

**City Council
Agenda Item Summary**

Name: Consideration of an appeal of the Historic Resources Board's decision to deny a request to remove a property located in the Single Family Residential (R-1) District from the City's Inventory of Historic Resources. The appellant and property owner is Virginia Hayes (E/s San Antonio bet. Ocean & 4th, APN: 010-253-016).

Description: The appellant seeks removal of the property from the City's Inventory of Historic Resources. Approval of the appeal would overturn a decision of the Historic Resources Board and result in removing the property from the list.

Overall Cost:

City Funds: N/A

Grant Funds: N/A

Staff time: N/A

Staff Recommendation: ~~Deny~~ Grant the appeal.

Important Considerations: The appellant's property is listed on the City's Inventory of Historic Resources that was adopted as part of the Local Coastal Program in 2004. The subject residence is a one-story modern style residence that was constructed in approximately 1949.

CMC 17.32.070 states that a property identified as an historic resource on the Carmel Inventory shall be presumed historically significant and shall not be removed from the City's Inventory unless substantial evidence demonstrates that it is not an historic resource.

Decision Record: The Historic Resources Board denied the appellant's request to remove the property from the City's Inventory of Historic Resources on 20 November 2006. The applicant filed an appeal with the City Clerk on 28 November 2006.

Reviewed by:

Rich Guillen, City Administrator

Date

CITY OF CARMEL-BY-THE-SEA
HISTORIC RESOURCES BOARD
AGENDA CHECKLIST

MEETING DATE: 20 November 2006

BLOCK: HH LOT: 22

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: HA 05-9

OWNER: Virginia Hayes

STREAMLINING DEADLINE: N/A

SUBJECT:

Consideration of an appeal of the City's determination to place an existing residence on the City's Inventory of Historic Resources located in the Single Family Residential (R-1) District.

ENVIRONMENTAL REVIEW:

(Exempt – Class 31 Historic Resources)

LOCATION:

E/s San Antonio bet. Ocean & 4th

ZONING:

R-1

ISSUES:

1. Does the residence meet the eligibility requirements to qualify as an historic resource (CMC17.32.040)?

OPTIONS:

1. Deny the appeal.
2. Grant the appeal and remove the residence from the City's Inventory.
3. Continue the application with a request for additional information.

RECOMMENDATION:

Option #1 (Deny the appeal.)

ATTACHMENTS:

1. Staff Report dated 20 November 2006.
2. DPR 523 Form.
3. Application materials.

STAFF CONTACT: Sean Conroy, Senior Planner

**CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT Adopted & Denied 11/20/06**

APPLICATION: HA 05-9

APPLICANT: Virginia Hayes

BLOCK: HH

LOT: 22

LOCATION: E/s San Antonio bet. 4th & 5th

REQUEST:

Consideration of an appeal of the City's determination to place an existing structure on the City's Inventory of Historic Resources located in the Single Family Residential (R-1) District.

ADDITIONAL REVIEW:

1. None.

BACKGROUND:

The subject structure is a one-story flat roofed residence that was constructed in 1949. The residence was designed by Rowen Maiden. The DPR 523 form indicates that the residence is an excellent example of the Bay Area Regionalist design. The site also includes an oriental garden, which according to the DPR 523 form, was designed by Thomas Church.

The structure was identified as an historic resource as part of the City's on-going survey of historic structures. A DPR 523 form was filed with the City on 20 July 2001 and was accepted by the California Coastal Commission as part of the City's Inventory of Historic Resources in October 2004. The DPR indicates that the structure qualifies as an historic resource under California Criterion #3 (architecture) and represents a modern extension of the Architectural Development theme of the City's Historic Context Statement.

EVALUATION:

In the following section staff provides an evaluation of why the property may, or may not, qualify as an historic resource. Within this analysis the appellant's arguments and evidence will also be discussed. Staff recognizes four possible reasons for removing a property from the Carmel Inventory: 1) There are gross, non-correctable errors in the historic documentation, 2) The property bears a poor or minimal relationship to the adopted Historic Context Statement, 3) There are a sufficient number of other, better preserved or more important resources of the same type elsewhere within the City, and 4) The resource has lost its historic integrity through past alterations.

Process: CMC 17.32.070 states that a property identified as an historic resource on the Carmel Inventory shall be presumed historically significant and shall not be removed from the City's Inventory unless substantial evidence demonstrates that it is not an

historic resource. The ordinance also states that any decision to remove a resource from the inventory shall be based on a recommendation by a qualified professional. However, the City Administrator and City Attorney have determined that if an owner does not want to hire a qualified professional they can present their own argument for the Board's consideration. The owner in this case has not hired a qualified professional.

Basis for Appeal: The appellant is requesting that the subject structure be removed from the City's Inventory of Historic Resources for the following reasons:

- 1) Rowan Maiden does not qualify as a designer of historical importance in the City.
- 2) The conversion of the carport to a garage significantly impacted the character of the property.
- 3) Historic designation should not be mandatory.
- 4) The DPR 523 Form contains several errors.

Relationship to Context Statement: The Context Statement does not cover the time period from 1941 to the present. Until the Context Statement is updated it cannot be used to assist in determining whether or not the property qualifies as historic. The Board's decision should be based on the information available in the record and whether or not a 'fair argument' can be made that the structure is historic based on the California Register Criteria.

Integrity: The original detached carport was converted into a garage in 1994. Since the original carport was essentially attached to the main residence, the enclosure of the carport equates to an addition on a primary elevation. The Board should discuss if this change was significant enough to warrant removal from the Inventory. No other significant additions or alterations have occurred. The appellant points out that some of the information regarding the physical description is inaccurate. If the Board denies the appeal, the DPR should be revised to accurately reflect the description of the building.

Criterion #3: California Register Criterion #3 states that a structure must "embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or posses high artistic values." The original building permit does not identify Rowan Maiden as the architect. However, an article in House Beautiful magazine describes the house and identifies Maiden as the architect. While an updated Context Statement may shed more light on the importance of Rowan Maiden and the Bay Area Tradition of architecture in the City, a fair argument has been made in the DPR form that Maiden qualifies as an important designer and that the structure is a good example of the Bay Area style. A fair argument can also be made that the residence possesses high artistic values based on its unique floor plan and design.

In addition, no supporting evidence has been provided indicating that Rowen Maiden and/or the architectural design are not historically significant.

Thomas D. Church: The DPR makes reference to the gardens designed by Thomas D. Church and cites references. The appellant indicates that she has attempted to verify the references and that they contain no information on Thomas D. Church. Staff has requested clarification from the author of the DPR but has not yet received additional information. If it cannot be verified that Mr. Church designed the gardens, and the Board denies the appeal, staff recommends that the DPR be revised to remove any references to Mr. Church.

Comparative Resources: There are no other properties listed on the Inventory that are associated with Rowen Maiden. There are approximately 16 structures listed on the Inventory that are associated with the Bay Area Tradition, 10 of which date to the 1940's.

In summary, staff is recommending that the appeal be denied for the following reasons:

- Based on the evidence in the record, Rowan Maiden qualifies as an architect of historic importance.
- The property qualifies as historic under California Register Criterion #3 for its association with Rowan Maiden and for its high artistic values.
- No substantial evidence has been presented that the property does not qualify as historic.

RECOMMENDATION:

Deny the appeal and direct staff to make changes to the DPR as necessary.

CITY OF CARMEL-BY-THE-SEA

STAFF REPORT Amended & Granted 1/9/07

TO: MAYOR McCLOUD AND COUNCIL MEMBERS

THROUGH: RICH GUILLEN, CITY ADMINISTRATOR

FROM: SEAN CONROY, SENIOR PLANNER

DATE: 9 JANUARY 2007

SUBJECT: CONSIDERATION OF AN APPEAL OF THE HISTORIC RESOURCES BOARD'S DECISION TO DENY A REQUEST TO REMOVE A PROPERTY LOCATED IN THE SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT FROM THE CITY'S INVENTORY OF HISTORIC RESOURCES.

SUMMARY RECOMMENDATION

~~Deny~~ Grant the appeal.

BACKGROUND & PROJECT DESCRIPTION

The subject structure is a one-story flat roofed residence that was constructed in 1949. The residence was designed by Rowan Maiden. The site also includes an oriental garden, which, according to the DPR 523 form was designed by Thomas Church.

The structure was identified as an historic resource as part of the City's on-going survey of historic structures. A DPR 523 form was filed with the City on 20 July 2001 and was accepted by the California Coastal Commission as part of the City's Inventory of Historic Resources in October 2004. The DPR indicates that the structure qualifies as an historic resource under California Criterion #3 (architecture) and represents a modern extension of the Architectural Development theme of the City's Historic Context Statement.

The Historic Resources Board denied this appeal on 20 November 2006 with a 3-1 vote.

EVALUATION

In this section staff provides an evaluation of why the property may, or may not, qualify as an historic resource. Within this analysis the appellant's arguments and evidence will also be discussed. Staff recognizes four possible reasons for removing a property from the Carmel Inventory: 1) There are gross, non-correctable errors in the historic documentation, 2) The property bears a poor or minimal relationship to the adopted Historic Context Statement, 3) There are a sufficient number of other, better preserved or more important resources of the same type elsewhere within the City, and 4)

The resource has lost its historic integrity through past alterations.

Process: CMC 17.32.070 states that when a qualified professional identifies an historic resource it is added to the Carmel Inventory of Historic Resources and it shall be presumed historically significant and shall not be removed from the City's Inventory unless substantial evidence demonstrates that it is not an historic resource. The ordinance also states that any decision to remove a resource from the inventory shall be based on a recommendation by a qualified professional. However, the City Administrator and City Attorney have determined that if an owner does not want to hire a qualified professional they can present their own argument for the Board's consideration. The owner in this case has not chosen to hire a qualified professional.

Basis for Appeal: The appellant is requesting that the subject structure be removed from the City's Inventory of Historic Resources for the following reasons:

- 1) Rowan Maiden does not qualify as a designer of historical importance in the City.
- 2) The conversion of the carport to a garage significantly impacted the character of the property.
- 3) Historic designation should not be mandatory.
- 4) The DPR 523 Form contains several errors.

Relationship to Context Statement: The Context Statement does not cover the time period from 1941 to the present. Until the Context Statement is updated it cannot be used to assist in determining whether or not the property qualifies as historic. The Council's decision should be based on the information available in the record and whether or not a 'fair argument' can be made that the structure is historic based on the California Register Criteria. This is a conservative approach since it is unknown what the updated Context Statement will contain. If the Board denies the appeal, this property may need to be reviewed again when the updated Context Statement is available.

Comparative Resources: There are no other properties listed on the Inventory that are associated with Rowan Maiden. There are approximately 16 structures listed on the Inventory that are associated with the Bay Area Tradition, 10 of which date to the 1940's.

Integrity: The original detached carport was converted into a garage in 1994. Since the original carport was essentially attached to the main residence, the enclosure of the carport equates to an addition on a primary elevation. The Council should discuss if this change was significant enough to warrant removal from the Inventory. No other significant additions or alterations have occurred. The appellant points out that some of the information regarding the physical description is inaccurate. If the Council denies the

appeal, the DPR should be revised to accurately reflect the description of the building.

Criterion #3: California Register Criterion #3 states that a structure must “embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or posses high artistic values.” The original building permit does not identify Rowan Maiden as the architect. However, an article in House Beautiful magazine describes the house and identifies Maiden as the architect. While an updated Context Statement may shed more light on the importance of Rowan Maiden and the Bay Area Tradition of architecture in the City, a fair argument has been made in the DPR form that Maiden qualifies as an important designer and that the structure is a good example of the Bay Area style. A fair argument can also be made that the residence possesses high artistic values based on its unique floor plan and design.

In addition, no supporting evidence has been provided indicating that Rowan Maiden and/or the architectural design are not historically significant.

Thomas D. Church: The DPR makes reference to the gardens designed by Thomas D. Church. The appellant indicates that she has been unable to verify that Thomas Church designed the gardens. Staff has also been unable to verify any connection with Church. If the Council denies the appeal, staff recommends that the references to Mr. Church be removed.

HRB’s Review: In summary, the HRB’s decision to deny the appeal was based on the following points:

- The DPR presents a fair argument that Rowan Maiden is historically significant.
- The residence is the only identified structure designed by Maiden in the City.
- While the conversion of the carport to a garage was significant, it did not affect the primary character defining features of the residence.
- The Municipal Code requires “substantial evidence” in order to remove a property from the Inventory. No substantial evidence has been provided suggesting the property is not historic.

Staff concurs with the Board.

RECOMMENDATION

~~Deny the appeal, adopt the attached Findings, and direct staff to remove all references to Thomas Church in the DRP 523 Form and make other minor edits as needed.~~ Grant the appeal.

~~CITY OF CARMEL BY THE SEA~~

~~CITY COUNCIL~~

~~DRAFT FINDINGS FOR DECISION~~

~~HA 05-9~~

~~Virginia Hayes~~

~~E/s San Antonio bet. Ocean & 4th~~

~~Block HH, Lot 22~~

~~CONSIDERATION:~~

~~Consideration of Findings for Decision for the denial of an appeal of the City's determination to place a residence on the City's Inventory of Historic Resources.~~

~~FINDINGS OF FACT:~~

- ~~1. The subject site is located on the east side of San Antonio Avenue between Ocean and Fourth Avenues in the Single Family Residential (R-1) District.~~
- ~~2. The existing residence was constructed in approximately 1949 and was designed by Rowan Maiden.~~
- ~~3. A DPR 523 form was filed with the City on 20 July 2001 identifying the residence as an historic resource under California Register Criterion #3 (architecture).~~
- ~~4. The property was accepted by the California Coastal Commission as part of the City's Inventory of Historic Resources in October 2004.~~
- ~~5. The property owners filed an appeal of the historic designation on 26 September 2005.~~
- ~~6. The Historic Resources Board denied the appeal on 20 November 2006.~~
- ~~7. The City Council held a public hearing regarding this appeal on 9 January 2007.~~

~~FINDINGS FOR DECISION:~~

- ~~1. Rowan Maiden qualifies as an historically significant designer.~~
- ~~2. The residence qualifies as historically significant under California Register Criterion #3 as the only residential design by Rowan Maiden in the City and for its~~

~~high artistic values.~~

- ~~3. The primary character defining features of the residence have remained intact since its original construction.~~
- ~~4. Substantial evidence has not been provided indicating that the residence does not qualify as an historic residence.~~

HRB Minutes for 11/20/06

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| 2. HA 05-9
Virginia Hayes
E/s San Antonio bet. Ocean & 4 th
Blk HH, Lot 22 | Consideration of an appeal of the City's determination to place an existing residence located in the Single Family Residential (R-1) District on the City's Inventory of Historic Resources. |
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Sean Conroy, Senior Planner, presented the staff report.

Chairman Wendt declared the public hearing open at 4:51 p.m.

Jim Heisinger appeared before the Board.

Chairman Wendt declared the public hearing closed at 4:56 p.m.

Board Member Dyar moved to deny the appeal; to amend the DPR by removing Thomas Church the designer of the garden, seconded by Lagerholm, and carried by the following roll call vote:

AYES:	DYAR, LAGERHOLM, WENDT
NOES:	LAILOLO
ABSENT:	NONE

City of Carmel-by-the-Sea

COMMUNITY PLANNING AND BUILDING DEPARTMENT

POST OFFICE DRAWER G

CARMEL-BY-THE-SEA, CA 93921

(831) 620-2010 OFFICE

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21 November 2006

Virginia Hayes

Privacy Information

Subject: HA 05-9
E/s San Antonio bet. Ocean & 4th
Blk HH, Lot 22

Dear Virginia:

The Historic Resources Board denied your appeal on 20 November 2006. You may appeal this decision to the City Council within 10 business days. If you have any questions, please let me know. Thank you.

Sincerely,

Sean Conroy
Senior Planner

Cc: Jim Heisinger

Redaction Log

Reason	Page (# of occurrences)	Description
Privacy Information	12 (1)	Per Government Code Sections 7927.705, 7922.000