

G. DISCUSSION ITEMS

1. Update and discussion of long range historic preservation projects.

H. DIRECTOR'S REPORT

I. BOARD MEMBER ANNOUNCEMENTS

J. ADJOURNMENT

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

The next regular meeting of the Historic Resources Board: Monday, April 16, 2018

The City of Carmel-by-the-Sea does not discriminate against persons with disabilities. The City of Carmel-by-the-Sea Telecommunication's Device for the Deaf/Speech Impaired (TDD) number is 1-800-735-2929.

The Sunset Center is equipped with a portable microphone for anyone unable to come to the podium. Assisted listening devices are available upon request to the Board Secretary. If you need assistance, please advise the Board Secretary what item you would like to comment on, and the microphone will be brought to you.

AFFIDAVIT OF POSTING

I, Marc E. Wiener, Community Planning and Building Director, for the City of Carmel-by-the-Sea, DO HEREBY CERTIFY, under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the Carmel-by-the-Sea City Hall bulletin board and posted at the Harrison Memorial Library on Ocean and Lincoln, March 15, 2018.

Dated this 16th day of March 2018, at the hour of 12:00 p.m.

Marc Wiener, AICP, Community Planning and Building Director

**MINUTES
CITY OF CARMEL-BY-THE-SEA
HISTORIC RESOURCES BOARD
February 26, 2018**

City Hall Council Chambers
East side of Monte Verde Street
Between Ocean and Seventh Avenues

A. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Vice Chair Gualtieri at 4:01 p.m.

PRESENT: Kathryn Gualtieri, Vice Chair
Thomas Hood
Lynn Momboisse

ABSENT: Erik Dyar, Chair
Alex Heisinger

STAFF PRESENT: Marc Wiener, Planning Director
Marnie Waffle, Senior Planner
Cortina Whitmore, Historic Resources Board Secretary

B. TOUR OF INSPECTION

Tour of Inspection convened at 3:10 p.m.

C. PLEDGE OF ALLEGIANCE

Members of the audience joined the Board in the Pledge of Allegiance.

D. ANNOUNCEMENTS/APPEARANCES

Marc Wiener announced Board Member Heisinger and his wife welcomed a baby girl into their family.

E. CONSENT AGENDA

1. Consideration of the minutes of the December 11, 2017 Historic Resources Board Meeting.

Board Member Momboisse moved to approve the draft minutes from the December 11, 2017 Historic Resources Meeting. Motion seconded by Board Member Hood and carried the following vote: 3-0-2-0.

AYES: COMMISSIONERS: MOMBOISSE, HOOD & GUALTIERI
NOES: COMMISSIONERS: HEISINGER & DYAR
ABSENT: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE

G. ITEM

1. DS 17-459 (Rezai)
John Mandurrago, Designer
NE corner of Forest Rd. & 8th Ave.
Block: 3; Lot: 11
APN: 009-202-015

Consideration of a Design Study (DS 17-459)
for alterations to a historic residence located
in the Single Family Residential (R-1) Zoning
District.

Matthew Sundt, Contract Planner presented the staff report. Mr. Sundt noted the proposed addition is not subordinate to the existing residence and requested a continuance to allow the applicant time to address staff concerns. Mr. Sundt answered questions from the Board.

Speaker #1: John Mandurrago, Project Designer clarified the design and expressed support for the staff report. Mr. Mandurrago answered questions from the Board.

Vice Chair Gualtieri opened the public hearing seeing no other speakers Vice Chair Gualtieri closed the public hearing.

The Board held discussion. Board member Momboisse voiced mass and bulk concerns and noted the new addition is not compatible with the existing residence. Board member Hood expressed concerns with the trees on the property; the number of exterior materials selected and also noted a lack of compatibility. Vice Chair Gualtieri commented the addition is too large and not subordinate or compatible with the existing residence. Board member Hood directed the applicant to explore the possibility of lowering the garage.

Vice Chair Gualtieri reopened the public hearing.

Speaker #1: Mr. Mandurrago requested further design direction from the Board and noted the second-story element will remain. Mr. Mandurrago described site limitation created by the trees on the property and City setback requirements.

Vice Chair Gualtieri closed the public hearing.

Board Member Momboisse motioned to continue DS 17-459 (Rezai) with the direction the applicant lower the garage, explore more horizontal fenestration on the second-story and eliminate at least one exterior material. Motion seconded by Board Member Hood and carried the following roll call vote: 3-0-2-0.

AYES: COMMISSIONERS: MOMBOISSE, HOOD & GUALTIERI
NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: HEISINGER & DYAR
ABSTAIN: COMMISSIONERS: NONE

2. DS 17-174 (Munro) Consideration of a Design Study (DS 17-174)
Karen Munro, Property owner for an addition to a historic residence located
Carmelo St. 2 NW of 7th Ave. in the Single-Family Residential (R-1) Zoning
Block: S; Lot(s): 13 & 15 District.
APN: 010-267-004

Matthew Sundt, Contract Planner presented staff report and recommended approval.

Speaker #1: Karen Munro, Property owner clarified the removal of a railing and summarized design elements. Mrs. Munro informed the Board of her preference to retain the original railings.

Vice Chair Gualtieri opened the public hearing seeing no other speakers the public hearing was closed.

The Board held a brief discussion.

Board Member Hood moved to issue a determination of consistency with the Secretary of the Interior's Standards for DS 17-174 (Munro) with the direction the applicant shift the garage one-foot from the existing north wall and retain the wood railings above the garage. The motion was seconded by Board Member Momboisse and carried the following roll call vote: 3-0-2-0.

AYES: COMMISSIONERS: HOOD, MOMBOISSE, GUALTIERI & HEISINGER
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: HEISINGER & DYAR
ABSTAIN: COMMISSIONERS: NONE

G. DIRECTOR'S REPORT

Marc Wiener informed the Board the Zoning code update will begin at the March 2018 Planning Commission meeting.

H. DISCUSSION ITEMS

N/A

I. BOARD MEMBER ANNOUNCEMENTS

Board Member Momboisse announced she attended a Historic Meeting in Monterey, CA and provided the Board with an informational handout received at the meeting.

J. **ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 5:11 p.m.

Cortina Whitmore, Historic Resources Board Secretary

ATTEST:

Erik Dyar, Chair

1. *Lower the garage so as to reduce building mass and be more compatible with the existing building height.*

Staff Analysis: The height of the proposed addition was dropped two feet and the structure would now be partially below grade. The amended plans appear to meet the Boards intent of making the addition more compatible to the historic residence. The new addition will now only be a maximum of 6 inches higher than the historic residence.

2. *Explore horizontal exterior elevation fenestration.*
3. *Eliminate one of the three exterior materials (stucco, wood and stone).*

Staff Analysis: The applicant had originally proposed stucco and stone on both levels of the addition (refer to Attachment B). The finish materials have been revised and the applicant is now proposing 1" x 9" horizontal wood siding, which would have different dimensions than the existing 1" x 7" horizontal wood siding on the historic residence. Stone is proposed on the ground level. The window and door proportions have been modified to have a horizontal appearance. The Board should consider whether the proposed design revisions are adequate.

4. *Provide an historic building rehabilitation plan.*

Staff Analysis: The applicant is still working on the rehabilitation plans and indicated that it will be presented at the March 19 meeting.

Alteration to Historic Property: The Secretary's Standard #9 states that "*the new work will be differentiated from the old and will be compatible with the massing, size, and scale to protect the historic integrity of the property.*" In staff's opinion, the changes made are in the right direction. The area of stone veneer on the exterior has been reduced but may still be construed to be incompatible with the existing horizontal wood siding of the historic residence, though it is differentiated from the historic residence. Staff recommends a more subtle differentiation in finish materials, where wood is predominant on both first and second floors, such as vertical wood siding or board and batten wood siding.

Other Project Components

Forester Character: In order to ascertain if the proposed driveway cut would have an impact on the roots of adjacent trees, and thereby subject trees to injury, staff required that an exploratory trench be dug down to hardpan so as to verify the extent and character of the root

system. The result of the trenching indicates that there is a one and a half-inch root. The City Forester has therefore concluded that it is unlikely there will be significant roots, or a root system, within the hardpan zone, thereby the removal of soil to accommodate the proposed driveway would not result in injury or significant damage to trees.

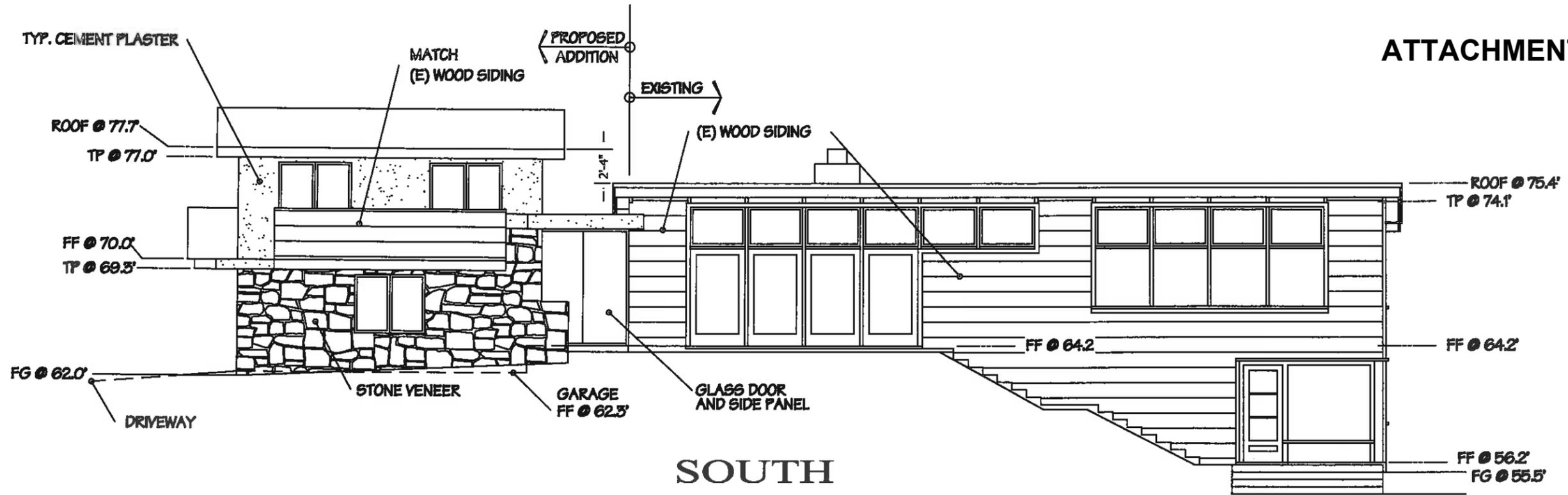
Alternatives: If the Board determines that the current design remains inconsistent with the Secretary of the Interior Standards, the Board may deny the project, in which case the applicant may appeal the decision to the City Council within 10 working days. Alternatively, the Board may approve the project with changes. This could include an addition that is limited to one story without garage, in which case the driveway cut and the cut to accommodate the current building design will be substantially less, and building a carport on the primary elevation (south elevation) where there is currently a driveway.

Environmental Review: The California Environmental Quality Act (CEQA) requires environmental review for alterations to historic resources that are not consistent with the Secretary of the Interior's Standards. If the alterations are consistent with the standards, potential historic resource impacts under CEQA do not require further analysis. A conclusion by staff as to whether proposed project is Categorically Exempt from CEQA requirements will depend on the decision of the Historic Resources Board during this meeting or during a subsequent meeting. If it is the case the Historic Resources Board makes changes to the building at this meeting that are consistent with the Secretary of the Interior's Standards, the proposed project, as amended, would be Categorically Exempt from CEQA requirements, pursuant to Section 15331 – *Historic Resources Restoration/Rehabilitation*.

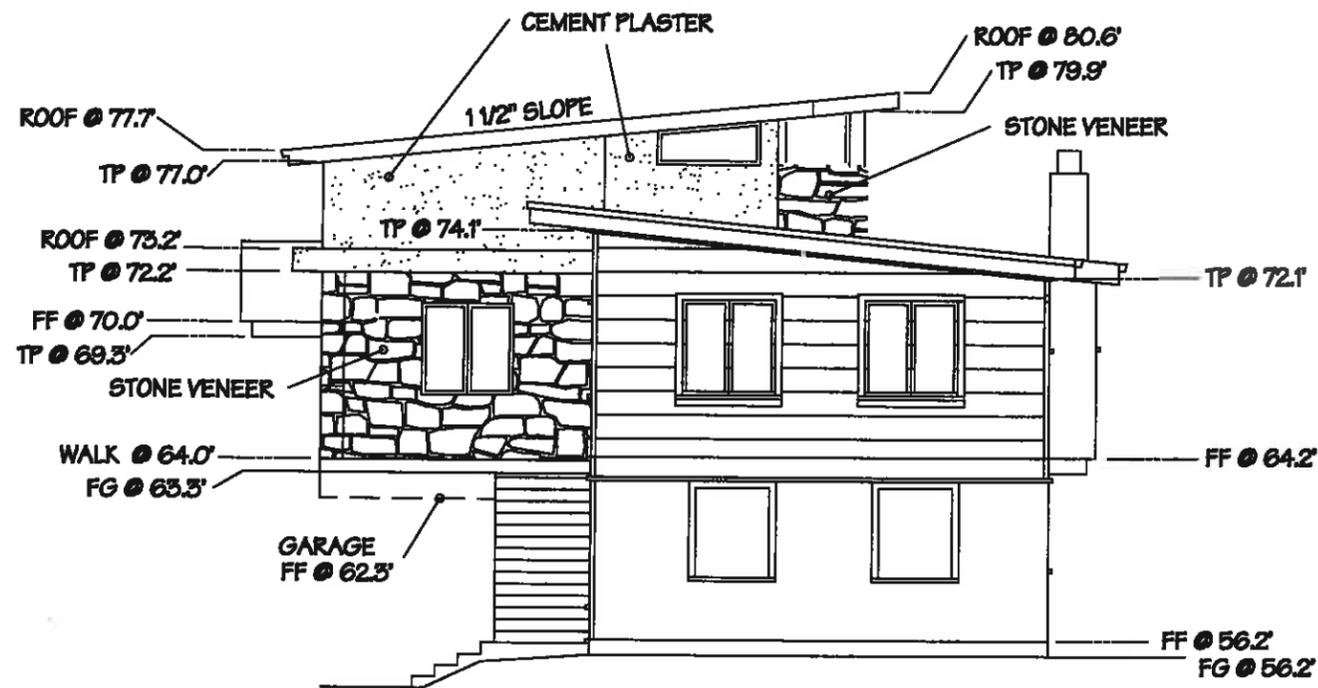
ATTACHMENTS:

- Attachment A - Original Proposed Elevations
- Attachment B – Project Plans

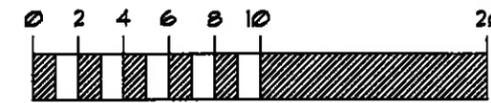
ATTACHMENT A



SOUTH



EAST



EXTERIOR ELEVATIONS

REV.:	
REV.:	
REV.:	

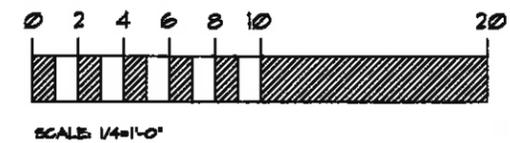
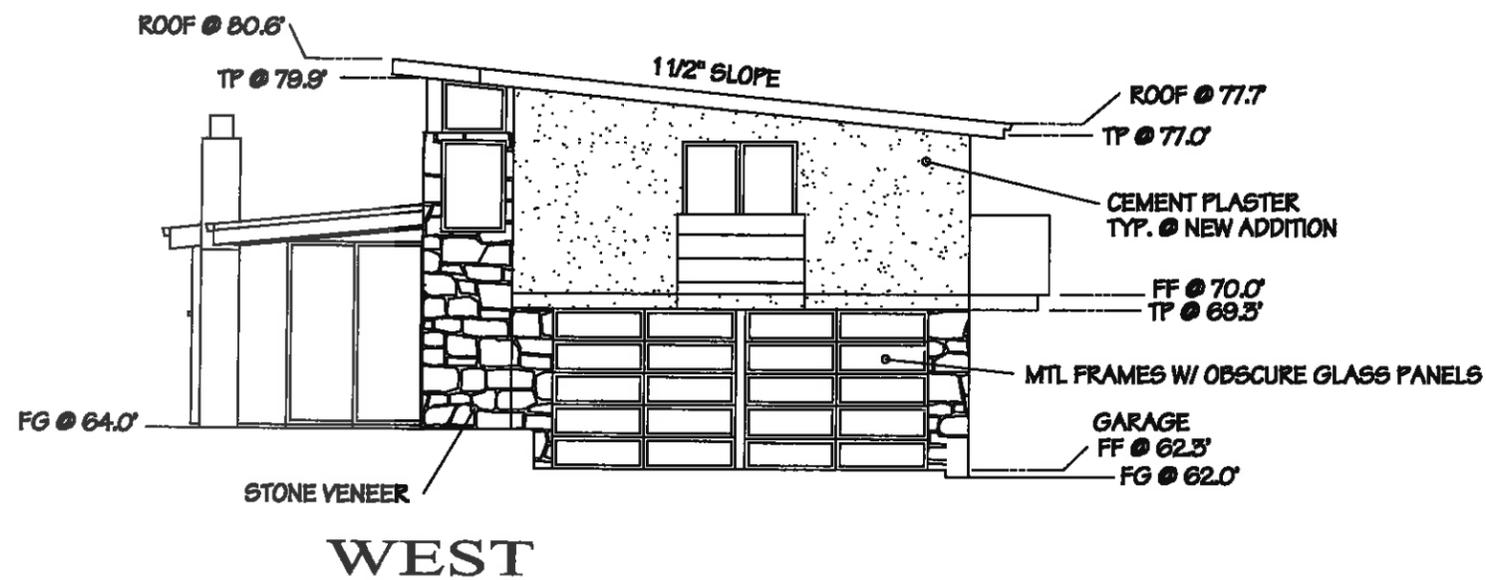
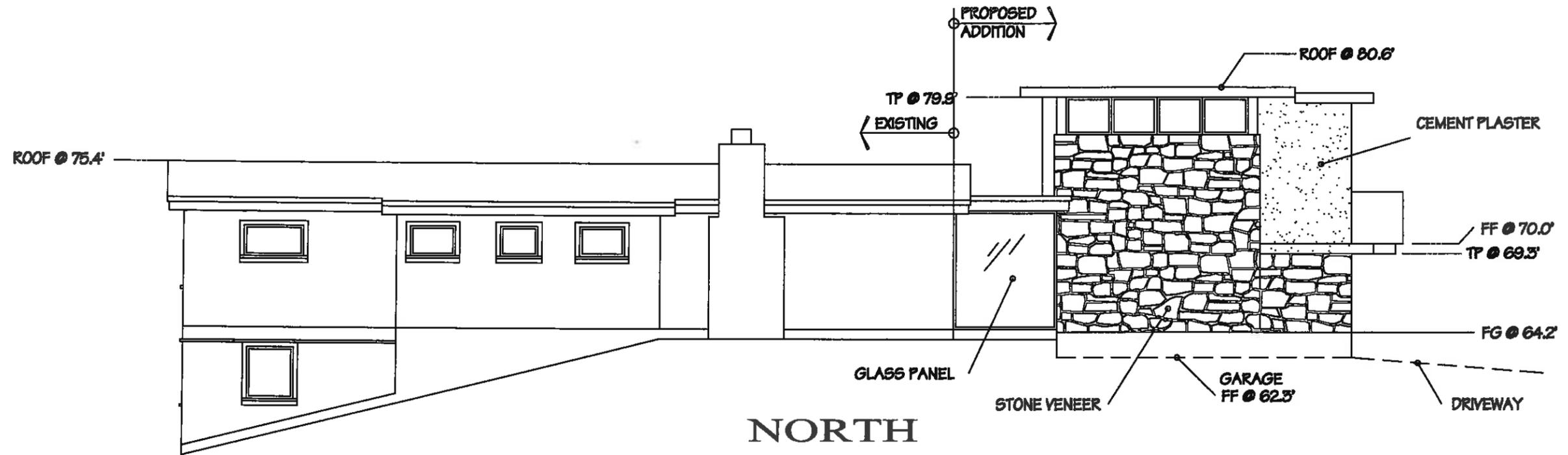
FOREST ROAD RESIDENCE
 NE COR FOREST ROAD & 8TH
 CARMEL BY THE SEA, CA.
 APN 009-202-015-000

11-27-17
 12-21-17

JOB NUMBER 1709

SHEET NUMBER D-6

JOHN MANDURRAGO
 DESIGN STUDIOS
 P. O. BOX 77, CARMEL BY-THE-SEA, CA. 93821 831-828-1883



EXTERIOR ELEVATIONS

REV.:	
REV.:	
REV.:	

FOREST ROAD RESIDENCE
 NE COR FOREST ROAD & 8TH
 CARMEL BY THE SEA, CA.
 APN 009-202-015-000

11-27-17
12-21-17

JOHN MANDURRAGO
 DESIGN STUDIOS

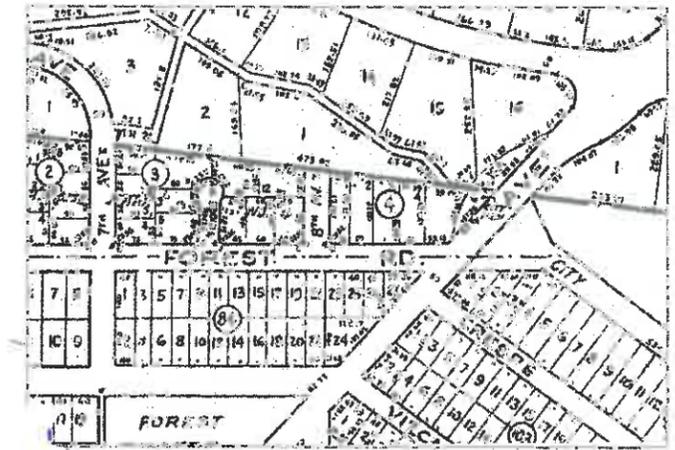
JOB NUMBER **1709**
 SHEET NUMBER **D-7**

P. O. BOX "T", CARMEL BY THE SEA, CA. 93821 831-825-1883

FOREST RESIDENCE

N/E COR FOREST ROAD & 8TH
 CARMEL BY THE SEA, CA.
 APN 009-202-015-000

PROJECT



VICINITY MAP

NO SCALE

RECEIVED

MAR 12 2018

City of Carmel-by-the-Sea
 Planning & Building Dept.

SHEET INDEX:

- D-1 TITLE SHEET
- D-2 PROPOSED SITE PLAN
- D-3 SITE SURVEY
- D-4 PROPOSED FLOOR PLANS - OPENING SCHED.
- D-5 PROPOSED FLOOR PLANS - DIMENSIONED
- D-6 PROPOSED EXTERIOR ELEVATIONS
- D-7 PROPOSED EXTERIOR ELEVATIONS
- D-8 PROPOSED & EXISTING ROOF PLAN
- D-9 STREETSCAPE

PROJECT INFORMATION

N/E COR FOREST ROAD & 8TH
 CARMEL BY THE SEA, CA 93921

LOT 11, BLOCK 3
 PARADISE PARK NO 4
 VOLUME 4, CIT PAGE 55
 APN 009-202-015-000

SITE AREA: 0.592 SF, 0.0136 ACRES

PROPOSED TREE REMOVAL (2) OAKS
 MEASURING 6' x 7' ON THE SITE ASSIGNMENT

PROPOSED TREE PLANTING (0)

PROPOSED GRADING: 31 CY CUT
 AT WEST DRIVEWAY 31 CY FILL
 62 CY GRADING

ZONING: R-1
 MAXIMUM BUILDING HEIGHT = 24'

OWNER INFORMATION

MOHAMMAD REZAI & JAYESH DESAI
 29120 VIA MARGARITA
 CARMEL, CA 93923

FLOOR AREA

ALLOWED FLOOR AREA	2,449 SF
EXISTING RESIDENCE	1,696 SF
EXISTING LOBBY AREA	45 SF
PROPOSED ADDITION	958 SF
	2,449 SF

SCOPE OF WORK

1. ADDITION OF TWO CAR GARAGE
2. NEW DRIVEWAY
3. THE ADDITION OF SECOND FLOOR ABOVE PROPOSED GARAGE CONSISTING OF TWO BEDROOMS AND ONE BATH

LOT COVERAGE

ALLOWED = 32% OF FLOOR AREA = 821 SF.
 90% PREVIOUS DORMS = 238 SF.
 719 SF.

PROPOSED STEPPING PADS		28 SF.
WEST DRIVEWAY	PREVIOUS	234 SF. SET IN SAND ONLY
FRONT WALK		22 SF.
FRONT PATIO	PREVIOUS	133 SF.
FRONT STAIRS		168 SF.
		719 SF.

TITLE SHEET

JOHN MANDURRAGO
 Design Studios

P. O. BOX 17, CARMEL BY THE SEA, CA 93921 831-428-2283

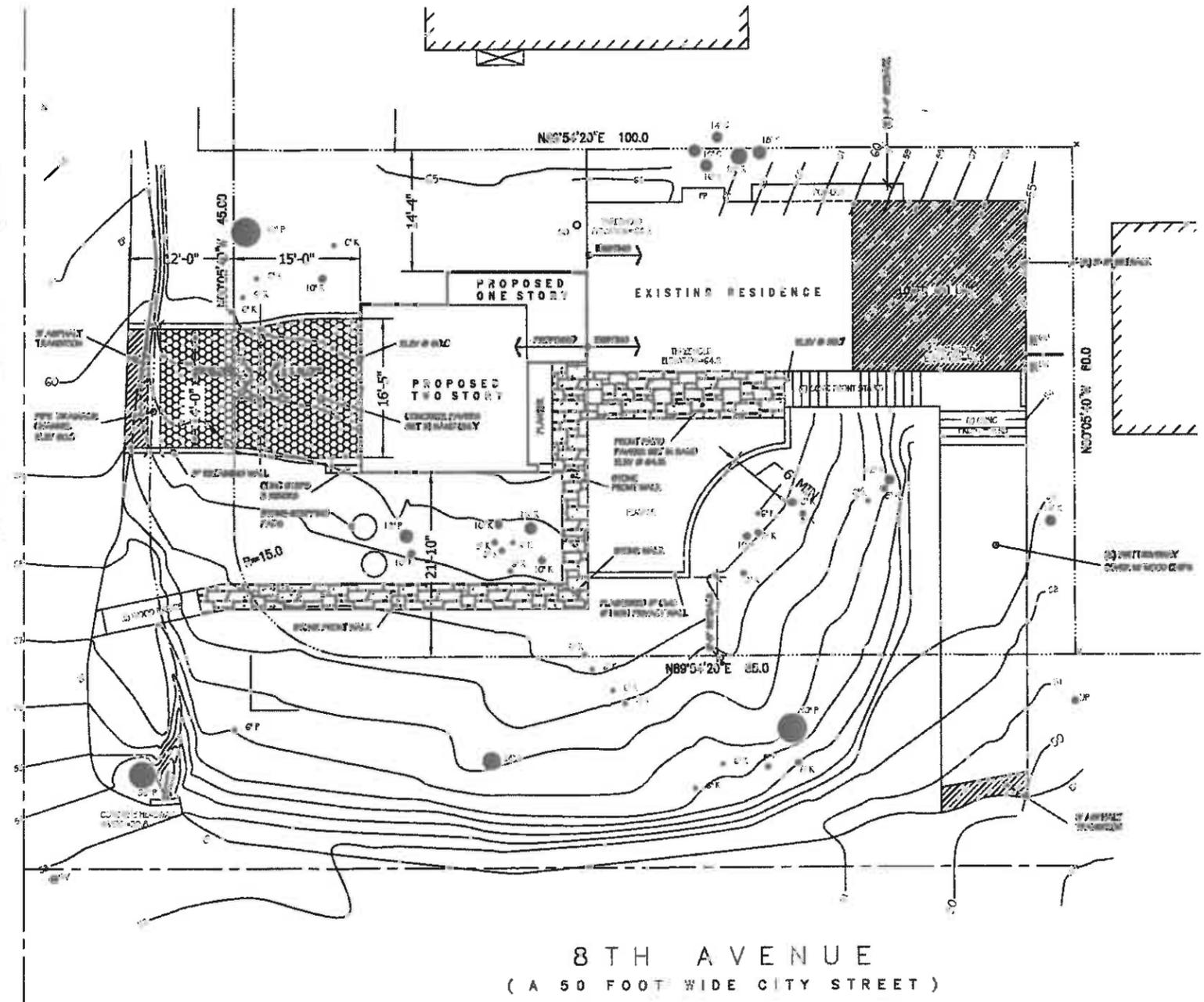
FOREST ROAD RESIDENCE
 N/E COR FOREST ROAD & 8TH
 CARMEL BY THE SEA, CA
 APN 009-202-015-000

03-11-18

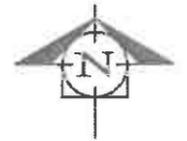
1709

D-1

FOREST ROAD
(A 50 FOOT WIDE CITY STREET)



8TH AVENUE
(A 50 FOOT WIDE CITY STREET)



SITE PLAN

JOHN MANDURRAGO
Design Studios
 P. O. BOX 77, GARDEN TRAIL, CA. 92321 951-82-1603

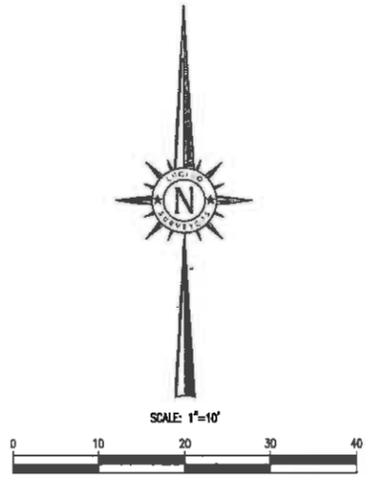
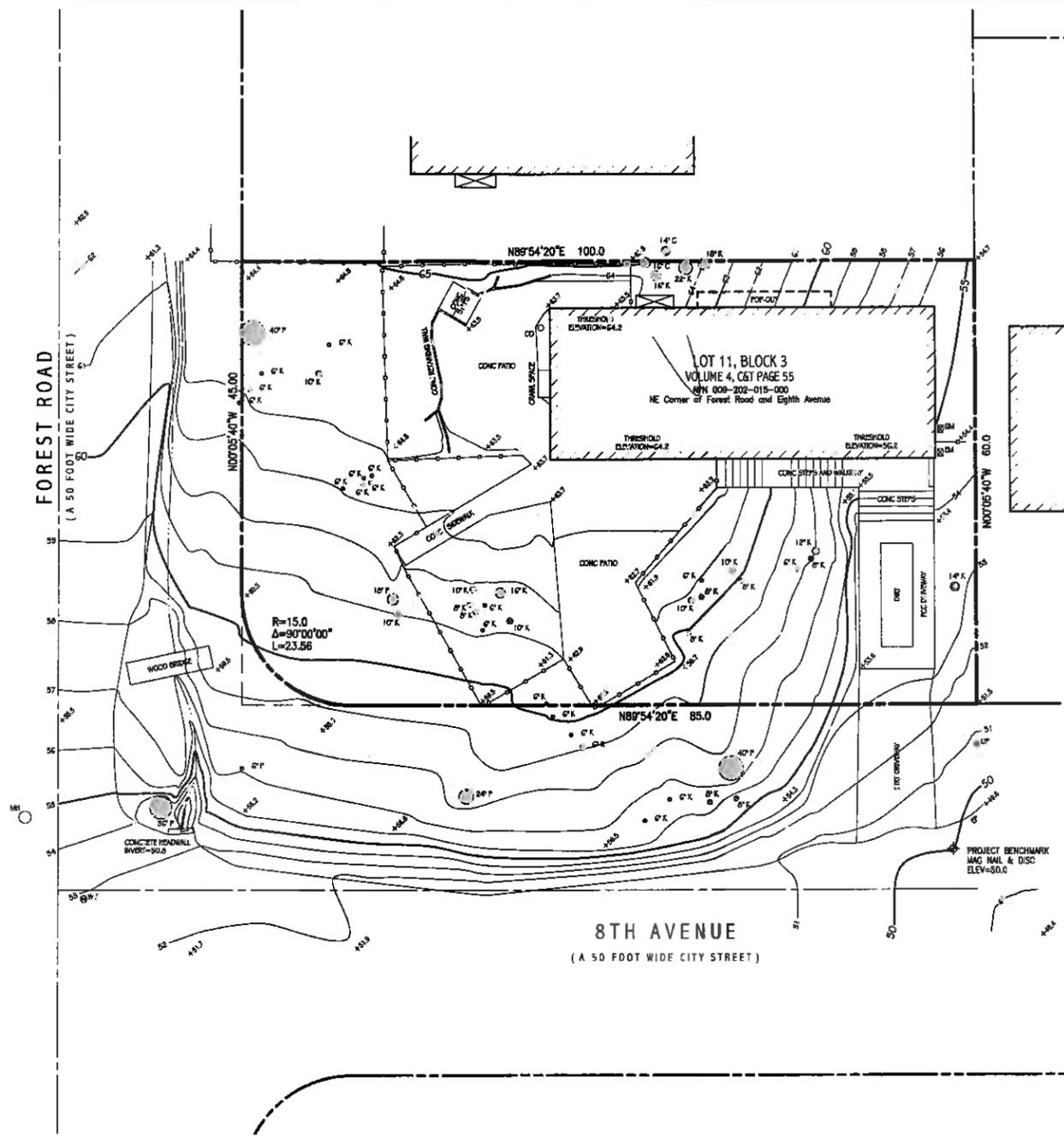
03-11-18

1709
 D-2

FOREST ROAD RESIDENCE
 WE COR FOREST ROAD & 8TH
 CARNEL BY THE SEA, CA.
 APN 004-202-015-000

LEGEND:

	RECORD BOUNDARY		WOOD FENCE
	RECORD RIGHT OF WAY		WIRE FENCE
	RECORD LOT LINE		CHAIN LINK FENCE
	RECORD CENTERLINE		STREET SIGN
	RECORD EASEMENT LINE		SIGN POST
	RECORD SETBACK		MAIL BOX
	OLD RECORD LINE		BOLLARD
	PROJECT BENCHMARK		PILLAR
	SURVEY CONTROL POINT		BLOCK RETAINING WALL
	CONTOUR (MAJOR)		ROCK RETAINING WALL
	CONTOUR (MINOR)		STACKED BLOCK WALL
	GRADEBREAK		CARMEL STONE
	EDGE OF PAVEMENT		DISABLED PARKING
	LIP OF GUTTER		STANDARD PARKING STALL
	FACE OF CURB		AC ASPHALT CONCRETE
	BACK OF CURB		CS CARMEL STONE
	BACK OF SIDEWALK		OMP CORRUGATED METAL PIPE
	EDGE OF DRIVEWAY		CP CONCRETE PAD
	FLOWLINE		OG DECOMPOSED GRANITE
	BUILDING OUTLINE		XA EXPOSED AGGREGATE
	CHIMNEY		HPE HIGH DENSITY POLY ETHYLENE
	THRESHOLD ELEVATION		PC PORTLAND CEMENT CONCRETE
	DECK		PS PAVER STONE
	CONC PAD		PVC POLY VINYL CHLORIDE
	STEP		RP REINFORCED CONCRETE PIPE
	PLANTER		TE TRASH ENCLOSURE
	WATER LINE		EDGE OF FOLIAGE
	WATER VALVE		TREE WITH SIZE AND TYPE
	WATER METER		AC ACACIA
	FIRE HYDRANT		CP CYPRESS
	HOSE BIB		OK OAK
	IRRIGATION CONTROL VALVE		PA PALM
	SANITARY SEWER LINE		PI PINE
	SANITARY SEWER MANHOLE		RE REDWOOD
	SANITARY SEWER CLEAN-OUT		TR TREE
	STORM DRAIN		SPOT ELEVATION
	STORM DRAIN MANHOLE		
	AREA DRAIN		
	STORM DRAIN CATCH BASIN		
	ELECTRIC LINE		
	UTILITY POLE		
	GUY WIRE		
	ELECTRIC VAULT		
	UTILITY VAULT		
	ELECTRIC METER		
	STREET LIGHT		
	LAMP POST		
	GAS LINE		
	GAS METER		
	TELEPHONE LINE		
	TELEPHONE STANDARD		
	CABLE TELEVISION LINE		
	CABLE TELEVISION BOX		



BENCHMARK:
ELEVATIONS FOR THIS SURVEY ARE BASED ON AN ASSUMED DATUM. AN ELEVATION OF 50.0 HAS BEEN ASSIGNED TO A MAG NAIL & DISC SET IN THE PAVEMENT NEAR THE SOUTHEASTERLY CORNER OF THE SUBJECT PROPERTY AS SHOWN HEREON.

- NOTES:**
- BOUNDARY LOCATIONS SHOWN HEREON WERE DETERMINED WITH THE BENEFIT OF A FIELD SURVEY SUPPLEMENTED BY RECORD DATA. ALL BOUNDARY DATA SHOWN HEREON ARE FROM THE RECORDS, AND IS SHOWN APPROXIMATE ONLY - NOT FOR CONSTRUCTION. THIS IS NOT A BOUNDARY SURVEY.
 - ENTITLEMENTS OR ENCUMBRANCES AFFECTING THIS PROPERTY MAY NOT NECESSARILY BE SHOWN.
 - DISTANCES SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
 - CONTOUR INTERVAL = ONE FOOT.
 - TREE TYPES (IF ANY) ARE INDICATED WHERE KNOWN. DIAMETERS OF TREES ARE SHOWN IN INCHES AND ARE APPROXIMATE ONLY, TO BE VERIFIED BY AN APPROVED ARBORIST PROVIDED BY OTHERS, PER AGREEMENT WITH THE SURVEYOR. TREES SMALLER THAN 6" IN DIAMETER MAY NOT BE NECESSARILY SHOWN. DIRECTION OF GROWTH AND DRIP LINE SHAPE TO BE VERIFIED BY OTHERS.
 - POSITION AND DIMENSIONS (IF ANY) OF BUILDINGS AND OTHER STRUCTURES ARE SHOWN HEREON APPROXIMATE ONLY DUE TO MEASUREMENT LIMITATIONS. IRREGULAR SHAPE OF BRICK FACING, POP-OUTS, BULL NOSE CORNERS, ETC. SQUARE FOOTAGE OF BUILDINGS (IF ANY) IS SHOWN APPROXIMATE ONLY, AND SUBJECT TO REVISION AT ANY TIME.
 - NOT ALL UTILITY BOXES AND/OR UTILITY STRUCTURES ARE SHOWN INCLUDING BUT NOT LIMITED TO HOSE BIBS AND IRRIGATION VALVES. ONLY THE VISIBLE UTILITY BOXES AND/OR UTILITY STRUCTURES THAT WERE CONSIDERED TO CONVEY THE GENERAL UTILITY CONDITIONS ARE SHOWN. NO WATER METER WAS VISIBLE AT THE TIME OF THIS SURVEY.
 - THIS MAP CORRECTLY REPRESENTS A SURVEY PREPARED BY ME AND/OR UNDER MY DIRECTION, FROM FIELD DATA COLLECTED IN JUNE 07 2017.

RECORD DESCRIPTION:
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARMEL, COUNTY OF MONTEREY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot 11, in Block 3, as shown on that certain Map entitled, "Paradise Park Tract No. 4", filed March 18, 1941 in Map Book 4, Maps of "Cities and Towns", at Page 55, in the Office of the County Recorder of Monterey County, California.
APN 009-202-015-000

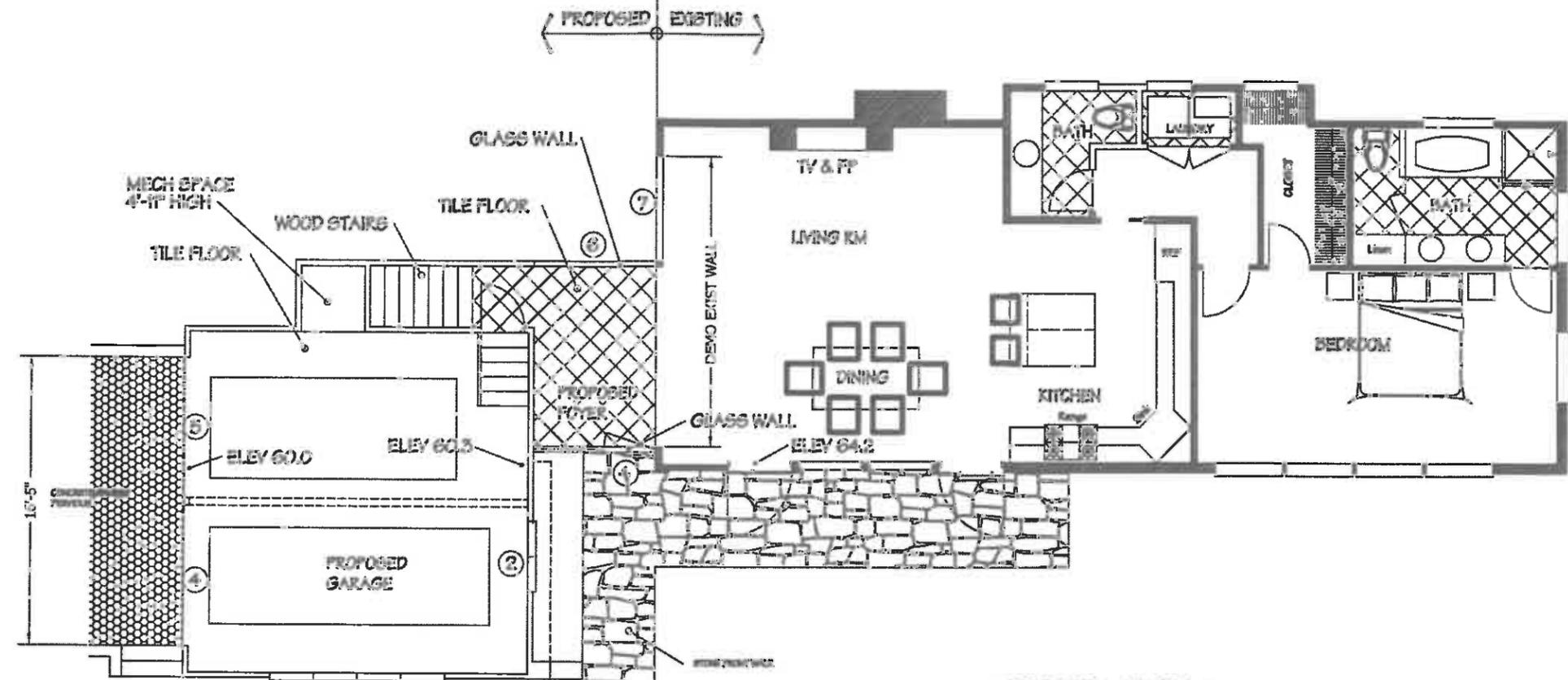
TOPOGRAPHIC SITE SURVEY
OF
LOT 11 in BLOCK 3
VOLUME 4 OF CITIES AND TOWNS AT PAGE 55
APN 009-202-015-000
Records of Monterey County
PREPARED FOR
John Mandurago



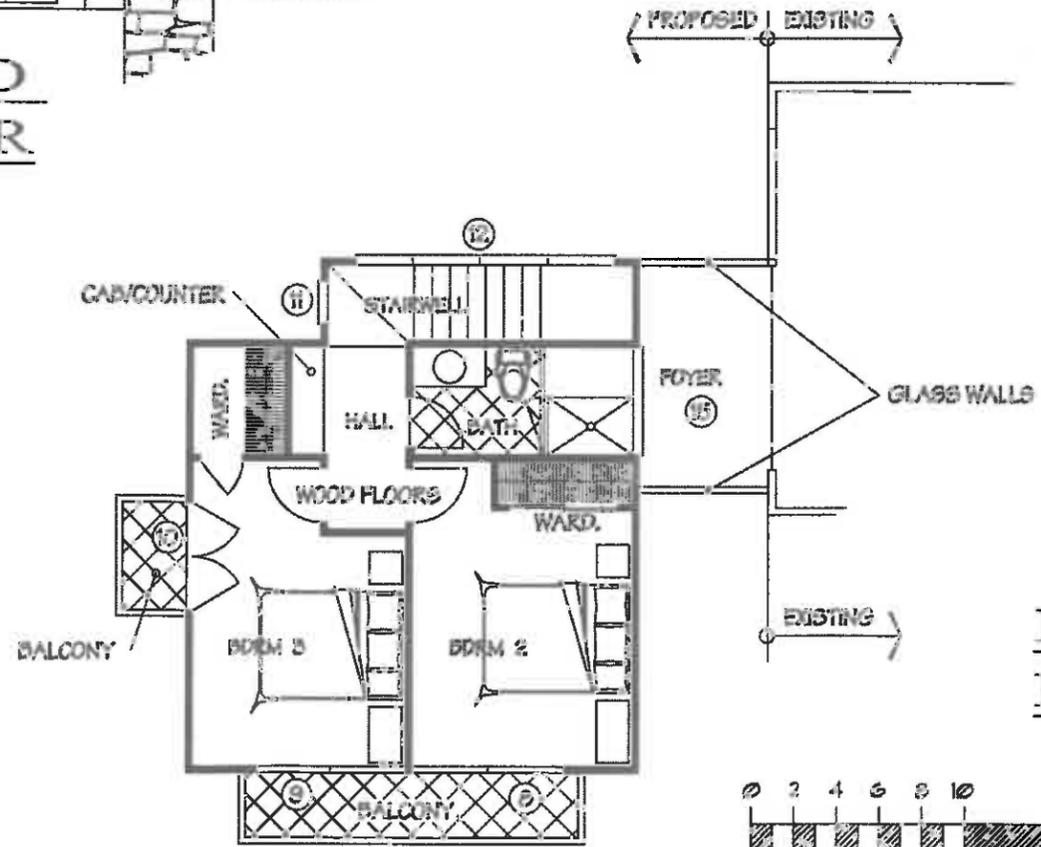
BY
LUCIDO SURVEYORS
Boundary and Construction Surveys · Topographic and Planimetric Mapping
ALTA Surveys and GIS Database Management · Land Planning and Consulting

2 Saucito Avenue
DEL REY OAKS, CALIFORNIA 93940 info@lucidosurveyors.com
(831) 620-5032

SCALE: 1"=10' PROJECT No. 1926 JUNE 2017
CITY OF CARMEL COUNTY OF MONTEREY STATE OF CALIFORNIA



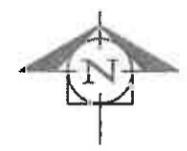
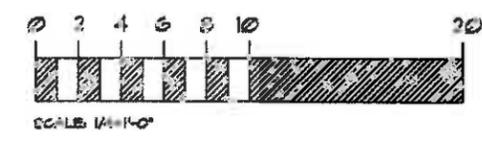
**PROPOSED
1ST FLOOR**



**PROPOSED
2ND FLOOR**

OPENING SCHEDULE				
WINDOWS AND DOORS ARE KOLBE DUAL GLAZED ANODIZED ALUMINIUM - VISTALUX				
"T" DENOTES TEMPERED SAFETY GLASS				
"E" DENOTES EMERGENCY EGRESS WINDOW OR DOOR AS PER 2016 CRC SEC R310.				
ID	SIZE	STYLE	LOCATION	FINISH
1	3060	Glass Door & Side Lite	T FOYER	black frame
2	4040	Double Casement	GARAGE	black frame
3	5040	Double Casement	GARAGE	black frame
4	8070	Glass Panel Roll-up	T GARAGE	black frame
5	8070	Glass Panel Roll-up	T GARAGE	black frame
6	7060	Fixed Glass Panel	T FOYER	black frame
7	6080	Sliding Glass Door	T LIVING ROOM	black frame
8	(2) 2668	French Doors	T BEDROOM 2	black frame
9	(2) 2668	French Doors	T BEDROOM 3	black frame
10	(2) 2668	French Doors	T BEDROOM 3	black frame
11	3040	Fixed Glass Panel	STAIRWELL	black frame
12	(4) 3026	Fixed Glass Panel	STAIRWELL	black frame
13		not assigned		
14		not assigned		
15	5020	Awning Glass Panel	T BATH	black frame

**PROPOSED
FLOOR PLANS**

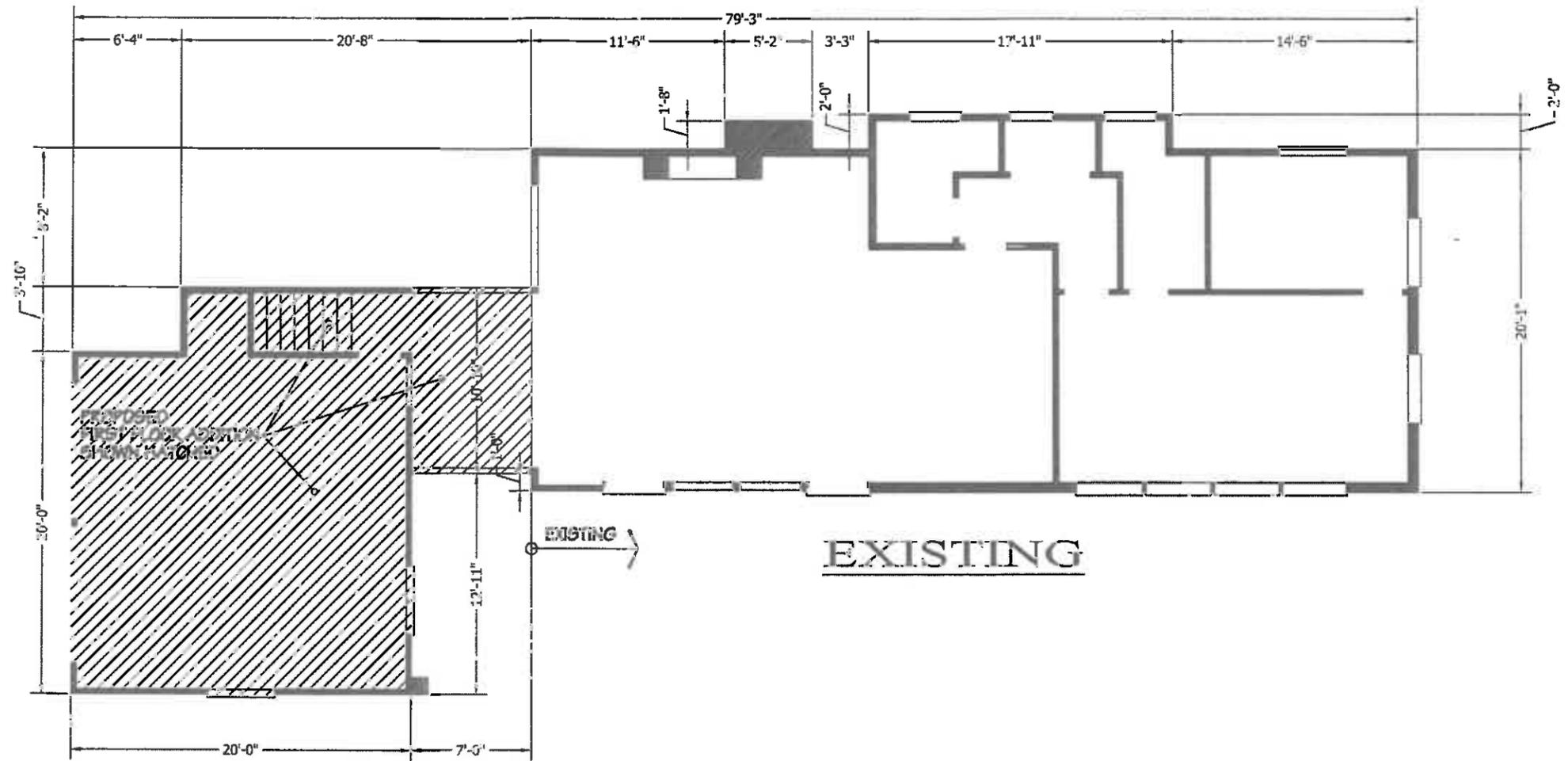


JOHN MANDURRAGO
Design Studios
P. O. BOX 147, GUNWILL, WA 915-070, CA 92021 851-325-1633

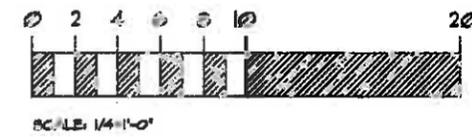
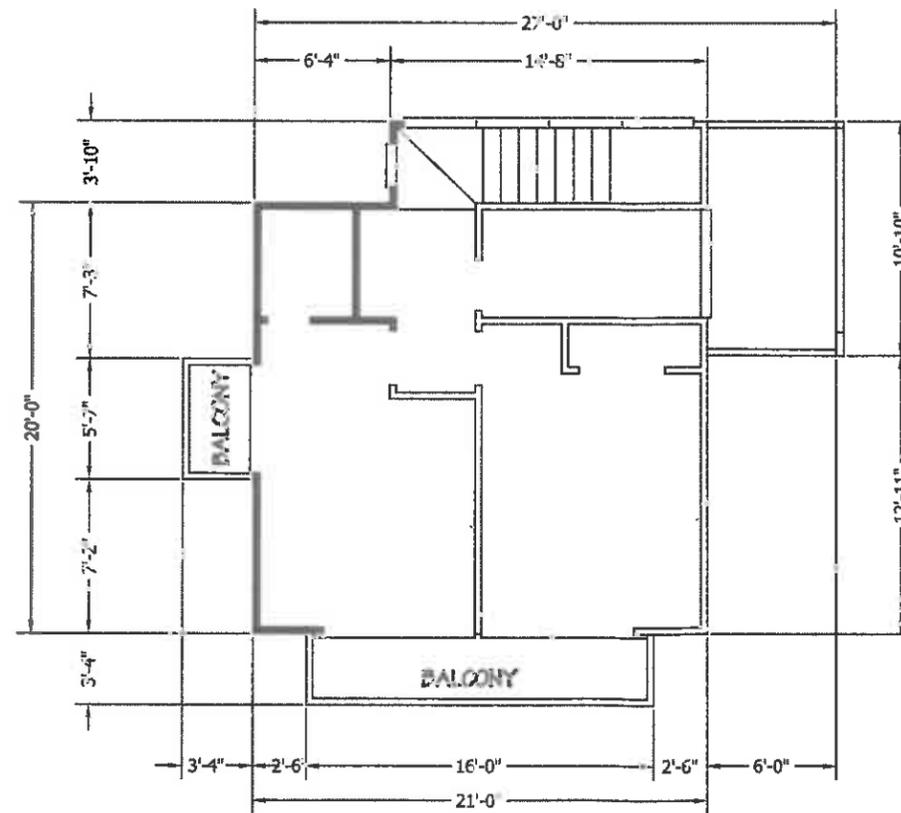
08-11-18
1709
D-4

FOREST ROAD RESIDENCE
 146 COR. FOREST ROAD & 6TH
 GUNWILL BY THE SEA, CA.
 APN 001-302-018-000

PROPOSED
1ST FLOOR



PROPOSED
2ND FLOOR

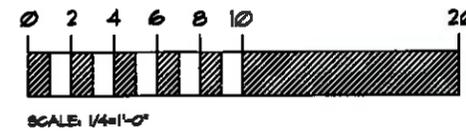
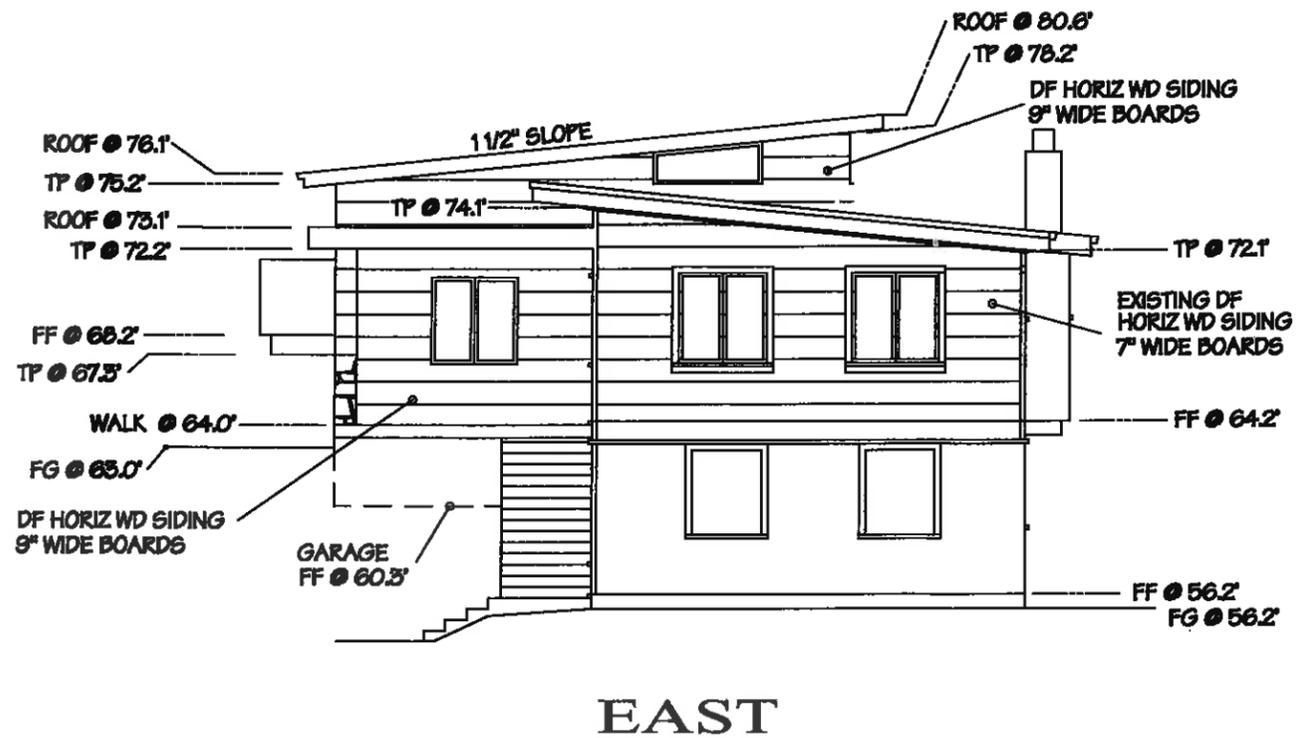
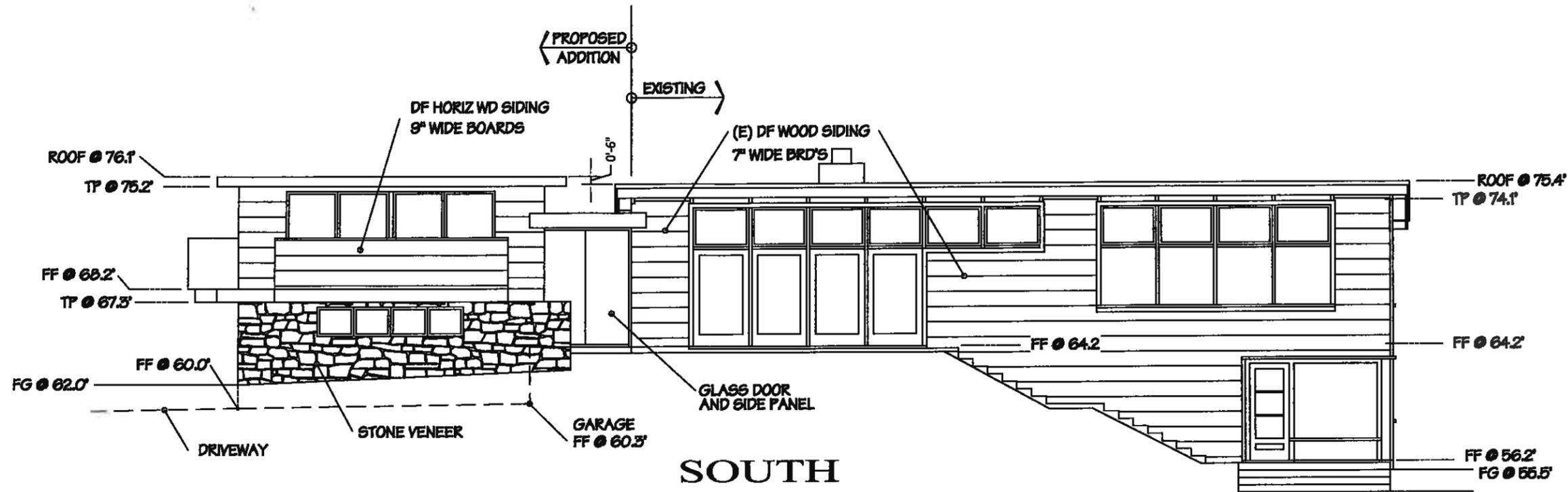


PROPOSED
FLOOR PLANS
DIMENSIONED

JOHN MANDURRAGO
Design Studios
P. O. BOX 77, GERRITSEN, CA 93521 931-228-1113

03-11-18
1709
D-5

FOREST ROAD RESIDENCE
146 COR. FOREST ROAD & 8TH
CARMEL BY THE SEA, CA
APN 004-202-015-000



RECEIVED
 FEB 15 2018
 City of Carmel-by-the-Sea
 Planning Dept.

EXTERIOR ELEVATIONS

JOHN MANDURRAGO
 DESIGN STUDIOS
 P. O. BOX 74, CARMEL BY-THE-SEA, CA 93921 831-625-1003

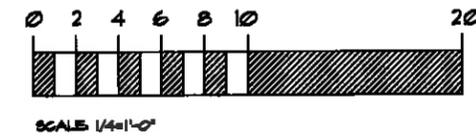
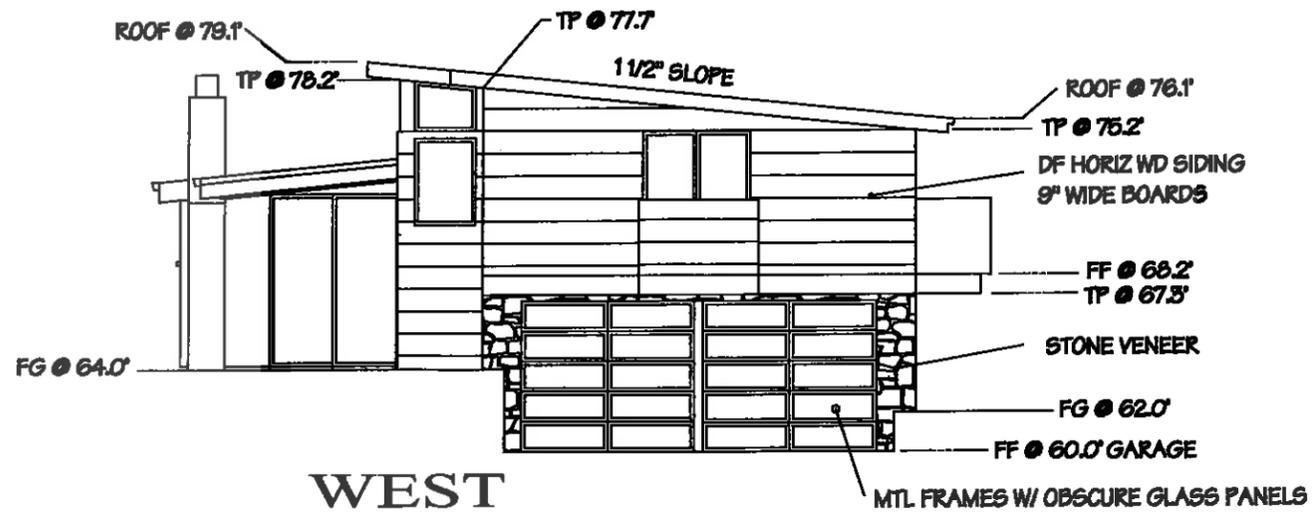
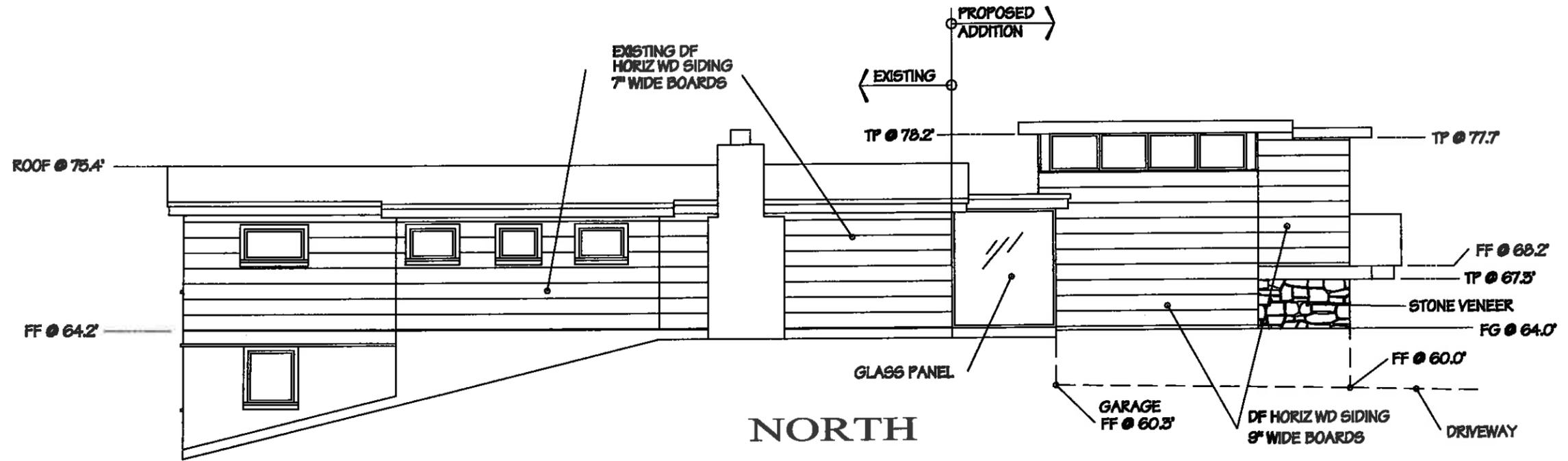
03-11-18

JOB NUMBER 1709

SHEET NUMBER D-6

REV.:	
REV.:	
REV.:	

FOREST ROAD RESIDENCE
 N/E COR FOREST ROAD & 8TH
 CARMEL BY THE SEA, CA
 APN 0091-202-015-000



EXTERIOR ELEVATIONS

JOHN MANDURRAGO
DESIGN STUDIOS

P. O. BOX 74, CARMEL BY THE SEA, CA. 93921 831-628-1853

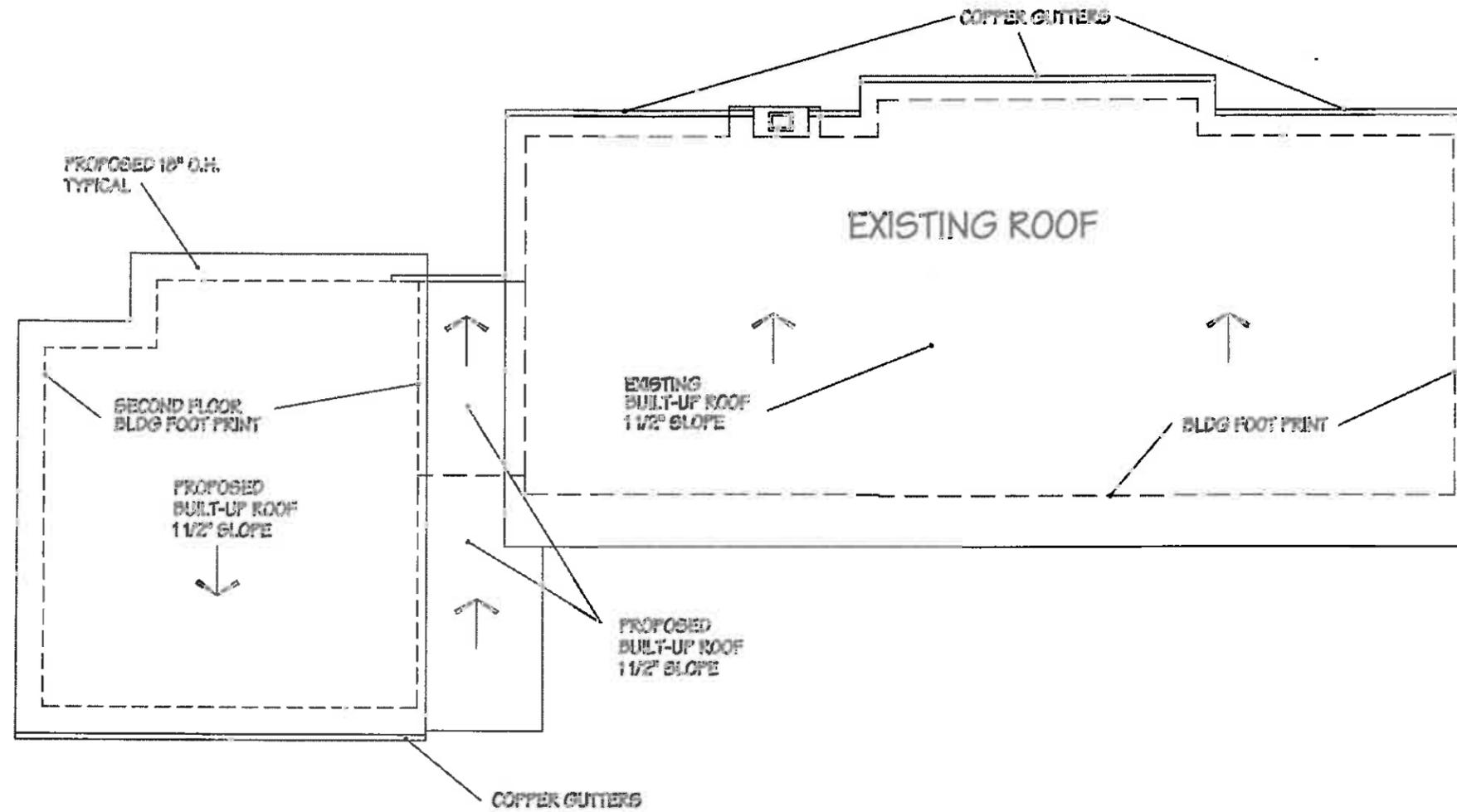
03-11-18

JOB NUMBER 1709

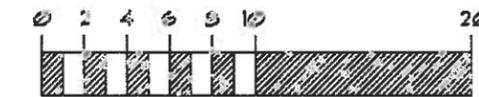
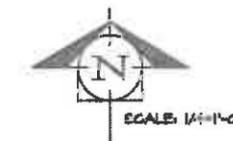
SHEET NUMBER D-7

REV.:	
REV.:	
REV.:	

FOREST ROAD RESIDENCE
N/E COR FOREST ROAD & 8TH
CARMEL BY THE SEA, CA.
APN 004-202-015-000



PROPOSED ROOFS



PROPOSED /EXIST
ROOF PLANS

REV:	
REV:	
REV:	

FOREST ROAD RESIDENCE
 N/E COR FOREST ROAD & 5TH
 GARNEL BY THE SEA, CA.
 APN 009-202-015-000

03-11-18

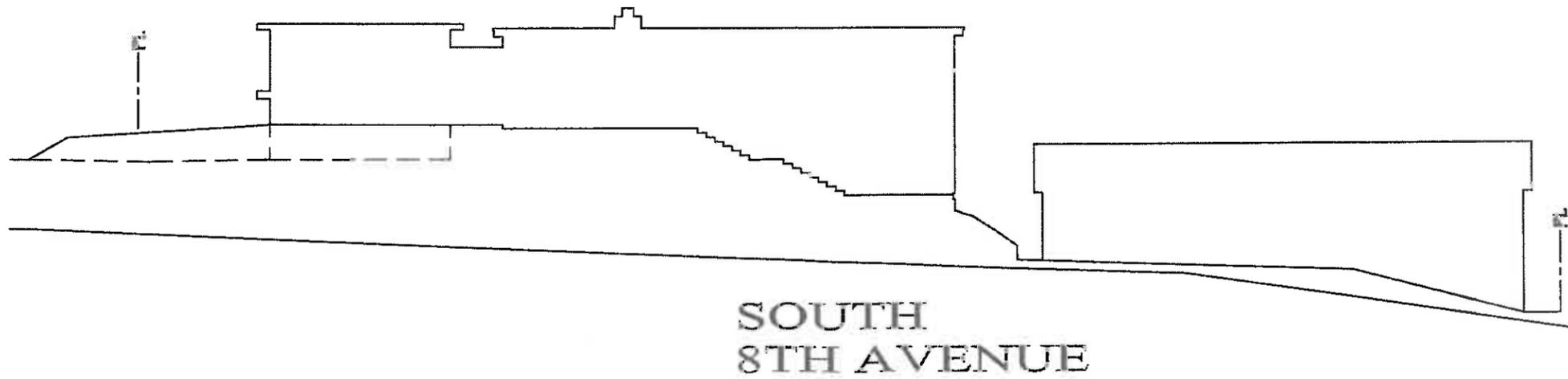
JOB NUMBER 1709

SHEET NUMBER D-8

JOHN MANDURRAGO
 DESIGN STUDIOS
 P. O. BOX 77, DANFORTH-DE-CEV, CA 92021 831-888-1253



WEST
FOREST STREET



SOUTH
8TH AVENUE



STREET SCAPE
SCALE: 1/8"=1'-0"

REV: _____
REV: _____
REV: _____

FOREST ROAD RESIDENCE
NE COR. FOREST ROAD & 8TH
CARMEL BY THE SEA, CA.
APN 009-202-015-000

03-11-18

JOB NUMBER 1709

SHEET NUMBER D-9

JOHN MANDURRAGO
DESIGN STUDIOS

P. O. BOX 17, CARMEL BY THE SEA, CA 93913 831-927-4103



CITY OF CARMEL-BY-THE-SEA

Historic Resources Board Report

March 19, 2018

To: Chair Dyar and Board Members

From: Marc Wiener, AICP, Community Planning and Building Director

Submitted by: Marnie R. Waffle, Senior Planner

Subject: Update and Discussion of Long Range Historic Preservation Projects

EXECUTIVE SUMMARY

Staff will provide an update on current long range historic preservation projects including the Historic Context Statement and Municipal Code updates to Chapter 17.32, Historic Preservation.

RECOMMENDATION

Receive report and provide input to staff as appropriate.

BACKGROUND AND PROJECT DESCRIPTION

Historic Context Statement

The City's Historic Context Statement is an important tool in evaluating which properties qualify for the City's Historic Inventory. The Historic Context Statement was last updated in 2008 and is required to be updated every five years. Staff initiated an update to the Historic Context Statement in 2017 and a subcommittee was formed to provide input during the update process.

Over the past year the Historic Resources Board (HRB) has been discussing the update, and among other things, has requested that the City enhance the Context Statement sections on mid-century and minimalist traditional architecture. Staff intends to retain the services of a historic preservation professional to draft the update.

Staff has prepared a Request for Proposals which will be released to the public in late March/early April. Staff will provide interested individuals/firms up to 30 days to submit proposals. Once a consultant has been selected, the City will enter into a Professional Services Agreement with the consultant and commence work on updating the Historic Context Statement. Below is a tentative timeline to begin work:

Task	Date
1. Release Requests for Proposals	March/April 2018
2. Subcommittee review of proposals	May/June 2018
3. City Council review of Professional Services Agreement	July/August 2018
4. Initiate update to Context Statement	September 2018

Municipal Code Updates

The City Council has authorized staff to begin working on amendments to the residential and commercial zoning ordinances. Staff met with the Planning Commission at a special meeting in January to initiate the process and receive feedback. As part of the Municipal Code updates, staff will also be reviewing Chapter 17.32, Historic Preservation and will be engaging the Historic Resources Board to provide input on the proposed amendments. Preliminarily, staff would like to review the similarities/differences between the Carmel Inventory and the Carmel Register. Staff would also like to review the Conservation Overlay Zoning District including the District boundaries, development standards and design guidelines.

ATTACHMENTS:

- Attachment A – Chapter 17.32 (Historic Preservation)
- Attachment B – Conservation Overlay Zoning District

Chapter 17.32 HISTORIC PRESERVATION

Sections:

- [17.32.010](#) Purpose.
- [17.32.020](#) Recodified.
- [17.32.030](#) Recodified.
- [17.32.040](#) Eligibility Criteria for the Carmel Inventory.
- [17.32.050](#) Alteration of Property.
- [17.32.060](#) Determining Eligibility for the Carmel Inventory.
- [17.32.070](#) Maintaining the Inventory.
- [17.32.080](#) Qualifications of Professional Consultants.
- [17.32.090](#) Carmel Register of Historic Resources.
- [17.32.100](#) Benefits Available to Historic Resources on the Register.
- [17.32.110](#) California Historical Building Code (SHBC).
- [17.32.120](#) Alteration of Historic Resources.
- [17.32.130](#) Design Study, Building Permit or Other Application for Alteration of Property.
- [17.32.140](#) Determination of Consistency with the Secretary's Standards.
- [17.32.150](#) Historic Evaluation Process for Minor Alterations.
- [17.32.160](#) Historic Evaluation Process for Major Alterations.
- [17.32.170](#) Projects That Adversely Impact Historic Resources.
- [17.32.180](#) Appeals.
- [17.32.190](#) Enforcement and Penalties.
- [17.32.200](#) Public Safety Exceptions.
- [17.32.210](#) Maintenance and Upkeep.
- [17.32.220](#) Telecommunications Facilities.
- [17.32.230](#) Definitions.

17.32.010 Purpose.

The purpose of the historic preservation ordinance is to establish standards, procedures and regulations to promote identification, and preservation, and enhancement of historic resources including buildings, structures, objects, sites, districts and archaeological resources that represent the unique architectural, cultural, historic and prehistoric identity of Carmel-by-the-Sea, by:

- A. Establishing a Historic Resources Board with powers and duties to administer the City's Historic Preservation Program.
- B. Maintaining an inventory of historic resources.
- C. Identifying and protecting archaeological resources.
- D. Protecting the design character and context of the residential and commercial areas by maintenance of an appropriate setting for historic resources.
- E. Participating in Federal and State preservation processes and programs.
- F. Becoming a certified local government.
- G. Incorporating historic preservation principles into the City's project review process, consistent with State and Federal standards, criteria, and practices.
- H. Avoiding and minimizing potential impacts on historic resources when developing and enforcing land use, design review, zoning, fire code, environmental review and other City regulations.
- I. Pursuing and supporting the use of appropriate capital, Federal, State and local private grants, loans, tax credits and tax relief.
- J. Providing financial, technical and legal assistance programs to encourage and assist with rehabilitation and maintenance of historic resources. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.020 Historic Resources Board.

Recodified to CMC [2.74.010](#).

17.32.030 Duties and Powers of the Historic Resources Board.

Recodified to CMC [2.74.020](#).

17.32.040 Eligibility Criteria for the Carmel Inventory.

The following types of resources are to be included in the Carmel Inventory: individual properties, historic districts, and archeological resources. Historic districts may consist of multiple properties that are united geographically and located with a defined boundary, or isolated properties that do not share a geographic boundary but are united by a common theme (also known as a “thematic grouping”). The Director and the Historic Resources Board, based on recommendations of qualified professionals shall use the following criteria in making determinations on the eligibility of properties for the Carmel Inventory. To be eligible for the Carmel Inventory, historic resources:

A. Should be representative of at least one theme included in the Historic Context Statement.

B. Shall retain substantial integrity. Integrity (association, feeling, setting location, design, materials and workmanship) shall be documented by comparing the existing condition of the resource with the original building plans or early records and photographs, or other substantial evidence (e.g., literature review, Sanborn maps, architectural files, land records) and/or by physical inspection by a qualified professional. Integrity shall be assessed by (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance, and (4) determining which aspects of integrity are vital if the property is to qualify as a resource (see National Register of Historic Resources, Bulletin #15).

C. Should be a minimum of 50 years of age and shall meet at least one of the four criteria for listing in the California Register at a national or Statewide level of significance (primary resource) or at a regional or local level of significance (local resource) per CEQA Guidelines Section 15064.5(a)(3):

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. Is associated with the lives of persons important to local, California or national history;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, an important creative individual, or possesses high artistic values; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

D. To qualify for the Carmel Inventory, an historic resource eligible under California Register criteria No. 3 (subsection (C)(3) of this section) only, should:

1. Have been designed and/or constructed by an architect, designer/builder or contractor whose work has contributed to the unique sense of time and place recognized as significant in the Historic Context Statement; or
2. Have been designed and/or constructed by a previously unrecognized architect, designer/builder or contractor if there is substantial, factual evidence that the architect, designer/builder or contractor contributed to one or more of the historic contexts of the City to an extent consistent with other architects, designer/builders or contractors identified within the Historic Context Statement; or
3. Be a good example of an architectural style or type of construction recognized as significant in the Historic Context Statement; or
4. Display a rare style or type for which special consideration should be given. Properties that display particularly rare architectural styles and vernacular/utilitarian types shall be given special consideration due to their particularly unusual qualities. Such rare examples, which contribute to diversity in the community, need not have been designed by known

architects, designer/builders or contractors. Rather, rare styles and types that contribute to Carmel's unique sense of time and place shall be deemed significant.

E. Districts designated as historic resources shall (1) have more than 50 percent of all properties within the district boundaries that contribute to the identifiable characteristics of the specific area or neighborhood; (2) represent a theme from the historic context of the early development of Carmel; (3) have a majority of all properties within the district boundaries that demonstrate the functions, styles, time period and lifestyles of the period of significance; (4) have a majority of all properties within the district boundaries that qualify as contributing resources that evidence a high level of integrity based on physical condition, retention of historical characteristics and relationship to the original site; and (5) represent or potentially represent historical information important locally, regionally, or to the State or nation.

F. All properties included in the inventory as of the date of final certification of the LCP, are hereby included in the Carmel Historic Resource Inventory unless removed by the Historic Resources Board pursuant to CMC [17.32.070\(D\)](#). Recordation and notice of the inclusion of these resources in the inventory shall be provided pursuant to CMC [17.32.070\(C\)](#). All subsequently identified Historic Resources shall be added to the Carmel Historic Resource Inventory and reported to the Historic Resources Board.

G. Any interested parties or organizations may submit to the City requests or applications for identification of historic resources to be included in the inventory. The City shall process such requests or applications within 60 days, consistent with the procedures established in this chapter.

H. A resource less than 50 years old may be eligible if it is of exceptional importance to the City, State, or nation based on its unusually strong contribution to history, architecture, engineering or culture, or because it is an integral part of an historic district. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.050 Alteration of Property.

A. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, relocate, reconstruct or restore any property without first determining if the property is eligible for the inventory.

B. No application for property development shall be deemed complete unless it includes a determination that the property is either eligible or ineligible for the Carmel Inventory. For properties where eligibility has not yet been established, the Department shall initiate the process for determining eligibility upon the filing of any application for property development.

C. A property owner may request a determination of eligibility prior to the filing of a development application by submitting a written request to the Department. The Department shall establish the required content and form of such requests and/or applications. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.060 Determining Eligibility for the Carmel Inventory.

A. Historic Context Statement.

1. The City shall maintain an Historic Context Statement.

2. The purpose of the Historic Context Statement is to establish a baseline of information against which the potential historic significance of a property is evaluated. "The significance of an historic property can be judged and explained only when it is evaluated within its historic context. Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear." (National Register Bulletin: "How to Apply the National Register Criteria For Evaluation," p. 7). However, exclusion of a resource type from the context statement shall not preclude a finding of historical significance by a qualified professional.

3. The Historic Context Statement shall be updated at least every five years. Updates shall be submitted to the California Coastal Commission as LCP amendments.

4. Staff may, as part of any updates to the Historic Context Statement, require that a reconnaissance survey be conducted by a qualified professional.

B. Initial Assessment of Historic Significance.

1. Upon the filing of a preliminary site assessment application, development application, property owner request for determination or as initiated by the Department, an initial assessment of historic significance shall be conducted to determine whether the property may have historic resource potential sufficient to warrant conducting an intensive survey.
2. The initial assessment shall include a records search and site visit. The records search shall include a review of building permits, plans, early photographs and other substantial evidence (i.e., literature review, architectural files, land records and Sanborn maps) in the City's or County's files, in order to determine the age and degree of prior modification to the property. The records search shall also identify whether or not the property is located within the boundaries of any archaeological overlay district or historic district, or was previously included in the Carmel Inventory or Carmel Register. During the site visit, staff shall identify the architectural style, period, and significant features of the structure or dwelling and examine the exterior of the building or structure and its setting in order to determine whether any significant alterations have occurred and/or whether sufficient integrity remains to warrant additional survey work. Staff shall also note the spatial relationships to notable site features and adjacent properties. At staff's option, the initial assessment may be performed by a qualified professional retained by the City.
3. If, based on the initial assessment, the property is determined to be ineligible for the inventory, is outside the archaeological overlay zone, and no evidence of archaeological resources is present, then no further action is required except as otherwise stated below, and the Department shall issue a determination of ineligibility consistent with subsection (D) of this section.
4. If the property appears to meet the criteria for the inventory, the Department shall order that an intensive survey of the property be conducted. All intensive surveys shall be performed by a qualified professional under contract to the City.
5. If, based on the initial assessment, a definitive determination of eligibility or ineligibility cannot be made, the Department shall require an intensive survey by a qualified professional.

C. Intensive Survey.

1. If an intensive survey is required it shall include a review of original research outlining the details of the property's history, a determination of the relationship of the property to the Historic Context Statement, and a finding as to whether or not the property meets the criteria for inclusion in the inventory. All properties determined to be historic shall be documented on a standardized inventory form as established by the State Office of Historic Preservation and shall become part of the Carmel Inventory after an administrative determination.
2. If the intensive survey determines that the property is ineligible for the inventory, then all provisions of subsection (D) of this section shall apply.
3. If the intensive survey determines that the property qualifies as an historic resource and is therefore eligible for the inventory, the survey also shall specify whether the property is a local resource or a primary resource.
 - a. Primary resources include:
 - i. Resources previously listed in the National Register at the national or Statewide level of significance.
 - ii. Resources formally determined by the Keeper of the National Register or by SHPO as eligible for listing in the National Register at the national or Statewide level of significance.
 - iii. Resources identified in the survey as eligible for listing in the National Register at the national or Statewide level of significance.
 - b. Local resources include resources identified in the survey as eligible for listing in the California Register and/or for listing in the National Register at less than Statewide level of significance.
 - i. Regionally significant shall mean resources that are important to the history and development of the Monterey Peninsula.
 - ii. Locally significant shall mean resources that are only important to the history and development of the City.
4. The intensive survey shall identify to the degree practicable:

a. Primary, contributing, component and noncontributing features or resources.

b. Aspects of the setting important to retaining the qualities that make the property historically significant.

D. Determinations of Ineligibility.

1. Upon making a determination that a property does not qualify for the Carmel Inventory, the City shall issue a determination of ineligibility. Each determination of ineligibility shall include the street location, the block and lot identification, age of structure, and a statement as to why the property is not eligible for the Carmel Inventory.

2. All determinations of ineligibility shall be (a) provided to the property owner, (b) provided to anyone who has requested a copy of such determinations, (c) transmitted to members of the Historic Resources Board, and (d) made available for public review during normal business hours at City Hall for 10 days. Upon receipt, any member of the Historic Resources Board may call a determination of ineligibility up for review by the Board by filing a written request with the Department during the appeal period.

3. Determinations of ineligibility made by the Department may be appealed to the Historic Resources Board by any aggrieved person as established in CMC [17.32.180](#). Determinations of ineligibility shall not be final until all appeal processes have run. The appeal period for determinations of ineligibility shall be 10 days from the date the decision was circulated and made available for public review as established above.

4. Determinations of ineligibility shall be valid for a period of five years from the date of issuance except for properties developed less than 50 years prior to the determination, but more than 45 years prior to the determination, and which are ineligible for the Carmel Inventory primarily due to insufficient age. All such determinations of ineligibility shall be valid only until the building, structure or object reaches the age of 50 years.

E. If the property is (1) located within the archaeological overlay district, or (2) is located within a commercial or R-4 district, or (3) staff determines that the site may potentially contain archaeological resources, and the project involves excavation or grading then the Department shall order that a Phase 1 Report (survey) of the property be conducted by a qualified professional to evaluate the potential for archaeological resources to be present on the property. All reports shall follow the Archeological Resources Management Report (ARMR) format.

1. Phase 1 Report: Archaeological Survey. A Phase I survey and report shall be prepared by a qualified professional and shall include a records search from the Northwest Regional Information Center, documentation of an on-site survey, and archival research on the history of the property. Native American consultation(s) may also be appropriate. As part of the Phase I survey process, the Department may require preparation of a California Archaeological Inventory form (DPR 422A) and/or a California Archaeological Isolated Artifact form (DPR 422H). If the Phase 1 Report concludes that the property clearly does not contain archaeological resources, then no further action or mitigation is required and the Department shall issue a determination of ineligibility for the inventory.

2. Phase II Report: Testing. If the Phase 1 Report concludes that the property does or may contain archeological resources, then a Phase II Report shall be prepared by a qualified professional, in consultation with appropriate Native American representative(s), in order to identify appropriate mitigation measures (e.g., monitoring, avoidance, capping, documentation, recovery, etc.).

3. Phase III Report: Recovery. If the Phase II Report concludes that recovery is the appropriate mitigation then a Phase III Report shall be prepared by a qualified professional in consultation with appropriate Native American representative(s).

4. A copy of each Archaeological Resources Management Report shall be forwarded to the Northwest Regional Information Center. The City shall keep confidential the specific location of archeological resources, where appropriate. A copy of any Archaeological Resources Management Report that does not identify the specific location of the resource on the property may be made public by the City.

5. Archaeological reports shall be conducted under contract to the City, at the property owner's expense. The property owner shall provide access to the site and interior of any building or structure thereupon at a mutually agreed time. All recovered artifacts shall become the property of the City for use in research, interpretation and/or transmittal to appropriate entities. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.070 Maintaining the Inventory.

A. Eligibility for the Carmel Inventory shall be established in conformance with the criteria and procedures in CMC [17.32.040](#), Eligibility Criteria for the Carmel Inventory, and 17.32.060, Determining Eligibility for the Carmel Inventory. Properties determined to be eligible by an administrative determination, or by the Historic Resources Board on appeal, shall become part of the inventory upon completion of an inventory form documenting the resource and issuance of an administrative determination finding by the Department or adoption of a finding by the Board that the property meets the criteria for historic resources.

B. Resources included in the inventory shall be considered historic resources for purposes of CEQA.

C. Consistent with Public Resources Code Section [5029](#), staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record, the administrative determination that the property is an historic resource and document inclusion of the resource in the Carmel Inventory.

1. The resolution shall include the name of the current property owner, the designating entity (Department), the specific historical resources designation (inventory), and a legal description of the property.

2. A copy of the recorded resolution shall be mailed to the property owner.

3. The inclusion of a property in the inventory is not subject to appeal. Property owners that dispute the historic significance of their property shall follow the procedures for removal of a resource from the inventory.

D. Removal of Resources from the Inventory.

1. A property owner of a resource included in the inventory may apply to the City to have the resource removed from the inventory.

2. An historic resource in the Carmel Inventory shall be presumed historically significant and shall not be removed unless substantial evidence demonstrates that it is not an historic resource. Any decision to remove a resource from the inventory shall require a public hearing by the Historic Resources Board and shall be based on a recommendation by a qualified professional. Substantial evidence shall include, but is not limited to:

a. An intensive survey prepared by a qualified professional under contract to the City re-evaluating whether the property is eligible for the Carmel Inventory. If the new intensive survey provides substantial evidence that the property does not meet the historic resource criteria and recommends removal from the inventory, the survey shall document why prior survey documentation affirming that the property met the criteria for inclusion in the inventory was inaccurate or inappropriate or otherwise is no longer valid.

b. A finding supported by substantial evidence that any loss of integrity, from the level of integrity documented in prior survey(s), was not the result of unapproved alterations, neglect or property nuisance as established in CMC [8.64.010](#). If any documented losses of integrity are found to be due to unapproved alterations, neglect or property nuisance, the property owner shall be subject to the enforcement actions of this chapter.

3. The removal of a resource from the inventory shall require Board approval. Board actions regarding removal of a resource from the inventory (approvals or denials), may be appealed to the City Council.

4. If the final action on the application is to approve removal, staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record the administrative determination by the Department specifying that the property is not an historic resource and has been removed from the inventory.

a. The resolution shall include the name of the current property owner, the decision-making body, the specific action taken regarding historical resources designation (removal from inventory), and a legal description of the property.

b. A copy of the recorded resolution shall be mailed to the property owner.

5. Resources removed from the inventory shall not be considered historic resources for purposes of the California Environmental Quality Act upon final City approval of the removal. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.080 Qualifications of Professional Consultants.

A. City List of Pre-Approved Professional Consultants. The City shall maintain a list of State-certified, qualified professionals capable of performing surveys, evaluating projects for consistency with the Secretary's Standards, assisting staff and the Historic Resources Board with the preparation of determinations of consistency, evaluating the impact of projects on historic resources and developing mitigation measures, evaluating compliance with the State Historic Building Code, and preparing Historic Context Statement updates.

B. Work to Be Done Under City Contract. The work of the qualified professionals shall be conducted under contract to the City. If the need for the work is the result of an application, the work shall be performed at the applicant's expense. If the work is the result of a City project or general request of the public pursuant to CMC [17.32.040\(G\)](#), the work shall be performed at the City's expense.

C. Conflicts of Interest.

1. The qualified professional shall not have performed work under contract to the applicant for a period of one year prior to authorization to proceed with the work effort by the City.

2. Any additional work performed by the qualified professional related to the subject application shall be performed under contract to the City. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.090 Carmel Register of Historic Resources.

The City shall maintain a Register of Historic Resources designated by the City for public recognition and benefits. Only identified historic resources included in the Carmel Inventory are eligible for the register.

A. Individual Resources.

1. Resources, identified as significant at a State or national level in the inventory, shall be automatically listed in the register.

2. Resources, identified as significant at a local or regional level in the inventory, shall be eligible for listing in the register only at the request of the property owner. Listing of a local resource in the register shall be subject to approval by the Board.

3. All historic resources previously designated for listing under prior City ordinances shall remain on the register except as provided in subsection (C) of this section.

B. Historic Districts.

1. Historic districts may be considered for inclusion in the Carmel Register at the request of a property owner within the proposed district, or as initiated by the Historic Resources Board, or the City Council, if the district meets the criteria for inclusion in the Carmel Inventory. After preparation of explanatory and supporting material by the City or other interested party, the City shall notify owners of contributing properties within the proposed historic district of the request for consideration of listing and shall provide owners an opportunity and time frame in which to file a notice of objection to listing. Such objection shall take the form of a notarized letter certifying that (1) the party is the sole or partial owner of a contributing resource and (2) the party objects to listing on the register. No action on listing of a historic district in the register shall be taken if owners of more than 50 percent of the contributing resources within the district file an objection to listing.

C. Resources Not Currently in the Inventory.

1. A property not previously surveyed, or a property previously surveyed but not included in the inventory, may be evaluated or reevaluated to determine if it is eligible for the register at the property owner's request.

2. In order to determine eligibility, the initial assessment and survey requirements of CMC [17.32.040](#) shall be followed.

3. The property owner shall request in writing that the Department initiate an historic assessment of the property.

4. Upon completion of the survey the Department shall determine whether the property meets the criteria as an historic resource and is therefore included on the Carmel Inventory, consistent with CMC [17.32.040](#), Eligibility Criteria for Carmel

Inventory, and CMC [17.32.060](#), Determining Eligibility for the Carmel Inventory. Properties that are determined not to be historic shall not be eligible for the inventory or the register.

a. Resources that qualify as primary resources shall be automatically listed in the register.

b. Resources determined to be local resources shall be listed in the register, subject to Board approval.

D. Notification of Property Owners. Consistent with Public Resources Code Section [5029](#), staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record, a certified resolution by the Department establishing the listing in the register.

1. The resolution shall include the name of the current property owner, the designating entity (Department), the specific historical resources designation (inventory), and a legal description of the property.

2. A copy of the recorded resolution shall be mailed to the property owner.

E. Removal of Resources from the Register.

1. Primary Resources. A primary resource shall not be removed from the register unless it has been previously removed from the inventory. The removal of a primary resource from the register shall be subject to Board approval and may occur concurrent with removal from the inventory.

2. Local Resources. A local resource may be removed from the register at the request of the property owner. The removal of a resource from the register shall be subject to Board approval.

3. Appeals. Board actions regarding removal of a resource from the register (approvals or denials), may be appealed to the City Council.

4. Following final action approving removal, staff shall within 90 days submit to the County Recorder for recordation, and the County Recorder shall record, a certified resolution by the Department specifying that the property has been removed from the register.

a. The resolution shall include the name of the current property owner, the decision-making body, the specific action taken regarding historical resources designation (removal from the register), and a legal description of the property.

b. A copy of the recorded resolution shall be mailed to the property owner.

5. To the extent feasible, as determined by the Board, benefits received as a consequence of listing on the register shall be removed, terminated or returned to the City as appropriate to the nature of the benefit. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.100 Benefits Available to Historic Resources on the Register.

The Board is authorized to develop and implement preservation incentive programs that are consistent with this chapter. The following preservation incentives are available to owners of resources listed in the Carmel Register:

A. Historic Plaque Program. Historic resources listed on the Carmel Register shall be provided with a brass plaque suitable for mounting on or near the resource. The plaque shall include the name of the resource, the date of construction, the City seal and other information appropriate for the resource as determined by the Board. In developing this program the Board shall establish criteria for uniform design, content and location.

B. Mills Act Historical Property Contracts.

1. Purpose. A Mills Act contract under State law is an agreement between the City of Carmel and a property owner of an historic building listed on the Carmel Register. The property owner benefits from a reduction in property taxes, and the City is assured that the historic building is rehabilitated, maintained and preserved. All Mills Act contracts shall be established, processed and approved in conformance with California law. The primary purpose for offering Mills Act contracts in the City of Carmel-by-the-Sea is to assist in the rehabilitation or restoration and long-term maintenance of historic resources.

2. Applicability. All properties listed on the City's Historic Register in all districts that have been, and will be, preserved in their historic size, form and design without significant alterations or additions are eligible for Mills Act contracts.

3. Term of Contract. All Mills Act contracts shall have a term of 10 years and one year shall be added to this term annually upon each anniversary date of the contract unless one or both parties have taken action to terminate the contract. The City Administrator shall be authorized to initiate contract termination on behalf of the City based on recommendations of the Department. The contract rights and obligations are binding upon all successive owners of the property during the life of the contract. The property retains the lower Mills Act tax rate when the property is sold. To end a contract, either party may submit a notice of nonrenewal to the other party. Such notices shall cause the contract to terminate at the end of the then-current 10-year contract period. Cancellation of a contract by the City due to noncompliance requires a public hearing and, if cancelled, results in the immediate termination of the contract and a penalty equal to 12.5 percent of the assessed market value of the property.

4. Contract Requirements. The contract will require that the historic elements of the property are maintained in good condition. This will include a plan for rehabilitation and maintenance and may include a program to restore deteriorated elements. All recipients of Mills Act contracts are required to implement a rehabilitation/restoration and maintenance plan prepared by a qualified professional and to submit an annual report to the Department specifying all work that has been done to maintain and preserve the historic resource over the year in compliance with the approved rehabilitation/restoration and maintenance plan. All rehabilitation/restoration and maintenance work shall be completed in conformance with the Secretary of Interior's Standards for Rehabilitation. All Mills Act contracts shall specify that the rehabilitation/restoration and maintenance plan shall be updated at least every 10 years by a qualified professional and approved by both parties.

5. Applications.

a. Staff shall make available appropriate Mills Act application materials. Applications for contracts that will commence in the following calendar year shall be submitted no later than June 30th of each year. This annual schedule provides sufficient time from receipt of application materials for a recommendation by the Historic Resources Board (HRB), the City Council to approve and the City Clerk to cause to be recorded with the Monterey County Recorder approved contracts within the calendar year in which application materials are received. The contract term would begin January 1st of the year following the application.

b. The following materials are required for a complete application:

i. A completed application form and all filing fees as established by resolution of the City Council.

ii. A full legal description of the property attached and labeled "Exhibit A."

iii. A rehabilitation/restoration and maintenance plan for the historic resource prepared or reviewed by a qualified professional together with a cost estimate of the work to be done attached and labeled as "Exhibit B."

iv. Photos of the exterior of the property attached to assist in the rehabilitation/restoration and maintenance of the property attached as "Exhibit D."

6. Review Process.

a. Upon submittal of a complete application, staff will prepare a staff report for review by the HRB. The HRB shall consider each application for a Mills Act contract and make recommendations to the City Council to approve, approve with conditions or deny the application.

b. The City Council shall, in a public hearing, consider recommendations from the HRB and resolve to approve, approve with conditions, or deny the proposed contract with sufficient time for action by the City Clerk so that recordation of approved contracts occurs prior to December 31st of the year in which the application is received.

c. To grant approval of a Mills Act contract, the HRB and City Council shall make all of the following findings:

i. The building is designated as an historic resource by the City and is listed on the Carmel Register.

ii. The proposed rehabilitation/restoration and maintenance plan is appropriate in scope and sufficient in detail to guide long-term rehabilitation/restoration and maintenance. Required maintenance and rehabilitation should be more significant than just routine maintenance that would be expected for any property.

iii. Alterations to the historic resource have been in the past, and will continue to be in the future, limited to interior work and to exterior rehabilitation and alterations that:

(A) Comply with the Secretary's Standards (future additions only); and

(B) Do not significantly alter, damage or diminish any primary elevation or character-defining feature; and

(C) Do not increase floor area on the property by more than 15 percent beyond the amount established in the documented original or historic design of the resource; and

(D) Do not result in any second-story addition to a single-story historic resource.

iv. The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.

v. Approval of the Mills Act contract will represent an equitable balance of public and private interests and will not result in substantial adverse financial impact on the City.

d. Upon approval of a contract by the City Council, the City Clerk shall transmit the contract, with the appropriate fee, to the County Recorder's Office. The property owner is responsible for all filing fees. After recordation, the recorded contract shall be transmitted to the County Assessor. The Assessor calculates the exact tax savings. Property owners are required to report to the State Office of Historic Preservation that a Mills Act contract has been completed.

e. The City Council may establish by resolution a limit on the number of contracts that can be approved during any calendar year.

C. Parking Reductions. On-site parking requirements for any continued occupancy, change, or intensification in use for any register-listed resources may be waived by the Board. In granting such waivers, the Board may establish that the number of parking spaces required shall be the same as the number of spaces that exist on the property as of the effective date of listing in the register.

D. Nonconformities. Existing structural nonconformities associated with a historic resource listed on the register (e.g., setback encroachments, excess height or insufficient parking, etc.) that are essential to maintaining the integrity of the resource shall be treated as conforming for the purposes of applying CMC [17.36.030](#) and [17.36.040](#), in the review of maintenance, repair, alterations and additions. Design nonconformities shall be expanded or created only when this is found necessary to achieve consistency with the Secretary's Standards.

E. Tax Credits for Commercial Properties. Commercial properties listed on the Carmel Register and the National Register may be eligible for Federal rehabilitation tax credits.

F. Fee Reductions. When a property on the register is rehabilitated in conformance with the Secretary's Standards, the City will reduce the building permit fee, applicable to the specific area of the rehabilitation, by 25 percent. (Ord. 2010-03 (Exh. A), 2010; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.110 California Historical Building Code (SHBC).

A. The SHBC provides alternative regulations for the rehabilitation, preservation, restoration, or relocation of qualified historical buildings or properties. Resources in the inventory shall be treated as qualified historical buildings or properties.

B. The SHBC shall be used for any resource in the inventory. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.120 Alteration of Historic Resources.

A. Determination of Consistency. It shall be unlawful for any person, corporation, association, partnership or other legal entity to directly or indirectly alter, remodel, demolish, grade, relocate, reconstruct or restore any historic resource without first obtaining a determination of consistency with the Secretary's Standards, complying with the requirements of the CEQA, and obtaining a building permit or other applicable permit from the City. Demolition of structures identified as historic resources on the Carmel Inventory is prohibited except as provided in CMC [17.30.010](#). The alteration of any structure identified as an historic resource on the Carmel Inventory in a manner that is inconsistent with the Secretary's Standards is prohibited unless one or more of the findings established in CMC [17.64.050](#) is adopted.

B. Routine Maintenance. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or any exterior architectural feature in or on any historic resource that does not involve a change in design, materials, or external appearance thereof, nor does this chapter prevent the alteration, restoration, demolition, removal, or relocation of any such improvement or architectural feature when the Department certifies to the Historic Resources Board that such action is required for the public safety due to an unsafe or dangerous condition and cannot be remedied under the California Historical Building Code.

C. Duty to Keep in Good Repair. The owner, occupant or any other person in actual charge of a historic resource shall keep in good repair the exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent the deterioration and decay of any exterior improvement or exterior architectural features.

D. Tax Credit Certifications. Alterations or relocations that are the subject of a tax credit certification application shall be submitted to the Board for informational purposes. The Board shall have the option to submit comments on the application to the appropriate State or Federal reviewing agency. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.130 Design Study, Building Permit or Other Application for Alteration of Property.

A. Upon submittal of a design study, building permit or other application for alteration of the property, the City shall determine if the subject property contains historic resources and is therefore eligible for the Carmel Inventory of Historic Resources.

1. Properties that are already known to contain historic resources are included in the inventory.

2. Properties that are known not to contain historic resources are those that have been subject to an initial assessment or intensive survey and received a determination of ineligibility pursuant to this chapter. A determination of ineligibility issued by the Department within five years of the date of the application shall constitute a showing that the property is not an historic resource. The Department shall have the discretion to accept determinations of ineligibility that are older than five years, if there have been no changes to the Historic Context Statement or other demonstrated changes in circumstance that are applicable to the subject property and if there is no substantial new evidence available that would affect the determination.

3. If a property is not included in the inventory and has not been subject to a previous site assessment or survey, the City shall require that the procedures for the identification of historic resources be followed, prior to determining whether a determination of consistency, pursuant to this chapter, is required for the project.

B. If the applicant has applied for, but has not completed the process of eligibility determination, the applicant may request that the property be treated as eligible for purposes of expediting the application review.

C. If it is determined that the subject property contains historic resources, the applicant shall be required to obtain a determination of consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties as part of the project review process. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.140 Determination of Consistency with the Secretary's Standards.

A. All major and minor alterations to historic resources shall require a determination of consistency with the Secretary's Standards. The Department shall make consistency determinations for minor alterations. Staff may retain a qualified professional, when necessary, to assist in making the determination.

B. Consistency determinations for major alterations shall require an evaluation by a qualified professional and review and approval by the Historic Resources Board. Qualified professionals retained by the City to evaluate proposed alterations to historic resources shall be at the applicant's expense. The Department shall determine whether the proposed project constitutes a minor or major alteration. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.150 Historic Evaluation Process for Minor Alterations.

A. For the purposes of evaluating alterations to historic resources, the following shall constitute minor alterations:

1. Any alteration that is not a major alteration.

2. Maintenance, repair, restoration or in-kind replacement of severely deteriorated component features.

3. Electrical and or plumbing work within buildings, limited to upgrading or in-kind replacement, with the exception of historic fixtures that shall be repaired.
4. Installation of mechanical equipment within a building, that does not affect the exterior of the building, visible elements of the interior, or require installation of new duct work throughout the interior.
5. Repair or partial replacement of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim when the repair or replacement is done in-kind to match existing material and form.
6. Replacement of severely damaged or deteriorated windows when the replacement is done in-kind to match the existing materials and form.
7. Replacement of window panes in-kind or with double or triple glazing so long as the glazing is clear and untinted and the window does not alter the existing window material and form. The replacement of existing archaic or decorative glass is not included in this exclusion.
8. Repair or replacement of roofing, gutters and downspouts when replacement is done in-kind to match existing materials and form.
9. Repair or replacement of roadways, driveways and walkways when work is done in-kind to match existing material and form.
10. Repair or replacement of fencing and freestanding exterior walls when work is done in-kind to match existing materials and form.
11. Repair or replacement of signs or awnings when work is done in-kind to match existing materials and form.
12. Repair or replacement of interior stairs when work is done in-kind to match existing materials and form.

B. Repair of interior walls including plaster and dry wall to match existing walls. This can include the repair of interior cracks up to one inch wide.

C. Temporary bracing or shoring as part of stabilization.

1. Anchoring of masonry walls to floor systems so long as anchors are embedded and concealed from exterior view.
2. Reconstruction or repair of parapets, chimneys, and cornices to match existing in all material and visual aspects. Bracing and reinforcing of chimneys and fireplaces as long as bracing and reinforcing are either concealed from exterior view or removable in the future.
3. Stabilization of foundations and the addition of foundation bolts.
4. The installation of the following seismic upgrades; provided, that such upgrades are not visible on the exterior or within character-defining historic interiors: cross bracing on pier and post foundations; metal fasteners; collar ties; gussets; tie-downs; strapping and anchoring of mechanical, electrical or plumbing equipment; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters and on roofs; and the addition of seismic automatic gas shut-off valves.
5. Installation of temporary, reversible barriers such as chain link fences, and polyethylene sheeting or tarps.

D. Staff shall issue a determination of consistency for minor alterations that comply with the Secretary's Standards. In approving minor alterations, staff shall ensure that integrity of the resource is maintained, that all character-defining features are maintained and that no change will be authorized that would diminish the historic resource's value or result in a subsequent determination that the resource is no longer eligible for the Carmel Inventory. Staff may prepare and process a categorical exemption for the proposed alteration. The Department shall then cause the processing of the permit application to continue pursuant to standard City practices. Minor alterations that are found not to comply with the Secretary's Standards shall be considered and processed as major alterations requiring an evaluation by a qualified professional and final action by the Historic Resources Board. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.160 Historic Evaluation Process for Major Alterations.

A. For the purposes of evaluating alterations to historic resources the following shall constitute major alterations:

1. Any minor alteration not in compliance with the Secretary's Standards.
2. Substantial alterations as defined in CMC [17.70.020](#).
3. Additions exceeding two percent of existing floor area or volume.
4. Relocation on the same site and with the same setting or context.
5. Demolitions as defined in CMC [17.70.020](#).

B. Determinations of consistency for major alterations shall be prepared by a qualified professional and shall be supported by written documentation that (1) identifies which of the Secretary's Standards are applicable to the project, (2) reviews the proposed project, and (3) explains the basis of the determination.

1. If a proposed major alteration is found by the qualified professional to be consistent with the Secretary's Standards, the project shall be presumed to be consistent for purposes of making a preliminary determination regarding any required environmental documentation and staff shall forward the application and evaluation to the Board for action.
 - a. If the Board concurs with the evaluation, the Board shall issue a determination of consistency and adopt any appropriate conditions of approval. Any finding of compliance by the Board shall be supported by substantial evidence.
 - b. If the Board does not concur, the Board may request additional information prior to issuance of a determination of consistency, or may issue a finding of noncompliance with the Secretary's Standards. Any finding of noncompliance by the Board shall be supported by substantial evidence.

C. If an evaluation concludes that a proposed alteration is not consistent with the Secretary's Standards, the report shall list aspects of the project that are not consistent along with guidance for modifying the project to comply with the Secretary's Standards. The applicant shall be required to elect in writing within 10 days of receipt of the evaluation whether they will (a) work with the City to modify the project to conform, (b) request a mediation process, or (c) request that processing of the application proceed without modification.

1. An evaluation that concludes that a project is not consistent with the Secretary's Standards shall constitute evidence of substantial adverse impact to an historic resource. If the applicant does not choose to modify the proposed alteration to comply with the Secretary's Standards, the Department shall require preparation of an EIR as part of the environmental review process prior to review issuance of any permits for the project.
2. If the applicant chooses to work to modify the proposed project to comply with the Secretary's Standards, and the required revisions would be substantial, the Department may require that the applicant withdraw the current permit application and resubmit the revised project as a new application.
3. Staff, with the concurrence of the applicant, may authorize the qualified professional to work with the applicant to develop a revised plan that complies with the Secretary's Standards, or may require the qualified professional to recommend conditions of approval that, if adopted and implemented, would cause the project to comply with the Secretary's Standards. This additional work shall be performed under contract to the City, at the applicant's expense. The qualified professional upon completion of consultation shall submit to the Department a summary of the results of the process.
4. If the applicant requests a mediation process and staff concurs, the City shall retain, at the expense of the applicant, a second qualified professional to serve as an independent mediator. Parties to the mediation shall include (1) the applicant and their representatives, (2) the City as represented by the Director, and (3) the original qualified professional(s) that determined that the proposed alteration does not comply with the Secretary's Standards. The mediator shall be responsible for structuring the mediation process and facilitating negotiation among the parties. The mediator shall complete an independent evaluation of the project, determine if it complies with the Secretary's Standards and, if necessary, make recommendations for modifications to achieve compliance.
 - a. If all parties reach agreement that the proposed alteration is consistent with the Secretary's Standards, or reach agreement on modifications that will achieve consistency, staff shall forward the application, evaluation, and work

products of the qualified professional, along with any conditions of approval to the Board for review and approval of a determination of consistency.

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

5. Staff shall forward the application, evaluation, and work products of the qualified professional(s), along with any conditions of approval to the Board for review and approval of a determination of consistency.

D. If the Board issues a determination of consistency, the Director shall determine whether the project is eligible for a categorical exemption consistent with the CEQA Guidelines. Further environmental review may still be required to address other aspects of the project. The Department shall cause to be prepared the appropriate environmental documentation for the project and shall cause the processing of the permit application to continue pursuant to standard City practices. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.170 Projects That Adversely Impact Historic Resources.

A. No permit authorizing significant adverse impacts to an historic resource inconsistent with the Secretary's Standards shall be issued unless necessary to address a public health and safety emergency as provided in CMC [17.30.010](#) or until completion of the environmental impact report (EIR) process and adoption of one or more of the findings in CMC [17.64.050](#). Preparation of an EIR for such projects shall include a review of project alternatives and/or mitigation measures that would achieve consistency with the Secretary's Standards, including consideration of the "no project" alternative. The EIR also shall include an analysis of the feasibility of each alternative.

B. Approval of any permit that will authorize significant adverse impacts to any historic resource shall require adoption of the findings found in Chapter [17.64](#) CMC, Findings.

C. Except as authorized by the City Administrator consistent with CMC [17.30.010](#), approval of a permit to demolish or alter an historic resource that will cause significant adverse impacts to the resource shall incorporate conditions of approval deemed appropriate by the Historic Resources Board or Planning Commission which may include any of the following:

1. Documentation may be required of any resource in the inventory to be demolished and/or for the property as a whole;
2. Design review for compliance with the Secretary's Standards may be required for any subsequent development on the property. With respect to demolition of resources located within a district, the City shall take into account the importance of the affected resource to the integrity of the district, and may: limit the size of new development to that of the existing structure; require that the scale of new development be harmonious with other structures which contribute to the district's character; require retention or reconstruction of one or more building features; and/or require that any replacement structure be of like kind or quality to the demolished structure and contribute to or otherwise support the character and context of the district;
3. Suspension of the issuance of the demolition permit for 180 days to allow time to take such steps as the City deems necessary to preserve or rehabilitate the structure concerned. Such steps may include consultation with civic groups, public agencies and interested citizens, exploration of the possibility of moving the resource proposed for demolition, and exploration of the possible acquisition of the property by public and private agencies. In the case of purchase or relocation by a third party, demolition may be denied where a third party is willing and able to purchase the property or relocated the resource, and makes a bona fide offer to purchase the property or resource at fair market value, as determined by appraisal, within the time established by this section.

D. No permit to demolish an historic resource shall be issued without the concurrent issuance of a building permit for a replacement structure or project for the property involved unless necessary to address a public health and safety emergency.

E. Upon demolition of a resource the Department shall remove the resource from the inventory. Where adverse impacts result from substantial alterations, the Board shall determine if the resource retains historic integrity. If the resource has lost integrity, the Board shall direct that the resource be removed from the inventory. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.180 Appeals.

A. The issuance of a determination of ineligibility for the inventory may be appealed to the Historic Resources Board, in accordance with standard City appeals procedures as established in CMC [17.32.060\(D\)](#) and [17.54.040\(B\)](#).

B. The denial of a determination of consistency for any minor alteration to an historic resource may be appealed to the Historic Resources Board, in accordance with standard City appeals procedures as established in CMC [17.54.040\(B\)](#).

C. Denials of determinations of consistency for major alteration of historic resources may be appealed to the City Council, in accordance with standard City appeals procedures as established in CMC [17.54.040\(B\)](#).

D. Denials of permits for the demolition, alteration, or relocation of a resource in the inventory or new construction on a property included in the inventory may be appealed to the City Council, in accordance with standard City appeals procedures as established in CMC [17.54.040\(B\)](#). (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.190 Enforcement and Penalties.

A. General. It shall be unlawful for any person to permit or maintain violations of any of the provisions of this title by undertaking the alteration, grading, removal, demolition or partial demolition of an historic resource without first obtaining the written approval of the City as provided in this code, or to defy any order or decision rendered by the Department, Board, Commission or Council.

B. Criminal Penalties. Any person who violates a requirement of this title or fails to obey an order issued by the City or comply with conditions of approval of any certificate or permits issued under this section shall be guilty of a misdemeanor.

C. Civil Penalties. Any person who alters, relocates, or demolishes an historic resource in violation of this title shall be subject to an administrative penalty of up to \$250,000 for each violation. As part of any enforcement proceeding, violators may be required to reasonably restore the historic resource to its appearance, condition or setting prior to the violation, or shall be subject to one of the following limitations on the use of the property.

1. All subsequent development shall be limited to floor area, volume, coverage and height limits equal to 75 percent of the limits applicable to the property prior to the violation; or

2. The property shall be ineligible for issuance of any building permits and shall be precluded from development for a period of up to 10 years.

D. Civil Remedies. Any action to enforce civil penalties may be brought by the City or any other interested party. These civil remedies shall be in addition to, and not in lieu of any criminal prosecution and penalty and any other remedy provided by law. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.200 Public Safety Exceptions.

A. Disasters and Emergencies.

1. In the event an historic resource is damaged as a result of a disaster or emergency, such that the historic resource is rendered uninhabitable, the City shall determine the level of risk associated with temporary retention of the historic resource in a deteriorated state. To the extent feasible, the deteriorated resource shall be fenced or otherwise secured to protect the public from the threat posed by the structure, until such time as the City can determine whether feasible alternatives to demolition exist.

2. In the event of a Federally declared disaster, the City shall consult with appropriate Federal and State agencies to determine if assistance is available to aid in the preservation of historical resources. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.210 Maintenance and Upkeep.

A. Minimum Maintenance.

1. All resources included in the inventory shall be preserved against decay and deterioration, kept in a state of good repair and free from structural defects. The purpose of this section is to prevent an owner or other person having legal custody and control over a property from facilitating demolition of a historic resource by neglecting it and by permitting damage to it by weather and/or vandalism.

2. Consistent with all other State and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects.

- a. Building elements so attached that they may fall and injure members of the public or property.
- b. Deteriorated or inadequate foundation.
- c. Defective or deteriorated flooring.
- d. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
- e. Members of ceilings, roofs, ceilings or roof supports or other horizontal members which that sag, split or buckle due to defective materials or deterioration.
- f. Fireplaces or chimneys that list, bulge or settle due to defective material or deterioration.
- g. Deteriorated, crumbling or loose exterior plaster.
- h. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
- i. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- j. Any fault, defect or deterioration in the building which that renders it structurally unsafe or not properly watertight.

3. If the Building Official determines that a historic resource or any other property is being neglected and subject to damage from weather or vandalism, the Director and/or Building Official shall meet with the owner or other person having legal custody and control of the historic resource to discuss with them ways to improve the condition of the property. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Building Official may issue a notice to comply requiring the owner or other person having legal custody and control of the historic resource to take action to require corrections of defects in the subject property in order that such historic resource may be preserved in accordance with this section.

B. Protection of Deteriorated, Vacant and Vandalized Resources.

1. The Building Official shall have the authority to issue an order to comply to any owner of any property included in the inventory if the Building Official determines that the property has become subject to vandalism or constitutes a public nuisance. In such circumstances, the Building Official shall have the authority to issue any order deemed appropriate to keep the property from being further vandalized or from becoming a public nuisance including, but not limited to, ordering that the building be secured and fenced.
2. For the purposes of this provision, the property shall include the interiors and exteriors of any accessory building located on a property in the inventory.
3. Security measures that the Building Official may order shall include, but not be limited to, the following:
 - a. The installation of the maximum allowed height, under this code, chain-link perimeter fencing with at least one securely locked pedestrian gate and the posting of "No Trespassing" signs at regular intervals.
 - b. Steel or plywood closures, with one-inch diameter air holes, installed at all doors and windows. (Sandwich panel installation shall be used so as to avoid drilling into window frames and sashes, doors, ornament or masonry units.)
 - c. The removal of all debris from the premises, including but not limited to wood, paper, cans, bottles and fecal matter.
 - d. Any temporary modifications required to be made to secure the building shall be reversible.
4. Any plans or proposals for work required to be performed pursuant to an order to comply to secure any building from being further vandalized or from becoming a public nuisance must first be reviewed by the Department and the Building

Official to ensure that any work done to secure the building will not damage or alter the historic character of the building. This review by the Department and the Building Official shall be completed within 10 working days from the date any request for review is submitted. If the work to be performed includes substantial alteration, the procedures set forth in this section shall be utilized for review.

5. Nothing herein shall be interpreted to prohibit an owner from taking immediate temporary measures to secure a building from unauthorized entry.

6. It shall be unlawful for any property owner to fail to comply with any order to comply issued by the Building Official under this provision.

7. Additional Remedies – Notice of Intention. In addition to the remedies provided by this code, should an owner fail to comply with an order to comply, the City may take the necessary measures, including those authorized under this code, to immediately secure the property against vandalism or prevent it from becoming a public nuisance. The City shall have the authority to assess the cost of performing this work as a lien against real property on which the building is located and take whatever additional action the City deems necessary to recover its costs and further secure the property and provide for its preservation. Prior to taking these measures, the City shall send a notice of intention to the owner. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.220 Telecommunications Facilities.

A. Proposals for telecommunications facilities shall be subject to review under this section if located within a district or within the boundaries of a property included in the inventory.

B. Co-location and use of stealth camouflaged equipment shall be required to the extent feasible for telecommunications facilities located within a district or within the boundaries of a property included in the inventory. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.32.230 Definitions.

A. “Archaeological Resources Management Report” (also “ARMR”) shall mean the standard report format established by the Department for documentation of archaeological resources and attached as Appendix G¹ to this title. A Phase I report, records search and on-site survey shall identify the nature of the archaeological resource (e.g., privy, foundations, midden, etc.) and its location on the property. A Phase II report shall identify appropriate mitigations and treatments (e.g., monitoring, avoidance, capping, documentation, recovery, etc.). A Phase III report addresses recovery of resources.

B. “Building” shall mean a construction created to shelter any form of human activity, use or occupancy.

C. “California Historical Building Code” (also “State Historical Building Code” or “SHBC”) shall mean Part 8 of Title 24 (California Building Standards Code) of the California Code of Regulations.

D. “California Register of Historical Resources” (also “California Register”) shall mean the inventory as required by the California Public Resources Code Section [5020.1](#) et seq. and regulations codified in the California Code of Regulations Section 4850 et seq.

E. “Carmel Inventory of Historic Resources” (also “Carmel Inventory” or “inventory”) shall mean the ongoing collection of information for buildings, structures, objects, sites and districts surveyed by qualified professionals for the City and found to meet the criteria established in the City’s GP/LUP. Properties included in the inventory have been surveyed in accordance with the requirements of California Public Resources Code (PRC) Section 5024.1(g), are recognized as historically significant as established in PRC Section 5024.1(k) and therefore meet the CEQA standard for a historical resource per CEQA Section 21084.1 and Guidelines Section 15064.5(a)(2).

F. “Carmel Register of Historic Resources” (also “Carmel Register”) shall mean the historic resources designated by the City for public recognition and benefits. All surveyed historic resources that are significant at the national or State level are listed on the Carmel Register. All surveyed historic resources that are significant at the local or regional level may be listed on the Carmel Register upon request of the property owner and designation by the City. Properties included in the register are part of the Carmel Inventory and meet the CEQA standard for historical resources per CEQA Section 21084.1 and Guidelines Section 15064.5(a)(2).

G. "Certified local government" (also "CLG") shall mean the program authorized by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470 et seq., as amended) and the subsequent participatory agreement between the City and the California Office of Historic Preservation.

H. "Character-defining features" shall mean a prominent or distinctive aspect, quality, physical feature or characteristic that contributes significantly to the physical character of a resource. This may include the overall shape of the structure, building or property, its materials, craftsmanship, decorative details, as well as the various aspects of its site and environment.

I. "Conservation" shall mean allowing change and new construction as long as it is consistent with an established context or character. This approach is appropriate for new buildings, remodels, facade changes and public way improvements involving nonhistoric resources. (GP/LUP, 57.)

J. "Department" shall mean the Department of Community Planning and Building.

K. "Design review guidelines" shall mean the residential design guidelines, commercial design guidelines and public way guidelines of the City and the Secretary of Interior's Standards and Guidelines.

L. "Determination of consistency" shall mean a finding adopted by the City that the proposed new construction, addition, alteration, and/or relocation complies with all of the provisions of this chapter and the Secretary's Standards.

M. "Historic Context Statement" shall mean the adopted Historic Context Statement that documents the historic periods, themes, events, people, architects and builders who have contributed to the cultural and developmental history of the City.

N. "Historic resource" (also "historical resource") shall mean a building, structure, object, site, or district that meets the criteria for the Carmel Inventory as established in the City's GP/LUP. Historic resource types include, but are not limited to:

1. "Cultural landscape" shall mean a geographic area (including the cultural and natural resources as well as the flora and fauna therein – whether native or domestic) associated with a historic event, activity, or person exhibiting other cultural or aesthetic values. There are four general types of cultural landscapes not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes and ethnographic landscapes. (Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes, 4.)

2. "Historic district (also "district") shall mean a group of buildings, structures, sites, and objects that are united historically or aesthetically by plan or physical development that meets the criteria for the Carmel Inventory as established in Policy P1-97 of the City's GP/LUP.

3. "Local historic resource" shall mean an historic resource eligible for listing in the California Register due to its regional or local significance.

4. "Object" shall mean constructions that are primarily artistic in nature, relatively small in scale, and associated with a specific setting or environment. For example, the Memorial Arch at Ocean Avenue and San Carlos Street would constitute an object.

5. "Principal feature" shall mean the most significant element or feature of an historic resource. In the case of an historic district, the district itself is the principal feature of the historic resource.

6. "Primary historic resource" shall mean an historic resource eligible for listing in the California Register due to its national or Statewide significance. All primary resources are included in the Carmel Inventory and the Carmel Register of Historic Resources. For example, Carmel Mission, which is listed in the National Register at the Statewide level of significance, is a primary resource.

7. "Archaeological site" shall mean the location of a significant event, occupation, or activity, where the location itself possesses historic, cultural, or archaeological value, regardless of the value of any existing structures. A site may include landscape features that are significant in their own right, as well as landscape features, which contribute to the significance of adjoining resources.

O. "Imminent threat" shall mean any condition within or affecting a structure which, in the opinion of the Building Official, would qualify a building or structure as dangerous to the extent that the life, health, property or safety of the public, its occupants or those performing necessary repair, stabilization or shoring work are in immediate peril due to conditions affecting the building or

structure. Potential hazards to persons using, or improvements within, the right-of-way may not be construed to be imminent threats solely for that reason if the hazard can be mitigated by shoring, stabilization, barricades or temporary fences.

P. "Initial assessment" shall mean a preliminary survey to identify whether potential historic resources exist on a property.

Q. "Integrity" shall mean the ability of an historic resource to convey its significance through retention of location, design, setting, materials, workmanship, feeling and association. (How to Apply National Register Criteria for Evaluation, 44.) Integrity is based on why a property is significant. Ultimately, the question is answered by whether or not the property retains the identity for which it is significant. The steps in assessing integrity are (1) defining the physical features that must be present for a property to represent its significance, (2) determining whether these features are still visible enough to convey significance, (3) determining whether the property needs to be compared to other similar properties to understand its significance, and (4) determining which aspects of integrity are vital if the property is to qualify as a resource. (GP/LUP)

R. "Intensive survey" shall mean a review of one or more potential historic resources by a qualified professional that includes a documented site assessment, original research outlining details of property history, a determination of the relationship of the property to the Historic Context Statement, and a finding as to whether or not the property meets the criteria for the Carmel Inventory.

S. "National Register of Historic Places" (also "National Register") shall mean the official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology and culture which is maintained by the U.S. Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq., 36 CFR Part 60 et seq., as amended).

T. "Preconstruction consultation" shall mean a meeting among the applicant, project architect, contractor, City's Building Official and Department prior to commencement of approved construction.

U. "Salvage and reuse plan" (also "implementation plan") shall mean a detailed list of character-defining features and building materials with annotated plans and elevations that clearly identify a methodology and extent of proposed salvage and reuse of existing character-defining features and building materials consistent with the Secretary's Standards.

V. "Qualified professional" shall mean a person meeting the qualifications established by the State Historic Preservation Office (i.e., Secretary of the Interior's Professional Qualification Standards (48 FR 4716-01 and 36 CFR Part 61, Appendix A)) and approved by the Department. A qualified professional shall also be State-certified by OHP and meet the minimum requirements in history, archaeology, architectural history, or historic architecture for the type of potential historic resource being surveyed. For archaeological resources, a qualified professional shall mean a "registered professional archaeologist" (or "RPA").

W. "Reconnaissance survey" shall mean a City-wide, district-wide or neighborhood review of sites to make a preliminary identification of potential historic resources. Reconnaissance surveys are typically performed after completing an update to the Historic Context Statement.

X. "Rehabilitation" shall mean the act or process of making possible a compatible use for a property, building or structure through repair, alterations and additions while preserving those portions or features which convey its historic, cultural or architectural values.

Y. "Secretary of the Interior's Standards for Rehabilitation" (also "Secretary's Standards") shall mean the Secretary of the Interior's Standards for Rehabilitation (1990, 36 CFR Section 67.7) and the publication of the National Park Service, Preservation Assistance Division, Guidelines for Rehabilitating Historic Buildings (1992, NPS) and the Secretary of the Interior's Standard for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995, NPS), and any subsequent publication of the Secretary's Standards by the NPS.

Z. "Survey" shall mean the act of conducting a reconnaissance or intensive survey conducted by a qualified professional to evaluate eligibility for the Carmel Inventory of Historic Resources.

AA. "Substantial adverse change" (also "significant adverse impact or effect") in the significance of an historical resources shall mean "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" per CEQA Guidelines (2003) Section 15064.5(4)(b)(1) and any subsequent amendments thereto.

BB. "Demolition by neglect" shall mean when a property is not maintained and is allowed to fall into a state of disrepair or property nuisance.

CC. "In-kind replacement" is defined as the "replacement of existing deteriorated building elements in such a manner as to match the original design using identical materials, forms and finishes as used in the original design, to the extent feasible, consistent with the Secretary of Interior's Standards."

DD. "Feasible" shall mean capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

¹ Code reviser's note: The appendices to this title are published under separate cover and available for public review and examination in the office of the city clerk.

The Carmel-by-the-Sea Municipal Code is current through Ordinance 2017-11, passed December 5, 2017.

Disclaimer: The City Clerk's Office has the official version of the Carmel-by-the-Sea Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

17.20.260 Purpose.

The City recognizes that Ocean Avenue and the commercial properties that surround this corridor contain some of the most memorable and important commercial buildings in Carmel. The design character and ambience created by these buildings are an essential part of the Carmel experience and critically important to the economy of the City. This area also has one of the highest concentrations of historic buildings in the City. The purpose of the downtown conservation district is to protect the historic resources and the general design context that surrounds them and to implement the following General Plan/Local Coastal Land Use Plan policies:

A. Recognize the qualities and attributes that make up the unique architectural character of Carmel. Retain these qualities in existing buildings and encourage the use of them in new structures (LUP Goal G1-3).

B. Protect the special and unique character of Ocean Avenue and the surrounding commercial area. Ensure, through the administration of land use and design regulations, that the architecture, landscape, scale and ambience of this area are maintained (LUP Policy P1-63).

C. Retain the scale and variety of design established in the retail core when considering changes to buildings that are not historic. Protect, preserve and rehabilitate historic commercial architecture that represents the character, ambience and established design context of the commercial area (LUP policy P1-66). (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.20.270 Boundaries of the Downtown Conservation District.

The boundaries of the downtown conservation district are shown on Figure III-13. A definitive listing of all affected properties is included with Figure III-13. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

17.20.280 Procedures and Criteria for Review.

The following procedures shall apply to all applications for demolitions, rebuilds, exterior alterations and additions to building sites located in the downtown conservation district.

A. Historic Resources. Projects affecting any historic resource shall require approval by the Historic Resources Board consistent with Chapter 17.32 CMC. In its review, the Board shall apply the Secretary of Interior's Standards and shall adopt the following findings:

1. The historic character of the property will be retained and preserved. Distinctive materials, features, spaces, and spatial relationships that characterize the property will be preserved.

2. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the property will be preserved.

3. The new work shall be subtly differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion and massing to protect the integrity of the property and its environment.

4. The proposed development is consistent with the established design context of the conservation district and will not adversely affect any historic resources on the project site or on adjacent sites.

Following action by the Historic Resources Board, the project shall then be scheduled for final review by the Planning Commission consistent with Chapter 17.58 CMC.

B. Nonhistoric Properties. Projects affecting properties determined not to be historic shall require a review and recommendation from the Historic Resources Board prior to review and final action by the Planning Commission or the Planning Director. The purpose of this review shall be limited to advising the decision-making body on (1) the project's consistency with the established design context of Ocean Avenue and the surrounding commercial area, and (2) identifying any potential impacts on nearby historic resources. The following findings shall be used by the Board in making its recommendations:

1. All proposed new development shall not exceed the greater of the base floor area ratio requirements identified in CMC 17.14.140 or the existing floor area of the site.

2. The proposed development is consistent with the established design context of the conservation district and will not adversely affect any historic resources on the project site or on adjacent sites. (Amended during 8/09 update; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

Figure III-13 Downtown Conservation District

Downtown Conservation District: Those building sites that include all or portions of the following lots:

Block	Lots
54	17 – 20
55	19 – 22
56	19 – 22
57	17 – 20
58	18, 20, 25, 26
70	All lots
71	All lots
72	All lots
73	All lots
74	All lots
75	All lots
76	All lots
77	All lots
78	All (street frontages only)
Devendorf Park	All

1 Prior legislation: Ords. 98-8, 98-9 and 98-10.

2 Code reviser’s note: The appendices to this title are published under separate cover and available for public review and examination in the office of the city clerk.