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CITY OF CARMEL BY THE SEA
DEPARTMENT OF COMMUNITY PLANNING AND BUILDING
APPLICATION FOR APPEAL OF HISTORIC DETERMINATION

Associated Permits _____

Deposit _____
Receipt _____
Date _____
Permit No. HA-05-9

Property Owner's Name Virginia Wilk Hayes Phone 831-625-6712

Mailing Address PO Box 6204

City, State, Zip Carmel Ca 93921 Fax _____

Street Location San Antonio - 3 SE 4th

Block 111 Lot(s) 22 Assessor's Parcel No. AP 01025301
215 San Antonio St 4th

Virgin Wilk Hayes 9-26-05
Signature of Property Owner (required) Date

Individual to receive all correspondence and agendas regarding this application:

Name of Contact Same Phone _____

Mailing Address _____

City, State, Zip _____ Fax _____

Signature of Applicant _____ Date _____

PROJECT DESCRIPTION

Describe the reasons for the requested appeal Maintenance is extremely
difficult. Contractors won't even return calls
See letter Attached

For City Use Only

Decision Maker City Council Action Granted Date of Action 1-9-07

CITY HALL
BOX CC
CARMEL-BY-THE-SEA, CALIFORNIA 93921

January 12, 2007

Virginia Hayes
P O Box 6204
Carmel-by-the-Sea CA 93921

Dear Ms. Hayes,

At its regular meeting on January 9th, the City Council of the City of Carmel-by-the-Sea considered an appeal of a decision by the Historic Resources Board denying a request to remove a property from the City's Inventory of Historic Resources. The property is located in the Single Family Residential (R-1) District on the east side of San Antonio between Ocean and 4th Avenues (APN 010-253-016).

The Council carefully considered the appeal and overturned the decision of the Historic Resources Board, thus removing the property from the list.

Please give me a call at: (831) 620-2006 if you need any further assistance.

Sincerely,



Heidi Burch
City Clerk

data:Clerk\City of Carmel-by-the-Sea\Burch\signed\upheld Nov 2006

 Sean Conroy, Senior Planner

**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

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