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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

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.

Post Office Box 6204
Carmel-by-the-Sea
California, 93921

Mr Sean Conroy
City of Carmel-by-the-Sea
Post Office Drawer G
Carmel, Ca. 93921

Re; Appeal to the City Council of Historic Designation
HA 65-9

Dear Sean;

I have enclosed pictures of my house before and after the addition of 1994. The roof is the only part that remains the same in both pictures. The carport was open on all three sides with two (4x4) posts on the side facing the street.

Because the addition has substantially changed the appearance of the house, I ask the City Council of Carmel-by-the-Sea to remove my house from the Historic Designation.

There were were also considerable errors in the D.P.R. form which I referred to in my letter (Not 31, 2006) to Sean and the Planning Commission. Also the fireplace is in the N. E. corner rather than the S. E.

Concerning the garden; On July 27, 2005, I had an appointment at the Monterey Museum of Art. Absolutely no mention was made of a Thomas Church Garden in the references supplied by Richard Janick. Also the Park Branch Library had no information of a design by Thomas Church for Mrs Chapman, the previous owner.

This information, or lack thereof, together with the letter regarding the Thomas Church Archives at U.C. Berkeley would indicate to me that Thomas Church was NOT involved in the design or installation of the garden.

Thank you for your time and consideration of these matters.

Sincerely,
Virginia Hayes
Virginia Hayes
Lot 22 Block HH
San Antonio, 3 SE of 4th
Carmel-by-the-Sea
California, 93921

2 pictures, one of the original carport and one of the 1994 addition have been included. I have the plans for the 1994 addition. Please call me at 625-6712 if you would like to see them.

1994 Addition - Lot 2 - Block H-H

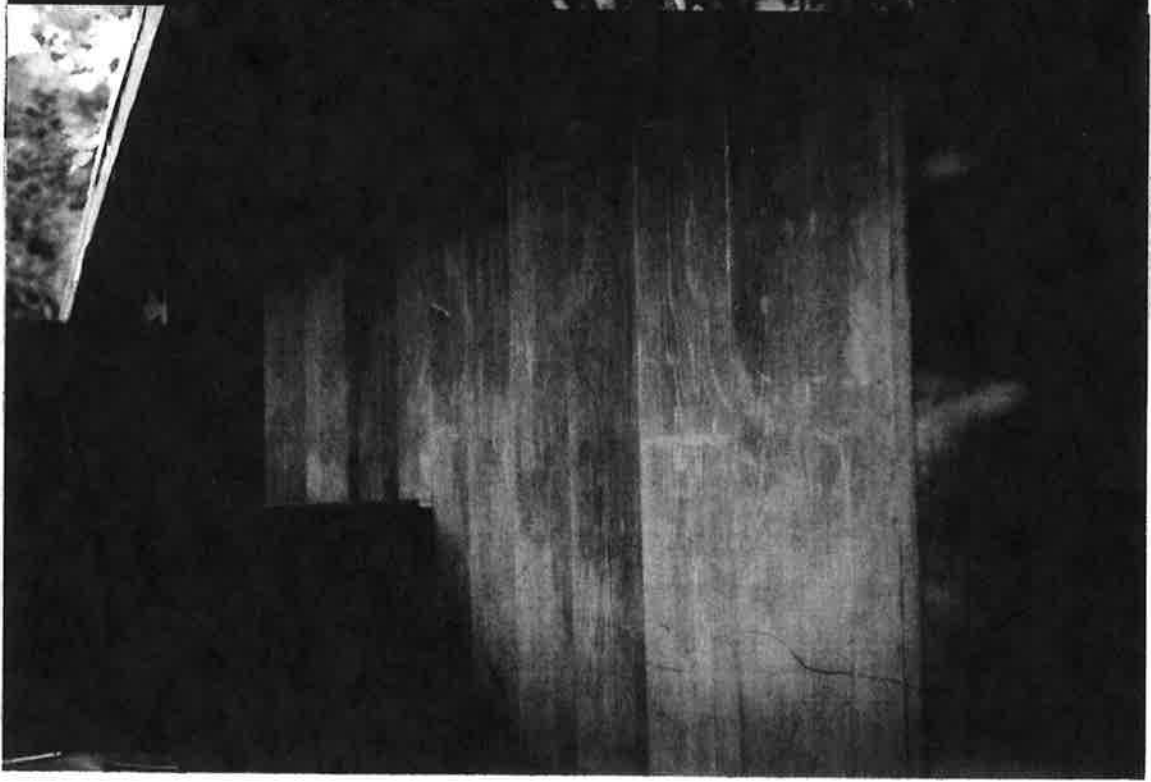
South
West →



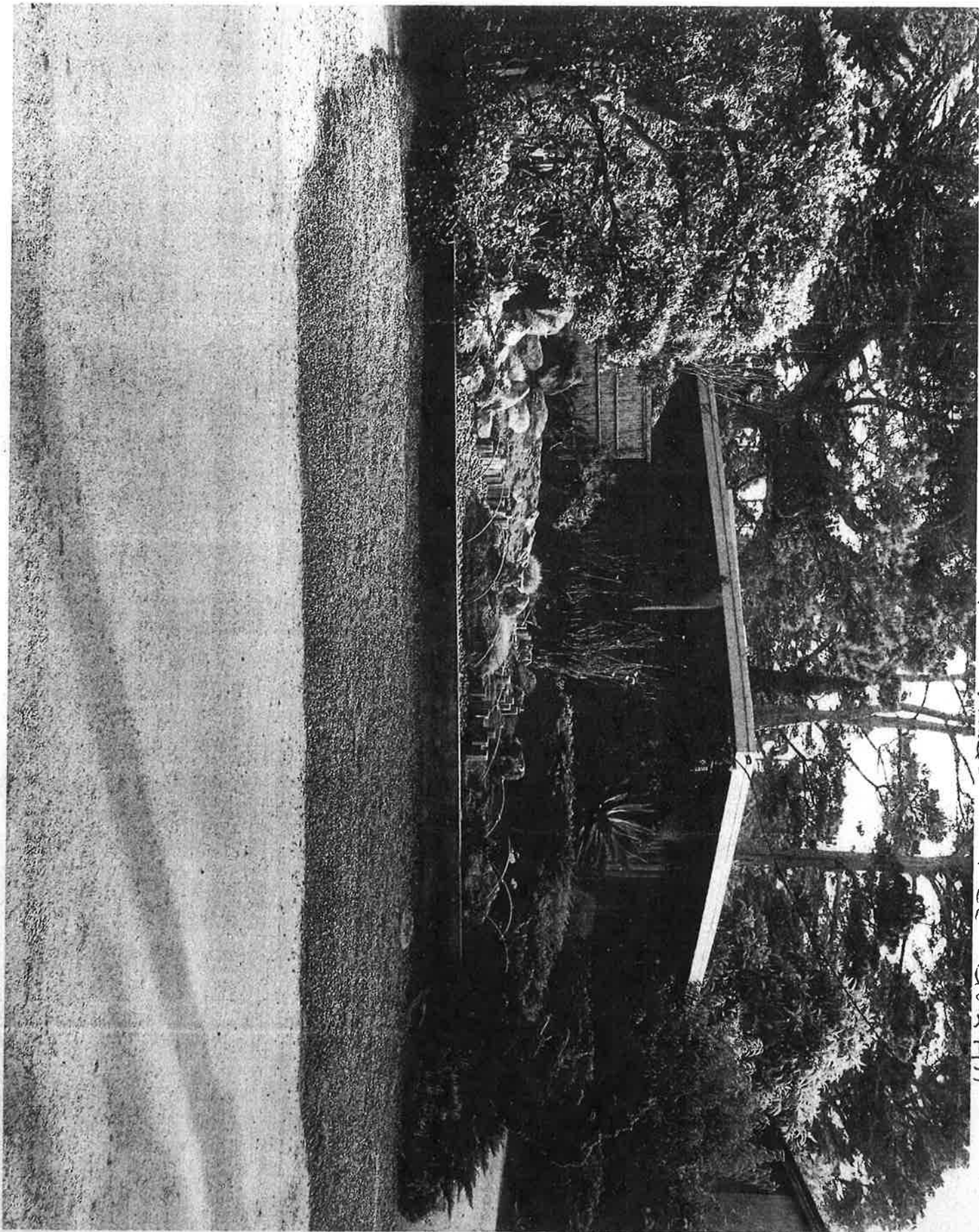
West →



North →



Original House - Lot 22 - Bldg 41H



PRIMARY RECORD

Primary #

HRI #

Trinomial

NRHP Status Code

Other Listings

Review Code

Reviewer

Date

Page 1 of 4

*Resource Name or #: (Assigned by recorder) Dorothy Green Chapman 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 3rd S.E. of 4th on E. side San Antonio City Carmel By The Sea Zip 93921

d. UTM: (Give more than one for large and/or linear resources) Zone _____ mE/ _____ mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

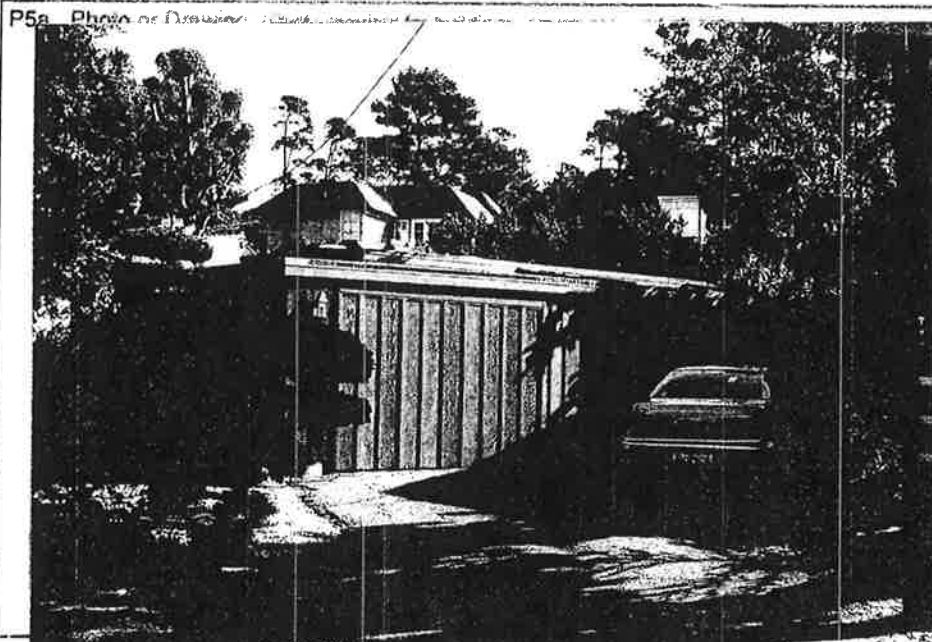
Monterey County Assessor's Parcel #10-253-16 (Block HH Lot 22)

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

See Continuation Sheet.

*P3b. Resource Attributes: (List attributes and codes) (HP-2) Single Family Residence

*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #) S.E. Corner
2/2/01 #8678-11

*P6. Date Constructed/Age and Sources: ☒ Historic
☐ Prehistoric ☐ Both
1949 Carmel Building
Files

*P7. Owner and Address:
Virginia Hayes
P.O. Box 6204
Carmel, CA 93921

*P8. Recorded by: (Name, affiliation, and address)
Richard N. Janick
Monterey Architecture
Resource Inventory

*P9. Date Recorded: 7/20/01

*P10. Survey Type: (Describe)

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Significant Building Survey for
The City of Carmel By-The-Sea 1979

*Attachments: NONE ☐ Location Map ☐ Sketch Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record
☐ Artifact Record ☐ Photograph Record ☐ Other (List) _____

BUILDING, STRUCTURE, AND OBJECT RECORD

Page 2 of 4

*NRHP Status Code 5S1

*Resource Name or # (Assigned by recorder) Dorothy Green Chapman House

B1. Historic Name: Mrs. Dorothy Green Chapman House

B2. Common Name: Same

B3. Original Use: Single Family Residence B4. Present Use: Single Family Residence

*B5. Architectural Style: Usonian (Taunton Influence and Bay Area Style)

*B6. Construction History: (Construction date, alterations, and date of alterations)
See Continuation Sheet.

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: _____ Original Location: _____

*B8. Related Features: Rowen Maiden also designed "Nepenthe" in Big Sur for William Fassett and the commercial complex at Monte Vista Village off Soledad Drive in Monterey.

B9a. Architect: Rowen Maiden

b. Builder: Monterey Construction

*B10. Significance: Theme Modern Architecture

Area Carmel By The Sea

Period of Significance Post WWII

Property Type Single Family Res.

Applicable Criteria CPHR-3

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

See Continuation Sheet.

B11. Additional Resource Attributes: (List attributes and o

*B12. References:

See Continuation Sheet.

B13. Remarks:

Zoning R-1

*B14. Evaluator: Richard N. Janick

*Date of Evaluation: Summer 2001

(This space reserved for official comments.)

Usonian
Small - 1 story - no attic
no basement. 1.7th orientation

San Antonio

CONTINUATION SHEET

Primary # _____

HRI# _____

Trinomial _____

Page 3 of 4

*Resource Name or # (Assigned by recorder) Dorothy Green Chapman House

*Recorded by

Richard N. Janick

*Date 7/20/01

☒ Continuation

☐ Update

P3a. Description:

A one-story flat roofed wood framed house laid out diagonally from N.W. to S.E. across a standard 40' x 100' rectangular lot. The polished concrete floor slab has 30°, 60° and 120° angles incised in the surface with radiant heating under heater. The exposed redwood roof beams follow the trapezoidal patterned floor and are raised on slanting 4" by 12" laminated posts that also create the sides of horizontal clerestory windows above the framed sliding glass wall panels that open out onto an oriental style garden designed by Thomas Church. Vertical 1" x 12" flush siding is used on exterior and interior. Interior sliding screens suggest Japanese influences and a dominant fireplace tucked in the S.E. triangular corner anchors the house and supports the extended overhanging eaves of the roof that mirror the complex floor plan and shelter the outdoor garden and carport which has been enclosed with vertical board and batten siding. The polygonal pattern of the floor extends into the garden plots and pathways. Some of the horizontal clerestory windows slide open for cross ventilation. A small galley kitchen is tucked into a corner adjacent to a small alcove bedroom with built-in cabinets and seating storage bins. A glass windscreen shields the garden from the neighboring house to the south. A tar and gravel roof over diagonal 1" x 12" siding reinforces the whole unusual geometric plan of the building.

B6. Construction History:

- a. Permit #1766 (April 1949) – Build House – cost \$11,245. Architect: Rowen Maiden. Contractor: Monterey Construction.
- b. Permit #94-181 (Sept. 1994) – Enclose Carport and add Laundry Room – cost \$10,000. Contractor: Caribou Construction.
- c. Permit #97-103 (May 1997) – Upgrade Appliances. Contractor: Rich Lawther.

B10. Significance:

This house is eligible for listing in the CRHR under Criteria #3 as the singular example of the work of Rowen Maiden who apprenticed under Frank Lloyd Wright in the Taliesin Fellowship in the 1940s. This residence is an example of Maiden's siting of the house on a 60° diagonal running across the rectangular east-west 4,000 square foot lot therefore allowing the greatest light to flow into the house from morning to evening. That was one of Frank Lloyd Wright's primary siting concepts. The house also utilizes natural materials, exposed structural elements, clerestory windows, and glass sliding partitions leading to a Thomas Church-designed "oriental" style garden. The entire plan, evident in Frank Lloyd Wright's Usonian houses, features 120° and 60° angles creating a polygonal rhythm. Throughout the structure, vertical 1" x 12" flush siding of exposed redwood and sliding glass screens express the modern Bay Area tradition which the corner fireplace, concrete slab radiant heating, built-in alcove seating and storage areas and unusual angles are indicative of Wright's Usonian designs. The sliding glass walls enhance the indoor-outdoor living editorialized in magazines such as *Sunset*, *House Beautiful*, and *Arts and Architecture* (see attached sheets) which feature Chapman House and Rowen Maiden.

Rowen Maiden designs on the Central Coast Area:

1. Nepenthe – Big Sur
2. The Monte Vista Village – Commercial Building, Soledad Drive, Monterey
3. House on David Avenue, Pacific Grove
4. Studio – Huckleberry Hill, Monterey (demolished)

CONTINUATION SHEET

Primary # _____

HRI# _____

Trinomial _____

Page 4 of 4

*Resource Name or # (Assigned by recorder) Dorothy Green Chapman House

*Recorded by

Richard N. Janick

*Date

7/20/01

☒ Continuation

☐ Update

B10. Significance (Continued):

The house is essentially intact except for the enclosure of the carport in 1994 with vertical board and batten redwood siding to distinguish it from the original flush panels of the house.

This is an excellent example of post WW II San Francisco Bay Area Regionalist design by a former apprentice of Frank Lloyd Wright. An independent building designer, Rowen Maiden and his only known Carmel residence are important modern extensions of the Architectural Theme of Individualistic Master Builders associated with the development of Carmel over time.

THOMAS D. CHURCH

Church was born in 1902 and graduated from the University of California, Berkeley, in 1921. In 1925, he received the degree of Master of Arts in Landscape Architecture from Harvard University. Since 1928, he has practiced in the San Francisco Bay Area and has made a major contribution to the field of modern landscape design, principally in the decades 1930–1960.

Mrs. Chapman, the original owner, was extensively active in public affairs in Carmel and served on the Carmel Cultural Commission for many years.

B12. References:

"Planning Idea," *Sunset Magazine*, January 1952. Chapman House featured.

"Defying Arithmetic on a 40-foot Lot," *House Beautiful*, April 1957.

Copies of articles containing original plan of house are attached.

Six photographs of Thomas Church Garden by Morley Baer, File #1929, Box 9 – Morley Baer. Archive: Monterey Museum of Art.

"The Challenge of Modern Architecture," by Phillip B. Welch, *What's Doing: Monterey Peninsula – San Francisco*, Volume 3, No. 5, August 1948.

"Nepenthe: An Outdoor Restaurant in Big Sur," by Rowen Maiden, *Arts and Architecture*, August 1950. Photography: Morley Baer.

Morley Baer Archive: Monterey Museum of Art, 1994 (Box 91, File #2546 – 6 photos).

Usonian Houses, by Frank Lloyd Wright.

Letters to Apprentices: Frank Lloyd Wright, edited by Bruce Brooks Pfeiffer, The Press at Cal-State Fresno, 1982, pp. 75, 94, 95, 146.

About Wright: Album of Recollections By Those Who Knew Frank Lloyd Wright, by Edgar Tafel, John Wiley & Son, New York, 1993, pp. 195–196.

Post Office Box 6204
Carmel-by-the-Sea, California 93921

October 31, 2006

Mr. Sean Conroy
City of Carmel-by-the-Sea
Post Office Drawer G
Carmel, CA 93921

Re: Historical Appeal HA 05-9

Dear Sean:

In your letter to me dated October 13, 2006, you indicated that you were prepared to recommend that the appeal I filed over the Historic designation of my home be dismissed. I oppose your recommendation and request a full hearing on my appeal.

My home is contemporary with single wall construction and a flat roof. It originally had a carport.

It was NOT designed by Frank Lloyd Wright as mentioned in a permit application in Sept. 1994. It was designed by Rowen Maiden who was indeed a student of Mr. Wright. I believe that through the years there were many, many apprentices of Frank Lloyd Wright with these same people designing thousands of houses. Mr. Wright was certainly important and famous. However, I definitely do not believe Mr. Maiden was important to the history of Carmel-by-the-Sea.

In addition, the most visible aspect of my house as viewed from the street dramatically changed when I converted the carport to garage in 1994. One wall of the carport was white stucco. The garage now has three additional walls of vertical overlap redwood siding and also a garage door. Pretty much all you can see of my house from the street was NOT designed by Rowen Maiden.

I expressed my view against mandatory designation at a meeting of the planning commission several years ago. I also expressed my view in a letter of July 13, 2005. I repeat my stand against this historical designation.

Page 2.

There are substantial errors in the DPR form reported by Richard N. Janick.

He states there is an oriental style garden designed by Thomas Church. When I checked at the Monterey Museum, which was his reference, I found six photographs of my garden but absolutely no mention of Thomas Church. Box 91 which he refers to as Morley Baer (photographer) Archive does not exist at the museum. The Archives at U.C. Berkeley of the Thomas Church papers and records have nothing to indicate a design for Dorothy Green Chapman. See attachment 1 to my letter.

When I bought the house from Mrs. Chapman's estate, the garden had many overgrown vines and was sadly neglected. It now is essentially a different garden of almost sixty years ago.

There were other errors in Mr. Janick's report. He indicated there was a glass windscreen shielding the garden from the neighbors. No such glass screen has existed since my purchase of the house in 1992.

He states that interior sliding screens suggest Japanese influence. There were no such screens when I purchased the house.

The clerestory windows do not slide open as described by Richard Janick.

The siding has been applied in an overlapping manner rather than flush.

To my knowledge, Mr. Janick was never in my home or garden; nor did he ever contact me.

Mrs. Dorothy Green Chapman, the original owner of the houses, has already been remembered with a room at Sunset Center named in her honor.

Thank you for your attention in this matter. I repeat my appeal to remove my house from the so-called historic list.

Please take steps to assure that my home is removed from the historical designation as soon as possible.

Sincerely,

Virginia Wilder Hayes
Virginia Wilder Hayes

Phone 831-625-6712

462 Merritt Avenue
Oakland, CA 94610

June 1, 2006

Mrs. Virginia Hayes
P. O. Box 6204
Carmel by the Sea, CA 93921

Dear Virginia,

Following our discussion about whether or not Thomas Church was involved in the design of your garden on San Antonio Avenue in Carmel, I talked with Waverly Lowell, the College of Environmental Design Archivist at UC Berkeley, where the Thomas Church office papers are now stored. She has checked archive's inventory and the project lists which were compiled by Church's office. The office records include a list of Church's gardens in the Carmel area going back as far as 1947. Waverly found no mention of a garden for Dorothy Greene Chapman in either the archive's inventory or in the Church office records.

I hope I will be able to take you up on your offer of tea the next time I am in Carmel.

Sincerely yours,

Margaret J. Arnall