

**CITY OF CARMEL-BY-THE-SEA  
HISTORIC RESOURCES BOARD  
MEETING AGENDA**

Monday, August 21, 2017  
3:00 p.m. Tour of Inspection  
4:00 p.m. Open Session

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

**A. CALL TO ORDER AND ROLL CALL**

BOARD MEMBERS:

ERIK DYAR, CHAIR  
KATHRYN GUALTIERI, VICE CHAIR  
LYNN MOMBOISSE  
THOMAS HOOD  
ALEX HEISENGER

**B. TOUR OF INSPECTION**

Shortly after 3:00 p.m., the Board will leave City Hall for an on-site Tour of Inspection. The public is welcome to follow the Historic Resources Board on its tour of the subject sites. The Board will return to City Hall at 4:00 p.m., or as soon thereafter as possible.

**C. PLEDGE OF ALLEGIANCE**

**D. APPEARANCES**

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

**E. CONSENT AGENDA**

1. Consideration of the minutes of June 19, 2017 Historic Resources Board Meeting.

**F. ITEM**

- |   |   |
|---|---|
| <ol style="list-style-type: none"><li>1. DR 16-477 (Goodhue Fink)<br/>David Fink, Project Applicant<br/>Dolores 4 NW of 7<sup>th</sup> Ave<br/>Block: 75; Lot 13<br/>APN: 010-147-003</li></ol> | <p>Consideration of a Design Review (DR 16-477) application to construct a second-story addition above an existing one-story building located in the Central Commercial (CC) and Downtown Conservation (DC) Overlay District.</p> |
|---|---|

2. MA 17-213  
Sandra J. Markowski, Property owner  
NW Cor. Santa Rita & Ocean Ave  
Block: 66; Lots: 2, 3 & 4  
APN: 010-039-007

Consideration of a Resolution to add a historic resource to the Carmel Register and consideration of a recommendation to the City Council to approve a Mills Act Contract (MA 17-213) for an existing historic residence located in the Single Family Residential (R-1) Zoning District.

**G. DIRECTOR'S REPORT**

**H. DISCUSSION ITEMS**

1. Discussion of Context Statement Update.

**J. BOARD MEMBER ANNOUNCEMENTS**

**K. 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 7<sup>th</sup> Avenues during normal business hours.

The next regular meeting of the Historic Resources Board: July 17, 2017

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, Catherine J. Tarone, Assistant City Planner, 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, posted at the Harrison Memorial Library on Ocean and Lincoln, June 16, 2017.

Dated this 16th day of August 2017, at the hour of 10:00 a.m.

\_\_\_\_\_  
Marc Wiener, Community Planning and Building Director

**MINUTES  
CITY OF CARMEL-BY-THE-SEA  
HISTORIC RESOURCES BOARD  
June 19, 2017**

Sunset Center, Babcock Room  
East side of San Carlos Street  
Between 8<sup>th</sup> & 10<sup>th</sup> Aves.

**A. CALL TO ORDER AND ROLL CALL**

The meeting was called to order by Chair Erik Dyar at 4:08 p.m.

**PRESENT:** Erik Dyar, Chair  
Kathryn Gualtieri  
Alex Heisinger  
Lynn Momboisse

**ABSENT:** Thomas Hood

**STAFF PRESENT:** Marc Wiener, Community Planning Director  
Cortina Whitmore, Historic Resources Board Secretary

**B. TOUR OF INSPECTION**

Tour of Inspections convened at 3:33 p.m.

**C. PLEDGE OF ALLEGIANCE**

Not applicable.

**D. ELECTION OF VICE CHAIR**

Not applicable, Vice Chair Gualtieri appointed at May 14, 2017 Historic Resources Board Meeting.

**E. APPEARANCES**

N/A

**F. CONSENT AGENDA**

1. Consideration of the minutes of the May 15, 2017 Historic Resources Board Meeting.

**Board Member Momboisse moved to approve the minutes of the May 15, 2017 Historic Resources Meeting. Motion seconded by Board Member Momboisse and carried the following vote: 4-0-1-0.**

**AYES:** COMMISSIONERS: HEISINGER, GUALTIERI, MOMBOISSE & DYAR

NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: HOOD  
ABSTAIN: COMMISSIONERS: NONE

**G. ITEM**

1. DS 17-133 (Kuchman) Paul Walchli, Project Designer Carpenter St., 3 SW of 2 <sup>nd</sup> Ave. Block: 22; Lots: 9 APN: 010-022-022	Consideration of a Design Study (DS 17-133) application for alterations in the Single-Family Residential (R-1) Zoning District. Included with this project is the request to place the property on the City's Historic Register and waive the on-site parking requirement.
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Marc Wiener, Planning Director presented the staff report and noted staff recommends support.

Chair Dyar opened the public hearing seeing

Speaker #1: Paul Walchli, Project Designer summarized home owner's intent and answered questions from the Board.

Speaker #2: Mr. & Mrs. Kuchman, property owners provided further design detail and expressed the importance of keeping the historic look of the residence.

Chair Dyar closed the public hearing.

**Board Member Heisinger moved to approve DS 17-133 (Kuchman), add residence to the Historic Registry and waive onsite parking requirement. Motion seconded by Board Member Momboisse and carried by the following roll call vote: 4-0-1-0.**

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

**H. DIRECTOR'S REPORT**

**Marc Wiener provided brief recap of Planning and Building activities.**

**I. DISCUSSION ITEMS**

Vice Chair Gualtieri noted she would like the Board to discuss the possibility of designating a Hugh Comstock Historic District.

**J. BOARD MEMBER ANNOUNCEMENTS**

Vice Chair Gualtieri directed the Board to the Secretary of Standards Repair Guidelines and Guidelines for the Treatment of Historic Properties accessible on the California Office of Historic Preservation's website page <http://ohp.parks.ca.gov/>.

**K. ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 4:57 p.m.

Cortina Whitmore, Historic Resources Board Secretary

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ATTEST:

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Erik Dyar, Chair



CITY OF CARMEL-BY-THE-SEA

Historic Resources Board

August 21, 2017

**To:** Chair Dyar and Board Members

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

**Subject:** Consideration of a Design Review (DR 16-477) application to construct a second-story addition above an existing one-story building located in the Central Commercial (CC) and Downtown Conservation (DC) Overlay District.

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**Application:** DR 16-477                      **APN:** 010-147-003  
**Location:** Dolores Street, 4 NW of 7<sup>th</sup> Avenue  
**Block:** 75                                      **Lot:** 13  
**Applicant:** David Fink                      **Property Owner:** Neil Goodhue

**EXECUTIVE SUMMARY**

The applicant is proposing to add a 1,570-square foot second-story condominium addition above the Cantinetta Luca restaurant and Salumeria Luca deli. This project is located within the Downtown Conservation District and as such is required to undergo review by the Historic Resources Board (HRB) prior to a final Planning Commission decision.

**RECOMMENDATION**

Determine the consistency of the proposed project with the established design context of the Downtown Conservation District.

**BACKGROUND**

The project site is a 4,000-square foot lot located on Dolores Street, 4 northwest of 7<sup>th</sup> Avenue, adjacent to City-owned Picadilly Park. The lot is developed with a 3,824-square foot one-story building that contains Cantinetta Luca restaurant and Salumeria Luca deli. The applicant is proposing to add a 1,570-square foot second-story condominium addition that has a height of approximately 28.5-feet. The proposed second-story addition would be clad with concrete panel siding and includes a rooftop deck and wood trellis on the front elevation and rooftop deck on the rear elevation.

This project was presented to the Planning Commission on July 12, 2017, as a Preliminary Concept Review. The applicant had originally proposed an elevator that would have encroached onto Piccadilly Park, however, at the request of the Planning Commission the elevator encroachment has been eliminated and the applicant is now proposing an internal set of stairs. In addition, the Planning Commission requested that the applicant consider setting back the second-story away from the north elevation to minimize the impact to Piccadilly Park. No change has been made to the plans with regard to setting back the second story.

This project is located within the Downtown Conservation District and as such is required to undergo review by the HRB prior to a final Planning Commission decision. It is important to note that when the subject building was remodeled in 2006, it required a similar review by the HRB and was determined to be compatible with the neighborhood.

<b>PROJECT DATA FOR A 4,000-SQUARE FOOT SITE (Central Commercial District):</b>			
<b>Site Considerations</b>	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Floor Area	5,400 sf (135%)	3,824 sf (133%)	5,394 sf (135%)
Building Coverage	3,200 sf (80%)	3,824 sf (95%)	No Change
Building Height <sup>i</sup>	30'	18' - 6"	28' - 6"
Parking Requirement	1 spaces	0 spaces	0 spaces*
<b>Setbacks</b>	<b>Minimum Required</b>	<b>Existing</b>	<b>Proposed</b>
Front	0'	0'(ground level)	0' (ground level)/8' - 7" (2 <sup>nd</sup> story addition)
Rear	0'	0' (ground level)	4' (ground level)/51' (2 <sup>nd</sup> story addition)
Side Yard	0'	0'	0'
*Parking requirement may be satisfied by payment of in-lieu fee (CMC 17.38.030.C)			

#### **STAFF ANALYSIS:**

##### **Downtown Conservation District**

According to CMC 17.20.280.B, the purpose of the review by the HRB is to ensure that the proposed development is consistent with the established design context of the Conservation District and that the development does not have any adverse effects on any historic resources

in the area. For projects in the Conservation District the following two findings must be made by the HRB with an analysis by staff:

- 1. All proposed new development shall not exceed the base floor area ratio requirements identified in CMC 17.14.140.**

Staff Analysis: The proposed project meets the base floor area requirements for a 4,000-square foot lot in the Central Commercial Zoning District.

- 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.**

Staff Analysis: In staff's opinion, the proposed second-story addition is compatible with other buildings in the surrounding historic district. Staff has identified the following design components that should be considered by the Historic Resources Board in determining the consistency of the proposed project with the established design context of the Downtown Conservation District:

*Building Height:* The neighboring buildings along Dolores Street between Ocean and 7th Avenues vary in height, with some being one-story and small in scale, while other are two-story with estimated heights ranging from 26-30 feet. The proposed addition is 28.5 feet high and is compatible with the height of surrounding buildings.

*Finish Materials:* The applicant is proposing that the second story be clad with dark-brown concrete panel siding. In staff's opinion, the concrete panel siding may appear too contemporary and incompatible with the surrounding historic district. A photograph of the concrete panel siding is included as Attachment C and a sample will be provided at the meeting. As an alternative, stucco siding could be used to match the existing building.

*Architectural Style:* The existing one-story building is compatible with the surrounding neighborhood, in that it does not replicate historic architectural styles, nor does it appear too contemporary and in stark contrast to the surrounding buildings. In staff's opinion, the overall design of the second story addition is consistent with the existing building and compatible with the historic streetscape. However, the finish material should also be compatible as discussed in the previous section.



### **Environmental Review**

The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15301 (Class 1) – Existing Facilities. The project includes a 1,570-square foot addition to an existing 3,824-square foot commercial building, and therefore qualifies for a Class 1 exemption. The proposed alterations to the residence do not present any unusual circumstances that would result in a potentially significant environmental impact.

### **ATTACHMENTS:**

- Attachment A – Site Photographs
- Attachment B – Findings
- Attachment C – Concrete Siding
- Attachment D – Project Plans

## Attachment A - Site Photographs



Project Site – Facing Southwest



Picadilly Park – Facing West



NW Dolores/7<sup>th</sup> - Looking North



NE Dolores/7<sup>th</sup> – Looking Northeast



## **Attachment B – Findings for Approval**

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

FINDINGS FOR ACCEPTANCE

DR 16-477

Goodhue/Fink

Location: Dolores Street, 4 NW of 7th Avenue

Block: 75; Lot: 13

APN: 010-147-003

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### **CONSIDERATION:**

Consideration of a Design Review (DR 16-477) application to construct a second-story addition above an existing one-story building located in the Central Commercial (CC) and Downtown Conservation (DC) Overlay District.

### **FINDINGS OF FACT:**

1. The project site is a 4,000-square foot lot located on Dolores Street, 4 northwest of 7th Avenue, adjacent to City-owned Picadilly Park. The lot is developed with a 3,824-square foot one-story building that contains Cantinetta Luca restaurant and Salumeria Luca deli. The applicant is proposing to add a 1,570-square foot second-story condominium. The project site is located in the Central Commercial (CC) Zoning District and Downtown Conservation (DC) Overlay District.
2. The proposed new development does not exceed the allowed base floor area ratio requirements identified in CMC 17.14.140.
3. 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.
4. The proposed project is categorically exempt from CEQA requirements, pursuant to Section 15301 (Class 1) – Existing Facilities. The project includes a 1,570-square foot addition to an existing 3,824-square foot commercial building, and therefore qualifies for a Class 1 exemption. The proposed alterations to the residence do not present any unusual circumstances that would result in a potentially significant environmental impact.



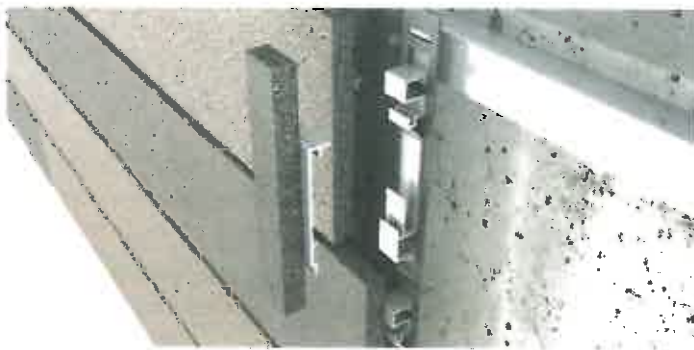
## öko skin

slat wall panels made of  
glassfibre reinforced concrete

## Installation

oko skin slat wall panels are used as facade cladding and mounted on a substructure. They can be installed both horizontally and vertically. oko skin slats can be fastened with screws to a wooden substructure or with rivets or adhesive to an aluminium substructure. Screws and rivets are available in colour matched finish. oko skin flex can be also installed as lap siding.

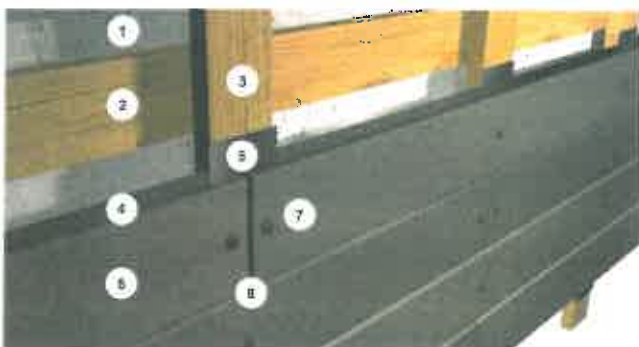
### NEW | Concealed fastening



For further details on the processing and mounting of oko skin slat wall panels please refer to the oko skin installation instructions on [www.nieder.co](http://www.nieder.co). Please refer to country-specific regulations regarding mounting and installation!

### Assembly principle: screws on wooden substructure

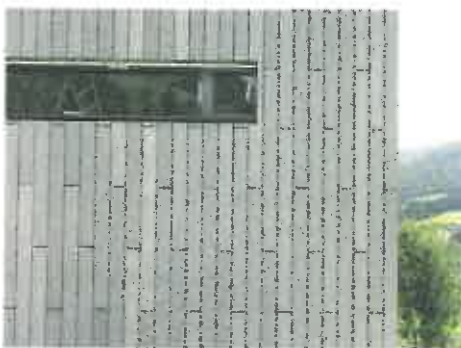
- 1 wall / back rail
- 2 counter fastening, opt. insulation
- 3 main fastening
- 4 chestnut exterior cladding
- 5 waterstop / joint line
- 6 oko skin slat wall panels
- 7 screw
- 8 open joint



## Layout examples



oko skin flex 125 mm,  
various colours, vertical  
installation, rivets on  
aluminium substructure



oko skin 147 mm,  
staggered vertical  
installation (1/3 shifted),  
screws on wooden  
substructure



oko skin 147 mm,  
various colours, vertical  
installation, rivets on  
aluminium substructure



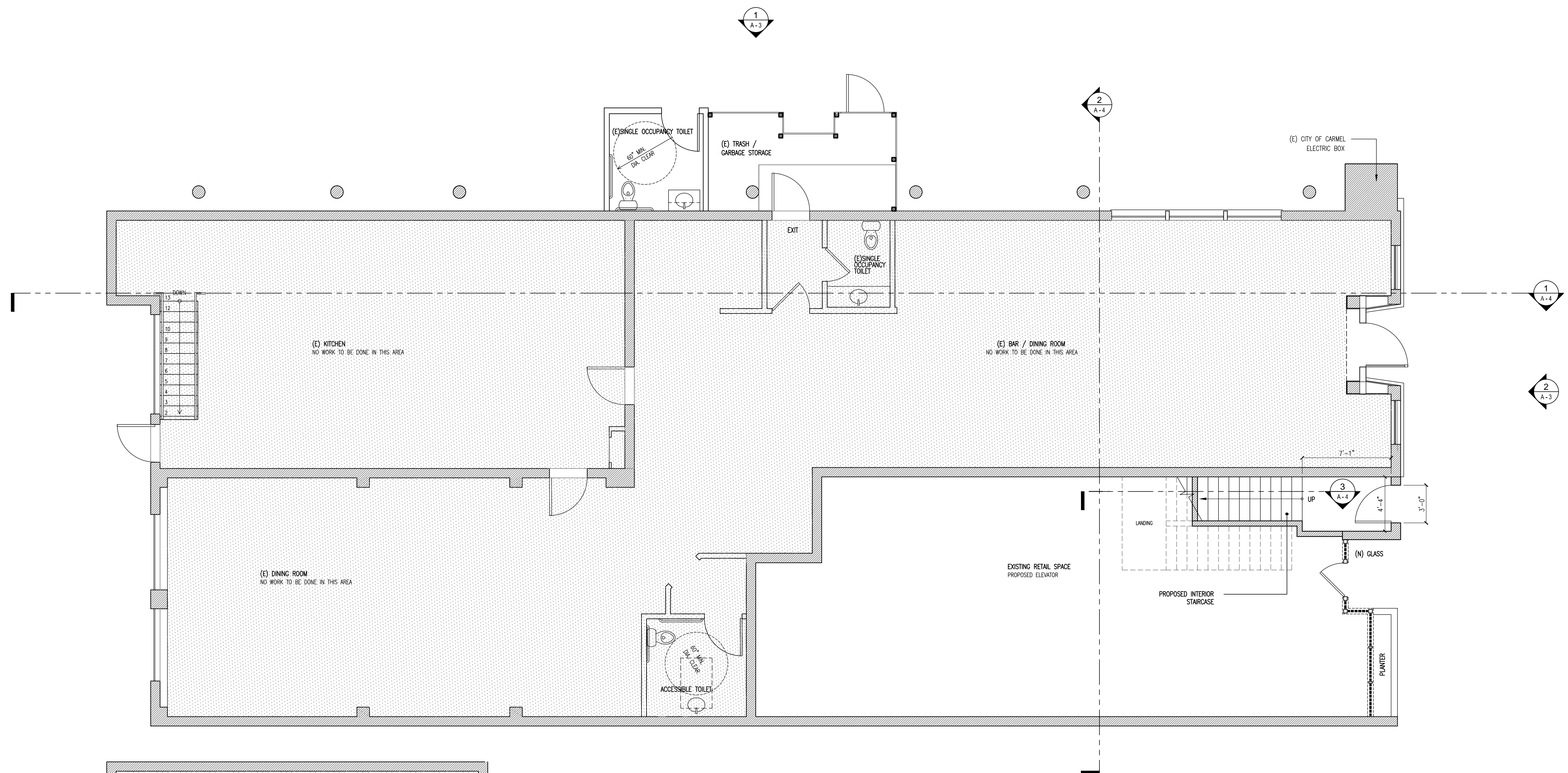
**Coming soon!**  
oko skin 147 mm,  
horizontal installation,  
glue on  
aluminium substructure



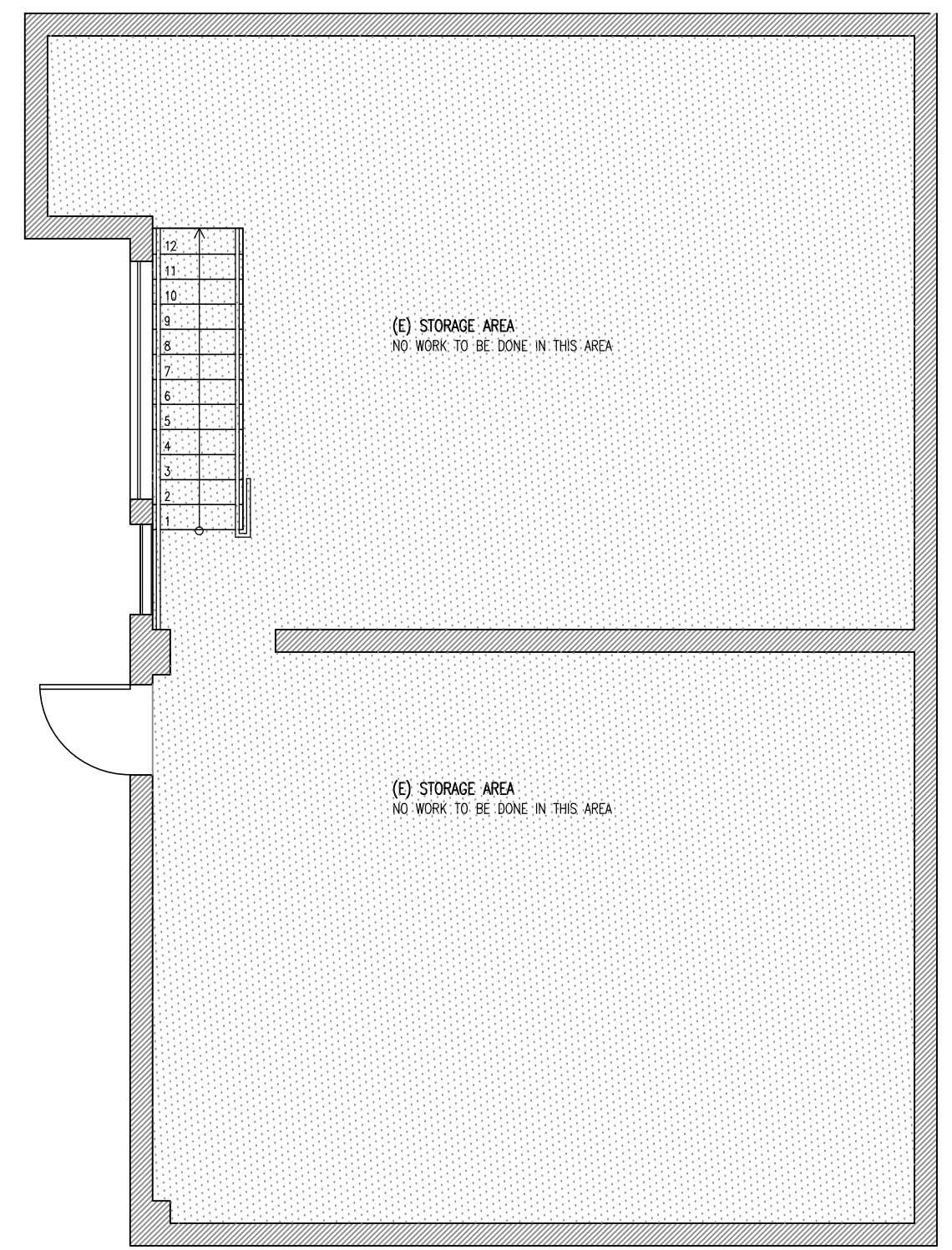
**Rieder Smart Elemente GmbH**

Mühlentweg 22 | 5751 Malschoten | Austria  
T +43 6542 630 844 | F +43 6542 650 355  
[okoskin@rieder.co](mailto:okoskin@rieder.co) | [www.rieder.co](http://www.rieder.co)





**2 PROPOSED FIRST FLOOR PLAN**  
SCALE: 3/16" = 1'-0"



**1 EXISTING BASEMENT FLOOR PLAN**  
SCALE: 3/16" = 1'-0"

ENCHROACHMENT AREA	
(E) PUBLIC BATHROOM	66 SF
(E) TRASH ENCLOSURE	111 SF
(E) CITY OF CARMEL ELECTRIC BOX (located inside column)	16 SF
(N) PROPOSED STAIR TOWER	100 SF
*ENCHROACHMENT APPROVAL BY SEPARATE PERMIT	

FINK RESIDENCE	
LOT SIZE :	4,000 SF
135% ALLOWABLE BUILDING AREA :	5,400 SF
EXISTING BUILDING :	3,824 SF
(N) PROPOSED SECOND STORY ADDITION :	1,570 SF
TOTAL PROPOSED (E) + (N) =	5,394 SF

REVISIONS

ARCHITECT

**jeffrey fink**  
architecture

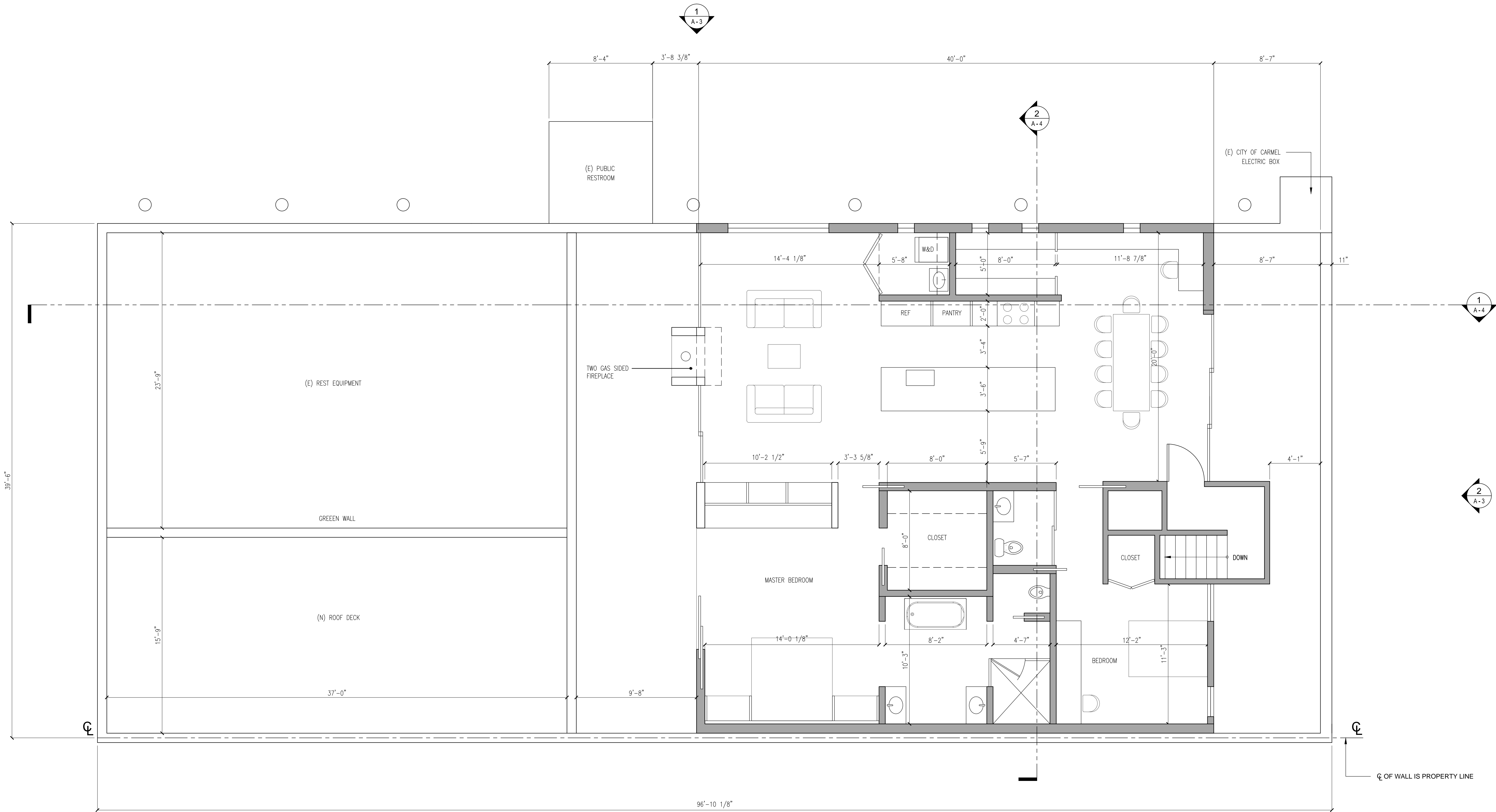
jeffrey fink

1421 Blair Lane  
Tustin, CA 92780  
714.329.1082 Phone  
714.832.9185 Fax  
jfrn@co.rr.com

**FINK RESIDENCE**  
CARMEL, CALIFORNIA

**BASEMENT FLOOR PLAN /  
FIRST FLOOR PLAN**

AUGUST 8, 2017  
SCALE : AS NOTED



ENCHROACHMENT AREA	
(E) PUBLIC BATHROOM	66 SF
(E) TRASH ENCLOSURE	111 SF
(E) CITY OF CARMEL ELECTRIC BOX (located inside column)	16 SF
(N) PROPOSED STAIR TOWER	100 SF
*ENCHROACHMENT APPROVAL BY SEPARATE PERMIT	

FINK RESIDENCE	
LOT SIZE :	4,000 SF
135% ALLOWABLE BUILDING AREA :	5,400 SF
EXISTING BUILDING :	3,824 SF
(N) PROPOSED SECOND STORY ADDITION :	1,570 SF
TOTAL PROPOSED (E) + (N) =	5,394 SF

**1 PROPOSED SECOND FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

REVISIONS

ARCHITECT

**jeffrey fink**  
architecture

jeffrey fink

1421 Blair Lane  
Tustin, CA 92780  
714.329.1082 Phone  
714.832.9185 Fax  
jfrn@co.rr.com

**FINK RESIDENCE**  
**CARMEL, CALIFORNIA**

**SECOND FLOOR PLAN**

AUGUST 8, 2017  
SCALE: AS NOTED

**A-2**



REVISIONS

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jeffrey fink

1421 Blair Lane  
Tustin, CA 92780  
714.329.1082 Phone  
714.832.9185 Fax  
jfrnk@ca.rr.com

**FINK RESIDENCE**  
CARMEL, CALIFORNIA

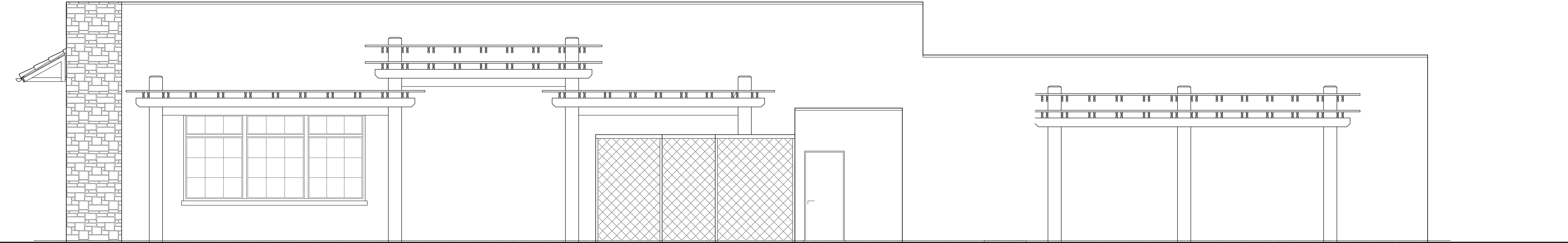
**EXISTING ELEVATIONS**

AUGUST 8, 2017  
SCALE: AS NOTED

**A-3**



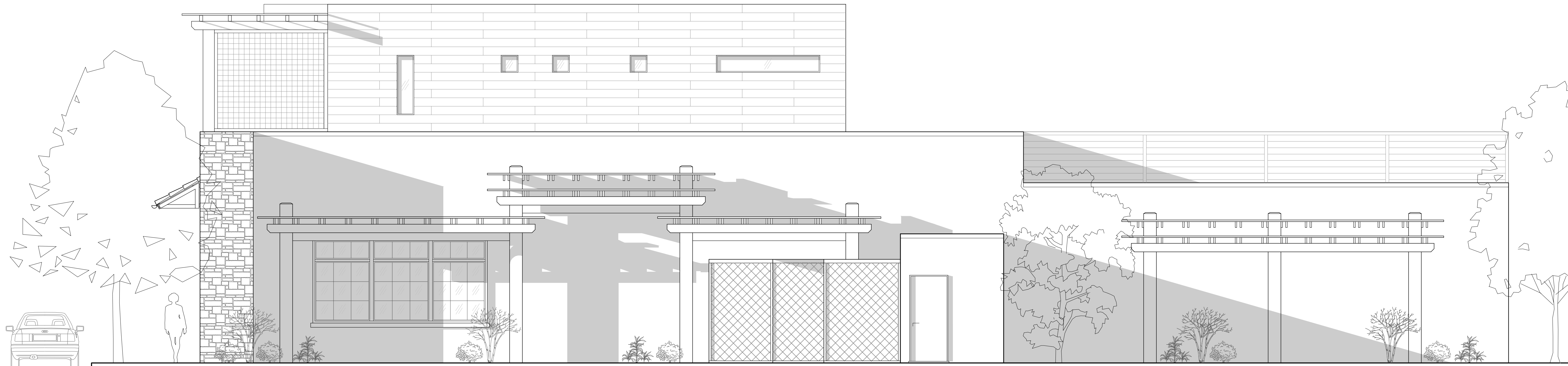
**2 EXISTING STREET ELEVATION**  
SCALE: 1/4" = 1'-0"



**1 EXISTING PARK ELEVATION**  
SCALE: 1/4" = 1'-0"



**2 PROPOSED STREET ELEVATION**  
SCALE: 1/4" = 1'-0"



**1 PROPOSED PARK ELEVATION**  
SCALE: 1/4" = 1'-0"

REVISIONS

ARCHITECT



jeffrey fink

1421 Blair Lane  
Tustin, CA 92780  
714.329.1082 Phone  
714.832.9185 Fax  
jfrn@ca.rr.com

**FINK RESIDENCE**  
CARMEL, CALIFORNIA

**PROPOSED ELEVATIONS**

AUGUST 8, 2017  
SCALE: AS NOTED

**A-4**

REVISIONS

ARCHITECT



jeffrey fink

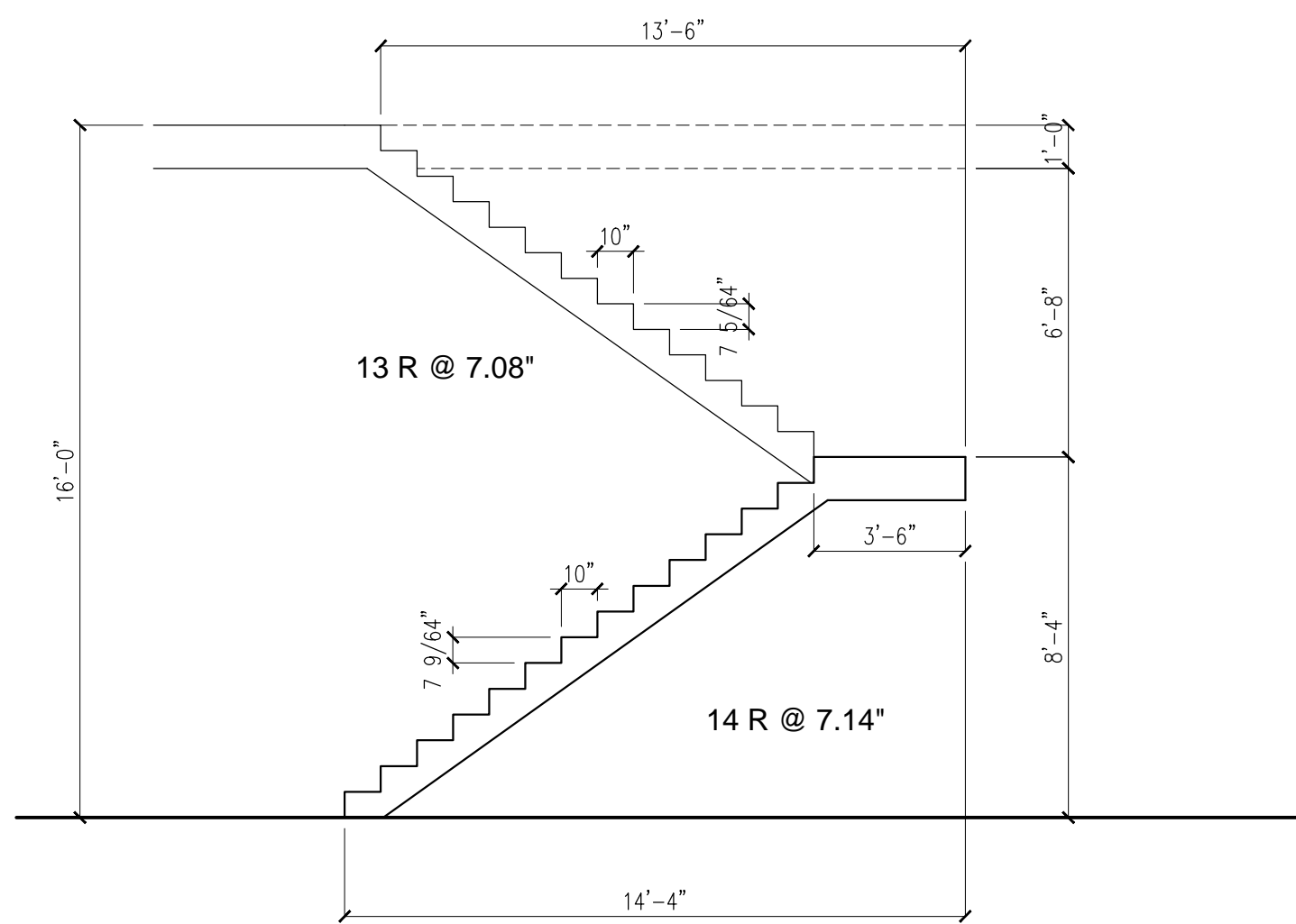
1421 Blair Lane  
Tustin, CA 92780  
714.329.1082 Phone  
714.832.9185 Fax  
jfrn@ca.rr.com

**FINK RESIDENCE**  
CARMEL, CALIFORNIA

**PROPOSED SECTIONS**

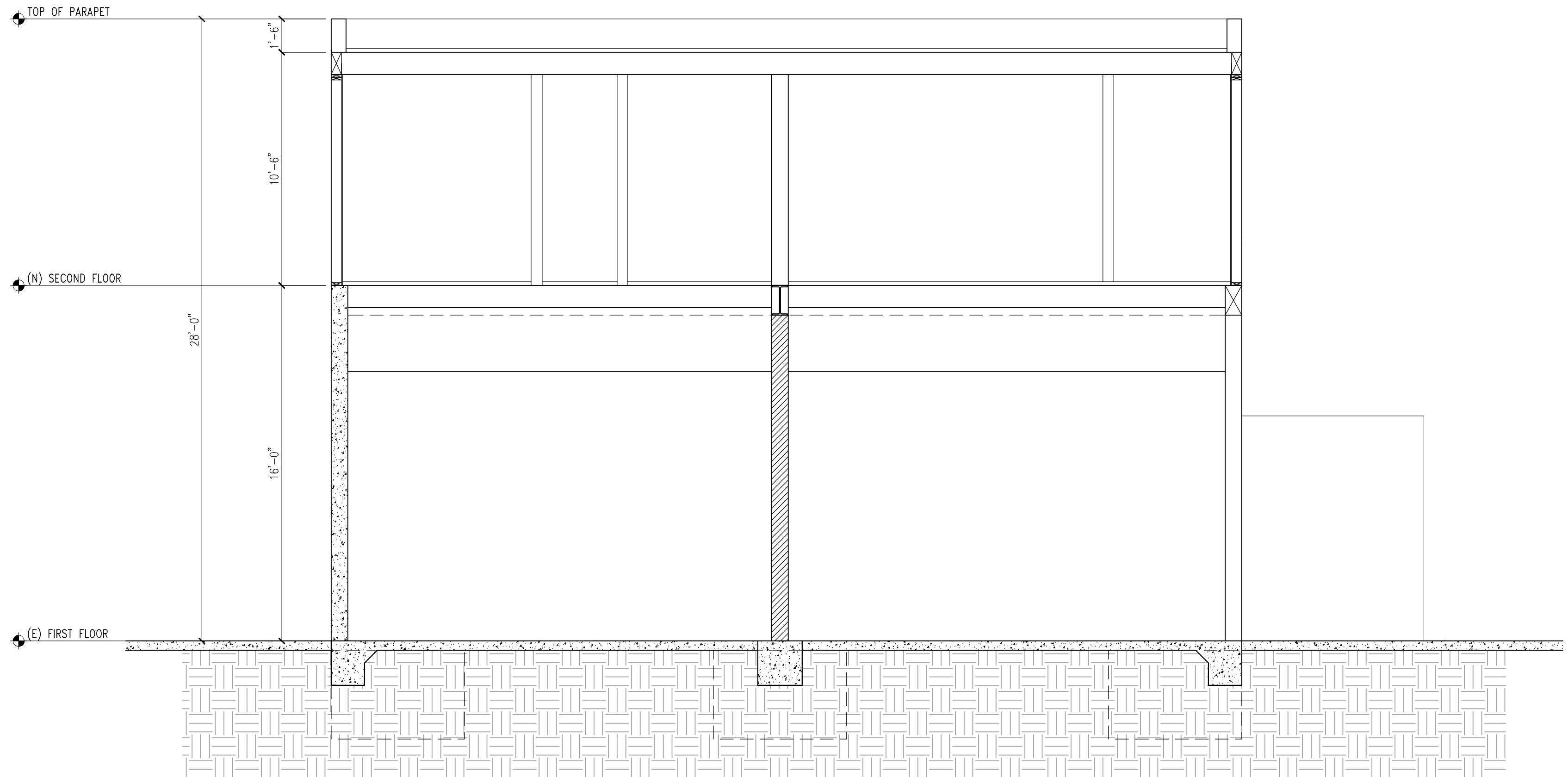
AUGUST 8, 2017  
SCALE: AS NOTED

**A-5**



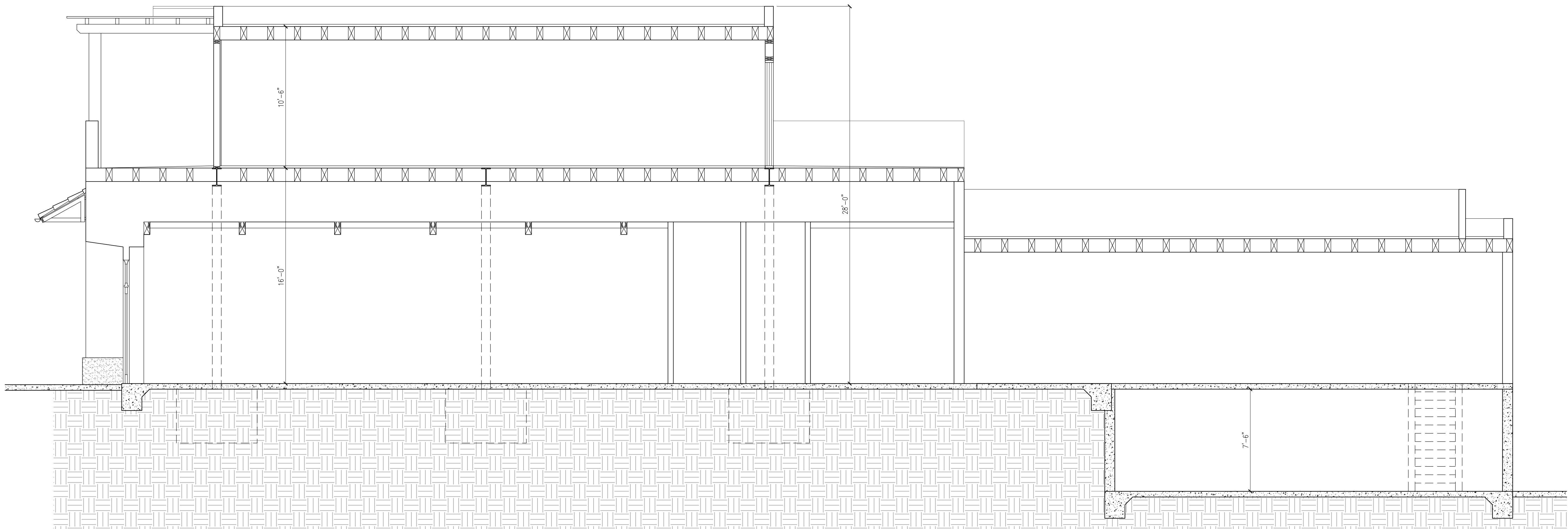
**3 PROPOSED INTERIOR STAIR**

SCALE: 1/4" = 1'-0"



**2 PROPOSED CROSS SECTION**

SCALE: 1/4" = 1'-0"



**1 PROPOSED LONG SECTION**

SCALE: 1/4" = 1'-0"

## LEGEND:

- FOUND 3/4" IRON PIPE, PLS 8368 (UNLESS NOTED OTHERWISE)
- SET 3/4" IRON PIPE, PLS 8368 (UNLESS NOTED OTHERWISE)
- FOUND 2x2 REDWOOD HUB (UNLESS NOTED OTHERWISE)
- FOUND CENTERLINE MONUMENT (UNLESS NOTED OTHERWISE)
- FOUND 2x2 REDWOOD HU REPLACED WITH 1" IRON PIPE, PLS 8368

- RECORD BOUNDARY
- RECORD RIGHT OF WAY
- RECORD LOT LINE
- RECORD CENTERLINE
- RECORD EASEMENT LINE

- PROPOSED NEW EASEMENT

- OLD RECORD LINE
- ◆ PROJECT BENCHMARK
- △ SURVEY CONTROL POINT
- 50 --- CONTOUR (MAJOR)
- CONTOUR (MINOR)
- GB --- GRADEBREAK
- EP --- EDGE OF PAVEMENT

- LIP OF GUTTER
- FACE OF CURB
- CURB AND GUTTER
- BACK OF CURB
- SIDEWALK
- BACK OF SIDEWALK
- DRIVEWAY
- EDGE OF DRIVEWAY
- FLOWLINE

- BUILDING
- BUILDING OUTLINE

- THRESHOLD ELEVATION
- DECK
- CONC PAD
- STEP
- PLANTER

- W --- WATER LINE
- WV --- WATER VALVE
- WM --- WATER METER
- PH --- FIRE HYDRANT
- WF --- WATER FOUNTAIN
- CV --- IRRIGATION CONTROL VALVE

- SS --- SANITARY SEWER LINE
- MH --- SANITARY SEWER MANHOLE
- CO --- SANITARY SEWER CLEAN-OUT
- SD --- STORM DRAIN
- MH --- STORM DRAIN MANHOLE
- AD --- AREA DRAIN
- CB --- STORM DRAIN CATCH BASIN

- E --- ELECTRIC LINE
- UP --- UTILITY POLE
- UB --- UTILITY BOX
- EV --- ELECTRIC VAULT
- PGE --- PGE UTILITY VAULT
- EM --- ELECTRIC METER
- SL --- STREET LIGHT
- LP --- LAMP POST

- G --- GAS LINE
- GM --- GAS METER
- T --- TELEPHONE LINE
- TBX --- TELEPHONE BOX
- TV --- CABLE TELEVISION LINE
- CTVB --- CABLE TELEVISION BOX

- WOOD FENCE
- WIRE FENCE
- CHAIN LINK FENCE
- ST5 --- STREET SIGN
- SP --- SIGN POST
- EC --- ELECTRICAL CONDUIT
- CP --- CYLINDRICAL PILLAR
- CSP --- CARMEL STONE PILLAR
- BLOCK WALL
- BLOCK RETAINING WALL
- ROCK WALL
- ROCK RETAINING WALL
- STACKED BLOCK WALL
- CARMEL STONE
- DISABLED PARKING
- P --- STANDARD PARKING STALL
- AC --- ASPHALT CONCRETE
- CS --- CARMEL STONE
- CLW --- CURB LINED WALKWAY
- CP --- CONCRETE PAD
- DG --- DECOMPOSED GRANITE
- XA --- EXPOSED AGGREGATE
- HDPE --- HIGH DENSITY POLY ETHYLENE
- PCC --- PORTLAND CEMENT CONCRETE
- PS --- PAVER STONE
- PVC --- POLY VINYL CHLORIDE
- RCP --- REINFORCED CONCRETE PIPE
- TE --- TRASH ENCLOSURE
- EDGE OF FOLIAGE

- 12" T --- TREE WITH SIZE AND TYPE
- A --- ACACIA
- C --- CYPRESS
- K --- OAK
- M --- PALM
- P --- PINE
- R --- REDWOOD
- T --- TREE
- SPOT ELEVATION

## PROPOSED EASEMENT AND NEW PARCEL:

The proposed new lot will include the roof (40x100) and building of a 1600 square foot residence.

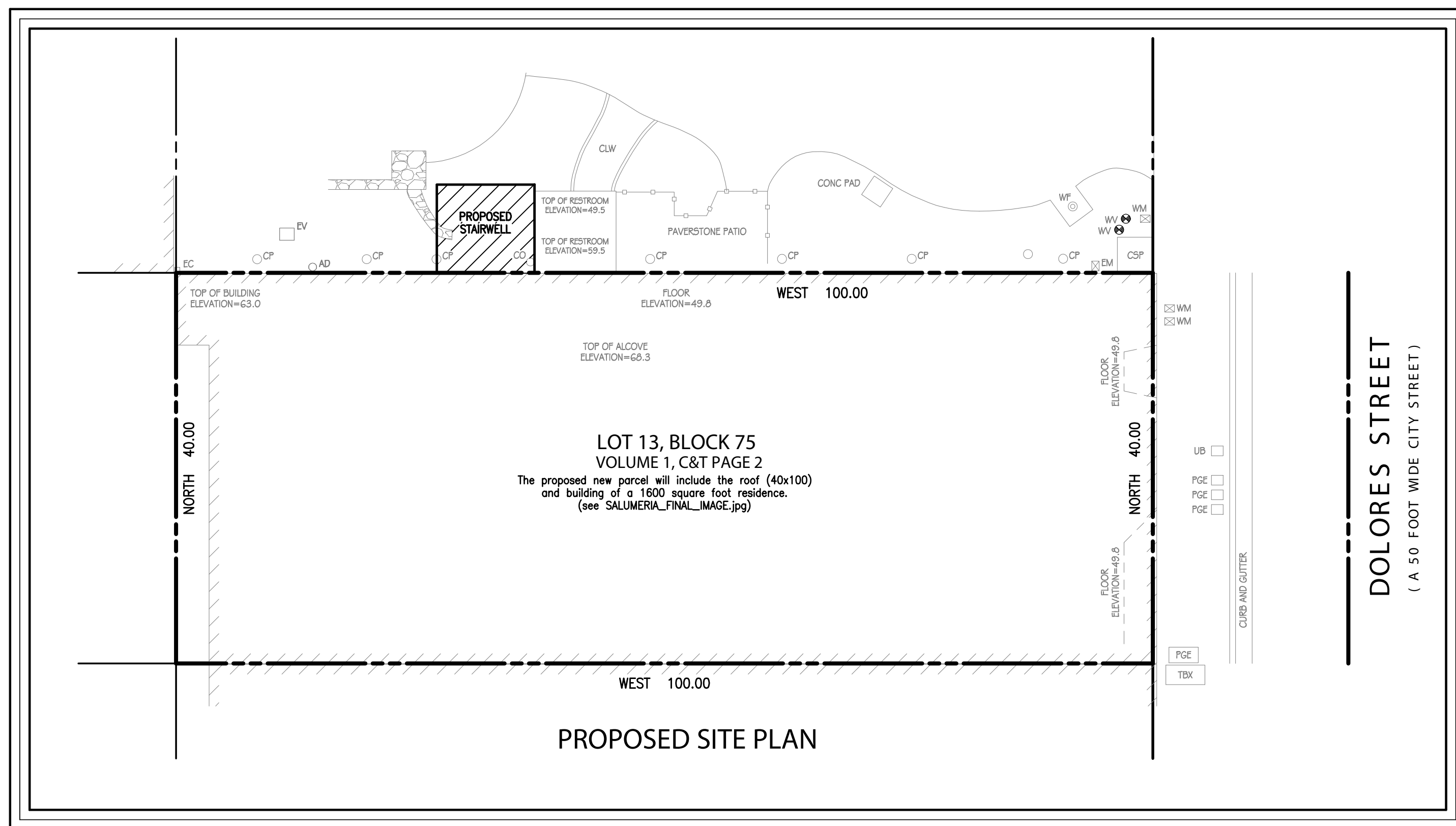
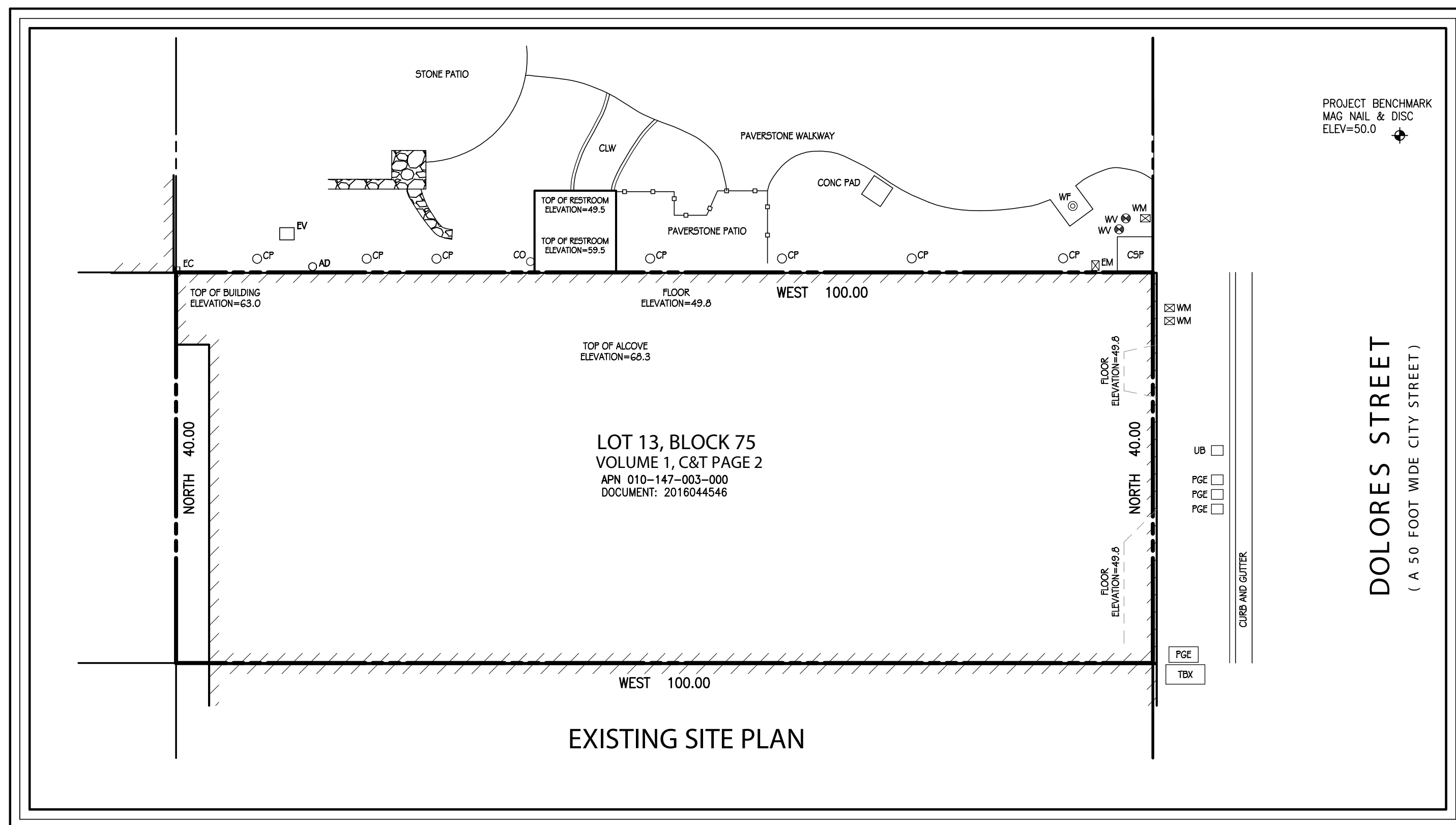
The proposed easement will be for ingress and egress purposes, along with construction, utility, view, landscape, maintenance and other incidental purposes.

## RECORD DESCRIPTION:

PER DOCUMENT: 2016044546

LOT 13, BLOCK 75, CARMEL-BY-THE-SEA, AS SHOWN ON MAP OF "CARMEL-BY-THE-SEA, MONTEREY COUNTY, CALIFORNIA", FILED FOR RECORD MARCH 7, 1902 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, IN VOLUME 1 OF MAPS, "CITIES AND TOWNS", AT PAGE 2.

APN 010-147-003-000



## SHEET INDEX

- C - 1 SURVEY
- A - 1 EXISTING BASEMENT & PROPOSED 1ST FLOOR PLAN
- A - 2 PROPOSED 2ND FLOOR PLAN
- A - 3 EXISTING ELEVATIONS
- A - 4 PROPOSED ELEVATIONS
- A - 5 PROPOSED SECTIONS



## TOPOGRAPHIC &amp; SITE PLAN SURVEY

OF  
LOT 13, BLOCK 75

in  
VOLUME 1 of CITIES & TOWNS at PAGE 2

Records of Monterey County

PREPARED FOR

David Fink

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. 1801

MAY 30, 2017 V2

CITY OF CARMEL

COUNTY OF MONTEREY

STATE OF CALIFORNIA





CITY OF CARMEL-BY-THE-SEA

Historic Resources Board

August 21, 2017

**To:** Chair Erik Dyar and Board Members

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

**Submitted by:** Marnie R. Waffle, Senior Planner

**Subject:** Consideration of a Resolution to add a historic resource to the Carmel Register and consideration of a recommendation to the City Council to approve a Mills Act Contract (MA 17-213) for an existing historic residence located in the Single Family Residential (R-1) Zoning District.

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**RECOMMENDATION:**

Adopt a Resolution adding a historic resource to the Carmel Register and recommend City Council approval of a Mills Act Contract.

**Application:** MA 17-213

**APN:** 010-039-007

**Block:** 66

**Lots:** 2, 3, 4 (S/PTS)

**Location:** NW Santa Rita St & Ocean Ave

**Property Owner:** Sandra J. Markowski

**BACKGROUND:**

The project site is located on the Northwest corner of Santa Rita Street and Ocean Avenue in the R-1 Single-Family Residential zoning district. The existing residence is known as 'Doll's House'. The cottage is approximately 1,150 square feet and is located on a 2,600 square foot lot. The primary entry to the residence faces Ocean Avenue. The residence was constructed in 1928 by designer/builder Hugh Comstock for eastern investor W.O. Swain.

On June 9, 2017, the property owner, Sandra J. Markowski, submitted a request to add the property to the Carmel Register of Historic Resources and submitted an application for a Mills Act contract. In order to be considered for a Mills Act contract a resource must be listed on the Carmel Register of Historic Resources.

A Department of Parks and Recreation (DPR) Form 523A was completed for 'Doll's House' in 2002 and the resource was added to the Carmel Inventory in 2005. A Resolution Designating a Historic Resource for Doll's House Cottage was recorded with the County Recorder on January

4, 2007 (Document #2007001197). Resources on the Carmel Inventory are eligible for listing on the Carmel Register at the request of the property owner and upon approval by the Historic Resources Board.

**STAFF ANALYSIS:**

Carmel Municipal Code Section 17.32.090 sets forth the eligibility criteria for the Carmel Register of Historic Resources and Section 17.32.100 sets forth the benefits available to historic resources on the Register.

***Carmel Register of Historic Resources***

The Carmel Municipal Code requires that the City 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 listing on the Register.

As noted above, ‘Doll’s House’ was added to the Carmel Inventory in 2005 and recorded in 2007. Resources identified as significant at a local or regional level shall be eligible for listing in the Register at the request of the property owner and upon approval by the Historic Resources Board. Staff has included the Department of Parks and Recreation (DPR) Form 523A as Attachment D to this report.

***Benefits Available to Historic Resources***

The Carmel Municipal Code establishes incentive programs for owners of historic resources that are listed in the Carmel Register. One such incentive is a Mills Act Historical Property Contract. A Mills Act contract is an agreement between the City and a property owner of a historic building on the Carmel Register. The property owner agrees to rehabilitate, maintain and preserve the historical building and in return receives a reduction in property taxes.

A Mills Act contract requires that, 1) historic elements of the property are maintained in good condition; 2) a plan for the rehabilitation and maintenance of the historic resource is prepared and submitted by a qualified professional; 3) implementation of the plan conforms to the Secretary of the Interior’s Standards for Rehabilitation; and, 4) an annual report is submitted to the City specifying all work that was done to maintain and preserve the historic resource during the year.

A Mills Act contract has a term of 10 years and one year is added to the term annually upon each anniversary date of the contract unless one or both parties take action to terminate the contract.

### ***Findings***

Carmel Municipal Code Section 17.32.100.B.6(c) sets forth findings that the Historic Resources Board and City Council shall make in order to grant approval of a Mills Act Contract. The required findings are listed below followed by an analysis by staff on how the application meets the requirements.

Finding #1: *The building is designated as a historic resource by the City and is listed on the Carmel Register.*

*Analysis:* The residence was the subject of a historic evaluation in 2002 (Attachment D) and has been placed on the Carmel Inventory of Historic Resources. The residence is not currently listed on the Carmel Register; however, the applicant submitted a written request on June 9, 2017 to add the residence to the Register.

Finding #2: *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.*

*Analysis:* The applicant submitted a rehabilitation/restoration and maintenance plan on June 9, 2017 prepared by Wayne Wood Construction, Inc (Attachment B). The plan covers a period of 10 years from 2017-2027. The plan was reviewed by Historic Preservation Consultant, Kent Seavy, who supports the maintenance plan. The plan includes routine maintenance as well as more substantial repairs including \$15,000 to repair the foundation; \$15,000 to replace the roof eaves and overhang; and, \$28,000 to replace the roof and gutters. All rehabilitation/restoration and maintenance work shall be completed in conformance with the Secretary of Interior's Standards for Rehabilitation (Attachment E).

Finding #3: *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.*

*Analysis:* As noted above, rehabilitation/restoration and maintenance work shall be completed in conformance with the Secretary of Interior's Standards for Rehabilitation. Any future alterations are required to be consistent with conditions A-D above.

*Finding #4:* *The Mills Act contract will aid in offsetting the costs of rehabilitating and maintaining the historic resource.*

*Analysis:* Approval of the contract would assist in offsetting the rehabilitation/restoration and maintenance costs of 'Doll's House' by reducing the tax liability on the property thereby freeing up funds for the rehabilitation. Some of the more notable work that is proposed to be accomplished within the first few years would include, repairing the deterioration foundation along the southwest corner of the building, presumably due to settlement and poor drainage; replacing the roof which has missing shingles and evidence of age-related wear; repainting the residence; and, rehabilitating windows and doors.

*Finding #5:* *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.*

*Analysis:* Approval of the Mills Act Contract will be consistent with Goal 1-5 and Objective 1-16 of the Land Use & Community Character Element of the General Plan which encourages providing incentives for property owners to preserve and rehabilitate historic resources. Although the adoption of a Mills Act Contract will decrease property tax revenue to the City, the financial impact would be minimal because: 1) the number of Mills Act contracts is limited to three per year and only one application was submitted for 2017; 2) the City would continue to receive a portion of the property tax revenue; and, 3) the value of preserving a historic resource offsets the loss of revenue. This contract represents an equitable balance of public and private interests.

**ATTACHMENTS:**

- Attachment A – Legal Property Description
- Attachment B – Restoration/Maintenance Plan
- Attachment C – Photographs of Property
- Attachment D – DPR 523A Form
- Attachment E – Secretary of the Interior Standards
- Attachment F – Draft Mills Act Contract
- Attachment G– Resolution for Carmel Register



For APN/Parcel ID(s): 010-039-007

---

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

Parcel C, as shown on the map entitled, "Licensed Surveyors Map showing Resurvey of the East Half of Block 66, Carmel City", filed August 15, 1930 in Volume 3 of Surveys, at Page 134, in the Office of the County Recorder of the County of Monterey, State of California.

RECEIVED

JUN 09 2017

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

## Wayne Wood Construction, Inc.

Lic. #733784

225 Crossroads Blvd # 340

Carmel, CA 93923

Cell: 831-905-6799

Email: [1wwbuilder@sbcglobal.net](mailto:1wwbuilder@sbcglobal.net)

RECEIVED

JUN 09 2017

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

## Attachment B - Maintenance Plan

## Mills Act Work Plan for NW Corner of Santa Rita and Ocean Ave

Items to be worked on	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Foundation repair and protection	11,000.00	4,000.00									
Replace eaves/roof overhang	15,000.00										
Replace roof and gutters		28,000.00									
Termite tenting	1,400.00		250.00		250.00		250.00		250.00		250.00
Dry rot repair and sub treatment		1,200.00									
Basement vapor barrier		1,600.00									
Upgrade plumbing	2,000.00	3,000.00	2,000.00	1,000.00							
Upgrade electrical		2,500.00	1,000.00								
Fireplace insert		5,200.00									
Insulation		3,000.00									
Seismic retrofit		2,250.00	2,250.00								
HVAC		3,500.00									
Window and door rehab	3,000.00	8,000.00	3,000.00	1,500.00	1,500.00	1,500.00					
Install collar ties	1,500.00										
Landscaping and maintenance		2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
Tree trimming	4,300.00										
Paint	18,500.00										

Note blue metal shingles covering holes left by missing wood shingles



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



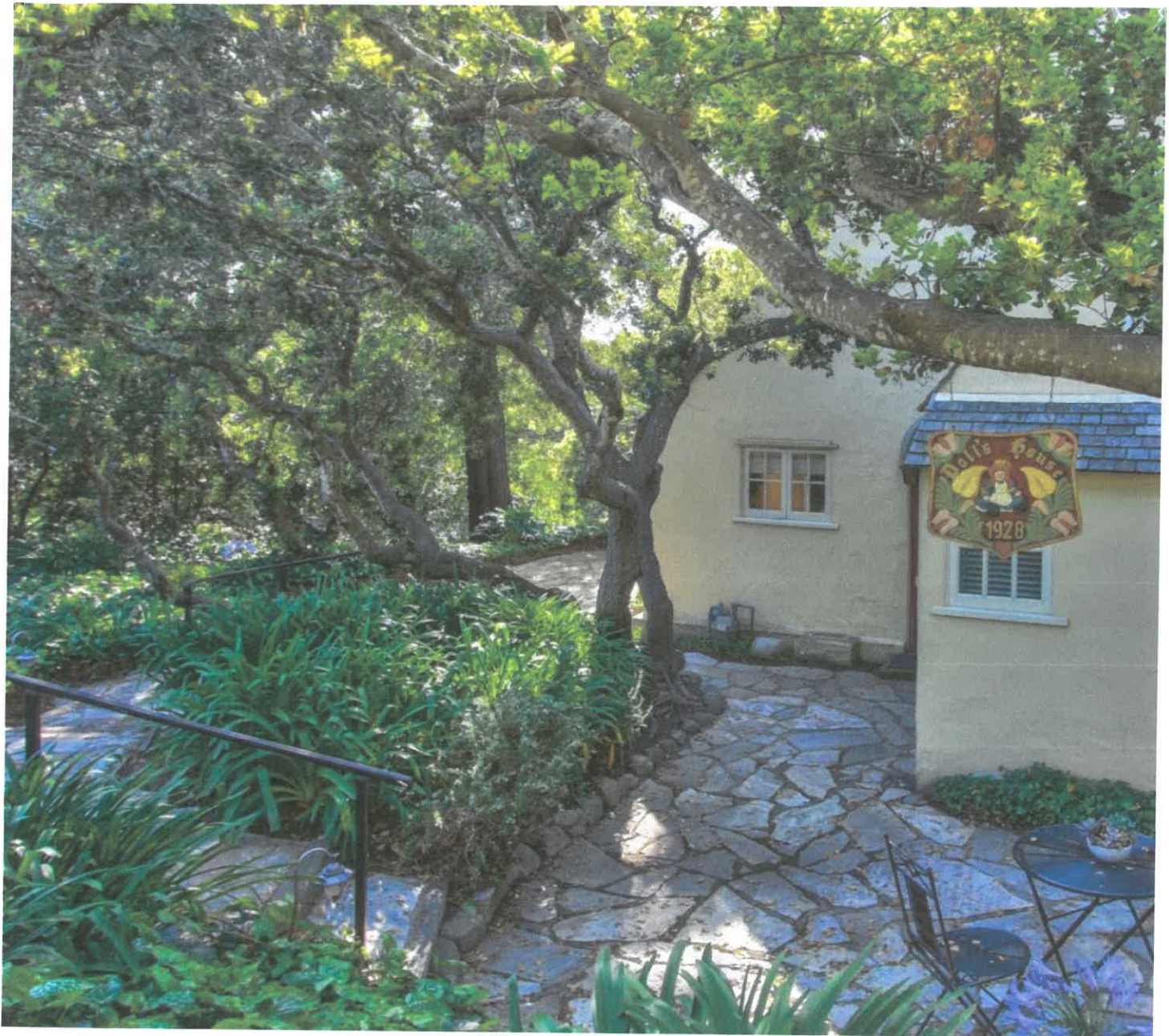


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Planning & Building Dept.





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

Exhibit C.



Comparison intact  
foundation

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

Exhibit C



deteriorating sw  
foundation

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Planning & Building Dept.

Exhibit C

crawlspace view of  
deteriorating  
foundation  
admitting daylight



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Planning & Building Dept.



## Attachment D - DPR 523 Form

State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_

HRI # \_\_\_\_\_

Trinomial \_\_\_\_\_

NRHP Status Code \_\_\_\_\_

5S1 5R1

Other Listings \_\_\_\_\_

Review Code \_\_\_\_\_

Reviewer \_\_\_\_\_

Date \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

Resource Name or #: (Assigned by recorder)

Doll's House

P1. Other Identifier: \_\_\_\_\_

P2. Location: \_\_\_\_\_

☐ Not for Publication ☐ Unrestricted

a. County Monterey

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad \_\_\_\_\_

Date \_\_\_\_\_

T \_\_\_\_\_

; R \_\_\_\_\_

; \_\_\_\_\_

1/4 of \_\_\_\_\_

1/4 of Sec \_\_\_\_\_

;

B.M. \_\_\_\_\_

c. Address: \_\_\_\_\_

City Carmel-by-the-Sea

Zip 93921

d. UTM: (Give more than one for large and/linear resources) \_\_\_\_\_

;

mE/ \_\_\_\_\_

mN \_\_\_\_\_

e. Other Locational Data (Enter Parcel #, legal description, directions to resource, elevation, etc., as appropriate)

NW cr. Santa Rita and Ocean (Blk 66, Lots s/pts 2,3,4)

Parcel No. 010-039-007

P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

A one-and-one-half story, wood-framed, Tudor Storybook cottage, irregular in plan, resting on a concrete foundation. The exterior wall cladding is a textured cement stucco, w/ rustic hand-carved horizontal wood siding in the principal gable ends. The steeply pitched side-gable roof has a lower projecting bay on the east side elevation that was originally an attached garage, but was converted to bedroom space in 1945. The roof on this stepped bay sweeps toward the north, saltbox fashion. There is a partial width shed roof, covering a later bathroom addition on the first floor at the SE corner of this feature. Two shed roof dormers flank the central entry along the south facing facade. The entry is recessed behind the roof overhang, which is supported by simple square wood posts w/a cruck form at the top. These features were originally natural wood, but have been painted. There is a stuccoed interior chimney, which pierces the ridge line of the main building block midway along the roof. It is capped by two square clay pipes of differing heights. The roof covering is wood shingle. Fenestration is irregular with a combination of fixed, single, and paired and banked casement type multi-paned wood windows. The principal change from the original 1928 plan is found on the east side elevation, where French doors and a larger fixed focal window, dating from the 1945 garage conversion to a bedroom, were changed in 1981 to two, small fixed multi-paned wood bathroom windows.

b. Resource Attributes: (List attributes and codes)

Resources Present

☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)

P5b. Description of Photo: (View, date, accession#)  
(View toward \_\_\_\_\_). Photo No: 1090-\_\_\_\_\_.

P6. Date Constructed/Age and Sources:

☐ Prehistoric ☒ Historic ☐ Both

1928 Carmel bldg. records

P7. Owner and Address

James & Mary Allender  
114 Canyon Vista Place  
Alamo, CA 94507

P8. Recorded by: (Name, affiliation, and address)

Kent L. Seavey, Preservation Consultant, 310  
Lighthouse Ave., Pacific Grove, CA 93950

P9. Date Recorded: 4/21/2002

P10. Survey Type: (Describe)

Carmel Historic Resource Inventory - 2001

1. Report Citation: (Cite survey report and other sources, or enter "none")

Significant Building Survey of Carmel 1979

Attachments

NONE

☐ Continuation Sheet☐ District Record☐ Rock Art Record☐ Other: (List)☐ Location Map☐ Building, Structure, and Object Record☐ Linear Feature Record☐ Artifact Record☐ Sketch Map☐ Archaeological Record☐ Milling Station Record☐ Photograph Record

**BUILDING, STRUCTURE, AND OBJECT RECORD**

HRI #

Primary #

je of

NRHP Status Code

5S1 5R1

Resource Name or #: (Assigned by recorder) *Doll's House*

B1. Historic Name: *W.O. Swain Cottage #2*

B2. Common Name:

B3. Original Use: *residence*

B4. Present Use: *residence*

B5. Architectural Style: *Tudor (Storybook substyle)*

B6. Construction History: (Construction date, alterations, and date of alterations)

*Constructed 1928 (Cbp #2010); convert garage to bedroom 1945 (Cbp #1129); bathroom remodel 1971 (Cbp #71-143); kitchen remodel 1989 (Cbp #89-125)*

B7. Moved? ☒ No ☐ Yes ☐ Unknown Date :

Original Location:

B8. Related Features:

B9a. Architect: *designer/Hugh Comstock*

b. Builder: *Hugh Comstock*

B10. Significance: Theme: *Architectural Development*

Area: *Carmel by-the-Sea*

Period of Significance: *1903-1940*

Property Type: *single family residence*

Applicable Criteria: *CR 3*

(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also address integrity.)

*The Doll's House Cottage is significant under California Register criterion 3, in the area of architecture as an early, and relatively unaltered example of the Tudor influenced Storybook residential design of Carmel master builder, Hugh Comstock (1893-1950). It is also a key contributor to the Comstock Hill Historic District.*

*Constructed in 1928, the Doll's House was the second of five cottages Comstock designed and built for eastern investor W.O. Swain, on the eastern half of Blk. 66, Carmel City. Swain was interested in grouping his cottage complex with consideration for geography and landscape setting, rather than conforming to "the narrow (40' x 100') wedges of plots-city-fashion", that made up Carmel's subdivision parcels. He was able to gain City Council approval of his basically English garden city plan, that would group the cottages together, "with a feeling of spaciousness about them, as in a park". Swain hired Comstock, Carmel's "builder of dreams" to design the cottages.*

*Comstock was well known for his strong environmental aesthetic, and his insistence on the suitability of his structural forms to the land on which they were to be sited. His "fairy tale", or Storybook residential style was well suited to Swain's English garden city concept.*

*Three one hundred foot deep lots along the west side of Santa Rita, between Ocean and 6th were reduced in depth to sixty feet each. The remaining forty feet became frontages on Ocean and 6th for sixty-five foot deep parcels. The lot lines were offset somewhat, to conform to the lay of the land along the westward sloping hillside the cottages would occupy.*

B11. Additional Resource Attributes: (List attributes and codes)

*HP2 - Single Family Property*

B12. References:

*Carmel bldg. records, Carmel Planning Dept., City Hall, Carmel  
Carmel Historic Context Statement*

*Boone, L., Janick, R., Seavey, K., *Architecture of the Monterey peninsula*, Monterey Peninsula Museum of Art, 1976*

*The Carmelite, 2/26/29*

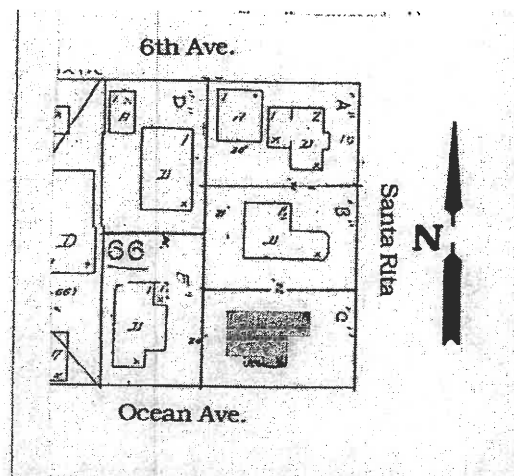
B13. Remarks: *Zoning R-1  
CHCS (AD)*

B14. Evaluator: *Kent L. Seavey*

Date of Evaluation: *4/21/2002*

(This space reserved for official comments.)

(Sketch Map with north arrow required.)



CONTINUATION SHEET

Primary #

HRI #

Trinomial

Recorded by: Kent L. Seavey

Resource Name or #: (Assigned by recorder)

Doll's House

Date 4/21/2002

☒ Continuation ☐ Update

P3. The cottage sits somewhat below the grades of both Ocean and Santa Rita on a westward sloping site, surrounded by mature oaks, in an informal landscape setting of tall shrubbery and low groundcover w/Carmel stone walkways.

B10. The south facing Doll's House is a picturesque example of Comstock's Tudor Storybook style. His use of a stuccoed interior chimney was unusual, as he generally employed an end or eave wall exterior Carmel stone chimney of a distinctively rustic design. The appearance of these interior chimneys in most of the Swain cottages suggests a more historically correct reading of the English cottage vernacular by Comstock for the project. The changes to the east side elevation over time did not alter the 1928 shape or massing of the stepped bay. Fenestration was added, and altered after 1945. The current placement of windows is in keeping with the historic character of the cottage, and does not significantly detract from its architectural value. Original drawings of the cottage are on file at City Hall. The Doll's House, along with the remaining four cottages in the group are an important component of the Comstock Hill Historic District. Outside of Michael J. Murphy, Comstock was the most influential early builder in Carmel. His houses set the tone for residential design in Carmel since that time. The property clearly reflects the findings of, and is consistent with the 1997 Carmel Historic Context Statement under the theme of architectural development.

B12.

Cook, Olive, *English Cottages and Farmhouses*, Thames & Hudson, London, 1982

Hale, Sharron, *A Tribute to Yesterday*, Valley Publishers: Santa Cruz, 1980

Mathewson, Joanne, *The Fairy Tale Houses of Carmel*, Tuck Box: Carmel, 1977

**SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF  
HISTORIC PROPERTIES**

1. "A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment."
2. "The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."
3. "Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken."
4. "Most properties change over time; changes that have acquired historic significance in their own right shall be retained and preserved."
5. "Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved."
6. "Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, and pictorial evidence."
7. "Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible."
8. "Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken."
9. "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."
10. "New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."

# Attachment F - Mills Act Contract

RECORDING REQUESTED BY:

CITY CLERK  
CITY OF CARMEL-BY-THE-SEA

WHEN RECORDED MAIL TO:

NAME: CITY CLERK  
CITY OF CARMEL-BY-THE-SEA

ADDRESS: CITY HALL  
P.O. Box CC  
CARMEL-BY-THE-SEA, CA 93921

---

**CITY OF CARMEL-BY-THE-SEA  
MILLS ACT AGREEMENT  
HISTORIC PROPERTY PRESERVATION CONTRACT**

THIS AGREEMENT is made and entered into this \_\_\_th day of MONTH, 2017 by and between the CITY OF CARMEL-BY-THE-SEA a municipal corporation (hereinafter referred to as "City"), and Sandra J. Markowski (hereinafter referred to as "Owner").

**RECITALS**

- (i) California Government Code Section 50280, et seq. (known as the Mills Act) authorizes cities to enter into contracts with the owners of qualified historic properties to provide for their appropriate use, maintenance and restoration such that these historic properties retain their historic characteristics;
- (ii) The Owner possesses fee title in and to that certain real property, together with associated structures and improvements thereon, located at the southwest corner of San Carlos Street and 12<sup>th</sup> Avenue (APN: 010-164-001), Carmel, California, (hereinafter referred to as the "Historic Property"). A legal description of the Historic Property is attached hereto, marked as Exhibit "A" and is incorporated herein by this reference;
- (iii) The property is identified as an historic resource on the City of Carmel's Register of Historic Resources;
- (iv) City and Owner, for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of historical significance of the Historic Property, and to qualify the Historic Property for an assessment of valuation pursuant to the provisions of Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

**NOW, THEREFORE,** City and Owner, in consideration of the mutual covenants and conditions contained herein, do hereby agree as follows:

1. **EFFECTIVE DATE AND TERM.** This Agreement shall be effective and commence on 1 January 2017, unless otherwise indicated by Monterey County, and shall remain in effect for a term of ten (10) years thereafter.

2. **AUTOMATIC RENEWAL.** Each year, upon the anniversary of the effective date of this Agreement (hereinafter referred to as “annual renewal date”), one (1) year shall be added automatically to the term of this Agreement, unless timely notice of nonrenewal is given as provided in paragraph 3 of this Agreement. The total length of the contract shall not exceed twenty (20) years.
3. **NOTICE OF NONRENEWAL.** If City or Owner desires in any year not to renew this Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of this Agreement as follows: Owner must serve written notice of nonrenewal at least ninety (90) days prior to the annual renewal date; City must serve written notice of the nonrenewal at least sixty (60) days prior to the annual renewal date. Upon receipt by Owner of a notice of nonrenewal from the City, Owner may make a written protest. At any time prior to the annual renewal date, City may withdraw its notice of nonrenewal.
4. **EFFECT OF NOTICE OF NONRENEWAL.** If either City or Owner serves timely notice of nonrenewal in any year, and this contract is not renewed, this Agreement shall remain in effect only for the remaining nine (9) years from the last annual renewal date.
5. **VALUATION OF PROPERTY.** During the term of this Agreement, Owner is entitled to seek assessment of valuation of the Historic Property pursuant to the provisions of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.
6. **PRESERVATION OF PROPERTY.** Owner shall preserve and maintain the characteristics of historical significance of the Historic Property. Attached hereto marked as Exhibit “B”, and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historic Property, which shall apply to such property throughout the term of this Agreement. The Owner agrees to complete rehabilitation and/or maintenance activities of the structure and comply with such conditions as specified in Exhibit “B” including the conditions outlined by the City’s Historic Preservation Consultant. Requests for substantial revisions to the maintenance and rehabilitation plan shall be reviewed by the Historic Resources Board prior to implementation. In addition, Owner shall comply with the terms of the City’s Historic Preservation Ordinance (CMC 17.32). Owners shall not be permitted to further impede the view corridor with any new structure, such as walls, fences, or shrubbery, so as to prevent the viewing of the Historic Property from the public right-of-way.
7. **RESTORATION OF PROPERTY.** Owner shall, where necessary, restore and rehabilitate the Historic Property to conform to the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation, U. S. Secretary of the Interior’s Standards for Rehabilitation, State Historical Building Code, and the City of Carmel-by-the-Sea, all as amended.
8. **INSPECTIONS.** Owner shall allow periodic examinations, with reasonable notice thereof, of the interior and exterior of the Historic Property by representatives of the County Assessor, the State Department of Parks and Recreation, the State Board of Equalization, the City and other agencies as may be necessary to determine Owner’s compliance with the terms and provisions of this Agreement.
9. **PROVISION OF INFORMATION.** Owner shall furnish the City with any and all information requested by City, which City deems necessary or advisable to determine compliance with the terms and provisions of this Agreement.
10. **ANNUAL REPORT.** Owner shall submit an annual report at least 90 days prior to each annual renewal date to the Department of Planning and Building specifying all work that has been done to maintain

and preserve the historic resource over the preceding year in compliance with the approved maintenance plan.

11. CANCELLATION. The City has the right to cancel the contract if the historic resource is damaged or destroyed by unauthorized additions, alterations or remodeling. The City also has the right to cancel this contract if the owners(s) have repeatedly failed to comply with the provisions of paragraph's # 6, 7, 8 or 10 of this Agreement after the City has provided reasonable notice of any failure to comply with the agreement. Cancellation of a contract by the City consistent with the provisions of this paragraph 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. City's right to cancel this Agreement pursuant to this paragraph shall in no way limit or restrict its rights or legal remedies arising from City's Historic Preservation Ordinance and Municipal Code.
12. ENFORCEMENT OF AGREEMENT. In lieu of and/or in addition to any provisions to cancel this Agreement as referenced herein, City may specifically enforce, or enjoin the breach of, the terms of this Agreement.
13. WAIVER. City does not waive any claim or default by Owner if City does not enforce or cancel this Agreement. All remedies at law or in equity, which are not otherwise provided for this Agreement or in City's regulations governing historic properties are available to City to pursue in the event there is a breach of this Agreement. No waiver by City of any breach or default under this Agreement shall be deemed to be a waiver of any other subsequent breach thereof or default hereunder.
14. BINDING EFFECT OF AGREEMENT. Owner hereby subjects the Historic Property to the covenants, reservations and restrictions set forth in this Agreement. City and Owner hereby declare their specific intent that the covenants, reservations, and restrictions as set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon Owner's successors and assigns in title or interest to the Historic Property. A successor in interest shall have the same rights and obligations under this Agreement as the original owner who executed the Agreement.

Each and every contract, deed or other instrument hereinafter executed, governing or conveying the Historic Property, or any portion thereof, shall conclusively be held to have been executed, delivered and accepted subject to the covenants, reservations and restrictions expressed in this Agreement regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instrument.

City and Owner hereby declare their understanding and intent that the burden of the covenants, reservations and restrictions set forth herein touch and concern the land in that it restricts development of the Historic Property. City and Owner hereby further declare their understanding and intent that the benefit of such covenants, reservations and restrictions touch and concern the land by enhancing and maintaining the cultural and historic characteristics and significance of the Historic Property for the benefit of the public and Owner.

15. NOTICE. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below, by personal delivery or United States mail, postage prepaid, addressed as follows:

City: Carmel-by-the-Sea  
Community Planning & Building Department  
P.O. Box CC  
Carmel-by-the-Sea, CA 93921

Owner: Sandra J. Markowski  
907 Elm Terrace  
Newton, N.J. 07860

16. RECORDATION. No later than twenty (20) days after the parties execute and enter into this Agreement, the City shall cause this Agreement to be recorded in the Office of the County Recorder of the County of Monterey.
17. The Owner or agent of Owner shall provide written notice of this Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement.
18. GOVERNING LAW; VENUE. This Agreement shall be constructed and governed in accordance with the laws of the State of California. Should either party to this agreement bring legal action against the other, the case shall be handled in Monterey County, California and the party prevailing in such action shall be entitled to a reasonable attorney fee which shall be fixed by the judge hearing the case and such fee shall be included in the judgment together with all costs.
19. AMENDMENTS. This agreement may be amended in whole or in part, only by a written-recorded instrument executed by the parties hereto.
20. DESTRUCTION OF PROPERTY; EMINENT DOMAIN; CANCELLATION. If the Historic Property is destroyed by earthquake, fire, flood, or other natural disaster such that in the opinion of the City Building Official more than sixty percent (60%) of the original fabric of the structure must be preplaced, this Agreement shall be cancelled because the historic value of the structure will have been destroyed. If the Historic Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the City Council to frustrate the purpose of this Agreement, this Agreement shall be cancelled. No cancellation fee pursuant to Government Code Section 50286 shall be imposed if the Agreement is cancelled pursuant to this paragraph.
21. INDEMNIFICATION. Owner shall defend, indemnify, and hold harmless City and its elected officials, officers, agents and employees from any actual or alleged claims, demands, causes of action, liability, loss, damage, or injury to property or persons, including wrongful death, whether imposed by a court of law or by administrative action of any federal, state or local government agency, arising out of or incident to the direct or indirect use, operation, or maintenance of the Historic Property by Owner or any contractor, subcontractor, employee, agent, lessee, licensee, invitee, or any other person; (ii) Owner's activities in connection with the Historic Property; and (iii) any restriction on the use of development of the Historic Property, from application or enforcement of the City's Municipal Code, or from the enforcement of this Agreement. This indemnification includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorneys' fees, and related costs or expenses, and the reimbursement of the City, its elected officials, employees, and/or agents for all legal expenses and costs incurred by each of them. Owner's obligation to indemnify shall survive the termination, cancellation, or expiration of this Agreement and shall not be restricted to insurance proceeds, if any, received by City, its elected officials, employees, or agents.
22. SEVERABILITY. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.



IN WITNESS THEREOF, the City and Owners have executed this Agreement on the day and year written above.

CITY OF CARMEL-BY-THE-SEA:

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Chip Rerig

Title: City Administrator

PROPERTY OWNER(S):

By: \_\_\_\_\_

Date: \_\_\_\_\_

Name: Sharon J. Markowski

# Attachment G - Resolution for Register

Return to:  
Carmel City Hall  
Post Office Box CC  
Carmel-by-the-Sea, CA 93921  
Attention: Marnie R. Waffle, Senior Planner

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## **RESOLUTION QUALIFYING A HISTORIC RESOURCE FOR LISTING ON THE CARMEL REGISTER**

The subject property is designated a Historical Resource per Resolution recorded with the Monterey County Recorder on January 4, 2007 (Document No. 2007001197). This Resolution qualifies the subject resource to be placed on the Carmel Register which will allow the property owner to take advantage of a preservation incentive program to include the Mills Act Historical Property Contracts.

This Resolution is being recorded pursuant to section 5029(b) of the California Public Resources Code that requires the City to record all historic resource determinations. This action also is taken in furtherance of the Local Coastal Program certified by the California Coastal Commission and implemented by City of Carmel-by-the-Sea Ordinances No. 2004-01 and 2004-02.

As stated in the Carmel Municipal Code Section 17.32.040.C, the resource should be representative of at least one theme include in the Historic Context Statement; shall retain substantial integrity; 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). The four criteria for listing are as follows: (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. This resource is over 50 years of age and meets criteria No. 3.

**Assessor's Parcel Number:** 010-039-007

**Block:** 66 **Lot(s):** 2, 3, 4 (S/PTS)

**Current Owner:** Sandra J. Markowski

**Street Location:** NW corner of Santa Rita Street & Ocean Avenue

It is the purpose of this Resolution to alert the owner, the successors and assigns to the existence of an historic resource on the property. This historic resource is protected under laws of the State of California and of the City of Carmel-by-the-Sea including the California Coastal Act, the California Public Resources Code, the Carmel-by-the-Sea Municipal Code and the Local Coastal Program.

**Attachment A – Property Legal Description (1 page)**

**Attachment B – DPR Form 523 (3 pages)**

Certified by:

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Marnie R. Waffle  
Senior Planner, Carmel-by-the-Sea