he did indicate that he expected air quality to improve significantly along the Carmel shoreline with a cap or restriction on the numbers of beach fires.

#### **Interpretation of PM2.5 Monitoring Data**

The City asserts that the District's PM monitor placed at 13th Avenue and Scenic Road detected levels of wood smoke pollution that were unsafe for sensitive individuals and at levels that would trigger an evacuation under the EPA's wildfire management guidance for public health officials. The City is referring to PM2.5 concentration levels recorded on Saturday July 4, 2015, when the readings exceeded the "good" category for five hours and reached the "unhealthy" level for two consecutive hours during the evening. The high PM2.5 levels coincided with a rough count of 135 beach fires. According to the City, the numbers of persons on the beach were too numerous to count. Certainly, the number of beach fires that night was higher than normal, and it is likely fair to assume that they contributed to the "spike" in PM2.5 concentrations. But beach fires were not the only contributing factor. There were well above average numbers of cars and traffic idling along Scenic Road. Many families and groups were celebrating the holiday with a barbeque both on the beach and at the residential properties fronting the beach. Another significant contributing factor may have been the illegal fireworks that were set off on the beach and in the vicinity (a phenomenon that occurs at nearly every urban beach on the Central Coast during the Independence Day holiday). All these factors may have contributed to the extremely high and unusual PM2.5 concentration reading along Carmel Beach on July 4<sup>th</sup>. Thus, it cannot be concluded that wood beach fires were the direct and specific cause of the "spikes" of PM2.5 levels on July 4, 2015.

With regard to the EPA's wildfire management guidance protocol, the table on page 23 of this report that identifies recommended actions under various air quality scenarios. The purpose of these EPA guidelines is to help inform health officials, the media, and the general public about the current status of air quality and to provide them with appropriate strategies to mitigate exposure to smoke. The table divides air quality into "good," "moderate," "unhealthy for sensitive groups" and "unhealthy" categories and provides a corresponding recommendation for action under each scenario. At the "unhealthy" level that was experienced for two hours during



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the July 4, 2015 evening, the described health effects of prolonged exposure are increased aggravation of heart or lung disease and premature mortality in persons with cardiopulmonary disease and the elderly, and increased respiratory effects in the general public. The guidelines' cautionary statement suggests that sensitive groups should avoid prolonged or heavy exertion and to stay indoors. Other protective actions include staying in a "clean" room where there is no indoor smoke or particle sources, or go to a "clean air" shelter out of the area. Perhaps this last bit of advice is what the City was referring to when it suggested that Carmel Beach reached a PM2.5 level that would trigger an evacuation. In any case, it does not appear from the EPA guidelines that an actual evacuation would be triggered at the levels detected at the monitor. Further, the recommendations are based on wildfire smoke exposure, which tends to be much longer in duration than the relatively short two-hour episode that occurred on Carmel Beach. That said, the numbers of fires (135) that occurred on the beach on July 4<sup>th</sup> and the corresponding PM2.5 concentration are a concern, and one that can be effectively addressed through implementation of beach fire management plan that better manages fires at Carmel Beach.

Finally, the City contends that Commission staff are "downplaying the health risks and advocating for a policy that would cause greater exposure and harm to human health" (emphasis in original). This is inaccurate. Commission staff, including Dr. Koteen, has interpreted and analyzed the PM monitoring data in an unbiased fashion, and has sought to understand it in relation to both the enforceable standards of the federal Clean Air Act and EPA's air quality guidance. The one Clean Air Act exceedance took place on a day when beach fires were not allowed because of the City's prohibition (and appears to be at least partly the result of inland wildfires that were burning at the time), and thus cannot be attributed to beach fires. During other times, the data shows PM2.5 levels to be fairly constant during the week, with 'spikes' in PM2.5 levels roughly corresponding to weekend and holiday periods. These same spikes appear on weekends both before and after the City's moratorium on beach fires (see Exhibit 13). Based on EPA guidelines, the monitored PM2.5 levels have predominantly fallen into the "good" air quality category about 98% of the time. The PM2.5 spikes have risen into the "moderate" air quality category about 1.8% of the time, and into the "unhealthy" air quality category less than one-percent of the time.

Importantly, the air quality monitoring done to date cannot distinguish between potential sources of PM2.5 (e.g., beach fires, but also residential chimney smoke, residential barbeques, vehicular emissions, etc.), and the dataset lacks other important information from which to draw effective conclusions (e.g., baseline and comparative data related to times/areas without beach fires at the beach, robust and site specific meteorological data, complete beach and fire use data, etc.). In fact, given the issues with the dataset, it cannot be concluded that beach fires alone are the cause of all PM readings at the 13th Avenue monitoring station, nor that they are the cause of all of the air quality issues associated with those readings. Based on the weekend fire data collected by the City, it seems fair to conclude that beach fires on the five monitored weekends had a relationship to the higher PM readings during the same time, but attributing all such readings (and all other PM readings over the monitored time frame) to beach fires is not borne out by the data. In fact, the level of PM at the 13th Avenue monitoring station is roughly the same before and after the City's moratorium on beach fires, including specifically on weekends where similar types of 'spikes' in PM readings continue to occur even after the City imposed its beach fire moratorium.



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Given this, it is clear that there are other sources of PM unrelated to beach fires that are also affecting PM concentrations at the 13th Avenue monitoring station.

Thus, staff is not downplaying any risks; rather staff is using established Clean Air Act/EPA standards to help understand the degree of risk, and the appropriate response. Again, to be clear, the data thus far cannot definitively identify the potential sources for PM, and it cannot be used to ascribe all PM readings to beach fires. That would be a scientifically inaccurate conclusion based on the data collected to date. Commission staff agree that beach fires appear to be contributing to such issues, and are recommending a program to reduce such beach fires as a result, and are doing this precisely because of the potential for public health impacts.

#### **Other Potential Sources of PM<sub>2.5</sub>**

The City has proposed to eliminate wood beach fires because of the presumed potential health effects from smoke from such fires. The City has made an assumption that any “spikes” in PM<sub>2.5</sub> arise solely from wood fires on the beach. However, hundreds of homes are located in the neighborhood inland of Carmel Beach, and the majority of these homes have chimneys, many of which are likely associated with wood fireplaces. Many of these residences also have outdoor barbecues, which can also contribute to air pollution. There has been no evaluation of the extent that fires in wood fireplaces, residential barbecues, or even exhaust from vehicles traveling in the Carmel area may contribute to “spikes” seen in air quality data, which continue to occur even on weekends since the beach fires moratorium has been in effect.

#### ***Other Comments***

In addition to City comments, the Commission also received correspondence from the public regarding staff’s recommendation, with 31 being in favor of allowing wood fires on the beach (although some were open to reducing the number of wood fire rings to less than staff’s recommendation of 26), and 25 opposed to wood fires on the beach (see Exhibit 12). Public comments raise similar issues as the City’s comments, and generally raise issues addressed in the main body of this report, and these are not again addressed here.

One comment received states that the Commission has already required (per CDP 5-14-1213) that beach fires in the South Coast region be located at least 700 feet from any residence, based on the South Coast Air Quality Management District’s (AQMD’s) amended Open Burning Rule 444. The commenter is incorrect. This AQMD rule (which is specific to the Newport Beach area and does not apply in Carmel-by-the-Sea) allows for fire rings to be closer than 700 feet from any residence, provided that the fire rings are spaced at least 100 feet apart from each other (or 50 feet apart if no more than 15 rings per contiguous beach area in City limits), and there is no minimum distance from residences specified.

#### **8. Other Changes**

The staff report is modified as follows:

Footnote 18 at the bottom of staff report page 14 is modified as follows:

*See the “Scenic and Visual Resources” section in the de novo findings below for the full text of these LCP provisions.*



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The first paragraph on staff report page 15 is modified as follows:

*...Although the City authorized the use of fire rings on Carmel Beach, the specific fire rings to be put on the beach were not defined at the time of the City's May 5, 2015 final approval. Carmel's shoreline with its signature white sand, dune-like back-beach, golden granite seawalls, and backdrop of Monterey pine and cypress trees is highly scenic and recognized the world over. Ordinary concrete fire rings (or some other as yet undetermined style) could almost certainly detract from and degrade the natural beauty of the beach and shoreline...*

The last sentence of the first paragraph on staff report page 18 is modified as follows:

*Carmel is only one of ~~two~~ the coastal communities in Monterey County ~~where~~ that is extremely popular for beach fires ~~are allowed~~ and thus the loss of them could have far reaching consequences regionally and for management of similar activities up and down the state.*

The fourth paragraph on staff report page 19 is modified as follows:

*...While the City's action authorized the extension of the Urgency Ordinance, the City did not issue a follow up regular CDP to authorize the initial 45-day emergency authorization nor did it issue a CDP to extend the moratorium beyond the initial 45-day emergency authorization, as required by the LCP and Coastal Act....*

Footnote 30 at the bottom of staff report page 20 is modified as follows:

*Particulate matter is a generic term for particles suspended in the air, typically as a mixture of both solid particles and liquid droplets. PM 2.5 is particulate matter with a diameter that is 2.5 micrometers ~~and~~ or smaller.*

Footnote 33 at the bottom of staff report page 21 is modified as follows:

*Units are in micrograms per meter cubed,  ~~$\mu\text{g}\cdot\text{m}^{-3}$~~   $\mu\text{g}/\text{m}^3$ .*

The last paragraph on staff report page 22 is modified as follows:

*The data collected by the City and MPUAPCD was provided to the Commission in relation to AQI values for both 24-hour and 1-hour averages. This data showed values from the "Good" AQI category through the "Unhealthy" category (i.e., none of the values exceeded the "Unhealthy" category to extend into the "Very Unhealthy" or "Hazardous" categories). The AQI's "Recommended Actions for Public Health Officials" and "Health Effects and Cautionary Statements" (Tables 3 and 2, respectively, from EPA's "Revised Air Quality Standards for Particle Pollution and Updates to the Air Quality Index" document) are presented in relation to the values provided (i.e. from Good through Unhealthy) in the table below, which combines the applicable components of EPA's Tables 2 and 3.*

The reference to "Table 1" on the top of staff report page 23 is deleted.

The last sentence of the third paragraph on staff report page 32 is replaced with the following:



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*Carmel Beach is a significant beach fire resource for the larger area, as evidenced by the data showing that some 80% of beach fire users that come to this beach for beach fires from outside of Carmel, and the data simply does not support such drastic measures.*

The third paragraph on staff report page 37 is modified as follows:

*Accordingly, the Pilot Program, including the BFMPP, is the appropriate vehicle for managing fires and addressing resource issues on Carmel Beach.*

The second paragraph on staff report page 40 is modified as follows:

*The proposed signage program is mostly adequate but needs to be revised to allow for wood-burning fires, to prohibit propane-fueled fires and to ensure that signage will have no significant adverse impact on public coastal views. ...*

The third paragraph on staff report page 43 is modified as follows:

*...Outside of these dates, weekly monitoring will be performed to assess the threat of inundation and determine whether the fire rings must be removed and/or if the timing is right to restore the fire rings to the beach. ...*

The third paragraph on staff report page 44 is modified as follows:

*...Special Condition 1(d) also requires a comprehensive adaptive management plan to address the times for fire ring removal and replacement, the location of where the rings will be ~~storage~~ stored, detail on how the rings will be cleaned and the location of ash/debris disposal. ...*

The last paragraph on staff report page 46 is modified as follows:

*As discussed above, in the “Substantial Issue” and “De Novo” ~~Hazards~~ sections of this staff report, the City has issued and enforced an Urgency Ordinance placing a moratorium on beach fires during weekends and holidays. ...*

The last paragraph on staff report page 47 is modified as follows:

*LUP Policy 04-10 and Policy 5.3 of the Shoreline Management Plan provide that beach users are allowed “the opportunity to enjoy a fire for warmth or cooking ... until 10 p.m. south of Tenth Avenue but at least twenty-five feet from the base of the bluffs.”*

### 9. Articles

Finally, there have been several recent articles on the issue of beach fires at Carmel Beach. Links to recent articles are provided below, and the actual articles are attached.

#### California Coastal Commission aims to restore Carmel beach fire tradition

[http://www.montereycountyweekly.com/news/local\\_news/california-coastal-commission-aims-to-restore-carmel-beach-fire-tradition/article\\_1d83121e-9ec2-11e5-9f21-5b8372e91f8d.html?utm\\_medium=social&utm\\_source=email&utm\\_campaign=user-share](http://www.montereycountyweekly.com/news/local_news/california-coastal-commission-aims-to-restore-carmel-beach-fire-tradition/article_1d83121e-9ec2-11e5-9f21-5b8372e91f8d.html?utm_medium=social&utm_source=email&utm_campaign=user-share)



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#### **To ban or not to ban beach bonfires: what a weird question**

[http://www.montereycountyweekly.com/opinion/local\\_spin/to-ban-or-not-to-ban-beach-bonfires-what-a/article\\_69a73076-9ebd-11e5-8385-bf5c6bc92013.html?utm\\_medium=social&utm\\_source=email&utm\\_campaign=user-share](http://www.montereycountyweekly.com/opinion/local_spin/to-ban-or-not-to-ban-beach-bonfires-what-a/article_69a73076-9ebd-11e5-8385-bf5c6bc92013.html?utm_medium=social&utm_source=email&utm_campaign=user-share)

#### **Coastal Commission calling out Carmel on its beach fire bans**

<http://www.ksbw.com/news/Coastal-Commission-calling-out-Carmel-on-its-beach-fire-bans/36885746>



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**MEMORANDUM**

**FROM:** Laurie Koteen, Ph.D., Ecologist  
**TO:** Mike Watson, Coastal Analyst  
**SUBJECT:** Carmel Beach Air Quality Issues  
**DATE:** December 9, 2015

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**Documents reviewed:**

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- Tao, L. and Harley, R.A. (2014) Changes in fine particulate matter measurement methods and ambient concentrations in California. *Atmospheric Environment*, 98, 676-684.
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### **Fires on Carmel Beach are Established Policy**

The City of Carmel-by-the-Sea has historically allowed the public to establish fires on Carmel Beach. Beach fires are identified as a part the City's cultural identity and the beach's recreational utility in the City's LCP, with the time when fires are permitted and the appropriate locations detailed (*see, for example, LUP Policy O4-10, LUP Policy P4-57, and IP Sections 17.20.20.D and E*). Beach fires are already limited in Carmel to the area south of 10<sup>th</sup> Avenue, or about one-third of the beach. Beach fires are not allowed on the other roughly two-thirds of the beach, so the issues discussed herein do not pertain to the whole of Carmel Beach, but rather only to the southernmost third of the beach. In response to concerns raised regarding smoke and other issues associated with these beach fires in this southernmost area, an air quality monitoring station was established by the Monterey Bay Unified Air Pollution Control District (MBUAPCD) at a private residence at the corner of 13<sup>th</sup> Avenue and Scenic Drive, just inland of Carmel Beach. The specific purpose of the air quality monitoring station is to measure particulate matter concentrations in the 2.5 micro-meter diameter range (PM 2.5)<sup>1</sup>, as particulate matter in this size class is commonly associated with smoke<sup>2</sup>. In addition, and also in response to concerns raised, the City recently instituted a new moratorium on beach fires within the allowed beach fire area from Friday through Sunday and on all holidays; beach fires are still allowed in the beach fire area Monday through Thursday, if these days do not fall on a holiday. Beach fires are not allowed on the northern two-thirds of Carmel Beach per the LCP.

### **High concentrations of PM 2.5 are harmful to human health**

Several decades of research have documented strong correlations between elevated particulate emissions (PM 10 and PM 2.5) and a wide range of adverse health outcomes. These include increased rates of pulmonary and cardiovascular morbidity and mortality, adverse reproductive outcomes, and possible neurological effects<sup>3</sup>. Adverse health outcomes have been found to be associated with short-term acute exposures to high particulate concentrations. Long-term health impacts can also result from sustained exposure to elevated particulate levels<sup>4</sup> and result in premature death rates in locations where they occur. Particularly vulnerable populations include children, those with chronic ailments, such as asthma or cardiovascular disease, and the elderly<sup>5</sup>. High concentrations of particulate matter are also associated with reduced visibility, and can form haze when sunlight encounters tiny pollution particles.

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<sup>1</sup> PM 2.5 are particulate emissions with an aerodynamic diameter of 2.5 µm or less. Aerodynamic diameter is the diameter of an idealized particle that has the same aerodynamic properties as a given particle, but which is spherical in shape. 1 µm = 10<sup>-6</sup> m.

<sup>2</sup> "Particulate Matter," U.S. Environmental Protection Agency, <http://www3.epa.gov/pm/>

<sup>3</sup> Dockery, D.W. 2009. Health effects of particulate air pollution. *Annals of Epidemiology*. 19:257–263.

Rueckert, R., A. Schneider, S. Breitner, J. Cyrys, and A. Peters. 2011. Health effects of particulate air pollution: A review of epidemiological evidence. *Inhalation Toxicology*. 23:555–592.

<sup>4</sup> Puett, R.C., J. Schwartz, J.E. Hart, J.D. Yanosky, F.E. Speizer, H. Suh, C.J. Paciorek, L.M. Neas, and F. Laden. 2008. Chronic particulate exposure, mortality, and coronary heart disease in the nurses' health study. *American Journal of Epidemiology*. 168:1161–1168.

Strak, M., N.A.H. Janssen, K.J. Godri, I. Gosens, I.S. Mudway, F.R. Cassee, E. Lebret, F.J. Kelly, R.M. Harrison, B. Brunekreef, et al. 2012. Respiratory health effects of airborne particulate matter: The role of particle size, composition, and oxidative potential-The RAPTES Project. *Environmental Health Perspectives*. 120:1183–1189.

<sup>5</sup> Rueckert, R., A. Schneider, S. Breitner, J. Cyrys, and A. Peters. 2011. Health effects of particulate air pollution: A review of epidemiological evidence. *Inhalation Toxicology* 23:555–592.



The standard procedure for evaluating whether particulate matter concentrations are at levels harmful to human health is to rely on those standards established by the state and federal Environmental Protection Agencies (EPA) under the State and Federal Clean Air Acts. The Clean Air Act standards for PM 2.5 appear in **Table 1**.

<b>Table 1: State and National Ambient Air Quality Standards for Particulate Matter<sup>6</sup></b>		
	<b>California Ambient Air Quality Standards for PM 2.5</b>	<b>National Primary<sup>7</sup> Ambient Air Quality Standards for PM 2.5</b>
<b>Annual</b>	12 $\mu\text{g.m}^{-3\#}$	12 $\mu\text{g.m}^{-3}$
<b>24 Hours<sup>8</sup></b>	*	35 $\mu\text{g.m}^{-3}$

\* Standards for 24-hour PM 2.5 are not explicitly set by the California Air Resources Board. Instead, the California Air Resources Board references the National Air Quality Standards <sup>9</sup>.

# This unit is micrograms per cubic meter.

In addition to these Clean Air Act standards, the EPA puts out the following guidelines for public health officials, **Table 2**, to provide the public with information about the health risks associated with ambient PM 2.5 concentrations. These guidelines are sometimes referred to as the Air Quality Index, or AQI. (See **Table 2** on next page.)

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<sup>6</sup> Particulate Matter Overview, <http://www.arb.ca.gov/research/aaqs/caaqs/pm/pm.htm>

<sup>7</sup> The EPA sets both primary and secondary ambient air quality standards for PM 2.5. The primary standard is a health based standard, whereas the secondary standard is a “welfare” based standard concerning environmental impacts. Because the City’s actions are concerned with air quality/health impacts relating to beach fires, the primary health-based standard is relevant here.

<sup>8</sup> Setting the daily mean as a threshold value is an approximation here. To see if the actual standard is met, one must have 3 years of data and follow procedures outlined in 40 CFR Part 50, Appendix N to Part 50 - Interpretation of the National Ambient Air Quality Standards for PM2.5, <https://www.law.cornell.edu/cfr/text/40/part-50/appendix-N>. The method detailed in this appendix allows for occasional daily concentrations greater than 35 $\mu\text{g.m}^{-3}$ .

<sup>9</sup> *Ibid.*



**Table 2: One to Three Hour and 24-Hour Air Quality Guidelines for Particle Pollution (PM 2.5)<sup>10,11</sup>**

Air Quality	PM 2.5 1 to 3-Hour	PM 2.5 24-hour	Interpretation
Good	0 - 38	0 - 12	Air quality is considered satisfactory, and air pollution poses little or no risk
Moderate	39 - 88	12.1 - 35.4	Air quality is acceptable; however, for some pollutants there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.
Unhealthy for Sensitive Groups	89 - 138	35.5 - 55.4	Members of sensitive groups may experience health effects. The general public is not likely to be affected.
Unhealthy	139 - 351	55.5 - 150.4	Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.
Very Unhealthy Alert	352 - 526	150.5 - 250.4	Health warnings of emergency conditions. The entire population is more likely to be affected.
Hazardous	>526	>250.5 - 500	Health alert: everyone may experience more serious health effects

\*PM 2.5 units are in micrograms per meter cubed,  $\mu\text{g}\cdot\text{m}^{-3}$ .

### **Data Exploration of Air Quality in the Vicinity of Beach Fire Area at Carmel Beach**

To determine whether or not a moratorium on beach fires within the allowed beach fire area at the southern third of Carmel Beach is sound policy that will reduce the likelihood of harming human health, I analyzed available data from several sources. The goals of this data analysis were to answer the following questions:

1. Do exceedances of national and state air quality standards and public health guidelines for PM 2.5 occur in the vicinity of the allowed beach fire area at Carmel Beach?
2. If exceedances of PM 2.5 standards and guidelines do occur in that area, is the PM source of those exceedance episodes attributable to beach fires from the beach fire area?

I used the following data to answer the above questions:

#### ***PM 2.5 data***

This data was provided to me by the MBUAPCD from the air quality monitoring station that was installed at the 13<sup>th</sup> Avenue and Scenic Drive location, **Figure 1**. This location is within the local airshed of the beach fire portion of Carmel Beach. The data extends from May 21, 2015 through October 19, 2015, and contains hourly, eight-hour and twenty-four hour average measurements, which I evaluated for

<sup>10</sup> Air Quality Index Basics, <http://airnow.gov/index.cfm?action=aqibasics.aqi>

<sup>11</sup> Wildfire Smoke: A Guide for Public Health Professionals, <http://www.arb.ca.gov/carpa/toolkit/data-to-mes/wildfire-smoke-guide.pdf>



conformance to air quality standards and guidelines. The District used an E-BAM sensor to measure PM 2.5 concentrations. E-BAM sensors rely upon a beta attenuation technology. According to this method, ambient air is drawn through the E-BAM sensor at a specified flow rate and particulates are captured by a filter tape in the sensor core. Beta radiation is emitted through the tape both before and after PM 2.5 mass collection, and the ratio of beta radiation that is attenuated before and after particle collection is used to determine the particle mass<sup>12</sup>. The accuracy of this measurement relies on thorough mixing of ambient air. When systematically compared to a reference sampler, E-BAM sensors were found to be accurate, but to overestimate PM 2.5 concentrations by 13.5% on average in a 2003 study. However, the technology may have improved in the interim<sup>13</sup>.

### ***Beach Fire data***

Data on the number of fires within the beach fire area at Carmel Beach were provided by the City of Carmel-by-the-Sea based on its observations for five weekends spanning a time period from June 27, 2015 through July 26, 2015. I used this data to evaluate the relationship between the number of fires and the PM 2.5 concentrations at the 13<sup>th</sup> Avenue monitoring station<sup>14</sup>. The City provided beach fire number data both for the 7:00 p.m. time frame as well as the 8:30 p.m. time frame. I used the 7:00 p.m. data for my analysis based on the assumption that a “sea breeze” was most likely to be still active at that time, leading to readings at the monitoring station location that would reflect the effects of beach fire smoke<sup>15</sup>. At coastal locations an on-shore breeze usually develops during the day based on air circulation patterns established by temperature differences between the land and water (land temperature > water temperature). As the sun sets, the temperature differences grow smaller or are reversed, and the sea breeze is typically quieted. Therefore, PM 2.5 measurements at the location of the sensor are likely to best reflect smoke produced on the beach during times when the sea breeze is active<sup>16</sup>.

### ***Meteorological Data***

I used available meteorological data to evaluate wind speed and wind direction during episodes when higher PM 2.5 concentrations were recorded by the monitoring sensor in order to understand the source of particulate matter for these episodes. Meteorological data were recorded at the location of the 13<sup>th</sup>

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<sup>12</sup> Liberti, A. (1975) Modern methods for air pollution monitoring. *Pure and Applied Chemistry*, **44**(3), 519-534, Tao, L. and Harley, R.A. (2014) Changes in fine particulate matter measurement methods and ambient concentrations in California. *Atmospheric Environment*, **98**, 676-684.

<sup>13</sup> Trent, A. (2003) Laboratory evaluation of real-time smoke particulate monitors General Tech. Rep. 0325–2834–MTDC), USDA Forest Service Technology and Development Program, Missoula, MT: pp 15.

<sup>14</sup> The 13<sup>th</sup> Avenue monitor cannot distinguish between PM 2.5 from beach fires versus other potential sources (e.g., residential fireplaces and barbecues, vehicular exhaust, etc.), so it is not possible to measure the correlation explicitly due to beach fires. This analysis generally presumes all PM 2.5 to be from beach fires as a cautionary and conservative approach. However, there clearly is a need for more advanced monitoring data of this type to be able to conclusively establish relationships between smoke on the beach and inland PM 2.5 concentrations.

<sup>15</sup> *Ibid* (with respect to beach fire smoke versus other potential PM 2.5 sources). In addition, the 13<sup>th</sup> Avenue monitor was not able to collect high quality meteorological data, so this is a proxy for what might be reasonably inferred in this regard (see also ‘Meteorological Data’ discussion that follows).

<sup>16</sup> *Ibid* (need for more advanced monitoring data (related to the effect of different sources and wind patterns, etc.) to be able to draw effective conclusions).



Avenue air quality monitoring station. However, those data were generally of poor quality due to difficulties in finding a suitable setup location for the meteorological sensors. The quality of wind data will suffer when it is placed behind a physical barrier, as was the case at the 13<sup>th</sup> Avenue monitoring station. PM 2.5 data may suffer as well, but in this case it probably reflects the local air quality fairly well. Although the sensor is quite near to the beach, it is at a sufficient distance that the air should be well-mixed by the time it reaches the sensor, although this is an assumption<sup>17</sup>. The MBUAPCD did provide me with reliable meteorological data from a Pacific Grove location as provided by the California Irrigation Management Information System network (CIMIS)<sup>18</sup>. CIMIS is a network of weather stations arrayed across California where numerous meteorological variables are recorded on an hourly basis. The location of the Pacific Grove sensor has the benefit of being located along the coast, but it is in a somewhat different orientation than Carmel Beach. In addition, the Pacific Grove sensor is located substantially to the north of Carmel Beach, and in an area that is more directly exposed to the predominant northwest winds, whereas Carmel Beach is located within Carmel Bay where the headlands of the Bay may change wind dynamics as compared to the Pacific Grove sensor, **Figure 2**. Therefore, I viewed these wind data as representative overall, but by no means identical to the meteorological conditions that occur at Carmel Beach.

#### **Analysis of Air Quality Standards and Guidelines in relation to PM 2.5 readings in the Carmel Beach Fire Area Airshed**

To answer the question of whether federal air quality standards were exceeded, or whether state public health guidelines showed problematic air quality inland of the beach fire area during the study period, I graphed the one-hour and the twenty-four hour average data from the 13<sup>th</sup> Avenue monitoring station to correspond with the guidelines listed in **Table 2**. These appear in **Figures 3** and **4** respectively. Although the one-hour data are important and informative, the twenty-four hour data are the only data for which enforceable Clean Air Act standards exist. Therefore, I relied solely on the twenty-four hour data to determine if an air quality exceedance occurred. According to the 24-hour data, daily standards for PM 2.5 were exceeded one time, on September 20, 2015, **Figure 4**, (but see footnote 8 which establishes that this is a conservative interpretation of the Clean Air Act Standard, and that three years are required to actually establish if a violation has occurred). I do not attribute this exceedance to beach fire smoke, however, because it occurred on a Sunday when the City was enforcing its beach fire moratorium.

Turning to the hourly data, **Figure 3**, we see that readings at the 13<sup>th</sup> Avenue monitoring station were predominantly in the “Good” air quality category almost all of the time<sup>19</sup>. We also see several data points that exceeded recommended guidelines for one to three hour concentrations. By “exceeding recommended guidelines,” I am distinguishing between exceedances of state and federal *standards*, which represents non-compliance with the Clean Air Act, and exceedance of the *guidelines* detailed in **Table 2** above, which puts air quality conditions outside of a set of recommendations for public health officials to guide their response under different particulate matter concentrations. Under these EPA guidelines, PM

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<sup>17</sup> *Ibid* (note that the sensor cannot distinguish between different potential sources).

<sup>18</sup> California Irrigation Management Information System (CIMIS), <http://www.cimis.water.ca.gov/>

<sup>19</sup> See Table 2 above. Per EPA guidelines, the “Good” category means “Air quality is considered satisfactory, and air pollution poses little or no risk.”



2.5 concentrations reached levels “Unhealthy for Sensitive Groups” during six individual hours in the months of May through early July. In addition, on July 4<sup>th</sup>, a day in which recreationists lit 75 and 135 fires (by 7 p.m. and 8:30 p.m. respectively)<sup>20</sup>, PM 2.5 concentrations rose into the “Unhealthy” category for two hours as measured at the 13<sup>th</sup> Avenue monitoring station. Across the entire five-month hourly dataset, air quality conditions for PM 2.5 fell into the “Good” category 98.0% of the time, into the “Moderate” category 1.8% of the time, into the “Unhealthy for Sensitive Individuals” category 0.17% of the time and into the “Unhealthy” category 0.055% of the time<sup>21</sup>. In short, the data shows that air quality at the 13<sup>th</sup> Avenue monitoring station was almost always in the “Good” air quality category, when the finer-grained hourly average air quality is considered, for which the EPA does not recommend that any actions are necessary to abate air quality concerns (see Table 2). Air quality only entered into the “Unhealthy” categories eight times (about 0.23% of the data points), one time of which exceeded Clean Air Act standards during a time when there were no beach fires. In **Figure 4**, we see the single aforementioned 24-hour data point where PM 2.5 exceeded the recommended guidelines for 24-hour concentrations (during a time when the City enforced a prohibition on all beach fires).

A comparison of **Figures 3** and **4** is also informative. The finer-grained hourly data, **Figure 3**, indicates that eight hours of high PM 2.5 concentrations fell in the “Unhealthy for Sensitive Individuals” and “Unhealthy” categories on weekends before the moratorium was implemented. However, the coarser-grained, 24-hour averaged data, graphed in **Figure 4**, reveals that large fluctuations in PM 2.5 readings occurred both pre- and post-moratorium, with PM 2.5 concentrations indicating “Moderate” air quality conditions evident throughout the dataset. The period from approximately August 14<sup>th</sup>, 2015 through October 15<sup>th</sup>, 2015, for example, is a period of large fluctuations in PM 2.5 concentrations, with no apparent pattern of high or low values associated with weekends or weekdays. These observations emphasize that a multi-source analysis combined with meteorological data would be required to understand, and potentially improve, our understanding of particulate matter concentrations in this region. Further, a focus solely on beach fires at Carmel Beach as a means of improving PM 2.5 concentrations in Carmel-by-the-Sea, will be a partial solution at best, given that there are many other factors that can contribute to PM 2.5 concentrations, including wood fires in residential fireplaces, vehicle exhaust, backyard barbecues, etc.

#### **Analysis of the Correlation between Beach Fire Occurrence and PM 2.5 Concentration**

To determine if the source of the relatively higher PM 2.5 concentrations at the 13<sup>th</sup> Avenue monitoring station can be attributed to fires within the beach fire area on Carmel Beach (Question 2, above), I followed two approaches. For the first approach, I graphed the 24-hour data for the time period preceding the moratorium on beach fires (*i.e.*, for the time period from May 21, 2015 through August 2, 2015), **Figure 5**. I then identified all the weekends in this time period (Friday through Sunday). If PM 2.5 concentrations exceeded  $12 \mu\text{g.m}^{-3}$  during any portion of those weekends (*i.e.*, if concentrations exceeded state guidelines for “Good” PM 2.5 conditions), I drew a shaded box around those weekends to separate

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<sup>20</sup> Data provided by the City of Carmel-by-the-Sea.

<sup>21</sup> These percentages sum to 100.025% due to a slight rounding error.



them visually from the larger dataset<sup>22</sup>. I followed this procedure on the assumption that more visitors are likely to be recreating on the beach on weekends, especially into the evenings<sup>23</sup>. Therefore, if relatively higher PM 2.5 concentrations at the 13<sup>th</sup> Avenue monitoring station were found to correspond with those weekend dates, I considered it safe for the purposes of this analysis to attribute those conditions to the higher number of beach fires within the beach fire area during that time. As is evident in **Figure 5**, the majority of the relatively high PM 2.5 episodes over this time period did occur on weekends, with the exception of June 15<sup>th</sup> – 18<sup>th</sup>, (Monday through Thursday), July 28<sup>th</sup> and 29<sup>th</sup>, (Tuesday and Wednesday), and a few additional points leading into or out of the weekend time periods highlighted on the graph. During these highlighted, weekend time periods and the other times identified, air quality entered the “Moderate” zone for PM 2.5. From the “Moderate” air quality conditions that occurred on July 28<sup>th</sup> and 29<sup>th</sup>, and from a few periods visible later in the dataset after the moratorium was imposed (roughly August 14<sup>th</sup> – September 11<sup>th</sup>), **Figure 4**, when PM 2.5 concentrations were again relatively high, it is clear that factors other than fires on Carmel Beach also contribute to the measured PM 2.5 concentrations at the 13<sup>th</sup> Avenue monitoring station. As indicated earlier, more robust data collection would be required to be able to differentiate among different potential contributors affecting PM concentrations, including not only in relation to sources, but other related and critical data (e.g., meteorological data, beach fire number and location data, etc.).

For the second part of this analysis, I used a linear regression approach as a means to evaluate the correlation between the City’s fire data (*i.e.* the number of fires that occurred at 7:00 p.m. across five weekends, as estimated by the City) and the PM 2.5 data from the 13<sup>th</sup> Avenue monitoring station. The results of this analysis appear in **Figure 6**. In this approach, the r-squared value, or the square of the correlation coefficient, establishes the strength of the relationship between the number of fires on these five weekends and PM 2.5 data, with a value of one indicating perfect correlation between the variables and a value of zero indicating no correlation. I found an r-squared value of 0.65, indicating a relatively strong correlation between the number of fires on these weekends and PM 2.5. That is to say that approximately 65% of the relatively high PM 2.5 concentrations can be explained by the number of beach fires on these five weekends, whereas the remaining 35% do not. However, and in addition to issues previously noted regarding the nature of the data set, a few additional caveats must be applied to this analysis. First, the dataset is very short, and includes data from five weekends only, and during time periods when wind conditions were assumed to be pushing smoke inland. A longer dataset along with baseline and comparative data would likely give a truer picture of the actual relationship between the number of fires and PM 2.5. The relationship is also strongly influenced by the one point at the high end of the number of fires (*i.e.*, on July 4<sup>th</sup> when there were 75 reported fires at 7:00 PM, with a corresponding PM 2.5 concentration of 148  $\mu\text{g}\cdot\text{m}^{-3}$ )<sup>24</sup>. If this point is removed from the dataset, the r-squared value falls to 0.21, which is a much weaker correlation. That being said, it appears from the larger analysis that the

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<sup>22</sup>There were four weekends during this period where air quality remained in the “Good” range for the entire weekend (*i.e.* May 29-31, July 10-12, July 24-26 and July 31- August 2).

<sup>23</sup> Note that this is an assumption for the purposes of this memo only. Obviously, the conditions that lead to more versus less use of the beach are complicated and more difficult to model. The use of the beach is driven by much more than just whether the days fall on Friday through Sunday (e.g., temperature and weather patterns and conditions, daylight hours, surf and swells, school and holiday patterns, local and regional events, etc.).

<sup>24</sup> At 8:30 PM, the number of fires reported was 135, with PM 2.5 readings of 153  $\mu\text{g}\cdot\text{m}^{-3}$ .



number of fires on Carmel Beach likely influence the particulate matter concentrations at the 13<sup>th</sup> Avenue monitoring station.

### **Source of high PM 2.5 in September**

In addition to the above analyses, I also sought to identify the source of the exceedance episode that occurred on September 20<sup>th</sup>, 2015, as this was the one time the data shows that the 24-hour federal air quality standard was exceeded. Due to the moratorium on weekend fires at that time, it appears clear that beach fires could not be implicated in the exceedance. However, because PM 2.5 concentrations are frequently associated with smoke, I looked at the catalogue of large-scale fires being monitored by Cal Fire<sup>25</sup> to see if any fires coincided with the dates in question. I found that two fires in the Carmel Beach vicinity corresponded with these dates, and more than likely explain the high PM 2.5 concentration readings on this date. These were the Tassajara fire, a fire that burned 1,086 acres from September 19<sup>th</sup> through September 27<sup>th</sup>, and the Laureles fire, which burned from September 19<sup>th</sup> through September 21<sup>st</sup> and consumed 95 acres, **Figure 7**.

### **Conclusions**

To conclude, and to answer the questions posed above, yes, one exceedance of the Clean Air Act 24-hour PM 2.5 standards did occur over the five-month time period examined. However, that exceedance occurred on a Sunday when the beach fire moratorium was in place, and there were no beach fires. Thus, this exceedance was due to PM 2.5 sources other than beach fires. This exceedance instead appears to have been associated with the large fires that occurred inland of Carmel Beach along Highway 68 at that time, and was definitely not associated with fires on Carmel Beach. Eight other instances of relatively high PM 2.5 concentrations did occur on weekends in late May through July, with six hours that fell into the “Unhealthy for Sensitive Groups” range and two hours in the “Unhealthy” range. These instances occurred when there were also larger numbers of fires on Carmel Beach on those dates. However, these instances were limited to a total of 0.17% of the study period in the “Unhealthy for Sensitive Groups” range, and 0.055% of the study period in the “Unhealthy” range. The remainder of the data show that air quality remained in the “Moderate” range 1.8% of the time and in the “Good” range for 98% of the time.

At this time, collection of a larger dataset of particulate matter concentrations is warranted to assess whether annual PM 2.5 standards are exceeded, and to what degree such exceedances might be correlated to beach fires. An attempt to identify other sources of PM 2.5 would also be prudent from a public health standpoint, as the data record clearly indicates that PM 2.5 is generated from sources unrelated to beach fires (*i.e.*, chimney smoke, backyard barbeques, vehicle emissions, industrial processes, etc.). The collection of high quality meteorological data in conjunction with the air quality dataset would also be helpful for interpretation of the potential sources of high particulate matter, as would further data on the number of fires that occur each day, including on days when documentation confirms that no fires occurred. Based on this analysis, I conclude that limiting the number of beach fires, and better beach fire management within the allowed beach fire area at Carmel Beach would be a prudent and cautious approach to help avoid exceeding “Good” air quality guidelines inland of that area, but that a ban on all such fires is not supported by the data.

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<sup>25</sup> <http://calfire.ca.gov/index>





Figure 1. Location of the 13<sup>th</sup> Avenue air quality monitoring station



## Weather Station Location

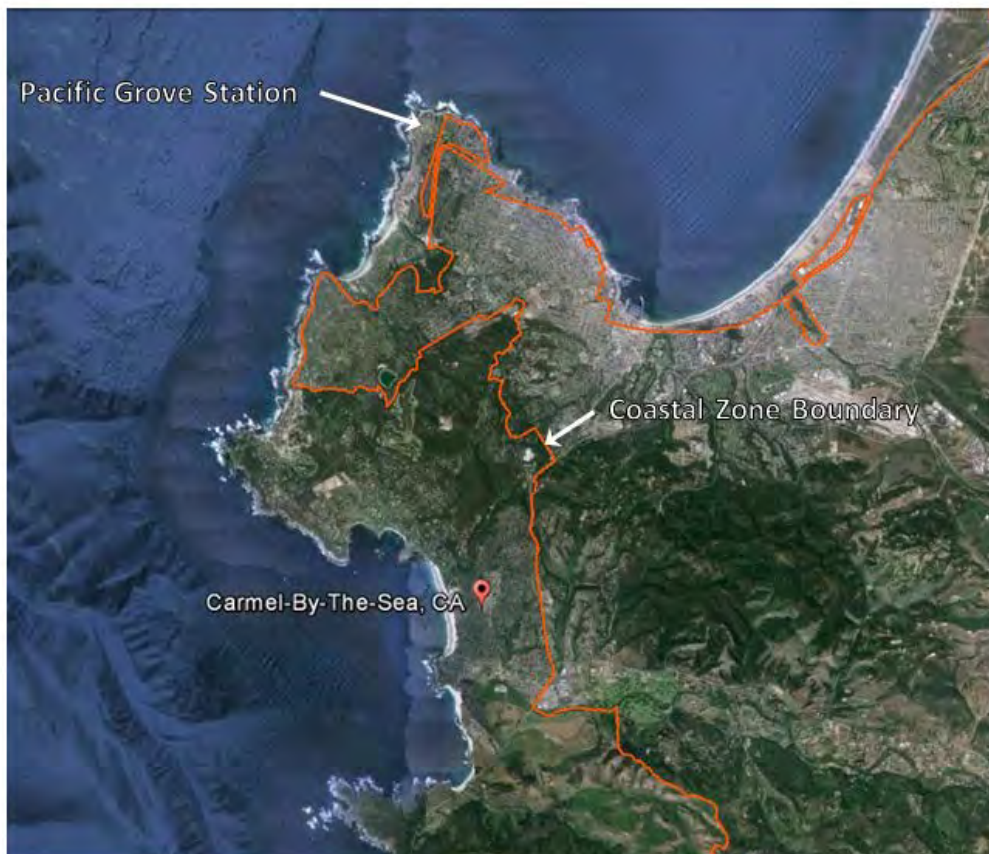


Figure 2. Location of the Pacific Grove weather station relative to Carmel Beach



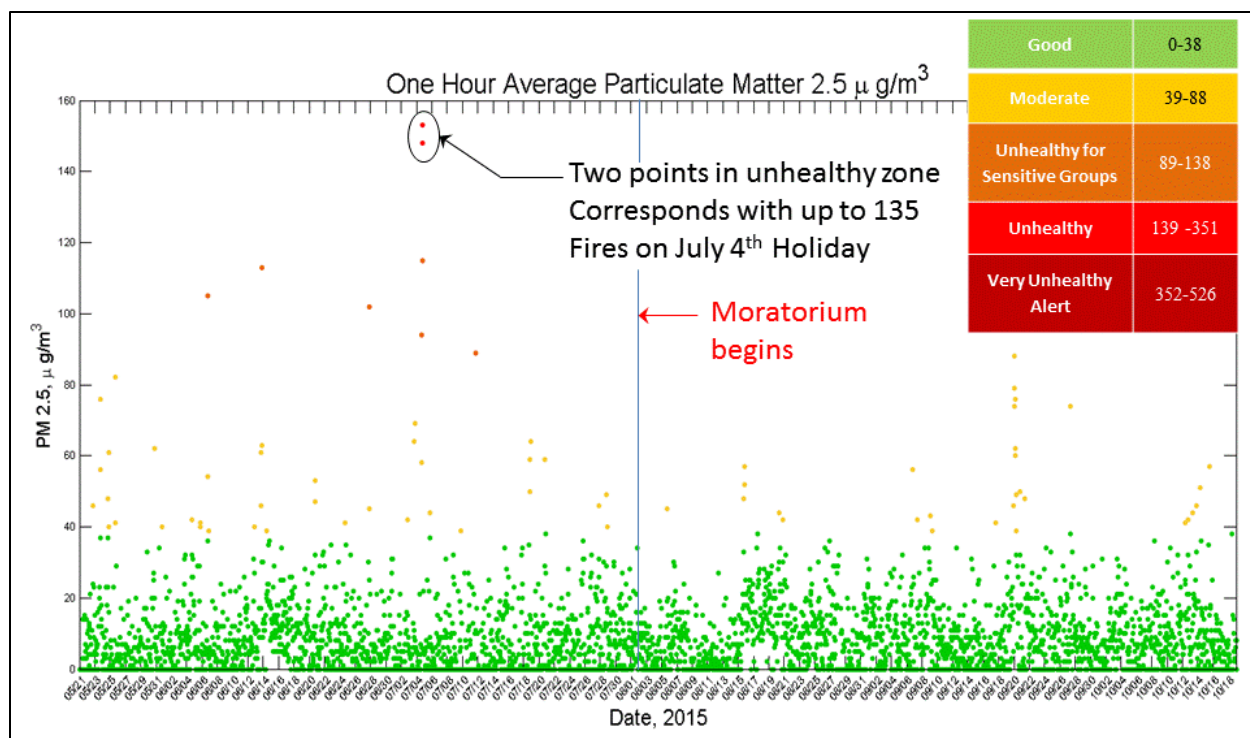


Figure 3. Hourly average PM 2.5 data at the 13<sup>th</sup> Avenue monitoring station for the period between May 21, 2015 and October 19, 2015. Two points, both on July 4, 2015, are in the “unhealthy” air quality category for PM 2.5 (see Table 2).



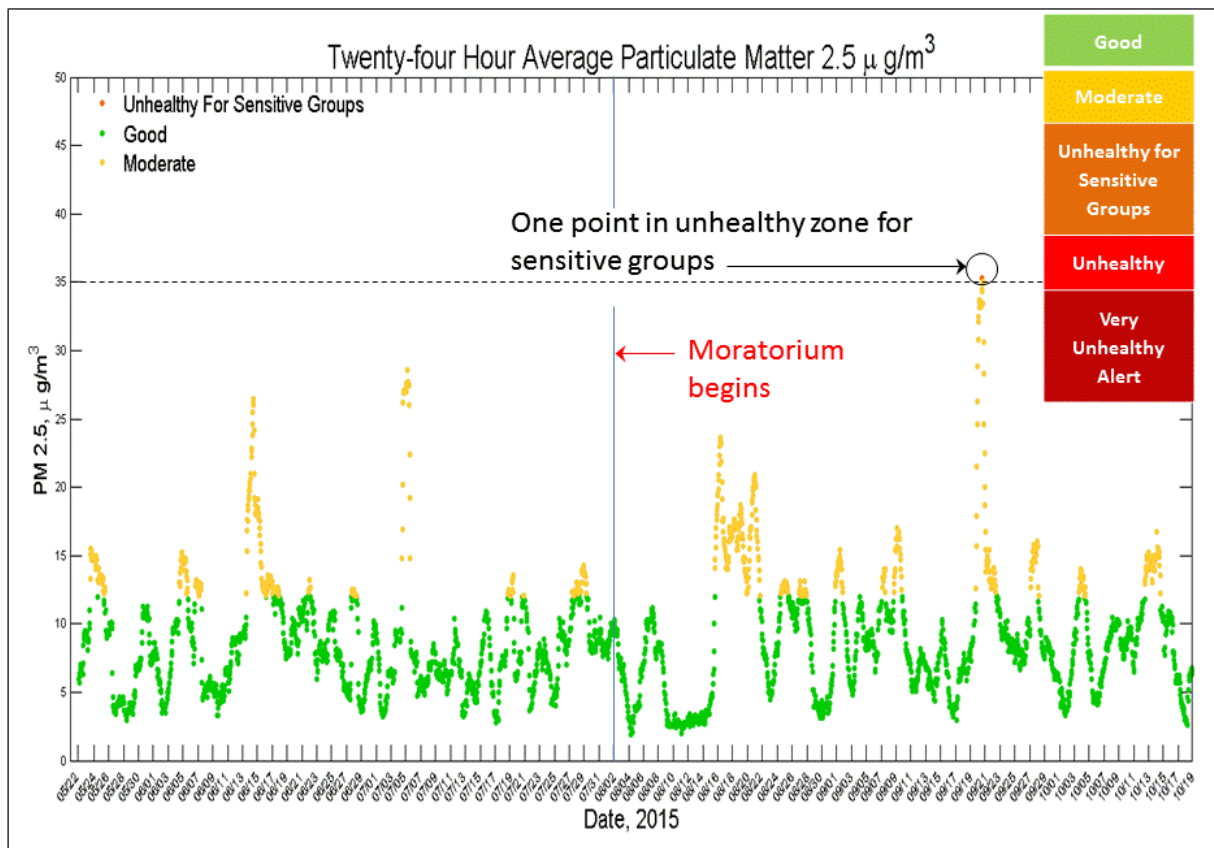


Figure 4. Daily average PM 2.5 at the 13<sup>th</sup> Avenue monitoring station for the period between May 21, 2015 and October 19, 2015. One point, on September 20, 2015, exceeds the Clean Air Act PM 2.5 standards of  $35 \mu\text{g}/\text{m}^3$ , and is in the “Unhealthy for Sensitive Groups” air quality category for PM 2.5 (see Tables 1 and 2).



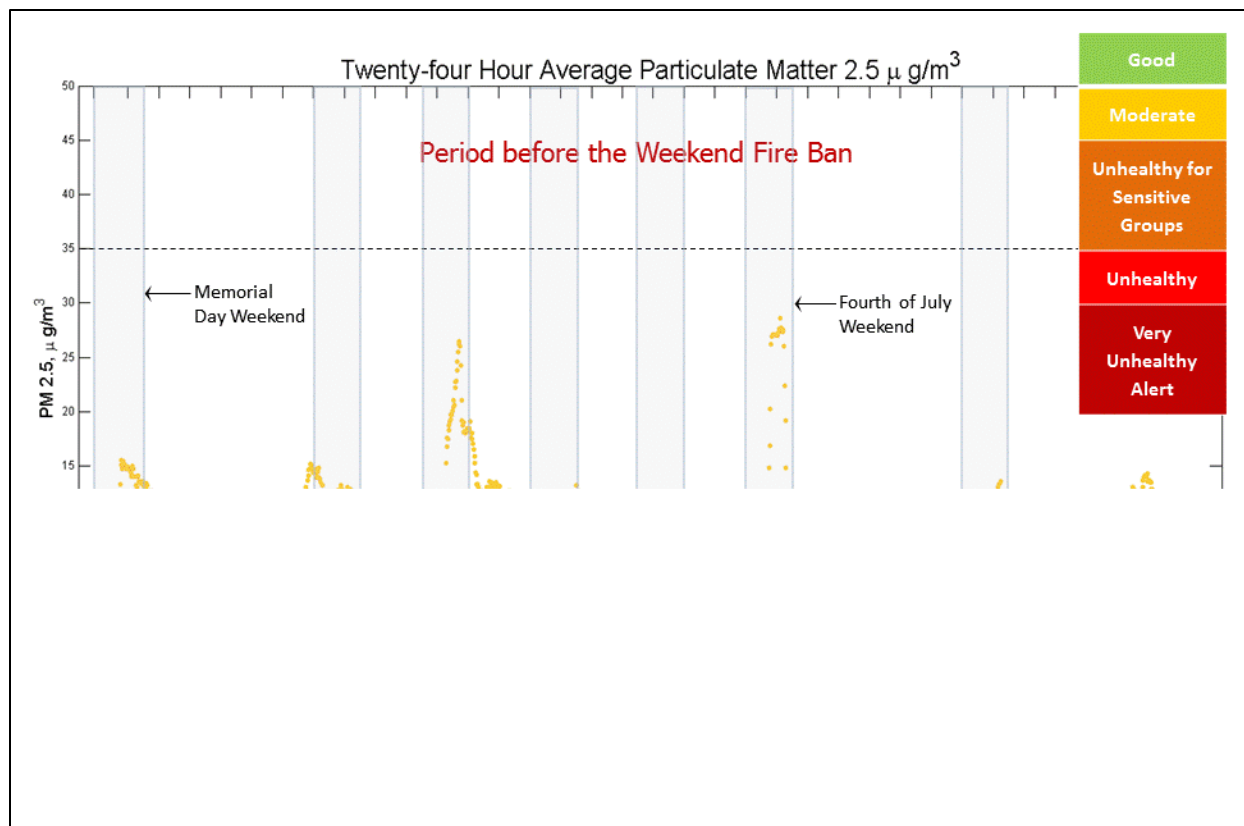


Figure 5. Correspondence of PM 2.5 concentrations at the 13<sup>th</sup> Avenue monitoring station with weekends prior to the City's weekend moratorium on beach fires.



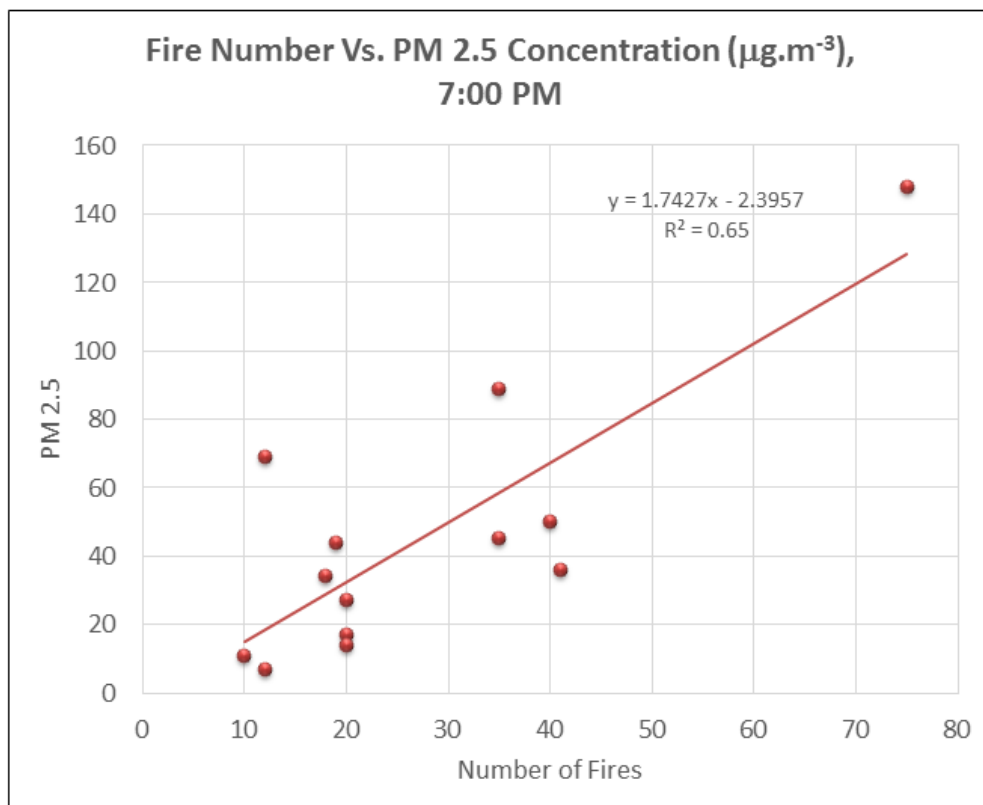


Figure 6. The correlation between the number of fires within the beach fire area on Carmel Beach and PM 2.5 concentrations at the 13<sup>th</sup> Avenue monitoring station.



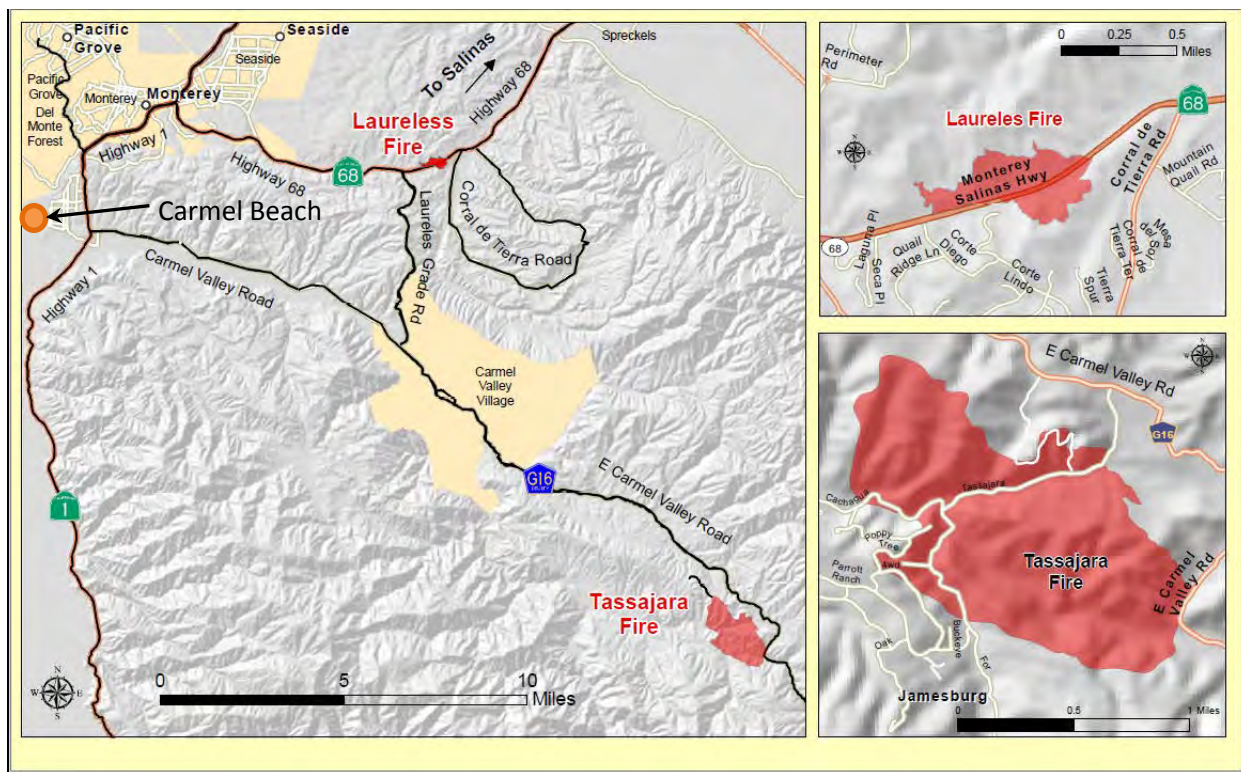


Figure 7. Location of the Tassajara Fire and the Laureles Fire relative to Carmel Beach





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December 8, 2015

Dan Carl  
Deputy Director  
Central Coast District Office  
California Coastal Commission  
725 Front Street, #300  
Santa Cruz, CA 95060  
**via email and U.S. mail**

**Re: Coastal Commission Item A-3-CML-15-0033, Agenda Item #F12b**

Dear Mr. Carl:

Please distribute this letter to the Coastal Commission members and the pertinent staff. The City of Carmel-by-the-Sea has reviewed the Coastal Commission staff report for Item A-3-CML-15-0033, the Delehany Appeal of the City's Beach Fire Management Pilot Program (CDP application number MP 15-100), and provides the following comments. As we have previously communicated to staff in the Central Coast District Office, we disagree with some of the major conclusions and analysis of the staff report. Our primary concerns were set forth in a December 4, 2015 letter from Mayor Burnett to Commission Chair Steve Kinsey, a copy of which was directed to you.

The City supports approving the CDP for the pilot program as set forth in the City's November 2015 revised pilot program. The City does not support the CDP for the pilot program as currently conditioned by Coastal Commission staff. Specifically, the City requests that the Commission consider an alternative motion at the December 11, 2015 hearing on this item. The alternative motion is as follows.

*The City, as both applicant and decision-maker for City-approved CDP No. MP 15-100, requests that the Coastal Commission find that the appeal raises a substantial issue. We agree that a substantial issue is raised, and would request that the Commission: find substantial issue; hold a de novo public hearing to take testimony; and deliberate on the staff recommendation and the merits of the City's proposed beach fire management pilot program (that utilizes propane-fueled beach fire devices while still maintaining low-cost, visitor-serving recreational uses of the beach). Following deliberation, the City requests that the Commission not take a final CDP action, but rather that the Commission take an action to continue the de novo CDP hearing to a future date*



*and Commission hearing, and that the Commission as part of that action direct its staff to work with City staff and staff of the Monterey Bay Unified Air Pollution Control District on possible refinements to the City's program that can be brought back for further Coastal Commission consideration and action at that future Commission hearing.*

In summary, the City is looking for confirmation that the Commission will support an all-propane alternative for the pilot program before committing substantial City staff time and resources to further discussion with Commission staff on an acceptable program. We remain optimistic that the Commission and Commission staff will concur that a propane-only pilot program should be implemented, as such a program would avoid the deleterious impacts resulting from wood-fueled fires on Carmel Beach while both maintaining low-cost visitor-serving uses and enhancing coastal access and enjoyment of the beach area by visitors and residents who have been unable to enjoy the beach area because of air quality, health, and other public safety concerns.

Please let me know if you have any questions or require any clarifications. Thank you.

Sincerely,



Robert A. Mullane, AICP  
Public Works Director

CC via email to:

Supervisor and California Coastal Commission Chair Steve Kinsey  
Supervisor and California Coastal Commissioner Carole Groom  
California Coastal Commission Executive Director Charles Lester  
California Coastal Commission District Manager Susan Craig  
California Coastal Commission Supervising Planner Kevin Kahn  
California Coastal Commission Coastal Program Analyst Mike Watson  
Monterey Bay Unified Air Pollution Control District APCO Richard Stedman  
Carmel-by-the-Sea Interim City Administrator Michael Calhoun  
Carmel-by-the-Sea Community Planning and Building Director Marc Wiener  
Carmel-by-the-Sea City Council





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December 4, 2015

Supervisor Steve Kinsey  
Chair, California Coastal Commission  
3501 Civic Center Drive  
Suite 329  
San Rafael, CA 94903-4193

RE: California Coastal Commission agenda item F12b  
Sent via mail and email

Dear Supervisor and Chair Kinsey:

Thank you for taking the time to talk earlier this week about a variety of issues of mutual interest including the public policy challenges of wood smoke. I wanted to follow up with more information on our beach fire management proposal for how to maintain and enhance coastal access while protecting the public from harmful air pollution from wood fires. By replacing wood fires with propane fires, Carmel-by-the-Sea's beach fire management plan will enable more people to enjoy beach fires and do so without causing air pollution concerns and creating nuisance conditions for area residents. We are prepared to lead the state in this regard and would prefer to do so in partnership with the California Coastal Commission. I would request that the California Coastal Commission direct staff to investigate our proposed propane beach fire program and continue your agenda item F12b to allow for more collaboration between your staff, our staff and the Monterey Bay Unified Air Pollution Control District (Air District).

I will start by providing a little background on my career since it is directly relevant to the question of reducing exposure to wood smoke. I started my career in Washington DC working at a bi-partisan think tank that looked at the cost-effectiveness of regulations across the federal government. I learned that the Office of Air and Radiation at the US Environmental Protection Agency (USEPA) issues many of the regulations with the largest public health benefits and most of those health benefits were due to reduced exposure to fine particles (PM2.5). Later I worked as the Senior Policy Advisor in the Office of Air and Radiation at USEPA and advised the EPA Administrator on various PM2.5 regulations including the tightening of the national standard for short-term PM2.5 exposure. Although we succeeded in tightening the short-term standard, we were not able to convince the elected officials – President Bush and Vice President Cheney – of the need to tighten the annual standard to be consistent with the advice



from the extensive body of science. As a staff member, I respected that it was ultimately the elected officials' responsibility to balance the competing needs of their constituents. I resigned my position and a couple of years later I ran for elected office myself.<sup>1</sup>

In summary, I have worked professionally on PM2.5 health risks, exposure and regulation, I have resigned my position because I felt so strongly about the health imperative to reduce exposure and I ran for elected office in part because of that experience. Given this history, it is ironic that I find myself now as an elected official advocating for *less* PM2.5 exposure and find certain California Coastal Commission staff downplaying the health risks and advocating for a policy that would cause *greater* exposure and harm to human health.

The topic of beach fire management is not new to the California Coastal Commission so you may know that wood smoke contains a variety of harmful constituents volatile organic compounds (VOCs) and particulates of a variety of sizes including PM2.5. These fine particles go deep into the human lung and some may even be absorbed into the bloodstream. According to USEPA, PM2.5 exposure can cause "premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing."<sup>2</sup> I will note that USEPA sets daily and annual standards for PM2.5 yet estimates many adverse health consequences including thousands of premature deaths each year because of exposure below (cleaner) than the standards. In addition, the daily and annual standards are averages over time while no human being breaths daily or annual "average air" but rather whatever air is in the vicinity at the moment. In other words, the standards are a national management tool but are not set at a level that constitutes zero health risk.

Of course the severity and number of adverse health impacts depends on a number of factors including concentration of PM2.5 and I, like your staff, originally thought the ambient concentrations of PM2.5 from beach fires were low enough that a pilot program allowing 26 rings would be an appropriate step. Carmel-by-the-Sea adopted such a pilot program and it was immediately appealed to the Commission. In order to have a data-informed debate and decision, we asked the Air District to install a PM2.5 monitor in the neighborhood near the beach. To our surprise and dismay, we found PM2.5 levels to be much higher than expected. The monitor detected levels of wood smoke pollution that were unsafe for sensitive populations and at concentrations that would trigger an evacuation under EPA's wildfire management guidance for public health officials. Based on this data and a variety of other information, the Carmel City Council has concluded that the pilot program is not sufficiently health-protective and we see no value to the Commission approving a program that Carmel has no intention of implementing.

The Carmel City Council considered modifying the pilot program to include a substantially smaller number of wood fires but ultimately concluded that any meaningful number of fires would at times

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<sup>1</sup> USEPA asked me to return as Associate Deputy Administrator to work on the first federal greenhouse gas standards. A similar pattern followed.

<sup>2</sup> See <http://www3.epa.gov/pm/health.html>



constitute an unacceptable health risk for our community. Instead of engaging in a zero-sum debate that pits coastal access against the health of our community, we asked whether there might be a win-win outcome whereby we could maintain or ideally improve coastal access while avoiding adverse health impacts. Our City Council has concluded that an appropriately designed propane beach fire program has the potential of actually increasing coastal access and effectively eliminating the health risks of PM2.5 exposure. We propose that the city would supply a number of propane fire rings and would provide free propane as a service to our beach visiting public. These communal fire rings would be a central gathering place where neighbors would meet neighbors and locals would meet visitors. Unlike wood fires, they would be free. In addition, anyone could bring his or her own propane device or rent one from a local vendor and perhaps even a City-sponsored concessionaire for a reasonable refundable deposit. Because propane is clean, people who are particularly sensitive to PM2.5 exposure would gain access to the beach. This is a non-trivial population. According to USEPA, "People with heart or lung diseases, children and older adults are the most likely to be affected by particle pollution exposure."<sup>3</sup> Many in our community and many of our visitors fit into these categories.

We remain concerned with the staff report's assertion that propane-fueled fires would be inconsistent with components of the City's Local Coastal Program. As other recent correspondence from the City has indicated, propane is a flammable gas, and not a flammable liquid. In addition to the Coastal Commission staff report on this point being scientifically inaccurate, this assertion is a new one from your staff. We have been talking about propane units as a component of the beach fires pilot program with your staff for several months, and LCP consistency was never an issue – until we saw this in the staff report released last week. Taking propane-fueled fires off the table as an option eliminates the opportunity for us to implement and refine a management program that offers an acceptable compromise for all beach and shoreline area users. Also, it is our understanding that propane-fueled devices are being deployed in the South Coast Air Quality Management District, with the approval of the California Coastal Commission, in an effort to control and reduce wood smoke impacts from beach fires. Many of these types of devices are routinely used for barbecues and home heating purposes. It is a proven low emission combustion technology that has been used successfully and safely by the public.

We are also concerned that our local representative on the Commission: Carole Groom, will not be able to attend Friday's meeting due to a long-standing conflict. For such a potentially contentious issue, it is important to ensure that our local representative can participate. We respectfully request that the item be continued to a future meeting in which Supervisor Groom can participate.

Finally, we were issued a letter from Richard Stedman, the Air Pollution Control Officer of the Monterey Bay Unified Air Pollution Control District formally putting the City on notice that the Air District is prepared to initiate enforcement action against the City if the City fails to eliminate or greatly reduce wood smoke impacts from beach fires. The City has prepared a revised pilot program that would avoid such enforcement action, and yet approval of the pilot program as currently conditioned in the Commission's staff report would almost assuredly trigger enforcement action by the Air District. We

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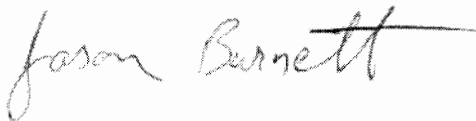
<sup>3</sup> Ibid.



urge your senior staff to further consult with Mr. Stedman on this issue over the next few weeks. I have previously spoken with Executive Director Charles Lester and encouraged him to talk with Mr. Stedman. I understand that a conversation occurred this afternoon. The California Air Resources Board and the various regional Air Districts are and should remain the State of California's authority on air pollution programs and I would respectfully suggest the Coastal Commission provide staff direction to use the professional expertise at the Air District for interpretation of air quality and associated health impacts.

Again, it was very nice to have the opportunity to meet with you earlier this week. I hope you can accommodate these requests, recommend the Commission continue the agenda item F12b while providing direction for your staff to work collaboratively with our staff and the Air District on a win-win propane beach fire pilot program. We hope this will be a solution for Carmel and other communities along the coast. Please feel free to contact me at 831.238.0009 or [Jason.Burnett@gmail.com](mailto:Jason.Burnett@gmail.com) if you would like to discuss further.

Sincerely,

A handwritten signature in cursive script that reads "Jason Burnett". The signature is written in dark ink and is positioned above the printed name and title.

Jason Burnett  
Mayor, City of Carmel-by-the-Sea

CC via email to:

Supervisor and California Coastal Commissioner Carole Groom  
California Coastal Commission Executive Director Charles Lester  
California Coastal Commission Deputy Director Dan Carl  
California Coastal Commission District Manager Susan Craig  
California Coastal Commission Coastal Program Analyst Mike Watson  
California Coastal Conservancy Executive Officer Sam Schuchat  
Monterey Bay Unified Air Pollution Control District APCO Richard Stedman  
Carmel-by-the-Sea Interim City Administrator Michael Calhoun  
Carmel-by-the-Sea City Council



# Friends of the Fire Rings

2549 East Bluff Drive, #390, Newport Beach, CA 92660

[www.savethefirerings.org](http://www.savethefirerings.org)

9 December 2015

The Honorable Steve Kinsey  
Chairman  
California Coastal Commission

RE: SUPPORT THE STAFF RECOMMENDATION ON CARMEL BEACH FIRE RINGS

Dear Chairman Kinsey and The California Coastal Commissioners -

Friends of the Fire Rings is a non-profit organization dedicated to protecting the use and enjoyment of traditional bonfires on public beaches for current and future generations. We represent a diverse, urban population of coastal and inland California residents who have strong cultural and social connections to the tradition of beach bonfires. Our organization led the effort to protect public fire rings in Newport Beach over the past couple of years.

**On behalf of our members, we urge you to support your staff's recommendation to approve 26 fire rings on Carmel Beach at your December 11 hearing in Monterey (A-3-CML-15-0033).**

Beach bonfires are a vital part of California's culture and identity, amenities that enhance property values, and a critical component of our coastal economy. More importantly, they are a lower-cost, visitor-serving, recreational activity that is protected under the Coastal Act. Friends of the Fire Rings was originally incorporated for the purpose of saving the fire rings in Newport Beach from regulatory over-reach by the city council, which sought help from the South Coast Air Quality Management District. We believe, and science supports, that recreational bonfires and healthy air quality are not mutually exclusive.

Fortunately, your Commission had the wisdom to forge a compromise in Newport Beach that both preserved the practice of firewood bonfires, *and* protected air quality (although the city of Newport Beach has not yet followed-through with their promises). We urge you to do the same at Carmel Beach.

Unfortunately, the strategy of using air quality concerns to discourage public beach use is not confined to Southern California. Some ocean-front homeowners would prefer to keep visitors off "their" beaches, and have seized upon the strategy of using air quality regulations and political connections to override public access laws.

Since this permit was appealed to you, the City of Carmel has voted to ban beach bonfires on holidays and weekends, and is now attempting to ban them completely, declaring them a "nuisance" under the Coastal Act. However the County Air Pollution Control District's own



monitoring demonstrates that impacts to air quality from bonfires at Carmel Beach are barely perceptible. Out of 140 days of continuous monitoring, only 1 day exceeded federal standards, and that was a day when regional wildfires impacted air quality throughout the city and bonfires were prohibited. In fact, 98 % of the hours monitored during that 140-day period registered "good" air quality. This certainly does not support claims of a public health risk or nuisance.

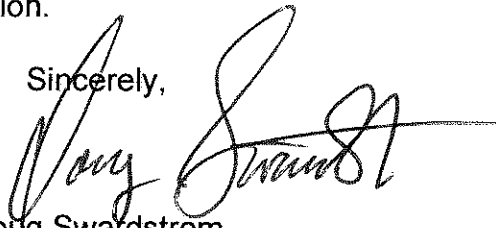
The clash between private homeowners and public beach use is not new. The air quality justification is just the current twist in a long and ugly effort to privatize public space. Banning bonfires would significantly and disproportionately affect the residents of many underserved inland communities who come to Carmel specifically so their families can enjoy an affordable, inclusive beach experience centered around beach bonfires. In fact, for many visitors, an evening at the beach, gathered with friends and family around a bon fire, is the only affordable activity available to them in this beautiful and popular city.

The Coastal Commission staff recommendation to restrict wood fires to 26 concrete rings spaced evenly on the beach is a rational, reasonable way to manage both air quality and public access. It will limit the number of fires, reduce the concentration of wood smoke near beachfront homes, improve air quality even over currently excellent levels, and eliminate pollution associated with the ash and embers from open fires. Many of the people who will be impacted by this decision don't even know about this meeting, nor could many of them take time off work to attend if they did.

Please protect this beloved tradition, protect public access, support your staff recommendation and support well-managed beach bonfires in Carmel.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Swardstrom", with a long horizontal flourish extending to the right.

Doug Swardstrom  
Founder, Friends of the Fire Rings



# Howard F. Ahmanson

December 7, 2015

Steve Kinsey, Chair California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 90560

Dear Mr. Kinsey  
Dear Commissioners,

My name is Howard Ahmanson and I am a California resident.

I have been an avid supporter of wood-burning fire rings and not only personally have enjoyed the fire rings but also personally have enjoyed the fact that the state of California has historically offered a lower-cost, accessible, and family-oriented amenity to all people regardless of where they live.

I strongly support the idea of protecting the past-time of wood-burning fires at the beach in the manner the Coastal Commission is recommending, by approving 26 fire rings on Carmel Beach. Not only does the public enjoy using the fire rings, other alternatives do not offer the same experience and tend to act as a disincentive to people using the fire rings.

An agenda by some ocean-front homeowners to claim air quality concerns for discouraging public beach use should not be used to nullify public access laws. I have never experienced any adverse health effects from wood-burning fire rings even though there are several placed near my own home. To the extent others may have had such experiences, I believe the proposed recommendation from the Coastal Commission strikes a fair balance between any such concerns, on the one hand, and the preservation of public access to the beaches, on the other hand. Families without the good fortune to live on the beach should not be impeded from their use by bureaucratic maneuverings of which that public is not even aware.

I applaud the Coastal Commission staff and the Commissioners for your leadership on this issue of importance to the City of Carmel, the state of California, and the public.

Sincerely,



Howard F. Ahmanson



Don Leach  
P.O. Box 223548  
Carmel, CA 93923

December 2, 2015

Mr. Michael Watson  
Coastal Planner  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
*Via Email: Michael.Watson@coastal.ca.gov*

Donald G. Freeman, Esq.  
City Attorney  
P.O. Box 805  
Carmel-by-the-Sea, CA 93921  
*Via Fax: (831) 624-583*

Re: Carmel Beach Fire Matter

Dear Mr. Watson and Mr. Freeman -

I am writing in further support of my letter to Michael Watson of November 3, 2015. Because I am not sure that Mr. Freeman has seen that letter, I am attaching a copy of my letter as Addendum 1 for your reference.

First, know that I am not a resident of Carmel-by-the-Sea, but reside on the east side of Highway 1 near Carmel High School, but that I have lived in the community for 26 years. I do not support the efforts to restrict the historic public use for wood fires, so please consider my comments with that bias.

Second, allow me to correct a comment I made in my November 3 letter to Mr. Watson as to the size of Kathleen Bang's Scenic Road residence. I have since been informed that my characterization of it as being "extremely large," may not be accurate. However, the size of Ms. Bang's home was not the focus of the substantive points of my November 3<sup>rd</sup> letter. Further information about those points is as follows, based upon factual public information:

1. Ms. Bang, who was and is a Commissioner on the City's Forest & Beach Commission, and a strong proponent of revising the historic use of the beach, is herself a homeowner of an oceanfront property on Scenic Road. Attached as Addendum 2 is a title company excerpt showing the location of her home between the beach access paths of the continuation of 9th and 10th Avenues (APN 010-302-008). Despite her contributions to the community, I am concerned that she may not be the most disinterested person in this matter.

2. Some rather straightforward internet information and a bit of deduction suggests (but I certainly acknowledge does not confirm) that many of the folks from whom Ms. Bang seeks support are Carmel property owners whose mailing addresses are outside of our



community, and in at least 3 cases are outside of California. I am attaching as Addendum 3 a copy of Ms. Bang's November 16, 2014 email to some 25 apparent supporters of the effort to restrict the beach fires on Carmel Beach. I am also attaching the following title company excerpts reflecting that at least 6 of these recipients have addresses outside of Carmel, as follows:

A. the email "Jeannemcwalters@----" would appear to be that of a sister of Elizabeth Herning Vaughan, whose name is associated with Parcel APN 010-303-009 located on Scenic Road. (If you wish, I can provide a copy of the June 18, 2010 Carmel Pine Cone announcement of the 60th anniversary of Dr. and Mrs. Howard Herning, in which their daughters, Marianne Kay, Jeanne Marie McWalters and Elizabeth Vaughan, are named.) The mailing address for that property is located in San Mateo, California. See attached Addendum 4.

B. the email "Frank.timark@----" would appear to be that of Frank J. Marshall, whose name is associated with Parcel APN 010-279-010 located on San Antonio Avenue between 11th and 12th Avenues. The mailing address for that property is located in Redmond, Washington. See attached Addendum 5.

C. the email "annettelegatte@---" would appear to be that of Annette L. Legallet, whose name is associated with Parcel APN 010-291-006 located on Scenic Road between the beach access paths of the continuation of 11th and 12th Avenues. The mailing address for that property is located in Hillsborough, California. See attached Addendum 6.

D. the email "carl.g.hoffman@---" would appear to be that of Carl G. Hoffman, whose name is associated with Parcel APN 010-292-006 located on the Scenic Road beachfront between the beach access path of the continuation of 12th and 13th Avenues. The mailing address for that property is located in Tempe, Arizona. It appears that they may have acquired this property in August 2013. See attached Addendum 7.

E. the email "jacquejarve@-----" would appear to be that of Jacqueline Jarve, whose name is associated with Parcel 010-302-015 located on the Scenic Road beachfront at the corner of the beach access path of the continuation of 9th Avenue. The mailing address for that property is located in Atherton, California. See attached Addendum 8. It appears that they may have acquired this property in October 2013. The location of this property appears to be five (5) lots from Ms. Bang's home, and creates some additional concern with Ms. Bang's status as a Commissioner of the Forest & Beach Commission, in that she supported the construction of their home with a rather familiar email to "Rob Mullane (i.e., Robert A. Mullane, the Director of the City's Community Planning & Building department) at a time when, it appears, she was serving as a Commissioner of the Forest & Beach Commission. A copy of this email is attached as Addendum 9.

F. the email "bboyse@----" would appear to be that of Brian D. Boyse, whose name is associated with Parcel APN 010-312-008 located on Scenic Road between Ocean and 8th Avenues. The mailing address for that property is located in Adrian, Michigan. It appears that Mr. Boyse may have acquired this property in April 2014. See attached Addendum 10.

I was not able to readily find any information on the other addressees of Ms. Bang's November 16, 2014 email, and thus I do not know (i) the location of any real property they may own in the City, (ii) its proximity to the beach, and (iii) the mailing address for these owners. I



do understand that there may be entirely reasonable explanations for the out-of-area mailing addresses for these parcels other than identifying these properties as second homes.

Sirs, please know that I understand that everyone (including 2<sup>nd</sup> homeowners) in Carmel-by-the-Sea is entitled to his or her opinion on the beach fire restrictions, and I most certainly do not deny them their right to provide support for that position. My concern is that (i) Ms. Bang's position with the Forest & Beach Commission, (ii) her own beachfront home, (iii) her support for the construction of the Jarves' home (a Scenic Road neighbor) at a time when she also held an official position with the City, and (iv) her solicitation of support from many owners of properties located on or near the beachfront that appear to be owned by people who may not be full-time residents of our community, should be made known for the City's and the CCC's consideration of the matter. Perhaps you are already aware of these issues.

Please also know that I understand and appreciate that Ms. Bang has devoted considerable time in various community endeavors over the years. However, I'm not sure that is germane to the substance of my thoughts on the matter.

Thank you for your consideration of these points.

Don Leach



Sent: Tuesday, November 03, 2015 12:01 PM  
To: Watson, Michael@Coastal  
Subject: Carmel Beach Fires

Michael Watson  
California Coastal Commission

Dear Mr. Watson:

I received and have read Susan Craig's letter to the City of Carmel-by-the-Sea. As a member of the Carmel community since 1989, I appreciate the Commission's interest in addressing the public's access to a family and community recreational activity we've been able to enjoy for the 26 years I've lived here. For those of us that live outside the 1 square mile City boundary, yet within the 93923 area code, it's rather frustrating that a group of 5 council members for that one square mile area can dictate the use of the area's beachfront.

Quite frankly, I believe that the City is responding principally to a small group of folks, many of whom have principal residences outside our community; that is, several of the folks behind the ban only have 2nd homes in Carmel. From information in the City's public on-line files on the topic, I have been able to trace many of these folks who support the ban, and where they actually live. While the principal protagonist, Kathleen Bang, a Commissioner on the City's Forest & Beach Commission, lives in a new and extremely large home on Scenic, many of those from whom she's solicited support do not live here. This may not be germane to the greater "debate" of the issue, but it seems to me to have some relevance for those of us that make this community our home, and have for decades. It's rather like those that purchase homes near an airport, then complain about the noise. It is difficult for one to disabuse one's notion that these folks wish to establish some greater privacy on what they perhaps consider "their" beach.

As you, I also obtained from Mr. Steadman his rough data, though he wouldn't provide me the City's report analyzing that data. (Mr. Steadman actually told me that he didn't think the City would release it to me without a public records request.) As Ms. Craig mentioned in her letter, and though I am certainly no expert, it did seem the data was obtained only on a holiday weekend. Mr. Steadman told me that there was only a single monitoring device, but wouldn't tell me whether his agency voluntarily placed it, or whether its location on a private party's parcel (which he did confirm) was by the invitation of that owner. My sense is was the latter, thus indicating some desire to "load" the results to support a conclusion that the 5 council members and this small group of supporters had already decided. It occurred to me it was likely prudent to obtain more data from several locations along Scenic and several locations one, two and even three blocks away, as well as on several weekends. That clearly was not done.

Since the Commission initially stated that the ban violated the LCP, the City has maintained their signs enforcing the ban. On one occasion while walking our dog along Scenic, the only 2 police officers on duty in the City at any given time were standing on the recreation trail overlooking the beach. They said they were instructed that the City would continue to enforce the ban despite the Commission's involvement. They also said that, despite an article in the local paper, the City and the Commission had a meeting that supported the City's ban — that the newspaper had it incorrect.

I appreciate the Commission's interest in this issue.

Don Leach  
Carmel, CA

*Adendum 1*





## Property Overview

SCENIC RD, CARMEL, CA 93923

### Owner and Geographic Information



**Primary Owner:**

BANG GARY R & KATHLEEN G

**Secondary Owner:**

**Mail Address:**

PO BOX 1925 , CARMEL, CA 93921-1925

**Site Address:**

SCENIC RD , CARMEL, CA 93923

**APN:**

010-302-008

**Lot Number:**

**Page / Grid:**

**Housing Tract Number:**

**Legal Description:**

**Legal Brief Description:** CARMEL BY THE SEA ADD 6 LOT 9 BLK A2 EXC E 100 FT

### Property Details



**Bedrooms:**

2

**Year Built:**

1990

**Square Feet:**

1,895

**Bathrooms:**

2

**Garage:**

Attached  
2

**Lot Size:**

4,900 SF

**Total Rooms:**

9

**Fireplace:**

Yes

**Number of Units:**

1

**Zoning:**

**Pool:**

**Use Code:**

Single Family  
Residential

### Sale Information



**Transfer Date:**

03/24/2009

**Seller:**

BANG, GARY R; GARY BANG SEPARATE PROPERTY TRUST,

**Transfer Value:**

\$0.00

**Document#:**

2009017077

**Cost/Sq Feet:**

### Assessment and Taxes



**Assessed Value:**

\$2,758,958.00

**Percent**

25.94%

**Homeowner**

**Improvement:**

**Exemption:**

**Land Value:**

\$2,043,193.00

**Tax Amount:**

\$0.00

**Tax Rate Area:**

1-000

**Improvement Value:**

\$715,765.00

**Tax Status:**

Current

**Tax Account ID:**

**Market Improvement Value:**

**Market Land Value:**

**Market Value:**

*Addendum 2*



**Subject:** Fwd: Upcoming Public Hearing, December 4th, 5:30PM

**From:** kathleen bang (kathybang@me.com)

**To:** bsdex@ [REDACTED] t; jeannemcwalters@ [REDACTED] m; ms@mic [REDACTED] m; yayapeg@ [REDACTED] m;  
kubitsky@ [REDACTED] m; gail@ [REDACTED] .com; frank.timark@ [REDACTED] m; Dodyalam@ [REDACTED] m;  
lynchos@ [REDACTED] m; scott@f [REDACTED] m; hfhdh@re [REDACTED] m; Bills1937@ [REDACTED] t;  
claireclear2@ [REDACTED] m; stan@m [REDACTED] m; whsmith100@ [REDACTED] m; nih555@ [REDACTED] t;  
kensmithld@ [REDACTED] t; admin@w [REDACTED] m; mlgolfer@ [REDACTED] t; annettelegallet@ [REDACTED] m;  
klacob@ [REDACTED] m; carl.g.hoffman@ [REDACTED] m; jacquejarve@ [REDACTED] t;  
haddosladyh@ [REDACTED] t; bboyse@ [REDACTED] t;

**Date:** Sunday, November 16, 2014 12:14 PM

>> Hi all. I wanted to let you know that on December 4th at 5:30 PM, there will be a public hearing on the issue of beach fires.

>>

>> THIS IS A VERY IMPORTANT TIME FOR ALL VOICES TO BE HEARD.

>>

>> While we have spared you all the need to come to various meetings up till now, we expect large numbers of folks who support the status quo to be present to to make a case to do nothing. Therefore, if you believe we should move forward with our plans to manage the issues related to beach fires, that will be the time to come and express your views.

>>

>> If you cannot come, please write a letter expressing your views Sharon Friedrichsen, who, although she has changed duties, will be continuing with her staffing of this effort. Or you could write to the new City Administrator, Doug Schmitz.

>>

>> At the meeting, we will present the work that has been done to date, including all the groups we have met with and consulted with, as well as three alternatives, all of which meet the 2 guiding principles set out by city council: get the fires off the sand (as has been done in every other public beach in the state) and limit the number of fires (we are the last beach with unlimited numbers)

>>

>> In the course of our work we consulted with the Monterey Bay Unified Air Pollution Control District (MBUAPCD) as well as the Coastal Commission. We will have the Director of the MBUAPCD present to speak on the hazards of wood smoke and other environmental issues.

>>

>> I would be very happy to speak with any of you about this in greater detail if you are interested. This is a critical step in our process. Following the public hearing, we hope to make our final recommendation to the Forest and Beach Commission on December 11. This may continue to the January meeting, but then we hope to pass our recommendations on to Planning and City Council shortly thereafter. It would be our hope that a solution could be in place by the next summer fire season.

>>

>> Thanks.



>>  
>> Kathy  
>>  
>>  
>>  
>>  
>>  
>

Addendum 3  
(page 292)





## Property Overview

SCENIC RD, CARMEL, CA 93923

### Owner and Geographic Information

**Primary Owner:**

VAUGHAN, ELIZABETH HERNING; EHV SEPARATE PROPERTY TRUST,

**Secondary Owner:****Mail Address:**

70 CLARK DR, SAN MATEO, CA 94401-3706

**Site Address:**

SCENIC RD, CARMEL, CA 93923

**APN:**

010-303-009

**Lot Number:**

**Page / Grid:**

**Housing Tract Number:****Legal Description:**

**Legal Brief Description:** CARMEL BY THE SEA ADD 6 L 8-9 & N 1/2 OF L 10 BLK A3 EXC E 76 FT OF L 8 & 9 & EXC E 76 FT OF N 20 FT OF L 10 EXC R-W OVER N 3

### Property Details

**Bedrooms:**

2

**Year Built:**

1930

**Square Feet:**

1,445

**Bathrooms:**

2

**Garage:**

Detached  
1

**Lot Size:**

6,969 SF

**Total Rooms:**

10

**Fireplace:**

Yes

**Number of Units:**

1

**Zoning:****Pool:****Use Code:**

Single Family  
Residential

### Sale Information

**Transfer Date:**

04/10/2015

**Seller:**

VAUGHAN, GREGORY V; VAUGHAN, ELIZABETH HERNING

**Transfer Value:**

\$0.00

**Document#:**

2015018289

**Cost/Sq Feet:**

### Assessment and Taxes

**Assessed Value:**

\$159,736.00

**Percent**

2.03%

**Improvement:****Homeowner****Exemption:****Land Value:**

\$156,486.00

**Tax Amount:**

\$0.00

**Tax Rate Area:**

1-000

**Improvement Value:**

\$3,250.00

**Tax Status:**

Current

**Tax Account ID:****Market Improvement  
Value:****Market Land  
Value:****Market Value:**

Addendum 4





## Property Overview

**SAN ANTONIO AVE, CARMEL, CA 93923**

### Owner and Geographic Information



**Primary Owner:**

MARSHALL FRANK J JR & JUDITH M

**Secondary Owner:**

**Mail Address:**

16541 REDMOND WAY, REDMOND, WA 98052-4492

**Site Address:**

SAN ANTONIO AVE, CARMEL, CA 93923

**APN:**

010-279-010

**Lot Number:**

**Page / Grid:**

**Housing Tract Number:**

**Legal Description:**

**Legal Brief Description:** CARMEL BY THE SEA ADD 1 LOT 14 BLK X

### Property Details



**Bedrooms:**

2

**Year Built:**

1972

**Square Feet:**

1,721

**Bathrooms:**

3

**Garage:**

Attached  
1

**Lot Size:**

4,000 SF

**Total Rooms:**

10

**Fireplace:**

Yes

**Number of Units:**

1

**Zoning:**

**Pool:**

**Use Code:**

Single Family  
Residential

### Sale Information



**Transfer Date:**

01/15/2004

**Seller:**

SHELLOOE, WILLIAM R; SHELLOOE, MARY LOUISE

**Transfer Value:**

\$0.00

**Document#:**

2004003866

**Cost/Sq Feet:**

### Assessment and Taxes



**Assessed Value:**

\$3,549,135.00

**Percent Improvement:**

28.33%

**Homeowner Exemption:**

**Land Value:**

\$2,543,548.00

**Tax Amount:**

\$0.00

**Tax Rate Area:**

1-000

**Improvement Value:**

\$1,005,587.00

**Tax Status:**

Current

**Tax Account ID:**

**Market Improvement Value:**

**Market Land Value:**

**Market Value:**

*Addendum 5*





## Property Overview

SCENIC RD, CARMEL, CA 93923

### Owner and Geographic Information



**Primary Owner:**

LEGALLET ANNETTE L

**Secondary Owner:**

**Mail Address:**

255 SIERRA DR , HILLSBOROUGH, CA 94010-6934

**Site Address:**

SCENIC RD , CARMEL, CA 93923

**APN:**

010-291-006

**Lot Number:**

**Page / Grid:**

**Housing Tract Number:**

**Legal Description:**

**Legal Brief Description:** CARMEL BY THE SEA ADD 6 LOT 10 BLK A4

### Property Details



**Bedrooms:**

3

**Year Built:**

1951

**Square Feet:**

1,858

**Bathrooms:**

2

**Garage:**

Carport 0

**Lot Size:**

4,000 SF

**Total Rooms:**

8

**Fireplace:**

Yes

**Number of Units:**

1

**Zoning:**

**Pool:**

**Use Code:**

Single Family  
Residential

### Sale Information



**Transfer Date:**

04/26/2000

**Seller:**

N/A

**Transfer Value:**

\$0.00

**Document#:**

200100026134

**Cost/Sq Feet:**

### Assessment and Taxes



**Assessed Value:**

\$124,351.00

**Percent**

47.25%

**Homeowner**

**Improvement:**

**Exemption:**

**Land Value:**

\$65,594.00

**Tax Amount:**

\$0.00

**Tax Rate Area:**

1-000

**Improvement Value:**

\$58,757.00

**Tax Status:**

Current

**Tax Account ID:**

**Market Improvement  
Value:**

**Market Land  
Value:**

**Market Value:**

*Attachment 6*





## Property Overview

**SAN ANTONIO AVE, CARMEL, CA 93923**

### Owner and Geographic Information



**Primary Owner:**

HOFFMAN, CARL G; HOFFMAN, MARY K

**Secondary Owner:**

**Mail Address:**

1225 E WARNER RD UNIT 17 , TEMPE, AZ 85284-3245

**Site Address:**

SAN ANTONIO AVE , CARMEL, CA 93923

**APN:**

010-292-006

**Lot Number:**

**Page / Grid:**

**Housing Tract Number:**

**Legal Description:**

**Legal Brief Description:** MLS BOOK - 143

### Property Details



**Bedrooms:**

2

**Year Built:**

1922

**Square Feet:**

1,129

**Bathrooms:**

1

**Garage:**

Detached  
2

**Lot Size:**

5,500 SF

**Total Rooms:**

6

**Fireplace:**

Yes

**Number of Units:**

1

**Zoning:**

**Pool:**

**Use Code:**

Single Family  
Residential

### Sale Information



**Transfer Date:**

08/08/2013

**Seller:**

ROOK, THOMAS PERRY; ROOK FAMILY 1991 REVOCABLE TRUST,

**Transfer Value:**

\$3,500,000.00

**Document#:**

2013050279

**Cost/Sq Feet:**

### Assessment and Taxes



**Assessed Value:**

\$3,500,000.00

**Percent**

2.86%

**Homeowner**

**Improvement:**

**Exemption:**

**Land Value:**

\$3,400,000.00

**Tax Amount:**

\$0.00

**Tax Rate Area:**

1-000

**Improvement Value:**

\$100,000.00

**Tax Status:**

Current

**Tax Account ID:**

**Market Improvement Value:**

**Market Land Value:**

**Market Value:**

*Addendum 7*





## Property Overview

SCENIC RD, CARMEL, CA 93923

### Owner and Geographic Information



#### Primary Owner:

JARVE, JOHN W; JARVE, JACQUELINE H

#### Secondary Owner:

#### Mail Address:

77 FLOOD CIR, ATHERTON, CA 94027-2108

#### Site Address:

SCENIC RD, CARMEL, CA 93923

#### APN:

010-302-015

#### Lot Number:

#### Page / Grid:

#### Housing Tract Number:

#### Legal Description:

**Legal Brief Description:** CARMEL BY THE SEA ADD 6 L 2 & 3 BLK A2 EXC POR TO CITY FOR ST & EXC ELY 142.5 FT OF LOTS 2 & 3 BLK A2

### Property Details



#### Bedrooms:

3

#### Year Built:

1959

#### Square Feet:

2,627

#### Bathrooms:

3

#### Garage:

Attached  
2

#### Lot Size:

5,000 SF

#### Total Rooms:

12

#### Fireplace:

Yes

#### Number of Units:

1

#### Zoning:

#### Pool:

#### Use Code:

Single Family  
Residential

### Sale Information



#### Transfer Date:

10/24/2013

#### Seller:

HUDSON II FAMILY PARTNERSHIP LTD,

#### Transfer Value:

\$4,900,000.00

#### Document#:

2013066343

#### Cost/Sq Feet:

### Assessment and Taxes



#### Assessed Value:

\$1,530,811.00

#### Percent Improvement:

30.00%

#### Homeowner Exemption:

#### Land Value:

\$1,071,570.00

#### Tax Amount:

\$0.00

#### Tax Rate Area:

1-000

#### Improvement Value:

\$459,241.00

#### Tax Status:

Current

#### Tax Account ID:

#### Market Improvement Value:

#### Market Land Value:

#### Market Value:

*Addendum 8*



From: kathleen bang  
To: Rob Mullane  
Cc: Eric Miller  
Subject: Upcoming appeal  
Date: Tuesday, December 23, 2014 8:40:15 AM

---

Hi Rob. Would you please add this letter to the packet for the upcoming appeal on the Jarve home approval that is on the City Council agenda? Thanks very much.

Kathy

Dear Council Members,

We are writing in support of the design of the home at 1 SE of 9th, Scenic Rd. owned by the Jarve's. We live in the same block as this home, have seen the plans and believe that they will be a very positive addition to our neighborhood. While construction necessarily brings noise and dirt, we all know that we have to live through these things from time to time as homes are renovated.

We urge you to deny the appeal of the Planning Commission's decision to approve this house and allow this construction to begin.

Thank you for our consideration.

Kathy and Gary Bang

*A delendum ?*





## Property Overview

SCENIC RD, CARMEL, CA 93923

### Owner and Geographic Information



**Primary Owner:**

BOYSE, BRIAN D; BRIAN D BOYSE REVOCABLE LIVING TRUST,

**Mail Address:**

219 N SCOTT ST, ADRIAN, MI 49221-1930

**Site Address:**

SCENIC RD, CARMEL, CA 93923

**APN:**

010-312-008

**Lot Number:**

**Page / Grid:**

**Housing Tract Number:**

**Legal Description:**

**Legal Brief Description:** CARMEL BY THE SEA ADD 8 S 40 FT OF E 100 FT OF LOT 4 BLK C2

### Property Details



**Bedrooms:**

3

**Year Built:**

1942

**Square Feet:**

1,511

**Bathrooms:**

2

**Garage:**

**Lot Size:**

4,000 SF

**Total Rooms:**

7

**Fireplace:**

Yes

**Number of Units:**

1

**Zoning:**

**Pool:**

**Use Code:**

Single Family Residential

### Sale Information



**Transfer Date:**

04/11/2014

**Seller:**

HYDORN, DIANE M; HYDORN FAMILY 1990 TRUST,

**Transfer Value:**

\$2,700,000.00

**Document#:**

2014016065

**Cost/Sq Feet:**

### Assessment and Taxes



**Assessed Value:**

\$1,068,336.00

**Percent Improvement:**

22.14%

**Homeowner Exemption:**

**Land Value:**

\$831,824.00

**Tax Amount:**

\$0.00

**Tax Rate Area:**

1-000

**Improvement Value:**

\$236,512.00

**Tax Status:**

Current

**Tax Account ID:**

**Market Improvement Value:**

**Market Land Value:**

**Market Value:**

*Addendum 10*



F126

**Watson, Michael@Coastal**

---

**From:** Dr. Gabrielle Mancuso <Gabrielle@drmancuso.com>  
**Sent:** Friday, November 27, 2015 3:52 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal

Dear Michael Watson and Susan Craig,

I am a Carmel resident and business owner writing to express my support for allowing of a modified plan with regard to the beach fires on Carmel Beach. Clearly, the solution lies in compromise. A specific number of designated fire pits, encased by circular concrete containers. Perhaps 10 or 12. And allowing use on Monday through Friday. Encouraging residences use and discouraging weekend partiers.

Please hear the support of the citizens and not few on Carmel beaches.

My deep appreciation,

Gabrielle Mancuso

Dr. **Gabrielle Mancuso**, PhD, MpsyD  
Neurolinguist + Intuitive Hypnoanalyst + Instructor + Public Speaker  
Always" Cell/Text: **831 626-6565**  
+ [Click here for your Appointment](#)



"This message is for the designated recipient only and may contain privileged, proprietary nature, or otherwise private information. If you have received it in error, please notify Jessica Sterling at [Admin@DrMancuso.com](mailto:Admin@DrMancuso.com) immediately and delete the original. Any other use of the email by you is prohibited."  
Please consider the environment before printing this e-mail.

**RECEIVED**

NOV 30 2015

CALIFORNIA  
COASTAL COMMISSION



F126

**Watson, Michael@Coastal**

---

**From:** Dan Tudor <dantudor@tudorwines.com>  
**Sent:** Wednesday, November 25, 2015 2:09 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Cc:** drmancuso@integrativephysicians.org  
**Subject:** In Favor of Carmel Beach Fires

Dear Michael Watson and Susan Craig,

I am a Carmel resident and business owner writing to express my support for allowing of beach fires on Carmel beach. Clearly, the sensible solution to the concerns regarding number of fires is to provide a specific number of designated fire pits.

Please support the commonsense regulation of beach fires rather than the knee jerk over reaction of some who would ban this long tradition in Carmel by the Sea.

Cheers,

Dan Tudor  
Winemaker  
Tudor Wines  
[www.tudorwines.com](http://www.tudorwines.com)  
YouTube Video <http://youtu.be/tevUEA3eQrY>  
<https://www.facebook.com/TudorWine>  
1-831-224-2116 mobile  
Skype - dantudor1

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NOV 30 2015  
CALIFORNIA  
COASTAL COMMUNITY

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F126

**Watson, Michael@Coastal**

---

**From:** Timothy Carr <tcarr53@gmail.com>  
**Sent:** Wednesday, November 25, 2015 11:01 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach Fires

Please allow beach fires to continue in Carmel. They have been an important part of Carmel life and culture for generations in my family, and that of a large number other Carmel and Monterey Peninsula families.

Carmel Beach fires have served to provide a unique venue for healthy and happy gatherings of family, friends, classmates, and co-workers for a multitude of reasons year round. Please do not let the interests of a few ruin the enjoyment for the vast majority.

Thank you for your consideration.  
Respectfully submitted.  
Timothy C. Carr

**RECEIVED**

NOV 30 2015

CALIFORNIA  
COASTAL COMMISSION  
FEDERAL GOVERNMENT



**Watson, Michael@Coastal**

---

**From:** Carlyle Seccombe <carlyleseccombe9@gmail.com>  
**Sent:** Thursday, December 03, 2015 9:47 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach bonfires for future generations

Dear Michael,

I would like to go on record in support of beach bonfires on Carmel Beach. Beach bonfires have existed on Carmel Beach for hundreds of years. Carmel Beach is a public beach.

A pilot program has been closed down this week by Carmel City Council. I would like the pilot program to be reinstated. Decisions to have a pilot program was reached with a lot of community input. The pilot program is there to find balance in the community. The Carmel Beach is used by the local community and the public at large.

My family and I have enjoyed evening picnics in front of a small Beach bonfire that are priceless.

I know we can reach a great compromise to satisfy beach culture and the environment.

Lets find the balance.

Thank You , Carlyle Seccombe and Family



F12b

**RECEIVED**

DEC 4 - 2015

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Appeal# A-3-CML-15-0033  
MP-15-100  
Appellant: A. Delehanty  
P.O. Box 1643  
Carmel, CA. 93921

Mike Watson  
California Coastal Commission  
725 Front St., Suite 30  
Santa Cruz, CA. 95060

Dear Mr. Watson,

I am writing in support of Appeal# A-3-CML-15-0033 which opposes the implementation of permanent Fire Rings on Carmel Beach. Permanent pits will deface the natural beauty and provide a hazard for children, Beachcombers, and act as a receptacle for dog waste and garbage.

The primary reason the amount of bonfires has gotten out of control is lack of Official Police patrol on the beach, as well as an absence of signage limiting the #, as well as outlawing littering and burning of toxic substances. The Carmel Police Department has employed a Private Security Officer to monitor the beach for the last several years, but he does not have the authority to issue citations and therefore does not wield the authority necessary to preserve a reasonable and respectable environment on the beach. The Police Chief stated in August that the department has been understaffed by three for some time and yet in November they still had not filled the positions.

Clearly a limit to the number of fires allowed on the beach at any given time has to be instituted. It has been over run with as many as 50+ fires on the weekend nights.

There is a very powerful lobby consisting of residents living on Scenic and San Antonio Ave who are directly impacted by the smoke coming from the bonfires. However, since they got the Emergency Moratorium instituted in August they have taken it a step further by endorsing a "Nuisance Ordinance" that will ban all wood burning fires; when many of them have wood burning fireplaces that they frequently employ, in favor of Propane Fire Rings only on the beach. My family has a home on San Antonio that my Great Aunt built in 1923.

I recently addressed the Forest and Beach Commission and the Carmel City Council imploring them to reconsider this extreme measure, stating that Propane canisters can spill and explode and will be left as litter. I said the Ohlone Indians had fires on the beach, as well as the Bohemians that founded Carmel after the 1906 Earthquake. I



2. Mike Watson with.

appears # - 000

MF-15

Appellant: A. Del

enjoyed many a bonfire growing up with my family, and raised my daughter here where she enjoyed bonfires with her Youth Group and High School friends.

There are many options to address this problem. The Monterey Air Board study that was conducted was not conclusive. Richard Stedman said a full year is needed to get an accurate assessment. There was only one monitor and who is to say the fireplace smoke in the area, as well as the Tassajara Fire smoke did not affect the readings.

I suggested a Portable Fire Pit Lending Program that would limit the # of fires allowed on the beach with Fire Proof Receptacles to dispose of the charcoal at the end of the evening with a Police Officer on patrol who could issue stiff fines for littering and burning toxic substances.

I appreciate your time in trying to resolve this matter with the City of Carmel and hope you can come up with a better compromise than Permanent Pits that will denude the beautiful white sands of Carmel far more than any errant charcoal can.

Sincerely,

  
Jeanne McCulloch

P.O. Box 356  
Carmel, CA. 93921  
Perry Newberry Way, 3 SW 5th Ave  
(831)277-2550  
(831)624-5030



**Craig, Susan@Coastal**

---

**From:** Phyllis Shane <shanephyllis@gmail.com>  
**Sent:** Tuesday, November 24, 2015 2:52 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Beach Fires

Please don't outlaw fires on Carmel Beach. It is such a special thing. Even if there are only 10 fire pits, it is better than nothing. Some of my best moments and memories of sitting on the beach with a fire!



## **Craig, Susan@Coastal**

---

**From:** Bert Aronson <bertaronson@gmail.com>  
**Sent:** Saturday, November 21, 2015 5:51 PM  
**To:** Craig, Susan@Coastal

Please allow Beach Fires continue on Carmel Beaches.

--

**Bert**

Herbert Aronson, ABR, CRB, CRS, CLHMS, GPS  
Broker Associate, CalBRE #00760050  
KW Coastal Estates  
26435 Carmel Rancho Blvd.  
Carmel, CA 93923

**Mobile: 831-521-9059**

FAX:800-698-3043

[bertaronson@gmail.com](mailto:bertaronson@gmail.com)

Add the MLS to your Smart Phone: <http://app.kw.com/KW2CXYTXF>



## Craig, Susan@Coastal

---

**From:** Jeanne Cahill <jeannecahill@sbcglobal.net>  
**Sent:** Saturday, November 21, 2015 5:25 PM  
**To:** Craig, Susan@Coastal  
**Cc:** Frank  
**Subject:** Carmel Beach Fires

Moving to Carmel a year ago, it was exciting walking the beaches, enjoying nature at its best. How inspiring the cool, crisp nights became watching the sunset or joining some friends around a beach fire, relishing the atmosphere. I was astonished to find the Council wanted to band beach fires on Carmel beaches, stating it was a "Public health issue". All I can say, is that's a LONG stretch, when the Council should be more interested and concerned trying to improve their streets, which feel like driving down a dirt road and trimming trees that are hanging on the electric lines. Now that's a fire hazard, as well as a "public health issue".  
Say NO to banning Carmel beach fires.  
Thank you,  
Jeanné Cahill

Sent from my iPhone



**Craig, Susan@Coastal**

---

**From:** Janice Gleason Skow <janiceskow@gmail.com>  
**Sent:** Saturday, November 21, 2015 4:14 PM  
**To:** Craig, Susan@Coastal  
**Subject:** Bonfires on Carmel Beach - Our Wonderful Tradition

Dear Ms. Craig,

Thank you for your service on this very important commission.

I am writing to add my voice to SO many others who hate to see our beloved tradition of Bonfires on Carmel Beach destroyed, when we could easily find a solution to address all the problems that have been concerning people.

The idea of limited the fires, adding fire rings, handling placement are all important and doable. Limiting fires to say, 20, and making sure placement is away from the cliff, and there are fire rings, is all easily handled with the people who currently patrol the beach.

Please consider, in your deliberations, the joy and benefits to SO many, including hundreds of people, old and young alike, for whom a free outing of such beauty, adds immeasurably to their quality of life here on the Central Coast.

Thank you for considering so many. If you have been to the beach on a summer night, you will see many families, and lots of old timers around their fires, some who could not afford such a gathering elsewhere, or whose homes are too small to enjoy with their families and friends. They are also people who CANNOT make it to the meetings where these things will be discussed.

It might also be good to mention that I am a member of the Carmel Residents Association. While we very much appreciate our leadership, they sometimes do not speak for all of us, many of whom thoroughly support this wonderful activity.

The Ban the Fires people are very vocal and active, but there are many voices on both sides. I hope you will actively consider all of us.

Thank you, Ms. Craig, for your consideration.

Sincerely,

Janice Gleason Skow  
Box 7310  
Carmel, CA 93921  
831-375-1436  
831-917-1710

--



## **Craig, Susan@Coastal**

---

**From:** Ed Stellingsma <ed93940@aol.com>  
**Sent:** Saturday, November 21, 2015 10:35 AM  
**To:** Craig, Susan@Coastal  
**Subject:** Fwd: Carmel-by-the-Sea Beach Fires

Dear Susan,

In reference to the issue of allowing beach fires at Carmel-by-the-Sea, I respectfully request that you will allow them to continue. It has been a tradition on Carmel Beach for well over 100 years. Tides come and go and clean the beach on a daily basis. Please vote in favor of continuing this tradition as approved in our local Coastal Zoning Ordinance.

thank you,  
Ed Stellingsma  
Carmel, CA.



## Craig, Susan@Coastal

---

**From:** John Kenny <johnk@mbay.net>  
**Sent:** Saturday, November 21, 2015 9:05 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Opposed to a Ban on Wood Burning fires on Carmel Beach. Please pass on to Dr. Charles Lester and Commissioners.

I am opposed to Any Ban of Wood burning fires on Carmel Beach and support Councilman Steve Dallas proposal of no more than 10 wood burning fires on the beach on any given evening from the currently allowed area from 10th Street South to Santa Lucia Ave. Or even allowing 16 to 20 fires spread out along the entire length of the beach as we did in years past!

My name is John Kenny and I am a 46 year resident of Carmel by the Sea and Carmel. I graduated Carmel High School in 1972 and grew up on San Antonio between 12<sup>th</sup> and 13<sup>th</sup> when at the time my family owned The Colonial Terrace Inn.

I have spent over the past 46 years surfing the waters off Carmel Beach, walking my dog or dogs almost daily on the beach and yes gathering with Family, Friends and Community members and multi generations of local families around a fire on Carmel Beach...

But in the end it is just that...Tradition. Sentiment and found memories.

Just like the City of Carmel allowing fires on the beach for the past 99 years of our history...it does not really make it right or wrong or even defensible. It is currently allowed in their Land Use Plan!

So I will stick to the facts, The California Coastal Commission has told you that you can not enact a total ban of All Wood and Charcoal burning fires on Carmel Beach, The Chamber of Commerce is also opposed to such a ban.

I suspect the City used the heading of a Public Nuisance so that you only needed three votes to pass the ordinance or you may actually have another agenda?

Under the argument of Wood and Charcoal burning fires as a Public Nuisance on the beach it only seems that the obvious next step is that you also ban any and All Wood and Charcoal burning fires within City Limits, such as in our homes, BBQ's and fire pits and in all of our local businesses! I mean if your threshold is if more than one person can smell smoke it is a Health and Safety Issue. With all the wood burning fire places within the City limits I smell smoke from homes all winter long.

Where does this all end? Are we going to ban Dogs on Carmel Beach as their mess is a Public Nuisance?

John P. Kenny





## **Craig, Susan@Coastal**

---

**From:** bbeesley30@gmail.com on behalf of Ben Beesley <ben@benbeesley.com>  
**Sent:** Saturday, November 21, 2015 9:04 AM  
**To:** Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Susan, my name is Ben Beesley. Born in Carmel, Baptized at the Carmel Mission, went to Junipero Serra school, and work in Carmel. I am also on the Carmel Chamber Board of Directors and volunteer for many Carmel By The Sea Events.

I understand the need to limit widespread beach bon fires from Carmel Beach...but I do NOT understand removing them completely!

Having attended 2 of the City Council meetings pertaining to the Banning of the Beach Fires, it was quite evident that the Council, including the Mayor had made up its mind prior to any public comments. In fact the Mayor publicly counted the votes prior to voting!

Issues I have in no particular order

1. This ban is after a short period of study
2. It does not offer the alternative to limit beach fires (the recent mid week limitation put all fires in a concentrated area...of course there will be more smoke there! spread it out)
3. It limits the enjoyment for visitors
4. The instability of propane tanks and possible explosions is very real. When asked, the City Attorney said that the City has insurance....not an acceptable answer to someone who gets hurt!
5. The fact that they are using the public nuisance argument to avoid the California Coastal Commission.

I could go on, but you get the point...please please do not let it go forth under the current recommendations!

Ben Beesley REALTOR  
Keller Williams Coastal Estates  
[ben@benbeesley.com](mailto:ben@benbeesley.com)  
831.236.6876  
[www.teambeesley.com](http://www.teambeesley.com)  
CalBRE 01362347

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***Call me today to find out why!***



**Craig, Susan@Coastal**

---

**From:** Robin J <rjepsen.law@gmail.com>  
**Sent:** Tuesday, November 24, 2015 8:47 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Support for Carmel Beach fire rings

Dear Mr. Watson and Ms. Craig:

I am writing to voice my support for approval of fire rings on Carmel Beach.

Please do not totally eliminate beach fires. They are part of our California Coastal Culture.

Fire rings provide a simple method to limit the number and location of fires and to contain the debris.

Please give fire rings at Carmel Beach a chance.

Thank you.

Robin Jepsen  
Resident of Monterey, CA



## **Craig, Susan@Coastal**

---

**From:** Ashley Meilan <ashley.meilan@gmail.com>  
**Sent:** Tuesday, November 24, 2015 7:38 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Good Morning,

Beach fires in Carmel is something that all visitors to the Carmel area enjoy. Every time I speak with a guest of one of our luxury vacation rentals or any visitor to Carmel a beach fire is always on their list of things to do. There is nothing more enjoyable than watching the sunset while sitting on the beautiful Carmel beach roasting marshmallows while hearing the ocean roar behind you.

I believe the locals and visitors to our area would be deeply deprived of an iconic beach event if beach fires are completely banned. Perhaps it is time to look at moderate restrictions so that the beach environments are unharmed but still allow all to periodically enjoy a beach bonfire.

Regards,

--

**Ashley Meilan, Broker**  
Elite Carmel Luxury Estates, Inc.  
Cell: 831.444.2262  
CalBRE: 01876699  
[www.EliteCarmel.com](http://www.EliteCarmel.com)  
[www.AshleyMeilan.com](http://www.AshleyMeilan.com)



## **Craig, Susan@Coastal**

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**From:** Shirley Franklin <shfrankli@yahoo.com>  
**Sent:** Monday, November 23, 2015 8:04 PM  
**To:** Craig, Susan@Coastal  
**Subject:** In favor of Carmel beach fires

Hi there,

I'm in favor of 10 to 12 (only) fires IN CONTAINERS on the Carmel beach.

Shirley Franklin  
1101 Harrison st  
Monterey Ca 93940



## Craig, Susan@Coastal

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**From:** Thomas R. Manniello <tmanniello@lozanosmith.com>  
**Sent:** Monday, November 23, 2015 3:54 PM  
**To:** 'micheal.watson@coastal.ca.gov'; Craig, Susan@Coastal  
**Subject:** Carmel Ban on Beach Fires

Mr. Watson & Ms. Craig:

I am writing to provide comments on the proposed ban by the City of Carmel of fires on Carmel beach. I live in Carmel over by the Mission. I DO NOT SUPPORT THE PROPOSED BAN.

Beach fires have been a tradition at that beach for years. I have had fires on the beach at the bottom of 13<sup>th</sup> street to celebrate the birthdays of my children, for the 4<sup>th</sup> of July, to celebrate high school graduation and many other events. To terminate the fires now would prevent my kids and future generations from enjoying the same tradition. This seems to really be about an effort by property owners near the ocean to privatize the beach by discouraging access. But I wonder how many of the people who are now complaining about the fires bought their house knowing full well that the tradition has existed.

The City of Carmel is also trying to argue that smoke from the fires is a nuisance and a health issue. However, the City does not seem to be banning wood burning fires at all of the hotels and residences in the City limits. If smoke really is the issue then why is the City focused solely on the beach and not all the other sources of wood smoke?

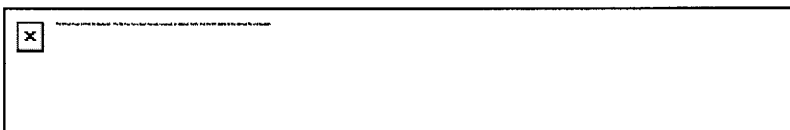
I do not support a total ban on beach fires. If the number of fires is getting out of hand, then reasonable limits can be imposed. Or, perhaps a better idea would be not to place a numerical limit but instead to have a permitting system like the national forest system does so that irresponsible people who leave their trash and so forth can be fined or banned from having fires in the future?

Thank you for taking the time to read my comments.

Tom

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**Thomas R. Manniello**  
Attorney at Law  
T: 831.646.1501 |  
F: 831.646.1801  
4 Lower Ragsdale Dr., Ste.  
200  
Monterey, CA 93940  
[lozanosmith.com](http://lozanosmith.com)



[Email](#) | [Attorney Bio](#) | [Vcard](#)

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## Craig, Susan@Coastal

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**From:** Marlena Montaney <lenamaxphoto@gmail.com>  
**Sent:** Monday, November 23, 2015 2:21 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Beach Fires on Carmel Beach

Please preserve the beauty and community of beach fires that have been a part of the fabric of what makes Carmel Beach special for nearly 100 years.

Some rules are wonderful. Having them in containers is a great idea. Getting rid of them is not.

I'm attaching a link to a wedding that brought over 50 guests from all over the nation to enjoy a romantic reception on Carmel Beach. You can see from the pictures the joy these fires bring to many.

<http://lenamaxphoto.pass.us/millervows>

PS

The lanterns never did get sent up. They were meant to honor a baby lost to SIDS, but were not allowed to be sent up. I captured the lighting of them and left them in because I felt it was meaningful.

Marlena Montaney  
Photographer and *LEED Green Associate*



<http://www.weddingphotographermontereycounty.com>

<http://lenamaxphoto.weebly.com>

**Face Book**

831-261-0167 (text please)



## **Craig, Susan@Coastal**

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**From:** RYAN MCCORMICK <ryanjmccormick@me.com>  
**Sent:** Monday, November 23, 2015 1:18 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Good Afternoon,

I understand that you will soon be hearing opinions on fires at Carmel Beach. My wife and I live in Monterey, I work in Carmel, and we have been visiting Carmel Beach for years. Just two weeks ago we enjoyed a fire one weeknight and Sunday we were at the beach with our dog. I would like to voice my support to maintain some ability to have wood-burning fires at Carmel Beach. We are not completely against the reduction of the number of fires during the weekend or throughout the week or the use of fire rings to control debris, but we do urge you to support the continued use of wood fires on the beach.

Thank you,

Sent from my iPad



## **Craig, Susan@Coastal**

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**From:** Susan Webb <susanwebb333@gmail.com>  
**Sent:** Monday, November 23, 2015 10:19 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach fires

Hello,

I am Susan Webb and have been a resident of Carmel since 1979. I am in favor of having a restricted amount of contained beach fire pits at Carmel Beach. Thanks for your consideration.

Sent from my iPhone



## Craig, Susan@Coastal

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**From:** josh bleibtreu <panahead@mac.com>  
**Sent:** Monday, November 23, 2015 10:02 AM  
**To:** Craig, Susan@Coastal  
**Subject:** camrl beach fires

hi susan,

i saw that there is a movement to try and stop the open pit fires on the carmel beach....i am not sure why they would want to stop this? and feel very strongly that it would be a serious loss to our community... to me it is much better for a group of friends or family to gather at night and sit in front off a fire than a television set.. or laptop.... it connects us with nature and other people... please let me know what i can do to help preserve this tradition...

thanks for your time and all the best,

josh bleibtreu  
238 highway 1, carmel ca 93923



## **Craig, Susan@Coastal**

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**From:** Gudbergsdottir, Bergthora Eva <evag@miis.edu>  
**Sent:** Monday, November 23, 2015 9:09 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Dear Mr. Watson and Ms. Craig,

As a resident of Carmel I would like to strongly voice my support for at least allowing 10-12 beach fires in special rings. The City of Carmel's position on this issue appears to make our beach a non-family friendly, only-for-the-wealthy recreational area.

Please consider maintaining this cherished tradition for future generations and all people.

Sincere regards,

Eva Gudbergsdottir



## **Craig, Susan@Coastal**

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**From:** Alexandria Sarten <alexandria.knight@gmail.com>  
**Sent:** Sunday, November 22, 2015 10:40 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Wood Fires on Carmel Ocean Beach

I support the tradition of fires on Ocean Beach. Please don't ban!

Sincerely,  
A. Sarten



**Craig, Susan@Coastal**

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**From:** Robert Quist <rquist46@yahoo.com>  
**Sent:** Sunday, November 22, 2015 10:33 PM  
**To:** Craig, Susan@Coastal  
**Subject:** Beach Fires

Hi There,

I support continued beach fires on the Carmel Beach, with fire range if necessary.

Bob Quist  
3110 Spruance Rd.  
Pebble Beach CA 93953  
518-866-9411



## Craig, Susan@Coastal

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**From:** Chris Hardy <cdhardy@bellsouth.net>  
**Sent:** Sunday, November 22, 2015 9:36 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Cc:** Barbara Hardy  
**Subject:** Beach Fires at Carmel Beach

Mr Watson and Ms Craig,

By this email I am writing to express my hope that wood burning beach fires will be allowed to continue at Carmel Beach.

When this matter first became controversial my wife Barbara and I both spoke at Carmel - By -The Sea public forums in favor of the continuation of an unlimited number of beach fires. After all since first coming to Carmel in 1983 as newly weds and on our many subsequent visits, beach fires have been a tradition for us - our family and friends have always met on the beach and enjoyed the delight of a wood burning fire under the stars, listening to the sound of the waves - nature at its finest!! When I retired and we moved here in 2012 we met so many locals for the first time and formed new friendships on the beach by the fires. We very much hope to continue the tradition when our sons and their families visit us for their vacations. There are many others with similar views - many of whom are parents with young children.

We have however come to realize that there can be too much of a good thing. Certainly when there were more than 100 fires in a relatively confined part of the beach on July 4th for example, we experienced a saturation of sorts. So we have now come to recognize that some limits need to be placed on the number of wood burning beach fires. We might argue about what number is appropriate so that all interested groups can get a chance to enjoy a beach fire. However we strongly urge the Coastal Commission to allow beach fires to continue on Carmel Beach. A complete ban on wood burning fires on Carmel Beach would serve the interest of a small but vocal local group to the detriment of the many who value this great family tradition.

Should you have any questions please don't hesitate to contact me.

Thank you for your consideration.

Sincerely,

Chris Hardy

Monte Verde 3 SW of 2nd

PO Box 6446

Carmel - By -The -Sea

CA 93921



## Craig, Susan@Coastal

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**From:** Judy Refuerzo <carmelspinone@me.com>  
**Sent:** Sunday, November 22, 2015 7:53 PM  
**To:** Craig, Susan@Coastal  
**Subject:** Carmel Wood Burning Beach Fires

>  
> Dear Susan,  
>  
> I'm writing regarding bonfires on Carmel Beach, a tradition that I hope will continue for many years.  
>  
> I must say I am very disappointed in the manner in which the City has handled this situation. I know many people worked hard to find a compromise and I feel that is the direction that should continue. Limiting the number of wood fires to anywhere between 10 to 20, having them in containers / rings and following the current guidelines for size and location, should take care of any of the complaints by the citizens against the fires.  
>  
> I know the group against fires will show up in force at the meeting scheduled for Dec 11th 9am. Most of these people are either retired or do not need to work. While I am afraid that most of the people who are in favor of fires are not able to take a day off from work to attend a meeting, or perhaps don't even live in the area but visit on weekends, monthly or yearly.  
>  
> When we came to Carmel in 2000 the first friends we made were people we met on the beach walking our dogs. We would then gather together monthly on a Friday night, bringing food and wine to share enjoying a sunset and a bonfire. We still have these friends and 15 years later still enjoy meeting monthly and enjoying food, wine and friendship around the fire. I know we are not the only ones to have traditions of bonfires: birthday celebrations, anniversaries, graduations, family reunions, people enjoy being able to come together, watch the sunset and just enjoy being outside and enjoying nature.  
>  
> I want to thank the Coastal Commission for hearing the appeal. I hope you will find that it isn't black or white but there is room for compromise.  
>  
> Best regards,  
>  
> Judy Refuerzo  
> Carmel by the Sea Resident  
>  
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## **Craig, Susan@Coastal**

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**From:** Margaret Netto <margaretnetto@yahoo.com>  
**Sent:** Sunday, November 22, 2015 1:32 PM  
**To:** Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Dear Coastal Commission,

We support beach fires on Carmel Beach. We have enjoyed having beach fires with friends and family on Carmel Beach for 30 years. It would be unfortunate to stop this tradition that makes Carmel a unique beach city.

Margaret Netto



## **Craig, Susan@Coastal**

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**From:** Ann Pendleton <aksimpleton@comcast.net>  
**Sent:** Sunday, November 22, 2015 1:07 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Fires on the beach in Carmel should remain.

Dear Coastal Commission,

Fires on the beach in Carmel should remain.

Having a safe place to build a fire and enjoy the outdoors is a simple and remarkable experience that is becoming less and less available. Gathering at a beach fire, in the wide open space with stars above, the ocean lapping on the shore is a fun and friendly experience. Living on the coast this is a long time tradition and many people would like to see safe beach fires continue.

I am part of a group who gathers 1x per month for a friendly gathering at Carmel Beach. The evening adds a dimension to the beach that is quite different from my daily walks on the beach. The fire adds to the ambience and helps us to stay outside a little longer enjoying the sunset, after glow and each other's company in a mindful space.

While at the evening beach fire I see families who gather together for dinner and then remain as they sit around a fire. No TV, only time to sit and enjoy each other's company. The fire, which isn't allowed in many cities any more, brings on it's own wonder and entertainment. It's a nice tradition that people have done for years. People plan to go to the beach and relax and visit around a fire. The fires at the beach create an inexpensive and safe way to enjoy one of nature's amazing spaces for a longer time.

The amount of fires on the beach as well as size and location can be controlled, but banning the fires all together would be a mistake and prevent people from exploring another dimension of enjoying the beach and the great outdoors.

*Ann Pendleton*  
[aksimpleton@comcast.net](mailto:aksimpleton@comcast.net)  
PO Box 3068  
Carmel, CA 93921



## **Craig, Susan@Coastal**

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**From:** Shawnhere@aol.com  
**Sent:** Sunday, November 22, 2015 9:30 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach fires

Michael and Susan,

While I only visit Carmel on a periodic basis, I enjoy the fires on the beach. Please allow controlled fires in pits on a limited basis.

Shawn Richardson



With our 'urgent' ban that cost the city well over the \$30,000 originally budgeted. We have invited some real problems with our State. Now, by possibly establishing beach fires as a "Public Nuisances" It is clear we are backing ourselves into a corner with the California Coastal Commission.

We have a pilot program, we spent hours and hours working on this program. It may not be perfect but we are on the right track.

I am pleading to all sides of this debate, please let's keep cool heads and use this next month to deliver a program that is acceptable to both sides. And now that we have introduced the Air Quality Board and Coastal Commission it needs to be acceptable to them as well.

Limited and portable fire rings may have some inherent problems, however, they be the concession needed to reach a compromise.

The use of propane to fuel fires while might not be ideal for some, it is a viable, clean and a sustainable solution.

The Coastal commission is willing to work with us.

I will read an excerpt from the letter sent to the Mayor and council, this letter was received today.

"We very much look forward to a lively discussion and debate at the Commission's December hearing"



That is next month!

If this council decides to implement a complete ban of Carmel Beach fires, GUARENTEED this will be a very different type of meeting.

Again as a citizen of this town I feel we have spent enough money on non-productive expenditures. Frankly, I am sick of it. We really can avoid some of this waste and some of these lawsuits by simply doing our due diligence with a little follow thru.

3 Questions:

1. Why have we taken a stance that is in Violation of the Coastal act and the LCP permitting requirements?
2. Who is responsible for not responding to the Coastal commission's requests concerning suggestions or program ideas?
3. Is the Council aware of any possible lawsuits or legal ramifications that could ensue by ignoring the coastal commission, abandoning the pilot program and moving into this new found public nuisances ordinance?

I am hopeful we can take our program to the December meeting leaving with resolve and accomplishment.

Please hold your course and keep us out of court.



**Watson, Michael@Coastal**

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**From:** Paterson <SebViz2@sbcglobal.net>  
**Sent:** Wednesday, December 02, 2015 7:06 AM  
**To:** Watson, Michael@Coastal  
**Cc:** SebViz2@sbcglobal.net  
**Subject:** Carmel City Council approved the first reading of an ordinance declaring beach fires a public nuisance. 3-2

Mike Watson, Coastal Planner:

Good Morning! "With the threat of legal action by the Monterey Bay Unified Air Pollution Control District hanging over it, the Carmel City Council approved the first reading of an ordinance declaring beach fires a public nuisance Tuesday night," according to reporting in The Monterey County Herald. Again, the vote was 3-2, Council Members Carrie Theis and Steve Dallas dissenting.

Additionally, Richard A. Stedman, the district's air pollution control officer, wrote to Mayor Jason Burnett prior to yesterday's meeting stating, in part,

"If the City is unable to resolve the public health impacts and nuisance conditions caused by wood fires on Carmel Beach, the Air District intends to take enforcement action to remedy the situation. ... Enforcement action can include sanctions and prohibitory restrictions."

REFERENCES:

Air Pollution Control District weighs in on Carmel beach fires

By Tom Leyde, [newsroom@montereyherald.com](mailto:newsroom@montereyherald.com), [@MontereyHerald](https://twitter.com/MontereyHerald) on Twitter

Posted: 12/01/15, 9:54 PM PST

<http://www.montereyherald.com/government-and-politics/20151201/air-pollution-control-district-weighs-in-on-carmel-beach-fires>

Video of City Council Meeting, December 1, 2015

[http://carmel.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=463](http://carmel.granicus.com/MediaPlayer.php?view_id=2&clip_id=463)

7. AB 1072 First reading of an Ordinance of the City Council of Carmel-by-the-Sea declaring beach fires a public nuisance.

1:41:52-2:54:08

Ms. Paterson

P.S. I thought your APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING was well reasoned and written. Appeal Number: A-3-CML-15-0033, December 11, 2015



F126

**Watson, Michael@Coastal**

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**From:** Paterson <SebViz2@sbcglobal.net>  
**Sent:** Saturday, November 28, 2015 1:44 PM  
**To:** Watson, Michael@Coastal  
**Cc:** SebViz2@sbcglobal.net  
**Subject:** Ordinance of the City Council of Carmel-by-the-Sea declaring beach fires a public nuisance  
**Attachments:** Beach fires a public nuisance 12-01-2015.pdf; Beach fires a public nuisance 11-03-15.pdf

Mike Watson, Coastal Planner:

RE: First reading of an Ordinance of the City Council of Carmel-by-the-Sea declaring beach fires a public nuisance, December 1, 2015 and First reading of an Ordinance of the City Council of Carmel-by-the-Sea declaring beach fires a public nuisance, November 3, 2015

**PRIOR CITY COUNCIL ACTION:**

The Council adopted an urgency ordinance 6 August 2015 prohibiting fires on Carmel Beach on Friday-Sunday and on holidays. There was a first reading of the proposed Ordinance at the November 3, 2015 Regular Council meeting and **staff was direct to add further language and return with an amended ordinance.**

Ms. Paterson

**Attachments:**

First reading of an Ordinance of the City Council of Carmel-by-the-Sea declaring beach fires a public nuisance., December 1, 2015

First reading of an Ordinance of the City Council of Carmel-by-the-Sea declaring beach fires a public nuisance, November 3, 2015

**RECEIVED**

NOV 30 2015

CALIFORNIA  
COASTAL COMMISSION



F126

Agenda Item 12b  
Appeal No. A-3-CML-15-0033  
Mary Fisk  
Opposed to beach fires

Mr. Michael Lester  
Coastal Planner  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

RECEIVED

DEC 9 - 2015

CALIFORNIA  
COASTAL  
CENTRAL

30 November 2015

Dear Mr. Lester,

I have just read the staff report on the above subject and I must admit that it is a bit overwhelming. However, in the end, it seems there are some simple recommendations: to approve the pilot project of 26 fire rings. It is disappointing that your staff ended up recommending the first ill-thought-out proposal by the Carmel City Council. One would have hoped that the subsequent actions by the Council, based on more information and more input from the community, would have contributed to some refinement of the original proposal.

It appears that Carmel is paying the price for being one of the last beach towns to ban beach fires. We are a town full of old people and perhaps we just don't move as fast as others and are slower to see what is before our eyes. Or perhaps, as has been cited many times, we cling to traditions and try to keep everything the way it was in the "old" days. As other towns have banned beach fires, presumably with the CCC's approval, it now appears there are few beaches left in California where people can build a fire, except for little Carmel (and as I read, Newport Beach). I wish we had been ahead of the curve instead of behind it. Carmel has changed. It is no longer the "old" days. It is time that we think about the future, instead of the past.

I live full-time in Carmel-by-the-Sea and I walk everyday (truthfully, 6 out of 7 days) on Scenic Path. For the past couple of years, I have avoided walking on the weekends because almost every time I did, I hit a wall of smoke that I couldn't figure out how to walk through without breathing. I

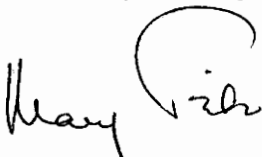


never knew who to complain to, except my friends, or if there was anything to be done about it. Then I saw that the issue was on the City Council agenda and I went to the meeting where they passed the pilot project.

The smoke is one thing, but even more important to me is the beach. It is completely degraded. Carmel had one of the most beautiful beaches in California (I have lived North and South), but it is no longer. It looks like a charcoal pit. People come from other places to this lovely beach and leave their garbage. They have a great time and we are left to clean up the mess. I know I am privileged to live in such a beautiful place and I feel very lucky. I believe in keeping California beaches open to all. But this beach is a mess and it needs to be cared for.

I believe strongly that we must think about the future. We must save our beaches for our children by caring for our environment. I wanted a complete ban on beach fires. It seemed the most expedient and logical thing to do to solve the different issues raised by completely unregulated beach fires. However, if a total ban is not in the works, then I would suggest that the fire pits be limited to no more than 10 and that they be placed further away from the cliffs. We need to see if the beach can heal itself. It won't solve the smoke issue, but it might help, and for people like me, I just won't have access to the beach on certain days.

I thank you very much.

A handwritten signature in cursive script, appearing to read "Mary Fisk". The signature is written in dark ink and is positioned above the printed name.

Mary Fisk

P.O. Box 2051  
Ocean Av 2 NE Camino Real  
"Merry Oaks"  
Carmel-by-the-Sea, CA 93921



## **Watson, Michael@Coastal**

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**From:** Hallman Nancy <nllhallman@gmail.com>  
**Sent:** Saturday, December 05, 2015 2:45 PM  
**To:** Watson, Michael@Coastal; Lester, Charles@Coastal  
**Subject:** Michael and Charles, Please forward this letter to the members of the Coastal Commission. Thank you!

To the members of the California Coastal Commission:

Dear Sirs,

My husband and I have been homeowners in Carmel for 30 years. I am very opposed to the continuation of wood fires on Carmel Beach, and I will tell you why.

1. **The beautiful white sands of Carmel beach have been all but ruined by years of charcoal left over from fires.** These ugly remainders are everywhere now. Our beach is one of California's great natural treasures for both residents and world travelers, but it's gotten gray and dirty. We'd like to be proud of it again, proud enough to clean it up and to protect it for future generations.

That aesthetic issue of charcoal all over the beach is very sad, but it's not the most important issue caused by beach fires.

2. **Parents, teenagers, small children, and pets are being burned by stepping on live coals hidden just under a bit of sand.** This is traumatic and very painful, and those burns will leave scars— but skin can usually heal, eventually.

So even this is not the most important problem caused by beach fires.

3. **Lung cancer, emphysema, asthma, COPD...** We are all aware of the dangers to our health caused by breathing in wood smoke and ash. We all know it causes lasting damage to our lungs. This is old news. The diseases that develop do not heal quickly or sometimes at all. **We're talking about diseases that can kill us.**

Because of what we know now about the dangers of smoke, smoking cigarettes has almost become a universal taboo--not allowed in most restaurants, concert venues, hospitals, and office buildings — and actually prohibited by some entire cities. So why does a reasonable, health-conscious objection to cigarette smoke not carry over to the wood smoke fouling the air at Carmel Beach, and blowing up into the town?

It's not unreasonable for us to desire clean, fresh air when we walk on the beach. And it's not unreasonable to have very serious objections when wood smoke fills Carmel residents' homes and streets up the hill from the beach.

A person with emphysema can't go to the beach under the current conditions, even if they would like to just sit in their car and watch the ocean. They can't get away from the smoke so they have to stay away entirely.

I understand that fires on many California beaches have been prohibited. It is confusing that this has to be debated in Carmel.



California has a reputation as one of the most health-conscious states, and it is undoubtedly one of the most beautiful places in the world. Please take a stand to promote health and yes, beauty, on Carmel Beach.

Thank you very much for your consideration.

Nancy Hallman



F126  
**KENDALL SMITH**

KENSMITHLD@COMCAST.NET

November 30, 2015

Dr. Charles Lester  
Mike Watson  
Coastal Planner  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**RECEIVED**

DEC 3 - 2015

OFFICE OF THE  
CALIFORNIA COASTAL COMMISSION  
CENTRAL COAST DISTRICT

Dear California Coastal Commission,

Please pass this letter on to all commissioners for the December 11th meeting.

As a long time homeowner here in Carmel I encourage all of you to fight for clean beaches, clean air and a safe environment for everyone. I am continually disappointed by your decisions to negate the harmful effects to our beach from the continued burning of wood and charcoal fires. I am at a loss how you continue to go against your very own mandate, which states;

"The mission of the Coastal Commission is to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations."

My question to all of you is how can you turn a blind eye to what is going on here? Obviously you cannot read the above mission statement and then in turn permit harmful fires, trash and smoke to permeate the greatest asset in this Town and State.

And to use your word -- prudent;

1. Discreet or cautious in managing one's activities
2. Circumspect, practical and careful in providing for the future
3. Exercising good judgment or common sense

What is prudent in this proposal? The truth is, every plan you have put forth goes against the very mission that you are legally bound to uphold.

And you must go back to the issue at hand. Carmel has been one of the very few beaches that allow beach fires, it is our history. I have enjoyed those same fires for 50+ years but times have changed; we are much more aware of the effects of smoke, of trash and overuse of our resources. The CCC has taken steps throughout the state to limit or outlaw practices that were once part of that same 'history' because of the destruction or misuse of our land, air and water. In addition, the idea that a few good storms will take care of things, meaning clearing the sand of refuse, is innately harmful to the marine life that also share our space.



Then we get to the details of how these rings will be implemented and maintained. There is no cost associated with this plan. Who will pay for the fire pits, who will pay for cleanup, and maintaining them when they are washed out to sea? Who will police and pay for directives such as;

"Only dry, "clean" and untreated firewood may be used in the fire ring devices. Propane and other flammable liquids, other than charcoal starter, shall be prohibited to start or maintain a fire on Carmel Beach."

The Program shall include a seasonal management component that provides for removal of the fire rings prior to the devices becoming threatened by high tides, large storms, and wave action, and return to the beach once storms subside...

The fire rings shall be maintained in such a way that ash, debris, and wood material is not allowed to escape the fire rings, whether via wind and other natural events or via excess buildup or otherwise. The areas around the fire rings shall be maintained free of ash, debris, and wood material. The fire rings shall be maintained a minimum of three-days per week during peak use periods (i.e., from March 15th through October 15th of each year), and on an as needed basis during all times (peak and off-peak) when the fire rings are present on the beach. All ash, debris, and wood material shall be properly disposed of away from the beach. When the fire rings are removed from the beach due to the seasonal management program specified in subsection (d) above, the fire rings shall be properly stored away from the beach.

The Program shall clearly identify all signs/symbols associated with the program and all signs/symbols shall be sited and designed: (1) to minimize their visibility in the public viewshed; (2) to seamlessly integrate into the beach and shoreline aesthetic to the maximum extent feasible, including using natural materials, earth tone colors, siting signs on existing stairway landings and posts; and (3) to be subordinate to the beach and Scenic Road pathway setting.

All this along with Fire Ring Monitoring, Air Quality Monitoring and Yearly Reporting.

I believe your proposal is shortsighted, detrimental to our beach, and runs counter-intuitive to the mission of the Coastal Commission. Who is harmed more by fires; those that cannot have them because they are enjoyable and are part of a tradition, or those who walk the beach every day expecting the white sandy beaches and instead get trash, glass and blackened sand?

I strongly urge you to continue fighting for our beach, our ocean and our residents. And please don't think short term here; the time for action is now for the health of the future generations of beachgoers and marine life in Carmel.

Sincerely,



Kendall Smith  
Carmel Homeowner



F126

**Watson, Michael@Coastal**

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**From:** Greg D'Ambrosio <gregdambrosio@gmail.com>  
**Sent:** Monday, November 30, 2015 3:10 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Fires on Carmel's Beach

**RECEIVED**

NOV 30 2015

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

To: Members of the California Coastal Commission  
From: Gregory D'Ambrosio, Carmel Resident  
Date: November 30, 2015

I have been a resident of Carmel-by-the-Sea since 1970 and was Carmel's City Forester, actively managing Carmel's shoreline from 1979 through 1983. In 1982 I assumed the position of Assistant City Administrator and continued in that position until my retirement in 2005. I was lead staff member of the Carmel Beach Task Force, whose mission was to restore Carmel's ravaged shoreline following the El Nino storms during the winter of 1982/83. I co-authored Carmel's Shoreline Management Plan which the California Coastal Commission approved as part of Carmel's Local Coastal Plan.

Throughout my career, I was acutely aware of the negative environmental impacts on the beach environs caused by allowing the burning of wood fires. I continually urged the city and residents to consider banning beach fires due to continued degradation of the sand, the beach bluffs, the air quality and structures impacted by this activity. Over these many years, even with increased funding for maintenance and management activities, these problems have not improved or stayed the same, they have steadily gotten worse to the point that our beach is now in a serious state of decline. Maintaining the status quo or doing nothing to alleviate the problem is not an option.

I urge you to support the City of Carmel's ban on beach fires.

Sincerely,

Greg D'Ambrosio



F126

**Watson, Michael@Coastal**

**From:** Susan Fox <susan@penregroup.com>  
**Sent:** Monday, November 30, 2015 3:34 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach fire situation

**RECEIVED**

NOV 30 2015

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST OFFICE

To All of the Commissioners,

I live at 26226 Isabella Avenue on Carmel Point. I have been walking and enjoying Carmel beach for almost 20 years. In the past few years the beach fires have increased dramatically and are ruining what use to be a wonderful white sand beach. Also, with the increase in fires, the smoke has now become an issue especially on the weekends and holidays. I live a block and 1/2 from the beach and there are nights that I have to close our windows and doors to escape the smoke.

The Coastal Commission's Mission Statement, "

The mission of the Coastal Commission is to protect,  
conserve, restore, and enhance environmental and  
human-based resources of the California coast and  
ocean for environmentally sustainable and prudent use  
by current and future generations

I do not understand how allowing beach fires is protecting and conserving the beach and ocean or how the smoke is enhancing the environment. We do need to be good stewards of this beach for future generations to enjoy and by eliminating the beach fires, we may be able to restore the beach to what it once was.

I ask that you help us restore the beach and enhance the environment so we all can enjoy this beautiful resource.

Thank you for your time.

Susan Fox



PENINSULA  
*real estate group*

Susan Fox



FLB

**Watson, Michael@Coastal**

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**From:** M Kronenberger <mkrone1997@gmail.com>  
**Sent:** Monday, November 30, 2015 12:48 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel-by-the-Sea Beach Fires

Mr. Watson, and please share my email with ALL coastal commissioners.

The California Coastal Commission's report regarding recreational fires on Carmel Beach shows that either CCC's mandate is so narrow as to be harmful to the health, safety and general interests of the citizens of Carmel-by-the-Sea and/or that the CCC simply remains closed-minded and hostile to the interests of the people of this community. It would be so easy to solve both the concerns of Carmel residents and to protect public access to the beach; failure to do so in the very short term is indicative of indifference or arrogance.

I AM APPALLED AT THE BURNT WOOD AND CHARCOAL ON OUR SUPPOSED "WHITE SAND BEACH." THE SAND IS HEAVILY TAINTED BLACK AND THE AIR IS THICK WITH SMOKE.

You have made Carmel-by-the-Sea, which should be a model city for quality of life and environmental concerns, a whipping boy and a laughing stock as the only city on the Monterey Peninsula, in all of California even, with no significant control of a *bona fide* beach fire free-for-all. Allowing wood fires directly on the sand (26 of them! In a small beach community! Only 25 feet from bluffs and so close to houses!) is ridiculous.

If preserving access to Carmel beach means air pollution and charred trash then why isn't it that way on all California beaches? ONE OF THESE THINGS IS NOT LIKE THE OTHERS and Carmel is the outlier. Your proposal is not reasonable, and 3 years is not a "trial period," it is a cop out and a failure.

M. Kronenberger  
Carmel-by-the-Sea

**RECEIVED**

NOV 30 2015

CALIFORNIA  
COASTAL COMMISSION



F126

**Watson, Michael@Coastal**

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**From:** Judy Kreger <kregerjudy@gmail.com>  
**Sent:** Monday, November 30, 2015 1:21 PM  
**To:** Watson, Michael@Coastal  
**Subject:** The Carmel Beach fire issue

To all of the Coastal Commission staff,

I am on Carmel Beach every day of the year and have lived in this area for 20 years. I have been appalled by the continued decline of our once beautiful beach over the years...all of which is due to the wood and charcoal fires that have become so prevalent in the past years, as more and more beaches refuse to allow them, causing everyone to come to Carmel. It is getting to the point that you can't take a step without noticing abandoned charcoal or pieces of burned wood under foot. Since fires have been banned on Friday through Sunday, there has been a marked improvement, but damage continues to accrue on the weekdays. Having fire pits may indeed improve the extraordinary damage to our beach, but allowing 26 of them is overkill. And that doesn't begin to address the smoke issue. My husband and I love to take walks along Scenic to watch the sunset, but haven't been able to do that for years. The smoke is just too much. I can't even imagine what the people living near the beach have to experience. And for some to suggest that the only people complaining are the "rich people on Scenic" is absurd. For one, where is it written that "rich people" have no right to complain about a health hazard. That really irritates me. EVERYONE has the right to be able to breathe clean air and not have to close their doors and windows....or forego a walk on a nice evening....because the smoke is so bad it is unhealthy. Respectfully speaking, I think this whole thing has become a power play for you folks on the Coastal Commission....you seem determined to ignore suggestions to make everyone happy (ie. propane fire pits) just to make the point that you have control. I really wish that you would step back and put yourself in the shoes of the many, many people whose health and well being is being impaired by your insistence that this "tradition" be continued. It really has nothing to do with beach access. There are many, many people coming to enjoy the beach even tho the fires are not currently allowed on Friday-Sunday. Access has nothing to do with the so called "right" to build a fire. I have no idea why building a fire has become so important. California is cutting back on emissions from power plants and vehicles of all kinds. People are being encouraged to stop burning wood in their fireplaces....and yet YOU want to let people build fires on a gorgeous white sand beach. It just doesn't make sense. Unless the only reason you're doing this is to prove that you have the power to do it....and that is truly sad.

Respectfully,

Judy and Leon Kreger

**RECEIVED**

NOV 30 2015

CALIFORNIA  
COASTAL COMMISSION  
FBI/DOJ



## **Watson, Michael@Coastal**

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**From:** Missy Jensen <missy@jadjensen.com>  
**Sent:** Monday, November 30, 2015 4:39 PM  
**To:** Watson, Michael@Coastal  
**Subject:** CCC mission to protect and enhance Carmel Beach

Dear Mr. Watson,

It is with the greatest respect that I contact our Coastal Commission members and I have carefully read the mission and the Core Values of the Commission, some of which I have included below.

I live 100 feet from Scenic Avenue in Carmel-by-the-Sea. I have fully supported the building of the permanent restroom at that corner and even encouraged the original larger plan. In front of my house I have left 5 parking spaces for the public and have not blocked them as I feel the beach is free and open and should be fully accessible to the public. On weekends and during every night of the summer, people turn around in my driveway and unpack things there and come and go at all hours of the day and night which is fine with me. Last year I worked with the City of Carmel to provide more garbage cans. Our tiny village cheerfully and at great expense provides not only the most beautiful beach, but a safe and clean place for families to come at any time of day or night. They bring tents, toys, tables, mountains of food, chairs, blankets, toys. Most people are thoughtful about packing and cleaning up with the encouragement of the patrols provided by the City of Carmel. The beach can be easily and readily accessed from Scenic Avenue and every cross street from Ocean Avenue to Martin Way.

Over last two years I have seen the use dramatically increase and hundreds of people accessing the beach each day just from the street I live on. I am sure from the Science/Objectivity of your mission, you have seen the reports on the degradation of the hillsides, fences, sand, and air from the very heavy use the beach now receives. With social media and fewer places for people to safely congregate, it is understandable the beach is an extremely popular for people of all ages.

At one mile in length, Carmel beach is 0.0007% of the California coastline and struggles to maintain its balance with nature as thousands of people freely access it every day of the year.

Like all my neighbors, we welcome people from all over the world to share the beauty of the beach. But what I am writing to you about today is your responsibility to uphold your core value to protect the coast and ocean for us and for future generations. Carcinogens caused by wood burning smoke do not disappear. They land on the sand, go in the water, enter homes and land on children's beds and toys. Any amount of carcinogens can be deadly as the particles are tiny and settle in the lungs of children and adults and animals. Hopefully you have viewed the video of the blackened sand covering the entire beach.

While I can understand that it is easy to think smoke is here one moment and disappears the next, this is not true. As reported by the EPA, smoke is extremely dangerous for everyone for any amount of time. As a matter of fact, smoking is banned on Scenic walkway.

As I make every effort to be a good citizen and my neighbors in our village graciously host the thousands of people who visit Carmel Beach daily, I expect that you have the strength and good judgement to carry out your mission of protecting the finest resource of California. I ask you to stop the wood burning smoke for the health and well being of all people who visit and use the Beach area, and for the animals like the endangered otters we see along the beach every day. Note from the EPA: wood smoke is particularly harmful— even short exposures can prove dangerous



You have such an important job and weigh many opinions. Many people think romantically about building a fire on the beach, but you now have the facts about the amount of the cancer causing carcinogen that is mostly unseen. Please emphasize to people how many things they are able to do on our beaches but they should be using and not abusing their access to our most wonderful resource. Those of us who live in Carmel can see the dramatic changes over the last 2 years and I hope the entire CCC has taken the opportunity to view the current condition of the beach and its environment. It is your job to analyze and understand these things and to protect us all!

Sincerely,  
Missy Jensen  
Santa Lucia Avenue, NE of Scenic Drive  
Carmel-by-the-Sea CA

### **EPA FACTS:**

- Although wood smoke conjures up fond memories of sitting by a cozy fire, it is important to know that the components of wood smoke and cigarette smoke are quite similar, and that many components of both are carcinogenic. Wood smoke contains fine particulate matter, carbon monoxide, formaldehyde, sulfur dioxide and various irritant gases such as nitrogen oxides that can scar the lungs. Wood smoke also contains chemicals known or suspected to be carcinogens, such as polycyclic aromatic hydrocarbons (PAHs) and dioxin.
- Wood smoke interferes with normal lung development in infants and children. It also increases children's risk of lower respiratory infections such as bronchitis and pneumonia.
- Wood smoke exposure can depress the immune system and damage the layer of cells in the lungs that protect and cleanse the airways.
- According to the Environmental Protection Agency (EPA), toxic air pollutants are components of wood smoke. Wood smoke can cause coughs, headaches, eye, and throat irritation in otherwise healthy people.
- For vulnerable populations, such as people with asthma, chronic respiratory disease and those with cardiovascular disease, wood smoke is particularly harmful— even short exposures can prove dangerous.
- The particles of wood smoke are extremely small and therefore are not filtered out by the nose or the upper respiratory system. Instead, these small particles end up deep in the lungs where they remain for months, causing structural damage and chemical changes. Wood smoke's carcinogenic chemicals adhere to these tiny particles, which enter deep into the lungs.
- Recent studies show that fine particles that go deep into the lungs increase the risk of heart attacks and strokes. EPA warns that for people with heart disease, short- term exposures have been linked to heart attacks and arrhythmias. If you have heart disease, these tiny particles may cause you to experience chest pain, palpitations, shortness of breath, and fatigue.



## OUR MISSION: PROTECTING & ENHANCING CALIFORNIA'S COAST

*The Commission is committed to protecting and enhancing California's coast and ocean for present and future generations. It does so through careful planning and regulation of environmentally-sustainable development, rigorous use of science, strong public participation, education, and effective intergovernmental coordination.*



the Commission is charged with protecting California's coastal resources and

**Balance:** The Commission seeks balance between our personal and professional lives. We recognize that a productive workplace requires healthy minds and bodies, and that the Commission's work suffers without sufficient personal and family time and relaxation. Commission staff members communicate openly with supervisors and managers about maintaining balance and identifying priorities. We embrace flexibility to support the need for professional and personal balance.

**Science/Objectivity:** The Commission applies the scientific method and reasoned analysis in its daily work. The Commission identifies facts, uses the best available science, and produces objective evaluations. The Commission strives to be dispassionate in its analysis of impacts and consideration of alternatives.



## **Watson, Michael@Coastal**

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**From:** Lindy Marrington <lindymarrington@sbcglobal.net>  
**Sent:** Monday, November 30, 2015 4:41 PM  
**To:** kathleen bang  
**Cc:** jason.burnett@gmail.com; carrie@hofsashouse.com; kktalm@aol.com; vebeach@gmail.com; sgDallas@yahoo.com; rmullane@ci.carmel.ca.us; dschmitz@ci.carmel.ca.us; mcalhoun@ci.carmel.ca.us; Watson, Michael@Coastal; Lester, Charles@Coastal  
**Subject:** How the oceans can clean themselves: Boyan Slat at TEDxDelft - YouTube

Dear Kathy,

I hope you will be willing to send this out to all on your list who are interested in cleaning up our oceans, beaches and air. This 21 year old is truly a beautiful example of being an "out of the box" solutions creator and someone who has already dove in "head first" into the new paradigm.

How can we justify allowing garbage and charcoal and smoke to go out from Carmel beach when other concerned humans all over the globe are working so hard to clean up the oceans worldwide?

It is time CCC to climb aboard and step into the 21st century and ***Aquarian*** Age and do our small part here in Carmel in order to protect the ocean environment. Everything is connected!

The clean up vessel, the *Ocean Star* along with many other volunteer vessels from all over the world were outside the Monterey Bay and San Francisco Bay just this past August 2015.

**We still vehemently support the nuisance ordinance and we are requesting CCC, that this email is shared with all other CCC members.**

Hope floats...

Mike Cate and Lindy

<https://www.youtube.com/watch?v=ROW9F-c0kIQ>

<http://www.bbc.com/news/magazine-29631332>

P.S. You may need to cut and paste the above links.



**Watson, Michael@Coastal**

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**From:** Carl Hoffman <carl.g.hoffman@gmail.com>  
**Sent:** Monday, November 30, 2015 5:40 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach Fires

To all Coastal commission Staff:

Is the coastal commission unencumbered by fact? Is the commission aware of climate change, rising sea levels, and ocean acidification? Twenty-six wood burning fires equal emissions generated by 78 idling big-rig diesel trucks. There is a big contradiction in banning fires on state beaches, one which is about one miles from the Carmel beach, and mandating fires on Carmel Beach. This makes absolutely no sense.

Try to do the right thing.

Sincerely,

Carl G Hoffman, M.D.



**Watson, Michael@Coastal**

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**From:** Jacque Jarve <jacquejarve@comcast.net>  
**Sent:** Monday, November 30, 2015 7:05 PM  
**To:** Watson, Michael@Coastal  
**Cc:** John Jarve  
**Subject:** Oppose beach fires on Carmel Beach

I am writing as a new Carmel resident and my family opposes wood/charcoal fires on Carmel Beach.

As most beaches in our area have outlawed fires on the sand, their residents have come to our Scenic Beach to enjoy fires on the sand. The resulting smoky, particulate filled air and the polluted ocean and black-speckled sand sadden us. I do not understand how we can impose stringent air quality standards on the one hand and allow charcoal/wood fires on our beaches. This is craziness. Please, please look at our sad, blackened sand, our sooty air and our gasping ocean and right this wrong. There should be NO wood/charcoal fires on our Scenic Beach.

Respectfully,  
Jacque and John Jarve  
Scenic and Ninth, Carmel

Sent from my iPhone



**Watson, Michael@Coastal**

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**From:** Carol Williams <carolcbw@comcast.net>  
**Sent:** Tuesday, December 01, 2015 8:43 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach Fires

Dear Mike,

I am adding my voice in opposition to fires on Carmel Beach.

Have you ever watched the numbers of people racing down to the beach to catch the sunset? Very few are there for fires. The pure beauty is all anyone needs to use this pristine place.

Sincerely,

Carol Williams



**Watson, Michael@Coastal**

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**From:** Maggie Eaton <maggieeaton@me.com>  
**Sent:** Tuesday, December 01, 2015 12:37 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach Fires--please distribute

Dear Mr. Watson—I have had a home on Carmel Point for over 20 years and, in that time, the number of beach fires has increased dramatically. For years, we have been unable to go to the beach to enjoy a supper picnic (on weekend nights especially) because the smoke from the wood fires is too much to take. On too many nights, the smoke also permeates this neighborhood such that we cannot enjoy having supper in our garden, we have to close all doors and windows, and still smell smoke in the house. The smoke doesn't always stop at the 10 pm curfew since too often some are left to smolder, even till the next day. During one period of time two years ago, I was walking the beach to hand out Carmel's beach rules and I would have to wash my hair and clothes afterwards to remove the stink. This situation is intolerable not only because it is unpleasant but also because I know the health impact of inhaling wood smoke particles. In dealing with the fires on southern California beaches, the South Coast Air Quality Management District has cited studies indicating that sitting next to a wood burning fire for an evening is equivalent to being exposed to the secondhand smoke of 800 cigarettes. I have grandchildren, two of whom have asthma and, not only can they not go to the beach in the evening, but on evenings when the wood smoke is in the neighborhood, they cannot stay with us. This makes it extremely difficult to plan their visits since we never know in advance how many fires there will be nor which way the wind will be blowing. Also, it has been my experience that, on the evenings when I was checking wind direction, the nights of calm wind allows the smoke to drift into the neighborhood in thicker amounts than when the wind is blowing. All of these problems can occur with as few as 10-15 fires, depending on the circumstances. Finally, since the fires have been banned on the weekends here, we have started going back to the beach for picnics, I can walk my dogs at night along the the beach, and there is much less trash, burnt wood, and charcoal littering the beach. Except for a few week day nights now when there are fires, it feels refreshing and healthy to live here once more. But I expect that the week day fires will resume in large numbers next summer and I dread that.

All of this compels me to ask the Coastal Commission to lift any restrictions that prevent Carmel from controlling and preventing this health hazard. I understand that the Coastal Commission values low cost access to the State beaches. But these wood fires are preventing access for those many people who cannot tolerate wood smoke, either because they find it unpleasant and unhealthy as I do or because they have a condition (such as asthma or lung disease or are very young or old) that makes exposure to wood smoke an immediate health risk.

Thank you for considering my request.  
Margaret Eaton  
26215 Hilltop Place, Carmel, California

Another metric quoted in the South Coast AQMD reports is that "One firepit in one evening is estimated to emit as much PM 2.5 as one heavy duty truck driving 564 miles." PM 2.5 refers to fine particulate matter of 2.5 micrometers in diameter, or about one-30th the width of a human hair, a size that can embed deeply into the lungs and persist there. See: <http://www.aqmd.gov/hb/attachments/2011-2015/2013Jul/2013-Jul5-030.pdf>

In this photo taken two years ago, note the charcoal debris and graffiti from past fires and the red fire extinguisher and trash that was used for a very large fire that is out of the frame to the right.







## **Watson, Michael@Coastal**

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**From:** FPLloyd@redshift.com  
**Sent:** Wednesday, December 02, 2015 12:13 PM  
**To:** Watson, Michael@Coastal  
**Cc:** kathleen bang; Rob Mullane  
**Subject:** Carmel beach fire plan appeal

Re: The December 11, 2015 hearing on the City of Carmel beach fire plan:

A. There is a factual inaccuracy in the number of fires on the beach: I, as well as others, have personally counted as many as over 100 fires burning at one time on the beach, on several occasions, each year, in recent years. The staff report says the numbers of fires ranges only up to less than 50 at any one time.

B. The staff recommendation would require that fire container sites all be within 25 feet of the most landward extension of any bluff. That requirement would place all fire containers (or permit them) right up against the landward edge of the beach at all but the cove at 13th Street, which is much deeper (probably 25 feet deeper) than any other point on the beach area in question. That is not acceptable and would partially defeat the whole plan to diminish smoke travelling to residences and the beach path.

C. The staff report completely ignores the right of the public to enjoy the resource of the beach visually, smoke free, from the bluff beach path, which runs the full length of the beach from 8th Street to the south end of the beach and which is a very important amenity, installed by the City at its expense to increase the enjoyment of the beach resource for walkers, runners, and casual observers, the general public. These users run into the hundreds each day, even on "down" days, and thousands on busy days. The enjoyment of the resource is diminished by (1) smoke and (2) by the huge sullyng of the pristine white beach sand, which is of unusual quality, by the charcoal spread all over, concentrated in certain large areas.

D. The staff report fails to take into account the huge numbers of the public who enjoy the white, pristine beach while driving by in cars. These run into the hundreds each "down" day and the thousands each busy day. Their experience is diminished in the same way as in D. above.

E. The staff recommendation would prevent the City from protecting its beach bluffs from erosion. The City has a thorough "Shoreline Management Plan" which requires a great deal of management of the beach and its bluffs. It makes no sense to limit the City in following this plan (approved by the Coastal Commission).

Carmel is seeking to do its best to deal with the hugely increased influx of visitors to its beach, now running into the thousands actually on the beach itself at one time (thus multiples of thousands as beach users come and go during the day) on days and weekends of nice weather. It is a perversion to have the experience of these multitudes' enjoyment of the resource of the unique white sand beach and seashore substantially diminished by the few (at most less than 150 on any given day) who have beach fires. This is a change in circumstances since the City's beach fire ordinances were enacted, which the commission staff completely overlooks. Why is the staff recommending favoring a few beach fires which ruin the beach at the expense of huge members of the public who come to enjoy the resource?

As staff points out, beach fires date back to the early days of Carmel. In those days, there might be one or two fires at any one time. In the past many decades during I have enjoyed the beach, that included fires. However, those days are gone as the fire situation is out of hand and I prefer to give up the enjoyment of a fire on the beach in favor of the ability to enjoy the beach itself being clean, which is a much greater recreational pleasure. I and friends used to enjoy picnics with beach fires on the state's Carmel River Beach, which the State since has banned because of the desecration of the



sand, which ruined the resource. That was a wise decision and we now frequently enjoy that beach without the fire experiences and are glad to do so because it is clean.

HOW CAN APPLYING A DIFFERENT STANDARD TO CARMEL'S NEIGHBORING BEACH BE JUSTIFIED?

Francis P. ("Skip") Lloyd



RECEIVED

F126

DEC 04 2015

CALIFORNIA  
COASTAL COMMISSION

December 4, 2015

Members of the CCC:

I live on San Antonio St. at 11th Avenue in Carmel-by-the-Sea which is one block from Carmel Beach. I am supportive of the elimination of beach fires on Carmel Beach. I want to address some of the illogic in the staff report and recommendations.

1. In the Findings and Declarations it is stated that the "Project Location" is...world renown [for its] white sandy beaches.. Have you personally seen the sand south of 10th Ave? It is now gray with ash and littered with chunks of partially burned logs. "World renown" should be replaced by "the once white sandy beach".

2. In the paragraph on "Project Background", a phrase trumpets "yearly cycle of waves...effectively 'cleaning' the sand of charcoal and embers." This is a myth. The ash and charcoal are there all year around, and what is washed out to sea is returned enmeshed in kelp and sand. Does staff really find bonfires acceptable because ashes and charcoal are swept into the National Marine Sanctuary?

3. The staff report mentions the hallowed "tradition" of beach fires reaching back to when Carmel artists gathered on the beach. We are not talking about a few fires surrounded by a few artists anymore. On July 4th last year, I quickly counted 126 fires. At least the "tradition" of fireworks on the beach was eliminated years ago due to health and safety issues. On the internet, I learned that there are more than 400 beaches on the California Coast and only 38 allow beach fires. The abusive use of Carmel Beach is exacerbated by the ban of beach fires at the Peninsula's three State Beaches. If the State recognizes the destruction to the environment and beach caused by bonfires, shouldn't CCC staff support Carmel's effort to preserve its beach?



4. The health effects of wood smoke from beach fires is pretty well spelled out in the study published by the Washington State Department of Ecology "Health Effects of Wood Smoke". Is it really acceptable that residents so close to the beach be forced to endure the smoke that permeates their homes? If there is a beach fire someone's health is being harmed, both fireside and by the ambient smoke. If there is no beach fire no one's health is harmed!

It is time we dragged Carmel Beach out of the long distant past and realize that it is a prized, unique environment that is being defiled and needs immediate restrictions to preserve what's left. Many people are being denied access to the beach as well as the California Coastal Trail at Carmel Beach just so some can build bonfires. Isn't the prime purpose of the Coastal Commission to preserve our beach and protect access for ALL? Only banning bonfires on Carmel Beach will enhance public access for all.

Thank you for your consideration.

Wayne Moon  
P.O. Box 1831  
Carmel, CA 93921



RECEIVED

DEC 04 2015

CALIFORNIA  
COASTAL COMMISSION

**Watson, Michael@Coastal**

**From:** GARY BANG <garybang@mac.com>  
**Sent:** Friday, December 04, 2015 2:44 PM  
**To:** Watson, Michael@Coastal  
**Cc:** Lester, Charles@Coastal; rmullane@ci.carmel.ca.us; Richard Stedman;  
jason.burnett@gmail.com  
**Subject:** Coastal Commission Meeting  
**Attachments:** letter to staff re beach fires.pdf

Mike, please forward this letter to all of the Coastal Commissioners. I am also attaching a pdf for your convenience. Thanks.

Dear Mike,

I would like to bring to your attention this goal from the California Coastal Commission charter:

Science/Objectivity: The Commission applies the scientific method and reasoned analysis in its daily work. The Commission identifies facts, uses the best available science, and produces objective evaluations. The Commission strives to be dispassionate in its analysis of impacts and consideration of alternatives.

I know that it has been brought to your attention that the staff report on the Carmel Beach fires is inaccurate in saying the numbers of fires ranges only up to less than 50 at any one time.

My wife and I have pictures from the evening of July 4, 2015 where we counted 133 fires. Just accepting for purposes of discussion that 133 may be the top of the range, your statement is off by 166%. We would be glad to provide these pictures to you if asked.

You will note that the charter states that "the commission identifies facts". Please explain how your fact gathering and scientific method could lead to such an error. There are many, many nights in the summer where beach fires are far beyond your statement of 50. Isn't one of the basic pieces of data regarding an issue on beach fires gathering the number of fires there are?

This is at the heart of the issue, and you are off by an egregious amount. The error is strongly in the direction of minimizing the case against beach fires.

A second point regarding scientific method and reasoned analysis: the commission makes the point that beach fires will increase access to the beach. But as you can see from the letters you receive and information that you have, hopefully, reviewed from Carmel's Forest and Beach Commission, many people are prevented from having access to the beach because of health issues related to beach fires.

Please provide me with your reasoned analysis and objective evaluation of the number of people, incrementally, that would be drawn to the beach because they could build beach fires with wood and charcoal; And how would this compare to people with diseases that prevent them from going to the beach.

It would seem that this analysis must be available to have taken the position that beach fires from wood and charcoal would increase access to the beach. Please forward that to me. I would like to include it in my comments to the Coastal Commission next week.

Thank you,

Regards,

Gary Bang



**Watson, Michael@Coastal**

---

**From:** kim <kimberlyrawlings@gmail.com>  
**Sent:** Friday, December 04, 2015 12:55 PM  
**To:** Lester, Charles@Coastal  
**Cc:** Watson, Michael@Coastal; Jason Burnett; carrie@hofsashouse.com; Steve Dallas; vebeach@gmail.com; kentalmage@montereywatermill.net; rmullane@ci.carmel.ca.us; Mike Calhoun; kathleen bang; rstedman@mbuapcd.org  
**Subject:** Proposed wood fire pits on Carmel Beach

**RECEIVED**

DEC 04 2015

CALIFORNIA  
COASTAL COMMISSION

Dear Coastal Commissioners,

in care of Charles Lester, Executive Director, Coastal Commission

I'm dismayed by Mr. Watson's comments in this morning's Pine Cone- "no fewer than twenty six".

I reside in Carmel-by-the Sea on Scenic Road, the 5<sup>th</sup> house SE of Tenth Avenue with my housebound father.

Here's how your current proposal of 26 fire pits, 50 feet apart and 25 feet from the bluff available from March 15 through October 15 is likely to affect our home under the BEST of circumstances.

The current proposal supports 150 (march 15<sup>th</sup> through October 15<sup>th</sup>) days of exposure to harmful wood smoke (equivalent to a diesel engine idling) and the accompanying (hydrocarbon producing) lighter fluid, as the prevailing sea breeze renders starting and maintaining a steady wood fire without a chemical support practically impossible.

In your proposal, these "kettle style, steel fire rings will be available between 7 am and 10 pm". That's potentially more than 12 hours of wood smoke per fire per day. I imagine you are aware that the state of California has banned smoking in restaurants and all public buildings and twenty feet from the entrance.\**see notes below* In all my life, I have no recollection of any bar being as smoky as our house gets on summer evenings from the wood burning beach fires. And these conditions do not need 26 or more fires to occur, one or two fires, when the winds are blowing onshore, as they do throughout the year- with the exception of the early mornings and winter months- are enough to require us to take action to protect/defend our health. In our home, the very same sea breeze that, ironically makes these beach fires so difficult to get going (thus "demanding" the use of copious amounts of lighter fluids) blows the fumes and smoke directly in to our living and bedrooms. Our strategy has been to close up all of our windows, place damp towels on any suspected cracks, turn on fans and use the stove vent full power. Not only is that strategy both loud and unpleasant, it's not terribly effective. I have, on numerous occasions, returned to our home on a summer afternoon or evening, nauseated from the fumes and smoke.

I'm assuming that given the data and the testimonies of my neighbors, this still seems acceptable to you- given that's the case, what do you suggest I do?



Early this past summer, our doctor EVEN thought we might have fallen prey to Whooping Cough, as evidenced by our household plagued with persistent hacking. I am 50 years old and generally enjoy excellent health. My father, however, is no longer able to drive, or walk, or get around on his own. He requires continual assistance. If I am not close by, we must have a caregiver. Given that your commission is so skilled at "solution" and "compromise", please help me with this one.... Do I put my own health in jeopardy to care for my father in OUR HOME so that a few individuals can enjoy their wood fire? -OR- Do I go elsewhere and pay someone else to endure the discomfort, pay THEM to breathe the steady diet of pollutants? How much would YOU want to be paid to breathe this toxic air night after night? Are you willing to volunteer?

For that matter, do those individuals really WANT to build a fire that is dumping smoke and chemicals into our home? I have asked them directly, and without exception, they do not. They just don't realize how direct a shot it is. When you are down on the sand, looking out at the Pacific and up at the stars- our homes feel a million miles away.....

In fact- ours is about 80 feet from the bluff.

My father likely has about three more years to live, and, I can see it's the end of his life, so really- what does his health and comfort matter? But while you are "collecting more data"- how about my health? Or my one year old niece with her "baby lungs" whose mother did not bring her out to see her aged Grandfather this past summer? or my 11 year old nephew, with asthma who also "avoids" Carmel in the summer? How about our caregivers who rely on safe conditions to work? This is not an Industrial area, this is Carmel Beach for goodness' sake.

The insanity of what you are proposing to subject us to boggles the mind.

I fail to see the connection between having a fire on the beach and access to the beach? Doesn't everyone have access to the beach with or without a campfire? Why does not allowing people campfires not give them access to the beach? The logic does not add up. Cars are not allowed on the beach. Drugs are not allowed on the beach. Nudity is not allowed on the beach. Likewise, campfires are not allowed on the street and roads of Carmel. Having a wood burning fire on public property is not a right, it's a dangerous and pollution generating activity. Additionally, it's insulting to say- outright, or by implication- that the "underserved" require a wood fire to entertain themselves. Or that wood (& lighter fluid) is "more affordable" than propane. This is akin to asserting that McDonald's is "more affordable" than preparing a meal at home- it's true, ONLY if you are willing to completely disregard the hidden costs.

There are many SPECTACULAR reasons to come to Carmel beach- wildlife, sunsets, stargazing, surfing, picture taking- to name just a few. Based on what I see thousands of people doing day in and day out, fires are not a priority for most, and in fact, are prohibitive for many.

Clearly you have chosen to disregard both EPA findings on wood burning and the Monterey Air quality control monitoring data\*\* in the name of one small aspect of beach recreation for a minority of Carmel Beach goes- shameful!

Commissioners- please grant me a courtesy and DO confirm receipt of this email. Should you not alter your current position on wood fires and should any health problems appear or exacerbate in our household- I will appreciate having a record of this communication.



Sincerely,

Kimberly Rawlings

*\* a comparison from Families for Clean Air*

### Wood Smoke vs. Cigarette Smoke

People who would never dream of smoking a cigarette choose to burn wood. Yet wood smoke contains many of the same toxic and carcinogenic substances as cigarette smoke, including benzene, benzo(a)pyrene, and dibenz(a,h)anthracene.

And wood smoke produces far more particulate pollution than cigarette smoke does.

EPA researchers estimate the lifetime cancer risk from wood smoke to be 12 times greater than from a similar amount of cigarette smoke.

In a laboratory study at Louisiana State University, researchers found that hazardous free radicals in wood smoke are chemically active 40 times longer than those from cigarette smoke—so once inhaled, they will harm the body for far longer.

Other EPA estimates suggest that a single fireplace operating for an hour and burning 10 pounds of wood will generate 4,300 times more carcinogenic polyaromatic hydrocarbons than 30 cigarettes.

*\*\* the current data from the monitor at San Antonio and Twelfth may not come close to the toxic levels experienced in our, or anybody else's home- see below*

### Study Shows Wood Smoke Pollution Levels Vary Widely Within a Neighborhood

Proving once again the real estate mantra, "Location, Location, Location," an important new study raises serious concerns that wood smoke pollution at some residential locations is much higher than previously estimated. Specifically, the study reports huge variations in the exposure levels to wood smoke at different locations within a single neighborhood.

In this well designed field study funded by the California Air Resources Board (CARB), researchers compared measurements of wood smoke pollution within a one-kilometer area of a small California coastal town. The sampling occurred on 15 nights over two winter seasons. Notably, the town has no significant sources of air pollution, such as traffic or industry, other than residential wood combustion.

The researchers found that there were large variations in wood smoke pollution levels even within this small area. How large? Measurements in some locations were up to 300% higher than the area average.

This means that people living in the same neighborhood are being exposed to radically different levels of hazardous air pollution—and that some unfortunate households are being exposed to much higher air pollution levels than shown by centrally located air monitors.

This study illustrates why central air monitoring, which reports the average particulate pollution at a single location, is not an effective tool for measuring wood smoke pollution.



It also lends urgency to the recent call by Utah Physicians for a Healthy Environment to ban wood burning in densely populated areas.



F126

**Watson, Michael@Coastal**

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**From:** Lester, Charles@Coastal  
**Sent:** Friday, December 04, 2015 3:39 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal; Carl, Dan@Coastal  
**Subject:** FW: Coastal Commission Meeting

Charles Lester  
Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
(415) 904-5202  
[www.coastal.ca.gov](http://www.coastal.ca.gov)



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**From:** kathleen bang [<mailto:kathybang@me.com>]  
**Sent:** Friday, December 04, 2015 2:24 PM  
**To:** Lester, Charles@Coastal  
**Cc:** Rob Mullane; Richard Stedman; Jason Burnett  
**Subject:** Coastal Commission Meeting

Dr. Lester, please forward this letter to all of the Coastal Commissioners. Thanks.

Dear California Coastal Commissioners,

First of all, thank you very much for the work you do in preserving our coastal resources. California's coast line and beaches are very precious natural resource and the time you spend is much appreciated.

I am writing to you about the Carmel Beach Fire issue. I am sure you are aware that you have a problem. And, thankfully, we have a solution. The problem is that your outdated policy based on the premise that beach fires promote access is in conflict with contemporary science that shows that beach fires bring high levels of smoke particles that are extremely harmful to human health (and other mammals, one supposes). This science and the CARB agencies that are charged with enforcing clean air rules, as well as municipalities who are responsible for the health and welfare of their populations, have precedence on these issues.

You have already acknowledged the danger of wood smoke with your precedent setting agreement to keep fires



700 feet from any home in the South Coast region. You will recall that 700 feet is the distance it takes from a beach fire to return to ambient air. Unfortunately, there is no place on Carmel Beach that is 700 feet from any home. In Carmel, homes are very close to the beach.

Additionally, burning wood and charcoal in beach fires also brings environmental damage to the ocean and the beach itself.

All of your credentials on environmental issues are most impressive. I am sure that you will want to find a solution that allows you to continue to promote access but not pollute the air, the ocean and the beach, harm people's health and contribute to global warming.

So here is the solution: find a new, creative way to address the false choice between "access" and clean air. That new creative approach is found in the propane-only proposal that was submitted but dismissed by the staff person responsible for our area. That proposal would allow Carmel to be an experiment in trying a new approach that does not fill the homes of its residents and the lungs of its citizens and visitors with harmful smoke particles.

I urge you to approve an approach that allows Carmel to experiment with propane and eliminate the health hazard of wood and charcoal smoke. It could be a model for all the other beaches over which you have control and who are attempting to protect their health as well. Over 90% of beaches in California do not allow wood or charcoal fires and therefore their citizens are not forced breathe harmful smoke. Please give us that same right.

Finally, It is most ironic that the California Coastal Commission finds itself in a position eerily similar to the tobacco companies in the 70's, pushing smoking, fighting against bans, disagreeing with established science, and arguing that "we always did it that way."

Thank you for tour thoughtful consideration.

Kathy Bang

PS, here is a good reference on wood smoke:

<https://fortress.wa.gov/ecy/publications/publications/92046.pdf>



**Watson, Michael@Coastal**

---

**From:** Kubitskey <kubitskey@yahoo.com>  
**Sent:** Saturday, December 05, 2015 11:04 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach Fires

As a long term homeowner in Carmel, I urge you to work together with the Carmel City Council to come to an agreement prohibiting wood and charcoal fires. As the Temporary Nuisance Ordinance illustrated, the air quality in Carmel significantly improved during the times that the beach fires were prohibited. Please let us enjoy our Beach again!

Sincerely,  
Wendy Kubitskey



**Watson, Michael@Coastal**

---

**From:** Kathy Haller <lynchos@aol.com>  
**Sent:** Saturday, December 05, 2015 12:38 PM  
**To:** SKinsey@marincounty.org  
**Cc:** cgroom@smcgov.org; Lester, Charles@Coastal; Carl, Dan@Coastal; Watson, Michael@Coastal; Craig, Susan@Coastal; rstedman@mbuapcd.org; mcalhoun@ci.carmel.ca.us; rmullane@ci.carmel.ca.us  
**Subject:** Carmel Beach Fires

Supervisor Steve Kinsey  
Chair, California Coastal Commission 3501 Civic Center Drive  
Suite 329  
San Rafael, CA 94903-4193

Re: Carmel Beach Fires

Dear Mr. Kinsey:

We are having a hard time understanding the California Coastal Commission's (CCC) view on beach fires. Your mission statement is "The mission of the Coastal Commission is to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations." I don't see how this falls in line with your interest in approving wood fires on Carmel Beach. By allowing fires you are preventing a lot of people from walking or using the beach because of health issues. You also prevent people from opening their windows and enjoying their homes. Not allowing fires does not prevent anyone from using the beach, but, in fact, allows more people to benefit from the lack of smoke and waste. You would allow fire waste to pollute the beach and ocean. Fires would also foster more trash to litter the beach and water. If you didn't allow fires it would give greater access to the beach as people with health issues would also be able to enjoy the beach. Everyone can still play without getting burned by the smoldering embers or sick from the smoke. They can have parties, walk their dogs, surf, have weddings, etc. Your argument that not allowing fires limits beach access is not true. By allowing beach fires the CCC would be limiting beach access for the reasons stated above. The position you have taken is a total disregard for preservation of not only the beach and ocean but people's health.

Your argument that eliminating fires would restrict beach access is inconsistent with other restrictions already in effect. Smoking is not allowed on Carmel beach. Beach access is not allowed for use of dune buggies nor for dirt bikes. The point is that no one is restricted from access to the beach by banning fires just that the fires, like other proscribed activities, are restricted.



If you allow fires, a series of questions arise. Who will monitor the fire sites and make sure people are only burning wood but not other materials? You say charcoal is OK but what about the use of the lighter fluid? Where would you place the fires? Would you have them along the entire length of the beach or just in one small area? Maybe you should concentrate the fires close to the bathroom locations as people cannot go all day and night without having to use the facilities. Other concerns are activities that have come along with the fires, such as men uninating in the front yards of houses, cars turning around on Scenic Road driving the wrong way, people completely drunk, trash all over the beach. All of these we have personally observed.

Since the fires have been banned there have been many more people walking day and night on the pathway. Myself included. We can do this because we don't feel overwhelmed by the smoke. I can't believe in California with all of the strict regulations on emission and smoking the CCC thinks it is OK that fires be allowed on the beach when it affects not only the residents but also visitors' health.

We thought that propane was an interesting alternative. I can't imagine why you wouldn't consider trying this idea instead of insisting on wood fires which are bad for people's health and for the environment?

Sincerely,

Kathy and Mark Haller



## **Watson, Michael@Coastal**

---

**From:** Lester, Charles@Coastal  
**Sent:** Sunday, December 06, 2015 9:01 AM  
**To:** Watson, Michael@Coastal  
**Cc:** Carl, Dan@Coastal  
**Subject:** FW: Fires on the beach

Charles Lester  
Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
(415) 904-5202  
[www.coastal.ca.gov](http://www.coastal.ca.gov)



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**From:** We [<mailto:drivecarmel@aol.com>]  
**Sent:** Saturday, November 28, 2015 10:17 AM  
**To:** Lester, Charles@Coastal  
**Subject:** Fires on the beach

Please accept my e-mail as I am out of town. Even the DMV now sends and receives e-mails so I hope you folks will oblige this email.

I feel that permits are the only answer to fires on the beach. They now make us get permits for any beach parties at Carmel City Hall so I feel "all" folks should comply with this. Nine to twelve Fire pits would enable folks to enjoy our beach and control the litter. I hope someone from your team has been on the Carmel beach for the Memorial, 4th of July or Labor day holidays. Folks left not just fire trash everywhere - but diapers and other trash items. In talking to our local police they say they can not "patrol" every ounce of the beach. I propose that permits would keep everyone happy and hold folks accountable if they did not clean up after themselves.



I am in Los Angeles for the holiday and only one beach now allows fires in the Hermosa beach area.

The air quality in Carmel is awful when 20 fires are going at once. I live 1/4 mile from Carmel beach and am not as impacted as the poor folks on Scenic. Please confirm that you received this e-mail.

Sincerely,  
Mary Gifford



**Watson, Michael@Coastal**

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**From:** Glenn Nash <glennnash01@gmail.com>  
**Sent:** Sunday, December 06, 2015 11:55 AM  
**To:** Lester, Charles@Coastal; Watson, Michael@Coastal  
**Subject:** California Coastal Commission Agenda Item F12b - Carmel Fire Management Program

Dear Messrs. Lester and Watson,

Please see below my letter to the California Coastal Commission regarding meeting Agenda Item F12b - Carmel Fire Management Program. It would be greatly appreciated if you could forward this letter to all Commissioners (and staff addressing this matter) so they have it in time to review in advance of the Coastal Commission's meeting on this subject on December 11, 2015. Please confirm receipt of this email. Thank you.

Best regards,

Glenn Nash

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Dear Supervisor and Chair Kinsey and Commissioners of the California Coastal Commission,

The purpose of this letter is to address Item F12b on the Agenda for the December 11, 2015 meeting of the California Coastal Commission – specifically, the Carmel Fire Management Program.

I am a resident of Carmel with a home close to the beach and consequently am profoundly impacted by the harmful effects of beach fires. I urge the California Coastal Commission ("Coastal Commission") and its staff to not allow beach fires of any kind (e.g. wood, propane, charcoal etc.) on Carmel beach. As described in more detail below, the Coastal Commission's action restricting the use of beach fires would be entirely consistent with and required by the mandate of the Coastal



Commission pursuant to the California Coastal Act of 1976 and the Coastal Commission's responsibility to citizens as a state agency.

As stated on the Coastal Commission website at [www.coastal.ca.gov](http://www.coastal.ca.gov) "The mission of the Coastal Commission is to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations."

Guided by its mandate, the policies of the Coastal Commission and its duties as a state agency, the Coastal Commission should not allow beach fires for the following key reasons:

1. Protection of the Health and Safety of Carmel Residents and Visitors. As a state agency, the health and safety of all should be the first and foremost factor that the Coastal Commission takes into consideration when addressing Carmel beach fires. The desire of some to have beach fires as part of recreational activity should not take precedence over the serious harm that such activity poses to our health and safety.

On days when beach fires are permitted, the air that we breathe is polluted by smoke and we ingest harmful smoke particles. Such smoke particles are extremely harmful to our health -- a scientific fact that I trust the Coastal Commission and its staff are acutely aware of and one that I hope is being seriously considered by the Coastal Commission in its decision-making regarding the beach fire issue in Carmel.

The health concerns from smoke of many people in Carmel are well-founded given, for example, the results of the PM 2.5 test that the Monterey Unified Air Pollution Control District performed this year which found unsafe levels of smoke pollution according to EPA standards. As you may also be aware, the Monterey Unified Air Pollution Control District recently put the City of Carmel on notice that enforcement action may be taken if Carmel fails to eliminate wood smoke impacts from beach fires. The PM 2.5 test results and the possible enforcement action underscore the serious health and safety issue we now face.

It is important for the Coastal Commission to also understand that as the smoke permeates our homes, we are seriously restricted in how we can use our homes as we have to close each and every window and door to try (unsuccessfully I might add given the nature of Carmel homes) to keep the smoke out of the house so we don't continue to ingest harmful smoke particles. We also cannot make use of outdoor areas (yards or decks) given that they are blanketed in smoke. To say the least, the smoke is a serious nuisance that is harmful to our health and preventing us from the normal and natural enjoyment of our homes.



The Coastal Commission should not enable an activity (beach fires) that pose short and long term health risks to all people, residents and visitors alike, who spend time in Carmel. By not allowing beach fires we can ensure all of us are not put in harm's way and can have quiet enjoyment of our homes.

2. Protection of Carmel Beach. The damage to the beach itself caused by the beach fires over the years is clearly evident. The sand is now laden with black charcoal, burnt wood (including pieces of wood with nails in them), fires are not cleaned up and garbage associated with fires is strewn all over the beach. This is not good for the beach or the wildlife (i.e. sea life and birds) that require a healthy ecosystem. We can protect the beach and its ecosystem if we not allow beach fires and work towards restoring the beach to the "pure white sand beach" of Carmel.

3. Protection of the Ocean. The charcoal from beach fires and other garbage left on the beach is making its way into the ocean thereby polluting it and causing harm to water quality and sea life. We can better protect the ocean and sea life in an environmentally sustainable way if we do not allow fires on the beach in the first place.

4. Enable People to Access the Beach. As we have seen from the exiting moratorium on beach fires on certain days of the week in Carmel, not allowing fires has not by any means prevented people from accessing the beach. In fact, it is enjoyable for all and many people have remarked on how they are using the beach more because the air is clean and fresh as ocean air should be.

I urge the Coastal Commission to embrace the fact that not allowing beach fires actually enables access for all – residents and visitors alike. On days when there are no fires many people still frequent the beach and surrounding area and, in fact, broader access to the beach is possible because people with health issues who cannot be exposed to beach fires can utilize the beach. On days where fires are permitted they cannot. The Coastal Commission should work towards enabling access for all given its mandate.

For the above reasons, I urge the Coastal Commission to fulfill its mandate and its duties as a state agency by not permitting beach fires. In doing so, the Coastal Commission will enable us to (i) live in Carmel without the serious harmful health effects caused by ingesting smoke particles and without the other nuisance factors posed by smoke, (ii) protect the beach, (iii) protect the ocean and (iv) provide access to the beach for all (including those who do not want to and cannot be exposed to the harmful effects of smoke). As a final note, this action would be consistent with the existing moratorium on beach fires (i) north of 10<sup>th</sup> in Carmel, (ii) in our neighboring communities and (iii) in the vast majority of beach communities in California.



Thank you for your action in support of our community and the people who visit here!

Sincerely,

Glenn Nash



**Watson, Michael@Coastal**

---

**From:** Karen FERLITO <ferlito@me.com>  
**Sent:** Tuesday, December 01, 2015 3:32 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Why Your Neighbor's Wood Smoke is Killing You

Please include in agenda packet for coastal commissioners.

<http://www.familiesforcleanair.org/why-your-neighbors-wood-is-killing-you/>

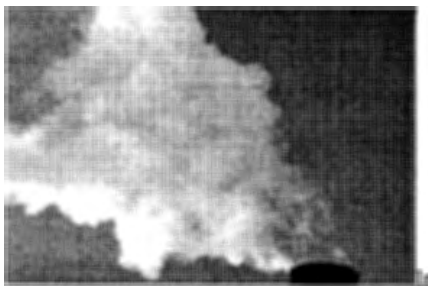
Hugo Ferlito  
Sent from my iPad.



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## Why Your Neighbor's Wood Smoke is Killing You

### Why Your Neighbor's Wood Smoke is Killing You



At many locations, wood burning is the largest contributor to wintertime particulate pollution (PM2.5). An important new study from scientists at the Harvard School of Public Health demonstrates just how harmful this pollution is to human health.

What they found is alarming. In the study's sample of 2.4 million people, there were higher death rates in zip codes with higher particulate pollution levels than in those with lower levels. Even small increases in PM2.5 led to higher death rates, with each 10  $\mu\text{g}/\text{m}^3$  increase in PM2.5 resulting in a 7.52% increase in mortality. This increase in death rates was seen even in zip codes in which the annual exposures were below EPA standards (the current limit is 35  $\mu\text{g}/\text{m}^3$  PM2.5 daily).

The new study used satellite data to determine particle levels and temperatures in every zip code in New England, which is a much larger geographical region than previous studies. It then analyzed the corresponding health data of everyone covered by Medicare  $\geq 65$  years old in this area from 2003–2008. The results both confirm and extend previous research that shows a strong relationship between particulate pollution, adverse health effects, and increased mortality.

The findings add weight to charges from the public health community that the EPA standards for particulate pollution are insufficient to protect our health, since the air pollution levels tied to higher death rates were just one-third as high as the current levels mandated by the EPA.

As author Joel Schwartz notes, "This study shows that [current EPA limits are] not enough. We need to go after coal plants that still aren't using scrubbers to clean their emissions, as well as other sources of particles like traffic and wood smoke." According to Schwartz, there is no clear threshold below which particle pollution is safe.

Since any increase in PM 2.5 levels result in increased death rates, it means our society must rethink our attitudes toward wood burning. We can no longer afford to regard the smell of wood smoke as something evocative, nostalgic, or natural.

The science is not subject to debate: if someone is burning wood, they are shortening the lives of their neighbors.

Previous post: [Last Chance to Take Action on the Bay Area Wood Burning Regulation](#)



There are nationwide and local epidemiological studies showing that when particulate matter (in air pollution) goes up, premature deaths go up.

– Matthew Lakin, Ph.D., U.S. EPA

#### • RECENT ARTICLES

- Why Your Neighbor's Wood Smoke is Killing You
- Last Chance to Take Action on the Bay Area Wood Burning Regulation
- The EPA's Rules for New Residential Wood Stoves: A Sell-Out to the Wood Stove Industry?
- A Lack of Natural Gas Service is No Longer an Excuse for Wood Burning
- Study Shows Wood Smoke Pollution Levels Vary Widely Within a Neighborhood

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**Watson, Michael@Coastal**

---

**From:** Karen FERLITO <ferlito@me.com>  
**Sent:** Tuesday, December 01, 2015 3:30 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Quick Facts - UPHE

Please include in packet for coastal commissioners. Info on dangers of wood burning. Important.

Thank you.

<http://uphe.org/priority-issues/wood-burning/wood-burning-quick-facts/>

Karen Ferlito  
Sent from my iPad.





## Utah Physicians for a Healthy Environment

► UPHE » Priority Issues » Wood Burning » Quick Facts

### QUICK FACTS

Seventeen reasons to ban wood burning.

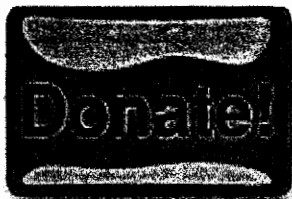
1. All pollution is not created equal. Wood smoke is the most toxic type of pollution in most cities, more dangerous than auto pollution and most industrial pollution. Lighting a wood fire in your house is like starting up your own toxic incinerator.
2. Lifetime cancer risk is 12 times greater for wood smoke compared to an equal volume of second hand cigarette smoke.
3. Burning 10 lbs. of wood for one hour, releases as much PAHs (polycyclic aromatic hydrocarbons) as 6,000 packs of cigarettes.
4. Toxic free-radical chemicals in wood smoke are biologically active 40 times longer than the free radicals in cigarette smoke.
5. Wood smoke is the third largest source of dioxins, one of the most intensely toxic compounds known to science.
6. The very small size of wood particles make them seven times more likely to be inhaled than other particulate pollution.
7. Wood smoke easily penetrates homes of neighbors creating concentrations up to 88% as high as outdoor air.
8. If you smell wood smoke, you know you are being harmed. The sweet smell comes from deadly compounds like benzene.
9. The most dangerous components of air pollution are much higher inside homes that burn wood compared to those that don't, as much as 500% higher.
10. Considering the most dangerous part of particulate pollution, wood burning produces as much overall as all our cars during the winter.
11. The inhalable particulate pollution from one woodstove is equivalent to the amount emitted from 3,000 gas furnaces producing the same amount of heat.
12. Emissions from modern combustion appliances for wood logs may increase ten-fold if they are not operated appropriately, and most of them are not.
13. Wood smoke is the only pollution emitted right where people spend most of their time. It disperses poorly, is not evenly distributed and stays in the air longer because of its small size. Concentrations can be 100 times higher for neighbors of wood burners than what is captured at the nearest monitoring station. Real local "pollution victims" are created even when overall community levels are low.
14. If your neighbor is a regular wood burner, and follows all the rules, i.e. doesn't burn during yellow or red alert days, but does during all "green" days, you can go an entire winter without having one single day of clean air. This is a civil rights issue.
15. According to California's Bay Area Air Quality Management District, burning wood costs the rest of the



community, primarily your next door neighbors, at least \$2 in extra medical expenses for every lb of wood that you burn. An average fire then costs your neighbors about \$40.

16. Long ago most communities passed ordinances protecting people from second hand cigarette smoke. Ironically those laws protect people at places they don't necessarily have to be (restaurants, stores, buildings, etc). But in the one place they have to be, their own home, they have no protection from something even worse—wood smoke. People should have just as much protection from wood smoke as from cigarette smoke and for all the same reasons. We don't allow people to blow cigarette smoke in your face, why should we allow people to blow wood smoke into your home?
17. Wood burning is not even close to carbon neutral over the short term, the next few decades, and it is that time frame that will make or break the climate crisis. Burning wood is extremely inefficient. Per unit of heat created wood produces even more CO2 than the fossil fuels do. Furthermore, the black carbon particulate matter released enhances the absorption of radiant heat in the atmosphere, making global warming worse, and prematurely melts already imperiled mountain snow pack.

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## NEWS





### Air pollution not evenly distributed, low levels still held hostage by the home

Op Ed. by UPHE president, Dr. Brian Moench in the Deseret



### Low NOx water heaters still held hostage by the home

Op Ed by UPHE Ex. Dir. Tim Wagner in SL Tribune, Nov. 16, on



### Point of the Mountain Gravel Dust is Killing Us

Op-Ed by Cris Cowley, Robert Macfarlane and Adrian Dybwad in the



### Advocacy groups propose new clean air rules

UPHE and our allies at HEAL Utah and WRA recently proposed new

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1

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Air Pollution air quality babies brian moench Events fireplace fracking gravel Health Effects particulate matter pm2.5 pollution Refinery Expansion Rio Tinto/Kennecott rolling stone Stericycle stillborn Take Action Tesoro uphe UPHE in the Courts UPHE Legal Victory utah vernal wood smoke

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**Watson, Michael@Coastal**

---

**From:** Ann Keeble <keebleann@gmail.com>  
**Sent:** Tuesday, December 08, 2015 11:47 AM  
**To:** Watson, Michael@Coastal  
**Subject:** CARMEL BEACH FIRES

I have been a resident of Carmel since 1949. As much as I love the old traditions some things must change with time. The population has outgrown what the beach can handle without damage. Without some form of control we will "kill the goose that laid the golden egg". We have got to start being realistic about the effects we have on the environment. I urge you to work with the City to develop a new system of regulations. Limiting wood fires would be a step in the right direction. Allowing only propane fires would be even better.

Ann Keeble



**Watson, Michael@Coastal**

---

**From:** Ferlito <ferlito@pacbell.net>  
**Sent:** Wednesday, December 09, 2015 11:25 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Fwd: Charcoal debris CARMEL beach

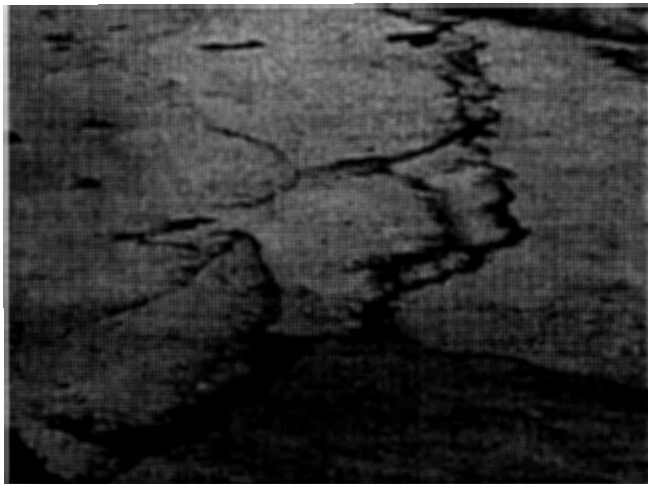
So much for the high tides cleansing the beach.

Karen Ferlito

Begin forwarded message:

**From:** Lucinda Lloyd <[lucindalloyd@yahoo.com](mailto:lucindalloyd@yahoo.com)>  
**Date:** December 9, 2015 at 8:48:34 AM PST  
**To:** Karen Ferlito <[ferlito@pacbell.net](mailto:ferlito@pacbell.net)>  
**Subject:** Charcoal debris.

Taken Monday, Dec 7.





## **Watson, Michael@Coastal**

---

**From:** Lee Price <lprice@ci.carmel.ca.us>  
**Sent:** Monday, July 27, 2015 12:43 PM  
**To:** Watson, Michael@Coastal  
**Subject:** FW: ongoing fires on Carmel City Beach

Mayor Jason Burnett has asked me to forward to the Commission the following email he received from a resident of Carmel-by-the-Sea. Would you be kind enough to ensure it is delivered to the Commission? Thank you.

Lee Price, MMC  
Interim City Clerk  
Carmel-by-the-Sea  
[lprice@ci.carmel.ca.us](mailto:lprice@ci.carmel.ca.us)  
(831) 620-2016

---

Jason K. Burnett  
831.238.0009  
[jason.burnett@gmail.com](mailto:jason.burnett@gmail.com)

Begin forwarded message:

**From:** Lindy Marrington <[lindymarrington@sbcglobal.net](mailto:lindymarrington@sbcglobal.net)>  
**Subject:** re: ongoing fires on Carmel City Beach  
**Date:** July 24, 2015 at 4:41:44 PM PDT  
**To:** [Jason@Burnettforcarmel.com](mailto:Jason@Burnettforcarmel.com)

Dear Jason,

My name is Lindy and live in Carmel proper. Am aware that the coastal commission denied the appeal regarding fires on Carmel beach. Am very concerned about what we are seeing as far as the condition of the beach and the natural environment. Last weekend, born and raised Carmel inhabitant, Michael Cate (of Cate Electric) and I went down after dark to walk along Scenic. We counted 45 fires and those were the ones we could see. The smoke in the sky was so thick it was truly difficult to breathe. As we approached one of the staircases, we nearly tripped. We used a cell phone as a flashlight and all over the ground directly in our path, were 8 (we counted them!) glass bottles of various types of alcohol and a stack of red party drinking plastic cups. It appeared as if someone's paper bag had broken but they chose to leave them there and there was a garbage can within arms length. Naturally, we cleaned it all up.

This morning when walking along Scenic, I was so dismayed to see how gray the sand has become on our once pristine white beach. It is covered with chunks of charcoal and is no longer that soft white color. It is such a contrast to the Carmel River Lagoon Beach which is still snowy white, it is so obvious what is happening. Not only is the sand no longer white but there are erosion pathways cut all up and down the beach on the hillside. People wanting to build their fires are running up and down the hill making their own trails and carrying all their heavy stuff. This is unacceptable. Being in a drought, the plants are already taxed and now they are



dying off in swaths. If this were not all bad enough, there was graffiti all over some natural Carmel rock outcropping today written with black charcoal. We saw the same abuse at the beach south of the Lagoon and their sand is also very gray.

I wish I would have had my cell phone so I could attach some photographs. There was an old fire spot littered with plastic water bottles and cups, it is absolutely tragic to see this happening. In addition to all of this damage, there are so many tourists and many of them smoke and there are cigarette butts everywhere. Why are we allowing this to happen to our beautiful little hamlet of Carmel by the Sea? Just for a few lousy bucks from tourists and so locals who feel they have to have a fire on one of the most pristine beaches anywhere?

I find this activity to be inexcusable and the only answer is to put a moratorium on these fires. Fire pits are not going to help with the erosion on the hillsides, the toxic charcoal in the ocean and in the air or the trash and graffiti and who in the heck is going to empty out these fire pits? Fire pits are not natural to the ocean and they will look unattractive. This is going to only attract more and more large groups of people coming from all over and having huge parties on our finite beach.

Those of us who live here full time pay huge property taxes to be here and this is not fair or acceptable, something has got to change. This issue of fires on the beach needs to be put to a vote, it should not be left up to a handful of folks who seem to only care about bringing in dollars to Carmel and encouraging the tourist trade which is already out of control.

What about our serious water situation? Locals are told to constantly cut back on usage and minimize watering gardens and our city trees are dying by the droves. Much of our water is going to restaurants and hotels which cater to out of town tourists and this is not right. Someone should call me back.

Lindy Marrington  
4 SW of First on Torres  
831.238.8234



**Watson, Michael@Coastal**

---

**From:** SMB55@aol.com  
**Sent:** Thursday, December 10, 2015 10:21 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel beach fires

I cannot attend your Friday meeting and I want my voice added to the many in Carmel who believe that the way to protect both the beach habitat and the quality of the air is to ban beach fires except for propane ones.

I grew up in Carmel and enjoyed little fires but times have changed. The fires are much bigger, the number has increased many fold and many who use them do not seem to be interested in preserving the quality of beach nor air.

Most of us who believe as I do are not part of the "wealthy" Scenic Rd. group. We cannot understand how fires fit with the mission statement of the Coastal Commission; nor how the Commission can insist Carmel have fires when so many California beaches have none.

Hopefully the Commission will follow its mission statement and protect the coastline as we also want to do.

Sarah McCloud Berling



## **Craig, Susan@Coastal**

---

**From:** Lorna Claerbout <lornaclaerbout@gmail.com>  
**Sent:** Thursday, December 10, 2015 2:00 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Dear California Coastal Commissioners,

As a Carmel resident, I am writing in opposition to the Carmel City Council proposal to ban all wood fires on Carmel beach. However, I do support the Beach Fire Management Pilot Program which was developed with public input involving many meetings. This would be a compromise measure to gather data to learn how to manage the beach fires in order to preserve air quality.

I treasure my annual tradition of sitting by a fire on Carmel Beach with my son as I did last Wednesday, December 2, when he was here for a visit. There were only three fires on Carmel Beach that night, all of which were over 100 feet from the bluffs. It is hard to imagine them having an impact on the air quality on Scenic Road. Yet I believe all three had an impact on the lives of those surrounding those fires. Surely there must be a way to find a compromise so that air quality can be maintained and this valued Carmel Beach fire tradition can be preserved.

Thank you.

Sincerely,  
Lorna Claerbout



[http://www.montereycountyweekly.com/news/local\\_news/california-coastal-commission-aims-to-restore-carmel-beach-fire-tradition/article\\_1d83121e-9ec2-11e5-9f21-5b8372e91f8d.html](http://www.montereycountyweekly.com/news/local_news/california-coastal-commission-aims-to-restore-carmel-beach-fire-tradition/article_1d83121e-9ec2-11e5-9f21-5b8372e91f8d.html)

Up in Smoke

## California Coastal Commission aims to restore Carmel beach fire tradition.

Sara Rubin 17 hrs ago



Nic Coury

About 80 percent of the 2,885 people who went to fires on Carmel Beach in June live outside of Carmel, according to data gathered by city officials.

The City of Carmel has a dream of neighbors joining neighbors around a fire pit on Carmel Beach, maybe sharing a roasted marshmallow or a beer.

One key detail: There's no wood or charcoal burning in that dream. Instead, a handful of propane-powered fire pits, not unlike those on restaurant patios, dot the beach and are available on a first-come, first-serve basis.



Another hitch: The California Coastal Commission contends the city's plan to eliminate traditional wood-burning fires is at odds with the city's own policies, as well as state policy for coastal access.

Carmel officials have been grappling for years with the best way to address the timeless tradition of beach fires, faced with residents' complaints about smoky air, charcoal and litter left behind.

Last spring, they proposed fire rings to limit the number of fires. In August, during peak fire season, Council passed a temporary moratorium stopping beach fires on weekends and holidays. Dec. 1, they voted 3-2 to approve an ordinance declaring beach fires a public nuisance, banning them outright.

"It's a matter of degree," says Dan Carl, director of the California Coastal Commission's Central Coast district. "The city has gone from a reasonable approach to 100 miles an hour."

The contentious policy issue is now out of city hands, and heads to the Coastal Commission Dec. 11. Carl and his staff are recommending commissioners approve a plan that includes fire rings. "It's the city's own program we are trying to implement," Carl says. "It wasn't so long ago that this is what *they* were proposing."

But Mayor Jason Burnett says things changed since then. Monitors showed air quality was even worse than suspected. And neighbors liked the effect of the moratorium. "The community had grown accustomed to smelling smoke," Burnett says. "Then people came forward and said, 'We really like our beach experience without smelling smoke.'"

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Sara Rubin



[http://www.montereycountyweekly.com/opinion/local\\_spin/to-ban-or-not-to-ban-beach-bonfires-what-a/article\\_69a73076-9ebd-11e5-8385-bf5c6bc92013.html](http://www.montereycountyweekly.com/opinion/local_spin/to-ban-or-not-to-ban-beach-bonfires-what-a/article_69a73076-9ebd-11e5-8385-bf5c6bc92013.html)

Carmel En Fuego

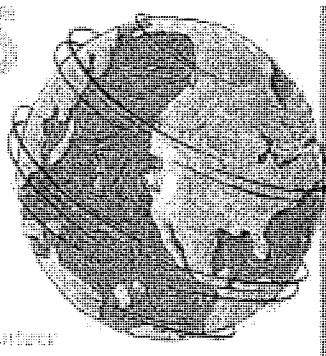
## To ban or not to ban beach bonfires: what a weird question.

Mary Duan 17 hrs ago

# Selves, Ladies

d Republican actions.

10,000—comes from VAWA  
ding. And with that funding,  
ording to Center Executive  
vices of the Monterey County Air



Monterey

Carmel Mayor Jason Burnett seemed eager to take the blame for the ban some (him included) had been seeking on the time-honored tradition of bonfires on Carmel Beach. So eager, in fact, that shortly after I talked to Monterey Bay Unified Air Pollution Control District chief Richard Stedman about it, Burnett messaged me and asked me to blame him.

"If you need to blame someone, blame me, not Richard Stedman, for beach fires. He's just done what we've asked," Burnett wrote. I demurred. I wasn't giving Stedman grief. I was looking for the data to back up claims that a huge number of beach bonfires had so degraded the air in Carmel on certain days over the summer that it was a near crisis situation and that an outright ban was warranted.

Burnett came back with: "Yeah, but pick on me."

Well, Jason, it is almost Christmas, and you did ask for it.



How is it that the guy working so hard to reach a compromise between myriad stakeholders when it comes to water, and the looming cease-and-desist order the state has placed on California American Water for over-pumping the Carmel River, has been seemingly unwilling to compromise when it comes to bonfires on Carmel Beach?

A ban is exactly what the city promised not to do when it began to try to find ways to keep the beach and the air cleaner. People were burying their hot leftover coals where feet and paws could find them and on a few occasions, so many fires were happening at once nearby residents had to close their windows and wait it out.

First one program was mulled over in which the city would dole out fire baskets and keep the size and number of the fires contained. Then a fire ring program was proposed, and Burnett agreed to it. But then the Air Pollution Control District set up a single monitoring station in a resident's backyard on Scenic Drive and found that on several days in July, there was a higher level than normal of particulate matter in the air. A few times, the spike lasted eight hours, according to Stedman, but it never exceeded acceptable levels for human health set by the U.S. Environmental Protection Agency.

In August, following those July spikes, the city enacted a 45-day moratorium on weekend and holiday bonfires, and then attempted to make that moratorium permanent in December by declaring fires a public nuisance.

Enter the California Coastal Commission, which finds a moratorium conflicts with rules mandating public access to the beach. By the city's numbers, 80 percent of the 2,885 people who came to Carmel Beach in June and attended a bonfire were not from Carmel. About 55 percent were Monterey County residents, and the remainder came from elsewhere in the state, other states and other countries.

Why is it an access matter? Dan Carl, director of the Coastal Commission's Central Coast district, says from the commission's perspective, the moratorium is unpermitted.

"It's as if someone said, 'We don't want surfers on the beach, but you can still come to the beach,'" he says. "The beach isn't just for people who live in Carmel. It's one of the last vestiges of no-cost, low-cost activity."



Coastal Commission calling out Carmel on its beach fire bans

By Caitlin Conrad

UPDATED 11:47 AM PST Dec 10, 2015

CARMEL, Calif. —The California Coastal Commission is calling out the city of Carmel on its beach fire bans.

The commission wants the city to work with it on the beach fire issue instead of attempting to circumvent it.

Carmel by the Sea banned beach fires on holidays and weekends this summer without getting the commission's approval. The ban goes against the Local Coastal Plan, which encourages wood fires on Carmel Beach. In October, the commission notified the city the ban was not enforceable.

But last week, the city decided to go forward and pass the first reading of a public nuisance ordinance that bans all wood fires on the beach for health reasons.

"Since it is made based on health grounds and the Coastal Commission does not have jurisdiction over health. We believe that our decision (will) prevail," Mayor Jason Burnett said.

Coastal Commission spokesperson Noaki Schwartz said this isn't the first time that the city tried to get around the commission on beach fire issues.

Schwartz said banning beach fires is an issue from Newport to San Francisco, and the bottom line is public access.

"It would be tragic if your average person could not bring their families to the beaches, and have full use of the beaches, and it was limited to only the people who could afford to live there," she said.

"I guess my honest opinion is we overdo everything, I think the fires should stay," Carmel Beach-goer Bruce Winge said.

A high number of bonfires over the summer, up to 100 at peak times according to Burnett, had residents who live near the beach crying out about the air quality. The outcry and data pushed the city to start the banning process. But some locals think it should have worked closer with the commission during the process.

"I guess it would be nice if they could work together, because we get so many tourists here, and I know that families come and visit their relatives here, and have the fires so it would be nice if they could figure that they could do for everyone," said one beachgoer who only wanted to be identified by her first name, Carol.

Schwartz said the air quality data only showed one day of poor quality, and that was on Sunday, Sept. 20, a day when beach fires were banned, but the Tassajara and Laureles Grade Fires had just started burning hundreds of acres in Carmel Valley.

Still, Schwartz said commissioners are sympathetic to the air quality issue and that's why it wants to limit the number of beach fires to 26.

"Certainly there is room for working with the city and possibly coming up with an even better plan," she said.

Carmel's current ordinance that is due for a second reading in January would ban all wood fires allowing only for propane fires. According to Schwartz propane is banned in the local coastal plan.

Carmel will go before the commission at a hearing on Friday in Monterey.



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HUNTINGTON BEACH, CA 92647  
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FAX (714) 843-6375

# Assembly California Legislature



TRAVIS ALLEN  
ASSEMBLYMAN, SEVENTY-SECOND DISTRICT

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REVIEW  
ASSEMBLY LEGISLATIVE ETHICS

Steve Kinsey, Chair  
California Coastal Commission  
45 Fremont St, #2000  
San Francisco, CA

Dear Chairman Kinsey:

The conversation to ban beach bonfires in Carmel caught my interest as I was very active, both locally and legislatively, during a similar fight that took place in Orange County last year. Simply put, beach bonfires are an activity enjoyed by people from all across California, including those who cannot afford multi-million dollar beachfront homes. It is imperative that we work to ensure that every Californian has access to our beautiful beaches through the irreplaceable attraction of a beach bonfire. We must work together to protect our environment while preserving this historic, safe, and inexpensive family recreational tradition on our beaches.

That is why I am urging you to approve the proposal to allow for 26 wood burning fire rings on the beach in Carmel for public use. Since this permit was appealed to you, the City of Carmel has voted to ban beach bonfires on holidays and weekends, and is now attempting to ban them completely. This would significantly and disproportionately affect the residents of many underserved inland communities who come to Carmel specifically so their families can enjoy an affordable, inclusive beach experience centered around beach bonfires.

Beach bonfires are a vital part of California's culture and identity. Also they are a low-cost, visitor-serving, recreational activity that is vital to California. Time and time again unfounded complaints are levied under the guise of air quality, but just as in other cases up and down the coast, the County Air District's monitoring of beachfront air quality shows that air quality meets the highest standard of "good" 98% of the time. In fact, only one day out of 140 exceeded federal standards for PM2.5 in this area.

Furthermore, banning bonfires is an elitist policy that will have the unavoidable effect of discouraging public use of the beach. Many visitors can't afford bottles of propane for the gas fires proposed by the City. In fact, for many visitors, an evening at the beach, gathered with friends and family around a bonfire, is the only affordable activity available to them in the city. Further, many of the people who will be impacted by this decision don't know about this meeting, and couldn't take time off work to attend even if they were made aware.



The Coastal Commission staff recommendation to allow wood fires on the beach is rational, continues previous efforts to preserve beach bonfires, and protects both air quality and public access. I am asking that you protect this beloved tradition and California pastime and protect public access, by supporting your staff recommendation and preserve beach bonfires in Carmel. I have worked on numerous occasions with the Coastal Commission to ensure public access to California's beaches, reduce the concentration of wood smoke near beachfront homes, improve air quality over current levels, and eliminate the pollution associated with the ash and embers from open fires.

Through our work I have seen firsthand your staff's commitment to safeguarding necessary coastal access protections and environmental concerns while protecting the unique and historic activity of a California beach bonfire. I am simply asking you to continue that commitment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Travis Allen", with a long horizontal flourish extending to the right.

TRAVIS ALLEN  
Assemblyman  
72<sup>nd</sup> Assembly District



**CALIFORNIA COASTAL COMMISSION**

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# F12b

Appeal Filed: 5/27/2015  
49th Day: Waived  
Staff: Mike Watson - SC  
Staff Report: 11/25/2015  
Hearing Date: 12/11/2015

## **APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING**

**Appeal Number:** A-3-CML-15-0033

**Applicant:** City of Carmel-by-the-Sea

**Appellant:** Alexis Delehanty

**Local Decision:** Approved by the Carmel-by-the-Sea City Council on May 5, 2015 (City CDP application number MP 15-100).

**Project Location:** The portion of Carmel Beach between Tenth Avenue and Martin Way in the City of Carmel-by-the-Sea, Monterey County.

**Project Description:** Implement the City's Beach Fire Management Pilot Program, including installing 26 fire rings and Program signage, implementing new fire management and beach maintenance provisions, and monitoring Program effectiveness.

**Staff Recommendation:** Substantial Issue Exists; Approval with Conditions

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### **IMPORTANT HEARING PROCEDURE NOTE**

The Commission will not take testimony on the "substantial issue" recommendation unless at least three Commissioners request it. The Commission may ask questions of the Applicant, any aggrieved person, or the Executive Director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally limited to three minutes total per side and at the discretion of the Chair. Only the Applicant, persons who



opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take public testimony.

## **SUMMARY OF STAFF RECOMMENDATION**

The City of Carmel-by-the-Sea approved a coastal development permit (CDP) to allow the City to install 26 fire rings on Carmel Beach and to implement a new Beach Fire Management Pilot Program (Program) along the south end of Carmel Beach, seaward of Scenic Road between Tenth Avenue and Martin Way. The City's CDP decision was appealed to the Commission, with the Appellant alleging Local Coastal Program (LCP) conformance issues with respect to hazards, public safety, public access and recreation, air and water quality, public views, and community character. After reviewing the local record, Commission staff believes that the approved project raises a substantial issue with respect to the project's conformance with the City's certified LCP and the public access and recreation policies of the Coastal Act.

Carmel Beach is a significant local and regional beach access destination. Its wide expanse of white sand extends along a mile of the City's shoreline, and attracts beach visitors from far and wide who come to walk, sit, and play on the beach and in the ocean waves offshore. Many beachgoers also come to sit around a beach fire in the early afternoon and evening. These beach fires have long been a part of both the cultural fabric and recreational utility associated with Carmel Beach, and are called out as an important part of the beach recreational experience here in the City's LCP. Per the LCP, beach fires are only allowed on the beach south of Tenth Avenue.<sup>1</sup>

The City's Program is in response to concerns raised by the City and its residents that these beach fires are leading to both health issues and beach degradation. The former is associated with the smoke from beach fires, and the latter associated with the debris left on the beach, including because the beach currently does not have any fire rings and fires are made directly on the sand. The Monterey Bay Unified Air Pollution Control District (MBUAPCD), in concert with the City, has been monitoring smoke levels (actually PM2.5 levels)<sup>2</sup> inland of the beach since late May of this year, for a total of 140 days monitored.<sup>3</sup> Data from the smoke monitor shows that there was one exceedance of the federal Environmental Protection Agency (EPA) 24-hour PM2.5 standard during this time, which occurred on a day when wood beach fires were not allowed. Otherwise, the data shows PM2.5 levels to be fairly constant during the week, and generally increase on weekends, with 'spikes' in smoke levels roughly corresponding to spikes in the numbers of

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<sup>1</sup> Fires are not allowed on the rest of the beach, meaning beach fires are already currently limited under the LCP to roughly 35% of the beach frontage.

<sup>2</sup> The City and MBUAPCD are monitoring PM2.5, which is a type of particulate matter. Particulate matter is a generic term for particles suspended in the air, typically as a mixture of both solid particles and liquid droplets. PM2.5 is particulate matter with a diameter that is 2.5 micrometers and smaller. For purposes of comparison, a human hair is about 60 micrometers in diameter.

<sup>3</sup> The monitor is located in the backyard of the house located at the corner of Scenic Drive and 13th Avenue, inland of the beach area where beach fires are allowed.



beach fires.<sup>4</sup> Based on EPA guidelines for the 1-hour PM<sub>2.5</sub> concentrations,<sup>5</sup> the monitored smoke levels have predominantly fallen into the “good” air quality category 98% of the total number of hours in the monitoring timeframe, but there are instances when the ‘spikes’ have fallen into the “moderate” air quality category (1.3%), and even times where the data indicates “unhealthy”<sup>6</sup> air (0.7%) (see Exhibit 7).<sup>7</sup> Thus, and although there is a need for more robust data collection and development,<sup>8</sup> it is clear that the monitor has identified some PM<sub>2.5</sub> levels that extend into unhealthy ranges, and it is clear that there is an air quality problem in the surrounding Carmel Beach area to which beach fires appear to contribute that needs to be understood and addressed.

Originally, the City’s approved Program was based on limiting and managing beach fires to address these concerns, including no longer allowing unlimited fires directly on the sand, and instead limiting such fires to 26 fire rings. However, in the time since the City’s approval (and subsequent appeal of that approval to the Commission), the City instituted an “emergency” prohibition on beach fires on weekends and holidays, issuing an emergency CDP (that has since expired) and an urgency ordinance (which cannot authorize development under the Coastal Act and the LCP).<sup>9</sup> In addition, the City has taken steps towards declaring a public nuisance and banning beach fires altogether.<sup>10</sup> Instead of managing beach fires as the City originally proposed, the City’s modified approach would be to prohibit wood beach fires, but to allow propane fires on Carmel Beach. The City’s new proposal would provide for six City-provided propane-fueled fire rings in the area between Tenth Avenue and Martin Way along the beach,<sup>11</sup> and unlimited propane fires south of Tenth Avenue on the beach if provided privately by the user. Fires would only be allowed in the City-provided fire rings from one hour before sunset to 10 p.m., and the user provided fires from 7 a.m. to 10 p.m. Staff does not support the City’s proposal.

Staff concurs with the City that there are numerous problems associated with the current beach fire situation at Carmel Beach, including on air quality, water quality, and scenic resources, and that management measures are necessary to address and abate those problems. However, staff does not believe that the City’s proposed course of action to abate those problems is LCP and Coastal Act compliant, and therefore raises a series of coastal resource protection issues. In other

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<sup>4</sup> The City documented the number of beach fires occurring on weekends over a roughly 5-week period in late June 2015 through July 2015.

<sup>5</sup> Based on the *Revised Air Quality Standards for Particle Pollution and Updates to the Air Quality Index* (US EPA December 14, 2012). There are no State or Federal standards for 1-hour PM<sub>2.5</sub> concentrations, only these guidelines.

<sup>6</sup> In terms of the 1-hour average, the monitor found PM<sub>2.5</sub> concentrations to be at 153 one time, and thus in the EPA’s “Unhealthy” category, and the monitor also found 5 instances where the PM<sub>2.5</sub> concentrations fell into the “Unhealthy for Sensitive Groups” category.

<sup>7</sup> Standards for 24-hour PM<sub>2.5</sub> are not explicitly set by the California Air Resources Board. Instead, the California Air Resources Board references the National Air Quality Standards.

<sup>8</sup> As indicated above, the single monitor is located in a residential backyard inland of Scenic Drive, and it does not collect the type of meteorological data to be able to conclusively demonstrate where the smoke is coming from (e.g., in relation to wind etc.). In addition, the City lacks baseline data against which to compare the current data.

<sup>9</sup> The City’s action is being tracked by the Commission as a violation inasmuch as it is not authorized by a CDP.

<sup>10</sup> The City Council adopted a first reading of a public nuisance declaration on November 3, 2015, but has not yet scheduled a time to finalize their public nuisance declaration.

<sup>11</sup> Although the City’s new program is not completely fleshed out, as staff understands it currently, the City proposes to install six propane fire rings, as well as propane lines and propane tanks in or under the sand. It is not clear whether the City would provide propane for which users would pay a fee, or would provide propane for free, or some other mechanism.



words, there appear to be many ways to address the identified problem, but to institute a complete ban on wood beach fires at this time is not an appropriate solution, particularly considering the fact that a complete ban is inconsistent with the City's own LCP, which expressly allows for and encourages beach fires. Furthermore, the City's proposed propane-only program cannot be approved because the LCP explicitly prohibits flammable liquids (like propane) on the beach. In addition, the City's post-prohibition monitoring data does not even show that such a proposal would make a significant difference in PM2.5 levels and spikes, thus undermining the justification for imposing a complete ban.<sup>12</sup> To staff, a more appropriate response at the current juncture would be something more in line with the fire management Program previously approved by the City (i.e., the approval that is the subject of this appeal). Although this Program as approved by the City lacks needed detail (including in terms of the type, size, and design of the fire rings; the timing on seasonal removal/restoration of the rings; maintenance provisions; public education; and monitoring requirements), it can form the basis for an approved program that can be used to address the identified problems while continuing to provide for the rich experience and recreational utility associated with fires as has historically been the case at Carmel Beach.

Thus, staff recommends approval of a CDP that provides for the 26 fire rings originally approved by the City, and that provides associated parameters for the placement, signage, use, monitoring, and maintenance associated with those rings, including in terms of monitoring air quality. Staff believes this to be an appropriately measured response, and one that can allow for monitoring and adaptation over time to adjust Program parameters as warranted.<sup>13</sup> Such a Program would appropriately limit beach fires (i.e., 26 allowed as opposed to the unlimited number of fires that are currently allowed), and can strike an appropriate balance to the issues presented. It will also address all of the other issues associated with unlimited fires built directly on the beach sand by confining them to 26 fire rings that can be appropriately maintained to avoid beach degradation.

**Staff recommends that the Commission find that the appeal raises a substantial issue and that the Commission take jurisdiction over the CDP application. Staff further recommends that the Commission approve a CDP for a modified pilot program at Carmel Beach.** The motion is found on page 6 below.

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<sup>12</sup> Importantly, the monitoring data does not show much of a difference for the time period from before the City started prohibiting beach fires to after. Indeed, there continue to be roughly the same background values and the same types of 'spikes' even after beach fires were prohibited. And the one time that federal Clean Air Act standards were exceeded occurred on a Sunday after the prohibition was put in effect. This exceedance may instead be correlated with the Tassajara Wildfire in Carmel Valley that occurred around that time. See Exhibit 7.

<sup>13</sup> Including allowing for propane options to be considered should the LCP be modified to allow for same.



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## APPENDIX A. SUBSTANTIVE FILE DOCUMENTS

### EXHIBITS

- Exhibit 1. Regional Location Maps
- Exhibit 2. Project Site Photos
- Exhibit 3. City CDP Action
- Exhibit 4. Appeal of City CDP Action
- Exhibit 5. City's Revised Project Proposal (Propane Only dated November 17, 2015)
- Exhibit 6. Beach Fire Management Pilot Program (dated May 12, 2015)
- Exhibit 7. Plots of Carmel Beach PM2.5 Air Quality Data
- Exhibit 8. Urgency Ordinance Prohibiting Beach Fires
- Exhibit 9. Letter from Richard Stedman, MBUAPCD (dated August 18, 2015)
- Exhibit 10. Beach Fires Prohibition Signs
- Exhibit 11. Commission Staff Correspondence to City on Fire Program
- Exhibit 12. Correspondence



## I. MOTIONS AND RESOLUTIONS

### A. Substantial Issue Determination

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the CDP application for the proposed project under the jurisdiction of the Commission for de novo hearing and action. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion will result in a de novo hearing on the CDP application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-CML-15-0033 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a no vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-3-CML-15-0033 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access and recreation policies of the Coastal Act.*

### B. CDP Determination

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number A-3-CML-15-0033 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number A-3-CML-15-0033 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the City of Carmel-by-the-Sea Local Coastal Program policies and Coastal Act access and recreation policies. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*



## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittees or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittees to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Beach Fire Management Program.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, AND WITHIN 90 DAYS OF THE COMMISSION'S ACTION, the Permittee shall submit two copies of a Beach Fire Management Program document to the Executive Director for review and approval. The Program shall be in substantial conformance with the City's Beach Fire Management Program submitted to the Coastal Commission and dated received in the Coastal Commission's Central Coast District Office on May 12, 2015 as shown on Exhibit 6, but shall be modified to achieve compliance with this condition, including that it shall show the following required changes and clarifications:
  - a. **Fire Rings.** At a minimum, no fewer than 26 kettle-style, steel fire rings shall be available to the public on a first-come, first-serve basis. All fire rings shall be a minimum of 40 inches in diameter and roughly 24 inches in height. The rings shall be installed approximately 50 feet apart from one another and approximately 25 feet from the base of the most inland extent of the bluff on the beach south of Tenth Avenue to Martin Way.
  - b. **Availability.** The 26 beach fires rings shall be available for public use between the hours of 7 a.m. and 10 p.m. daily throughout the year, consistent with all other provisions of the Beach Fire Management Pilot Program. All fire rings shall be available on a first-come,



first-serve basis, except that one fire ring device per weekend (Friday night through Sunday night) may be reserved in association with the issuance of a special event permit from the City and in accordance with the City's special event policies.

- c. Fuels.** All 26 fire ring devices are intended for use with wood and charcoal fuel sources only. Only dry, "clean" and untreated firewood may be used in the fire ring devices. Propane and other flammable liquids, other than charcoal starter, shall be prohibited to start or maintain a fire on Carmel Beach.
- d. Seasonal Management.** The Program shall include a seasonal management component that provides for removal of the fire rings prior to the devices becoming threatened by high tides, large storms, and wave action, and return to the beach once storms subside. The Program shall indicate that the fire rings will initially be in place on the beach during the peak beach-going period from March 15th through October 15th of each year. The fire rings shall be retained on the beach outside of these peak-period dates provided favorable weather conditions exist along with a low chance of tidal or storm surge that would impact the fire rings. User-supplied portable wood containment devices shall only be allowed to be used on the beach when the City-provided fire rings are not present on the beach, and the Program shall provide parameters for such allowable containment devices consistent with this approval.
- e. Maintenance.** The fire rings shall be maintained in such a way that ash, debris, and wood material is not allowed to escape the fire rings, whether via wind and other natural events or via excess buildup or otherwise. The areas around the fire rings shall be maintained free of ash, debris, and wood material. The fire rings shall be maintained a minimum of three-days per week during peak use periods (i.e., from March 15th through October 15th of each year), and on an as needed basis during all times (peak and off-peak) when the fire rings are present on the beach. All ash, debris, and wood material shall be properly disposed of away from the beach. When the fire rings are removed from the beach due to the seasonal management program specified in subsection (d) above, the fire rings shall be properly stored away from the beach.
- f. Signage.** The Program shall clearly identify all signs/symbols associated with the program and all signs/symbols shall be sited and designed: (1) to minimize their visibility in the public viewshed; (2) to seamlessly integrate into the beach and shoreline aesthetic to the maximum extent feasible, including using natural materials, earth tone colors, siting signs on existing stairway landings and posts; and (3) to be subordinate to the beach and Scenic Road pathway setting.
- g. Fire Ring Monitoring.** The Program shall provide for a program of monitoring of all fire ring installation, seasonal movement, and use. The monitoring program shall be designed to provide information and data regarding the degree of fire ring (and allowed private containment device) use under the program.
- h. Air Quality Monitoring.** The Permittee shall, in coordination with the Monterey Bay Unified Air Pollution Control District, continue to monitor air quality and the effects of smoke and particulate matter (PM2.5) on beachgoers, Scenic Road pathway users, nearby



residents, and other receptors. The Program shall identify all aspects of such monitoring, which shall, as feasible, augment existing monitoring associated with the 13th Avenue air monitoring station to provide greater coverage of the overall beach area (including to provide monitoring associated with non-fire ring areas as well as the fire-ring areas in a manner designed to provide representative coverage of both, and to allow comparisons to be accurately made between data from both areas); to provide 1-hour, 8-hour, and 24-hour averages for PM<sub>2.5</sub> as well as corresponding meteorological data (including wind speeds and directions) associated with each monitoring station; and to provide as clear a representation as possible of the amount of PM<sub>2.5</sub> correlated to beach fires as opposed to other sources. All air quality monitoring shall be to current acceptable air quality monitoring standards.

- i. **Reporting.** The Program shall provide that by December 31st of each year that it is in effect, the Permittee shall submit a Monitoring Report to the Executive Director for review and approval. Each Report shall include the results of both the fire ring and air quality monitoring (above), presented in a manner that allows conclusions to be drawn related to the effects of beach fires on air quality, including at a minimum providing spreadsheets showing all raw PM<sub>2.5</sub> data as well as graphic plots of the PM<sub>2.5</sub> data against the EPA Air Quality Indexes for 1-hour, 8-hour, and 24-hour averages (see Exhibit 7). Each Report shall include recommendations for modifications to the Program designed to better address identified coastal resource concerns, and modifications shall be made according to any timing identified in the approved Monitoring Report.

Minor adjustments to the above requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the approved Beach Fire Management Program shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Beach Fire Management Program.

2. **Commission Re-Review.** Following its first three years of operation, the Coastal Commission shall review the effectiveness of the approved Beach Fire Management Program at providing for adequate public recreational access while protecting coastal resources and the environment consistent with the Coastal Act, the LCP, and this CDP. The Commission's re-review shall occur at an appropriate hearing in 2019, at which time that Commission can make changes to the approved Program.
3. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (i) that the site is subject to hazards from episodic and long-term shoreline retreat and coastal erosion, sea level rise, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, and the interaction of same; (ii) to assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the CDP against any and all



liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims due to such hazards), expenses, and amounts paid in settlement arising from any injury or damage.

- 4. Shoreline Protective Structure Waiver.** By acceptance of this CDP, the Permittee acknowledges and agrees that: (i) shoreline protective structures (including but not limited to seawalls, revetments, retaining walls, tie backs, piers, groins, etc.) that protect the approved development (including, but not limited to, any of the fire rings, signs, and/or any future improvements) shall be prohibited; and (ii) any rights to construct such shoreline protective structures, including rights that may exist under the Coastal Act, the City of Carmel-by-the-Sea Local Coastal Program, or any other applicable law, are waived.
- 5. Liability for Costs and Attorneys' Fees.** By acceptance of this CDP, the Permittee acknowledges and agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (1) charged by the Office of the Attorney General; and (2) required by a court) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP. The Permittee shall reimburse the Coastal Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission

## IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

### A. PROJECT LOCATION

The proposed project is located within the City of Carmel-by-the-Sea at Carmel Beach. The City is located on the southern edge of the Monterey Peninsula and is entirely within the coastal zone. It is relatively small (1 square mile approximately) and has a population of roughly 3,800. Against a backdrop of Monterey pine and cypress forest, the City fronts Carmel Bay and the world-renowned white sandy beach running along its entire, approximate one mile length. Above the beach, the Scenic Road trail system is a unique public pathway experience that is defined in part by the undulating bluffs, Monterey cypress landscape canopy, and scenic views of Pebble Beach and Point Lobos in the distance. Together Carmel Beach, the bluffs, the blufftop trail, Scenic Road, and extraordinary vistas combine to form a world-renowned, popular, and visually striking system of public access. Carmel has long been known as a significant visitor destination.<sup>14</sup>

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<sup>14</sup> For example, Conde Nast Traveler Magazine has consistently selected Carmel-by-the-Sea as a top destination not only within the State of California and the U.S., but also the entire world (e.g., #6 Travel Destination in the U.S., November 2014; #2 Best Small City in the U.S., July 2014; and #3 Best City for romance in the World, February 2014).



Carmel Beach itself is a significant local and regional beach access destination. Its wide expanse of white sand extends some along a mile of the City's shoreline, and attracts beach visitors from far and wide who come to walk, sit, and play on the beach and in the ocean waves offshore. Many beachgoers also come to sit around a beach fire in the evening. These beach fires have long been a part of both the cultural fabric and recreational utility associated with Carmel Beach, and are called out as an important part of the beach recreational experience here in the City's LCP. Per the LCP, beach fires are only allowed on the beach south of Tenth Avenue.<sup>15</sup>

The City-approved project affects the portion of the beach that is located seaward of Scenic Road and between Tenth Avenue and Martin Way. The entire beach is designated by the LCP as Open Space/Recreation and is dedicated to serving the needs of residents and the public including via provision of passive and active recreational access opportunities, such as beach fires.

See Exhibit 1 for location maps, and Exhibit 2 for site photos.

## **B. PROJECT BACKGROUND**

Beach fires are a part of the historic fabric of Carmel. Their origins stem from the earliest days in the village with writers and artists enjoying fires and cookouts on the beach and upper dunes. Beach fires have historically been unmanaged and have taken place directly on the white sand. However, in recent years the City has taken steps to preserve the unique qualities of the beach and adjacent bluffs and dunes. In 1995, in response to perceived discoloration of the upper dunes' characteristically white sands, the City passed an ordinance banning fires north of Tenth Avenue and prohibiting fires within 25 feet of the bluff. The City restricted fires in these areas because the dunes north of Tenth Avenue and the steep back-beach areas are generally located above the reach of high-energy storm waves and thus are not typically affected by the yearly cycle of waves that annually removes sand during the winter and re-deposits sand during the spring, effectively "cleaning" the sand of charcoal and embers. Additional regulations regarding the size and height of a fire and a prohibition on the use of flammable liquids for beach fires also went into effect during this time. These provisions were made a part of the LCP when it was certified in 2004.

Carmel Beach is one of the few places along the urban portions of the central coast where beach fires have been allowed directly on the sand.<sup>16</sup> To date, there have also been no limits on the numbers of fires at any one time on the beach, and it is not uncommon to observe upwards of 45 beach fires during peak weekend periods in the summer and fall.<sup>17</sup> The large numbers of beach fires during these periods have raised concerns by the City and its residents about discoloration of the beach's white sands and possible health effects from smoke. The recent series of relatively mild winters has reduced the natural beach cleansing cycles as well, leading to the buildup of wood debris and burnt embers on the beach. The large number of unmanaged fires directly in the sand has also raised concerns regarding public safety and water quality. As the City nears the

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<sup>15</sup> Fires are not allowed on the rest of the beach, meaning beach fires are currently limited under the LCP to some 35% of the beach frontage.

<sup>16</sup> Beaches in many rural areas are unmanaged in this way, and beaches in many urban areas include fire rings for beach fires (e.g., at many State parks).

<sup>17</sup> This past 4<sup>th</sup> of July holiday, which occurred on a Saturday, saw upwards of 130 beach fires according to the City.



centennial anniversary of its incorporation, the importance of beach fires to the Carmel Beach recreational experience cannot be understated, and the need to revise and implement a management program has never been greater.

### **C. CITY OF CARMEL ACTION**

On April 8, 2015, citing the need to get a handle on a range of issues associated with unmanaged fires on Carmel Beach, the City approved a CDP for a Beach Fire Management Pilot Program (Program). The Program included the broad elements of beach fire management, including installation of 26 fire rings, maintenance provisions, signage requirements, and conceptual standards by which to evaluate the effectiveness of the Program. Commission staff commented on the program, recommending that it be adjusted to provide additional detail (including in terms of the type, size, and design of the fire rings; the timing on seasonal removal/restoration of the rings; maintenance provisions; public education; and monitoring requirements – see Exhibit 11). The Planning Commission's approval of the Program was appealed to the City Council, and the City Council ultimately upheld the Planning Commission's approval on May 5, 2015. Notice of the City's action on the CDP was received in the Coastal Commission's Central Coast District Office on May 12, 2015 (see Exhibit 3). The Coastal Commission's ten working day appeal period for this action began on May 13, 2015 and concluded at 5 p.m. on May 27, 2015. One valid appeal (see Exhibit 4 and also below) was received during the appeal period.

### **D. PROJECT DESCRIPTION**

The City approved a three-year CDP for their Beach Fire Management Pilot Program that includes evaluation of one full summer season as a means to inform improved beach fire management on Carmel Beach. The City-approved Program includes installation of 26 seasonal fire rings at various locations adjacent to the beach access stairways and in the coves between Tenth Avenue and Martin Way, with all fire rings located south of Tenth Avenue and at least 25 feet from the toe of the bluff. According to the conditions of approval, the fire rings would be put into place in the spring or summer and removed during the winter months when high tides approach to within ten feet of the fire ring or when beach scour threatens to undermine the fire rings. The City's approval also includes site preparation prior to installation (i.e., beach raking), signage regarding beach fire rules, maintenance provisions for the fire rings, funding for a public education and enforcement officer, allowance of user-supplied gas or propane devices, and distribution of additional portable wood-burning devices for peak holidays and weekends. The approved Program also envisions quantitative measuring of outdoor air quality including the use of monitoring devices to determine baseline conditions and associated impacts from wood-burning beach fires. The approved Program is intended to be adaptive in nature to provide the flexibility to modify its parameters in response to new data and information acquired during the Pilot Program's three-year timeframe. See Exhibit 3 for the City's Conditions of Approval and Exhibit 2 for site area photos.



## **E. APPEAL PROCEDURES**

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it involves development that is located on the beach and between the sea and the first public road paralleling the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct the de novo portion of the hearing on an appealed project unless a majority of the Commission finds that “no substantial issue” is raised by such allegations. Under Section 30604(b), if the Commission considers the CDP de novo and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea, and thus this additional finding would need to be made if the Commission approves the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicants (or their representatives), persons opposed to the project who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

## **F. SUMMARY OF APPEAL CONTENTIONS**

The Appellant contends that the City-approved project raises LCP conformance issues and questions with respect to visual resources/community character, public safety, public access, and air and water quality policies. The Appellant contends that installation of fire rings will alter the natural and informal setting and character of the beach environment, and also contends that the LCP prohibits the construction of substantial or permanent structures on the beach. The Appellant further contends that the fire rings are not visually compatible with the beach environment and will result in a degradation of visual resources. The Appellant also contends that installation of fire rings may create obstacles and/or hazards obstructing public access, and that the rings will also become a receptacle for trash, which will ultimately end up in Carmel



Bay. And finally, the Appellant contends that the City rushed its approval of the Pilot Program, which did not allow for adequate data collection and verification of perceived impacts before moving forward on implementation. See Exhibit 4 for the full appeal text.

## **G. SUBSTANTIAL ISSUE DETERMINATION**

### **1. Substantial Issue Background**

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government’s decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5

In this case, for the reasons discussed further below, the Commission determines that the Pilot Program approved by the City presents a substantial issue.

### **2. Substantial Issue Analysis**

The first Substantial Issue factor – the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act – is the controlling factor here and further discussed below specifically in relation to relevant LCP and Coastal Act policies.

#### *Scenic/Visual and Community Character*

The Appellant contends that the project is inconsistent with the LCP’s visual resource and community character policies. Specifically, the Carmel LCP Land Use Plan (LUP) specifies that new development shall be sited to protect views to and along the coast (LUP Policy P5-48). The LCP also calls for the protection and enhancement of the unique and natural beauty of Carmel, including, but not limited to, biological resources, water resources, and scenic routes and corridors (LUP Policy G5-3). The LCP also states that development must be visually compatible with the natural beach environs and consistent with the established design of existing features (LUP Policy O4-6). Finally, the LCP requires designated open space lands, the Monterey pine forest, beach and shoreline, and sensitive habitats and hillside areas to be protected and enhanced.<sup>18</sup>

The Appellant contends that the City-approved Beach Fire Management Pilot Program and installation of fire rings along Carmel Beach will degrade views of the beach and be

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<sup>18</sup> See the “Scenic and Visual Resource” section in the de novo findings below for the full text of these LCP provisions.



incompatible with the natural beach environs and the established design of existing features. Although the City authorized the use of fire rings on Carmel Beach, the specific fire rings to be put on the beach were not defined at the time of the City's May 5, 2015 final approval. Carmel's shoreline with its signature white sand, dune-like back-beach, golden granite seawalls, and backdrop of Monterey pine and cypress trees is highly scenic and recognized the world over. Ordinary concrete fire rings (or some other as yet determine style) could almost detract from and degrade the natural beauty of the beach and shoreline. The City's approval did not adopt a specific design, material, color, or size of fire rings. Absent additional fire ring detail, it is not clear that the City-approved project can be found LCP consistent in this regard. For these reasons, the City's approval raises a substantial LCP conformance issue with respect to the visual, scenic, and community character policies of the certified Carmel LCP.

#### *Public Access/Safety*

The Appellant contends that the fire rings will create obstacles to free and unfettered recreational activity on Carmel Beach. The Appellant similarly claims that the fire rings may become buried in the sand, which could create a trip hazard for beachgoers, or that the fire rings could be swept out into the surf zone where they could injure surfers and swimmers. The City's LCP requires development to minimize risks to life and property, and to ensure stability and structural integrity over the life of the project (LUP Policy G5-1).<sup>19</sup> The LCP also requires that maximum public access to and recreational use of the beach be provided and protected (LUP Policy G4-1). The LCP also states that a wide variety of active and passive recreational experiences shall be available for all beach users while protecting the resource values of the beach environs (LUP Policy G4-4). The LCP specifically provides for beach fires for warmth and cooking along Carmel Beach (LUP Policy O4-10 and Implementation Plan (IP) Section 17.20.20E) with specific provisions on timing and location (LUP Policy P4-57 and IP Section 17.20.20D). Lastly, the LCP requires that lower cost recreational facilities be protected and encouraged and, where feasible, provided with a preference for public recreational opportunities (LUP P4-62).<sup>20</sup>

The City's approval includes the general location of where the fire rings will be installed (i.e., adjacent to the beach access stairways and in the coves on Carmel Beach). However, fire rings placed too close to public access points could interfere with ingress and egress onto the beach. More specific mapping of the locations of the fire rings would ensure that they do not impede public access. In addition, it is not clear how the City arrived at providing 26 fire rings, and it is not clear whether that number appropriately addresses beach fire demand and needs, including given there are currently no limits on such fires. Furthermore, the City's approval lacks detail on when and under what circumstances rings would be removed from the beach, and whether fires on the beach would be allowed at those times (thus having the effect of prohibiting fires altogether during that time period).

In terms of safety, the City's approval calls for development of an adaptive management strategy for seasonal removal and replacement of the fire rings when they become threatened by storm-generated beach scour. The approval also calls for regular maintenance of the fire rings to ensure that, in addition to removal of ash and debris, the rings are appropriately and safely positioned such that they do not become buried and create a hazard to beachgoers.

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<sup>19</sup> See the "Hazards" section in the de novo findings below for the complete text of Policy G5-1.

<sup>20</sup> See the "Public Access" section in the de novo findings below for the full text of these LCP provisions.



However, the City's approval of the Pilot Program did not include specificity with respect to the timing of fire ring removal to avoid displacement of the fire rings by storm surge. These management measures had not yet been developed when the City approved the Pilot Program.

As such, the project raises a substantial issue regarding LCP consistency with LCP and Coastal Act access and recreation policies, including those that relate to safety and the ability of the public to have and maintain a beach fire on Carmel Beach.

#### *Air and Water Quality*

The Appellant contends that the project is inconsistent with the LCP's resource protection policies including those designed to protect air and water quality. The project is located on Carmel Beach adjacent to Carmel Bay, which is an Area of Special Biological Significance (ASBS).<sup>21</sup> As approved, the project would prohibit wood fires from direct contact with the sand and require them to be in fire containment devices (i.e., fire rings), which would be serviced and maintained on a regular schedule with proper disposal of the ash and any debris. However, the details of the maintenance program were not defined in the City's approval. The present regime relies solely on the natural cycle of winter wave scour to remove the ash and debris from the beach and to redeposit "clean" sands during spring. Though this is sometimes an effective means to cleansing the beach, it also results in embers, charcoal, trash, and other constituents entering the sensitive marine environment.

The City's LCP includes provisions to protect the biological productivity of coastal waters and includes specific protections for the Carmel Bay ASBS (*LUP Policies P5-184 and O5-43*).<sup>22</sup> The approved Pilot Program allows fires in a maximum number of 26 fire rings only, accompanied by regular maintenance of the fire rings, which will largely eliminate the amount of ash and other material entering the marine environment, and will result in an improvement of water quality, consistent with the provisions of the LCP. As such there is no substantial issue with respect to conformance with the water quality provisions of the LCP.

With regard to air quality, the certified LCP provides no specific guidance or standards but there is broad language in the LCP with respect to providing public access in a manner that protects the resource values of the beach environs and is consistent with environmental protection (*LUP Policies G4-1, G4-3, and G4-4*).<sup>23</sup> Within the context of beach fires, it would seem appropriate that these provisions would extend to the protection of air quality. The Appellant's contention is not so much that the project would somehow degrade air quality but rather that the City has not done its due diligence in establishing that there is an air quality problem associated with beach fires that necessitates the approval of the Pilot Program.

The City's approval was intended to address problems associated with unmanaged beach fires, including the perceived discoloring of the beach sand, public safety, and potential impacts to air

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<sup>21</sup> "Areas of Special Biological Significance" include 34 ocean areas in California monitored and maintained for water quality by the State Water Resources Control Board. ASBS's cover much of the length of California's coastal waters. They support an unusual variety of aquatic life, and often host unique individual species. ASBS's are the basic building blocks for a sustainable, resilient coastal environment and economy.

<sup>22</sup> See the "Water Quality" section in the de novo findings below for the full text of these water quality provisions.

<sup>23</sup> See the "Public Access" section in the de novo findings below for the full text of these provisions.



and water quality. Regarding air quality, the City based much of its decision on two months of data collected during the summer when visitation is high and there are often many fires on the beach, especially on weekends and holidays.<sup>24</sup> However, there are other busy holiday periods and certainly different climatic conditions at other times of the year that have not been fully evaluated. To fully understand what is occurring at Carmel Beach in terms of air quality and in order to reach a clear conclusion on a management strategy, a much larger dataset would be appropriate. Unfortunately, the data is not available and due to implementation of an Urgency Ordinance that bans beach fires Friday through Sunday and on all holidays,<sup>25</sup> a full dataset at this time cannot be collected. Anecdotal evidence suggests that managing beach fires and placing limits on the numbers of fires allowed at any one time should result in improvements to air quality. However, lacking detail on the program it is not clear whether the City's approval strikes the appropriate balance of maximizing public access while also protecting the resource values of the beach and the environment, including with respect to air quality.

Accordingly, the approved project raises a substantial issue with respect to conformance with the LCP's resource protection policies as these policies relate to air quality.

### **3. Substantial Issue Conclusion**

In its consideration of an appeal, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. As described above, the Commission has been guided in its decision of whether the issues raised in a given case are "substantial" by the following five factors: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project does, in fact, raise a substantial issue of LCP conformance.

First, as detailed in the substantial issues findings above, the City's conclusion that, as conditioned, the approved Pilot Program is consistent with the certified LCP and would not otherwise have adverse impacts to coastal resources is not well supported by the record because of a lack of specificity with respect to the types of fire rings, their locations, and management measures – thus raising a substantial issue with respect to project consistency with LCP visual resources/community character, public safety/hazards, public access, and water and air quality policies (and Coastal Act public access policies). Second, the approved project is for a beach fire management program affecting public recreational facilities on a public beach designated as parks and open space. Thus, the extent and scope of this project weigh in favor of a finding of substantial issue. Third, the approved development includes management of beach fires on Carmel Beach affecting public access and recreation facilities, including an LCP-protected recreational activity, air and water quality issues, scenic resources, public safety, and hazards. Thus, significant coastal resources are expected to be affected by this approval, further

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<sup>24</sup> See De Novo findings that follow for more detail regarding the City's monitoring data.

<sup>25</sup> See "Background" section in the de novo findings that follow for more detail.



weighing in favor of a substantial issue. Fourth, given the resources involved and the inconsistencies with Coastal Act and the certified LCP policies, a finding of no substantial issue will create an adverse precedent for future interpretation of the LCP. Finally, the project raises issues of regional and statewide significance as it effects elements of public recreational access (i.e., beach fires), which both the LCP and Coastal Act are mandated to maximize and protect, and for which there aren't many alternative locations to participate in. Carmel is only one of two coastal communities in Monterey County where beach fires are allowed and thus the loss of them could have far reaching consequences regionally and for management of similar activities up and down the state.

Therefore, all five factors weigh in favor of a finding that the City's approval raises substantial LCP conformance issues with respect to consistency and protection of scenic and visual resources, community character, public access, hazards, and coastal resources (i.e., air quality). Given that the record does not support the City's action and the City's approval includes a project with significant coastal resource impacts, fails to comply with applicable LCP provisions, and raises statewide issues, the Commission finds that the appeal raises a substantial issue of conformance with the LCP and takes jurisdiction over the CDP application for the proposed project.

## **H. COASTAL DEVELOPMENT PERMIT DETERMINATION**

The standard of review for this CDP determination is the City of Carmel-by-the-Sea certified LCP and, because it is located between the first public road and the sea, the access and recreation policies of the Coastal Act. All Substantial Issue Determination findings above are incorporated herein by reference.

### **1. Background**

#### *Beach Fire Management Pilot Program Document*

On May 12, 2015, approximately one week after the City Council took a final action and approved a CDP for the Pilot Program, City planning staff prepared a program document (see Exhibit 6 for the "Beach Fire Management Pilot Program" document) that identifies in more detail the various elements of the Pilot Program, including greater detail on the size and design of the fire rings, maintenance requirements, monitoring and reporting of air quality data, seasonal adaptation provisions, and an allowance for additional portable fire ring devices during peak periods and holidays.<sup>26</sup> The document specified that the fire rings were intended for use with "clean" and untreated wood and charcoal only. The document also included an allowance for user-supplied portable propane devices year-round in the Program area (i.e., south of Tenth Avenue). The Beach Fire Management Pilot Program document itself, however, was not formally approved by the City, though the basic tenets (but not the specific details) of the document had been previously approved by the Planning Commission and upheld by the City Council, and forwarded to Commission staff as the actual program that would be implemented by the City to address the issues raised by unmanaged beach fires. Implementation of the Pilot

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<sup>26</sup> During the City's local review process regarding the proposed Pilot Program, Commission staff had repeatedly requested that the Pilot Program include greater detail on these program components (see Exhibit 11).



Program as defined in the Program document never took place because the City's approval was appealed to the Commission, and since the appeal was filed, the City decided to pursue a beach fire alternative that does not include any wood-burning fires on Carmel Beach. However, the City never rescinded its approval of CDP MP 15-100, the CDP that is the subject of this appeal.

*Additional City Actions Since Appeal*

Since approving CDP MP 15-100 for the Beach Fire Management Pilot Program and the City's approval being appealed to the Commission, the City determined that it needed to take additional action to address perceived problems associated with fires at Carmel Beach.

Citing data collected from an air quality sensor located near the beach at 13<sup>th</sup> Avenue, the City declared an air quality emergency requiring immediate action. On August 6, 2015, the City issued an Urgency Ordinance pursuant to Government Code § 65858 placing a 45-day moratorium on beach fires on weekend nights (Friday through Sunday) and on holidays (see Exhibit 8 for the text of the ordinance).<sup>27</sup> The Urgency Ordinance became effective on the weekend of August 7, 2015 and was to expire on Sunday, September 20, 2015. Signage was installed in the Del Mar parking lot and all along Scenic Road indicating that beach fires were prohibited from Friday through Sunday and on holidays. More than 30 signs were installed (see Exhibit 10 for photographs of the signs and the sign language). The City also put in place at least two peace officers to enforce the moratorium on fires during what normally would be the busiest visitor period of the year. The moratorium on beach fires did not extend to fires during the week (Monday through Thursday) or weekend fires associated with permitted special events. The City issued an emergency coastal development permit authorizing the 45-day moratorium on beach fires. It too was valid through September 20, 2015.

On September 2, 2015, the City Council extended the Urgency Ordinance for an additional 10 months and 15 days (i.e., through early August 2016), again pursuant to Government Code § 65858(a). While the City's action authorized the extension of the Urgency Ordinance, the City did not issue a follow up regular CDP to authorize the initial 45-day emergency authorization to extend the moratorium beyond the initial 45-day emergency authorization, as required by the LCP and Coastal Act. As of the date of this report, the moratorium on fires Friday through Sunday and on all holidays remains in place and is being enforced by the City.<sup>28</sup>

The City has subsequently indicated a desire to eliminate wood fires on the beach entirely (i.e., seven days a week, 365 days a year). The City points to potential health concerns associated with smoke and particulates emanating from burning wood as the rationale for a total prohibition of wood fires on the beach (whether in a fire ring or directly in the sand). On November 3, 2015 the City Council had a first reading of an ordinance declaring beach fires a public nuisance. The ordinance specifically declares that the use of hibachis and charcoal grills on the beach, as well as wood-burning beach fires, are a public nuisance, but provides an exception for propane fires within an appropriate container. The City contends that propane fires are cleaner burning than wood fires and thus appropriate for use on Carmel Beach. The City, however, has not taken an action to rescind its CDP approval of the Pilot Program that is the subject of this CDP appeal,

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<sup>27</sup> An urgency ordinance has no particular status under the Coastal Act or the LCP, and cannot of itself authorize development nor modify LCP provisions.

<sup>28</sup> The City's action to install signs and enforce a moratorium that is not authorized by CDP is being tracked by the Commission as a violation (see also "Violation" section that follows).



nor has the City taken an action on a CDP to approve a propane-only program. To date, the City has not yet calendared the second reading on the public nuisance ordinance.

### *Air Quality Issues*

In making its decisions relative to beach fires, the City has relied in part on data collected by the Monterey Bay Unified Air Pollution Control District (MBUAPCD)<sup>29</sup> in concert with the City. The City has declared that there are high levels of fine particulate matter (PM2.5)<sup>30</sup> in beach fire smoke presenting substantial air quality impacts during peak fire use periods. The City also contends that the excessive number of wood beach fires during peak use periods is causing a rise in PM2.5 concentrations that at times exceeds air quality standards and creates an immediate potential public health hazard.

Commission staff, including staff Ecologist Dr. Laurie Koteen, researched recent studies on the health effects of PM2.5. The literature indicates that there are strong correlations between PM2.5 and adverse health effects in humans. These include increased rates of pulmonary and cardiovascular morbidity and mortality. Adverse health effects have been found for short-term acute exposures to high particulate concentrations, and long-term health impacts can also result from sustained exposure to elevated particulate levels. Particularly vulnerable populations include children, those with chronic ailments, such as asthma or cardiovascular disease, and the elderly. Particulate matter is also associated with reduced visibility, and can form haze when sunlight encounters tiny pollution particles. Indeed, reducing PM2.5 is a primary public health and environmental protection endeavor.

In order to assess whether PM2.5 concentrations at Carmel Beach are at levels harmful to humans rising to an emergency level, Dr. Koteen reviewed PM2.5 data provided by the MBUAPCD, and relied on the standards established by the state and federal Environmental Protection Agencies (EPA). EPA establishes an enforceable standard and hourly guidelines for particle pollution. The MBUAPCD provided Dr. Koteen with one-hour and 24-hour average data collected from the 13th Avenue air quality monitoring station in Carmel. The 24-hour data is the only data for which enforceable federal standards exist under the Clean Air Act.<sup>31</sup> Dr. Koteen found that, based on the 24-hour data, these enforceable daily standards for PM2.5 were exceeded on only one occasion, Sunday, September 20, 2015. This exceedance occurred during a period when the ban on weekend fires was being enforced and thus the exceedance could not be attributed to wood fires on Carmel Beach. There were however, two large wildfires burning in Monterey County that were likely the cause of this air quality exceedance.

Notably, in assessing the one-hour data, Dr. Koteen found that there were occasions where PM2.5 exceeded the recommended guidelines for hourly concentrations. PM2.5 concentrations exceeded hourly guidelines for sensitive individuals during 13 individual hours in the months of May, June, July, and through early August. On July 4th, a day in which beachgoers lit at least

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<sup>29</sup> From an air quality monitoring station located in the backyard of the house located at the corner of Scenic Drive and 13th Avenue, inland of the beach area where beach fires are allowed.

<sup>30</sup> Particulate matter is a generic term for particles suspended in the air, typically as a mixture of both solid particles and liquid droplets. PM 2.5 is particulate matter with a diameter that is 2.5 micrometers and smaller.

<sup>31</sup> In other words, although the EPA has also provided guidelines (discussed below) for use in assessing and responding to air quality concerns based on the 1-hour data, potential violations of the Clean Air Act are limited to times when the PM2.5 exceeds 35µg/m3 when averaged over 24 hours.



135 fires in the evening hours,<sup>32</sup> PM2.5 concentrations rose into the unhealthy zone for two hours as measured at the 13th Avenue monitoring station. Overall, however, the one-hour PM 2.5 counts as measured at the 13th Avenue station fall generally into the “good” category 98% of the time suggesting that, while air quality is a concern on some occasions, there is not an air quality emergency occurring at Carmel Beach.

Dr. Koteen further observed a correlation between fire occurrence and PM2.5 concentration and found that all of the “highest” PM2.5 episodes occurred on weekends, especially Saturday nights. The City data showed that on average there were 46 fires on Saturday nights, while only 22 fires on average Friday and Sunday nights. A statistical analysis of the data further confirmed the relationship by indicating a strong correlation between the numbers of beach fires and higher PM2.5 concentration.

As discussed above, the State and Federal Clean Air Acts identify the PM2.5 standard above which a violation occurs, namely when PM2.5 concentrations exceed 35µg/m<sup>3</sup> when averaged over 24 hours.<sup>33</sup> The EPA also provides guidelines for air quality under their Air Quality Index (or AQI). As indicated by EPA:<sup>34</sup>

*The AQI is a nationally uniform index required for reporting and forecasting daily air quality in large urban areas. It is used to report information about the most common ambient air pollutants, including particulate matter. The AQI tells the public how clean or polluted the air is using standard descriptors (Good, Moderate, Unhealthy for Sensitive Groups, Unhealthy, Very unhealthy, and Hazardous). This index converts sometimes difficult-to-interpret particulate mass per volume (µg/m<sup>3</sup>) numbers to an AQI category and number more easily understood by the public.*

The AQI is meant to be readily understood by the public. In addition, although Clean Air Act standards are in relation to 24-hour data, the AQI also provides information relative to other averaging time. As EPA states:

*One issue that public health officials may face is which averaging time to use when reporting smoke levels to the public. The AQI for particulate matter is based on predicted or measured 24-hour average concentrations. However, using the 24-hour average does not adequately address very high, but short-term, peaks often associated with wildfire smoke. Health officials would like the public to reduce their exposure during these peaks because such transient pollutant spikes may cause some of the most serious health effects. Moreover, the public wants information to help make immediate decisions about whether to exercise, conduct athletic practice, or keep children indoors. On the other hand, several hours of very high levels may drive up the predicted 24-hour average; but the smoke may clear enough to safely allow outdoor activities. In addition, the 24-hour average does not mesh well with public perception. Since smoke is so effective at scattering light, visibility changes drastically as smoke concentrations increase. Even without being told, the public can tell when the*

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<sup>32</sup> The City provided counts on the number of weekend beach fires during a five week period beginning in late June and concluding at the end of July 2015. Data provided by the City indicates there were upwards of 135 beach fires on July 4, 2015 at 8:30 p.m.

<sup>33</sup> Units are in micrograms per meter cubed, µg.m<sup>-3</sup>.

<sup>34</sup> *Revised Air Quality Standards for Particle Pollution and Updates to the Air Quality Index* (US EPA December 14, 2012).



*smoke is getting worse, and they want authorities to respond to changes as they are happening.*

Therefore, EPA's AQI also provides information related to shorter averaging, including 1-hour data. EPA provides the following caution with respect to this information:

*Table 3 [Recommended Actions for Public Health Officials] provides guidance to public health officials regarding measures that can be taken to protect public health at different AQI categories and the corresponding PM levels for several averaging times. This information is intended to help health officials, the media, and the general public make decisions regarding appropriate strategies to mitigate exposure to smoke. As noted above, the official AQI value for particulate matter is derived exclusively from estimated or measured 24-hr average concentrations: this AQI for PM<sub>2.5</sub> is reported by the media. PM levels for shorter averaging times in Table 3 are therefore not "official" AQI values, but have been mathematically derived from the AQI breakpoints for 24-hr concentrations. Although Table 3 also provides the AQI numerical ranges encompassed by the standard descriptors, of "Good," "Moderate," and so forth, it is possible that concurrent publication of both the AQI numbers and the µg/m<sup>3</sup> concentrations to describe air quality may lead to confusion among members of the public. To avoid such confusion, it may be preferable to publish just the AQI values.*

*There are no directly relevant epidemiological or controlled human exposure studies that offer guidance in the selection of particulate matter levels with averaging times less than 24 hours, in part because studies of short-term effects of particles generally have not been conducted and in part because the toxicity of smoke is related to gaseous as well as particulate components. However, these short-term levels (1- to 3-hr and 8-hr averages) were derived from the PM<sub>2.5</sub> AQI levels, which are based on a strong body of epidemiological evidence associating 24-hour PM<sub>2.5</sub> exposures with respiratory and cardiovascular morbidity and mortality.*

The data collected by the City and MPUAPCD was provided to the Commission in relation to AQI values for both 24-hour and 1-hour averages. This data showed values from the "Good" AQI category through the "Unhealthy" category (i.e., none of the values exceeded the "Unhealthy" category to extend into the "Very Unhealthy" or Hazardous" categories). The AQI's "Recommended Actions for Public Health Officials" and "Health Effects and Cautionary Statements" are presented in relation to the values provided (i.e. from Good through Unhealthy) in the table below.



Table 1

AQI Category	PM2.5 1-hour Average (in ug/m <sup>3</sup> )	PM2.5 24-hour Average (in ug/m <sup>3</sup> )	Health Effect	Cautionary Statements <sup>35</sup>	Other Protective Actions
<b>Good</b>	0-38	0-12	None Expected	None	None
<b>Moderate</b>	39-88	12.1-35.4	Possible aggravation of heart or lung disease	Unusually sensitive individuals should consider limiting prolonged or heavy exertion. People with heart or lung disease should pay attention to symptoms. If you have symptoms of lung or heart disease, including repeated coughing, shortness of breath or difficulty breathing, wheezing, chest tightness or pain, palpitations, nausea, unusual fatigue or lightheadedness, contact your health care provider.	If symptomatic, reduce exposure to particles by following advice in box below.
<b>Unhealthy for Sensitive Groups</b>	89-138	35.5-55.4	Increasing likelihood of respiratory or cardiac symptoms in sensitive individuals, aggravation of heart or lung disease, and premature mortality in persons with cardiopulmonary disease and the elderly.	Sensitive Groups: People with heart or lung disease, the elderly, children, and pregnant women should limit prolonged or heavy exertion. Limit time spent outdoors. Avoid physical exertion. People with asthma should follow asthma management plan. If you have symptoms of lung or heart disease that may be related to excess smoke exposure, including repeated coughing, shortness of breath or difficulty breathing, wheezing, chest tightness or pain, heart palpitations, nausea, unusual fatigue or lightheadedness, contact your health care provider.	Keep doors and windows closed, seal large gaps as much as possible. Avoid using exhaust fans (kitchen, bathrooms, clothes dryer, and utility room). Keep the garage-to-home door closed. If cooling is needed, turn air conditioning to re-circulate mode in home and car, or use ceiling fans or portable fans (but do not use whole house fans that suck outdoor air into the home). Avoid indoor sources of pollutants, including tobacco smoke, heating with wood stoves and kerosene heaters, frying or broiling foods, burning candles, vacuuming, and using paints, solvents, cleaning products, and adhesives. Keep at least 5-day supply of medication available. Have supply of non-perishable groceries that do not require cooking.
<b>Unhealthy</b>	139-351	55.5-150.4	Increased aggravation of heart or lung disease and premature mortality in persons with cardiopulmonary disease and the elderly; increased respiratory effects in general population.	Sensitive Groups: should avoid prolonged or heavy exertion Stay indoors; avoid exertion.  General Population: should limit prolonged or heavy exertion Limit time spent outdoors. If you have symptoms of lung or heart disease that may be related to excess smoke exposure, including repeated coughing, shortness of breath or difficulty breathing, wheezing, chest tightness or pain, palpitations, nausea or unusual fatigue or lightheadedness, contact your health care provider.	Sensitive Groups: Stay in a "clean room" at home (where there are no indoor smoke or particle sources, and possibly an air cleaner is used). Go to a "cleaner air" shelter (see Appendix D) or possibly out of area  General Population: Follow advice for sensitive groups in box above. Identify potential "cleaner air" shelters in the community (see Appendix D).

<sup>35</sup> Where higher advisory levels automatically incorporate all of guidance offered at lower levels.



In sum, a total of 140 days have been monitored by the MPUAPCD and the City. Data from the smoke monitor shows that there was one exceedance of the federal EPA 24-hour standard which occurred on a day when wood beach fires were banned. Data from this monitor also shows that PM2.5 levels are fairly constant during the week, and generally increase on weekends, with ‘spikes’ in PM2.5 levels roughly corresponding to spikes in the numbers of beach fires. Based on the EPA’s AQI guidelines detailed above, the monitored PM2.5 levels have predominantly fallen into the “good” air quality category (98% of the measured 1-hour averages), but there are instances when the ‘spikes’ have fallen into the “moderate” air quality category (1.3%), and even times where the data indicates “unhealthy”<sup>36</sup> air (0.7%) (see Exhibit 7). Thus, and although there is a need for more robust data collection and development,<sup>37</sup> it is clear that the monitor has identified some PM2.5 levels that extend into unhealthy ranges, and it is clear that there is an air quality problem to which beach fires appear to contribute that needs to be understood and addressed.

At the same time, it is also clear that the vast majority of the time the PM2.5 values were in the “good” range, a range that EPA has found under the Clean Air Act to have no expected health effects, and for which EPA prescribes no cautionary statements nor other protective actions (see above). That is not to say we should not be concerned with such levels, or the more limited times when air quality ventured into the moderate category, or the very few times it went into the unhealthy categories. Rather it is to help understand the relative degree of the problem so as to be able to understand how best to address it. In other words, it is clear there is an air quality issue, and it appears clear that the numbers of fires on Carmel Beach do influence the particulate matter concentrations in the surrounding airshed. However, the data does not suggest that a moratorium on weekend beach fires was warranted to protect public health and safety, nor does the data support the City’s position that a complete ban on wood fires is necessary. The data does suggest, however, that managing beach fires including by capping the number of fires that may take place on the beach at any one time, is defensible and likely to result in a reduction of the higher PM2.5 episodes occurring during peak beach use periods.

#### *Revised Project Description*

Since approving a CDP for the development of a Beach Fire Management Pilot Program and the subsequent filing of the appeal of said Pilot Program analyzed in the “Substantial Issue” section above, the City has decided to change its proposed Pilot Program entirely. The City has submitted for Commission review a revised proposal on a Program that would prohibit wood-burning altogether, and would only allow propane fires on Carmel Beach. Based on a revised Beach Fire Management Pilot Program document submitted to the Commission on November 17, 2015 (see Exhibit 5), all wood fires would be prohibited on Carmel Beach. This includes a prohibition on fires used for warmth and fires used for cooking, such as charcoal-fueled fires, whether directly on the sand or in a hibachi or grill. Wood fires would be replaced with propane-fueled devices that would be required to be supplied by beachgoers and the City.

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<sup>36</sup> In terms of the 24-hour average, the monitor found PM2.5 concentrations to be at 35.3 one time, and thus in the EPA’s “Unhealthy for Sensitive Groups” category. This occurred during a period when the ban on beach fires was in effect. For the 1-hour average, the monitor recorded PM2.5 concentrations in the “Unhealthy for Sensitive Groups” category (6 times/13 hours) and the “Unhealthy” category (1 time/2 hours).

<sup>37</sup> As indicated above, the single monitor is located in a residential backyard inland of Scenic Drive, and it does not collect the type of meteorological data to be able to conclusively demonstrate where the smoke of coming from (e.g., in relation to wind etc.). In addition, the City lacks baseline data against which to compare the current data.



The City has compiled a short list of propane fueled devices available for purchase by the public for their personal use on Carmel Beach. Beachgoers with their own device would be allowed to have a beach fire from 7 a.m. to 10 p.m., seven days a week year-round. User-supplied devices would be allowed south of Tenth Avenue and must be at least 25-feet from the base of the bluff.

Additionally, the City has identified two potential options for six propane-only fire rings that the City would purchase and make available on a first-come, first-serve basis for use on Carmel Beach and which cannot be reserved or held in advance by the general public, except by individuals or groups in association with the issuance of a special events permit (fee required) from the City and in accordance with the City's special events policies. Both City-sponsored options are kettle-style steel containment devices that range from 30 – 48 inches in diameter, which would be located adjacent to the beach access stairs at 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> Avenues, and Santa Lucia Avenue. The City indicates that the six propane-only fire rings would be partially buried in sand and secured in place. The propane tanks for the six fire rings would also be stored on the beach and secured via a chain. Beach fires in the City-sponsored fire rings would be allowed only from one hour before sunset to 10 p.m., seven days a week throughout the year.

The propane-only program also includes objectives such as monitoring of air resources and sand quality, hazard avoidance and adaptive measures, provisions for additional devices during peak periods, and refueling of propane tanks, all more fully described in Exhibit 5.

#### *Recent Commission Action on Newport Beach Fire Ring Proposal*

On June 11, 2015, the Commission approved CDP 5-14-1213 for a Fire Ring Management Plan for the City of Newport Beach, which allows for 64 fire rings available to the public, including a mix of wood-burning and charcoal-only fire rings. Historically, fire rings have been on the beaches in the City of Newport Beach since the late 1940s and early 1950s, without a reservation system and with no fee charged for fire ring use.

Originally, the City of Newport Beach had applied for a CDP to remove all 60 existing fire rings from the City's beaches, with the stated intent to prevent potential ill-health effects to beachgoers and nearby residents due to smoke and particulate matter from wood fires within the fire rings (CDP application number 5-12-134). The reasons cited by the City of Newport Beach are essentially identical to the reasons cited by the City of Carmel in this case. When the fire ring issue came before this Commission on March 6, 2013, the City had not provided any air quality monitoring data to support its position that wood smoke from the beach fire rings was directly responsible for a public health problem. Nor had the City shown that the beach fire rings create such negative impacts as to warrant their removal. This is because there are a variety of other sources of smoke, particulate matter, and odors in the beach areas, including private fireplaces, private outdoor fire rings, barbeques, exhaust from both marine and terrestrial diesel vehicles, vehicles in parking lots, and restaurant equipment vents that contribute to air pollution. Furthermore, a variety of mitigation measures and alternatives could be undertaken, short of removing all of the public beach fire rings, that might address any air quality concerns related to beach fires, including reducing the density of the fire rings and enforcing the City's existing prohibition on burning inappropriate materials such as plastic, trash, pallets, and treated or painted wood in the rings, etc.



Commission staff recommended denial of CDP application 5-12-134 because removal of all the beach fire rings in Newport Beach would deny the public access to this popular form of lower cost public recreation, and would shift the already high demand for fire rings to other coastal locations, creating new access and recreation demands there. Thus, removal of all the fire rings would not be consistent with Section 30212.5 of the Coastal Act, requiring public facilities, like the fire rings, to be distributed throughout an area to mitigate the impacts of overcrowding or overuse by the public of any single area. However, the City withdrew application 5-12-134 before the Commission could take action.

The Commission's subsequent approval in June 2015 of CDP 5-14-1213 for 64 fire rings within Newport Beach city limits provides for a total of 40 wood-burning fire rings and 24 charcoal-only fire rings, all available to the public at no cost and on a first-come first-serve basis. Regarding the charcoal-only fire rings, the City proposed these because they create less visible smoke and more even heat for cooking. Although the Commission concluded that a charcoal-only fire ring is not equivalent to a traditional wood bonfire (i.e., the charcoal does not provide a flame for more than a few seconds or minutes (unless frequently doused with lighter fluid), the lack of flame means that a flashlight is required after sunset, the heat generated is not as strong as a wood fire, etc.), the Commission found that only 37% of the fire rings would be charcoal-only, which would minimize any adverse impact that the fuel restriction may have on the use of fire rings, and would also balance the need to protect the fire rings as existing lower-cost recreational facilities under Coastal Act Section 30213, while complying with the South Coast Air Quality Management District's (AQMD's) Rule 444 spacing requirements for wood-burning fire rings, and ensuring that other beach uses and public safety functions can coexist. The Commission's approval of CDP 5-14-1213 included, among other things, timing requirements for the use of fire rings (i.e., allowed use between 8 a.m. and 10 p.m. daily), submittal of a signage program to inform the public of the allowed uses for the fire rings (while minimizing the signs' impacts on public views), submittal of a plan for fire ring management and cleaning, a prohibition of shoreline armoring to protect the fire rings, and conformance with Newport Beach's Fire Ring Management Plan.

Although the Newport Beach situation does not constitute a controlling standard of review, when confronted with similar issues recently in Newport Beach, the Commission struck a balance that ensured continued wood fires in fire rings, and an overall fire management program designed to address air quality and other concerns.

## **2. Public Access and Recreation**

### **Applicable Policies**

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road and thus such a finding is required. Coastal Act Sections 30210 through 30221 specifically protect public access and recreation. In particular:

***Section 30210.** In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational*



*opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

**Section 30211.** *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

**Section 30212(a) (in relevant part).** *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development except where: ... (2) adequate access exists nearby...*

**Section 30212.5.** *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

**Section 30213.** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

**Section 30221.** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Among the most important goals and requirements of the Coastal Act is the mandate to protect, provide, enhance, and maximize public access and recreational access opportunities to and along the coast consistent with strong resource conservation principles. These requirements are echoed in the City's certified LUP together with specific protections for the provision of recreational beach fires on Carmel Beach. Both the Coastal Act and LCP also emphasize the protection of existing and the provision of new lower-cost recreational facilities. Beach fires are part of a rich, nearly 100-year tradition at Carmel Beach and have been available to the public at no cost with minimal restrictions (e.g., allowed anywhere south of Tenth Avenue and 25 feet from the bluff) for many decades. As such, beach fires are an existing lower-cost recreational facility in the City of Carmel.

As stated above, the City's LUP policies amplify the Coastal Act's public access and recreation requirements, and more specifically encourage and protect lower cost public access and recreational opportunities including beach fires on Carmel Beach:

**LUP Policy G4-1.** *Provide for maximum public access to, and recreational use of, the shoreline consistent with private property rights and environmental protection.*

**LUP Policy P4-7.** *Protect the public's historic right of unrestricted access to the entire beach in Carmel-by-the-Sea from the southern to the northern city limit by prohibiting development that interferes with such rights and by actively defending established prescriptive rights. ...*



***LUP Policy G4-3. Provide adequate facilities that will serve the needs of the public, mitigate damage to the environment, and respect the neighborhood.***

***LUP Policy G4-4. Provide for a wide variety of passive and active recreational experiences for all beach users while protecting the resource values of the beach environs.***

***LUP Policy O4-9. Manage the City's beach, park, and open space resources in a manner to encourage use and enjoyment by residents and visitors.***

***LUP Policy O4-10. Allow beach users the opportunity to enjoy a fire for warmth or cooking, while protecting the sand from degradation.*** [emphasis added]

***LUP Policy P4-57. Allow beach fires until 10:00 p.m. south of Tenth Avenue but at least twenty five feet from the base of the bluff. Install appropriate signage to indicate this distance and time limit and to indicate methods for correct extinguishing of fires with water.*** [emphasis added]

***LUP Policy P4-62. Lower cost visitor and recreational facilities shall be protected and encouraged and where feasible, provided. Developments providing public recreational opportunities are preferred.***

The Coastal Implementation Plan (IP) further augments the LUP and more specifically identifies the standards and guidelines for lighting and maintaining beach fires along Carmel Beach. Importantly, these provisions clearly provide significant LCP detail associated with beach fires, and clearly evince an LCP intent to allow for same. These standards include references to “burnable material,” “ash,” “embers,” and “coals,” that are associated with wood fires:

***IP Regulations Section 17.20.20.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.

***IP Regulations Section 17.20.20.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 materials shall be extinguished with seawater 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 per hour or portion thereof, not to exceed \$500.*

### **Analysis**

Beach fires are one of the more popular activities enjoyed by the public at Carmel Beach. Fires provide an opportunity for the quintessential Carmel beach experience, including grilling food, toasting marshmallows, telling stories, strumming a guitar, singing songs, celebrating special occasions like family reunions, birthdays, weddings, anniversaries, and special events such as charity and fund raising, films, dinners, surf contests, etc. The importance of preserving this lower-cost recreational facility/activity for the general public cannot be understated, which is evidenced by the numbers of beach fires that occur on Carmel Beach.

The City collected data on Friday, Saturday, and Sunday nights over a roughly ten-week period between June and August of 2015, including the total number of fires, total numbers of people observed at those fires, as well as data on where the visitors were from. Based on the City's data, there were 397 fires during 12 recorded weekend days in June 2015 with more than 2,885 persons attending a beach fire in Carmel, with the vast majority – some 80% of people enjoying a beach fire – coming from outside of Carmel (i.e., 55% were from areas in Monterey County



other than Carmel, 20% were from other areas in California, and 5% were from other states or other countries). Similar data produced for 12 weekend nights in July 2015 resulted in 509 beach fires, with 2,942 persons attending beach fires, and again over 80% of the people were from out of town (i.e., 60% were from areas in Monterey County other than Carmel, 20% were from other areas in California, and 1% were from other states or countries). The City's data indicates that there were over 130 beach fires on Saturday, July 4<sup>th</sup> alone. However, the person count for the month of July excludes the July 4<sup>th</sup> weekend (i.e., July 3<sup>rd</sup> and 4<sup>th</sup>) because the number of persons on the beach enjoying beach fires was too numerous to count. Finally, for a five-day period at the end of July and in early August 2015, there were 225 beach fires, with 1,714 persons attending beach fires, where more than two-thirds of these attendees were from areas outside of Carmel. Overall during this ten-week period, there were a total of 1,131 beach fires on Carmel Beach with more than 7,500 persons in attendance, which does not include the numerous uncounted individuals who attended a beach fire in Carmel on July 3<sup>rd</sup> and 4<sup>th</sup>. The vast majority of people enjoying these beach fires reside outside of Carmel but travel to Carmel Beach to enjoy a beach fire. Most of them came from other parts of Monterey County, but many others came from other parts of California, and still others came from other states and countries. This data demonstrates the importance of beach fires at Carmel Beach, not just for local residents, but for visitors throughout the county, the state, and beyond.

Beach fires are so popular and in such limited supply both locally and regionally, that visitors on summer weekends arrive early to get a parking space and stake out a location on the beach to have a fire later in the afternoon or evening. Groups often leave firewood, chairs, and other beach equipment to "reserve" their spot. Beach users may participate in other beach related activities (e.g., walking, sightseeing, swimming, surfing, etc.) during the day prior to having a beach fire. Summer and early fall months receive the heaviest beach use and by extension, highest demand for beach fires. Anecdotal evidence suggests that there is high demand for beach fires during certain off-peak periods as well. Holidays, such as Thanksgiving and New Year's Day, also attract large numbers of people to Carmel Beach, which results in a substantial number of beach fires during those off-season holidays. Also given that California has experienced several exceptionally mild winters over the past few years, the warm temperatures and dry weather conditions have resulted in a noticeable increase in visitation and demand for beach fires at Carmel during the usually off-peak winter season. Accordingly, beach fires at Carmel Beach provide a diverse visitor population, as well as local residents, access to lower-cost visitor and recreational facilities not only during peak periods, but at all times of the year, weather permitting.

As noted above, the City currently proposes to eliminate wood fires from the beach entirely and put in its place a propane-fueled program consisting of fire rings individually purchased and owned by members of the public and six City-supplied and installed propane fire rings. The City cites concerns with smoke and odors emanating from wood fires as the primary reason for proposing the switch to propane-only devices. The City-supplied devices would be similar in many aspects of a typical wood fire ring including size and design, except that it has an additional element that allows it to be used with propane only. Please see Exhibit 5 for the possible types of propane-only devices that the City is now proposing.

City staff provided web-links to several off-the-shelf propane fire devices that members of the public could purchase for their personal use on the beach, which range in price from \$90 - \$250



(not including tax) depending on the device. The two identified devices are 15 and 18 inches in diameter, respectively, and are portable for easy transport. Aside from being small, the devices are relatively expensive. At a starting price of nearly \$100 (with tax), even the less expensive user-supplied option could be a significant impediment to this important recreational activity particularly for many low- and moderate-income individuals and families (not to mention the \$250 device, which would be some \$275 with tax). Both the certified LCP and Coastal Act require that public access and recreational opportunities be maximized (*LUP Policy G4-1; Coastal Act Section 30210*) and lower cost recreational facilities protected and, if feasible, provided (*LUP Policy P4-62; Coastal Act Section 30213*). A beach fire that requires a minimum \$100 investment to participate in cannot be considered a lower cost recreational activity, nor can it be expected to maximize public access consistent with Coastal Act and LCP requirements.

Additionally, the user-supplied devices can only accommodate a few people around them at any one time. Medium and larger groups of people, like those routinely observed at Carmel Beach fires, would not be able to all congregate at one time around the larger of these devices, which measures only 18 inches in diameter.<sup>38</sup> Therefore, propane fire devices may actually reduce public access and recreational opportunities, contrary to their intended purpose. Typical wood fire rings are about 40 inches in diameter and are designed to hold a bed of hot coals that radiates large amounts of heat capable of warming an area extending well beyond the limits of the fire ring itself, thus reaching a larger group of individuals. By contrast, the proposed user-supplied propane devices, which are much smaller in diameter, typically do not heat to the same high temperatures of burning wood and thus do not radiate heat in the same way as do wood fires. Warmth from such propane devices is limited to indirect exposure to the flame itself. Some of the units with high BTU<sup>39</sup> ratings have a decent flame that puts off light and some heat. However, because it is just a flame, warmth from the fire does not radiate out from the unit to an appreciable distance. Also for this same reason, the propane devices do not perform very well in windy conditions. Although suitable for use in a protected space, such as between large parked RV's, these devices would not be very effective in the chilly and windy unprotected beach environment that is typical during the evening at Carmel Beach.

Similar to the user-supplied devices, but larger, the City intends to install and maintain six propane fire rings that would be available to the public on a first-come first-serve basis, and which cannot be reserved or held in advance. The City indicates however, that one fire ring may be reserved daily in association with the issuance of a special events permit from the City and in accordance with the City's special event policies. As noted above, the City is considering two options for the propane fire rings that would range in size from 30 - 48 inches in diameter, similar to the diameter of typical wood fire rings, which are typically about 40 inches in diameter. These propane-only fire rings would be located adjacent to the beach access stairways on Carmel Beach (i.e., at 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, and 13<sup>th</sup> Avenues, and Santa Lucia Avenue). The City identified two different models that it intends to put in place on the beach during a pilot program period to see which is the most effective. However, these larger propane-only fire rings suffer from the same shortcomings as the smaller portable user-supplied devices discussed above. The

<sup>38</sup> The fire attendance data provided by the City indicated that on average fires were attended by groups of ten persons or more.

<sup>39</sup> The British thermal unit (BTU) is a traditional unit of work equal to about 1055 joules. It is the amount of work needed to raise the temperature of one pound of water by one degree Fahrenheit. For a more physical analogue, one four-inch wooden kitchen match consumed completely generates approximately 1 BTU.



flame is aesthetically pleasing but minimal heat would radiate from such devices and they would not be very effective in a windy environment. The cost of reserving and using the device for a special event could also be prohibitive for some individuals and families. Also, there are a host of safety issues associated with the operation of a large propane device on the beach. Propane is a very volatile substance and a leak in the system could result in a fire or explosion, and serious harm to users (see the “Hazards” section below for a complete discussion of the safety issues associated with propane devices). There are many unresolved logistical questions about the City’s proposed program including with regard to operations, maintenance, costs, security, safety, etc., all of which could result in significant impediments to the use and enjoyment of recreational beach fires, inconsistent with the LCP and the Coastal Act.

Complicating the issue, IP Section 17.20.20.E(1)(e) prohibits the use of flammable liquids, other than charcoal lighter fluid, for starting and maintaining fires on Carmel Beach. This prohibition was likely instituted to ensure public safety on the beach (again, see the “Hazards” section below for a full discussion of safety issues) and possibly also to protect water quality (see also the “Water Quality” section below). Propane is a liquid when placed into a canister or cylinder for storage and transport. This substance is highly volatile and improper use could result in harm to users. Use of propane for the purpose of starting and maintaining a beach fire would not be consistent with IP Section 17.20.20.E(1)(e).

The City’s proposal to install only six propane fire devices also greatly understates the value of beach fires to the visiting public. Data collected by the City on weekend beach fires during the peak summer visitation period clearly demonstrates an extremely high demand for this type of recreational activity on Carmel Beach. Data collected by the City from June 27 to July 26, 2015 shows that there were on average 22 fires on Friday nights, 47 fires on Saturday nights, and another 23 fires occurring on Sunday evenings. Under the City’s proposal, the number of beach fires taking place in propane-only fire rings provided by the City would only equal six per night. Such significant cutbacks in the number of beach fires on Carmel Beach might be justified if there were plenty of alternative beach fire locations on the Monterey Peninsula or if there were other compelling factors to reduce the number of fires so drastically. However, there does not appear to be evidence for either (particularly considering the City’s previous proposed Program that is the subject of this CDP appeal to install 26 fire rings).. As the sole alternative for beach fires in the vicinity, the City of Monterey maintains only a handful of fire rings on Del Monte Beach.

To date, the City of Carmel has not provided any reports of significant crime or mischief occurring on Carmel Beach associated with beach fires. Scenic Road residents have complained over the years about the issue of smoke and odors emanating from beach fires and this is one of the primary reasons cited by the City for the proposal to eliminate wood fires and commence a propane-only fire program. It is not clear, however, how such a drastic reduction in the number of proposed fire rings, compared to its initial proposal to install 26 wood-burning fire rings on the beach (see “Substantial Determination” section above), can be found LCP and Coastal Act consistent. The City has not provided any information to the Commission staff documenting any demographic changes or changes in recreational activities that would justify such a reduction in the number of beach fires.

Additionally, a propane-only program would eliminate not only wood fires on Carmel Beach, but



also the use of charcoal fires typically used in portable hibachis and grills for cooking on the beach. The LCP explicitly states that fires are allowed for cooking and discusses methods typically associated with wood and charcoal fires (*IP Section 17.20.20.E.1.a-j.*). The City's revised beach fire management program, which would eliminate the use of wood or charcoal, will prevent beach users from being able to have a wood-fired or charcoal barbeque on the beach, inconsistent with the LCP (*IP Section 17.20.20.E*).

Furthermore, the City's revised beach fire management program includes City-sponsored propane fire rings that will be offered to the public on a first-come, first serve basis, seven days per week, but only from one hour prior to sunset to 10 p.m. The sun sets at about 8:30 p.m. during the peak summer use period (i.e., July). As such the City-sponsored propane devices would only be available for use for approximately two and half hours of each day during the month of July under the proposed propane-only program. Given Carmel's chilly and often foggy climate, it is not unreasonable to assume that some beachgoers will want to have a fire in a City-supplied propane fire ring during the day, but under the proposed project they would not be allowed to do so. While the City's proposal allows for user-supplied propane devices to be used on the beach between 7 a.m. and 10 p.m., such devices are small and will not provide a typical beach fire experience, as detailed above. Furthermore, low- and moderate-income persons may not be able to afford the user-supplied options and the City-sponsored devices will not be available for their intended purpose during the day. In any event, the City's proposed time limitation for use of its City-supplied fire rings is inconsistent with *IP Section 17.20.20.D*, which specifically allows beach fires between the hours of 7 a.m. and 10 p.m. (i.e., a total of 15 hours per day).

Finally, during the winter months, the fire rings may be removed from the beach entirely to avoid inundation from the sea and there are no provisions in the City's propane program to allow for beach fires during this time other than to purchase a propane device. The impacts of this omission again fall disproportionately on the low income visitors who come to Carmel to enjoy the classic Carmel Beach fire experience but are unable to do so.

Both Coastal Act and LCP policies require the provision of maximum public access and recreational opportunities to and along the coast, and specifically Carmel Beach (*Coastal Act Section 30210, LUP Policy G4-1*). The LCP contains specific provisions for the protection of recreational beach fires (*LUP Policies O4-10 and P4-57*) with further emphasis on the protection of existing and provision of new lower-cost recreational facilities (*LUP Policy P4-62*) and assurance of adequate public facilities to serve the needs of the public (*LUP Policy G4-3*). Additionally, the IP establishes the regulations and parameters for having a fire on the beach including provisions for wood fires, limits on the location and time when fires may occur, the size and height of fires, a prohibition on flammable fuels, and requirements for extinguishing fires (*IP Sections 17.20.20.D and 17.20.20.E*). The City's proposal to eliminate wood fires and implement a program consisting of a mix of user-supplied and City-sponsored propane devices does not maximize public access or protect lower cost recreational facilities required by those policies. The program further fails to protect beach fires in a manner envisioned by the LCP and falls far short of providing adequate facilities for the large numbers of visitors who flock to Carmel from Monterey County, the State, and beyond for that quintessential beach fire experience. The program especially impacts persons of low and moderate income means. Thus, the City's proposal is inconsistent with the above-cited LCP and Coastal Act access and



recreation policies.

### **Alternatives**

There appear to be many ways to address the identified problem, but to jump to a complete ban on wood beach fires and only allowing propane-fueled fires cannot be found consistent with the LCP or the Coastal Act in this case for the reasons discussed above. The City's post-prohibition monitoring data does not even show that such a proposal would even make a significant difference in PM2.5 levels and spikes. In addition, the City's proposed propane-only program cannot be approved because the LCP explicitly prohibits flammable liquids (like propane) on the beach. There are alternatives, however, short of eliminating wood fires, which would mitigate and/or address the concerns raised by the City. As discussed in the "Substantial Issue Determination" section above, the City considered an alternative to the current propane fire proposal that included the use of fire rings and set a limit on the maximum number of beach fires that may take place at any one time. On April 8, 2015, the Planning Commission approved a CDP (MP 15-100) for a Beach Fire Management Pilot Program (Pilot Program) that included the broad elements of beach fire management. The Pilot Program required beach fires to be maintained in fire rings and further restricted the number of fires to 26. The Pilot Program also included maintenance provisions, signage requirements, and a means by which to evaluate the effectiveness of the program. The purpose of the Pilot Program was to address coastal resource impacts associated with unmanaged beach fires and, in particular, adverse impacts to air quality and the discoloration of the City's white sand beach. The approval was appealed by four individuals citing issues of conformance with the certified LCP. On May 5, 2015, the City Council upheld the Planning Commission decision on a 4 – 0 vote to deny the appeals. Council directed its staff to return with findings and conditions for the denial of the appeals and approval of MP 15-100.

In its findings on that coastal permit, the City concluded that the Pilot Program was consistent with the General Plan and LCP Policy G4-1 regarding the provision of maximum public access, and the inherent balance between coastal access and environmental protection, and stated:

*The development (proposed installation of 26 fire devices and temporary signage) will be located near the beach staircases and in the natural coves and will not impede public access to the sea. The recreational opportunity to build a fire will be maintained in designated areas via the fire containment devices. ...*

The City also found the Pilot Program consistent with LUP policy G4-3 regarding the provision of adequate facilities:

*The proposed use of the 26 fire containment devices is intended to serve the needs of public beach goers for beach recreation (i.e., allow recreational fires); mitigate damage to the environment (specifically sand, ocean, and air) and respect the neighborhood by developing, implementing, and refining through adaptive management program components that would better manage the number of wood beach fires and the associated health and safety hazards resulting from improperly extinguished fires and impacts from wood smoke. Better controlling the number and location of wood fires through the use of a limited number of properly-positioned fire containment devices is intended to respond to community concerns related to air quality impacts and hazards from hot coals on the sand, both of which interfere*



*with the public's ability to enjoy walking and other recreational activities at the beach. Additional program components such as the encouragement of the use of other sources of fuel like propane is similarly intended to reduce these impacts to both beach and shoreline area users as well as residents with homes near the beach.*

The Pilot Program was further found to be consistent with the LUP Policy O4-10 regarding the public's opportunity to enjoy a beach fire:

*The proposed installation of 26 fire containment devices will allow for the continuation of fires for cooking and warmth while preventing fires from being built directly onto the sand as an effort to protect the sand from degradation due to charcoal, ash and burned logs. Additional containment devices would be available during peak holiday periods, and propane-fueled devices would be encouraged and continue to provide a coal- and charcoal-less alternative for beach fires.*

In a August 18, 2015 letter to the Commission, Richard Stedman, the Air Pollution Control Officer of the MBUAPCD indicated that the district had been working closely with the City of Carmel in an effort to reduce smoke emissions from beach fires and that it had been continuously monitoring particulate matter (PM2.5) pollution at one location near the beach. Mr. Stedman further indicated that the results of the monitoring demonstrated that residents were being exposed to significant levels of particulate matter pollution from beach fires especially over weekends and holidays and identified the many health effects associated with exposure to smoke and PM2.5. In addition to adverse health effects, Mr. Stedman acknowledged that odors associated with wood fires were also a concern. In the last paragraph of the August 18, 2015 letter, Mr. Stedman states that:

*The District fully supports Carmel-by-the-Sea's efforts to reduce wood smoke from Carmel Beach. Limiting the number of fire rings on the beach is a common sense approach that should be effective in addressing the problem.*

The letter also states that increasing the setback distances of the fires from residences and the use of propane instead of wood are also reasonable steps that may significantly reduce smoke impacts to nearby residents. Commission staff spoke with Mr. Stedman on several occasions regarding beach fires in Carmel and the City's initial proposal to install fire rings on the beach and to cap the number of rings at 26. Although Mr. Stedman could not say what the appropriate number of fire rings was, he did indicate that he expected air quality to improve significantly along the Carmel shoreline with a cap or restriction on the numbers of beach fires.

As noted in the preamble, the certified LCP allows and protects beach fires. The policies of the LCP were developed in response to issues with wood beach fires that had been occurring over the course of numerous decades along Carmel's shoreline. One primary concern was the control over the size of bonfires that were occurring. To address the issue, the policies establish the limits on the amount of material that may be used in a bonfire and the size of the fire, with clear references to wood fires:

*The burning material used in the fire shall not extend more than two feet above the base of the fire (IP Section 17.20.20.E1(b)).*



*Flames shall not extend into the air more than five feet from the base of the burning material in the fire (IP Section 17.20.20.E1(c)).*

*The longest horizontal straight-line distance through the base of the fire shall not exceed four feet (IP Section 17.20.20.E1(d)).*

*All flammable coals, embers, or burning material shall be extinguished with sea water...(IP Section 17.20.20.E1(g)).*

It is also clear from the LCP that propane fires are prohibited:

*Flammable liquids other than charcoal starter shall not be used in any manner in connection with starting or maintaining the fire (IP Section 17.230.20.E1(e)).*

In short, Implementation Plan Section 17.20.20.E, defines the parameters for allowance of “wood”<sup>40</sup> beach fires on Carmel Beach. Subsections a through d of this IP Section identify the width and height of the wood materials. There is no provision for the use of propane or natural gas fires. Moreover, subsection 1(e) expressly prohibits the use of flammable liquids, other than charcoal lighter fluid, to start and maintain a beach fire. Alternatively, the wood fire rings do not require a flammable liquid of any sort to start or maintain a fire. A properly prepared wood teepee with paper and kindling is all that is necessary. For these reasons, the use of propane fire rings and other than wood/charcoal as the base fuel is not allowed under the LCP absent an LCP amendment.

Thus, as currently proposed, the City’s propane-only beach fire program could not be found consistent with the certified LCP including the policies and standards regarding the provision of beach fires on Carmel Beach. An LCP amendment would be necessary before either the City, or the Commission on appeal, could make the necessary consistency findings and authorize propane fires on Carmel Beach. For all the reasons stated above, the City’s current propane-only beach fire proposal is inconsistent with the access and recreation policies of the LCP and Coastal Act.

Although the Commission found that the Pilot Program raised a substantial issue, the reasons for the finding were primarily because of lack of specificity in the program including the design and style of fire rings to be installed, specificity on seasonal adaptation and allowances for fires during the winter, fire ring maintenance and management measures, and incomplete data on air quality concerns. This lack of specificity, however, could be addressed through the imposition of special conditions including the preparation of a comprehensive program document. In fact, as mentioned above, following the City’s approval of the original beach fire management program in May 2015, City planning staff drafted a document entitled Beach Fire Management Pilot Program (BFMPP). Commission staff reviewed and found the document provided a significant level of specificity, but made comments where the management program could be improved including to address LCP consistency issues (see Exhibit 11). The BFMPP includes a requirement that all beach fires be conducted in fire rings and places a maximum limit on the

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<sup>40</sup> The LCP Implementation Plan specifically identifies the standards for lighting and maintaining beach fires along Carmel Beach. These standards include references to “burnable material,” “ash,” “embers,” and “coals,” which are associated with wood fires. The IP standards were devised in response to wood fires that were occurring on Carmel Beach for the previous 90 years.



number of fire rings (26). The fire rings would be available on a first-come, first-serve basis south of Tenth Avenue between the hours of 7 a.m. and 10 p.m. The BFMPP includes regular maintenance requirements, disposal methods, seasonal adaptation, signage, air quality monitoring, and provisions for beach fires during the winter. The BFMPP would be in place for a period of three years, with a requirement that the City submit an application for a permanent beach fire management program at the end of the three-year pilot program.

Implementation of the BFMPP, if revised to provide more specificity, would maximize public access consistent with Coastal Act Section 30210 and LUP Policy G4-1, and further ensure that lower cost recreational facilities are protected, consistent with the requirements of Coastal Act Section 30213 and LUP Policy P4-62. The BFMPP will also ensure that adequate facilities will be available to serve the high demand for recreational fires at Carmel Beach, consistent with the requirements of LUP Policies G4-4 and O4-10. Distributing 26 beach fire rings over a third-of-a-mile of Carmel Beach will help to mitigate for over-crowding at other locations, consistent with Coastal Act Section 30212.5. Further, requiring the use of beach fire rings will eliminate beach fires directly in the sand, which will also address the potential safety hazard of stepping on a smoldering fire and thus improve public safety, consistent with Coastal Act Section 30210.

Accordingly, the Pilot Program, including the BFMPP, is the appropriate vehicle for managing fires and address resource issues on Carmel Beach. Therefore, and to ensure continued public recreational opportunities including the ability to have beach fires within the City, the Commission imposes Special Condition 1(a) requiring the submittal of a Beach Fire Management Pilot Program (BFMPP) that, at a minimum, requires the City to ensure that no fewer than 26 fire rings are available to the public on a first-come, first-serve basis. The rings shall be installed on the beach south of Tenth Avenue provided that the fire rings are at least 25-feet from the base of the bluff and are at least 50-feet apart from one another. The beach fires rings shall be available for public use between the hours of 7 a.m. and 10 p.m. daily. The fire rings may be removed during periods of high tides, storms, and low beach profiles, and the fire rings must be returned to the beach once storms subside and the beach profile recovers. User-supplied portable devices shall be allowed during winter months when the fire rings are removed. The fire rings shall be maintained a minimum of three-days per week during peak use periods and on an “as needed” basis during off-peak periods. All ash, debris, and wood material shall be properly disposed of away from the beach. The location of all proposed signage for the program must be shown in site plan view. The BFMPP shall also include specific detail on the color, design, size, and content of all signage. The Beach Fire Management Pilot Program shall be valid for a period of three years and shall be in substantial conformance with Exhibit 6. All references to propane components in the BFMPP shall be removed. Special Condition 1(c) is imposed prohibiting the use of flammable liquids including propane on Carmel Beach.

Thus, the Commission’s approval authorizes a CDP that provides for the 26 fire rings originally approved by the City, and that provides associated parameters for the placement, use, monitoring, and maintenance associated with those rings, including in terms of monitoring air quality. The Commission believes this to be an appropriately measured response, and one that can allow for monitoring and adaptation over time to adjust Program parameters as warranted.<sup>41</sup> Such a Program would appropriately limit beach fires (i.e., 26 allowed as opposed to the

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<sup>41</sup> Including allowing for propane options to be considered should the LCP be modified to allow for same.



unlimited number of fires that are currently allowed), and can strike an appropriate balance to the issues presented. It will also address all of the other issues associated with unlimited fires built directly on the beach sand by confining them to 26 fire rings that can be appropriately maintained to avoid beach degradation. As conditioned, the Commission finds that the development conforms to the access and recreation policies of the certified LCP and the Coastal Act.

### 3. Scenic and Visual Resources

#### Applicable Policies

Carmel's shoreline with its signature white sand, dune back beach, golden granite seawalls, and backdrop of Monterey pine and cypress trees is highly scenic and recognized the world over. The LCP contains a number of policies designed to protect these significant scenic and visual resources:

***LUP Policy O4-6.** Limit development along the Carmel shoreline to facilities that support passive and active recreational activities, beach access, bluff protection and protection of infrastructure. ...Ensure that any new structure or development is visually compatible with the natural beach environs, is consistent with the established design of existing facilities, minimizes coverage, and does not impede access. ...*

***LUP Policy O1-6.** Recognize the natural resources and scenic quality of Carmel as a coastal community and allow uses in the community that are consistent with local needs, the Carmel Local Coastal Plan, and the California Coastal Act.*

***LUP Policy G5-3.** Protect, conserve and enhance the unique natural beauty and irreplaceable natural resources of Carmel and its Sphere of Influence, including its biological resources, water resources, and scenic routes and corridors.*

***LUP Policy O5-8.** Protect, conserve and enhance designated open space, the urban Monterey pine forest, beach and shoreline, the sensitive habitats and the hillside areas, and acquire additional open space as deemed appropriate.*

***LUP Policy P5-48.** New development shall protect areas of unique scenic quality (e.g., Scenic Road, Junipero Avenue, Torres & 3<sup>rd</sup>, etc.). Development in these areas shall be sited to protect public views to and along the coast, minimize impacts via landform alteration, and be visually compatible with the character of surrounding areas.*

#### Analysis

The certified LCP policies require among other things that development be visually compatible with the natural beach environs (LUP Policy O4-6), that it preserve the unique natural beauty of the village (LUP Policy G5-3), and that it protect public views to and along the coast (LUP Policy P5-48).

As described by the City, the current proposed project includes the installation of six, kettle-style steel fire rings approximately 30 – 48 inches in diameter that would be fueled by propane. The propane fire rings would be anchored into the sand. The City has not provided detail on the fuel



system and containment units, but presumably it would include five-gallon propane fuel canisters, hoses/piping, and some sort of security housing unit for the fuel canisters that likewise would be stored on the beach. The units will be installed on the beach in the vicinity of the beach access stairs between Tenth Avenue and Martin Way. The City indicates that it intends to field test several models before settling on a preferred unit. The project also includes the installation of signage associated with the City's new beach fire management guidelines.

The extent of the impacts of the propane program cannot be fully assessed, as the City has not yet chosen a particular design for the fire rings and the City has not indicated whether the propane tanks will be stored directly on the beach as described or placed into an enclosure of some sort. The maximum height of any of the possible propane fire ring options is 24 inches and thus the propane fire rings would not block scenic views of the beach or ocean. However, the fire rings will introduce other new development (i.e., fuel tanks, enclosures, hoses/tubes, etc.) onto Carmel Beach. These other components, which will remain on the beach whenever the propane fire rings are on the beach, appear mechanical and/or industrial in nature and will not blend with the aesthetics of the beach and the surrounding natural environment and will create visual clutter on the beach, inconsistent with the above-cited LCP policies that protect Carmel's significant visual and scenic resources (*LUP Policies O4-6 and P5-48*).

Alternatively, the wood burning fire rings the City researched back in May 2015 were very similar in design as the proposed propane fire rings (i.e., Kettle-style, steel, 30 - 48 inches in diameter, and a maximum of 24 inches in height). Of course, wood fire rings do not require propane as the primary fuel source and thus do not require a propane tank, pipes/hoses or a housing unit to be located on the beach. Thus, from a visual clutter standpoint, the wood burning rings require less industrial-type infrastructure to function and are therefore less visually intrusive. Nevertheless, it is clear that no matter the design, the wood fire rings will represent a visual departure from the previous 100 years when beach fires were allowed directly in the sand. However, given that the previous history of unlimited beach fires taking place directly in the sand has led to coastal resource and air quality concerns, including with respect to degradation of the white sands of Carmel Beach, restricting wood fires to fire rings should overall lead to an improvement in the visual quality of the beach.

As discussed above, City planning staff had prepared a Beach Fire Management Pilot Program document ("BFMPP," see Exhibit 6) *after* the City took action on the CDP that was the subject of the appeal described in the "Substantial Issue Determination" section above. The BFMPP provided for 26 wood fire rings on the beach as part of an adaptive program to manage beach fires. This document provides a good framework for regulating beach fires on Carmel Beach, but lacks specificity regarding fire ring design, and this lack of specificity could lead to visual impacts. To address this potential visual resource issue, Special Condition 1 requires submittal of a revised Beach Fire Management Pilot Program that identifies, among other things, the specific detail on the wood-burning beach fire rings including model, size, design, and color. The BFMPP must demonstrate that the preferred fire ring device is consistent with the existing beach aesthetic and the unique qualities of Carmel.

As noted, the City also proposes as part of its propane-only program to install signs and/or symbols at various locations along Carmel Beach informing the public of the new beach fire rules, including information on the locations of where fires are allowed and rules regarding the



use of the City-supplied fire rings and user-supplied devices. At a minimum, the proposal calls for symbols to be installed at the Del Mar parking lot and between Eighth Avenue and Tenth Avenue, indicating that beach fires are prohibited in these areas. Informational signs about the Pilot Program and beach fire rules and restrictions will be installed at “key” locations starting at Tenth Avenue. Signage indicating the use of fire devices with a simple message of “fires in rings only” will be installed at all beach access points from Tenth Avenue to Martin Way. The City indicates that signage will be installed in locations that minimize obstructions of coastal views such as on stairway railings and landings half-way down to the beach. All sign materials are proposed to be simple and made of wood consistent with the “Carmel” aesthetic.

The proposed signage program is mostly adequate but needs to be revised to allow for wood-burning fires, to prohibit propane-fueled fires and too ensure that signage will have no significant adverse impact on public coastal views. Thus, the Commission imposes Special Condition 1(f) requiring the Applicant to submit a final sign plan. The final plan must identify the proposed location for all symbols and signage and at a minimum demonstrate that signs will be co-located with existing signs to reduce visual clutter, locate signs on existing access stairways to avoid the need for poles or similar infrastructure, and to demonstrate that signs and symbols are placed and oriented to minimize impacts on public views. The sign plan must also provide the dimensions and materials of all signs/symbols, and provide the exact wording of all signs. The signs must also state that wood and/or charcoal fires are only allowed in the 26 City-provided fire rings and are prohibited from taking place in the bare sand. Finally, the signs must make it clear that, except for charcoal lighter fluid, flammable liquids (including propane) are prohibited on Carmel Beach. As conditioned, the Commission finds that the development conforms to the scenic and visual protection policies of the certified LCP.

#### **4. Hazards**

##### **Applicable Policies**

***LUP Policy O4-6.** Limit development along the Carmel shoreline to facilities that support passive and active recreational activities, beach access, bluff protection and protection of infrastructure. Bluff protection and protection of infrastructure shall be permitted only when existing facilities are in danger from erosion. Ensure that any new structure or development is visually compatible with the nature beach environs, is consistent with the established design of existing facilities, minimizes coverage, and does not impeded access. Avoid to the maximum extent feasible the seaward encroachment of new structures.*

***LUP Policy G5-1.** New development shall minimize risks to life and property, assure stability and structural integrity over the life of the development, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.*

***LUP Policy P5-6.** Construct new shoreline armoring in areas previously unprotected only when required to protect existing structures in danger of erosion and when designed to eliminate or mitigate adverse impacts on local sand supply. ...*



***IP Section 17.20.20.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.*

Although not the standard of review, Section 30253(c) of the Coastal Act provides guidance with respect to agency coordination on the protection of air quality and state, in relevant part:

***30253.*** *New development shall do all of the following: ... (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*

Section 30414 sets forth the division of powers and authorities between the Commission and local governments as compared to the State Air Resources Board and local air pollution control districts in regard to air quality and emissions standards. Section 30414 states in relevant part:

***30414. (a)*** *The State Air Resources Board and air pollution control districts established pursuant to state law and consistent with requirements of federal law are the principal public agencies responsible for the establishment of ambient air quality and emission standards and air pollution control programs. The provisions of this division do not authorize the commission or any local government to establish any ambient air quality standard, emission standard, or air pollution control program or facility, or to modify any ambient air quality standard, emission standard, or air pollution control program or facility which has been established by the state board or by an air pollution control district.*



## Analysis

Development on the beach and adjacent to the ocean is in some ways inherently hazardous. Development that may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. The City's LUP policies limit development on the beach to facilities that support public access and recreational activities (LUP Policy O4-6) and further limit shoreline protection to the protection of existing structures in danger of erosion (LUP Policy P5-6). All development is required to minimize risk to life and property and to ensure structural integrity over the life of the development (LUP Policy G5-1).

### *Liquid Propane*

The City's proposal includes user-supplied propane devices and six City-supplied and maintained propane fire rings. It is assumed that the user-supplied devices will be removed from the beach after each use. The City-supplied devices are proposed to remain on the beach for reuse day in and day out including the fire rings, hoses, and fuel canisters. Propane is a highly flammable form of liquefied petroleum gas. The liquid reacts with oxygen at normal temperature and pressure and converts to a highly flammable form of gas.

There are several risks associated with the use and storage of propane on the beach. Propane is denser than air. If there is a leak in the propane fuel system, it will "sink" into the sand or any enclosed area thereby posing a risk of explosion and fire. The typical scenario is a leaking canister/cylinder in an enclosure; the propane pools in the enclosure and a spark or other flammable source ignites the pooled gas resulting in an explosion. Propane also expands under heat. When a propane tank is left out in the sun or within an enclosure in the direct sun, it will cause the gas to expand. If there is not enough room in the tank for the expanded gas, a pressure release valve will open to allow the gas to be emitted and prevent the cylinder from exploding. Similar to the scenario above, a spark from a nearby source could ignite the emitted gas and cause a fire or an explosion. This is a relatively common occurrence with the use of backyard barbeque grills. The National Fire Protection Association claims that there are more than 6,100 accidental fires and explosions each year due to improper use of barbeque grills alone.<sup>42,43</sup>

The City indicated to Commission staff that it intends to store all elements of the propane fire system on the beach, including the propane tanks, in order to minimize daily maintenance requirements. However, the City has not provided detail on whether the propane tanks will be secured, covered, or contained, and the measures that will be implemented to ensure safe public use of the devices, nor has the City evaluated the impacts that weather (sun, wind, fog, etc.) may have on the integrity of the fuel system components as they remain on the beach over time.

As noted above, propane is a highly flammable and volatile substance capable of significant explosions and damage. The use of propane can be inherently dangerous without proper instruction or experience, and many persons expected to visit Carmel for a beach fire may not have the experience to safely start, maintain, and extinguish a propane fire. While wood fires are

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<sup>42</sup> National Fire Incident Reporting System. Cited in National Fire Protection Association, *Use Care When Firing Up the Barbecue*.

<sup>43</sup> Other common uses of propane include being the primary flammable gas in a blowtorch; use in theme parks and in the movie industry as an inexpensive, high-energy fuel for explosions and other special effects; and as a propellant, relying on the expansion of the gas to fire a projectile.



not without risk, the risk is minimized in that wood is not an explosive material and highly flammable accelerants are not needed to start a wood fire. The certified LCP requires that new development minimize risk to life and property (*LUP Policy G5-1*). Based on the materials provided thus far, and given the unstable nature of propane and the risks associated with its use, the Commission cannot conclude that the proposed propane fire units will minimize risks as required by LUP Policy G5-1.

Additionally, Implementation Plan Section 17.20.20.E, defines the parameters for allowance of “wood”<sup>44</sup> beach fires on Carmel Beach. Subsections a through d of this IP Section identify the width and height of the wood materials. There is no provision for the use of propane or natural gas fires. Moreover, subsection 1(e) expressly prohibits the use of flammable liquids, other than charcoal lighter fluid, to start and maintain a beach fire. It is precisely for the reasons discussed above that this type of fuel source is prohibited (i.e., to prevent unintended fires and/or explosions on Carmel Beach). Propane is stored and transported as a liquid, and it is a liquid in the canister/cylinder that would be retained/stored on the beach. Alternatively, the wood fire rings do not require a flammable liquid of any sort to start or maintain a fire. A properly prepared wood teepee with paper and kindling is all that is necessary. For these reasons, the use of propane fire rings is not consistent with the certified LCP, including IP Section 17.20.20.E. Thus, Special Condition 1(c) prohibits the use of propane on Carmel Beach, and Special Condition 1 requires the submittal of a Beach Fire Management Pilot Program that includes installation of 26 fire rings to be used for wood fires.

#### *Shoreline Hazards*

As discussed above, Special Condition 1 requires at least 26 wood-burning fire rings to be provided on Carmel Beach. However, fire rings on Carmel Beach will seasonally become threatened by inundation of ocean waters during high tide events, and by winter beach scour. The south end of Carmel Beach is especially exposed to these shoreline processes. In the City’s BFMPP document developed for the 26 wood fire rings (see Exhibit 6), the City identified the need to temporarily/seasonally remove the rings to avoid inundation during high tide and storm events. The stated intent of the BFMPP seasonal adaptation element is to make the beach fire rings available as long as possible throughout the year with an initial period of March 15 to October 15. Outside these dates, weekly monitoring will be performed to assess the threat of inundation and determine whether the fire rings must be removed and/or timing is right to restore the fire rings to the beach. Despite this type of adaptive management, no development in the ocean or near the shoreline can be guaranteed to be safe from hazards. All development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, storms and erosion. To minimize the project’s impact on shoreline processes, and to minimize risks to life and property, the Commission imposes Special Condition 4 prohibiting construction of protective devices (such as a seawall) in the future to protect the fire rings and Special Condition 3 requiring that the Applicant assume the risk of undertaking the development. This prohibition on construction of protective seawall devices will ensure project consistency with LUP Policy O4-6 (which limits development along the Carmel shoreline to facilities that support, among other things, passive and active recreational activities and beach access) as well as LUP

<sup>44</sup> The LCP Implementation Plan specifically identifies the standards for lighting and maintaining beach fires along Carmel Beach. These standards include references to “burnable material,” “ash,” “embers,” and “coals,” which are associated with wood fires. The IP standards were devised in response to wood fires that were occurring on Carmel Beach for the previous 90 years.



Policy P5-6 (which limits new shoreline armoring construction to when required to protect existing structures in danger of erosion).

#### *Air Quality*

With regard to air quality, the certified LCP provides no specific guidance or standards but there is broad language in the LCP with respect to providing public access in a manner that protects the resource values of the beach environs and is consistent with environmental protection (LUP Policies G4-1, G4-3, and G4-4 - see the “Public Access” section above for the full text of these policies). Also, although not the standard of review, Section 30253(c) of the Coastal Act requires that new development be consistent with air quality regulations and Section 30414 of the Coastal Act clarifies that the Commission may not establish or modify air quality or emission standards or air pollution control programs.

Although the City’s proposed propane-only fire program would largely address the air quality issues associated with wood fires, it does not avoid other significant public access, visual, and hazard-related impacts that propane-only fires would create. Furthermore, the use of propane fuel on the beach is prohibited by the LCP. Recognizing that wood-burning can have adverse impacts on human health, Special Condition 1 requires the City adopt a Beach Fire Management Pilot Program that limits beach fires to rings and restricts the total number of fire rings to 26. Despite adverse impacts that may result from wood-burning, limiting the total number of fire rings to 26 represents a significant reduction in the number of beach fires (which in the past has been unrestricted) and will result in significant reductions in air quality (PM 2.5) impacts while ensuring that beach fires (which have a long, rich history in Carmel) are still allowed as a form of low-cost public recreational opportunity. The condition requires the program to include monitoring of PM 2.5 along Carmel Beach with annual reports submitted to the Executive Director for review. Special Condition 1(d) also requires a comprehensive adaptive management plan to address the times for fire ring removal and replacement, the location of where the rings will be storage, detail on how the rings will be cleaned and the location of ash/debris disposal. Finally, Special Condition 2 requires the City to re-evaluate the program at the end of the three year period and submit an application for a permanent Beach Fire Management Program that includes program refinements and modifications as needed to address program elements – particularly those related to particulate matter emissions and air quality.

Finally, the Commission here is not imposing any air quality standards, nor is it providing for anything inconsistent with requirements imposed by an air pollution control district. On the contrary, the approved program in this case is an approximately measured response to identified air quality concerns, and one that can allow for monitoring and adaptation over time to adjust Program parameters as warranted.<sup>45</sup> Such a Program would appropriately limit beach fires (i.e., 26 allowed as opposed to the unlimited number of fires that are currently allowed), and can strike an appropriate balance to the issues presented.

As conditioned, the Commission finds that the development conforms to the requirements of Carmel LCP Sections O4-6, G5-1 and P5-6, as well as 30253 and 30414 of the Coastal Act regarding development in hazardous locations.

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<sup>45</sup> Including allowing for propane options to be considered should the LCP be modified to allow for same.



## 5. Water Quality

### Applicable Policies

The LCP contains policies intended to protect the water quality and biological productivity of Carmel Bay:

***LUP Policy P5-184.** Maintain, enhance and where feasible, restore marine resources. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

***LUP Policy P5-185.** Maintain and restore, where feasible, the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health, though, among other means, minimizing adverse effects of waste water discharges and entrainment; controlling runoff; ...*

***LUP Policy O5-43.** Protect and enhance the water quality and biological productivity of local creeks, wetlands, and Carmel Bay through the prevention of point and non-point source water pollution.*

The above LCP policies require protection of the quality of coastal waters and marine resources in order to preserve the biological productivity of said waters. This can be achieved in a variety of ways including through controlling of runoff and the prevention of point and non-point source pollution. Areas of Special Biological Significance (ASBS) are afforded special protection. Carmel Bay is an ASBS (as identified by the State Water Resources Control Board) because it supports an unusual variety of aquatic life, hosts unique individual species, and helps to provide the basic building blocks for a sustainable, resilient coastal environment and economy.

The City's proposal for use of propane devices for beach fires would eliminate most of the constituents normally associated with wood beach fires (e.g., ash, embers, other debris, etc.). But, as discussed in the findings above, propane fires do not provide the same warmth, light, recreational experience, and ambiance of a wood fire. Also, the City is proposing that the propane fuel canisters and associated hoses would remain on the beach, in the sand whenever the fire rings are present on the beach, which could result in the leakage of propane fuel directly into the sand, which could ultimately be swept into the waters of Carmel Bay and the ASBS during periods of storm surge. It is likely due to this concern to maintain water quality, as well as the safety concerns discussed in the "Hazards" section above, that the LCP prohibits the use of propane along with all other flammable liquids, other than lighter fluid for cooking purposes, on the beach.

However, wood fires also have a host of potential water quality and other impacts associated with them. Wood fires that take place directly in the sand leave behind ash and debris that may ultimately end up in Carmel Bay and the ASBS. Uncontained wood fires can further degrade the color of the white sand and can also pose a significant public safety issues if people step on



smoldering embers. For these reasons, unmanaged beach fires on the sand at Carmel Beach are no longer tenable. As such, and as discussed further in the “Public Access and Recreation” section above, this approval is conditioned to require implementation of the Beach Fire Management Pilot Program as shown in Exhibit 6 and as modified by Special Condition 1, which will provide for wood fires in a minimum of 26 fire rings.

The use of fire rings for wood fires will provide containment of ash and debris and addresses the issues of discoloration of the white sand. However, fire rings do generate debris that, if not properly disposed of, could adversely impact water quality, specifically if inundated by tidal action, but also if debris is blown out of the rings by high winds. To ensure that ash and other debris left in fire rings are adequately disposed of, Special Condition 1(e) requires the preparation of a maintenance plan that requires the City to undertake regular scheduled maintenance, a minimum of three days per week during the peak season (March 15 through October 15), with removal of ash and debris from the fire rings as necessary to prevent these materials from ending up on the sandy beach. This condition also requires associated maintenance as necessary the rest of the year whenever the rings are present. Provisions for ash and debris disposal away from the beach are further required by this condition.

As part of its propane-only fire ring proposal, the City proposes to temporarily remove fire rings during extreme tidal events and winter beach scour to prevent inundation of the rings and contamination of coastal waters, but did not describe where the rings would be relocated to. The temporary storage or placement of the fire rings in a location where storm water discharges and entrainment could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for storm water related impacts on water quality, the Commission imposes Special Condition 1(e) requiring the appropriate handling and storage of wood beach fire rings and associated debris during such events to minimize the potential for pollutants to enter coastal waters. This condition also requires the wood fire rings to be placed back on the beach in a timely manner when the extreme tidal events and/or winter beach scour have passed. As conditioned, the Commission finds that the Beach Fire Management Pilot Program conforms with LUP Policies P5-184, P5-185, and O5-43 regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

## **6. Violation**

The City’s certified LCP contains specific protections for the provision of recreational beach fires on Carmel Beach. Both the Coastal Act and LCP also emphasize the protection of existing, and provision of new, lower-cost recreational facilities. Beach fires are part of a rich, nearly 100-year tradition at Carmel Beach and have been available to the public at no cost with minimal restrictions (i.e., allowed anywhere south of Tenth Avenue and 25 feet from the bluff) for many, many years.

As discussed above, in the “Substantial Issue” and “De Novo” Hazards section of this staff report, the City has issued and enforced an Urgency Ordinance placing a moratorium on beach fires during weekends and holidays. The City concluded that smoke and particulates from beach fires were threatening the health and safety of residents and beach goers, and thus required immediate emergency action. The initial 45-day moratorium went into effect on August 6, 2015,



and was authorized via the issuance of an emergency coastal development permit (ECDP). The ECDP was also limited to 45-days. As expressed by the City, the purpose of the moratorium was “to protect public safety, health, and welfare by prohibiting uses that may conflict with the shoreline management plan and the City’s Municipal Code until a beach fire management program can be implemented by the City.” Prior to expiration of the initial action, on September 1, 2015, the moratorium was extended for an addition 10 months and 15 days (without a CDP), for a total period of up to one year.

In response to the actions taken by the City, Commission Enforcement Staff sent a letter to the City indicating that its actions were in violation of Coastal Act and LCP permitting requirements. In its October 2, 2015 letter, Commission staff noted that state law requires that an urgency ordinance enacted under State Section 65858 authorizing an immediate change to the intensity of use of water, or access thereto, constitutes “development” for which a coastal development permit is required. The enforcement letter also indicated that issuance of the urgency ordinance resulted in a change in use that was otherwise not allowed under the LCP; therefore requiring an amendment to the certified LCP. Thus, the City took actions that require a CDP and require the submission of the urgency ordinance as an LCP amendment for Commission certification and that this was needed before the any actions pertaining to such urgency ordinance could be initiated.

The City authorized an emergency CDP for the 45-day moratorium but did not issue a follow up regular CDP to authorize the action beyond the initial 45-day period. As of the date of this report, the initial 45-day authorization period has passed and while the City has extended the moratorium, the ECDP does not authorize an extension. Section 17.52.18 of the certified LCP also requires an application for a “Normal Permit” within 30-days of issuance of an emergency permit and further requires that the emergency response be an interim measure that is otherwise consistent with the requirements of the certified LCP. To date, the City has not applied for a follow up “Normal Permit” and it is clear from the findings above that there were readily available alternatives to the moratorium that would address the concerns raised consistent with the LCP. In short, the City has installed signs and has enforced a moratorium on beach fires on Carmel Beach without the required CDP, constituting a violation of the permitting requirements of the Coastal Act and the LCP.

LUP Policy O4-1 and Policy 5.3 of the Shoreline Management Plan provide that beach users are allowed “the opportunity to enjoy a fire for warmth or cooking ... until 10 p.m. south of Tenth Avenue but at least twenty-five feet from the base of the bluffs.” Currently the LCP does not have any weekend or holiday restrictions on the use of the beach for beach fires. Thus the urgency ordinance prohibits a use that is currently allowed and protected by the LCP. And as such, the urgency ordinance is not effective or enforceable until the City submits for certification an amendment to its LCP and the Commission certifies the submittal as adequate to carry out the intent of the Coastal Act. Even if the City issues itself a CDP for the moratorium, it would be issuing a permit that is not consistent with the certified LCP, which allows beachgoers to have a wood fire on the beach between 7 a.m. and 10 p.m. south of Tenth Avenue without any weekend or holiday restrictions. Thus, the City does not have the legal authority to issue a valid CDP consistent with the LCP unless and until the Commission certifies an LCP amendment that provides for same.



The City has improperly used the emergency ordinance and emergency permit process to implement emergency measures beyond any period which could be reasonably be construed to authorize such actions and inconsistent with required procedures. The Coastal Act does not authorize local governments to adopt and enforce regulations that impose restrictions or limitations on the intensity of use of water or access thereto that are in conflict with the Coastal Act. The City's actions circumvent the planning and permitting processes by adopting an urgency ordinance and issuing an emergency permit that limit public participation and result in the loss of lower cost public recreational opportunities along Carmel Beach. Such actions are in conflict with access and recreation policies of the Coastal Act and the City's certified LCP and are, thus, a violation of the Coastal Act and the City's certified LCP.

The above described violations are not addressed in, and will not be resolved by, the Commission's action on this item. The information is simply provided to put into context the City's various actions that are outside the scope of and inconsistent with this CDP on appeal, as well as staff's position with respect to these actions. Approval of this permit pursuant to the staff recommendation and full compliance by the City with the conditions herein will restore beach access and recreational opportunities as required by the City's LCP and the Coastal Act. Although development has taken place prior to the Commission's consideration of this appeal and de novo review, consideration by the Commission has been based solely upon the City's LCP. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of development undertaken on the subject site without a coastal permit.

## **7. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Carmel-by-the-Sea, acting as lead agency, conducted an environmental review for the proposed project as required by CEQA and determined that the proposed project was categorically exempt pursuant to Section 15311 of the State CEQA guidelines.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues associated with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which



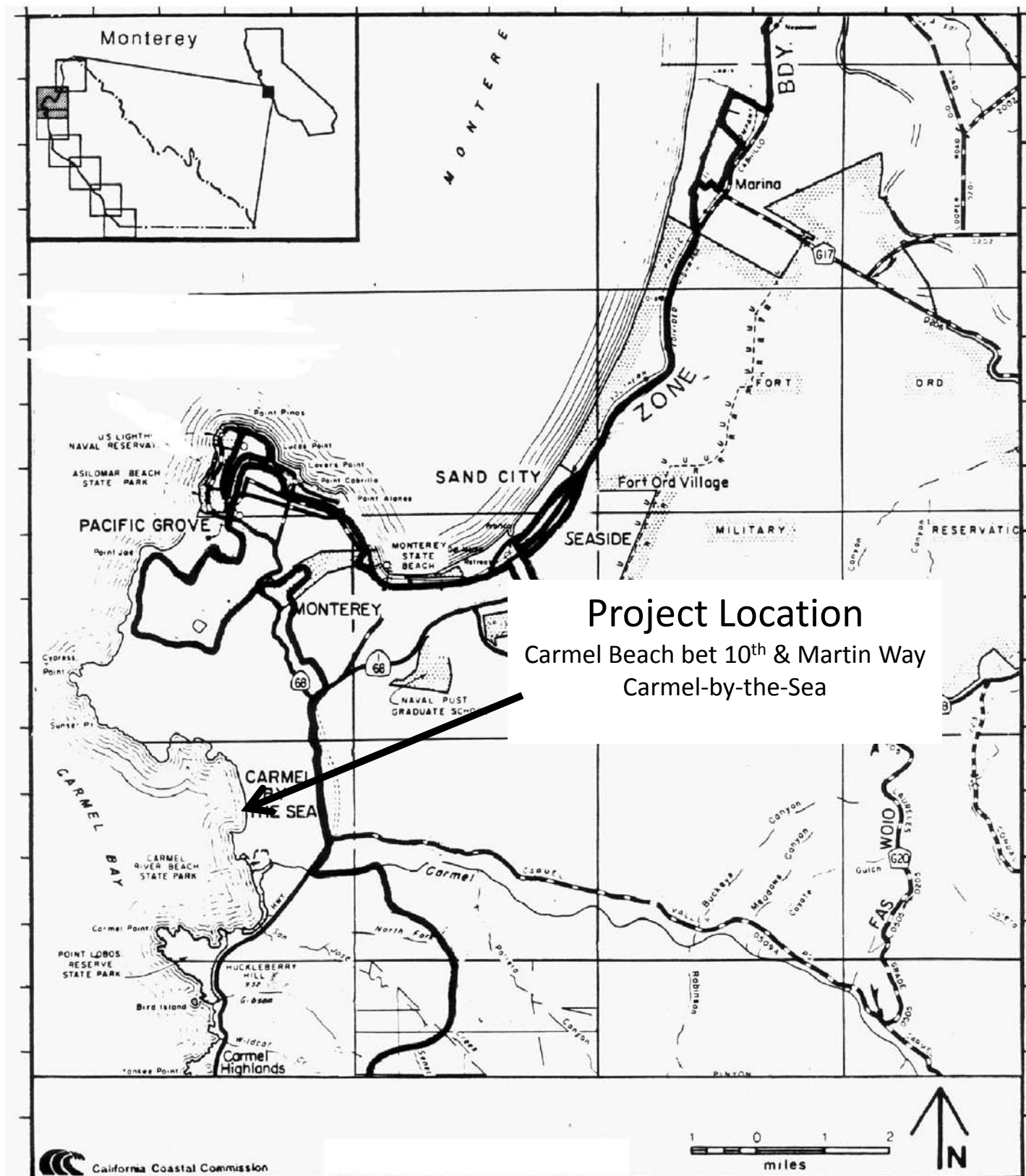
would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



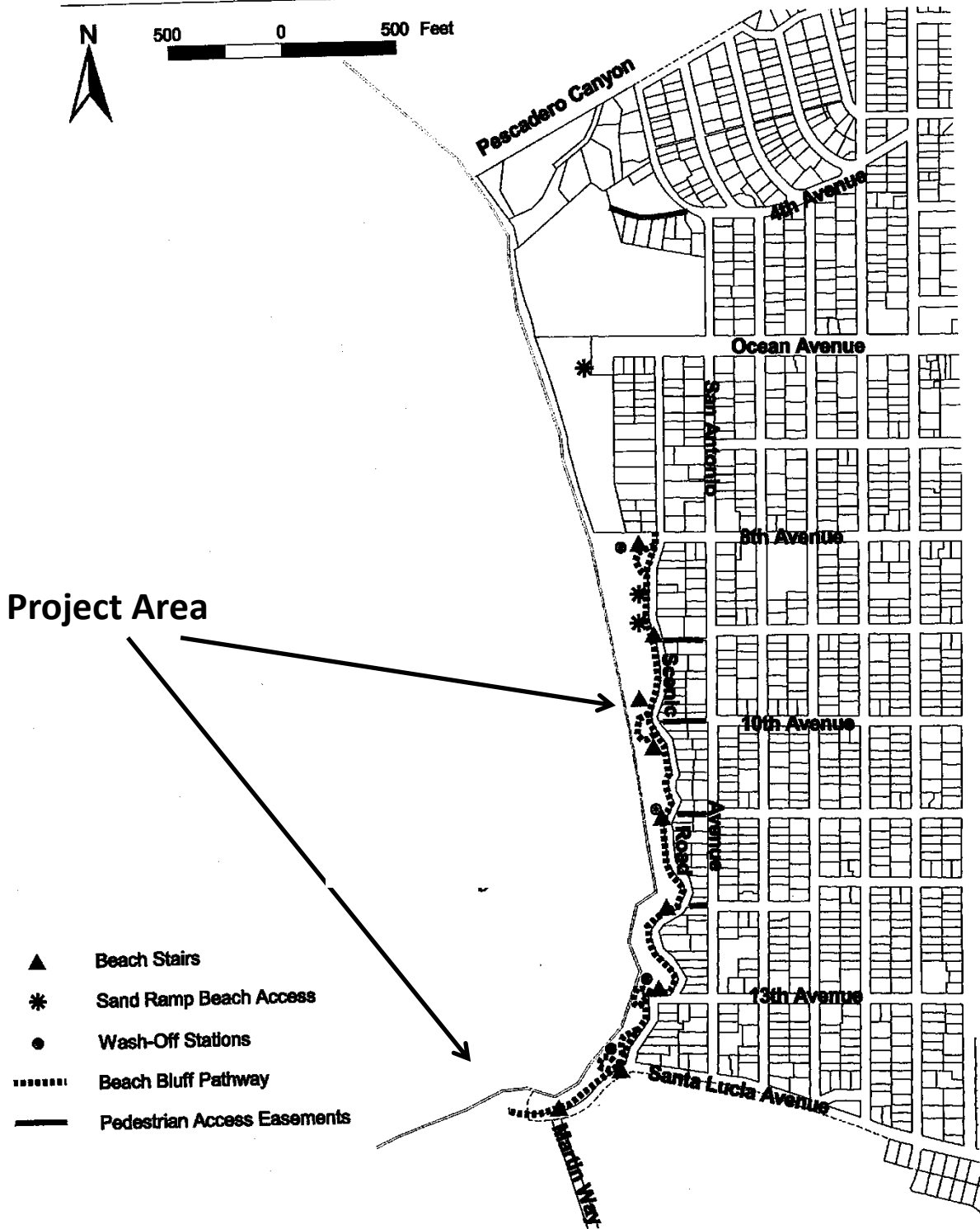
**APPENDIX A: SUBSTANTIVE FILE DOCUMENTS**

1. *Wildfire Smoke: A Guide to Public Health Officials*,  
<http://www.arb.ca.gov/carpa/toolkit/data-to-mes/wildfire-smoke-guide.pdf>
2. City of Carmel-by-the-Sea PM2.5 Raw Data (May 21, 2015 – October 8, 2015).









**Figure 3**



# Carmel-by-the-Sea



Source: California Coastal Records Project, Slide 1194



## Carmel-by-the-Sea



Source: California Coastal Records Project, Slide 1195



# Carmel-by-the-Sea



Source: California Coastal Records Project, Slide 1196



**FINAL LOCAL ACTION NOTICE ON COASTAL PERMIT**

# City of Carmel-by-the-Sea

**Date of Notice:** May 8, 2015

**RECEIVED**  
MAY 12 2015

**Submitted By:** Rob Mullane, AICP, Planning Director

**FINAL LOCAL ACTION NOTICE**  
3-CML-15-0433  
For Coastal Commission Use Only  
REFERENCE # \_\_\_\_\_  
APPEAL PERIOD 5/13/15 - 5/27/15

**Notice Sent to (via first-class mail):**

Applicant & Applicant's Rep (if any)

California Coastal Commission Central Coast District Office

Please note the following **Final City of Carmel-by-the-Sea Action** on an application for a Coastal Permit, emergency Coastal Permit, Coastal Permit amendment or Coastal Permit extension. All local appeal periods have been exhausted for this matter:

**Project Information**

Application #: MP 15-100  
Project Applicant: City of Carmel-by-the-Sea (contact: Sharon Friedrichsen)  
Applicant's Rep: same  
Project Location: on the Carmel Beach along and seaward of Scenic from Eighth Avenue to Martin Way  
APN: various (Carmel Beach)

Project Description: Consideration of Coastal Development Permit (MP 15-100) for the beach fire management pilot program.

**Final Action Information**

Final Action Date: May 7, 2015

Final Local Action: ☒ Approved with Conditions

☐

Final Action Body: ☐ Planning Commission

☒ City Council

☐ (lain) \_\_\_\_\_

Required Materials Supporting the Final Action	Enclosed	Previously Sent (date)
Adopted Staff Report	X	
Adopted Findings	X	
Adopted Conditions	X	
Site Plans	X	
Elevations		

Additional Materials Supporting the Final Action	Enclosed	Previously Sent (date)
CEQA Document(s)		
Historic Evaluation		
Biotic Report (s)		
Other _____		
Other _____		

**Coastal Commission Appeal Information**

This Final City of Carmel-by-the-Sea Action is:

☐ **NOT appealable** to the California Coastal Commission. The Final City Action is now effective.

☒ **Appealable** to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final City Action. The Final City of Carmel-by-the-Sea Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission Central Coast District Office in Santa Cruz; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.





# CITY OF CARMEL-BY-THE-SEA

## Council Report

May 7, 2015

**To:** Honorable Mayor and Members of the City Council  
Douglas J. Schmitz, City Administrator

**From:** Sharon Friedrichsen

**Subject:** Consideration of findings for the denial of four (4) appeals of the Planning Commission's decision to approve a Coastal Development Permit application (MP 15-100) for the Beach Fire Management Program on Carmel Beach along and seaward of Scenic Avenue from Eighth Avenue to Martin Way.

**RECOMMENDATION:** Adopt the attached findings and special conditions for the denial of the four (4) appeals and approval of the Coastal Development Permit (MP 15-100) - Beach Fire Management Program.

**EXECUTIVE SUMMARY:** On 8 April 2015 the Planning Commission approved Coastal Development Permit (MP 15-100) for the Carmel Beach Fire Management Program. The approval was appealed by four individuals: Nancy Chira-Garcia, Bill Shellooe, Mary Louise Shellooe and Alexis Delehanty. The primary concern was non-conformity with the City's Local Coastal Plan (LCP). The appeal was considered by City Council on the 4<sup>th</sup> and 5<sup>th</sup> of May 2015, with Council voting 4-0-1 to deny the appeals on 5 May 2015. As part of the motion, Council directed staff to return with findings and conditions for the denial of the appeals and approval of MP 15-100.

### ANALYSIS/DISCUSSION:

On 8 April 2015, the Planning Commission approved Coastal Development Permit (MP 15-100) for the Carmel Beach Fire Management Program. The approval was appealed by four individuals: Nancy Chira-Garcia, Bill Shellooe, Mary Louise Shellooe and Alexis Delehanty. The primary concern was non-conformity with the City's Local Coastal Plan (LCP). The appeal was considered by City Council on the 4<sup>th</sup> and 5<sup>th</sup> of May 2015, with Council voting 4-0-1 to deny the appeals on 5 May 2015. As part of the motion, Council directed staff to return with findings and conditions for the denial of the appeals and approval of MP 15-100.

During hearings on 4 and 5 May 2015, the Council also reviewed the beach fire management program and provided the following direction:

- Confirmed the current pilot program's proposal to install 26 fire rings;
- Confirmed the use of user-supplied propane devices as one of the options for inclusion in the pilot program if acceptable to the Coastal Commission;



- Recommended including quantitative measure, such as before and after random sampling of beach sand, to measure aesthetics of sand, and other quantitative measurements of air quality (indoor and outdoor) and provide a mechanism for constituent feedback; and
- Confirmed the length of the coastal development permit is a maximum of three years; however, the pilot program duration would be approximately one year and should include one full summer season.

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**FISCAL IMPACT:**

No fees have been collected for the filing this type of appeal.

Budgeted (yes/no)	Funding Source (general fund, grant, state)
No	General Fund

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**PREVIOUS COUNCIL ACTION/DECISION HISTORY:**

- Council approved the pilot program on 3 February 2015.
- Planning Commission approved Coastal Development Permit MP 15-100 on 8 April 2015.
- Council held the public hearing on the appeals on 4 May 2015 and continued the matter until 5 May 2015.
- Council denied the appeals of the Planning Commission's approval of MP 15-100 on 5 May 2015.

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**ATTACHMENTS:**

1. Findings
2. Conditions of Approval

**APPROVED:**

  
 \_\_\_\_\_  
 Douglas J. Schmitz, City Administrator

Date: 16 May '15



## CITY OF CARMEL-BY-THE-SEA

### FINDINGS FOR DECISION

MP 15-100

City Beach Fire Management Program

Carmel Beach, Eighth Avenue to Martin Way

APN: Various

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#### **CONSIDERATION:**

Findings for the approval of Coastal Development Permit MP 15-100 (Carmel Beach Fire Management Program)

#### **RECITALS:**

1. The project site is located on Carmel Beach along and seaward of Scenic from Eighth Avenue to Martin Way. The project site is located in the Improved Parkland Overlay (P-2), and Beach and Riparian (BR) Overlay Zoning Districts. The applicant is the City of Carmel-by-the-Sea.
2. The applicant applied for a Coastal Development Permit (MP 15-100) application on March 23, 2015, to implement the beach fire management program, which included site preparation, placement of 26 fire devices and temporary signage.
3. The Planning Commission approved the Coastal Development Permit (MP 15-100) application on April 8, 2015, subject to findings and conditions on a 4-0-1 vote.
4. The Coastal Development Permit was appealed by four separate appellants: Nancy Chira-Garcia, Bill Shellooe, Mary Louise Shellooe and Alexis Delehanty, and such appeals were all received on April 13, 2015, and had identical issues raised in the appeal applications.
5. The subject appeals were denied by the City Council on May 5, 2015. The City Council directed staff to return with amended findings and special conditions for the approval of MP 15-100. Findings have been prepared for Council's consideration on May 6, 2015.

#### **FINDINGS SUPPORTING DECISION:**

1. **Finding:** The program is consistent with the City's General Plan, including the Local Coastal Plan (LCP), and the inherent balance between coastal access and environmental protection. The program is consistent with LCP Goal G4-1: "Provide for maximum public access to, and recreational use of, the shoreline consistent with private property rights and environmental protection."

**Evidence:** The development (proposed installation of 26 fire devices and temporary signage) will be located near the beach staircases and in the natural coves and will not



impede public access to the sea. The recreational opportunity to build a fire will be maintained in designated areas via the fire containment devices. This will allow fires to continue to occur, while possibly allowing greater use of other areas of the beach for different recreational uses. Under the existing rules, unlimited fires may be built directly in the sand anywhere south of Tenth Avenue and 25 feet from the base of the bluff, which may curtail access to areas of the beach due to the presence of beach fires. The program includes provisions for timely and a phased removal of the devices in the event that they are threatened by winter beach scour in order to maximum the duration of the year that the devices are available for use while avoiding hazards due to undermining, displacement, or flooding of the devices.

2. **Finding:** The program is consistent with LCP Goal G4-3: "Provide adequate facilities that will serve the needs of the public, mitigate damage to the environment and respect the neighborhood" and Goal G4-4: "Provide for a wide variety of passive and active recreational experiences for all beach users while protecting the resource values of beach environs."

**Evidence:** The proposed use of the 26 fire containment devices is intended to serve the needs of public beach goers for beach recreation (i.e. allow recreational fires); mitigate damage to the environment (specifically sand, ocean and air) and respect the neighborhood by developing, implementing, and refining through adaptive management program components that would better manage the number of wood beach fires and the associated health and safety hazards resulting from improperly extinguished fires and impacts from wood smoke. Better controlling the number and location of wood fires through the use of a limited number of properly-positioned fire containment devices is intended to respond to community concerns related to air quality impacts and hazards from hot coals on the sand, both of which interfere with the public's ability to enjoy walking and other recreational activities at the beach. Additional program components such as the encouragement of the use of other sources of fuel like propane is similarly intended to reduce these impacts to both beach and shoreline area uses as well as residents with homes near the beach.

3. **Finding:** The program is consistent with LCP Objective 04-10 to "Allow beach users the opportunity to enjoy a fire for warmth or cooking, while protecting the sand from degradation."

**Evidence:** The proposed installation of 26 fire containment devices will allow for the continuation of fires for cooking and warmth while preventing fires from being built directly onto the sand as an effort to protect the sand from degradation due to charcoal, ash and burned logs. Additional containment devices would be available during peak holiday periods, and propane-fueled devices would be encouraged and continue to provide a coal- and charcoal-less alternative for beach fires. The fire containment devices will be located south of Tenth Avenue; be located at least 25 feet from the base of the bluffs; and unavailable for use after 10 p.m., parameters that are consistent with LCP Policy P4-57 and Chapter 17 of the City's Zoning Code.



4. **Finding:** The program is consistent with LCP Policy P4-56: "Implement procedures and regulations for temporary events on the beach that will protect public access and environmental resources" and LCP Policy P4-62: "Lower cost visitor and recreational facilities shall be protected and encouraged and where feasible, provided."

**Evidence:** The use of the fire containment devices is proposed to be free and available for general use by the public on a "first come, first serve" basis, thereby ensuring equal public access to the use of the devices. In addition, for a limited number of temporary (typically one day or less) events on the beach that obtain from the City a Special Event Permit, one or two devices may be available, in accordance with the City's special event permit process. Typically, no more than one such special event is allowed on any specific day, and this will ensure that the vast majority of devices remain available on a first come, first serve basis.

5. **Finding:** The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15311 of the State CEQA Guidelines. Exemptions under this section (Class 11 Categorical Exemptions) include construction or placement of minor structures accessory to existing facilities, including signage.

**Evidence:** The pilot program is a temporary program intended to reduce hazards to beach uses, to improve the aesthetics of the beach from uncontrolled and unlimited wood-fueled beach fires, and to improve air quality by more effectively managing beach fires. The program includes measures to remove fire devices from the beach prior to the devices being threatened by seasonal beach scouring. Signage will be temporary and will follow the City's standards for other signage in the beach and will be reviewed by the Planning Commission for size, location, design, and materials prior to installation to ensure that significant aesthetic impacts are avoided. The proposed fire devices and temporary signage do not present any unusual circumstances that would result in a potentially significant environmental impact.



**Amended by and Approved by City Council on 5/7/15**

Conditions of Approval		
No.	Standard Conditions	
1.	<p><b>Authorization:</b></p> <p>The implementation of an approximately 1 year pilot program that shall include at least one full summer season, for improved management of beach fires on Carmel Beach. The pilot program includes installation of new seasonal fire rings, or devices, along the beach, temporary signage to inform the public of the City's beach fire regulations as well as specifics of the pilot program, cleaning of the devices and additional outreach, adaptive management of components of the program, and enforcement efforts by City personnel.</p> <p>The devices will be installed in the spring or summer, and some devices may be removed in the winter in advance of storm-generated beach scour based upon trigger dates and/or environmental conditions (i.e. upper wash of the waves is within 10 feet of the device, early or heavy winter storm season, such that wave-induced scour threatens to undermine the fire devices).</p> <p>The devices will be installed approximately at the following locations: up to two devices each located near the staircases at 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and Santa Lucia (ten total) and up to four each in the coves between 10<sup>th</sup> and 11<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> and 13<sup>th</sup> and Santa Lucia (sixteen total), provided that all locations are at least 25 feet from the base of the bluff and are at least 50 feet apart from one another. No fire devices will be installed north of 10<sup>th</sup> Avenue. Site preparation including raking of the areas where fire devices will be installed may be conducted prior to the installation of the fire devices. Devices will be regularly cleaned by the City using all-terrain vehicle and hand and small power tools, with the possible use of a vactor truck as needed to clean the devices during times of heavy use.</p> <p>Other options that may be included during the pilot program: (1) Allowance of user-supplied or City-supplied gas or propane devices in areas south of Tenth Avenue and (2) City issuance/distribution of an additional portable wood-burning devices for peak holiday weekends.</p> <p>Temporary signage will be installed at the following locations: near the restrooms at the Del Mar Parking Lot, adjacent to the Scenic Pathway at Scenic and Eighth, and at the top and/or bottom of each beach access stairway between 10<sup>th</sup> and Martin Way.</p> <p>The City has hired a private security firm to provide education and enforcement of the pilot program and beach rules and has budgeted for a full-time beach police officer to assist in education, enforcement and monitoring of the program as part of fiscal year 2015-16.</p>	✓



	Special Conditions	
1.	The pilot program shall include quantitative measures, such as before and after random sampling of beach sand, regarding beach cleanliness and aesthetics, quantitative measurements of outdoor air quality and a mechanism for constituent feedback. The City, in collaboration with the Monterey Bay Unified Air Pollution Control District, will establish monitoring site(s) to determine baseline concentrations and smoke impacts associated with wood-burning beach fires. At a minimum, sampling will occur during peak times of the year, such as holiday weekends. Data will be telemetered to the District and made available to the City. The District will utilize monitoring devices suitable for detecting smoke.	✓
2	At the beginning of the winter storm season (on or about November 1 <sup>st</sup> ), City staff will monitor the condition of the beach at least weekly, and ensure that the seasonal beach fire devices are removed prior to being threatened by wave-induced beach scour.	✓
3	The specific scale, location, and design of the temporary signage will be reviewed and approved by the Planning Commission prior to installation of such signage.	✓
4.	Within 3 months of the first 12 months of the program, City Forest, Beach, and Parks staff will prepare and submit a report to the Forest and Beach Commission, Planning Commission, City Council and the regional office of the Coastal Commission discussing that year's program components.	✓
5.	The term of the coastal development permit is a maximum of three years.	✓



## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060-4508  
VOICE (831) 427-4863 FAX (831) 427-4877



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: A. Delchanty  
Mailing Address: PO BOX 1643  
City: Carmel, CA Zip Code: 93921 Phone: 831-869-7619

SECTION II. Decision Being Appealed

1. Name of local/port government: CARMEL CITY COUNCIL
2. Brief description of development being appealed:  
CARMEL BEACH FIRE PROGRAM
3. Development's location (street address, assessor's parcel no., cross street, etc.):  
ON BEACH SOUTH OF 10<sup>TH</sup> AVENUE TO MARTIN WAY
4. Description of decision being appealed (check one.):  
☐ Approval; no special conditions  
☒ Approval with special conditions:  
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-3-CML-15-0033  
DATE FILED: May 27, 2015  
DISTRICT: Central Coast

**RECEIVED**

MAY 27 2015

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST DISTRICT



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator  
☒ City Council/Board of Supervisors  
☐ Planning Commission  
☐ Other

6. Date of local government's decision:

MAY 7, 2015

7. Local government's file number (if any):

MP 15-100

(City of  
CARMEL by  
The Sea)

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of CARMEL BY-THE-SEA

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Nancy Chira - Garcia  
PO BOX 221842  
CARMEL, CA 93922

(2) Mary Lou and Bill Shellcoo  
PO BOX 773  
CARMEL, CA 92921

(3)

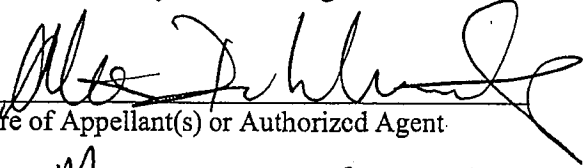
(4)



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: May 26, 2015

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize

\_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see attached statement



Our safety concerns revolve around the fact that the unique, rugged and ever changing topography of Carmel beach is not conducive to (multiple) fire pits. Carmel Beach is not a wide, open and flat expanse of beach, like you have in Southern California where you do see more fire pits. Here, surf often comes up high onto the beach even in spring and summer. Vast amounts of sand and kelp are pulled onto the shore and then back out into the bay. Frequent winds also displace sand and alter the beach topography. Daily tides constantly alter the width of accessible beach.

This will all create significant risk for the following hazards:

**\*\*Pits being swept out and the real danger of them becoming lodged on the sandbar and a surfer/swimmer getting injured from this. The sand is hard enough without a concrete or foreign body there. It is also a concern that this contributes to degrading the ocean environment by being another trash item swallowed by the sea.**

**\*\*Tripping hazard, especially for young children and visually impaired, when the pits are highly visible. When the pits become obscured and covered with sand and kelp, as will happen often due to the nature of Carmel Beach, they will be hidden hazards for all.**

**\*\*The fire pits will create obstacles for free and unfettered activity on the beach thereby restricting free use of public beach for chosen activities. They will also force beach users closer to the water line, a danger on a beach unattended by lifeguards.**

**Additionally, the added activity close to the water line and the fact that pits often become depositories for trash, will increase the potential pollution into the Bay and marine sanctuary.**

Working from the city of Carmel-by-the-Sea Local Coastal Program, volume 1, coastal land use plan (November 2002) (note; the 2004 LCP is the most recent but I was not able to access that one online)

There are many goals, objectives and policies put forth in the LCP that this fire pit pilot program conflicts with. I can cite P9-112 and P9-113 that state beach activities remain consistent with maintaining the natural beach setting and the informal atmosphere. O9-21 speaks to ensuring that any new structure or development is visually compatible with the natural beach environs. G9-6 states maximum public access and recreational use of the shoreline will be provided. There are also sections outlining the encouragement of organized beach clean up and educational methods to promote proper beach usage and prevent environmental damage. P9-167 specifically prohibits any construction of substantial or permanent structures on the beach or within the bay.

The entire LCP was written to preserve and protect the longstanding way of beach life in Carmel, and ensure that the integrity of the unique natural rugged beauty of



the beach is protected. Scarring the beach with fire pits should not be the first line of action in addressing concerns.

This rush to this pilot program has not allowed for any formal data collection to identify, verify and assess perceived problems and issues.

Any data presented was informal and not collected over a period of time. Much of the testimony has been subjective.

For example, sand degradation; there are many factors, including natural forces, at play that contribute to the sand discoloration/degradation. Without a formal study and analysis over a period of time, we don't really know the extent of contributing factors and therefore cannot thoughtfully look for solutions.

There is also the issue of accountability for this pilot program. How is this program to be measured, and by whom, and against what, since there are no formal metrics/data in place.

We all agree that it is vital to manage and protect Carmel Beach and Carmel Bay.

There are indeed many more people that come to enjoy this amazing spot and we all need to be thoughtful and respectful stewards of this incredible resource. However, the process of looking for possible working solutions to try to help manage Carmel Beach has been pushed aside in favor of rushing into a program that dramatically alters the beach and it's recreational usage, while potentially creating other new serious problems.





# Beach Fire Management Pilot Program

Revised Program of November 2015



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## Executive Summary

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The City of Carmel-by-the-Sea seeks to continue the recreational opportunity of beach fires while exploring options to minimize the impacts of wood-fueled beach fires on the community and the sensitive environmental resources of the beach. As such, a pilot program has been designed that consists of the placement of six (6) propane-fueled fire devices along the Carmel Beach in designated areas where beach fires are currently allowed. The City-sponsored devices would be located at designated locations near beach access staircases between Tenth Avenue and Santa Lucia. These devices will be City sponsored and maintained. There would be no cost to the public to use the City-sponsored fire devices; the devices will be available on a “first come, first serve” basis. The City would ensure that these fire devices are regularly maintained, and would monitor the propane tanks to promptly replace those that are empty or nearly empty. In addition to the City-sponsored devices, the City would allow and encourage user-supplied propane fire devices. The City does not envision a restriction on the number of user-supplied devices, but in the event of public safety needs or other unforeseen issues, may need to establish reasonable limitations in latter phases of the program. The pilot program also includes enhanced educational and enforcement efforts, including the use of private security, City police officers and volunteers to educate the public about the pilot program and its associated rules. The pilot program duration would be up to three years and would include active management to refine the program in response to lessons learned. No wood- or charcoal-burning fires would be allowed under the pilot program.

### Objectives

The principles of the beach fire management pilot program are twofold: (1) to manage the number of beach fires and (2) to refine the beach fires rules. The objectives of the program are: (1) to preserve the quality of Carmel Beach’s white sand, (2) to enhance recreational use and public safety of Carmel Beach, and 3) to protect the resource values of the beach environs including ambient air and water quality.

The City’s Land Use Plan provides broad guidance regarding beach use, protection, and management:

***“Provide for a wide variety of passive and active recreational experiences for all beach users while protecting the resource values of beach environs (Goal 4-4)”***

***“Manage the City’s beach, park and open space resources in a manner to encourage use and enjoyment by residents and visitors (Objective 4-9)”***

***“Allow beach users the opportunity to enjoy a fire for warmth or cooking, while protecting the sand from degradation (Objective 4-10)”***



***“Lower cost visitor and recreational facilities shall be protected and encouraged and where feasible, provided. Developments providing public recreational opportunities are preferred (Policy P4-62).”***

***“Provide adequate facilities that will serve the needs of the public, mitigate damage to the environment and respect the neighborhood (Goal 4-3)”***

Managing the number of beach fires together with restricting beach fires to propane-fueled devices minimizes the degradation of the sand while also increasing public safety and enhancing ambient air and water quality in accordance with the Coastal Access and Recreation Element of the City’s Local Coastal Plan (LCP). The pilot program attempts to balance these objectives and develop options in accordance with the goals and objectives contained within the LCP.

## Keys to Success: Measurement, Reporting and Evaluation

Pictured below is a close up of sand grains on Carmel Beach



### Program Elements:

#### Objective O-1 Preserve Sand Quality

**Measurement: Eliminate charcoal and burned logs from the sand.** Require beach fires to be propane-fueled, in City-sponsored devices available to the public and through use of user-supplied devices. By eliminating wood and charcoal residue from the sand, the quality of Carmel’s white sand beach will be preserved / enhanced. Prior to implementation of the pilot program and through-out its implementation, the condition of the beach would be documented through photographs and/or video footage to demonstrate the effectiveness of the program in improving the aesthetics of the beach and shoreline areas. The City recently obtained an aerial video of the beach that documents the pre-program amount of charcoal located throughout the beach. The City would arrange for subsequent aerial video footage following the first year of the program, and potentially following the second year, if the first post-program footage is inconclusive, to document the program’s effect on cleanliness of the beach. Photos would also be taken from the bluff top at the set (fixed) locations at quarterly intervals to assess beach cleanliness and appearance.



### **Objective O-2 Enhance Public Use and Safety of Carmel Beach**

**Measurement: Install 6 City-Sponsored Fire Devices.** The City would install six City-sponsored and -maintained decorative fire devices at various locations adjacent to public beach access points south of 10<sup>th</sup> Avenue. The fire devices would be available on a first come, first served basis from one hour before sunset to 10 pm, daily. These devices would be anchored into the sand once set for the season, and remain in place for the summer and fall seasons as discussed below in Hazard Avoidance. They would be removed for a portion of the winter storm season and may also be removed at other times of the year in response to a tsunami warning, or during other periods of unusually high tides, off-season storms, and low beach profile conditions. The City-sponsored devices would be returned to the beach once storms and high tides subside. The specific location of the majority of the devices would be adjusted throughout the pilot program in order to select locations that are least prone to seasonal beach scour, and as such, can remain in place as long as possible into the winter storm season and as early as possible following the winter season. Additional user-supplied portable devices will be available during periods when fire rings are absent. The City anticipates that local and area-wide stores may also to rent out user-supplied devices, and the City would provide information on where such units may be acquired on beach area signage and on the City's website as well as a part of the beach fire management educational program. While not a part of the initial phase of the pilot program, the City may also sponsor or contract with a vendor to provide devices for rent at a location within the City, if this is determined to be a necessary component for increasing access to portable user-operated units. This program component would need to be further refined and may involve a modification to restrictions in the City's Municipal Code regarding commercial activities in the shoreline area.

### **Objective O-3 Protect Resource Values: Air and Water**

**Measurement: Reduce the amount of wood smoke and charcoal debris generated by beach fires.** The program would be restricted to propane-fueled devices. No wood- or charcoal-fueled fires would be allowed. This would eliminate wood smoke and its associated public health hazards. It would also eliminate the accumulation of charcoal on the beach and into the marine environment. Approximately six City-sponsored propane-fuel devices would be provided for public use, and beach goers would also be able to use user-supplied propane-fuel devices. New signage would be designed and installed to inform beach users of the pilot program's beach fire rules. Signage would also include information on the locations of and hours of operation for City-sponsored devices, the types of user-supplied devices



that are permissible, and options for obtaining user-supplied devices.. Staff from the Monterey Bay Unified Air Pollution Control District (MBUAPCD) established an air quality monitoring station on private property along Scenic Drive in May 2015, and has been collecting hourly data on air emissions. The City will continue to work with MBUAPCD staff to monitoring air quality and the effect of the program on air quality for beach goers, Scenic Road pathway users, and nearby residents. As described above in Objective O-1, both photographic and video footage would continue to be collected and evaluated to demonstrate the reduction of charcoal litter on the beach. .

**Reporting:**

During the pilot program, City staff will provide monthly updates to the City's Forest and Beach Commission at scheduled public meetings on the status of the pilot program and receive public comment on the components of the program. Two to three months before the end of each year of the pilot program, a report will be presented before to the City's Forest and Beach Commission, City Planning Commission, and City Council, to assist in determining if the pilot program should continue. The report will be shared in draft form with Coastal Commission staff for input prior to City Council discussion of the program, and each year, a final year-end report will be provided to Coastal Commission staff for documentation.



## Fire Devices

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### Dimensions and Style

The initial City-sponsored devices to be tested and used would be made from steel with approximate dimensions between 16-24 inches high and 30-48 inches wide.

These devices weigh between 100-200 pounds and will be partially buried and secured in place. The propane tank for the initial devices would be secured via a chain and located a safe distance from the fire device. These devices are designed to remain fixed and not be moved to other locations by the public or special event organizers. For the first year of the program, the City will purchase two or more different units to gauge appearance, reliability, and ease of operation. During the first year of the program, the City will convene a review Committee to develop a preferred or custom design for these City-sponsored devices.

In addition, beach goers would be allowed to bring and use smaller, user-supplied propane-fueled devices. City staff would identify and test several off-the-shelf models that could be used, and the City would disseminate information on its website regarding a list of City-recommended off-the-shelf options, their cost, where they can be obtained. The recommended list would be determined based on user feedback and City staff observations.



Pictured below are two examples of potential initial options for the City-sponsored fire devices.



Pictured below are two examples of potential user-supplied fire device options.





## Usage

The fire devices would be designed for propane fires only. No wood, driftwood, pallets or other materials (such as Christmas trees, furniture, and trash) would be allowed in the devices.

No trash, glass or other materials may be left in the device. Trash and recycling containers are conveniently located at each beach staircase access point (above the stair entrance on the Scenic Pathway/ Scenic Road).

## Hours of Use

Beach fires in the City-sponsored devices would be allowed from one hour before sunset to 10 p.m. seven days a week throughout the year consistent with all other provisions of the Beach Fire Management Pilot Program.

Beach fires in user-supplied propane devices would be allowed from 7 a.m. to 10 p.m., seven days a week, and year-round. These user-supplied (i.e. “pack in and pack out”) propane devices would be allowed south of Tenth Avenue and 25 feet from the base of the bluffs.

## Availability

The initial plan for the City-sponsored fire devices would be that they are available on a “first come, first served” basis and could not be reserved or held in advance for use except in limited circumstances associated with a properly-issued special event permit. One fire device may be reserved in association with the issuance of a special event permit from the City and in accordance with the City’s special event policies. The City would limit this special event permit-related reservation to one of the devices on any given day. The City would also limit these reservations to no more than two such reservations in any given week and no more than four such reservations in any given month. The remaining City-sponsored fire devices would be available for the general public. Should there be operational issues with the special event-related reservations, the City would adjust that component or eliminate it. Should there be operational issues with the first come, first served approach, the City would develop a reservation system for some or all of the City-sponsored devices and would consult with Coastal Commission staff on the specifics of any such program.

## Exceptions

During the holiday weekends of July 4<sup>th</sup> and Labor Day, to meet peak beach fire demand, the City may set up a program to distribute up to 25 additional portable devices for public use. These could be made available at a temporary station such as a trailer or similar mobile facility located at a suitable location. Potential locations include in the Del Mar Parking Lot, at the intersection of 8<sup>th</sup> Avenue and Scenic Road, or a similar location. This component would only be developed and implemented if other means of sales or rentals of user-supplied



units are determined to be inadequate by the City in consultation with Coastal Commission staff. This component may constitute commercial activity in the shoreline area, which is currently prohibited under the City's Municipal Code. As such, the implementation of such a rental component, if made permanent, may require a Zoning Ordinance Amendment and Local Coastal Program Amendment.

### **Propane Tank Monitoring for City-Sponsored Devices**

For the City-sponsored propane fire devices, City staff or a City contractor would be responsible for monitoring propane fuel levels and replacing empty tanks with full tanks as needed. It is anticipated that the City will adjust the frequency of monitoring and full tank replacements to avoid having any of the City-sponsored devices run out of fuel during an evening's use. This may require monitoring and replacement approximately twice weekly (for example, on Fridays and Mondays), but would be adjusted as appropriate. If tanks running out of fuel during use become a frequent issue, the City may provide a number to call for servicing of the unit and have a staff person or contractor responsible for responding to calls for assistance.

### **Cleaning**

Over the last several months, the City has collected air quality data and photographic and video footage of beach conditions (air and sand quality). The August 2015 implementation of the City's Interim Moratorium on weekend wood-fueled beach fires has reduced air pollutant levels and has resulted in a lower rate of accumulation of charcoal on the beach. However, there still are areas of charcoal that could be further cleaned using sifting devices and small equipment (above the kelp line and in the corridor where the devices will be located). The City may undertake these additional cleaning measures in advance of installing the City-sponsored propane fire devices. As propane-fueled fires do not generate charcoal or substantial amounts of soot, regular cleaning of the City-sponsored devices is anticipated to be limited to ensuring that the devices remain in good working order.

### **Hazard Avoidance**

The program includes hazard avoidance guidelines and trigger points for the timely removal of City-sponsored fire devices prior to the devices being threatened by high tides, large storms, and wave action. The intent of this program component is to make fire devices available as long as possible throughout the year while being cognizant of shoreline hazards and protective of sensitive environmental resources (i.e., air and water quality).

Beach width and the upper reach of the wash of the waves vary throughout the year and from season to season. In general, the beach is widest in the summer months and narrows considerably in the winter storm season, when storm-induced waves erode the berm and lower the beach profile. The extent and timing of winter beach scour varies from season to season. In some winters, the beach is nearly completely scoured out, such that the wash of the waves is all the way up to the base of the bluff. In milder winters, there are areas of



the beach that are never scoured out, particularly in the more landward and protected areas of the beach, such as near Tenth Avenue. In the typical winter, however, most if not all, of the fire devices would be threatened by scour.

Initially, all 6 City-sponsored beach fire devices would be in place on a seasonal basis for use during peak beach use periods: from March 1 to November 1. This is typically when the threat from shoreline hazards is lowest. The beach fire devices may be retained for some period beyond the March 1 to November 1 period, provided that favorable weather conditions and a low threat of storm-driven wave inundation continue. Outside the peak periods (i.e., November 1 through March 1), the City-sponsored fire devices will be removed from the beach to avoid potential hazards and inundation. At the beginning of the winter storm season (on or about November 1), City staff will monitor the condition of the beach at least weekly, including measuring the width of the beach berm in the vicinity of the fire devices. Beach fire devices would be removed or relocated prior to being threatened by wave-induced beach scour and/or inundation.

The initial threshold for removal of a device would be if the upper wash of the waves is within 10 feet of the device. If this distance, in practice, does not provide sufficient time for City staff to remove the device, a larger distance may be established. Management of the City-sponsored fire devices may be modified in response to extreme ocean conditions. If, there is an unusually early or heavy winter storm season, such that wave-induced scour threatens to undermine the fire devices, City staff would remove any threatened devices earlier in the year. Similarly, if a heavy winter storm season delays the post-winter recovery of the beach, the City may delay the springtime installation of some of the devices.

In addition, if there is an extraordinary storm or high-wave event forecasted outside of the target use period, the devices would be removed and returned as soon as it is practical. Both the threshold for removal and replacement timing would be components that the pilot program will further develop.

## Locations

The initial locations for the City-sponsored devices would be at the following locations: near the stairways at 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and Santa Lucia (six total). All locations would be at least 25 feet from the base of the bluff, in accordance with existing beach fire siting requirements. Utilizing adaptive management, the location of the devices may be adjusted as needed due to topography of the beach, wave and tidal activity, or to better meet the needs of beach users. At no time during the program would devices be installed north of the 10<sup>th</sup> Avenue staircase. A map of access points and approximate locations for the City-sponsored devices are contained in Figure 1. User-supplied propane fire devices would be allowed south of 10<sup>th</sup> Avenue and at least 25 feet from the base of the bluff, in compliance with existing siting requirements.



## Public Education and Enforcement

Public education and outreach would be a key component of the pilot program. The City would develop and distribute public education materials to try to reach the public regarding the pilot program and the new beach fire rules before they arrive at Carmel Beach. In addition, the City would use a combination of private security staff and a dedicated police officer to educate the public about the rules, gather data and assist in monitoring the effectiveness of the pilot program. The use of docents and other volunteers to help explain the rules to the public may also be added as part of the communication strategy.

**Online Information:** Both the City's website and other associated websites, such as the Carmel Chamber of Commerce and the Monterey Visitors and Convention Bureau, would be updated to reflect the use of the propane fire devices and other beach rules. The City would also reach out to other website providers that are geared toward activities at California beaches and travel-related sites to explain the new rules and request assistance in providing updated information to the public.

**Other Sources of Information:** Press releases to local newspapers and television stations would also occur regarding the beach rules and the use of both City-sponsored and user-supplied propane fire devices, as well as outreach to schools, colleges and community groups. The hotel industry would be contacted and given informational cards that could be provided to guests about the beach fire rules. Local grocery stores would be provided information to distribute to customers, including information regarding where user-supplier propane devices could be purchased or rented, and where propane tanks can be refilled.

**Signage:** Signage would be installed that provides information regarding propane-only fires and the locations where propane fires are allowed. Signage would also provide information on the location of and rules for City-sponsored propane devices. Symbols may be installed at the Del Mar parking lot and at the beginning of the Scenic Road pathway (Scenic and 8<sup>th</sup> Avenue) indicating that fires are prohibited on the north end of the beach. Informational signage regarding the purpose of the pilot program and the rules and restrictions would be installed at key locations starting at 10<sup>th</sup> Avenue, because beach fires are allowed only south of 10<sup>th</sup> Avenue. The 10<sup>th</sup> Avenue staircase in particular would have a marker to delineate and differentiate where fires are allowed and not allowed. Signage indicating the use of fire devices, with a simple message such as "propane fires only" would be placed near the staircases and other beach access points. Such signage would be installed in locations that minimize obstructions of coastal views, e.g. on railings, near the side of the staircases or, on landings half-way down the beach staircases. Signage materials for the pilot program may be metal; however, permanent (post-pilot program) signage would be simple, rustic, and made of wood, in keeping with Carmel's existing aesthetic. Universal symbols would be used where appropriate. Specific sign designs for the pilot program would be developed within approximately the first two or three months of the program's approval and presented to the Planning Commission for review and approval of sign design.

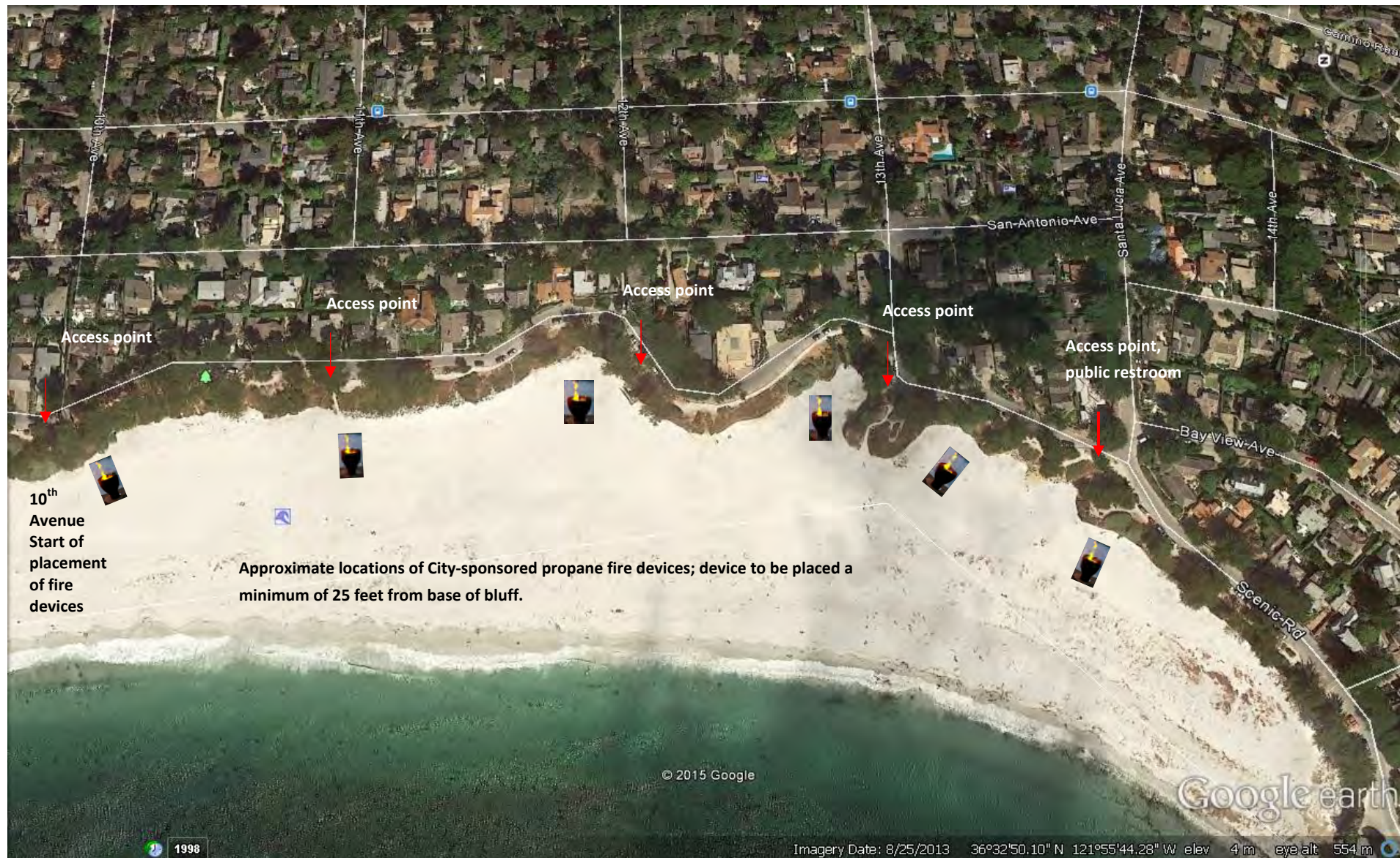


**Messaging:** The City's public education materials and signage program would explain the purpose of the pilot program, which is to encourage responsible and safe beach use while protecting the character of Carmel Beach and the resource values of the beach environs (i.e., ambient air and water quality).

**Personal outreach/contact:** The City intends to use a combination of private security staff, police staff and volunteers to explain the rules to the public. This would help ensure coverage during the entire week, including peak weekends in particular. The private security officers would be trained by the Carmel Police Department regarding the beach fire rules, and would serve as a friendly and helpful educational resource to explain the rules to the public. In the event that additional support is needed, the security officers are able to contact the Carmel Police Department and have an officer dispatched to the beach as needed. In addition, the City anticipates that a police officer dedicated to patrolling the beach will be available for the peak summer season and be on hand to address issues regarding violations of beach fire rules. The City also plans to utilize local volunteers, some stationed at the beach staircases, and others walking the beach, to explain the rules, help notify the public about the availability of City-sponsored and user-supplied fire devices, track data regarding where beach users are from (in order to help target additional public education and outreach) and document compliance with the beach fire rules. These volunteers may also provide other observations about the pilot program in general. The volunteers would be able to provide informational cards that explain the rules to members of the public. The cards would have a comment suggestion and link to a comment form on the City's website and an email address so the public can provide feedback on the pilot program.



**Figure 1: Map of Carmel Beach Access Points and Potential Initial City-Sponsored Fire Device Locations**







# Beach Fire Management Pilot Program



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## Executive Summary

The City of Carmel-by-the-Sea seeks to continue the recreational opportunity of beach fires while exploring options to minimize the impacts of beach fires on the community and the sensitive environmental resources of the beach. As such, a one-year pilot program has been designed that consists of the placement of twenty-six (26) fire containment devices along the Carmel Beach in designated areas where beach fires are currently allowed. These devices will be used for wood- or charcoal-burning fires in an effort to prevent charcoal from directly contacting the sand as well as to manage the number of wood-burning fires occurring on Carmel Beach. The devices will be located in areas near the beach access staircases from Tenth Avenue to Santa Lucia. There will be no cost to the public to use the fire containment devices; the devices will be available on a “first come, first serve” basis. The City will ensure the fire devices are regularly monitored and cleaned frequently. The pilot also includes enhanced educational and enforcement efforts, including the use of private security, City police officers and volunteers to educate the public about the pilot program and its associated rules.

### Objectives

The principles of the beach fire management pilot program are twofold: (1) limit the number of fires and (2) not allow fires to be built directly on the sand. The objectives are to: (1) eliminate direct contact of charcoal and burning logs with the sand and (2) to reduce the amount of smoke from wood-burning fires.

The containment of a wood- or charcoal-burning fire within a device minimizes the degradation of the sand in accordance with the Coastal Access and Recreation Element of the City’s Local Coastal Plan (LCP):

***“Allow beach users the opportunity to enjoy a fire for warmth or cooking, while protecting the sand from degradation (Objective 4-10)”***

Recreational fires constitute a low- to no-cost recreational experience for many beachgoers. However, the local community has raised concerns regarding air quality and the curtailed enjoyment of other recreational activities at or near the beach due to excessive smoke from unmanaged beach fires.

The pilot program attempts to balance these objectives and develop options in accordance with the goals and objectives contained within the LCP:

***“Manage the City’s beach, park and open space resources in a manner to encourage use and enjoyment by residents and visitors (Objective 4-9)”***

***“Provide adequate facilities that will serve the needs of the public, mitigate damage to the environment and respect the neighborhood (Goal 4-3)”***

***“Provide for a wide variety of passive and active recreational experiences for all beach users while protecting the resource values of beach environs (Goal 4-4)”***



## Keys to Success: Measurement, Reporting and Evaluation

Pictured below is a close up of sand grains on Carmel Beach



### Measurement:

**Objective- Eliminate charcoal and burned logs from direct contact with the sand:** As part of routine cleaning of the fire containment devices, the City will measure the amount of charcoal contained within the devices during cleaning as well as note type of materials found within the device. Pictures will also be regularly taken to demonstrate the amount of charcoal and other debris within the devices and in the immediate vicinity of the device (i.e. if the sand around the device is also free of charcoal). The City recently obtained an aerial video of the beach that documents the pre-program amount of charcoal located throughout the beach. The City will obtain another aerial video filmed toward the conclusion of the pilot program to document the program's effect on cleanliness of the beach. Photos taken from the bluff top at the same set locations at regular intervals will also occur to assess cleanliness and appearance.

### Objective- Reduce the amount of wood smoke to community and beach users affected by the fires:

The City will establish monitoring site(s) to determine baseline concentrations and smoke impacts associated with wood-burning beach fires. At a minimum, sampling will occur during peak times of the year, such as holiday weekends.

### Reporting:

During the pilot program, City staff will provide monthly updates to the City's Forest and Beach Commission at scheduled public meetings on the status of the pilot program and receive public comment on the components of the program. Three months before the end of the pilot program, a report will be presented before to the City's Forest and Beach Commission, City Planning Commission, and City Council as well as Coastal Commission staff for review and to assist in determining if the pilot program should continue.



## Fire Devices

### Dimensions



Pictured above is an example of one of the fire device options showing style, materials and dimensions

The initial devices to be tested and used will be made from steel with approximate dimensions between 22-24 inches high and 30-40 inches wide.

These devices weigh between 100-200 pounds and will be partially buried and secured in place. These devices are designed to remain fixed and not be moved to other locations by the public or special event organizers.

### Usage

The fire devices are intended for wood or charcoal fires only. Only dry, clean and untreated firewood may be burned. No driftwood, treated wood, pallets or other materials (such as Christmas trees, furniture, and trash) will be allowed in the device.

No trash, glass or other materials will be allowed to be left in the device. Trash and recycle containers are conveniently located at each beach staircase access point (above the stair entrance on the Scenic Pathway/ Scenic Road).

Charcoal may also be used within the device, and “lump” charcoal is preferred. No flammable liquids, such as fire starter, will be allowed to be used in the devices.

### Hours of Use

The fire devices will be available from 7 a.m. to 10 p.m. seven days a week.

### Availability

The fire devices will be available on a “first come first serve” basis and cannot be reserved or held in advance for use except in limited circumstances associated with a properly-issued special event permit. One fire device will be available for use with the issuance of a special event permit from the City and in accordance with the City’s special event policies. As the City generally limits special event permits to no more than one per day, this means that the majority of the 26 fire devices will be available for the general public.

### Exceptions

During the holiday weekends of July 4<sup>th</sup> and Labor Day, to meet peak beach fire demand, up to 25 portable devices will be available for public use. This is in addition to the 26 semi-permanent fire devices. User-supplied (i.e. “pack in and pack out”) propane portable devices are also encouraged and allowed year-round south of Tenth Avenue and 25 feet from the base of the bluffs.



## Cleaning

Prior to the pilot start date, and in tandem with sand redistribution efforts if possible, the beach will be cleaned using sifting devices and small equipment (above the kelp line and in the corridor where the devices will be located). Once the devices are installed, the devices will be hand cleaned using an all-terrain vehicle, shovels and other small hand and power tools. The use of a vacuum equipment may be necessary during peak usage periods. The devices will be cleaned up to five days/week, as needed, including Monday, Wednesday, Friday, Saturday and Sunday. In addition, starting July 1, a Carmel Village/Beach Superintendent employed by the waste hauler will be located at the beach five days a week.

## Seasonal Use

The program includes seasonal use stipulations and trigger points for the timely removal of fire devices prior to the devices being threatened by wave action. The intent of this program component is to make fire devices seasonally available as long as possible, while still being protective of sensitive environmental resources and avoiding public safety hazards.

Beach width and the upper reach of the wash of the waves vary throughout the year and from season to season. In general, the beach is widest in the summer months and narrows considerably in the winter storm season, when storm-induced waves erode the berm and lower the beach profile. The extent and timing of winter beach scour varies from season to season. In some winters, the beach is nearly completely scoured out, such that the wash of the waves is all the way up to the base of the bluff. In milder winters, there are areas of the beach that are never scoured out, particularly in the more landward and protected areas of the beach, such as the Tenth Avenue. In the typical winter, however, most if not all, of the fire devices would be threatened by scour.

Initially, the target period for use of all 26 devices will be from April 1 to November 1. A smaller set of beach fire devices, likely the 4-8 devices closest to the bluff at Tenth Avenue may have a longer initial seasonal use: from March 1 to January 1. At the beginning of the winter storm season (on or about November 1), City staff will monitor the condition of the beach at least weekly, and ensure that the seasonal beach fire devices are removed prior to being threatened by wave-induced beach scour. These dates will be monitored for their effectiveness in preventing fire devices from wave wash and scour, and the dates will be adjusted as appropriate. If set dates do not account well for the variation in severity of seasonal beach scour, a performance-based approach will be used as an alternative.

In either alternative, the City intends to avoid having the devices be threatened by wave wash or beach scour and certainly does not want the devices to be dislodged. An initial threshold or trigger point for removal of a device will be if the upper wash of the waves is within 10 feet of the device. If this distance, in practice, does not provide sufficient time for City staff to remove the device, a larger distance may be established.

If, there is an unusually early or heavy winter storm season, such that wave-induced scour threatens to undermine the fire devices, City staff will remove any threatened devices earlier in the year. Similarly, if a heavy winter storm season delays the post-winter recovery of the beach, the City may delay the springtime installation of some of the devices.



In addition, if there is an extraordinary storm or high-wave event forecasted outside of the target use period, the devices will be removed and returned as soon as it is practical. On the other hand, for exceptionally mild winter storm seasons, the devices may be kept in place for a longer duration. Both the trigger points for removal and the determination of whether a seasonal approach or performance approach is more effective will be components that the pilot program will help identify.

## Locations

The devices will be installed approximately at the following locations: up to two devices each located near the staircases at 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup> and Santa Lucia (ten total) and up to four each in the coves between 10<sup>th</sup> and 11<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> and 13<sup>th</sup> and Santa Lucia (sixteen total), provided that all locations are at least 25 feet from the base of the bluff and are at least 50 feet apart from one another. Utilizing adaptive management, the devices may be adjusted as needed due to topography of the beach, wave and tidal activity or to make adjustments as a result of the collected air quality data. At no time during the program will devices be installed north of the 10<sup>th</sup> Avenue staircase. A map of access points and approximate locations for the devices are contained in Figure 1.

## Public Education and Enforcement

Public education and outreach will be a key component of the pilot program. The City will develop and disseminate public education materials to try to reach the public regarding the pilot program and the new beach fire rules before they arrive at Carmel Beach. In addition, the City will be using a combination of private security staff and a dedicated police officer to educate the public about the rules, gather data and assist in monitoring the effectiveness of the pilot program. The use of docents and other volunteers to help explain the rules to the public may also be added as part of the communication strategy.

**Online Information:** Both the City's website and other associated websites, such as the Carmel Chamber of Commerce and the Monterey Visitors and Convention Bureau, will be updated to reflect the use of the fire devices and other beach rules. The City will also reach out to other website providers that are geared toward activities at California beaches and travel-related sites to explain the new rules and request assistance in providing updated information to the public.

**Other Sources of Information:** Press releases to local newspapers and television stations will also occur regarding the beach rules and the use of the fire devices for wood-burning fires as well as outreach to schools, colleges and community groups. The hotel industry will also be contacted and given informational cards that can be provided to guests about the beach fire rules. Local grocery stores will also be provided information to disseminate to customers, including information that can be attached to wood sold at the stores.



**Signage:** Once the public arrives at the beach, signage will provide information regarding the locations of where fires are allowed and the use of the fire devices. Informational signage regarding the purpose of the pilot program, as well as, the rules will be placed in at a minimal number of key locations, such as the Del Mar Parking lot, at the beginning of the Scenic Pathway at 8<sup>th</sup> Avenue and Scenic and starting at 10<sup>th</sup> Avenue, as beach fires are allowed south of 10<sup>th</sup> Avenue. The 10<sup>th</sup> Avenue staircase in particular will have a marker identifying the location to help delineate and differentiate where fires are allowed and not allowed. Signage indicating the use of fire devices, with a simple message, such as “fires in rings only” will be placed near the staircases and other beach access points, and installed in locations that minimize obstructions of coastal views, on railings, near the side of the staircases or on landings half-way down the beach staircase. Signage materials will be simple and rustic and made of wood, in keeping with Carmel’s existing aesthetic.

**Messaging:** As part of the public education materials and signage, the City intends to explain the purpose of the pilot program, which is to encourage the beach to be used responsibly and sustainably by allowing beach fires to continue while limiting the amount of smoke from wood-burning fires and limiting the amount of, and impacts from, charcoal and burned logs on the sand.

**Personal outreach/contact:** The City intends to use a combination of private security staff, police staff and volunteers to explain the rules to the public. This will help ensure coverage during the entire week, including peak weekends in particular. The private security officers are trained by the Carmel Police Department on customer service and the beach fire rules and will serve as a friendly and helpful educational resource to explain the rules to the public and help gather data regarding the number of fires occurring within and outside of the devices. In the event that additional support is needed, the security officers are able to contact the Carmel Police Department and have an officer dispatched to the beach as needed. In addition, the City anticipates that a police officer dedicated to patrolling the beach will be available for the peak summer season and be on hand to address issues regarding violations of beach fire rules. The City also plans to utilize local volunteers, some stationed at the beach staircases, and others walking the beach, to explain the rules, help notify the public about the availability of fire devices, track data regarding where beach users are from (in order to help target additional public education and outreach) and document compliance with the beach fire rules in general and other observations about the pilot program in general. The volunteers will be able to provide informational cards with the rules. The cards will have a comment suggestion and link to a comment form on the City’s website and email address so the public can provide feedback on the pilot program.

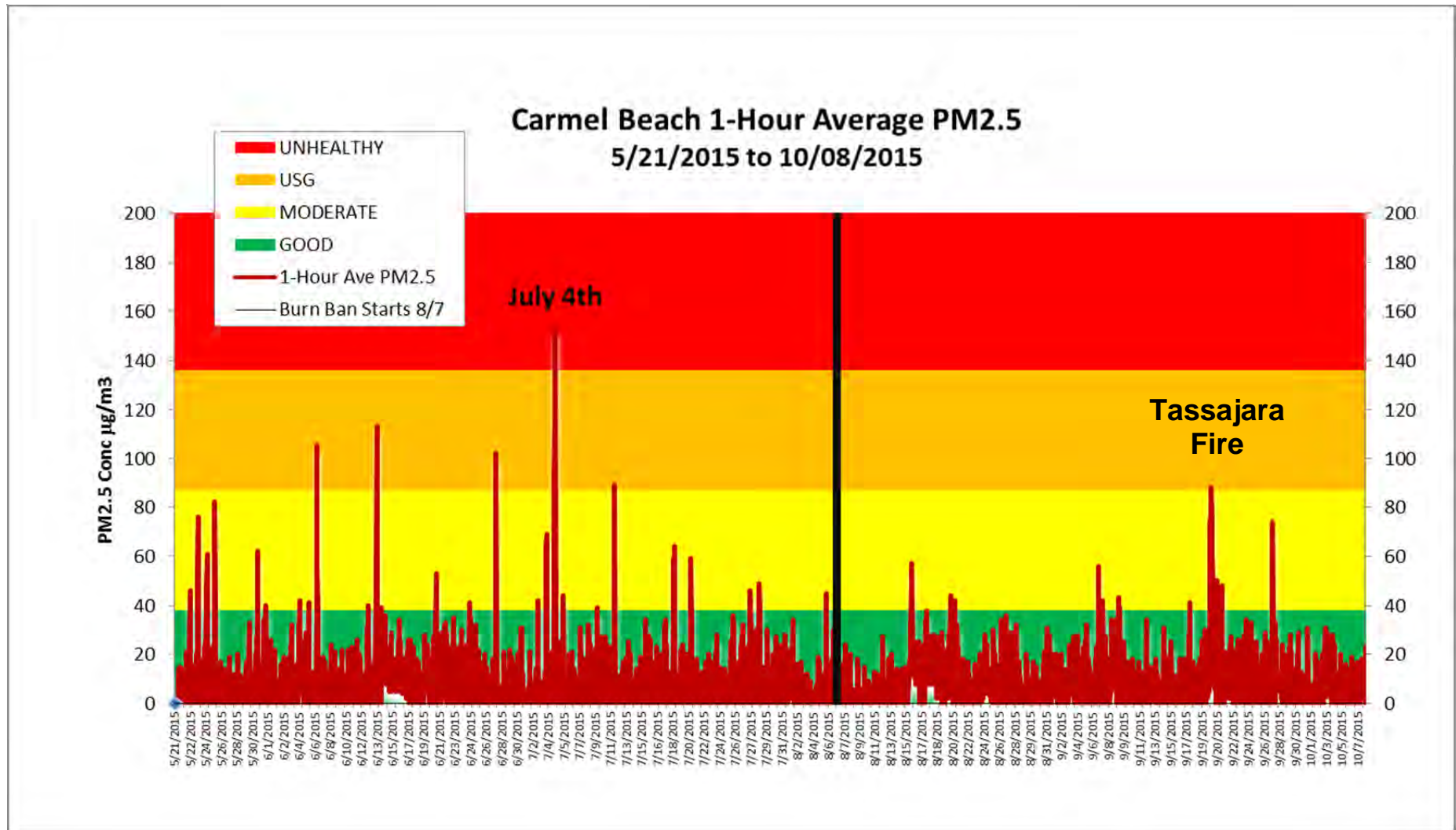


**Figure 1: Map of Carmel Beach Access Points and Fire Device Locations**



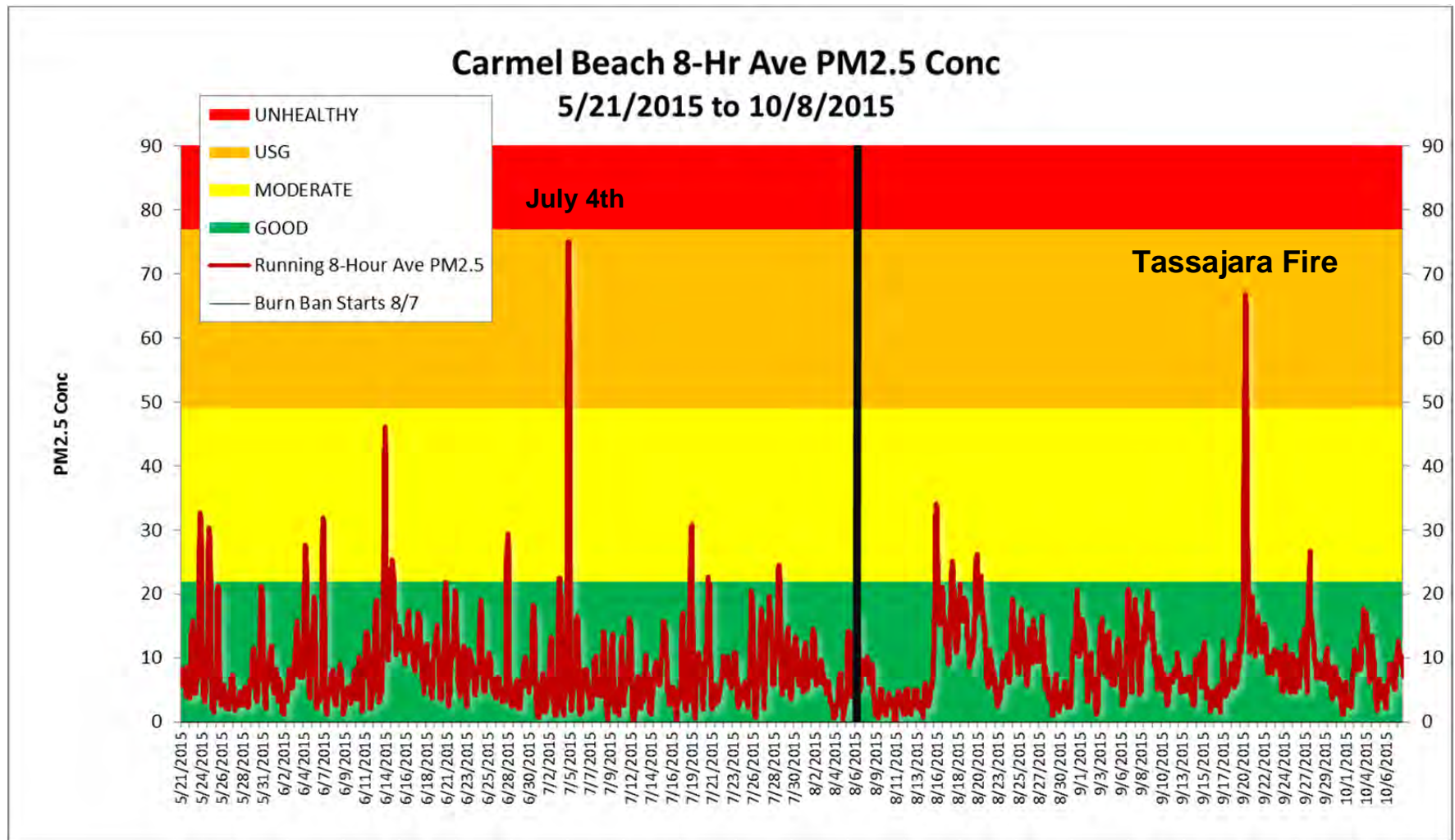


## Attachment 1



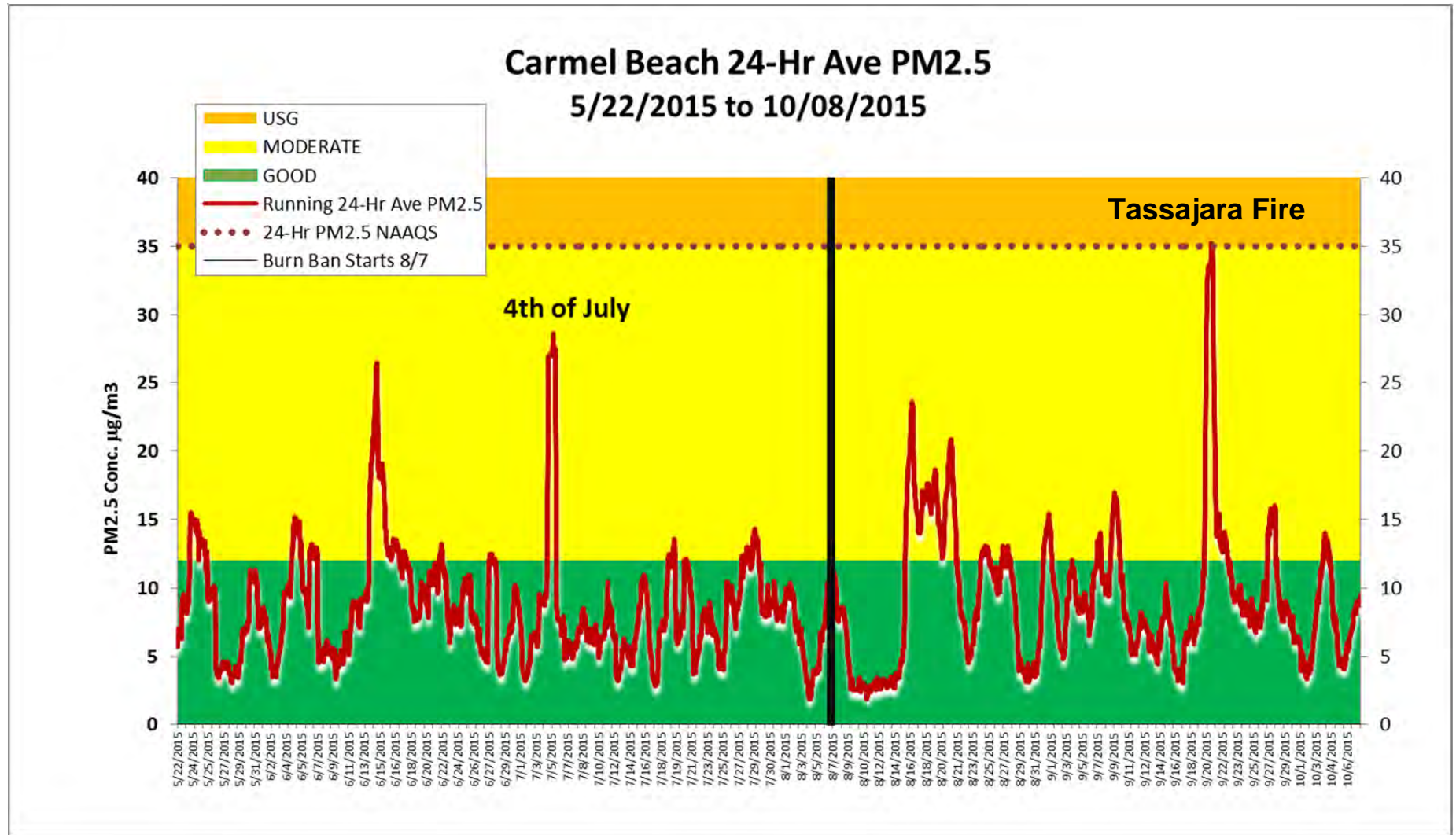


# Attachment 1





# Attachment 1







# PUBLIC NOTICE

## Emergency Coastal Permit (ECP 15-280)

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**Background:** On August 6, 2015, the City Council of Carmel-by-the-Sea adopted Ordinance 2015-005, an urgency ordinance placing a 45-day moratorium on beach fires on the days of Friday through Sunday, and all national or State holidays. The 45-day moratorium permits beach fires on Monday through Thursday, with a requirement that fires be located a minimum of 100 feet from the bluff. Pursuant to City Municipal Code Section 17.52.180, the Planning Director has issued an Emergency Coastal Permit (ECP 15-280) for the 45-day moratorium and associated signage.

**Proposed Action:** Issuance of an Emergency Coastal Permit (ECP 15-280) by the Planning Director for a 45-day moratorium on beach fires on the days of Friday through Sunday, and all national or State holidays. Beach fires are permitted Monday through Thursday, with a requirement that fires be located a minimum of 100 feet from the bluff. The Emergency Coastal Permit includes the authorization for temporary signage at the top of each beach access stairway between 8th and Santa Lucia Avenues, and at the intersections of San Antonio and Ocean, Scenic and Ocean, and Scenic and 8<sup>th</sup> Avenues.

**Project Location:** Carmel-by-the-Sea Beach, between 10<sup>th</sup> Avenue and Martin Way.

**Coastal Permit Status:** Required

**Planning Case No.:** ECP 15-280

**Applicant:** City of Carmel-by-the-Sea

**Case Planner:** Marc Wiener, Acting Planning Director (Main Line Phone: 620-2010)

**Date of Notice:** August 7, 2015

**Date Posted:** 8/7/15

**Posted By:** *Marc Wiener*

**Location Posted:** City Hall, Harrison Memorial Library, and the Carmel Post Office







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

**DEPARTMENT OF COMMUNITY PLANNING AND BUILDING**

**FINDINGS FOR APPROVAL**

**Application:** ECP 15-280                      **APN:** various  
**Location:** Carmel Beach  
Between 10<sup>th</sup> Avenue and Martin Way  
**Applicant:** City of Carmel-by-the Sea              **Date:** August 10, 2015  
Marc Wiener, Acting Planning Director

---

**ACTION:**

Issuance of an Emergency Coastal Permit (ECP 15-280) by the Community Planning and Building Director

**RECITALS:**

1. The Carmel-by-the-Sea municipal code currently allows beach fires on the southern part of Carmel Beach (south of Tenth Avenue) between the hours of 8:00 a.m. – 10:00 p.m.
2. Beach fires most frequently consist of wood-fueled fires built directly on the sand, which generates large amounts of smoke and fine particular matter, a known public health hazard.
3. Specialists with the Monterey Bay Unified Air Pollution Control District (MBUAPCD) have collected data on air quality at a residential property on Scenic Road in Carmel-by-the-Sea resulting in indications that there are high levels of fine particulate matter (PM 2.5) from smoke presenting substantial air quality impacts during peak fire use periods.
4. On August 6, 2015, the City Council of Carmel-by-the-Sea adopted Ordinance 2015-005, an urgency ordinance placing a 45-day moratorium on beach fires on the days of Friday through Sunday, and all national or State holidays. The 45-day moratorium permits beach fires on Monday through Thursday, with a requirement that fires be located a minimum of 100 feet from the bluff.
5. The City Council's decision to adopt Urgency Ordinance 2015-005 was based on data collected from the Monterey Bay Unified Air Pollution Control District indicating that the excessive number of beach fires during peak fire use periods cause a rise in the PM 2.5 concentration in the air which at times exceeds air quality standards and creates an immediate potential public health hazard.



6. Municipal Code Section 17.52.180 authorizes the Community Planning and Building Director to issue an Emergency Coastal Permit (ECP 15-280) upon verification of an emergency. The Planning Director has verified the existence of an emergency.
7. Staff from the Community Planning and Building Department evaluated the potential environmental impacts of the project and determined that the project meets the criteria for a statutory exemption under Section 15269 (Emergency Projects) of the State Guidelines for the Implementation of the California Environmental Quality Act (CEQA).

**FINDINGS FOR APPROVAL:**

After reviewing public testimony and evidence presented at the August 6, 2015 City Council meeting, the Planning Director makes the following findings:

1. An excessive number of beach fires during peak fire use periods cause a rise in the PM 2.5 concentration in the air, which at times exceeds air quality standards and creates an immediate potential public health hazard/emergency.
2. The nature of the emergency requires that action be taken more quickly than would occur following normal permit procedures.
3. Public notice of the Emergency Coastal Permit (EPC 15-280) was posted at City Hall, Harrison Memorial Library, and the Carmel post office by the Planning Director on August 7, 2015. The public notice identifies the nature of the activity and work to occur.
4. The Emergency Coastal Permit is temporary and pursuant to Municipal Code Section 17.52.180, the Planning Director will apply for a regular permit within 30 days from the issuance of this emergency permit.



RECEIVED  
AUG 14 2015  
CALIFORNIA  
COASTAL COMMISSION

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

CONDITIONS OF APPROVAL

**Application:** ECP 15-280                      **APN:** various  
**Location:** Carmel Beach  
Between 10<sup>th</sup> Avenue and Martin Way  
**Applicant:** City of Carmel-by-the Sea              **Date:** August 10, 2015  
Marc Wiener, Acting Planning Director

---

**AUTHORIZATION:**

1. This issuance of an Emergency Coastal Permit (ECP 15-280) authorizes a 45-day moratorium on beach fires on the days of Friday through Sunday, and all national or State holidays. Beach fires are permitted Monday through Thursday, with a requirement that fires be located a minimum of 100 feet from the bluff. The Emergency Coastal Permit includes the authorization for temporary signage at the top of each beach access stairway between 8th and Santa Lucia Avenues, and at the intersections of San Antonio and Ocean, Scenic and Ocean, and Scenic and 8<sup>th</sup> Avenues.

**SPECIAL CONDITIONS:**

2. This Emergency Coastal Permit (ECP 15-280) shall expire 45 days from the issuance of Urgency Ordinance 2015-005, on Sunday, September 20, 2015.
3. Temporary signs located at the top of each beach access stairway between 8th and Santa Lucia Avenues shall have dimensions of 8.5" x 11". Temporary signage located at the intersections of San Antonio and Ocean, Scenic and Ocean, and Scenic and 8<sup>th</sup> Avenues shall have dimension of 2' x 3'. The design of the signage shall be consistent with the image included as Attachment A. Sign instructions may be fined and clarified as necessary during for the duration of this emergency permit.
4. Within 30 days of the issuance of this permit the Planning Director shall apply for a regular Coastal Development Permit for the beach fire moratorium and associated signage.



Marc Wiener, Acting Planning Director

8/10/15

Date



**BEACH FIRES**

**PROHIBITED**

**FRIDAY THROUGH SUNDAY**  
**& HOLIDAYS**

**(CITY ORDINANCE NO. 2015-004)**





**MBUAPCD**

Monterey Bay Unified Air Pollution Control District  
Serving Monterey, San Benito and Santa Cruz Counties

24580 Silver Cloud Court  
Monterey, CA 93940

PHONE: (831) 647-9411 • FAX: (831) 647-8501



*Celebrating 40 years of clean air.*

August 18, 2015

**RECEIVED**

AUG 24 2015

CALIFORNIA  
COASTAL COMMISSION

Mike Watson  
Coastal Program Analyst  
California Coastal Commission  
Central Coast Office  
725 Front St., Ste 300  
Santa Cruz, CA 95060

**RE: CARMEL BEACH FIRES**

Dear Mr. Watson:

As you may be aware, the Monterey Bay Unified Air Pollution Control District (District) has been working closely with Carmel-by-the-Sea in an effort to reduce smoke emissions from fires on the City's beach. The District has received numerous complaints over the years from residents that have been impacted by the beach fires. In the past several months the District has received over 50 emails requesting that something be done about the smoke from fires at Carmel Beach.

Since May 22, 2015, the District has been continuously monitoring particulate matter pollution smaller than 2.5 micrometers in diameter (PM2.5) at a residence near the intersection of Scenic Road and 13th. Carefully selected by the District to be representative of air quality conditions along the beach, the E-BAM mass monitor is secure and cannot be seen by the public.

Air monitoring results demonstrate that residents are being exposed to significant levels of particulate matter pollution from beach fires, especially over weekends and holidays. In fact, particulate matter concentrations averaged over one and eight hours during the July 4<sup>th</sup> weekend were high enough to cause health concerns for sensitive populations. According to US EPA's Wildfire Smoke Guide for Public Health Officials, the recommended action to protect public health, based on the levels detected at our monitoring site, would have been to prepare residents for evacuation and identify sites for clean air shelters. Of course, wildfires are typically more prolonged than beach fires. However, the frequency and duration of exposure for residents at Carmel Beach may be longer than that of a wildfire since beach fires may be renewed on a daily basis.

The health effects associated with smoke exposure range from eye and respiratory tract irritation to more serious diseases and disorders, including reduced lung function, bronchitis, exacerbation of asthma and premature death. PM2.5, the respirable fraction of smoke, can penetrate deep into the respiratory system and bloodstream and cause adverse health impacts, including cardiovascular damage, especially for sensitive populations such as the elderly, children and people with preexisting health conditions.



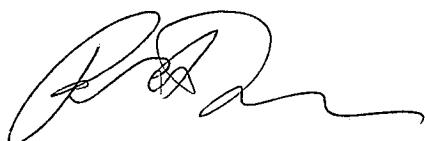
Unlike woodstoves, where an occupant may be relying on the heat generated by a wood fire to warm their residence, beach fires are not necessary. Considering the fact that prohibited materials are often burned along with wood in these open and uncontrolled fires, there is an additional concern over exposure to toxic air contaminants or hazardous air pollutants such as dioxin, heavy metals and polycyclic aromatic hydrocarbons. These materials can be found in the fire pit ash. Many of these toxic substances are persistent and bioaccumulative.

Besides the potential adverse health effects caused by wood smoke from beach fires, there is also a quality of life issue. The odors associated with wood smoke can interfere with a resident's personal enjoyment of their property, thereby creating a nuisance. Smoke odors can be detected at concentrations much lower than those that cause health impacts. Many residents near Carmel Beach have shut their doors and windows during the warmer summer months in an effort to keep smoke odors from invading their homes. The District's Rule 402 is based on California Health and Safety Code 41700 that states, "No person shall discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health, or safety of any such persons or the public; or which cause, or have a natural tendency to cause, injury or damage to business or property."

The District fully supports Carmel by-the-Sea's efforts to reduce wood smoke from Carmel Beach. Limiting the number of fires rings on the beach is a common sense approach that should be effective in addressing this problem. Increasing the setback distances of the fires from residences and the use of propane instead of wood are also reasonable steps that may significantly reduce smoke impacts to nearby residents. The current moratorium on weekend beach fires during the appeal process with the Coastal Commission will also allow the City to provide even-handed and uniform enforcement during periods when the smoke emissions potential is very high.

Please feel free to contact me if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stedman', with a stylized flourish at the end.

Richard A. Stedman

Cc: Ken Talmage, City Council Member  
Doug Schmitz, City Administrator  
Rob Mullane, Public Works Director  
Marc Wiener, Senior Planner



# **BEACH FIRES PROHIBITED**

**FRIDAY THROUGH SUNDAY  
& HOLIDAYS**

**(CITY ORDINANCE NO. 2015-004)**



**BEACH FIRES (INCLUDING BBQs)  
PROHIBITED**

**ON FRIDAY – SUNDAY & HOLIDAYS**

**BEACH FIRES ALLOWED  
ON MONDAY – THURSDAY,  
BUT MUST BE SOUTH OF 10<sup>TH</sup> AVE AND AT  
LEAST 100 FT FROM BASE OF THE BLUFF**

**(CITY ORDINANCE NO. 2015-005)**



**BEACH FIRES  
PROHIBITED**

**FRIDAY THROUGH SUNDAY  
& HOLIDAYS**

**(CITY ORDINANCE NO. 2015-004)**



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WWW.COASTAL.CA.GOV



April 20, 2015

Sharon Friedrichsen  
Carmel-by-the-Sea  
PO Drawer G  
Carmel, CA 93921

Subject: *Coastal Development Permit MP 15-10 (Carmel Beach Fire Management Program)*

Dear Ms. <sup>Sharon</sup>~~Friedrichsen~~:

We received a copy of the City's staff report on Coastal Development Permit MP 15-10 (Carmel Beach Fire Management Program (Program)) on April 7, 2105 in advance of its April 8, 2015 Planning Commission hearing. The Program is intended to implement new rules for beach fires to address public safety and health, degradation in the quality of beach sand, and other issues associated with overuse of the beach (e.g., trash, noise, etc.). The Program extends along Carmel Beach south of 10<sup>th</sup> Avenue and is within the City's retained permitting jurisdiction. The Program also lies within the Coastal Commission's appeal jurisdiction. For these reasons, the standard of review is the City's Local Coastal Program (LCP). The intent of the following comments is to alert the City to the project's potential conflicts with the LCP and to allow the City the opportunity to make the necessary changes to its approval to avoid a Commission appeal. Please see the following comments and recommendations below.

- 1. Program not adequately defined.** The Program in its current form is too vague. Other than a general description of the Program in the staff report findings, there isn't adequate detail to fully evaluate the Program for consistency with the LCP. We recommend the City prepare a plan that contains all the elements and details of the Program, starting with a site plan that illustrates the context of the Program such as the Program's location, location of access points, fire rings, restrooms, etc. The Program must also contain all the specific project details that will be implemented over the course of the pilot period and include the objectives, purpose, and specific details, such as the number of rings, size, design, use provisions, exceptions, signage, maintenance provisions, educational elements, performance review criteria, etc. Much of this has already developed by the City but now needs to be expanded and compiled into a comprehensive Program for evaluation at the next public hearing for the project. .
- 2. Reservation System.** In past discussions with City staff, we have indicated that Commission staff would view a reservation system as an impediment to public access and recreational opportunities on Carmel Beach. We have also indicated that a reservation system would be inconsistent with current LUP guidance that beach fires be available to all beach users. In order to comply with the LUP policies that protect lower cost visitor-serving and recreational facilities, the fire rings must be made available on a "first come first serve" basis. Any language to the contrary should be deleted from the Program. One possible exception would



be that fire rings could be reserved in combination with special events and a special event permit. This exception however should be appropriately limited to ensure that the general public has adequate access to the fire rings.

3. **Timing on Seasonal Use.** One area of the Program that appears to require further refinement is the timing on seasonal use of the fire rings. The Program must include specific guidance on when fire rings will be available on Carmel Beach, including when it is appropriate to remove and replace the rings during winter and spring months. The presumption should be that persons have the ability to have a fire throughout the year including during the winter, except during periods of exceptional storm driven wave run-up and scour when the beach is not safely accessible. Additionally, the City should consider maintaining several fire rings during the winter in areas of the beach that are less susceptible to wave run-up and scour. Again, the presumption should be that beach fires are allowed during the entire year unless extreme hazardous conditions exist on the majority of the beach. See LUP Coastal Access and Recreation Element Policies O4-14, P4-57 and Zoning Ordinance Section 17.20.20.E.
4. **User-Supplied Propane Devices.** User-supplied propane devices could be an impediment to having a beach fire particularly for those who have had wood fires on the beach in the past and/or those who are unfamiliar with the revised beach fire rules. Additionally, these devices do not provide the same experience as a wood fire in terms of warmth, light, and ambiance. Finally, these devices do not appear to be consistent with the City's LCP which provides for year-round wood fires. We recommend that the City delete this aspect of the Program unless it is necessary to expand the list of allowable uses on the beach, including those that support the use of user-supplied propane or gas devices for cooking.
5. **Term of the Permit.** The City must define the term of the coastal permit for the Program. The current staff report findings indicate that the term of the pilot project will be between three and five years. Commission staff recommends that the pilot project be limited to three years, which should be adequate time to assess Program efficacy. In any case, however, please define the exact term of the permit (e.g., three years or five years).

Thank you for your consideration of these comments, which we feel are necessary to ensure that the beach fire management program is consistent with the LUP's public access and recreation policies. Please do not hesitate to contact me if you should have any questions regarding this matter.

Sincerely,



Mike Watson  
Coastal Planner  
Central Coast District



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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Marc Wiener  
Acting Planning Director  
City of Carmel-by-the-Sea  
P.O. Drawer G  
Carmel, CA 93921

October 2, 2015

**Re: Violation File No. V-3-15-0106 – City of Carmel Beach Fire Ordinance**

Dear Mr. Wiener:

We understand that the City of Carmel has concerns about beach fires and we were encouraged that the City was addressing those concerns through the coastal development permitting process. However, recent actions taken by the City, discussed below, seem to deviate from that process and are cause for concern. We are hopeful that we can work together to get this process back on track and resolve these issues in a manner that benefits both the citizens of Carmel and the many visitors that enjoy your beautiful coastal city.

On August 6, 2015, pursuant to California Government Code §65858, the City Council of Carmel-by-the-Sea adopted Ordinance No. 2015-005 placing a 45-day moratorium for fires on Carmel Beach from Friday through Sunday, and on all National or State holidays. The "urgency ordinance" permits beach fires on Monday through Thursday only. The stated purpose of the ordinance is "...to protect the public safety, health, and welfare by prohibiting uses that may be in conflict with the Shoreline Management Plan and the City Municipal Code until a beach fire management program can be implemented by the City."

On September 1, 2015, the City Council extended Ordinance No. 2105-005 for a period not to exceed 10 months and 15 days. The resolution adopted by the City Council to extend Ordinance No. 2105-005 declared it to be "...an urgency measure as authorized by California Government Code §65858."

California Government Code §65858 allows municipalities to enact urgency ordinances in order to prohibit certain land uses and to give the municipalities time to study impacts and develop new regulations for proposed new uses. The urgency ordinance took effect immediately and circumvented the typical approval process of at least two public meetings with advance public notice. State law requires that an urgency ordinance enacted pursuant to



§65858 contain findings demonstrating a current and immediate threat to public health, safety, or welfare.

When a local government adopts an urgency ordinance that authorizes an immediate change in the intensity of use of water, or access thereto, such an action constitutes "development" and the local government must approve a coastal development permit ("CDP") to authorize such action (Local Coastal Program ("LCP") section 17.70.020 (Development Definition); Coastal Act section 30106). Further, when a local government approves an urgency ordinance that changes a use that is otherwise allowed on land within the City's LCP jurisdiction, the urgency ordinance is not effective until the ordinance is submitted to the Commission for certification through the LCP amendment process and the Commission effectively certifies the submittal (Coastal Act section 30514; Conway v. Imperial Beach (1997) 52 Cal.App.4th 78, 87-88). Here, the City has acted in a manner that both requires a CDP and requires the submission of the urgency ordinance, as an LCP amendment, to the Commission for certification before the urgency ordinance becomes effective and enforceable.

On August 7, 2015, pursuant to LCP Implementation Plan §17.52.180, the Planning Director issued Emergency Coastal Permit ("ECP") No. 15-280 authorizing the 45-day beach fire moratorium and associated signage. Section 17.52.180 is as follows:

*17.52.180 Emergency Coastal Permits.*

*A. Purpose. This section provides procedures for the issuance of emergency permits in compliance with the Coastal Act.*

*B. Applicability. In the event of an emergency, the Director may issue a permit to authorize emergency work in compliance with this section, the Shoreline Management Plan, Section 30624 of the Coastal Act and California Code of Regulations Section 13329. The Director shall not issue an emergency permit for any work to be conducted on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled; requests for emergency work in these areas shall be referred to the Coastal Commission.*

*C. Application. An application for an emergency permit shall be filed with the Director in writing if time allows, or in person or by telephone if time does not allow.*

*D. Required Information. The applicant shall report to the Director the following information, either during or as soon after the emergency as possible:*

- 1. The nature and location of the emergency;*
- 2. The cause of the emergency, insofar as this can be established;*
- 3. The remedial, protective, or preventative work required to deal with the emergency; and*



4. The circumstances during the emergency that appeared to justify the courses of action taken, including the probable consequences of failing to take action.

E. *Verification of Emergency.* The Director shall verify the facts, including the existence and nature of the emergency, as time allows.

F. *Notice.* The Director shall provide public notice of the proposed emergency work. The extent and type of notice shall be determined by the Director based of the nature of the emergency and the work proposed.

G. *Emergency Permit Approval.* The decision to issue an emergency permit is at the sole discretion of the Director; provided that subsequent land use, building, and grading permits required for the project shall comply with all applicable provisions of these regulations. The Director may grant an emergency permit if an emergency exists as defined in Chapter 17.70 CMC, and if the Director first finds that:

1. An emergency exists that requires action more quickly than would occur following normal permit procedures, and the emergency work can and will be completed within 30 days unless otherwise specified by the emergency permit;
2. Public comment on the proposed emergency action has been reviewed, if time allows; and
3. The work proposed would be consistent with the requirements of the certified Local Coastal Program or would not impede attainment of these requirements following completion of the emergency work.

H. *Emergency Permit Contents.* If granted, the permit shall state the basis for the findings made by the Director and shall be subject to reasonable terms and conditions, including:

1. Language indicating that the work accomplished under an emergency permit is temporary unless a regular permit is subsequently issued for the work;
2. An expiration date for the emergency permit; and
3. A condition specifying the necessity for the submittal of a regular permit application within 30 days of the effective date of the emergency permit.

I. *Expiration.* An emergency permit shall expire and become void within seven days of issuance if it is not exercised, or if the emergency ceases to exist.

J. *Report to Council.* For information only, the Director shall provide the Council with a written report describing the nature of the emergency and the work involved at the Council's first regularly scheduled meeting after the emergency permit has been issued. Copies of the permit and the report shall be available at the meeting and shall be mailed to the Executive Director of the Coastal Commission and to all persons who have requested this notification in writing.



*K. Normal Permits Required. Within 30 days of the date of issuance of the emergency permit, the applicant shall apply for all permits required by these regulations, and any other permits required by the municipal code. Failure to file the applications and obtain the required permits shall result in enforcement action in compliance with Chapter 17.66 CMC, Enforcement. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).*

As noted, earlier, the City acted in a manner that authorizes an immediate change in the intensity of use of water or access thereto, and the City must issue a CDP to authorize that action. In this case the City authorized an ECP for the 45-day moratorium, but did not issue a follow-up regular CDP to authorize the action beyond the original 45-day ECP authorization period. As of the date of this letter, the initial 45 days has passed, and while the City Council extended the moratorium, the ECP does not authorize an extension.

Further, §17.52.180(K) requires application for "Normal Permits" within 30 days of issuance of an ECP. We do not believe that the City has applied for or issued a "Normal Permit" in this matter. Moreover, §17.52.180(H) requires conditions that specify an expiration date for an ECP and the necessity for the submittal of a regular permit application within 30 days of the effective date of the ECP. Emergency Coastal Permit No. 15-280 does not include such conditions. Finally, §17.52.180(G)(1) states (in relevant part) that:

*The Director may grant an emergency permit if an emergency exists as defined in Chapter 17.70 CMC, and if the Director first finds that:*

*1. An emergency exists that requires action more quickly than would occur following normal permit procedures, and the emergency work can and will be completed within 30 days unless otherwise specified by the emergency permit;*

...

Section 17.70.020 defines "emergency" as: "A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services."

The City previously approved a CDP to authorize a Beach Fire Management Program, which did not authorize any prohibition of beach fires on Carmel Beach during State or National holidays and weekends. The City's CDP approval was appealed to the Coastal Commission (Appeal No. A-3-CML-15-0033) and is likely to be heard by the Coastal Commission in December. Carmel's certified Shoreline Management Plan recognizes that "Recreational fires have long been part of the Carmel Beach tradition." Thus, beach fires are not a "sudden, unexpected occurrence demanding immediate action" and, as such, the City issued an ECP inconsistent with the LCP's ECP procedures identified above. Indeed, the City has been actively working through the coastal permitting process to develop a management strategy to address beach fires, ambient air quality issues, and sand and water quality issues.



Further, Policy 5.3, "Management Policies," of the certified Shoreline Management plan provides that beach users are allowed "the opportunity to enjoy a fire for warmth or cooking...until 10:00 p.m. south of Tenth Avenue but at least twenty-five feet from the base of the bluffs." As currently certified, the LCP does not have any weekend/holiday restrictions on the use of the beach for beach fires. Thus, the urgency ordinance prohibits a use that is currently allowed on Carmel Beach, south of Tenth Avenue, in the City's certified LCP, and constitutes an uncertified amendment to the LCP (See Conway, supra, at pp. 87-88). As such, the urgency ordinance is not effective and enforceable until the City submits an LCP amendment to the Commission for certification and the Commission effectively certifies the submittal (Ibid.; Coastal Act section 30514). Even if the City issues itself a regular CDP for the moratorium, it will be issuing a CDP that is not consistent with the currently certified LCP, which allows beach fires until 10:00 p.m. on Carmel Beach south of Tenth Avenue without any weekend/holiday restrictions associated with the public's use of the beach for beach fires. Therefore, the City does not have the legal ability to issue a valid CDP consistent with the LCP until the Commission certifies the currently ineffective and unenforceable urgency ordinance upon which the City is currently relying to implement the moratorium.

The City justifies issuance of an "urgency ordinance" based upon air quality issues. However, based on Commission staff's review of the City's air quality data, (for a 41-day period in June/July) the data do not appear to support assertions that there is an immediate threat to public health and safety. Particulate Matter (PM) counts are well below the EPA 24-hour average guidelines. Based on hourly records over this same 41-day period (984 hours), there was one four-hour period on July 4 where there were elevated levels of PM, which is to be expected, and one hour on June 27, which appears to be an anomaly. There were 11 hours during the monitoring period when ambient air quality was in the "moderate" category. The rest of the time (968 hours), air quality was in the "good" category.

Based on our examination of the data, it appears that the City has improperly used California Government Code §65858 and its own emergency permit ordinance to implement emergency measures, the need for which does not appear to be supported by air quality data. Furthermore, the Coastal Act does not authorize cities or counties to adopt and enforce additional regulations that impose further conditions, restrictions, or limitations with respect to any land or water use that are in conflict with the Coastal Act (Coastal Act section 30005). The City's actions to apparently circumvent the planning and permitting processes by adopting urgency ordinances (including issuing itself an emergency permit) limit public participation and result in the loss of lower cost public recreational opportunities in the use of Carmel Beach south of Tenth Avenue. Such actions are in conflict with access and recreation policies of the Coastal Act and the City's certified LCP and are, thus, a violation of the Coastal Act and the City's certified LCP.

Commission staff recognizes that beach fires are a concern in Carmel and that the City has a right to pursue a management plan through the permitting and planning process. We look forward to working with the City to come to a resolution that protects this important public

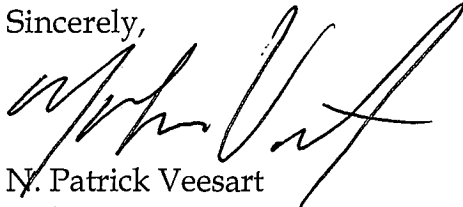


Carmel Beach Fire Ordinance  
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recreational activity in a manner that benefits public use and enjoyment of the coast while addressing the City's concerns.

Thank you for your attention to this matter. If you have any questions or concerns regarding this letter, please feel free to call me at: 831.427.4885.

Sincerely,



N. Patrick Veasart  
Enforcement Supervisor

cc: Charles Lester, Executive Director  
Lisa Haage, Chief of Enforcement  
Dan Carl, Deputy Director  
Susan Craig, District Manager  
Kevin Kahn, Planning Supervisor  
Sharif Traylor, District Enforcement Officer  
Mike Watson, Coastal Program Analyst  
Matt Christen, Staff Counsel



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV



November 3, 2015

Mayor Jason Burnett and City Council Members  
City of Carmel-by-the-Sea  
P.O. Drawer G  
Carmel by the Sea, CA 93921

**Subject: Carmel Beach Fire Management Plan**

Dear Mayor Burnett and City Council Members:

We appreciate the opportunity to work directly with City staff on the issue of beach fires within the City of Carmel-by-the-Sea. As you know beach fires and beach fire management is an issue addressed in the LCP and its shoreline management plan. As you also know, this is an issue of importance not only to the City of Carmel-by-the-Sea, but also for beaches up and down the State. We look forward to the successful resolution of the beach fire issue, including with respect to the appeal of the City's Beach Fire Management Program, in a manner that protects this important public recreational activity while addressing coastal resource and air quality issues and City concerns.

As promised at our October 9, 2015 meeting, Coastal Commission staff, including Commission staff Ecologist Dr. Laurie Koteen, revisited the particulate matter (PM) data gathered at the 13<sup>th</sup> Avenue station, and consulted with Richard Stedman of the Monterey Bay Unified Air Pollution Control District regarding interpretation of that data. Based on our review and consultation with Air District staff, we continue to believe that the data does not support a conclusion that there is an LCP-defined air quality emergency associated with smoke and PM emissions emanating from wood fires on Carmel Beach, or that there is a need for an emergency ban of all such beach fires at this time. It is clear from the data that there have been spikes in the PM counts on busy weekend and holiday periods, during which times the air quality at the 13<sup>th</sup> Avenue monitoring station was not considered "good."<sup>1</sup> Other than these spikes, the data overwhelmingly suggests that air quality at the 13<sup>th</sup> Avenue station was rated as "good" more than 98% of the time. The City's emergency prohibition, however, prohibits beach fires on Fridays, Saturdays, and Sundays, when the data does not support such a prohibition. In addition to the fact that there have been no coastal development permits (CDPs) authorizing such a prohibition (and it thus remains a violation of Coastal Act and LCP permitting requirements),<sup>2</sup> we are also concerned

<sup>1</sup> These events were generally short in duration (i.e., two hours or less) and took place on busy weekend and holiday periods, and specifically during the evenings when the City's data identifies a large number of unmanaged fires on the beach (e.g., 45 fires on an average Saturday night). Saturday, July 4, 2015 saw an astonishing 135 unmanaged fires on Carmel Beach.

<sup>2</sup> The City's urgency ordinance cannot substitute for a CDP, as we explained in our October 2, 2015 Notice of Violation letter.



that continued enforcement of the prohibition is significantly adversely impacting public access and recreational opportunities along Carmel Beach.

Although we acknowledge that smoke and odors from fires is a concern, and that having fires directly on the beach can potentially lead to other public safety, water quality, and beach degradation issues, we don't concur that the solution is to ban them from the beach area altogether. Rather, we continue to believe, as we have articulated to the City on multiple occasions during the City's consideration of the Beach Fire Management Program and since the filing of the appeal,<sup>3</sup> that a program to more effectively manage fires, including putting fires in a designated number of fire pits and monitoring the effects of same to identify any problems and make adaptations to the program as needed, is the appropriate means to address this issue. We have continued to provide feedback to the City on parameters that we believe are important to include in such a program, but it has become clear more recently, including as articulated by City staff at our October 9, 2015 meeting, that the City is not so much interested in such a program as it is in banning all wood fires at all times on Carmel Beach. To us, that is jumping to a "solution" that doesn't appropriately respond to the problem. As to the suggestion that the City could instead institute a program for propane fires, as we indicated on October 9<sup>th</sup>, we are very interested in learning the details of such a program and how it could be a part of an effective solution here. To date, however, we have not received any specifics from the City on a propane fires program.

We would like to continue to work collaboratively with City staff to develop and adopt a Beach Fire Management Program that includes limiting the number of beach fires to reduce the aforementioned impacts associated with this important recreational activity. We also continue to be open and available to discuss all elements of the plan (i.e., the numbers and locations of beach fires, fuel sources, fire rings, and other key management provisions) to address the City's concerns. However, despite repeated requests, we have received no response to our suggestions or any alternative program ideas. This is unfortunate because we have tentatively scheduled the appeal of the City's approved Beach Fire Management Program for the Commission's December meeting in Monterey (December 9-11, 2015) so as to facilitate local participation. In order to thoughtfully evaluate and consider the City's new program in December, we need the City to submit program details immediately. Additionally, we strongly recommend, as we have recommended to City staff all along, that the City Council not adopt any instruments that have the effect of pre-determining an outcome that bans all wood fires. Rather, we would hope that the City would let the current process play out and implement the approved Beach Fire Management Program and evaluate its effectiveness in reducing the air quality spikes (including allowing for adaptation if problems are not appropriately addressed), and that the City would continue to recognize and provide for the public recreational values associated with the very long history of beach fires at Carmel Beach in a manner that balances and addresses identified issues. We very

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<sup>3</sup> Commission staff has met with the City on three occasions (October 7, 2014, March 4, 2015, and October 9, 2015), fielded a number of calls (including December 15, 2014, April 21, 2015, July 29, 2015, and August 20, 2015), and provided written comments on (April 20, 2015, July 20, 2015 and August 5, 2015) on the beach fires issue.

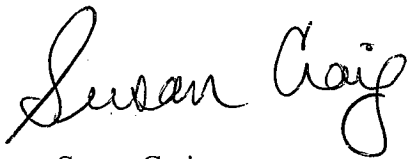


**Mayor Jason Burnett and City Council Members**  
**Carmel Beach Fire Management**  
**November 3, 2015**  
**Page 3**

much look forward to a lively discussion and debate at the Commission's December hearing, and hope that your staff can provide us with the details of the City's new proposed program as soon as possible, so that it can be included in reports prepared for the December meeting (reports that are scheduled to be distributed to the public on November 20<sup>th</sup>).

Thank you for your consideration, and please don't hesitate to contact me or Mike Watson at our Santa Cruz office if we can be of further assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Susan Craig".

Susan Craig  
District Manager  
California Coastal Commission  
Central Coast District Office

cc: Marc Weiner, City of Carmel-by-the-Sea Acting Planning Director  
Rob Mullane, City of Carmel-by-the-Sea Public Works Director  
Michael Calhoun, City of Carmel-by-the-Sea Police Chief  
Richard Stedman, Monterey Bay Unified Air Pollution Control District Air Quality Control Officer  
Pat Veesart, California Coastal Commission Northern California Enforcement Supervisor



## EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Carole Groom

- 1) Name or description of project: Carmel Beach Fires
- 2) Date and time of receipt of communication: November 19, 2015 at 2:30 p.m.
- 3) Location of communication: Telephone  
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication: John Cromwell
- 5) Identity of person(s) on whose behalf communication was made: Carmel residents
- 6) Identity of persons(s) receiving communication: Carole Groom
- 7) Identity of all person(s) present during the communication: Carole Groom, John Cromwell, Kathy Bang

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

The representatives of the Carmel beach residents maintained that Carmel is the only public beach on the Monterey Peninsula that allows beach fires and that the consequence is severe smoke issues that cause detrimental health impacts on the residents. They indicated that they have worked with the city of Carmel to allow only propane fire rings on the beach, and there will be free propane rings in order to maintain access to beach goers, in addition to allowing individuals to bring their own propane devices.

Nov 23 2015  
Date

Carole Groom  
Signature of Commissioner

**TIMING FOR FILING OF DISCLOSURE FORM:** File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.



## Carole Groom - Follow up

**From:** kathleen bang <kathybang@me.com>  
**To:** Carole Groom <cgroom@smcgov.org>  
**Date:** 11/12/2015 1:08 PM  
**Subject:** Follow up  
**CC:** John and Donna Cromwell <john@cromwell.net>

Hi Carole. I am sorry that we missed you today, but I thought I would take a moment to introduce myself and give you a bit of information prior to our call. By the way, we have health care in common, I was the COO at Northwestern Memorial Hospital for 18 years before moving to California.

I am not sure how much you know about the situation in Carmel, and I certainly don't speak for the many people who are concerned about open burning on our beach, but I would like to make the following points about our desire to revise the pilot to propane only.

I know you are on the Air Board in the Bay area. I believe that the CCC needs to listen to our regional air expert, Richard Stedman. The designated air quality experts in the state are those under the California Air Resources Board (CARB) of which our agency is the Monterey Bay Unified Air Pollution Control District (MBUAPCD). Richard Stedman is the Director. Richard is also the President, California Air Pollution Control Officers Association this year. He is a national expert in the field of particulate matter and public health. State law directs that only the local air district authorities can opine on this issue of air quality. We should be working cooperatively with him not fighting him. Unfortunately an ecologist with the CCC is attempting to assert herself as an expert over Richard.

The CCC is relying on an outdated concept that wood fires are the best way to promote "access" to the beach for the underserved. These fires are now known to release harmful particulate matter into the air. While there has been a long tradition of wood fires, there are many other practices we had as tradition, that are no longer permitted (e.g., smoking in airplanes and hospitals, sending fireworks into the Bay, carrying babies on our laps in cars, riding motorcycles without helmets, etc) because they no longer make common sense. The practice of open burning on beaches no longer makes common sense. Propane fires provide an alternative that does not force a false choice between clean air and burning wood on beaches.

The CCC has an opportunity to find other ways to meet its access goals. Why not sponsor trips to the coast, assist with transportation, have regular free picnics on beaches, use the Aquarium for educational programs, etc?

It is very important to note that a solution that uses propane fuel-only is consistent with our current LCP (Local Coastal Plan). The plan says "fires", not wood fires. It does not specify the fuel.

In addition, there are other environmental issues at play: the beach, the ocean and the air. See the following Youtube video: <https://www.youtube.com/watch?v=nJQImWvo15o>

By the way, access has been **improved** due to the moratorium Carmel has in place on weekends and holidays, not lessened. Many people are telling the city they can now visit the beach on the days there are no wood fires when they could not before due to air quality and due to asthma and other conditions. People can open windows and doors and enjoy the sunset and ocean breezes when they



could not due to wood fires and the harmful wood smoke particles they disperse . I have photos of thousands people on the beach during the first two weekends of the moratorium and would be happy to send them to you.

It seems unfair that one community has to pay the price for the Coastal Commissions outdated view that only wood fires provide access. Other beaches in the region (including State beaches who can ban fires without Coastal Commission approval) no longer permit wood fires, which concentrates the number of fires at Carmel Beach and greatly intensifies the adverse impact on a single beach in the region.

The mission of the CCC is not served but rather VIOLATED by promoting this unhealthy activity, that pollutes the air, the beach and the ocean.

I did want to correct one point in the recent letter sent to Carmel. In it the CCC staff states that we have good air 98% of the time. That would naturally be the case, as we only have fires about 3 hours per evening on 4 evenings per week since the moratorium went into effect. A parallel example would be if you said a restaurant or bar that allowed smokers has good air most of the day because—true, because it is closed all the other hours.

Thanks, Carole for your time and for your service to all of us.

Kathy Bang  
Carmel by the Sea



**Watson, Michael@Coastal**

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**From:** Kevin Simpson <kevinbsimpson@comcast.net>  
**Sent:** Monday, November 23, 2015 11:57 AM  
**To:** Watson, Michael@Coastal  
**Subject:** beach fires

Hello,

I am definitely not for a total ban of fire on the beach. I think that with fire rings, or with a limit on the number of fires per night, that a compromise can be reached. I am for the current limitations since the beach is now much cleaner than it has been in the past. We meet with friends at the beach once a month for some food and a fire. It is a time of conversation and no electronic stimuli. A time of days, sadly, gone past. It would be a great loss to lose those times. Not just for us, but society as a whole. We have lost too many traditions that bring us together.

Kevin Simpson

Sent from my iPad



**Watson, Michael@Coastal**

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**From:** Shawnhere@aol.com  
**Sent:** Sunday, November 22, 2015 9:30 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach fires

Michael and Susan,

While I only visit Carmel on a periodic basis, I enjoy the fires on the beach. Please allow controlled fires in pits on a limited basis.

Shawn Richardson



**Watson, Michael@Coastal**

---

**From:** Ed Stellingsma <ed93940@aol.com>  
**Sent:** Saturday, November 21, 2015 10:32 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel-by-the-sea Beach Fires

Dear Michael,

In reference to the issue of allowing beach fires at Carmel-by-the-Sea, I respectfully request that you will allow them to continue. It has been a tradition on Carmel Beach for well over 100 years. Tides come and go and clean the beach on a daily basis. Please vote in favor of continuing this tradition as approved in our local Coastal Zoning Ordinance.

thank you,  
Ed Stellingsma  
Carmel, CA.



**Watson, Michael@Coastal**

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**From:** Janice Gleason Skow <janiceskow@gmail.com>  
**Sent:** Saturday, November 21, 2015 4:08 PM  
**To:** Watson, Michael@Coastal  
**Subject:** The important Carmel tradition of Beach Fires

Dear Mr. Watson,

Thank you for your service on this very important commission.

I am writing to add my voice to SO many others who hate to see our beloved tradition of BonFires on Carmel Beach destroyed, when we could easily find a solution to address all the problems that have been concerning people.

The idea of limited the fires, adding fire rings, handling placement are all important and doable. Limiting fires to say, 20, and making sure placement is away from the cliff and there are fire rings, is all easily handleable with the people who currently patrol the beach.

Please consider, in your deliberations, the joy and benefits to SO many, including hundreds of people, old and young alike, for whom a free outing of such beauty, adds immeasurably to their quality of life here on the Central Coast.

Thank you for considering so many. If you have been to the beach on a summer night, you will see many families, and lots of old timers around their fires, some who could not afford such a gathering, or whose homes are too small to enjoy with their families and friends. They are also people who CANNOT make it to the meetings where these things will be discussed.

It might also be good to mention that I am a member of the Carmel Residents Association. While we very much appreciate our leadership, they sometimes do not speak for all of us, many of whom thoroughly support this wonderful activity.

The Ban the Fires people are very vocal and active, but there are many voices on both sides. I hope you will actively consider all of us.

Thank you, Mr. Watson for your consideration.

Sincerely,

Janice Gleason Skow  
Box 7310  
Carmel, CA 93921  
831-375-1436  
831-917-1710



**Watson, Michael@Coastal**

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**From:** Bert Aronson <bertaronson@gmail.com>  
**Sent:** Saturday, November 21, 2015 5:50 PM  
**To:** Watson, Michael@Coastal

Please allow Beach Fires continue on Carmel Beaches.

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**Bert**

Herbert Aronson, ABR, CRB, CRS, CLHMS, GPS  
Broker Associate, CalBRE #00760050  
KW Coastal Estates  
26435 Carmel Rancho Blvd.  
Carmel, CA 93923

**Mobile: 831-521-9059**  
FAX: 800-698-3043  
[bertaronson@gmail.com](mailto:bertaronson@gmail.com)

Add the MLS to your Smart Phone: <http://app.kw.com/KW2CXYTXF>



**Watson, Michael@Coastal**

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**From:** Joe Herrlie <joeherrlie@gmail.com>  
**Sent:** Sunday, November 22, 2015 8:32 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Wood Fires @ Carmel Beach

I am writing to express my support for fires on Carmel Beach. While some limits on size, location, and numbers may be needed, please do not ban the tradition of a warm fire on the beach. It's important to keep traditions alive for future generations to enjoy. I live in Placerville "Old Hangtown", CA, a town with lots of tradition, and it takes community efforts to preserve.

While I do live in Carmel, I do enjoy the beach when I visit the area.

Thanks Joe Herrlie



**Watson, Michael@Coastal**

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**From:** bbeesley30@gmail.com on behalf of Ben Beesley <ben@benbeesley.com>  
**Sent:** Saturday, November 21, 2015 9:03 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach Fires

Michael, my name is Ben Beesley. Born in Carmel, Baptized at the Carmel Mission, went to Junipero Serra school, and work in Carmel. I am also on the Carmel Chamber Board of Directors and volunteer for many Carmel By The Sea Events.

I understand the need to limit widespread beach bon fires from Carmel Beach...but I do NOT understand removing them completely!

Having attended 2 of the City Council meetings pertaining to the Banning of the Beach Fires, it was quite evident that the Council, including the Mayor had made up its mind prior to any public comments. In fact the Mayor publicly counted the votes prior to voting!

Issues I have in no particular order

1. This ban is after a short period of study
2. It does not offer the alternative to limit beach fires (the recent mid week limitation put all fires in a concentrated area...of course there will be more smoke there! spread it out)
3. It limits the enjoyment for visitors
4. The instability of propane tanks and possible explosions is very real. When asked, the City Attorney said that the City has insurance....not an acceptable answer to someone who gets hurt!
5. The fact that they are using the public nuisance argument to avoid the California Coastal Commission.

I could go on, but you get the point...please please do not let it go forth under the current recommendations!

Ben Beesley REALTOR  
Keller Williams Coastal Estates  
[ben@benbeesley.com](mailto:ben@benbeesley.com)  
831.236.6876  
[www.teambeesley.com](http://www.teambeesley.com)  
CalBRE 01362347

**Meet Team Beesley [VIDEO]**

- Voted "Best Real Estate Service" Carmel Chamber of Commerce 2013
- Selected Small Business of the Year, Union Bank/KSBW 2012
- Voted "Best REALTOR in Monterey County 2011" by the readers of the Monterey County Weekly!

*Call me today to find out why!*



**From:** John Kenny <johnk@mbay.net>  
**Sent:** Saturday, November 21, 2015 9:05 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Opposed to a Ban on Wood Burning fires on Carmel Beach. Please pass on to Dr. Charles Lester and Commissioners.

I am opposed to Any Ban of Wood burning fires on Carmel Beach and support Councilman Steve Dallas proposal of no more than 10 wood burning fires on the beach on any given evening from the currently allowed area from 10th Street South to Santa Lucia Ave. Or even allowing 16 to 20 fires spread out along the entire length of the beach as we did in years past!

My name is John Kenny and I am a 46 year resident of Carmel by the Sea and Carmel. I graduated Carmel High School in 1972 and grew up on San Antonio between 12<sup>th</sup> and 13<sup>th</sup> when at the time my family owned The Colonial Terrace Inn.

I have spent over the past 46 years surfing the waters off Carmel Beach, walking my dog or dogs almost daily on the beach and yes gathering with Family, Friends and Community members and multi generations of local families around a fire on Carmel Beach...

But in the end it is just that...Tradition. Sentiment and found memories.

Just like the City of Carmel allowing fires on the beach for the past 99 years of our history...it does not really make it right or wrong or even defensible. It is currently allowed in their Land Use Plan!

So I will stick to the facts, The California Coastal Commission has told you that you can not enact a total ban of All Wood and Charcoal burning fires on Carmel Beach, The Chamber of Commerce is also opposed to such a ban.

I suspect the City used the heading of a Public Nuisance so that you only needed three votes to pass the ordinance or you may actually have another agenda?

Under the argument of Wood and Charcoal burning fires as a Public Nuisance on the beach it only seems that the obvious next step is that you also ban any and All Wood and Charcoal burning fires within City Limits, such as in our homes, BBQ's and fire pits and in all of our local businesses! I mean if your threshold is if more than one person can smell smoke it is a Health and Safety Issue. With all the wood burning fire places within the City limits I smell smoke from homes all winter long.

Where does this all end? Are we going to ban Dogs on Carmel Beach as their mess is a Public Nuisance?

John P. Kenny





**Watson, Michael@Coastal**

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**From:** Ann Pendleton <aksimpleton@comcast.net>  
**Sent:** Sunday, November 22, 2015 1:07 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Fires on the beach in Carmel should remain.

Dear Coastal Commission,

Fires on the beach in Carmel should remain.

Having a safe place to build a fire and enjoy the outdoors is a simple and remarkable experience that is becoming less and less available. Gathering at a beach fire, in the wide open space with stars above, the ocean lapping on the shore is a fun and friendly experience. Living on the coast this is a long time tradition and many people would like to see safe beach fires continue.

I am part of a group who gathers 1x per month for a friendly gathering at Carmel Beach. The evening adds a dimension to the beach that is quite different from my daily walks on the beach. The fire adds to the ambience and helps us to stay outside a little longer enjoying the sunset, after glow and each other's company in a mindful space.

While at the evening beach fire I see families who gather together for dinner and then remain as they sit around a fire. No TV, only time to sit and enjoy each other's company. The fire, which isn't allowed in many cities any more, brings on it's own wonder and entertainment. It's a nice tradition that people have done for years. People plan to go to the beach and relax and visit around a fire. The fires at the beach create an inexpensive and safe way to enjoy one of nature's amazing spaces for a longer time.

The amount of fires on the beach as well as size and location can be controlled, but banning the fires all together would be a mistake and prevent people from exploring another dimension of enjoying the beach and the great outdoors.

*Ann Pendleton*  
[aksimpleton@comcast.net](mailto:aksimpleton@comcast.net)  
PO Box 3068  
Carmel, CA 93921



**Watson, Michael@Coastal**

---

**From:** David <drefuerzo@sbcglobal.net>  
**Sent:** Sunday, November 22, 2015 6:33 PM  
**To:** Watson, Michael@Coastal  
**Cc:** David Refuerzo  
**Subject:** Carmel Wood Burning Beach Fires

Dear Michael:

First off, I'd like to thank you for having such an open dialogue with Carmel by the Sea regarding wood burning beach fires. This has been a controversial topic from the beginning that seemingly equally divides the city. However, it isn't an issue that Carmel alone needs to decide upon, but rather one that has Monterey Peninsula and Central Coast wide ramifications. I believe that this is where the California Coastal Commission needs to weigh in and bring some common sense to an issue that has many solutions and compromises from which to choose from.

My wife and I are avid beach users whether it be walking our dogs on weekends/after work or sharing good times with family and friends around a wood burning beach fire with the sound of the crashing surf in the background. There is nothing quite like the tradition of having beach bonfires that the early Carmelites waxed poetic about and I'm sure that those who are opposed have never attended one.

Our group of friends and a large number of younger families are very much in favor of keeping the tradition alive while being cognizant of the fact that the number of wood burning fires needs to be limited to something like 10-15 sites.

I applaud the Commission for hearing the appeal and I understand that a decision will not come easily without carefully examining all viewpoints. Thank you for your time and for your consideration.

Best Regards,

David Refuerzo  
Carmel by the Sea Resident  
Sent from my iPad

Sent from my iPad



**Watson, Michael@Coastal**

---

**From:** Judy Refuerzo <carmelspinone@me.com>  
**Sent:** Sunday, November 22, 2015 7:51 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Wood Burning Beach Fires

Dear Michael,

I'm writing regarding bonfires on Carmel Beach, a tradition that I hope will continue for many years.

I must say I am very disappointed in the manner in which the City has handled this situation. I know many people worked hard to find a compromise and I feel that is the direction that should continue. Limiting the number of wood fires to anywhere between 10 to 20, having them in containers / rings and following the current guidelines for size and location, should take care of any of the complaints by the citizens against the fires.

I know the group against fires will show up in force at the meeting scheduled for Dec 11th 9am. Most of these people are either retired or do not need to work. While I am afraid that most of the people who are in favor of fires are not able to take a day off from work to attend a meeting, or perhaps don't even live in the area but visit on weekends, monthly or yearly.

When we came to Carmel in 2000 the first friends we made were people we met on the beach walking our dogs. We would then gather together monthly on a Friday night, bringing food and wine to share enjoying a sunset and a bonfire. We still have these friends and 15 years later still enjoy meeting monthly and enjoying food, wine and friendship around the fire. I know we are not the only ones to have traditions of bonfires: birthday celebrations, anniversaries, graduations, family reunions, people enjoy being able to come together, watch the sunset and just enjoy being outside and enjoying nature.

I want to thank the Coastal Commission for hearing the appeal. I hope you will find that it isn't black or white but there is room for compromise.

Best regards,

Judy Refuerzo  
Carmel by the Sea Resident



## **Watson, Michael@Coastal**

---

**From:** Thomas R. Manniello <tmanniello@lozanosmith.com>  
**Sent:** Tuesday, November 24, 2015 10:16 AM  
**To:** Watson, Michael@Coastal  
**Subject:** RE: Carmel Ban on Beach Fires

Mr. Watson:

Please accept this email (below) as my comments on the proposed ban on beach fires. Sorry, but I spelled your name incorrectly in my first attempt to email you.

Tom

---

**From:** Thomas R. Manniello  
**Sent:** Monday, November 23, 2015 3:54 PM  
**To:** 'micheal.watson@coastal.ca.gov'; 'susan.craig@coastal.ca.gov'  
**Subject:** Carmel Ban on Beach Fires

Mr. Watson & Ms. Craig:

I am writing to provide comments on the proposed ban by the City of Carmel of fires on Carmel beach. I live in Carmel over by the Mission. I DO NOT SUPPORT THE PROPOSED BAN.

Beach fires have been a tradition at that beach for years. I have had fires on the beach at the bottom of 13<sup>th</sup> street to celebrate the birthdays of my children, for the 4<sup>th</sup> of July, to celebrate high school graduation and many other events. To terminate the fires now would prevent my kids and future generations from enjoying the same tradition. This seems to really be about an effort by property owners near the ocean to privatize the beach by discouraging access. But I wonder how many of the people who are now complaining about the fires bought their house knowing full well that the tradition has existed.

The City of Carmel is also trying to argue that smoke from the fires is a nuisance and a health issue. However, the City does not seem to be banning wood burning fires at all of the hotels and residences in the City limits. If smoke really is the issue then why is the City focused solely on the beach and not all the other sources of wood smoke?

I do not support a total ban on beach fires. If the number of fires is getting out of hand, then reasonable limits can be imposed. Or, perhaps a better idea would be not to place a numerical limit but instead to have a permitting system like the national forest system does so that irresponsible people who leave their trash and so forth can be fined or banned from having fires in the future?

Thank you for taking the time to read my comments.

Tom



**Thomas R. Manniello**

Attorney at Law

T: 831.646.1501 |

F: 831.646.1801

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**Watson, Michael@Coastal**

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**From:** Stacy Wilmoth <stacywilmoth@hotmail.com>  
**Sent:** Monday, November 23, 2015 9:51 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel bonfires

I really hope we will be able to continue having bonfires in Carmel. This is how I choose to celebrate my birthday every year and I would be really sad to not be able to enjoy this anymore.

Sent from my iPhone



**Watson, Michael@Coastal**

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**From:** David Fried <tahoe415@yahoo.com>  
**Sent:** Monday, November 23, 2015 8:28 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel beach fires

Michael,

As a former resident of four years in Carmel, I believe strongly that fires should remain apart of the tradition for beach goers. I understand that limitations maybe necessary but please do not end the enjoyment of a longstanding activity for locals and visitors alike.

Sincerely,  
David Fried



## **Watson, Michael@Coastal**

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**From:** Shirley Franklin <shfrankli@yahoo.com>  
**Sent:** Monday, November 23, 2015 8:07 PM  
**To:** Watson, Michael@Coastal  
**Subject:** In favor of Carmel beach fires

> Hi there,  
>  
> I'm in favor of 10 to 12 (only) fires IN CONTAINERS on the Carmel beach.  
>  
> Shirley Franklin  
> 1101 Harrison st  
> Monterey Ca 93940



Sent: Tuesday, November 03, 2015 12:01 PM

To: Watson, Michael@Coastal

Subject: Carmel Beach Fires

Michael Watson  
California Coastal Commission

Dear Mr. Watson:

I received and have read Susan Craig's letter to the City of Carmel-by-the-Sea. As a member of the Carmel community since 1989, I appreciate the Commission's interest in addressing the public's access to a family and community recreational activity we've been able to enjoy for the 26 years I've lived here. For those of us that live outside the 1 square mile City boundary, yet within the 93923 area code, it's rather frustrating that a group of 5 council members for that one square mile area can dictate the use of the area's beachfront.

Quite frankly, I believe that the City is responding principally to a small group of folks, many of whom have principal residences outside our community; that is, several of the folks behind the ban only have 2nd homes in Carmel. From information in the City's public on-line files on the topic, I have been able to trace many of these folks who support the ban, and where they actually live. While the principal protagonist, Kathleen Bang, a Commissioner on the City's Forest & Beach Commission, lives in a new and extremely large home on Scenic, many of those from whom she's solicited support do not live here. This may not be germane to the greater "debate" of the issue, but it seems to me to have some relevance for those of us that make this community our home, and have for decades. It's rather like those that purchase homes near an airport, then complain about the noise. It is difficult for one to disabuse one's notion that these folks wish to establish some greater privacy on what they perhaps consider "their" beach.

As you, I also obtained from Mr. Steadman his rough data, though he wouldn't provide me the City's report analyzing that data. (Mr. Steadman actually told me that he didn't think the City would release it to me without a public records request.) As Ms. Craig mentioned in her letter, and though I am certainly no expert, it did seem the data was obtained only on a holiday weekend. Mr. Steadman told me that there was only a single monitoring device, but wouldn't tell me whether his agency voluntarily placed it, or whether its location on a private party's parcel (which he did confirm) was by the invitation of that owner. My sense is was the latter, thus indicating some desire to "load" the results to support a conclusion that the 5 council members and this small group of supporters had already decided. It occurred to me it was likely prudent to obtain more data from several locations along Scenic and several locations one, two and even three blocks away, as well as on several weekends. That clearly was not done.

Since the Commission initially stated that the ban violated the LCP, the City has maintained their signs enforcing the ban. On one occasion while walking our dog along Scenic, the only 2 police officers on duty in the City at any given time were standing on the recreation trail overlooking the beach. They said they were instructed that the City would continue to enforce the ban despite the Commission's involvement. They also said that, despite an article in the local paper, the City and the Commission had a meeting that supported the City's ban – that the newspaper had it incorrect.

I appreciate the Commission's interest in this issue.

Don Leach  
Carmel, CA



## Watson, Michael@Coastal

---

**From:** Lindy Marrington <lindymarrington@sbcglobal.net>  
**Sent:** Thursday, September 03, 2015 8:44 PM  
**To:** kathleen bang; jason.burnett@gmail.com; carrie@hofsashouse.com; kktalm@aol.com; vebeach@gmail.com; sgdallas@yahoo.com; rmullane@ci.carmel.ca.us; dschmitz@ci.carmel.ca.us; mcalhoun@ci.carmel.ca.us; Watson, Michael@Coastal  
**Subject:** Re: Update and Call to Action

Thank you Kathy for the detailed email on how to move forward to protect and preserve Carmel beach for all beach goers, locals and visitors alike.

Have blind cc'd To All,

Our vote is to go for option #3: *Ask city council to pass an ordinance now to extend the fire prohibition to 7 days and make it a permanent ordinance, not an urgency ordinance. ...believe that this ordinance would have to be drafted at the request of city council, then heard at Planning Commission and Forest and Beach where it would get more public hearings and then go to city council for final approval.*

Whatever action is taken is going to take time. All the while, the beach and surrounding environment continues to be desecrated. Carmel beach is now a global destination. People come here from all over the world to experience this white sand beach. As stewards of this sacred spot we feel that option #3 is the only responsible recourse.

Thankfully, in 1975, these California coastal waters were designated a marine sanctuary. Our beach is an extension of that sanctuary and deserves to be treated as such. This coastline that we are so privileged to live on has one of the cleanest oceans left on the planet due in part to the marine sanctuary that was put in place 40 years ago. Tragically, in many other parts of the world the oceans are collapsing.

In the short video below, much of the abuse that has happened to this once clean beach began "surfacing" just since the 1990's. Humans cannot see what is going on beneath the ocean.

It is way too easy to take an "out of sight, out of mind" approach. We are fooling ourselves if we believe it is acceptable to let the ocean absorb the charcoal and the garbage that is being generated due to the activity of beach fires. Oceans are connected and do not honor boundaries on a map. We believe we need to think globally and care about all oceans and beaches and lead by example.

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Lindy Marrington and Mike Cate



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**Sent:** Tuesday, November 24, 2015 10:16 AM  
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<https://www.youtube.com/watch?v=4MJCZvLKJPA>



**Watson, Michael@Coastal**

---

**From:** Ashley Meilan <ashley.meilan@gmail.com>  
**Sent:** Tuesday, November 24, 2015 7:38 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Good Morning,

Beach fires in Carmel is something that all visitors to the Carmel area enjoy. Every time I speak with a guest of one of our luxury vacation rentals or any visitor to Carmel a beach fire is always on their list of things to do. There is nothing more enjoyable than watching the sunset while sitting on the beautiful Carmel beach roasting marshmallows while hearing the ocean roar behind you.

I believe the locals and visitors to our area would be deeply deprived of an iconic beach event if beach fires are completely banned. Perhaps it is time to look at moderate restrictions so that the beach environments are unharmed but still allow all to periodically enjoy a beach bonfire.

Regards,

--

**Ashley Meilan, Broker**  
Elite Carmel Luxury Estates, Inc.  
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CalBRE: 01876699  
[www.EliteCarmel.com](http://www.EliteCarmel.com)  
[www.AshleyMeilan.com](http://www.AshleyMeilan.com)



**Watson, Michael@Coastal**

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**From:** Robin J <rjepsen.law@gmail.com>  
**Sent:** Tuesday, November 24, 2015 8:47 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Support for Carmel Beach fire rings

Dear Mr. Watson and Ms. Craig:

I am writing to voice my support for approval of fire rings on Carmel Beach.

Please do not totally eliminate beach fires. They are part of our California Coastal Culture.

Fire rings provide a simple method to limit the number and location of fires and to contain the debris.

Please give fire rings at Carmel Beach a chance.

Thank you.

Robin Jepsen  
Resident of Monterey, CA



## Carole Groom - Follow up

From: kathleen bang <kathybang@me.com>  
 To: Carole Groom <cgroom@smcgov.org>  
 Date: 11/12/2015 1:08 PM  
 Subject: Follow up  
 CC: John and Donna Cromwell <john@cromwell.net>

Hi Carole. I am sorry that we missed you today, but I thought I would take a moment to introduce myself and give you a bit of information prior to our call. By the way, we have health care in common, I was the COO at Northwestern Memorial Hospital for 18 years before moving to California.

I am not sure how much you know about the situation in Carmel, and I certainly don't speak for the many people who are concerned about open burning on our beach, but I would like to make the following points about our desire to revise the pilot to propane only.

I know you are on the Air Board in the Bay area. I believe that the CCC needs to listen to our regional air expert, Richard Stedman. The designated air quality experts in the state are those under the California Air Resources Board (CARB) of which our agency is the Monterey Bay Unified Air Pollution Control District (MBUAPCD). Richard Stedman is the Director. Richard is also the President, California Air Pollution Control Officers Association this year. He is a national expert in the field of particulate matter and public health. State law directs that only the local air district authorities can opine on this issue of air quality. We should be working cooperatively with him not fighting him. Unfortunately an ecologist with the CCC is attempting to assert herself as an expert over Richard.

The CCC is relying on an outdated concept that wood fires are the best way to promote "access" to the beach for the underserved. These fires are now known to release harmful particulate matter into the air. While there has been a long tradition of wood fires, there are many other practices we had as tradition, that are no longer permitted (e.g., smoking in airplanes and hospitals, sending fireworks into the Bay, carrying babies on our laps in cars, riding motorcycles without helmets, etc) because they no longer make common sense. The practice of open burning on beaches no longer makes common sense. Propane fires provide an alternative that does not force a false choice between clean air and burning wood on beaches.

The CCC has an opportunity to find other ways to meet its access goals. Why not sponsor trips to the coast, assist with transportation, have regular free picnics on beaches, use the Aquarium for educational programs, etc?

It is very important to note that a solution that uses propane fuel-only is consistent with our current LCP (Local Coastal Plan). The plan says "fires", not wood fires. It does not specify the fuel.

In addition, there are other environmental issues at play: the beach, the ocean and the air. See the following Youtube video: <https://www.youtube.com/watch?v=nJQImWvo15o>

By the way, access has been improved due to the moratorium Carmel has in place on weekends and holidays, not lessened. Many people are telling the city they can now visit the beach on the days there are no wood fires when they could not before due to air quality and due to asthma and other conditions. People can open windows and doors and enjoy the sunset and ocean breezes when they



could not due to wood fires and the harmful wood smoke particles they disperse . I have photos of thousands people on the beach during the first two weekends of the moratorium and would be happy to send them to you.

It seems unfair that one community has to pay the price for the Coastal Commissions outdated view that only wood fires provide access. Other beaches in the region (including State beaches who can ban fires without Coastal Commission approval) no longer permit wood fires, which concentrates the number of fires at Carmel Beach and greatly intensifies the adverse impact on a single beach in the region.

The mission of the CCC is not served but rather VIOLATED by promoting this unhealthy activity, that pollutes the air, the beach and the ocean.

I did want to correct one point in the recent letter sent to Carmel. In it the CCC staff states that we have good air 98% of the time. That would naturally be the case, as we only have fires about 3 hours per evening on 4 evenings per week since the moratorium went into effect. A parallel example would be if you said a restaurant or bar that allowed smokers has good air most of the day because—true, because it is closed all the other hours.

Thanks, Carole for your time and for your service to all of us.

Kathy Bang  
Carmel by the Sea



**Watson, Michael@Coastal**

---

**From:** Craig, Susan@Coastal  
**Sent:** Monday, November 23, 2015 9:29 AM  
**To:** Watson, Michael@Coastal  
**Subject:** FW: Carmel Beach Fires

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**From:** Margaret Netto [<mailto:margaretnetto@yahoo.com>]  
**Sent:** Sunday, November 22, 2015 1:32 PM  
**To:** Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Dear Coastal Commission,

We support beach fires on Carmel Beach. We have enjoyed having beach fires with friends and family on Carmel Beach for 30 years. It would be unfortunate to stop this tradition that makes Carmel a unique beach city.

Margaret Netto



**Watson, Michael@Coastal**

---

**From:** Craig, Susan@Coastal  
**Sent:** Monday, November 23, 2015 9:28 AM  
**To:** Watson, Michael@Coastal  
**Subject:** FW: Carmel Beach Fires

-----Original Message-----

From: Jeanne Cahill [<mailto:jeannecahill@sbcglobal.net>]  
Sent: Saturday, November 21, 2015 5:25 PM  
To: Craig, Susan@Coastal  
Cc: Frank  
Subject: Carmel Beach Fires

Moving to Carmel a year ago, it was exciting walking the beaches, enjoying nature at its best. How inspiring the cool, crisp nights became watching the sunset or joining some friends around a beach fire, relishing the atmosphere. I was astonished to find the Council wanted to ban beach fires on Carmel beaches, stating it was a "Public health issue". All I can say, is that's a LONG stretch, when the Council should be more interested and concerned trying to improve their streets, which feel like driving down a dirt road and trimming trees that are hanging on the electric lines. Now that's a fire hazard, as well as a "public health issue".

Say NO to banning Carmel beach fires.

Thank you,  
Jeanné Cahill

Sent from my iPhone



**Watson, Michael@Coastal**

---

**From:** Marlena Montaney <lenamaxphoto@gmail.com>  
**Sent:** Monday, November 23, 2015 2:21 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Beach Fires on Carmel Beach

Please preserve the beauty and community of beach fires that have been a part of the fabric of what makes Carmel Beach special for nearly 100 years.

Some rules are wonderful. Having them in containers is a great idea. Getting rid of them is not.

I'm attaching a link to a wedding that brought over 50 guests from all over the nation to enjoy a romantic reception on Carmel Beach. You can see from the pictures the joy these fires bring to many.

<http://lenamaxphoto.pass.us/millervows>

PS

The lanterns never did get sent up. They were meant to honor a baby lost to SIDS, but were not allowed to be sent up. I captured the lighting of them and left them in because I felt it was meaningful.

Marlena Montaney  
Photographer and *LEED Green Associate*



<http://www.weddingphotographermontereycounty.com>

<http://lenamaxphoto.weebly.com>

**Face Book**

831-261-0167 (text please)



BACK

ADD TO CART

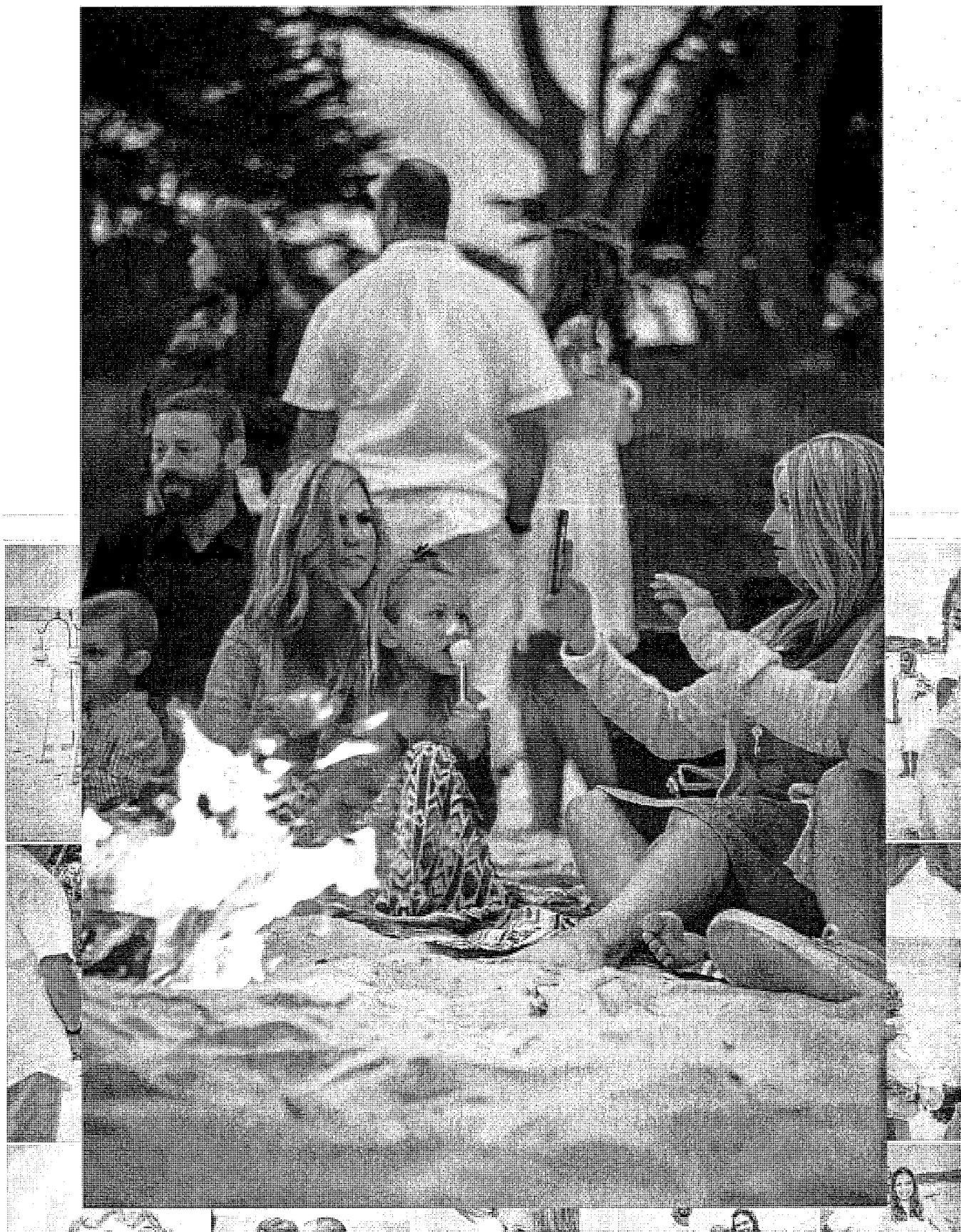
DOWNLOAD

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PINTEREST





BACK

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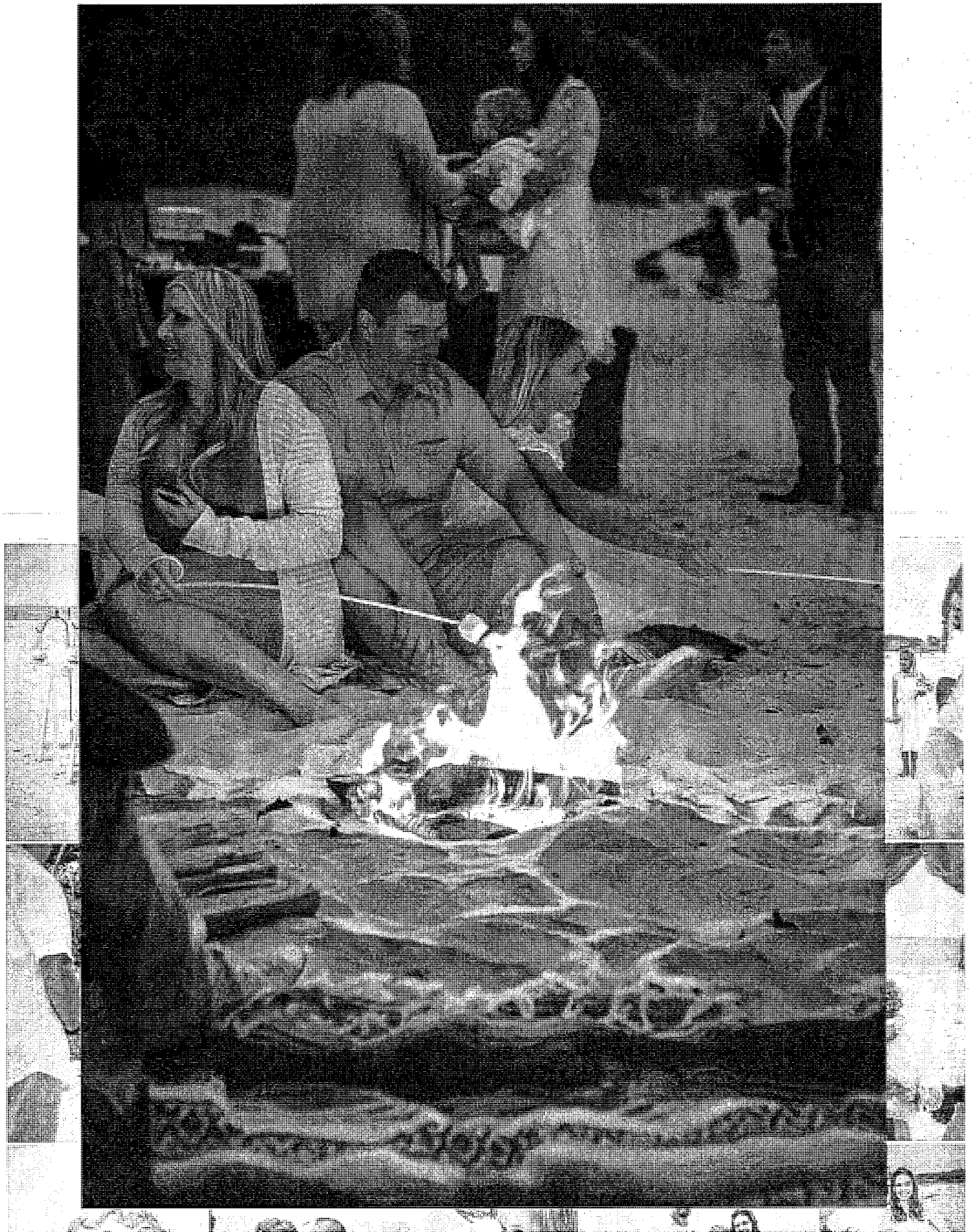
DOWNLOAD

FAVORITE

FACEBOOK

EMAIL

PINTEREST





**Watson, Michael@Coastal**

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**From:** RYAN MCCORMICK <ryanjmccormick@me.com>  
**Sent:** Monday, November 23, 2015 1:18 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Good Afternoon,

I understand that you will soon be hearing opinions on fires at Carmel Beach. My wife and I live in Monterey, I work in Carmel, and we have been visiting Carmel Beach for years. Just two weeks ago we enjoyed a fire one weeknight and Sunday we were at the beach with our dog. I would like to voice my support to maintain some ability to have wood-burning fires at Carmel Beach. We are not completely against the reduction of the number of fires during the weekend or throughout the week or the use of fire rings to control debris, but we do urge you to support the continued use of wood fires on the beach.

Thank you,

Sent from my iPad



**Watson, Michael@Coastal**

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**From:** Phyllis Shane <shanephyllis@gmail.com>  
**Sent:** Tuesday, November 24, 2015 2:52 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Beach Fires

Please don't outlaw fires on Carmel Beach. It is such a special thing. Even if there are only 10 fire pits, it is better than nothing. Some of my best moments and memories of sitting on the beach with a fire!



**From:** Mary Liskin <mary@lmadigital.com>  
**Sent:** Wednesday, November 18, 2015 10:46 AM  
**To:** Lester, Charles@Coastal; Watson, Michael@Coastal  
**Subject:** Fwd: Land of the free...

home of the COSTLY...

Dear Sirs and California Coastal Commission,  
I recently read your mission statement including "protect, conserve, restore and enhance environmental and human-based resources of the CA coast and ocean for environmentally sustainable and prudent use by current and future generations".

I implore you to fully protect Carmel Beach with it's unique crushed granite sparkling sand. It needs to be cherished. 🐼 The ocean next to it should not be used as a "toilet" flushing man-made debris into the bottom of Carmel Bay. It is only "coughed up" at the next storm. (see bottom photo picked up in just one block length). Truly, this has nothing to do with Public Access. At no time, has anyone been denied the right to enjoy this beach.

With more and more California beaches not allowing fires or even alcohol, it has exponentially increased it here. The City of Carmel finds itself with the ominous and costly job of cleaning up after people who may have good intentions after dark, but for variety of reasons can't or don't. My daytime walks on the beach end up with taking a bag full of garbage up as I can't stand to just leave it or allow the birds to poison themselves with it. Alas, no matter how diligent one tries to be, once charcoal mixes with the white sand, it is inextricable. Money is being spent to attempt to clean the beach and yet unfortunately, not by those who make the mess! By far, the most debris is caused by people having beach fires with all the paraphernalia, food and utensils brought down and often thrown over the embankment.

Month after month, the Carmel Forest and Beach Commission diligently met with the hope of finding a way to adopt a pilot program which would allow the tradition of fires on the beach, yet not allow it to trash the beach. If the "pack it in, pack it out" mentality were actually employed, it would be one thing, but it's not. I adamantly do not believe any city, large or small should be forced to pick up after careless people. That unfortunately will be the result if the City of Carmel is forced to allow wood burning fires in the sand. Congruently, the LESS "man-made things" allowed on the beach, including temporary fire pits, the MORE natural beauty people can savor. 🌿 During this summer, it was clear that many other people who would usually avoid the beach due to the proliferation of wood fires, could now come and enjoy it. Please consider THEM and acknowledge that thousands of dollars will need to be budgeted if this is allowed to continue. Also police enforcement of even minimal regulations will not be cheap. It's grown too big and therefore is NOT a FREE activity!



Recently one morning, I heard a man speaking a foreign language as he picked up a handful of sand and let it filter through his fingers in appreciation. I wish everyone on the Coastal Commission would personally do the same and SEE it first hand. Please differentiate between "access" and "protection" of this magnificent environment. We trust that keeping this beach pristine is the real WIN-WIN for not only this community but for the WORLD who visits it. 🌊

Thank you for your attention,

Sincerely,

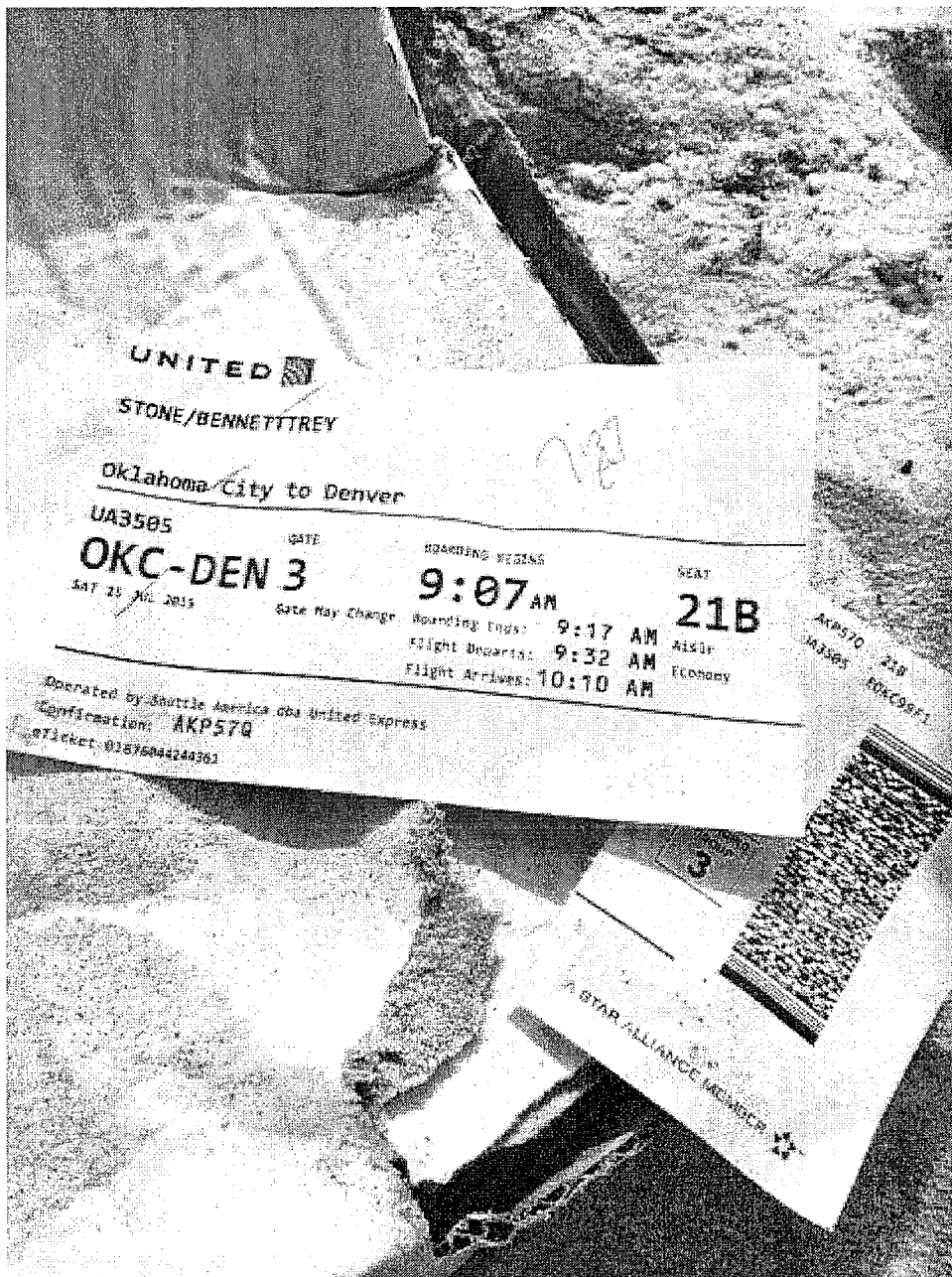
Mary Liskin

Pictures speak louder words:



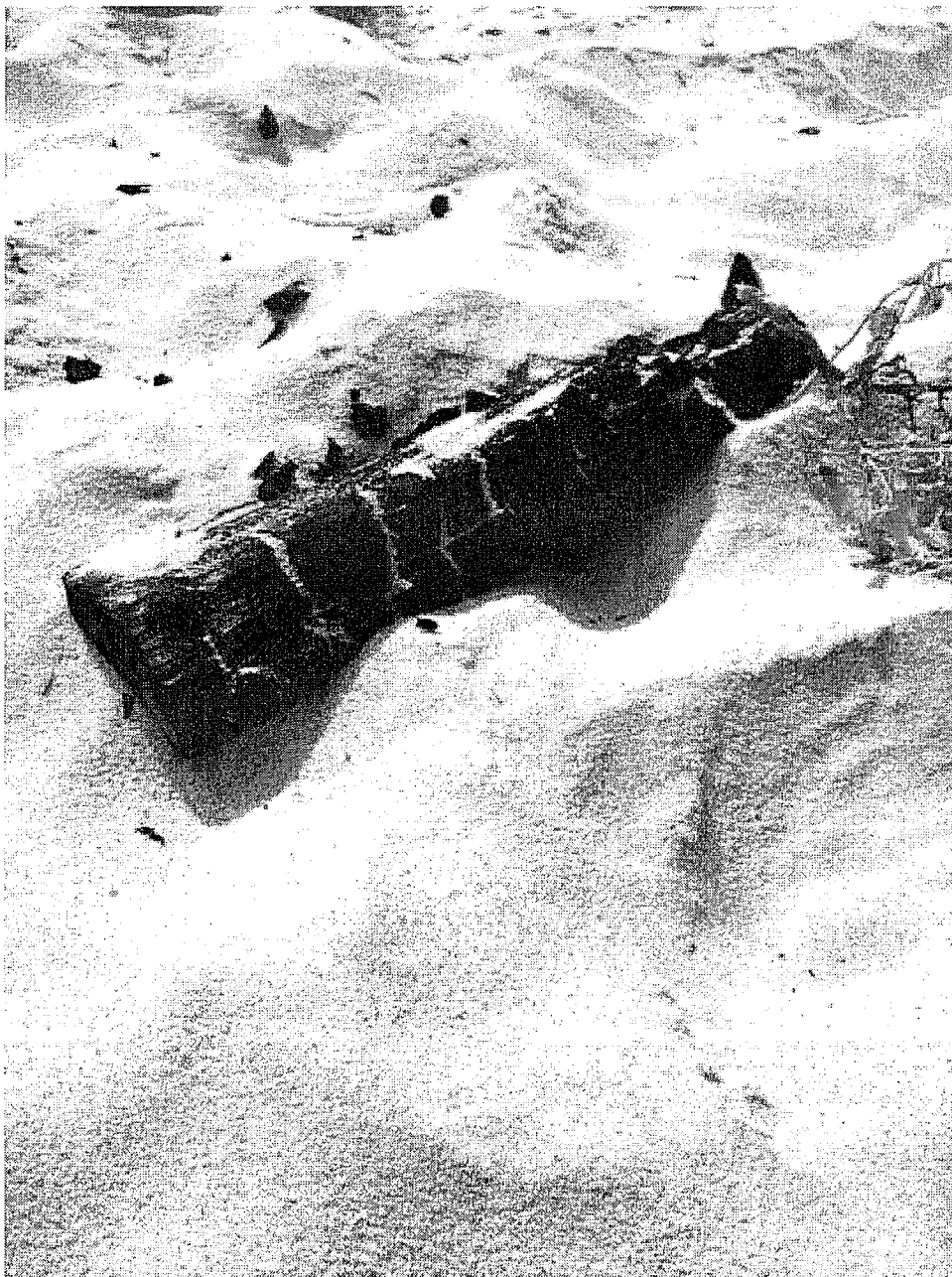
IMG\_6036 Garbage is picked up by birds and other animals long before trash men can come down.





IMG\_6039 People come from near and far and leave behind "things"





IMG\_6042 fire wood doesn't burn completely nor does it just "go away"





IMG\_6046 sand covering "illegal" fire well north of 13th and too near the bluffs





IMG\_6048 goes hand in hand...





IMG\_6049    Ironie





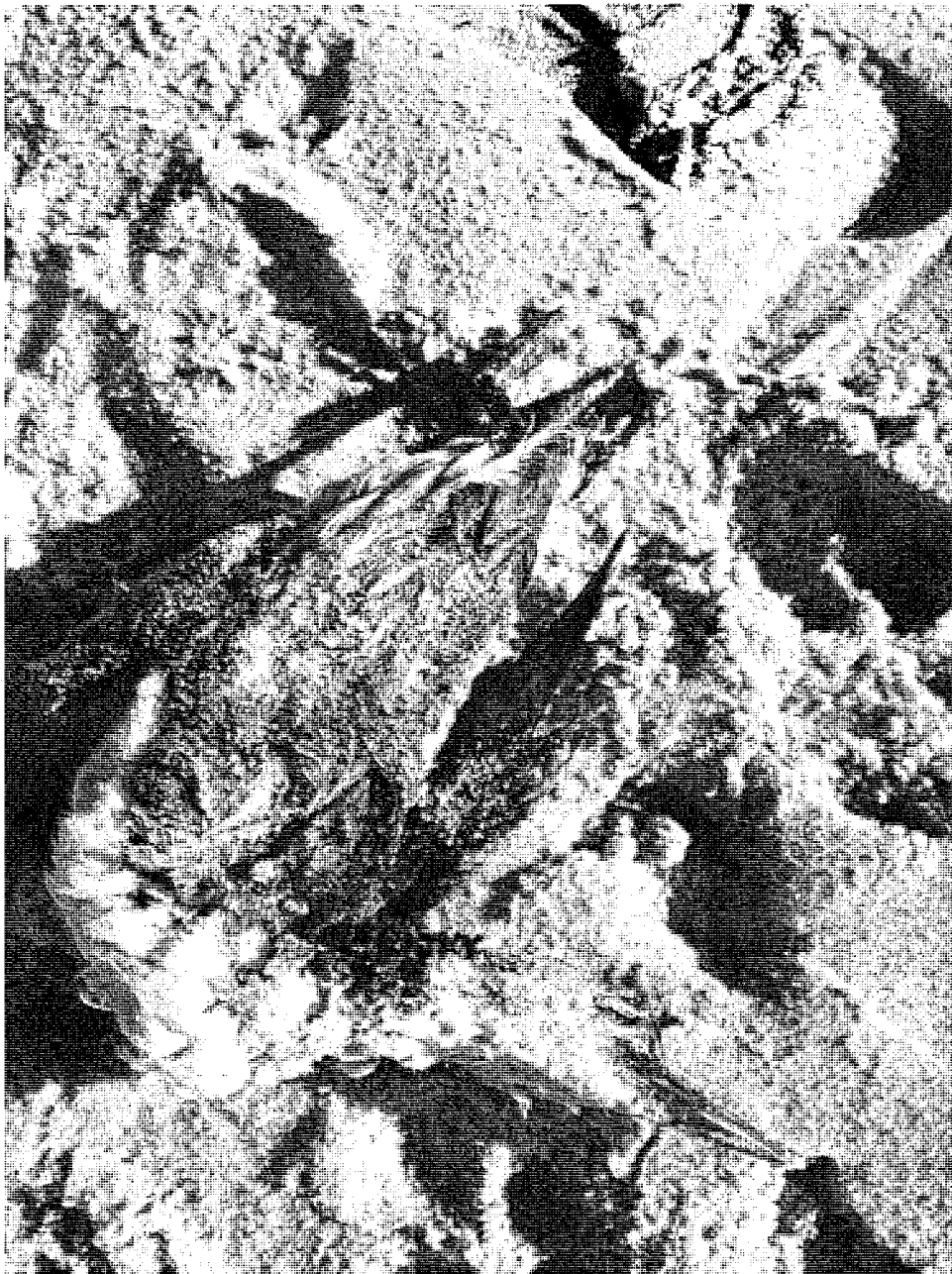
IMG\_6051 one of many "illegal" fires well north of 13th street





IMG\_6726 Entangled in the kelp, picked up after recent big storm just in one block, 10/15





IMG\_6764 A dead Cormorant. I wonder what would be found in it's stomach....



→ MW

**DARRYL KENYON**

P.O. Box 398  
Pebble Beach, California 93953  
(831) 320-3118

**RECEIVED**

OCT 20 2015

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

October 15, 2015

Dr. Charles Lester  
Executive Director  
The California Coastal Commission  
45 Fremont Street  
San Francisco, CA 94105

Re: Carmel-by-the-Sea ban of Beach Fires

Dear Dr. Lester;

Most of us here appreciate your 'Big Picture' support of a Coastal Management program and your work to enforce the Commission's jurisdiction within its boundaries.

Our esteemed young mayor seems to assume that the Council's jurisdiction supersedes yours, which is not the case. In that they have never developed a Coastal Management plan – or an effective program for anything else for that matter -- we are depending on you to make the determinations as to the hazards of beach fire smoke – and all other factors that play into the big picture.

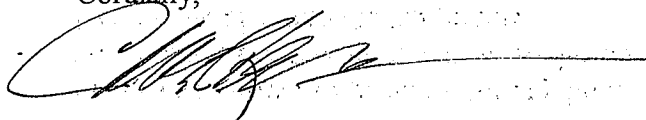
Kids, families, friends – have gathered on the beach for bar-b-ques and bonfires for generations now. It is part of our culture, it's what we do -- and part of what makes this community uniquely special.

On a slightly humorous note, due to his age and considerable inexperience – Mayor Burnett fears for the health of his small boy due to beach fire smoke inhalation.

Beach fires have been a tradition here for over 100 years. We raised three kids here – all went on to be educated at California's top public Universities and now enjoy successful careers. I guess all that smoke didn't do too much damage.

I don't believe Mayor Burnett realizes that his little boy will very likely be inhaling smoke of another nature during his college years, smoke that may have similar – perhaps temporary – negative effects; the effects of which may be less beneficial than the former.

Cordially,



Darryl Kenyon

darrylkenyon5@gmail.com



**Watson, Michael@Coastal**

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**From:** Lee Price <lprice@ci.carmel.ca.us>  
**Sent:** Monday, July 27, 2015 12:43 PM  
**To:** Watson, Michael@Coastal  
**Subject:** FW: ongoing fires on Carmel City Beach

Mayor Jason Burnett has asked me to forward to the Commission the following email he received from a resident of Carmel-by-the-Sea. Would you be kind enough to ensure it is delivered to the Commission? Thank you.

Lee Price, MMC  
Interim City Clerk  
Carmel-by-the-Sea  
[lprice@ci.carmel.ca.us](mailto:lprice@ci.carmel.ca.us)  
(831) 620-2016

---

Jason K. Burnett  
831.238.0009  
[jason.burnett@gmail.com](mailto:jason.burnett@gmail.com)

Begin forwarded message:

**From:** Lindy Marrington <[lindymarrington@sbcglobal.net](mailto:lindymarrington@sbcglobal.net)>  
**Subject:** re: ongoing fires on Carmel City Beach  
**Date:** July 24, 2015 at 4:41:44 PM PDT  
**To:** [Jason@Burnettforcarmel.com](mailto:Jason@Burnettforcarmel.com)

Dear Jason,

My name is Lindy and live in Carmel proper. Am aware that the coastal commission denied the appeal regarding fires on Carmel beach. Am very concerned about what we are seeing as far as the condition of the beach and the natural environment. Last weekend, born and raised Carmel inhabitant, Michael Cate (of Cate Electric) and I went down after dark to walk along Scenic. We counted 45 fires and those were the ones we could see. The smoke in the sky was so thick it was truly difficult to breathe. As we approached one of the staircases, we nearly tripped. We used a cell phone as a flashlight and all over the ground directly in our path, were 8 (we counted them!) glass bottles of various types of alcohol and a stack of red party drinking plastic cups. It appeared as if someone's paper bag had broken but they chose to leave them there and there was a garbage can within arms length. Naturally, we cleaned it all up.

This morning when walking along Scenic, I was so dismayed to see how gray the sand has become on our once pristine white beach. It is covered with chunks of charcoal and is no longer that soft white color. It is such a contrast to the Carmel River Lagoon Beach which is still snowy white, it is so obvious what is happening. Not only is the sand no longer white but there are erosion pathways cut all up and down the beach on the hillside. People wanting to build their fires are running up and down the hill making their own trails and carrying all their heavy stuff. This is unacceptable. Being in a drought, the plants are already taxed and now they are



dying off in swaths. If this were not all bad enough, there was graffiti all over some natural Carmel rock outcropping today written with black charcoal. We saw the same abuse at the beach south of the Lagoon and their sand is also very gray.

I wish I would have had my cell phone so I could attach some photographs. There was an old fire spot littered with plastic water bottles and cups, it is absolutely tragic to see this happening. In addition to all of this damage, there are so many tourists and many of them smoke and there are cigarette butts everywhere. Why are we allowing this to happen to our beautiful little hamlet of Carmel by the Sea? Just for a few lousy bucks from tourists and so locals who feel they have to have a fire on one of the most pristine beaches anywhere?

I find this activity to be inexcusable and the only answer is to put a moratorium on these fires. Fire pits are not going to help with the erosion on the hillsides, the toxic charcoal in the ocean and in the air or the trash and graffiti and who in the heck is going to empty out these fire pits? Fire pits are not natural to the ocean and they will look unattractive. This is going to only attract more and more large groups of people coming from all over and having huge parties on our finite beach.

Those of us who live here full time pay huge property taxes to be here and this is not fair or acceptable, something has got to change. This issue of fires on the beach needs to be put to a vote, it should not be left up to a handful of folks who seem to only care about bringing in dollars to Carmel and encouraging the tourist trade which is already out of control.

What about our serious water situation? Locals are told to constantly cut back on usage and minimize watering gardens and our city trees are dying by the droves. Much of our water is going to restaurants and hotels which cater to out of town tourists and this is not right. Someone should call me back.

Lindy Marrington  
4 SW of First on Torres  
831.238.8234



## **Watson, Michael@Coastal**

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**From:** Lindy Marrington <lindymarrington@sbcglobal.net>  
**Sent:** Wednesday, November 04, 2015 5:38 PM  
**To:** jason.burnett@gmail.com; kktalm@aol.com; vebeach@gmail.com; carrie@hofsashouse.com; sgDallas@yahoo.com; mcalhoun@ci.carmel.ca.us; rmullane@ci.carmel.ca.us; Watson, Michael@Coastal; Lester, Charles@Coastal; kathleen bang; Gary Bang; Carla and Jeff White; candace cate; Barbara Livingston; Kathy McMurdo; Randell Bishop; Skip Lloyd; Kimberly Rawlings; sditzler; Glenn Nash; Mary Liskin; Cheryl Kendall; Scott Smith; Tom Parks; Judy Kreger; Lindy Marrington  
**Subject:** re: Thank you for standing firm

To those of you who held your ground regarding doing away with fires on Carmel Beach, we express from the bottom of our hearts, "thank you"! To those of you who are short sighted and not thinking about this logically, we say to you, it is not about what anyone wants, this is a moot point.

It is and should be all about what is best for the beach. What is best for the white sand that took aeons to be created and is being destroyed in a mere decade? What is best for the fresh ocean air? What is best for the little sea creatures that live in the sand and along the shoreline? What is best for the ocean/bay and the sea animals that inhabit it? What is best for the people who would like to enjoy the beach but have respiratory health issues?

We are so put off by the individuals who do not appear to even ponder these questions nor their long term consequences. The politicians who continue to promote fires will be long gone in a few short years and nobody will even remember who you are; yet we will be left with a blackened and dirty beach (like Monastery Beach today) and an ongoing expensive and environmental mess which is anybody's guess if it will ever be able to be put back to it's original pristine nature?

Mother Earth is very resilient and She can recycle a certain amount of toxins but it is a different paradigm now. There are so many humans coming to the Monterey Peninsula and to Carmel from all over the globe. Who are we kidding, it is NOT about access! That is just a distorted distraction. From an environmental standpoint beach fires are no longer within the best interest of Carmel beach.

It is time to step into the "We Consciousness" and out of the "I, me, mine" attitude. We grew up back packing and camping on the Carmel river and we too enjoyed congregating around a fire but no longer at the expense of harming the environment and certainly not at the expense of turning a rare white beach into a filthy mess .

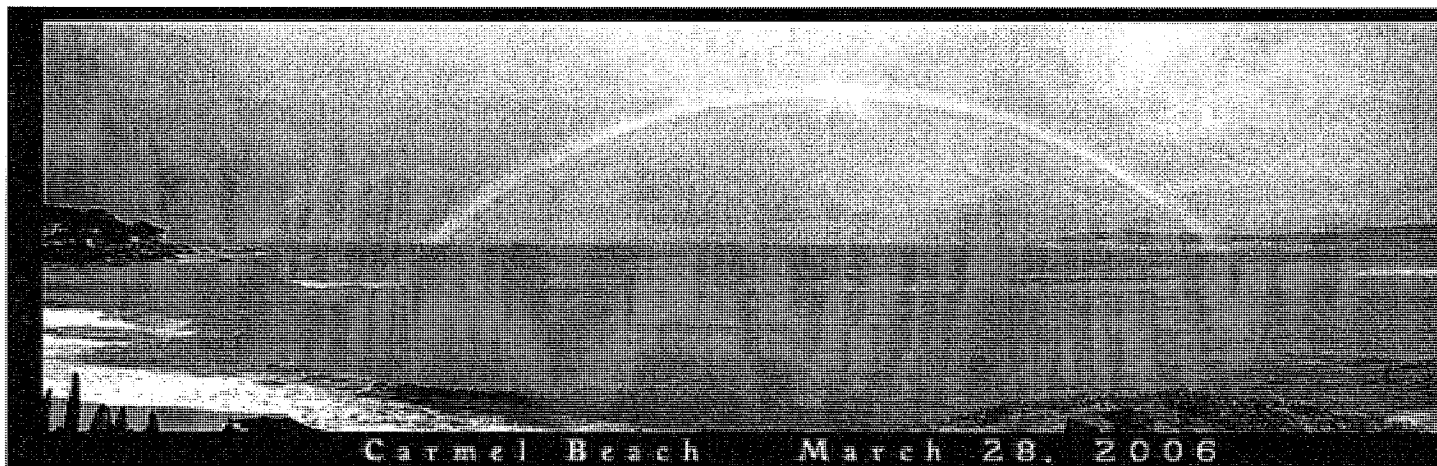
We strongly support the Nuisance Ordinance. Again, to those of you who deeply and genuinely care about the beach, we say to you, "It takes as long as it takes and keep on keeping on..."

Peace and Blessings,

Lindy Marrington and Michael Cate

photo by C. Sanders







## **Watson, Michael@Coastal**

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**From:** Watson, Michael@Coastal  
**Sent:** Friday, October 02, 2015 9:50 AM  
**To:** Lester, Charles@Coastal  
**Cc:** Craig, Susan@Coastal; Carl, Dan@Coastal  
**Subject:** RE: Carmel Beach Fires

I didn't keep a record of my conversation with Dr Hoffman but do recall speaking with him on an afternoon in August subsequent to the City's action on the moratorium. He expressed his concerns about the issue of PM and the health effects it was having on persons close to him. I explained that we had been working with the City to develop a program that would address many of the issues raised with unmanaged beach fires directly on the sand including smoke emissions from large numbers of fires during weekends and holiday but also the effects on the quality of the white sand, public safety issues, and potential water quality issues. I indicated that we had received the raw data from the City regarding the PM counts and that but for a few isolated instances, that air quality was generally in the good category. There did not appear to be any widespread exceedance of EPA air quality standards—only a two hour period on the July 4<sup>th</sup> holiday. In response to his claim that it is the folks from out of town coming to Carmel and creating all the problems, I informed him that both the C.A. and LCP protect the public's right to use of the beach including for beach fires, that I had experienced it myself, but that I had not personally observed / experienced the impacts associated with the numbers of fires that apparently are occurring during peak use periods. I also observed that the beach use issues have been raised over the years by the Scenic Road Residents Association and that it was an issue during the Commission's action on the LCP. We talked a bit more about next steps in the process including the need for further coordination with the City and Air District staff and ended the conversation with a suggestion that he provide written comment for inclusion into the record. I gave him my direct line and told him to feel free to call.

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**From:** Lester, Charles@Coastal  
**Sent:** Friday, October 02, 2015 8:36 AM  
**To:** Watson, Michael@Coastal  
**Cc:** Craig, Susan@Coastal; Carl, Dan@Coastal  
**Subject:** FW: Carmel Beach Fires

Mike, FYI, I would like to hear your recollection of this phone call before I respond to this email. Thanks.

**Charles Lester**  
**Executive Director**  
**California Coastal Commission**  
**45 Fremont Street, Suite 2000**  
**San Francisco, CA 94105**  
**(415) 904-5202**  
**[www.coastal.ca.gov](http://www.coastal.ca.gov)**



Every Californian should conserve water. Find out how at:





**From:** Carl Hoffman [<mailto:carl.g.hoffman@gmail.com>]

**Sent:** Thursday, October 01, 2015 7:58 PM

**To:** Lester, Charles@Coastal; Schwartz, Eben@Coastal; Jason Burnett; [dschmitz@ci.carmel.ca.us](mailto:dschmitz@ci.carmel.ca.us); kathleen bang

**Subject:** Carmel Beach Fires

Dear Dr. Lester,

I am a physician/homeowner in Carmel CA. I believe it is important to share with you a conversation I had with Mr. Mike Watson of the Santa Cruz Coastal Commission following the July 4th weekend. I called to express my concerns regarding PM emissions created by the Carmel beach fires. The Monterey Unified Air Pollution Control District has been monitoring PM levels using a highly sensitive/sophisticated BAM instrument located at my residence 1 block west of Carmel beach on San Antonio Street. The data has been collected continuously since the last week of May and is available by contacting Mr. Richard Stedman. During the July 4th holiday weekend PM levels significantly exceeded the EPA hazard standards during an 8 hour period. Southcoast Air Quality District has published calculated PM beach fire emissions from an average beach fire to equal emissions generated per minute by an idling diesel big-rig truck. On July 4th there were 139 beach fires burning which would equal emissions generated by 417 idling trucks.

After expressing my concerns over the high levels of emissions, I listened to Mr. Watson response with shock and chagrin. I quote "I grew up enjoying beach fires on the Carmel beach and don't buy into smoke being a problem. The rich homeowners on Scenic Road are trying to prevent the people from having fun." I felt this was an inappropriate and unprofessional response from a coastal commission official. I'm very upset by Mr. Watson's pre-determined conclusions prior to reviewing the Monterey APCD data.

To further personalize my concerns, I have a patient and good friend Mr. Kent Crudup who has recently undergone a lung transplant. We planned on he and his wife to be frequent house guests in the location of the collected data. Unfortunately, the particulate matter exposure will restrict his enjoyment and use of the Carmel beach. I also want to include others with respiratory problems such as asthma/ COPD syndrome, severe allergies etc. including my wife, who cannot enjoy the beach when fires are burning.

In addition to polluting the air, there's quite a bit of toxic debris entering the water from the beach fires, which is documented on the video at sustainable Carmel website and Utube. The coastal commission has an opportunity to step forward and clean the air, beach and ocean by banning the beach fires or considering a propane alternative. Would it be possible to involve Eben Schwartz in this process? Eben can be trusted to make the right decision to protect public health as well as the environment.

Sincerely,

Carl Hoffman, M.D.



## **Watson, Michael@Coastal**

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**From:** kathleen bang <kathybang@me.com>  
**Sent:** Sunday, May 04, 2014 11:45 AM  
**To:** Watson, Michael@Coastal  
**Cc:** Barbara Livingston  
**Subject:** Carmel Beach

Hi Mike. My name is Kathy Bang, and I have been given your email by Barbara Livingston. Thank you for the work you do to preserve our coastline!

I wanted to share with you this 6 minute slide show which I prepared to show some of the issues related to our beach. You will see, I hope, that I love the beach, and I go there very day. That is why there are the early slides included.

Additionally, I am attaching a link to my web site, in development, but you can see it is all about the beach.

I am very concerned about what is happening to our beach, especially as we are among the last ones standing where there are no limits on the numbers and sizes of fires. I would be happy to talk to you at any time.

Thanks,  
Kathy

<https://dl.dropboxusercontent.com/u/28419136/A%20Call%20to%20Action%202014-HD%20%281080p%29.m4v>

<https://kathy-bang.squarespace.com>



**Watson, Michael@Coastal**

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**From:** Margaret Eaton <maggie@ronandmaggie.com>  
**Sent:** Sunday, May 04, 2014 12:41 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach Trash and Fire mess

Hi Mike— Karen Ferlito of the Carmel Forest and Beach Commission suggested that I contact you. I am a member of Sustainable Carmel and for the past year or so, I have been taking photographs of the mess that Carmel Beach has become because of all the trash left there and the increasing numbers of fires. I have been sending these photos to the Forest and Beach Commission to include in the record to support the recommendations that the Commission is making to the City to remedy these problems. I will send you a sample of one of my reports and you can tell me if you are interested in seeing any more of them.

Thanks,

Maggie Eaton  
Sustainable Carmel



**Watson, Michael@Coastal**

---

**From:** Margaret Eaton <maggie@ronandmaggie.com>  
**Sent:** Sunday, May 04, 2014 12:48 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Fwd: Margaret Eaton shared "Beach Fire and Trash photos 3-9-14" with you

Mike—here is one of my beach fire and trash reports.  
Maggie Eaton

Begin forwarded message:

**From:** Margaret Eaton <maggie@ronandmaggie.com>  
**Subject:** Fwd: Margaret Eaton shared "Beach Fire and Trash photos 3-9-14" with you  
**Date:** April 27, 2014 at 5:43:11 PM PDT



From Margaret:

"Dear Forest and Beach Commissioners and Staff: Please add this email and photos to the record regarding beach fires. On the evening of 3/8/14, I walked from the south end of the Carmel Beach to the 10th St steps handing out the beach rules and trash bags. I thanked people for using their bags to take away all of their trash. I believe I visited every fire site (45 all told) and specifically mentioned that fires should be doused with water (not sand) and no trash should be burned. Early in the walk, I encountered two men going up and down the slope and throwing wood down next to the bluff. I asked them to use the stairs and move the fire site 25 feet from the bluff. When I got to the 10th St. steps, I met Security Officer Mike who was starting to do the same thing as I--hand out the beach rules and educate people about them. He had already located 3 fires north of 10th. We had a friendly chat about what I had been doing, exchanged beach rules, and I then left. The next morning, I walked again from the south end of the beach to the 10th St steps and took the attached photos. They show that, despite the fact that people at every fire site were approached twice that night and educated about the beach rules, a



significant number of people ignored them. They show fires too close to the bluff and even on the rocks, fires buried in sand and kelp (some still smoldering), burned trash, lots of trash (some of it dangerous like the sharp skewers and foil wrapped food), gulls that had been pecking open a bag of marshmallows, some personal wipes left at a small cove that looked like it had been used as a latrine, and graffiti. I did not photograph every fire site but some photos show that, even when properly doused, the sites are a mess of charcoal and partially burnt wood. Some photos are duplicates to show detail and I did not photograph every cigarette butt--only if it was lying next to a piece of trash. The photos of the people in bare feet and their shoes left on the rocks is a reminder of how many people assume that walking barefoot on the beach is a safe thing to do.

This is the 3rd set of beach trash photographs that I have submitted for the record about the part of the Shoreline Management Plan concerning beach trash and fires. My submission from April 2012 shows that, even on a slow weekend, too much trash is left. My submission from Memorial Day 2013 shows that signs placed at the bottom of the steps do not sufficiently encourage people to observe the beach and litter rules. This submission today shows the same result even after beach users were approached twice to educate them about how to manage their fires and remove trash.

From these experiences and from the information that I submitted about beach fire smoke, I conclude that more is needed to keep the beach free of trash and to prevent the harmful effects of the beach fires.

Thank you,  
Maggie Eaton  
Sustainable Carmel"

[Click here to view Beach Fire and Trash photos 3-9-14](#)

(Margaret shared these files using Dropbox. Enjoy!)



## **Watson, Michael@Coastal**

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**From:** mike cate <mcate@sbcglobal.net>  
**Sent:** Monday, July 27, 2015 11:27 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel Beach

Hello Michael.

My name is Michael Cate and I am a life long inhabitant of Carmel California. Over the last few years, as you know, there has been growing debate on whether there should be fires allowed on the beach (a one time beautiful white sand beach), fire pits installed, permits issued or any numerous combinations of these options. The presence of fires along the beach, now nearly every night during the summer, have drastically changed the look, smell and beauty of Carmel beach.

I am an electrician in town for a family business that my father started in 1962, Cate Electric, and just the other day one of our customers who lives along Scenic just north of the 11th Street alley mentioned that in the last few years the amount of smoke (more toxic lately due to the use of Duro logs, people burning their trash and just the amount of fires on the beach) has made it impossible for her to open the windows in her house. She said she can tell when beach goers are burning their trash because the smell of plastic is overwhelming. So, as you probably already know, something has to be done.

Two weekends ago I stood at the top of the southern most stairs leading down to Carmel Beach, just north of the beautiful Frank Lloyd Wright house, in the middle of a pile of beer, vodka, rum and soft drink cans and bottles someone had dropped and left, and counted no less than 45 open fires along the beach. The smoke coming up onto the Scenic as my girlfriend and I drove along the beach was choking us, as has been a common occurrence over the last five years. I had noticed the change as the number of beach goers has increased over the years, however just recently more incidences of smoke at night and charcoal and trash left on the sand the next day has really grabbed my attention.

I think that the allowing fires only with permits, lets just say for discussion, 20 per night on the weekends and none for the weeknights, would be a good starting point. Many people I've spoken with feel that we should have a pilot program and prohibit fires for a years and see if the white sands can ever be returned. It's no good thinking that the already overtaxed ocean can continue to swallow up the toxic aftermaths of these "traditions". I also believe fire pits will become garbage cans.

Maybe insist the City of Carmel create a program (not that governments of any size need more programs..) that has a two person beach crew every morning, on the beach, with an all terrain vehicle and tools to clean the charcoal and garbage left by the fires and people from the previous night.

The number of people coming to this little town is going to kill it. The roads are clogged, the beaches (including Carmel Meadows Beach) are being heavily marred with fore rings, our water and sewage systems are be heavily taxed, the sea is being poisoned and the air is be polluted. So much for increased tourism. The dollars accrued are going up while our natural resources are being abused and destroyed (I don't think destroyed is to strong of a word).

Thank you for your time, and let me know how I can support the restoration of our once beautiful beach and ocean.

Sincerely

Michael L Cate  
Carmel CA  
831.594.5177



## **Watson, Michael@Coastal**

---

**From:** Lindy Marrington <lindymarrington@sbcglobal.net>  
**Sent:** Thursday, September 03, 2015 8:44 PM  
**To:** kathleen bang; jason.burnett@gmail.com; carrie@hofsashouse.com; kktalm@aol.com; vebeach@gmail.com; sgdallas@yahoo.com; rmullane@ci.carmel.ca.us; dschmitz@ci.carmel.ca.us; mcalhoun@ci.carmel.ca.us; Watson, Michael@Coastal  
**Subject:** Re: Update and Call to Action

Thank you Kathy for the detailed email on how to move forward to protect and preserve Carmel beach for all beach goers, locals and visitors alike.

Have blind cc'd To All,

Our vote is to go for option #3: *Ask city council to pass an ordinance now to extend the fire prohibition to 7 days and make it a permanent ordinance, not an urgency ordinance. ...believe that this ordinance would have to be drafted at the request of city council, then heard at Planning Commission and Forest and Beach where it would get more public hearings and then go to city council for final approval.*

Whatever action is taken is going to take time. All the while, the beach and surrounding environment continues to be desecrated. Carmel beach is now a global destination. People come here from all over the world to experience this white sand beach. As stewards of this sacred spot we feel that option #3 is the only responsible recourse.

Thankfully, in 1975, these California coastal waters were designated a marine sanctuary. Our beach is an extension of that sanctuary and deserves to be treated as such. This coastline that we are so privileged to live on has one of the cleanest oceans left on the planet due in part to the marine sanctuary that was put in place 40 years ago. Tragically, in many other parts of the world the oceans are collapsing.

In the short video below, much of the abuse that has happened to this once clean beach began "surfacing" just since the 1990's. Humans cannot see what is going on beneath the ocean.

It is way too easy to take an "out of sight, out of mind" approach. We are fooling ourselves if we believe it is acceptable to let the ocean absorb the charcoal and the garbage that is being generated due to the activity of beach fires. Oceans are connected and do not honor boundaries on a map. We believe we need to think globally and care about all oceans and beaches and lead by example.

On clear and sunny days Carmel Bay is a turquoise jewel. It looks that way because the waters are clean and the sand is white! We have a huge opportunity here to demonstrate literally around the world what good beach stewardship looks like. Hopefully, some of our global visitors, will take home with them a lasting impression of one of the most pristine beaches on the planet and begin to appreciate more and take better care of their beaches back home.

The ancient African proverb, "it takes a village" could not be more fitting or timely.

Lindy Marrington and Mike Cate



Our hearts go out to our fellow humans in this video, can only imagine that they too are disheartened at what is happening to their once coveted beach...

<https://www.youtube.com/watch?v=4MJCZvLKJPA>



## Watson, Michael@Coastal

---

**From:** Rich Wenzlik <sunshinefreestyle@sbcglobal.net>  
**Sent:** Thursday, October 01, 2015 3:59 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Re: Carmel Beach fire ban

Michael

The way I look at it, is... Everyone wants to point fingers and not see the bigger picture here. To place a permanent ban on fires is short sighted.

We have not had major movement of sand from the beach in years. When was the last time the beach got a good rinsing ?

Right now I agree with the ban or some sort of limit, because the beach it is a charcoal mess. But, the next time we have a good storm and the sand is scrubbed off the beach and the water laps at the 11th street stair case. When the rocks are all exposed , that next summer, when the sand comes back to the beach it will be the pristine white we are all familiar with. That used to happen much more often, and now with years since the last one, I feel controlling the number of fires on the beach is a good idea. Maybe allowing us **locals** to have some sort of a pass would solve many of the in favor issues.

I don't believe it's a local problem but a transient tourist issue as well.

The transient tourist population basically has to have a bonfire on the beach. Sort of a rite of passage as they pass through town.

Now how to control that , I don't know.

But to fall prey to a few wealthy home owners who complain about the smoke and feel they have more say than 2nd or 3rd generation locals seems a bit short sighted.

I am proud and blessed to have been born and raised with my feet in the sand in front of many a bonfire on Carmel Beach. To take that memory away from my family and all my friends with children of their own would be a travesty.

Touchy issue, needs kid gloves and calm heads so as to reach a happy outcome.

Thanks for letting jump on my soap box

Rich Wenzlik

Owner

Sunshine Freestyle

On Thursday, October 1, 2015 1:24 PM, "Watson, Michael@Coastal" <[Michael.Watson@coastal.ca.gov](mailto:Michael.Watson@coastal.ca.gov)> wrote:

Hey Rich, thanks for the heads up on the surf conditions the other day, got some fun one down at the jetty. I'm contacting you to get your opinion (Robert's too) on the City of Carmel's beach fire ban. As you may know, the City has implemented a ban on weekend beach fires and intends to eliminate them altogether. Thus far I've heard primarily from residents in-favor or against, but I want to reach out to a broader segment of the public for their opinions. In particular I want to reach the surfers who use the beach and typically are underrepresented. So I immediately thought of you guys at Sunshine Freestyle and will also contact Kelly at OTB. Let me know if you have any questions or want more information on this.

Mike



PS. We are likely to be bringing this item to the Commission at its December hearing in Monterey. So let folks know that now is the time to weigh in. Feel free to forward my contact info.

Mike Watson  
Coastal Planner  
California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
Direct: 831 427-4898  
Office: 831 427-4863  
[Michael.watson@coastal.ca.gov](mailto:Michael.watson@coastal.ca.gov)



CALIFORNIA COASTAL COMMISSION

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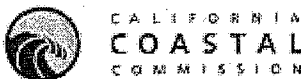
## Watson, Michael@Coastal

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**From:** Lester, Charles@Coastal  
**Sent:** Friday, October 02, 2015 8:36 AM  
**To:** Watson, Michael@Coastal  
**Cc:** Craig, Susan@Coastal; Carl, Dan@Coastal  
**Subject:** FW: Carmel Beach Fires

Mike, FYI, I would like to hear your recollection of this phone call before I respond to this email. Thanks.

Charles Lester  
Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
(415) 904-5202  
[www.coastal.ca.gov](http://www.coastal.ca.gov)



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**From:** Carl Hoffman [<mailto:carl.g.hoffman@gmail.com>]  
**Sent:** Thursday, October 01, 2015 7:58 PM  
**To:** Lester, Charles@Coastal; Schwartz, Eben@Coastal; Jason Burnett; [dschmitz@ci.carmel.ca.us](mailto:dschmitz@ci.carmel.ca.us); kathleen bang  
**Subject:** Carmel Beach Fires

Dear Dr. Lester,

I am a physician/homeowner in Carmel CA. I believe it is important to share with you a conversation I had with Mr. Mike Watson of the Santa Cruz Coastal Commission following the July 4th weekend. I called to express my concerns regarding PM emissions created by the Carmel beach fires. The Monterey Unified Air Pollution Control District has been monitoring PM levels using a highly sensitive/sophisticated BAM instrument located at my residence 1 block west of Carmel beach on San Antonio Street. The data has been collected continuously since the last week of May and is available by contacting Mr. Richard Stedman. During the July 4th holiday weekend PM levels significantly exceeded the EPA hazard standards during an 8 hour period. Southcoast Air Quality District has published calculated PM beach fire emissions from an average beach fire to equal emissions generated per minute by an idling diesel big-rig truck. On July 4th there were 139 beach fires burning which would equal emissions generated by 417 idling trucks.

After expressing my concerns over the high levels of emissions, I listened to Mr. Watson response with shock and chagrin. I quote "I grew up enjoying beach fires on the Carmel beach and don't buy into smoke being a problem. The rich homeowners on Scenic Road are trying to prevent the people from having fun." I felt this



was in appropriate and unprofessional response from a coastal commission official. I'm very upset by Mr. Watson's pre-determined conclusions prior to reviewing the Monterey APCD data.

To further personalize my concerns, I have a patient and good friend Mr. Kent Crudup who has recently undergone a lung transplant. We planned on he and his wife to be frequent house guests in the location of the collected data. Unfortunately, the particulate matter exposure will restrict his enjoyment and use of the Carmel beach. I also want to include others with respiratory problems such as asthma/ COPD syndrome, severe allergies etc. including my wife, who cannot enjoy the beach when fires are burning.

In addition to polluting the air, there's quite a bit of toxic debris entering the water from the beach fires, which is documented on the video at sustainable Carmel website and Utube. The coastal commission has an opportunity to step forward and clean the air, beach and ocean by banning the beach fires or considering a propane alternative. Would it be possible to involve Eben Schwartz in this process? Eben can be trust to make the right decision to protect public health as well as the environment.

Sincerely,

Carl Hoffman, M.D.



**Watson, Michael@Coastal**

---

**From:** Paterson <SebViz2@sbcglobal.net>  
**Sent:** Sunday, October 25, 2015 6:26 AM  
**To:** Rstedman@mbuapcd.org  
**Cc:** awright@ci.carmel.ca.us; Watson, Michael@Coastal; Carl, Dan@Coastal; SebViz2@sbcglobal.net  
**Subject:** MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT DATA, PM2.5, Carmel Beach

Richard Stedman, Air Pollution Control Officer:

As a resident of the City of Carmel-by-the-Sea, I have been following the City Council's controversial interpretation of the MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT DATA, PM2.5, Carmel Beach. As such, I would like to know why you did not present the data to the public in a more understandable and meaningful way according to the following table?

Air Quality Rating	Air Quality Index (AQI)	PM <sub>2.5</sub> 1-hour Average (µg/m <sup>3</sup> )	PM <sub>2.5</sub> 24-hour Average (µg/m <sup>3</sup> )
GOOD	0 - 50	0.0 - 40.4	0.0 - 12.0
MODERATE	51 - 100	40.5 - 80.4	12.1 - 35.4
UNHEALTHY FOR SENSITIVE GROUPS	101 - 150	80.5 - 175.4	35.5 - 55.4
UNHEALTHY	151 - 200	175.5 - 300.4	55.5 - 150.4
VERY UNHEALTHY	201 - 300	300.5 - 500.4	150.5 - 250.4
HAZARDOUS	>300	>500.5	>250.5

Additionally, I understand the City is following your advice communicated in your October 5, 2015 correspondence to Mayor Jason Burnett. To wit, "I think the way to go for both the Air District and the City is to rely on our Rule 402, which is adopted from CA Health and Safety Code Section 41700. This speaks to nuisance conditions. I firmly believe we have more than enough to prohibit or limit wood burning on the beach due to nuisance conditions." The City Council has noticed that the City Council will consider the introduction and first reading of "An Ordinance of the City Council of the City of Carmel-by-the-Sea declaring beach fires a public nuisance" at the November 3, 2015 City Council meeting. What is your reasoning to circumvent the air quality data results in favor of Rule 402 for Carmel Beach fires?

Thank you for your responses. Ms. Paterson



## **Watson, Michael@Coastal**

---

**From:** John Kenny <johnk@mbay.net>  
**Sent:** Wednesday, November 04, 2015 7:56 AM  
**To:** Watson, Michael@Coastal  
**Subject:** City of Carmel Meeting Nov 3, 2015

Mike,

I attended last evenings Carmel City Halls meeting and stayed 4 1/2 hours for the discussion and vote to ban All wood burning fires on Carmel Beach, while in the public comment 11 citizens spoke to continue wood burning fires and work with the CCC 5 spoke to ban all wood burning fires 7 days a week permanently.

Councilman Ken Talmage and Mayor Burnett both told the audience that we the City have a trump card and that is why they used the ban under a 'Public Nuisance' so that it was a health and safety issue and CCC had no authority and we can ignore their letter and suggestions. Clearly this is the angle they are using to negotiate with CCC staff and a strategy to play games and get what they want in December.

I find Ken Talmage and Mayor Burnett's approach very Arrogant to push their agenda.

Both Councilmen Steve Dallas and Councilwoman Carrie Telles voted to work with CCC and have some scaled down version of Wood Burning fires on the beach Dallas voted for up to 10 fires on the beach and lost that vote 3-2 with Burnett, Talmage and Virginia opposed to any wood burning fires.

Please do not let the City use this Public Nuisance ordinance to ignore the suggestions and authority of the CCC.

Sincerely,

John Kenny

A 46 year resident of Carmel by the Sea and Carmel High School Graduate.

John P. Kenny  
Broker Associate #00765273  
Mid Coast Investments  
831-601-1679  
[Johnk@mbay.net](mailto:Johnk@mbay.net)





**Watson, Michael@Coastal**

---

**From:** John Kenny <johnk@mbay.net>  
**Sent:** Wednesday, November 04, 2015 8:08 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel City Agenda letter on the Banning of Fires on Carmel Beach.doc  
**Attachments:** Carmel City Agenda letter on the Banning of Fires on Carmel Beach.doc; ATT00001.htm

Michael,

I read this letter to the City Council last evening on the ban of all wood burning fires on Carmel Beach.

John



November 3, 2015 Carmel City Agenda item Carmel Beach Fire Ban.

Good afternoon Mr. Mayor and members of the City Council,

My name is John Kenny and I am a 46 year resident of Carmel by the Sea and Carmel.

I graduated Carmel High School in 1972 and grew up on San Antonio between 12<sup>th</sup> and 13<sup>th</sup> when at the time my family owned The Colonial Terrace Inn.

I have spent over the past 46 years surfing the waters off Carmel Beach, walking my dog or dogs almost daily on the beach and yes gathering with Family, Friends and Community members and multi generations of local families around a fire on Camel Beach...

But in the end it is just that...Tradition. Sentiment and found memories.

Just like the City of Carmel allowing fires on the beach for the past 99 years of our history...it does not really make it right or wrong or even defensible.

So I will stick to the facts, The California Coastal Commission has told you that you can not enact a total ban of All Wood and Charcoal burning fires on Carmel Beach, The Chamber of Commerce is also opposed to such a ban.

I suspect you used the heading of a Public Nuisance so that you only needed three votes to pass the ordinance or you may actually have another agenda? Under the argument of Wood and Charcoal burning fires as a Public Nuisance on the beach it only seems that the obvious next step is that you also ban any and All Wood and Charcoal burning fires within City Limits, such as in our homes, BBQ's and fire pits and in all of our local businesses!

Where does this all end? Are we going to ban Dogs on Carmel Beach as their mess is a Public Nuisance?

In closing I ask the Mayor or a Council Member to read into the record the latest Correspondence the City has received from the California Coastal Commission.

Sincerely,  
John P. Kenny



## **Watson, Michael@Coastal**

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**From:** Lester, Charles@Coastal  
**Sent:** Wednesday, November 04, 2015 8:27 AM  
**To:** Carl Hoffman  
**Cc:** Watson, Michael@Coastal; Carl, Dan@Coastal; Craig, Susan@Coastal  
**Subject:** RE: Carmel Beach fires

Mr. Hoffman,

I am not sure what policy you are speaking about. The issue of beach fires in Carmel is addressed in the City's certified LCP. Mr. Watson, copied above, can assist you further with your concern.

Thank you.

**Charles Lester**  
**Executive Director**  
**California Coastal Commission**  
**45 Fremont Street, Suite 2000**  
**San Francisco, CA 94105**  
**(415) 904-5202**  
**[www.coastal.ca.gov](http://www.coastal.ca.gov)**



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**From:** Carl Hoffman [<mailto:carl.g.hoffman@gmail.com>]  
**Sent:** Wednesday, November 04, 2015 8:14 AM  
**To:** Lester, Charles@Coastal  
**Subject:** Carmel Beach fires

Dr Lester:

The main issue has been lost in the back and forth regarding beach fire impact on air, water, beach pollution and restriction of public recreation. The City of Carmel is trying to align with the Coastal Commission's policies for state beaches. How does the Coastal Commission take issue with the same ban in effect at state beaches? There is something wrong with this picture.

Sincerely  
Carl Hoffman, M.D.



## **Watson, Michael@Coastal**

---

**From:** Craig, Susan@Coastal  
**Sent:** Wednesday, November 04, 2015 9:19 AM  
**To:** Watson, Michael@Coastal  
**Subject:** FW: bon  
**Attachments:** bonfire Nov. 3.docx; ATT00001.htm

I responded to him and told him we'd include his letter in the staff report. He raises some very good points.

---

**From:** Bobby [<mailto:bobbyrichards6@gmail.com>]  
**Sent:** Tuesday, November 03, 2015 8:09 PM  
**To:** Craig, Susan@Coastal  
**Subject:** Fwd: bon

I thought you may like to see my letter. I read this at tonight's meeting in Carmel.  
Some of us are trying hard to get this pilot program off the ground.

Thanks for your willingness to work with us.

Bobby Richards

Sent from my iPhone

Begin forwarded message:

**From:** Bobby Richards <[bobbyrichards6@gmail.com](mailto:bobbyrichards6@gmail.com)>  
**Date:** November 3, 2015 at 3:48:46 PM PST  
**To:** Bobby Richards <[bobbyrichards6@gmail.com](mailto:bobbyrichards6@gmail.com)>  
**Subject:** bon

--

Bobby Richards  
P.O.Box 5402  
Carmel California 93921  
USA  
831-624-7372



I am speaking today as a 93921 resident. I am a member of the Carmel Chamber of Commerce, Yes for Carmel and CRA. I am a business owner and a commissioner on the Community Activity and Cultural commission. There is no place I would rather live, work and give back to than this village.

With our 'urgent' ban that cost the city well over the \$30,000 originally budgeted. We have invited some real problems with our State. Now, by possibly establishing beach fires as a "Public Nuisances" It is clear we are backing ourselves into a corner with the California Coastal Commission.

We have a pilot program, we spent hours and hours working on this program. It may not be perfect but we are on the right track.

I am pleading to all sides of this debate, please let's keep cool heads and use this next month to deliver a program that is acceptable to both sides. And now that we have introduced the Air Quality Board and Coastal Commission it needs to be acceptable to them as well.

Limited and portable fire rings may have some inherent problems, however, they be the concession needed to reach a compromise.

The use of propane to fuel fires while might not be ideal for some, it is a viable, clean and a sustainable solution.



The Coastal commission is willing to work with us.

I will read an excerpt from the letter sent to the Mayor and council, this letter was received today.

"We very much look forward to a lively discussion and debate at the Commission's December hearing"

That is next month!

If this council decides to implement a complete ban of Carmel Beach fires, GUARENTEED this will be a very different type of meeting.

Again as a citizen of this town I feel we have spent enough money on non-productive expenditures. Frankly, I am sick of it. We really can avoid some of this waste and some of these lawsuits by simply doing our due diligence with a little follow thru.

3 Questions:

1. Why have we taken a stance that is in Violation of the Coastal act and the LCP permitting requirements?
2. Who is responsible for not responding to the Coastal commission's requests concerning suggestions or program ideas?
3. Is the Council aware of any possible lawsuits or legal ramifications that could ensue by ignoring the coastal commission, abandoning the pilot program and moving into this new found public nuisances ordinance?



I am hopeful we can take our program to the December meeting leaving with resolve and accomplishment.

Please hold your course and keep us out of court.



**Watson, Michael@Coastal**

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**From:** John Kenny <johnk@mbay.net>  
**Sent:** Wednesday, November 04, 2015 9:06 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Fwd: City of Carmel

**Subject: City of Carmel**

Steve,

I am sorry and somewhat disturbed reading Lindy Marrington's email. It is one thing to thank individuals for their efforts and agree with her view but then to continue as she does in her third paragraph to basically say to all that have a different opinion then hers are insignificant and no one will remember in a few years...is extremely harsh, rude and unkind.  
We should respect one another's views and opinions even if they differ from our own.

And for her to close with Peace and Blessings after disregarding others opinions I find extremely shallow. I respect her right to speak out and voice her opinion but not her words to put others down. This shows no respect or human kindness.

I hope she can reread her email and think about the Power of Words and compassion.

John

John P. Kenny  
Broker Associate #00765273  
Mid Coast Investments  
831-601-1679  
[Johnk@mbay.net](mailto:Johnk@mbay.net)



Sent from my iPhone

Begin forwarded message:

**From:** Lindy Marrington  
<[lindymarrington@sbcglobal.net](mailto:lindymarrington@sbcglobal.net)>  
**Date:** November 4, 2015 at 5:37:49 PM PST



To: [jason.burnett@gmail.com](mailto:jason.burnett@gmail.com), [kktalm@aol.com](mailto:kktalm@aol.com),  
[vebeach@gmail.com](mailto:vebeach@gmail.com), [carrie@hofsashouse.com](mailto:carrie@hofsashouse.com),  
[sgdallas@yahoo.com](mailto:sgdallas@yahoo.com), [mcalhoun@ci.carmel.ca.us](mailto:mcalhoun@ci.carmel.ca.us),  
[rmullane@ci.carmel.ca.us](mailto:rmullane@ci.carmel.ca.us), "Michael@Coastal  
Watson" <[Michael.Watson@coastal.ca.gov](mailto:Michael.Watson@coastal.ca.gov)>,  
[clester@coastal.ca.gov](mailto:clester@coastal.ca.gov), kathleen bang  
<[kathybang@me.com](mailto:kathybang@me.com)>, Gary Bang  
<[garybang@mac.com](mailto:garybang@mac.com)>, Carla and Jeff White  
<[carlacarmel@aol.com](mailto:carlacarmel@aol.com)>, candace cate  
<[candacercate2004@yahoo.com](mailto:candacercate2004@yahoo.com)>, Barbara  
Livingston <[green.gardens@att.net](mailto:green.gardens@att.net)>, Kathy  
McMurdo <[kmcmurdo@comcast.net](mailto:kmcmurdo@comcast.net)>, Randell  
Bishop <[robindell@att.net](mailto:robindell@att.net)>, Skip Lloyd  
<[fpplloyd@redshift.com](mailto:fpplloyd@redshift.com)>, Kimberly Rawlings  
<[kimberlyrawlings@gmail.com](mailto:kimberlyrawlings@gmail.com)>, sditzler  
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<[mary@lmadigital.com](mailto:mary@lmadigital.com)>, Cheryl Kendall  
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<[scott@film-mixer.com](mailto:scott@film-mixer.com)>, Tom Parks  
<[mrtobypal@comcast.net](mailto:mrtobypal@comcast.net)>, Judy Kreger  
<[kregerjudy@gmail.com](mailto:kregerjudy@gmail.com)>, Lindy Marrington  
<[lindymarrington@sbcglobal.net](mailto:lindymarrington@sbcglobal.net)>

**Subject: re: Thank you for standing firm**

To those of you who held your ground regarding doing away with fires on Carmel Beach, we express from the bottom of our hearts, "thank you"! To those of you who are short sighted and not thinking about this logically, we say to you, it is not about what anyone wants, this is a moot point.

It is and should be all about what is best for the beach. What is best for the white sand that took aeons to be created and is being destroyed in a mere decade? What is best for the fresh ocean air? What is best for the little sea creatures that live in the sand and along the shoreline? What is best for the ocean/bay and the sea animals that inhabit it? What is best for the people who would like to enjoy the beach but have respiratory health issues?

We are so put off by the individuals who do not appear to even ponder these questions nor their long term consequences. The politicians who continue to promote fires will be long gone in a few short years and nobody will even remember who you are; yet we will be left with a blackened and dirty beach (like Monastery Beach today) and an ongoing



expensive and environmental mess which is anybody's guess if it will ever be able to be put back to it's original pristine nature?

Mother Earth is very resilient and She can recycle a certain amount of toxins but it is a different paradigm now. There are so many humans coming to the Monterey Peninsula and to Carmel from all over the globe. Who are we kidding, it is NOT about access! That is just a distorted distraction. From an environmental standpoint beach fires are no longer within the best interest of Carmel beach.

It is time to step into the "We Consciousness" and out of the "I, me, mine" attitude. We grew up back packing and camping on the Carmel river and we too enjoyed congregating around a fire but no longer at the expense of harming the environment and certainly not at the expense of turning a rare white beach into a filthy mess .

We strongly support the Nuisance Ordinance. Again, to those of you who deeply and genuinely care about the beach, we say to you, "It takes as long as it takes and keep on keeping on..."

Peace and Blessings,

Lindy Marrington and Michael Cate

photo by C. Sanders

<RAINBOW.jpeg>



**From:** John Kenny <johnk@mbay.net>  
**Sent:** Wednesday, November 04, 2015 9:14 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Fwd: Update 11/4. City of Carmel

How Kathleen Banks a Scenic & 10th Ave resident is allowed to serve on the City of Carmel's Forest and Beach Commission to me is a clear Conflict of Interest. That she be allowed to influence and give direction to the City Council on items in her front yard without recusing herself or stepping off that board just does not seem right to me. Anyone of the City Council would routinely recuse themselves if there was a project or vote near or close to their personal residence but the same apparently does not hold true for Mrs Bang.

As you can see clearly from her below email she believes that CCC has No say or authority over The City of Carmel due to their Public Nuisance ordinance.

**From:** kathleen bang <kathybang@me.com>  
**Date:** November 4, 2015 at 3:41:08 PM PST  
**To:** Gary and Kathy Bang <kathybang@mac.com>  
**Subject:** Update 11/4

Hello all. After 4.5 hours of meeting last night, City Council gave direction to staff to work with the CCC on a solution for propane only on the beach. No wood, no charcoal. Many people testified, and more FOR keeping wood fires than against. Jason, Ken and Victoria made some great points. Ken is very strong on the public health issues, Victoria on the fact that we have had a de facto pilot already and learned a lot, and Jason on the "false choice" between clean air and fires. The vote was 3-2 after an initial motion by Steve Dallas failed. His motion supported implementing the pilot with up to 10 wood fires on the beach. It failed 2-3, with Carrie Theis voting with Steve.

Next steps are to see what the negotiations with the CCC bring. As Jason mentioned, we were setting our negotiation strategy "on camera" since they could see the discussion and the direction given to staff. It was unfortunate that more folks supported fires than did not, but we have all attended so many meetings and there has not been this level of support for fires at those meetings. Carrie characterized this as a "more balanced" view point from the community.

The Nuisance Ordinance was also passed with strong direction from Don Freeman, City Attorney, that this ordinance can be implemented without any approval by CCC and be in effect without any further CCC action. The ordinance requires one more reading and is, in part, a strategy to see if the CCC will come to the table on the propane option so we have a compromise. However, if they do not, the ordinance would ban wood and charcoal fires altogether after its second approval. This was



also stated publicly. Don says the city has authority alone on public health and safety.

Jason also mentioned that the CCC is "in a box" with regard to their stance on air quality versus fires. His idea is that perhaps 6 city provided rings, larger and artistic, that are free, could be a model for other beaches and a way for the CCC to start moving away from requiring harmful air particles from wood smoke. In addition, user provided rings would be allowed. The direction was also given to staff to extend the pilot term to up to 3 years as all of the will take some time.

So, all good news, and we will see what will happen next. I have been asked for next steps. We need a strategy for the upcoming CCC meeting in December. A couple folks have written to Charles Lester, who runs the CCC or to a CCC Commissioner. If you do that, please ask Charles to share your letter with all of the Commissioners and with Mike Watson who is our staff person and the person making recommendations re our beach. However, I am thinking of holding for a few days to see how negotiations go given the direction from last night. I have started a long list of points to be made at that meeting, and in advance by email, and will share that later. It will be critical to attend the meeting as fire advocates will be there in force.

If you feel compelled to email now, here are the relevant email addresses, remember to ask that they cc the whole commission.

Charles Lester email:  
[clester@coastal.ca.gov](mailto:clester@coastal.ca.gov)

Mike Watson email:  
[Michael.Watson@coastal.ca.gov](mailto:Michael.Watson@coastal.ca.gov)

I feel very good about the resolve of Jason, Victoria and Ken to keep this on track. I have attached below my letter thanking them. You might want to do so also. One speaker called them heroes, and I was reminded that 2 years ago when we started all this, we were told we were going to need "spines of steel." they are demonstrating that.

I am considering having t-shirts made for us for the meeting in December. What do you all think? Thanks to Kimberly for the design work:





Begin forwarded message:

**From:** kathleen bang <[kathybang@me.com](mailto:kathybang@me.com)>

**Subject:** Thank you

**Date:** November 4, 2015 at 2:40:39 PM PST

**To:** Jason Burnett <[jason.burnett@gmail.com](mailto:jason.burnett@gmail.com)>, Ken Talmage <[kktalm@aol.com](mailto:kktalm@aol.com)>, Victoria Beach <[vebeach@gmail.com](mailto:vebeach@gmail.com)>, Carrie Theis <[carrie@hofsashouse.com](mailto:carrie@hofsashouse.com)>, Steve Dallas <[sgdallas@yahoo.com](mailto:sgdallas@yahoo.com)>

**Cc:** Mike Calhoun <[mcalhoun@ci.carmel.ca.us](mailto:mcalhoun@ci.carmel.ca.us)>, Rob Mullane <[rmullane@ci.carmel.ca.us](mailto:rmullane@ci.carmel.ca.us)>, Gary Bang <[garybang@mac.com](mailto:garybang@mac.com)>

Thank you all for the careful consideration on the beach fires last night. And thank you especially, Jason, Ken and Victoria for choosing the community and our citizens health over compromise. With what we now



know about the real danger of wood smoke, poisoning our residents and visitors "just a little bit" is not an option. As you said last night, Jason, it is false choice to say we must decide between clean air or beach fires. We have an option that gives us both, and gives us clean sand and clean ocean as well.

This has been a long and tortuous road, our work as brought us to an even better conclusion that the pilot, and we will continue to work to achieve the transition to propane fuel.

We so appreciate all the time and effort you all put into serving our city. Thank you very much.

Kathy





Steven A. Hillyard  
PO Box 6475  
Carmel-by-the-Sea, California 93921  
831-624-5264

November 13, 2015

DELIVERED BY EMAIL TO: michael.watson@coastal.ca.gov

Chair and Members  
California Coastal Commission  
45 Fremont Street  
San Francisco, CA 94105

Re: Carmel-by-the-Sea Beach Fires

Ladies and Gentlemen:

Notwithstanding my city's inelegant approach to this issue, wood fires on Carmel Beach have taken an unacceptable toll. The beach's dismal condition demonstrates that the city's Local Coastal Program should be changed to help the beach recover and then allow the city to manage it properly for the benefit of the entire beach going community. Properly designed and implemented, remedial and maintenance efforts would be consistent with and advance the Commission's statutory goals:

**Section 30001.5 of the Public Resources** states: The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

....

**Section 30214(a)** states in part: The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

...

(2) The capacity of the site to sustain use and at what level of intensity.



I suggest that Carmel Beach is an important element of the local environment and a natural resource worthy of your restoration and enhancement policy attention. Moreover, the public's interest in access to the beach is best served by assuring that the beach is healthy, clean, well maintained and—to the maximum extent practical—representative of the environment before man's impact.

Clearly, the impact of wood fires on the southern end of the beach indicates that the policy in Carmel's Local Coastal Program that promotes these fires does not advance either the public-access or environment-protection goals found in the Coastal Act. As you are fully aware, this portion of the beach is grey from ash and impregnated with charcoal creating an unsightly mess that repels many users and probably breeds disrespect in others: why shouldn't I build a fire in this already trashed place.

Before the many years of overuse, wave action cleansed the fire debris from this portion of the beach. The sand retreated into the ocean and returned clean; the beach was white and clear of charcoal. Unfortunately, the quantity of fire debris that has accumulated over years coupled with less-than-robust wave activity has overwhelmed nature's ability to return Carmel Beach to an acceptable level of cleanliness and a far cry from what it was or could be.

To allow nature to catch up, a moratorium on beach fires lasting at least one cleansing/use cycle is clearly indicated. During this period and any needed extensions thereof, the beach can recover to its pre-overuse condition and ecologists can measure the ocean's ability to cleanse the beach and whiten its sand. (Ideally, a local university such as CSUMB would coordinate this work with local K-12 groups collaborating.) With this objective data on the ecosystem's restorative capacity, the City of Carmel, the beach users and the Commission can collaborate and develop a sound, science-based, fire-use policy consistent with your goals of access and environmental protection. More important, the beach will have recovered.

Many, if not most, of the proponents of maintaining beach fires cite the social benefits of bonfires for local youth and young families. Temporarily refocusing these young people on studying nature's cleansing process and its limitations could sensitize them to fire's impact. This should widen their perspective and prompt them to contribute to future policymaking while considering principle as well as preference. Similarly, the process should sensitize the opponents of the fires to the valid, legally protected interests of the wider community. Perhaps more important, everyone will understand that the Commission reacted to this issue in a sound, scientifically defensible manner that is consistent with good environmental stewardship and established public policy priorities.

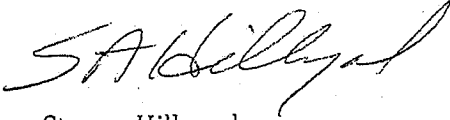
Carmel's winner-take-all, confrontational strategy may not engender confidence in our government. However, three members of the city council and the city attorney do not amount to a consensus of this community. Should you deem the city's



California Coastal Commission  
November 13, 2015

current proposal inconsistent with the Coastal Act, I hope that you will provide guidance to staff that would result in an approach to this problem similar to one outlined above.

Yours truly,

A handwritten signature in dark ink, appearing to read "S. Hillyard", written in a cursive style.

Steven Hillyard

Copy to: Charles Lester



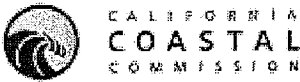
## **Watson, Michael@Coastal**

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**From:** Lester, Charles@Coastal  
**Sent:** Friday, November 13, 2015 4:33 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Cc:** Carl, Dan@Coastal  
**Subject:** FW: Beach fires on Carmel beach  
**Attachments:** beach\_moratorium.pdf

Will this be on the December agenda?

**Charles Lester**  
**Executive Director**  
**California Coastal Commission**  
**45 Fremont Street, Suite 2000**  
**San Francisco, CA 94105**  
**(415) 904-5202**  
**[www.coastal.ca.gov](http://www.coastal.ca.gov)**



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**From:** [FPLloyd@redshift.com](mailto:FPLloyd@redshift.com) [<mailto:FPLloyd@redshift.com>]  
**Sent:** Wednesday, November 11, 2015 11:21 AM  
**To:** Lester, Charles@Coastal  
**Subject:** Beach fires on Carmel beach

Charles Lester  
Executive Director  
California Coastal Commission

Attached is a memo of mine regarding the issue of fires on Carmel beach. This is offered in connection with the appeal which is before your commission, to be heard in December, as I understand it.

Carmel beach is being visited by exponentially greater numbers of visitors now than ever in past years; literally thousands on the beach at a given time on weekends of good weather, as well as many thousands more over the course of a day, as I mention in the memo. As a frequent beach user, I have personally observed this and I believe that the City of Carmel may have records of these numbers showing this, as well. The situation has changed. It is not anything like it was when the City's ordinance regarding beach fires was enacted, in quieter days. The City is trying, in good faith, to cope with this problem; a problem where the fires of very few are ruining the enjoyment of the resource for thousands of others. I grew up in Carmel and moved back here after practicing law with a firm in San Francisco, and have practiced law here for over 50 years. Throughout these times, I have been a frequent beach user (volleyball and body surfing as a youth and running, walking and picnicking there for years, even enjoying picnicking with fires when they were few). Times simply have changed and the primary resource is sullied by the extensive number of fires: Their interference with simultaneous enjoyment of the resource while they are burning and the sullyng of the unique sand of the beach when they are left behind.

Please protect, as intended by the Coastal Act (for which we are grateful and which we support) the pristine, white, unique, ground



granite sand of Carmel beach and the right of the public to have access to the resource in the state in which nature has made it.  
Thank you for your consideration.  
Francis ("Skip") Lloyd



To: City Council, Carmel-by-the-Sea

September 1, 2015

**Declaration of an emergency moratorium prohibiting fires on Carmel beach is necessary, warranted and should be continued, on grounds of ongoing damage to the public resource, as well as public hazards from smoke.**

The California Coastal Management Program ("CCMP") has two goals relevant to Carmel's beach fire problem:

1. "protecting, enhancing and restoring coastal environmental quality and resources"
2. "maximizing public access to the coast"

Carmel's Local Coastal Program ("LCP") complies with the above: Access to the coastline is virtually unlimited.

Carmel's LCP has thorough policies, borne out by its Shoreline Management Plan, to "protect, enhance and restore coastal environmental quality and resources".

The resource to be protected is the unique white sand beach itself, to which the public is given access. It is the right of the public to have access to and enjoy the primary component of the beach: Its full expanse of unique, ground granite, white sand, formed over millions of years.\*

Given the primary resource, the white sand beach, which is to be open to access and protected by the CCMP, building of fires on the beach would not seem to be a right to be protected and guaranteed by the CCMP, but is a privilege granted by Carmel, which owns the beach, to be allowed as long as the primary resource is not appreciably denigrated by that practice.

The current situation with excessive fires on the beach impinges unacceptably upon the public's right to enjoyment of the primary resource, the white sand beach. This resource is enjoyed, not just by those who walk or settle themselves on the sand of the beach itself, but by visitors to the beach in many other ways. Recently there are hugely increased numbers of partakers of the beach (see recent statistics in the record already presented to you), numbering in the several thousands settled on the beach itself at certain times; many more numbers of visitors to the beach who come and go and thus are not counted in any count as of a given point in time; additional thousands of visitors and residents who visit the beach daily by Scenic Drive drive-bys; thousands more who visit daily by walking on the bluff beach walkway, and occupiers of many Carmel homes with views of the beach (not limited to Scenic Drive owners). All of these members of the public are entitled to enjoyment of the resource.



I submit that the recently documented public health hazard from smoke and other airborne residues is not the only reason demanding emergency action. The ongoing denigration of the primary resource, the unique white sand beach, is denying the public the full enjoyment of the very resource which the Coastal Act was designed to ensure. If the fires are not curtailed, the damage they cause to the public experience of the resource continues on a daily basis and affects the public on a massive scale, considering the huge numbers of people who are now visiting the beach in numerous ways. Other than residents, for many of these people one visit may be the totality of their experience with Carmel beach, Carmel's unique and most valued scenic attraction.

If the Coastal Commission would contend that the CCMP guarantees the right of a very small segment of the public to bring materials to Carmel beach, set them on fire and (1) create a public health hazard and (2) leave the remains to foul the very resource that the CCMP is designed to protect for the public at large, that would be inconsistent with the intent of the California Coastal Act: Protecting the resource for the enjoyment of the public at large.

Lack of winter storms in the winter of 2014-2015 failed to cleanse Carmel Beach of the fire refuse of 2014 from the beach, so that the beach retains the excessive charcoal left over from 2014, spread over large sections of the beach, which cannot be cleaned. The fires since winter and currently are superimposed on top of the holdover charcoal pollution from 2014, together fouling large sections of the beach. This is a continuous problem, which is exacerbated every day by additional fires.

The denial of enjoyment by the public of the resource, being caused by the ever increasing number of fires on Carmel beach with every passing day and the public health danger created by the air pollution from these fires (to those downwind of the fires on the beach itself as well as above the bluffs and onshore downwind) demands that emergency action be taken.

Francis ("Skip") Lloyd

\*The unique, millions of years in creation, iconic and rare nature of the fine, white, granitic sand at Carmel beach is well described on pages 17-20 of the 1992 book "Creating Carmel, The Enduring Vision" by Harold and Ann Gilliam, and is referred to in many other notable publications as well.



## Watson, Michael@Coastal

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**From:** Lester, Charles@Coastal  
**Sent:** Thursday, November 19, 2015 12:26 PM  
**To:** Watson, Michael@Coastal  
**Cc:** Carl, Dan@Coastal; Craig, Susan@Coastal  
**Subject:** FW: Letter re Carmel Beach Fires  
**Attachments:** Letter to The California Coastal Commission 11.17.15.docx

Charles Lester  
Executive Director  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
(415) 904-5202  
[www.coastal.ca.gov](http://www.coastal.ca.gov)



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**From:** Stan Meresman [<mailto:stan@meresman.com>]  
**Sent:** Tuesday, November 17, 2015 8:07 AM  
**To:** Lester, Charles@Coastal  
**Cc:** Sharon Meresman  
**Subject:** Letter re Carmel Beach Fires

November 17, 2015

Mr Charles Lester, Executive Director  
California Coastal Commission

We respectfully submit the attached letter to the CCC Commissioners to review. I would appreciate if you would forward this to all of the members of the CCC (I do not have there email addresses). For your convenience, I have also copied the letter below. Thank you.

Respectfully,

Stan and Sharon Meresman  
Citizens, residents and voters in Carmel-by-the-Sea



November 17, 2015

**To: The California Coastal Commission**

Please do not override the Carmel City Counsel in their actions to protect the health of its citizens and visitors by not allowing smoke from wood burning and charcoal fires on the beach that pollute the lungs of children, adults and the elderly. **Please do not put us in harm's way.**

The components of wood smoke and cigarette smoke are quite similar, and that many components of both are carcinogenic. Smoking cigarettes have been banned in public places in most of California. There is a reason for that – so people don't have to breathe secondary smoke.

The analogy that comes to mind is to say that it is not damaging to the health of children, adults and the elderly for them to smoke cigarettes (or breathe secondary smoke) if only some of the time.

The Carmel beach on weekends is still attracting many people who are enjoying the sand, waves and water (perhaps starting to be cleaner and more natural). Even allowing access to some people who stayed away before due to the smoke (families, elderly, people with respiratory issues). There is still access and enjoyment of the Carmel beach by now everyone to enjoy the clean, fresh outdoor natural environment.

Please don't override Carmel-by-the-Sea actions to protect the health of its citizens and visitors; and protecting our natural coastal beach, bay, ocean and wildlife. **Please do not put us in harm's way.**

Respectively,

Stan and Sharon Meresman

Citizens, residents and voters of Carmel-by-the-Sea



November 17, 2015

**To: The California Coastal Commission**

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Please don't override Carmel-by-the-Sea actions to protect the health of its citizens and visitors; and protecting our natural coastal beach, bay, ocean and wildlife. **Please do not put us in harm's way.**

Respectively,

Stan and Sharon Meresman  
Citizens, residents and voters of Carmel-by-the-Sea



**Watson, Michael@Coastal**

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**From:** Chris Hardy <cdhardy@bellsouth.net>  
**Sent:** Sunday, November 22, 2015 9:36 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Cc:** Barbara Hardy  
**Subject:** Beach Fires at Carmel Beach

Mr Watson and Ms Craig,

By this email I am writing to express my hope that wood burning beach fires will be allowed to continue at Carmel Beach.

When this matter first became controversial my wife Barbara and I both spoke at Carmel - By -The Sea public forums in favor of the continuation of an unlimited number of beach fires. After all since first coming to Carmel in 1983 as newly weds and on our many subsequent visits, beach fires have been a tradition for us - our family and friends have always met on the beach and enjoyed the delight of a wood burning fire under the stars, listening to the sound of the waves - nature at its finest!! When I retired and we moved here in 2012 we met so many locals for the first time and formed new friendships on the beach by the fires. We very much hope to continue the tradition when our sons and their families visit us for their vacations. There are many others with similar views - many of whom are parents with young children.

We have however come to realize that there can be too much of a good thing. Certainly when there were more than 100 fires in a relatively confined part of the beach on July 4th for example, we experienced a saturation of sorts. So we have now come to recognize that some limits need to be placed on the number of wood burning beach fires. We might argue about what number is appropriate so that all interested groups can get a chance to enjoy a beach fire. However we strongly urge the Coastal Commission to allow beach fires to continue on Carmel Beach. A complete ban on wood burning fires on Carmel Beach would serve the interest of a small but vocal local group to the detriment of the many who value this great family tradition.

Should you have any questions please don't hesitate to contact me.

Thank you for your consideration.

Sincerely,

Chris Hardy

Monte Verde 3 SW of 2nd

PO Box 6446

Carmel - By -The -Sea

CA 93921



**Watson, Michael@Coastal**

---

**From:** Robert Quist <rquist46@yahoo.com>  
**Sent:** Sunday, November 22, 2015 10:32 PM  
**To:** Watson, Michael@Coastal  
**Subject:** Beach Fires

Hi There,

I support continued beach fires on the Carmel Beach, with fire range if necessary.

Bob Quist  
3110 Spruance Rd.  
Pebble Beach CA 93953  
518-866-9411



**Watson, Michael@Coastal**

---

**From:** Alexandria Sarten <alexandria.knight@gmail.com>  
**Sent:** Sunday, November 22, 2015 10:40 PM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Wood Fires on Carmel Ocean Beach

I support the tradition of fires on Ocean Beach. Please don't ban!

Sincerely,  
A. Sarten



**Watson, Michael@Coastal**

---

**From:** Gudbergsdottir, Bergthora Eva <evag@miis.edu>  
**Sent:** Monday, November 23, 2015 9:09 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach Fires

Dear Mr. Watson and Ms. Craig,

As a resident of Carmel I would like to strongly voice my support for at least allowing 10-12 beach fires in special rings. The City of Carmel's position on this issue appears to make our beach a non-family friendly, only-for-the-wealthy recreational area.

Please consider maintaining this cherished tradition for future generations and all people.

Sincere regards,

Eva Gudbergsdottir



## **Watson, Michael@Coastal**

---

**From:** katherine spitz <katiespitz03@aol.com>  
**Sent:** Monday, November 23, 2015 9:59 AM  
**To:** Watson, Michael@Coastal  
**Subject:** Carmel fires

To Mr. Watson

I am writing in support of wood burning bonfires on the beach in Carmel. Bonfires provide a way for the public to enjoy use of the beach in the evenings. Having participated in such bonfires for over 8 years, I can attest to the fact that in most cases they are used by families to provide safe ways to congregate in the public realm. I am concerned that the decision about the fires will be made on behalf of the exclusive nearby Carmel residents, rather than in the interest of the greater California public.

Thank you

Katherine Spitz  
3710 Mountain View Avenue  
Los Angeles, California 90066

310-251-7476



**Watson, Michael@Coastal**

---

**From:** josh bleibtreu <panahead@mac.com>  
**Sent:** Monday, November 23, 2015 10:01 AM  
**To:** Watson, Michael@Coastal  
**Subject:** carmel beach fires

hi micheal,

i saw that there is a movement to try and stop the open pit fires on the carmel beach....i am not sure why they would want to stop this? and feel very strongly that it would be a serious loss to our community... to me it is much better for a group of friends or family to gather at night and sit in front off a fire than a television set.. or laptop.... it connects us with nature and other people... please let me know what i can do to help preserve this tradition...

thanks for your time and all the best,

josh bleibtreu  
238 highway 1, carmel ca 93923



## **Watson, Michael@Coastal**

---

**From:** Kati Enea <katienea@yahoo.com>  
**Sent:** Monday, November 23, 2015 10:16 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Bonfires

We support bonfires on Carmel Beach. Please do not let the tradition die. We love taking our children and enjoying the evenings filled with fun, laughter and BONFIRES!

Thank you for your consideration.

Carmel Residents,

Joe and Kati Enea



**Watson, Michael@Coastal**

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**From:** Susan Webb <susanwebb333@gmail.com>  
**Sent:** Monday, November 23, 2015 10:19 AM  
**To:** Watson, Michael@Coastal; Craig, Susan@Coastal  
**Subject:** Carmel Beach fires

Hello,

I am Susan Webb and have been a resident of Carmel since 1979. I am in favor of having a restricted amount of contained beach fire pits at Carmel Beach. Thanks for your consideration.

Sent from my iPhone