

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT: REGULAR CALENDAR

Application Number3-01-085 (Gary Martin)

Applicant.....Gary A. Martin

Project location.....SE Corner of Camino Real and 13th Avenue, Carmel, Monterey County (See Exhibit A)

Project descriptionDemolition of an existing 2,635 square foot single family residence, construction of a new 2,700 square foot single family residence, and rehabilitation of existing garage. See Exhibit B.

Approvals ReceivedCity of Carmel-by-the-Sea: DS 01-04 / RE 01-08 / VA 01-03.

File documents.....Coastal Development Permit files 3-01-032 (Martin); City of Carmel-By-The-Sea uncertified Land Use Plan and Zoning Ordinance; City of Carmel Community Building and Planning Department Staff Report (03/14/01); Jones & Stokes Associates Evaluation Report (06/1999).

Staff recommendation ...Approve with Conditions

Staff Note:

The public hearing on this project was opened at the July 12, 2001 Commission Meeting in Santa Rosa. The Commission denied the application based on impacts to community character, potential historical associations, and because it would prejudice the City's ability to prepare and complete a certifiable LCP. At its September 12, 2001 meeting, the Commission granted a reconsideration of the application based on new information, which was unavailable at the July 2001 hearing. At the request of the applicant, the City Building Inspector evaluated the soundness of the structure and subsequently issued a red-tag order because it was in poor condition. The red-tag order requires that a permit be obtained to demolish or rehabilitate the structure within 60 days. Based on this new information, the Commission granted a reconsideration of the application. This item was originally calendared for the Commission's November, 2001 meeting and was postponed to the December, 2001 hearing at the request of the applicant.



California Coastal Commission
December 13, 2001 Meeting in San Francisco

Staff: Mike Watson Approved by: *[Signature]* 11/29/01

I. Summary

The proposed project consists of the demolition of an existing 2,635 square foot single family residence, and construction of a 2,700 square foot single family residence in the City of Carmel-by-the-Sea. Although, the applicant originally proposed to adjust lot-lines to create two legal parcels of 6,900 square feet and 4,000 square feet respectively, further review of the relevant property documents shows that there is only one legal parcel (10,900 square feet) at the site. In its evaluation of the applicant's submitted title report, staff has concluded that a prior owner had the lots merged by map and by deed into one parcel in 1972. The applicant has subsequently requested that that portion of the application involving a lot-line adjustment be withdrawn (See Exhibit C). If the applicant wishes to pursue a land division, he will need to pursue this with the City and apply for a coastal development permit from the Commission.

The applicant also proposes to demolish an existing single family residence (approximately 2,635 square feet) and construct a two-story 2,700 square foot single family residence on the proposed 6,900 square foot north parcel split that fronts 13th Avenue. The proposed new structure retains and rehabilitates the existing garage and same nonconforming garage setback of 1' from the side yard property boundary. The applicant has also submitted plans to the City for a residence that could be built on the proposed 4,000 square foot south parcel, though the applicant has not yet obtained City approval for this second structure nor has he applied for a coastal development permit for the second residence.

The site is bounded on two sides by public streets (13th Avenue and Camino Real) and is heavily forested with coast live oak. The existing structure is setback from Camino Real and spans across the interior of the site, nearly surrounded by trees. As a result, even though the south wing of the existing structure is two-story in height, the structure does not appear obtrusive and is subordinate to the surroundings. The proposed new design re-sites the house in an east-west orientation adjacent to 13th Street and is designed at maximum height its entire length. The reorientation substantially reduces the front yard setback along Camino Real. Though there are many trees in this location, the combination of design, reduced setback, and reorientation of the new structure will significantly alter the streetscape and presentation of the site. The City's Forest and Beach Commission approved an application to remove and prune limbs on several coast live oaks, including an 8" and 17" coast live oak and a 12" diameter spar from a 21" coast live oak. In addition, 7 limbs and canopy branches of various diameters will need to be removed during the course of construction. As mitigation for the tree removal and pruning, the City Forest and Beach Commission has required 6 upper canopy trees, such as Monterey pines, Monterey Cypress or coast redwoods be planted. The applicant has also verbally agreed to plant additional trees.

Carmel is a very popular visitor destination as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. Carmel is made particularly special by the character of the residential development within its City limits. Homes are nestled into the native Monterey pine/Coast live oak forest on a grid of streets that is executed in a way to yield to trees more than to engineering expediency. This is the context for Carmel's



community life and its built character.

The proposal raises questions as to whether this project would protect Carmel's community character consistent with the Coastal Act Section 30253(5), which requires that special communities be protected. In particular, the project may result in the loss of a significant historical resource. A historical evaluation of the structure prepared by Jones & Stokes Associates, determined that the existing house was found to be eligible for listing in the California Register of Historical Resources (CRHR), for its association with a person who is significant at the local, state and national level. The house was also found to be eligible for listing in the CRHR as a contributing element of a potential historical district because it conveys the design principles of the Arts and Crafts movement, the landscape principles of this movement, and reflects the design traditions typical of early residential development in Carmel. Most recently, the State Office of Historic Preservation has concluded that the project may be eligible for California Register of Historic Resources. However, the City of Carmel did not adopt the historic evaluation findings and determined that the "preponderance of evidence establishes that the site or structure are not historically or culturally significant."

The City interviewed Gus Arriola, who is the subject of the potential historical association and determined that the evidence to support historical status was inconclusive. Furthermore, quite a bit of evidence was submitted to show that the existing structure is in an advanced state of disrepair and dilapidation. The City of Carmel performed a building inspection recently and ordered the structure to be red-tagged, prohibiting any person(s) from occupying the premises. The City order also required the applicant to obtain a permit within 60 days to remove or rehabilitate the structure. Though a licensed preservation architect was not consulted, one cost estimate to repair/rehabilitate the existing damaged structure obtained from a general contractor suggest the cost may equal or exceed \$200 per square foot or roughly \$525,000. Moreover, based on the long list of repairs necessary to bring the structure back to habitable form, the structure will essentially have to be demolished in order to be repaired. As such, concerns regarding adverse impacts to community character and the resultant loss of potential historic resources must be weighed against the fact that the structure is unsafe and that it will require a near complete demolition in order to rebuild it and bring the structure back to a habitable form. Therefore, staff is recommending approval of the demolition proposed by the applicant.

Because the proposed new structure involves a variance greater than 10% of the City's current zoning ordinances, it too is the subject of this Coastal Development Permit. The architectural style of the proposed new house is similar to an English Cotswald cottage. The design is different from the architectural style of the existing structure, though it is not inconsistent with the eclectic flavor of other existing homes in the village. The 2,700 square foot single family residence is similar in square footage (possibly even a bit smaller) to the existing house, but its overall profile as viewed from 13th Avenue is larger. As mentioned above, the applicant intends to re-orient the replacement structure in a manner that requires the removal of trees and which may ultimately alter the streetscapes of 13th Avenue and Camino Real. It is precisely these aspects of the proposed project that raise a concern for the Commission, which is responsible for preserving the general character of the City until its LCP is certified. As such, the Commission cannot approve the project unless it is modified to maintain the same general size, scale,



volume, and footprint as the existing structure. With this condition, staff recommends that the project is consistent with Coastal Act 30253(5), which protects the unique characteristics of special coastal communities such as Carmel.

Therefore, as conditioned, the proposed project is consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the City's ability to prepare and complete an LCP that is consistent with the Coastal Act.

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III. Staff Recommendation on Coastal Development Permit

***Motion:** I move that the Commission approve Coastal Development Permit No. 3-01-085 pursuant to the staff recommendation.*

***Staff Recommendation of Approval.** Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.*

***Resolution to Approve the Permit.** The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment..*



IV. Conditions of Approval

A. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions.

- 1. Existing House Volume Calculations.** PRIOR TO DEMOLITION OF THE EXISTING STRUCTURE, the Applicant will submit for Executive Director review and approval an accurate calculation, including all worksheets and plans used to make the calculation, that states the volume, expressed in cubic feet, of the structure to be demolished.
- 2. Revised Project Plans.** PRIOR TO CONSTRUCTION OF THE REPLACEMENT RESIDENCE, the permittee shall submit two sets of City-approved revised final project plans for the Executive Director's review and approval, including site plan, elevations, landscaping, grading and drainage, and height study. The proposed building envelope shall include the approved residential dwelling, garage, patios, and decks or walkways. The revised final project plans shall also illustrate the exact dimensions of the structure, which shall not be more than 10% greater in size (square footage), height, and volume (bulk) to the existing



structure currently located on the property. Precise calculations of the dimensions of the existing and replacement structure, with accompanying illustrations or other calculation methodology, shall be submitted with the revised plans. Placement of the structure shall be within the existing structural footprint including portions of the rear patio as shown on Exhibit D. All existing setbacks shall be maintained. The current non-conforming side yard setback for the garage along 13th Avenue may be maintained to preserve mature trees. There shall be no significant removal of trees or vegetation.

V. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description and Background

The Applicant proposes to demolish an existing two-story, single family residence (approximately 2,635 square feet) and construct in its place, a two-story 2,700 square foot single family residence at the SE corner of Camino Real and 13th Avenue in the City of Carmel-by-the-Sea. Applicant also proposes 225 square feet of walkways and patio site coverage along with a lot line adjustment creating two building sites, including the 6,900 square foot site of the proposed new house and a 4,000 square foot lot without a City-approved structure. The proposed main structure would occupy the north two-thirds of the existing building site and has an east-west orientation that predominately faces 13th Avenue. See Exhibit E. Although the applicant has submitted an application to the City of Carmel for a structure on the 4,000 square foot parcel created by the lot-line adjustment, the applicant has stated that he has not yet decided on whether he will construct the home if it is approved. As discussed below, however, the applicant has submitted a title report with attached assessor's map that shows that the parcels were merged by map and by deed to create one parcel (one building site) in 1972. Thus, under the existing lot configuration, there is one parcel (10,900 square feet) and one building site.

Additional materials have been submitted which suggest that the rebuild (new structure) is similar in size, possibly even a bit smaller than the existing structure on site. See Exhibit W. And though there is not a large discrepancy between square footage and site coverage between the proposed and existing structures, the proposed new structure is designed at the maximum allowable height along its entire length. Thus, the streetscape appearance is a much larger structure as viewed from 13th and Camino Real. The proposed design retains and rehabilitates the existing garage within the same nonconforming garage setback (1'). The City granted the applicant a variance to maintain the sub-standard setback.

The site is bounded by public streets along both 13th Avenue and Camino Real and is heavily forested with coast live oak. The interior of the parcel site contains several significant trees that provide screening for the existing structure. The new east-west orientation requires the removal of two significant trees, including a 17" coast live oak, an 8" two-spurred coast live oak, and significant pruning of another --a



12" diameter spar from a 21" coast live oak. In addition, 7 limbs and canopy branches of various diameters will need to be removed during the course of construction. As mitigation for the tree removal and pruning, the City Forest and Beach Commission has required 6 upper canopy trees, such as Monterey pines, Monterey Cypress or coast redwoods be planted. The applicant has also stated that he will plant additional trees.

According to the City staff report, the structure slated for demolition was originally constructed in 1921. A garage in was added in 1922 and a second story addition to the south wing in 1936. Subsequent modifications were made in 1954, 1969, 1972, 1973, 1978, and 1988. Much of the more recent modification was in the form of interior changes to plumbing, electrical, and some cabinetry. In 1978 a bathroom was added and another bathroom remodeled. Other than that, the structure appears to have retained many of its original exterior architectural features. A historical evaluation performed by Jones & Stokes Associates determined that the structure is eligible for historical designation under the California Register of Historical Resources (CRHR) criteria for associations with notable persons and architectural styling. The findings in the staff report prepared by the City of Carmel however state that the structure is not eligible for historical designation under local or state criteria. The basis for these findings is the personal testimony of Gus Arriola, a noted cartoonist associated with the structure and the fact that the home has been modified.

In addition, a home inspection report found that the structural integrity of the house had been compromised and that a fair amount of reconstruction would be required to rehabilitate it. Subsequent letters submitted by the applicant from a structural engineer, architect, and the City have increasingly suggested that the structure is unsound, dilapidated, and should be removed. In August 2001, at the request of the applicant, the City Building Official inspected the house and issued a red-tag for the structure, requiring that it be rehabilitated or demolished. As of this time, the City has not declared the structure a public nuisance or otherwise invoked its police powers to order that the structure be removed. The applicant purchased the property and structure in August 2000 and has stated that he had been living in the home up until the time the red-tag was issued (August 2001). The City's red-tag order requires that permits to demolish or rehabilitate be obtained within 60 days of date of issuance. Staff has contacted the City regarding this matter and has received word that no action will be taken by the City in this regard until after the Commission has acted on the applicant's coastal development permit.

B. Standard of Review

The City of Carmel-by-the-Sea is located entirely within the coastal zone but does not yet have a certified LCP. The Commission approved a Land Use Plan (LUP) and an Implementation Plan (IP) at different times in the early 1980s, but the City did not accept the Commission's suggested modifications. Thus, both the LUP and the IP remain uncertified. Until the Commission has certified the entire LCP submittal, the Commission retains coastal permitting authority over development within the City, for which the standard of review is the Coastal Act of 1976.

The Commission has authorized a broad-ranging categorical exclusion within the City of Carmel



(Categorical Exclusion E-77-13) that excludes from coastal permitting requirements most types of development not located along the beach and beach frontage of the City. The proposed development, however, is not excluded under Categorical Exclusion E-77-13 because it involves demolition, and requires a variance greater than 10% of the applicable standards under the City's Zoning Ordinance, and requests a lot-line adjustment resulting in the creation of new building site (increases the allowable density of development on the affected parcel). As mentioned above, the applicant has received a 4-foot setback variance for the garage, which is approximately 80% greater than the City's applicable standard.

The City is currently working on a new LCP submittal (both LUP and IP), funded in part by an LCP completion grant awarded by the Commission. This current City effort is focused on protecting the significant coastal resources found in Carmel, including the spectacular public beach and recreational amenities along the City's frontage, the urban forest that uniquely identifies Carmel as the City within the trees, the substantial riparian and habitat areas (such as Mission Trails Nature Preserve and Pescadero Canyon), and the unique community and visual character of Carmel as exhibited by the style, scale, and rich history of its residential, commercial, and civic architecture. Taken as a whole, these resources combine to form the special character of Carmel; a character that is separately a significant coastal resource worthy of protection in its own right. The City is making progress and anticipates that both the LUP and IP will be submitted for Commission review in December of this year.

Nonetheless, unless and until the Commission has certified any future City LCP submittals, the Commission retains coastal permitting authority over non-excluded development within the City. As a result, although the City's current ordinances and policies can provide context and guidance, the standard of review for this application is the Coastal Act.

C. Issues Discussion

1. Community Character

The current project raises doubts concerning consistency with Coastal Act Section 30253(5), which protects and preserves the character of special communities and neighborhoods. Coastal Act Section 30253(5) states:

Section 30253(5). New development shall where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Sections 30251 of the Coastal Act adds further protection to the scenic and view qualities of coastal areas:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of



natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality on visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Carmel's Community Character

Carmel, of course, is a very popular visitor destination, known as much for the style, scale, and rich history of its residential, commercial, and civic architecture, as for its renowned shopping area, forest canopy and white sand beach. The City is considered a "special community" under the Coastal Act due to its unique architectural and visual character. It is often stated that Carmel, along with such other special coastal communities as the town of Mendocino, is one of the special communities for which Coastal Act Section 30253(5) was written. Indeed, Carmel has been, and remains today, a spectacular coastal resource known the world over as an outstanding visitor destination.

In particular, as a primarily residential community, the web of residential development in Carmel plays a key role in defining the special character of the City, as various architectural styles present reflect the historical influences that have existed over time. Carmel is distinctly recognized for its many small, well-crafted cottages. These modest, sometimes quaint residences are associated with the era in which Carmel was known for its resident artists and writers, and functioned as a retreat for university professors and other notables. These homes were nestled into the native Monterey pine/Coast live oak forest, on a grid of streets that was executed in a way that yielded to trees more than to engineering expediency. This was the context for Carmel's community life and its built character.

The demolition and replacement of existing residential buildings in Carmel have great potential to alter this special community character protected by the Coastal Act. In particular, these projects raise questions as to (1) whether or not an existing house represents the historical, architectural, scale, and environmental character of Carmel; and (2) if a replacement structure detracts from Carmel's character because of a modern design, tree removal, proposed house size, or other characteristics.

The impacts of a residential demolition and rebuild on community character can depend on a variety of factors. For example, there are a number of cases where a house or houses were demolished and a single, much larger house constructed on the site. In other instances, a single house straddling a lot line has been demolished and two new, smaller houses were constructed. In either of these types of instances, the character of Carmel may or may not be preserved, depending on the context, but it is certainly changed, either through the increase in residential density or a change in mass and scale. The size of a house is one aspect of Carmel's character, but not all existing houses in Carmel are small. However, because the lots are almost all relatively small, about 4000 square feet, the general pattern of development is one of smaller houses.

The architectural style of houses in Carmel is another aspect of the City's character. Many of the houses were built in the first quarter of the century in the Craftsman style; others resemble houses that might be



found in an English village. Modern style houses, while they do exist, are not prevalent in Carmel. A residential demolition and rebuild project can both remove a structure that expresses the community character, and result in a new structure that may not reflect the surrounding neighborhood character.

A third aspect of Carmel's character is the pine and oak dominated landscape. Although the forest landscape is not all natural – there has been enhancement over the years by tree planting – it pervades the City and is a defining characteristic of Carmel. Demolition often can result in tree damage and/or removal. New construction after demolition also may result in the loss of trees, especially if a new structure is built out to the maximum allowed by the zoning. And, the potential for the growth of the next generation of trees is reduced in proportion to the increase in hardscape because there is less room for seedlings to get started.

The historic resource value of a structure is another important factor to consider when evaluating impacts to community character. In general, structures greater than 50 years old may be considered historic, depending on the results of a specific historic resource assessment. In some cases, depending on the persons associated with a structure, or the significance of a structure to Carmel's local history, a building may be deemed to be a historic resource by the City, the State Office of Historic Preservation, or other public agency. The Carmel Preservation Society also may have identified a structure as an historic structure, or a structure may be eligible for listing in the California Register of Historical Resources (CRHR), particularly if it is found to be a contributing element of the potential District One historical district in Carmel. (One consideration in the City's development of its LCP is the creation of historic districts. The City is assessing the viability of establishing a historic district where a critical mass of historical structures are known to exist. Structures located within one of these districts would be preserved and recognized for their contribution to the historical character of Carmel.) Finally, individual structures may be historically significant because they convey the design principles of a distinctive artistic or architectural style, such as the Arts and Crafts movement, which is typical in Carmel. The landscaping of a site may also be part of such a style.

Cumulative Community Character Impacts

Recent trends in demolitions also raise concerns about the cumulative impacts of individual projects on Carmel's community character. It is important, therefore, that the effect of this particular demolition/rebuild be evaluated within the context of the larger pattern of demolition and rebuild over the years in Carmel.

Over time, the character of Carmel has been changing as its older housing and commercial stock makes way for new, usually larger in size and scale, developments. According to the Commission's permit tracking database, approximately 650 projects involving development have received coastal development permit authorization in Carmel since 1973. The overwhelming majority of these involved residential development of one sort or another ranging from complete demolition and rebuild to small additions to existing structures. It is likely that this number undercounts this trend inasmuch as the Commission's database was created in 1993 and, while every effort was made to capture archival actions, the database may not reflect every single such action taken. In addition, due in part to the City's



categorical exclusion, it is not clear how many projects involving substantial remodel (but not complete demolition) have taken place over the years.

In contrast, the Commission's database for the period since 1990 is fairly robust. Since 1990, there have been roughly 185 coastal permit applications in Carmel. Of these, approximately 150 projects (or over 80%) involve some form of demolition, rebuilding and/or substantial alteration of residential housing stock in Carmel. This comes out to roughly 14 such residentially related projects per year since 1990; nearly all of these have been approved. Other than the three year period from 1992 – 1994 when a total of 13 applications were received, the number of development proposals in Carmel had been fairly constant until 2000. However, in the year 2000 alone, the Commission had received 44 applications; a full quarter of all applications received by the Commission for development in Carmel in the last decade. Of these 44 applications received in the year 2000, 33 of these involved some form of demolition, rebuilding and/or substantial alteration of residential structures. Thus far, in 2001, more than 20 applications have been received; 16 of these involved residential demolitions/alterations. As of this writing, another dozen or so demolitions are in various stages of City Planning review. Clearly the trend for demolition/rebuild/substantial remodel has been magnified in current years as demand for Carmel properties has outstripped the limited supply represented by the approximately 3,200 parcels within the boundaries of this small town. As this trend has continued, it has become increasingly difficult to conclude that the demolition of residential structures is not significantly changing the unique character of Carmel.

Prejudice to LCP Planning Efforts

In addition to the direct concerns with whether a particular demolition is consistent with Coastal Act Section 30253(5), there is real concern that the individual and cumulative impact of changes in community character, primarily through the approval of residential demolitions, in the City of Carmel-by-the-Sea may prejudice the City's efforts to prepare and complete a certified LCP that is consistent with the Coastal Act. The Coastal Act provides in Section 30604(a):

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

It is not entirely clear whether and to what extent the history of demolition/rebuild/remodel has altered the special community character aesthetic of Carmel that is protected by the Coastal Act. The Commission has not undertaken a formal cumulative impact assessment of such a trend to date. There is little doubt that structures within the City have generally been getting larger, and that many structures of at least some individual historical and other value have been demolished. The difficulty is that the



Commission cannot necessarily ensure that continuation of residential demolitions and rebuilds will protect Carmel's community character. In other words, such projects may be prejudicing the City's completion of an LCP that is consistent with the Coastal Act.

Part of the reason for this is that although the elements that define the City's community character can be generally described (as discussed above; e.g., "the City in the forest", architectural style, historic value, scale, etc.), there has yet to be completed a comprehensive assessment and articulation of how all of these factors interact to define Carmel's character. Although individual projects may raise many concerns, depending on the facts of the structure, the nature of the proposal, the context of the development, etc., there are no planning standards and ordinances that provide a clear framework for whether a project meets the requirements of the Coastal Act – i.e., to protect the special community character of Carmel.

To implement the community character protection requirements of the Coastal Act, the Commission has always emphasized the importance of having local communities define their community character through a local planning process, so that a Local Coastal Program, when certified, will meet both the community's vision and understanding of its character, and the requirements of the Coastal Act. Although the Coastal Act provides a more general statewide policy framework for protecting community character, the details, for example, of whether particular types of structures should be deemed to be historic, or whether certain architectural styles reflect the character of a community, need to be developed through a local planning process such as that provided by the LCP process of the Coastal Act.

As mentioned earlier, the City of Carmel is currently finishing up a community planning process to determine, among other things, the basis for defining Carmel's community character, and ways to protect and preserve that character consistent with the Coastal Act. It is anticipated that the City will be submitting both a Land Use Plan and an Implementation Plan to the Commission for review in December of 2001. In the meantime, though, Coastal Act Section 30253 requires that individual projects not have direct or cumulative adverse impacts on Carmel's character; and Section 30604 requires that individual projects not raise significant concerns about consistency with Section 30253, lest they prejudice the completion of an LCP consistent with the Coastal Act. As discussed above, the cumulative residential demolition trend in Carmel has made it increasingly difficult to conclude that these projects are not significantly changing the special community character of Carmel. Although each project must be judged on its individual circumstances, the cumulative context necessarily shapes these judgements, precisely because the community character of a place is in part the sum total of its parts.

Because the more specific features that define Carmel's character, as well as their relative significance, is yet to be decided, it is important to focus on measures of significant change to community character so that the completion of an LCP consistent with the Coastal Act is not prejudiced. Thus, the Commission can be assured that projects that do *not* result in significant changes in the various features of Carmel's community character, will not prejudice the completion of an LCP consistent with section 30253. Examples of such measures of change in community character include the following types of questions:

Would the proposed project:



- Result in a 10% or greater increase in the gross square footage, height, or footprint (site coverage) from that which is currently present (the 10% measure reflects the standards of the Coastal Act for evaluating replacements of structures destroyed by a disaster (section 30610))?
- Result in the removal of any significant (i.e., 6" or greater in diameter) native pine, willow, cypress, or oak trees? Or, even if no trees are removed, involve sufficient limb removal to be a significant loss of forest canopy?
- Involve a structure greater than 50 years old for which the City has not performed a historic resource assessment (i.e., the potential historic value of the structure is uncertain)?
- Modify a structure deemed to be a historic resource by the City, the State Office of Historic Preservation, the Carmel Preservation Society, or other public agency or knowledgeable entity (since the value of the historic resource within the context of the community has not yet been defined, the demolition of such structures may prejudice the LCP)?
- Not identify a City-approved replacement structure (i.e., the project is a "speculative" demolition and thus by definition has an uncertain impact on community character)?
- Facilitate an increase in residential density (a common type of application is to demolish one house that straddles two parcels, to allow a replacement house on each parcel)?
- Facilitate replacement of traditional architecture style in favor of contemporary or modernistic styles (from the visitor's perspective, rustic cottage and Craftsman styles are those most likely representative of Carmel's architectural traditions)?

Specific Project Impacts and Coastal Act Consistency Analysis

As discussed below, the proposed demolition and rebuild raises significant concerns about consistency with Coastal Act section 30253(5). Because it will result in a number significant changes to aspects of Carmel's community character, it must be modified to be found consistent with Section 30253(5) of the Coastal Act.

Demolition of the Existing House

The existing house located on-site is 80 years old and has been modified several times, yet it retains much of its original integrity. The structure slated for demolition was originally constructed in 1921 and subsequently modified in 1922, 1936, 1954, 1969, 1972, 1973, 1978, and 1988. In 1922, the garage was added; a second story, approximately 635 square feet, was added to the structure in 1936. Much of the additional modification was in the form of interior changes to plumbing, electrical, and some cabinetry. In 1978 a bathroom was added and another bathroom remodeled. Other than that, the structure appears to have retained much of its original exterior architectural features. See Exhibit F.



The c. 1921 structure is not currently listed on any state or local roster of historical or architecturally important structures in the City. The original historic context statement for Carmel prepared in 1990 noted the structure's contribution to the stock of Craftsman homes built in the City's early architectural development. It contended that the house was built for Joseph Hooper, one of the original and most senior players on the Abalone League baseball team. The statement also mentions that the house was sold to famed-cartoonist Gus Arriola in the late 1960's. Mr. Arriola lived and worked there with his family for twelve years. See Exhibit G.

A more recent historical evaluation performed by Jones & Stokes Associates (June 1999) determined that the structure is eligible for listing in the California Register of Historical Resources (CRHR), as a contributing element of a potential historic district (See Exhibit H). One consideration in the City's development of its LCP is the creation of historic districts. The City is assessing the viability of establishing a historic district where a critical mass of historical structures are known to exist. Structures located within one of these districts would be preserved and recognized for their contribution to the historical character of Carmel. The structure under evaluation in this project is on the southern border of the potential District One, historic district. Although the Carmel Preservation Foundation (CPF) volunteer survey described the southern extent of the potential District One boundary as 13th Avenue, such boundaries typically run through the middle of blocks so that streetscapes are preserved. Therefore, the properties on the first lots south of 13th Avenue might be considered for inclusion in the potential District One historic district.

The Jones & Stokes evaluation states that the house is individually significant at the local, state, and national level for its association with the life and work of cartoonist Gus Arriola. The report observes that the house and studio are directly associated with a critical period in Mr. Arriola's career. Notably, the report claims that "the house has been little changed since the Arriola's lived there and retains its integrity under his association."

The evaluation also determined that the house is eligible for listing in the CRHR for its individual contributions to the Arts and Crafts movement. "It conveys the design principles of the Arts and Crafts movement, the landscaping principles of this movement, and reflects the design traditions typical of early residential development in Carmel." Architectural elements of the house proposed for demolition, typical of the Arts and Crafts movement include: the creation of a semi-enclosed back patio compliments of the U-shaped architectural design and the use of natural materials (wood shingles, stone paving materials, wood framing, tri-partite slider and casement window, rubble-stone chimney's, etc). The landscaping on-site is also typical of the Arts and Crafts movement with natural plantings of a variety of species, sizes, and locations, informal landscapes of the front and side yard, and large canopy trees at the front of the yard integrate the house into a natural setting. The house also exhibits the qualities typical of the design traditions of early residential block development in Carmel, including the U-shaped design with the long side of the U oriented toward the ocean, siting of the house at the south edge of the lot with large front-yard setback, and the detached garage along the edge of the street.



Most recently, the California State Office of Historic Preservation has concluded that the existing house may be eligible for the California Register of Historic Resources stating:

It is our opinion if the subject property was Arriola's primary residence during the 1960s, it functioned as his studio, and it looks today basically at [sic] it did during the 1960s, the property is eligible for the California Register of Historical Resources under Criterion 2 for association with Gus Arriola. [see Exhibit U]

Although Mr. Arriola himself has discounted the historical value of the existing residence (see Exhibit V), it does appear that the house was his primary residence in the 1960s, did function as a studio (albeit one of several), and looks essentially as it did during the 1960s.

The City, in its review of the subject application, came to a different conclusion regarding the historical significance of the structure. In the course of investigating the historicity of the structure, the City determined that the house was not eligible for designation as significant because it did not (1) convey the cultural heritage of Carmel, (2) was not the site of an important event, (3) did not convey the significance of an important person, and (4) was not architecturally significant within the context of the Historic Context Statement for Carmel-by-the-Sea. The City's report reasoned that the structure did not convey any cultural heritage because Gus Arriola did not live in the house while he was actively participating in forging Carmel's cultural heritage (based on Mr. Arriola's own account – see Exhibit V). Furthermore, there was no indication that significant events took place at the house or that the house was directly associated with any person(s) who significantly contributed to the development of the community. The City also found that the Craftsman style of architecture was not indicative of an architecturally exemplary or significant residence of Carmel. See Exhibit I.

Notwithstanding these prior decisions, the Commission is obligated to review the project's impacts to community character pursuant to its coastal development permitting authority. In addition, as summarized above, historic character is but one factor in evaluating the contribution of an individual structure to community character, particularly in a community such as Carmel. In this case, first and foremost, there is considerable uncertainty as to the historic character of the house when considered in the context of Carmel not having a certified LCP. The historic survey and evaluation prepared in 1999 determined the structure to possess historical associations with notable persons and architecture. Nonetheless, based on the accounts of Mr. Arriola himself, the City overrode the findings of the historic evaluation and they had the discretion to do so. On the other hand, as the applicant has recently observed, the house has not been identified as significant by a recent survey conducted by the Kent Seavey, a recognized architectural historian, for the City of Carmel.

Similarly, the existing structure may also contribute to Carmel's character by virtue of its architectural design. The house does exhibit examples of the classic Craftsman architecture of its period. As mentioned above, the Jones & Stokes Associates historical evaluation contends that that house is an important example of the Craftsman style because it reflects the design traditions typical of early residential development in Carmel.



Architectural elements of the house that convey the Arts and Crafts philosophy include the U-shaped plan and resulting creation of a front patio and semi-enclosed back patio; the honest use of materials such as wood shingles, stone paving materials, and coarse rubble stone in the three chimneys, and; the wood frame, tri-partite, slider and casement windows. (Jones & Stokes evaluation, page 2).

As mentioned earlier, the City found that the Craftsman style of architecture was not indicative of an architecturally exemplary or significant residence of Carmel. Furthermore, in its staff report, the City makes a finding that the house is dilapidated and in a severe state of disrepair, including a potential threat to health and safety. The City made its assessment based on a City inspection of the home and the home inspection report performed by Markey Construction Inc., which contended that the foundation and structure of the house had been compromised and are in need of repair. It estimated that a fair amount of reconstruction would be necessary to rehabilitate the structure, but did not determine that the structure is uninhabitable or that it should be condemned. See Exhibit J.

Similarly, staff received a letter that concludes the house is unsafe for habitation based on an inspection report of the structure performed by Uyeda & Associates Engineering on May 23, 2001. The letter states that there are no shear elements in the walls or perimeter foundation, no concrete footings under the pier blocks, the anchor bolts are too small, that the chimney is not reinforced, and the mortar is deteriorated. Finally, the letter states that rehabilitating the structure would be more costly than the proposed demolition and construction of the new home. No actual cost estimate was contained in the letter. The letter from Mr. Uyeda does acknowledge that the house withstood the 7.1 magnitude Loma Prieta earthquake with minimal damage. See Exhibit K.

Staff has received subsequent letters and recommendations from Uyeda Associates, the City of Carmel Building Inspector, and a licensed architect. Though there is still some debate as to whether or not the structure could be rehabilitated (based on cost and engineering feasibility), each of the correspondents ultimately recommend that the structure be demolished. Uyeda Associates strongly recommends that the structure be demolished because retrofitting the existing structure would be far more costly than building the new house and would necessitate a major redesign. The City of Carmel's Building Official inspected the structure at the request of the applicant and opined that the structure and detached garage have outlived their useful lives and are in a state of disrepair and dilapidation. The City concludes that the structural deficiencies are so severe as to declare the buildings substandard, dangerous, and uninhabitable. A red-tag order was placed on the structure August 8, 2001 requiring that all necessary permits to repair or demolish be obtained within 60 days of said order. Although the City's recommendation strongly suggests that the structure be demolished, the City has not concluded that the structure is a public nuisance and has not ordered the nuisance to be abated. Staff has contacted the City regarding this matter and has received word that no action will be taken on the red-tag order until after the Commission has acted on the applicant's coastal development permit. See Exhibit L.

Another letter from Uyeda Associates and one from Paul Tickner Architects concurred with the City's assessment based on the current condition of the house, however both took exception to the City's



assertion that the structure be rehabilitated as one alternative to outright demolition. As a matter of practicality, both firms indicate it would cost as much or more to rehabilitate as compared to constructing the new structure and from an engineering standpoint, the structure would not be able to withstand the movement necessary to shore the foundation and add bracing to walls. Actual cost estimates for the rehabilitation versus the new construction were not provided. Furthermore, in order to address all the deficiencies necessary to rehabilitate the existing structure would essentially amount to a demolition. Thus, rehabilitation is not a viable alternative. One cost estimate to repair / rehabilitate the existing structure was obtained from a general contractor which suggest the cost may equal or exceed \$200 per square foot. The contractor noted that he had experience building houses in the greater Monterey peninsula area, including Carmel, but did not state whether he had any experience in rehabilitating aged structures. See Exhibit M.

As with the arguments for historical association with important persons, uncertainty exists with respect to the importance of the structure for its contribution to architectural style. Part of the debate is to what degree any individual structure is architecturally significant within the larger context of architectural resources of the City. In order to adequately evaluate this, the Commission must weigh, among other things, the amount of reconstruction and retrofitting (effort) that will be necessary to make the structure sound. In this case, rehabilitation or retrofitting will amount to nearly complete reconstruction of the structure; in which case it appears that a total demolition is essentially required to facilitate the process. Furthermore, the second-story addition on top of single wall construction simply may not lend itself to being rehabilitated. Thus, while the Craftsman architectural style is clearly important to Carmel's residential character, as evidenced by the debate summarized above, it is not clear that the existing structure in its present condition is capable of rehabilitation.

Certainly, demolition of the existing structure and replacement with a new structure of different design will result in a change in architectural styles and the issue of character has yet to be resolved and embodied within an LCP. However, given the circumstances, it would be imprudent to require a structure not be demolished when it is clear that it may not be capable of rehabilitation. Thus, even though the Commission is unable to conclude that demolition of this structure will not result in a loss of character by virtue of its architectural design and potential historical value, there are overriding factors that allow for demolition of the structure. In this particular instance, the overriding factors for consideration are the structure's current state of disrepair, questionable historical architecture, and the cost and feasibility associated with rehabilitation. Therefore, even though demolition of this structure may result in irreversible adverse impacts to community character resources, based on the existing structure's current state of disrepair and associated rehabilitation cost, demolition of the structure is on balance consistent with Coastal Act Section 30253. Furthermore, demolition of the structure will not prejudice the City's ability to prepare and adopt a certified Local Coastal Program consistent with the Coastal Act. Therefore the demolition is consistent with Coastal Act section 30604(a).

Lot-Line Adjustment

Lot-line adjustments resulting in the creation of new building sites or increasing the allowable density of



development on the affected parcels are not excluded under the City's categorical exclusion order E-77-13. As such, the Commission retains original permitting jurisdiction over this development activity.

The area of the site as it currently exists is 10,900 square feet. The proposed lot line adjustment would create two buildable lots of 6,900 square feet and 4,000 square feet. The proposed new structure would be located on the north parcel (6,900 square feet) leaving the south parcel undeveloped at this time. However, according to the title report and attached assessor's map provided by the applicant, several pre-existing lots and parts of others were merged by map and by deed to create one parcel, (and one building site) on November 8, 1972 (See Exhibit N). Thus, there is only one legal lot of record, and therefore no lot-lines to adjust. The applicant has requested that the lot-line adjustment be withdrawn from the application. If the applicant wishes to pursue a land division in the future, he will need to pursue this with the City and apply for a Coastal Development Permit with the Commission.

Proposed New Structure

The parcel is currently developed with a single family dwelling. The site is bounded by public streets along both 13th Avenue and Camino Real that is heavily forested with coast live oak. The interior of the parcel site contains several significant trees that provide screening for the existing structure. The existing house has a 32' front-yard setback and with the exception of the garage, is setback more than 15' from 13th Avenue as well. Although larger than many of the customary Carmel cottages, the existing structure, site orientation, and forest characteristics are typical of the Carmel experience.

The proposed two-story house is 24 feet in height, approximately 18 inches shorter than the second-story addition on the south wing of the existing structure. The architectural style of the proposed single family residence is similar to an English Cotswald cottage. The roof design is complex with many roof planes and very steeply pitched gables that reach their apex without flattening. As a result, even though the square footage of the existing and proposed homes is similar, the profile of the proposed house is much larger. See Exhibit O. The proposal retains and rehabilitates the existing garage and same nonconforming garage setback of 1 foot. A variance was obtained from the City to maintain the nonconformity to preserve existing trees at the rear of the residence.

Natural materials are used throughout. For example, the chimney and building fascia are made of Carmel stone veneer. The roof is Cedar wood shingle. Windows, doors, timbers, and trim are Redwood. The front walkway and small porches are likewise Carmel stone. The combination of eclectic design and natural materials is compatible with the materials and designs used elsewhere in the homes around Carmel. (Exhibit P).

The applicant proposes to reorient the new structure in an east-west configuration. As a result of the new orientation, the front yard setback is reduced from 32' (existing) to 16' (proposed). This design also requires the removal of two significant trees, including a 17" coast live oak, an 8" two-spurred coast live oak, and significant pruning of another --a 12" diameter spar from a 21" coast live oak. In addition, 7 limbs and canopy branches of various diameters will need to be removed during the course of construction. As mitigation for the tree removal and pruning, the City Forest and Beach Commission has



required 6 upper canopy trees, such as Monterey pines, Monterey Cypress or coast redwoods to be planted. The applicant has stated that one of the oaks to be removed is diseased, though there is no discussion of this in the City's Forest and Beach Commission staff report. The applicant has also stated that he will plant additional trees. See Exhibit Q.

The subject parcel is located within the city limits of the City of Carmel. The existing building site, though currently developed, is more than twice the size as the average 4,000 square foot lot. Parcels in the vicinity of the subject parcel are developed with single family dwellings at densities less than the average. There are oversized parcels (i.e., > 4,000 sq. ft.) on the remaining three corners (NE, NW, and SW) of Camino Real and 13th Avenue. Additionally there are another nine oversized parcels within less than a half-block radius of the applicant's parcel. (Exhibit R)

All utilities are connected to the existing house on this site. There are adequate public services for the proposed new house. Parking is adequate. Additionally, the proposed new house meets City requirements for maximum height, floor area, and site coverage. A side-yard variance was granted for the retention and rehabilitation of the garage. Neither the demolition nor the new construction would adversely or significantly affect any significant public view. The area is developed with urban services in an area able to accommodate the replacement of the existing house with a new one.

As described previously, to implement community character protection requirements of the Coastal Act, the Commission evaluates projects and measures a project's impact on coastal resources across a number of variables. These changes are also evaluated in the overall context of changes in community character. Because the more specific features that define Carmel's character, as well as their significance, has yet to be decided, it is important to focus on measures of significant change to community character so that the completion of an LCP consistent with the Coastal Act is not prejudiced. One such criterion is whether the development will result in more than a 10% increase in the gross square footage, height, or volume. Other measures of change in community character, though, include changes in architectural style, demolition of notable or historic buildings, the removal of significant vegetation or trees, changes in the footprint, any development that facilitates an increase in residential density, etc. Each of these factors must be evaluated separately and together as a whole.

As discussed above, the proposed rebuild is not larger in square footage, though by design, appears much larger from its profile. The new structure will be reoriented in an east-west configuration parallel with 13th Avenue and is designed at maximum height its entire length. The architectural styling is different than that currently existing on site, however it is consistent with other modern eclectic homes in Carmel. Trees will be removed, though the applicant is required to replant several (6) upper canopy trees in their place. Finally, because there is no lot-line adjustment, the project will not affect residential density.

Thus, given the site considerations and the parameters of the proposed project, the real question is whether the new structure preserves the current ambient quality and character of the site and the overall character along Camino Real and 13th Avenue. As proposed, the answer is no. The replacement structure appears to be much larger and the change in orientation and relocation of the house combined with the



removal of significant vegetation increases the potential for this design to alter the streetscape significantly. However, if the proposed project is conditioned to assure that the replacement home will be the same general size, and in the same location, as the existing house, without the need to remove any trees, then the Commission can find that in the larger context of community character, the proposed demolition and rebuild would not significantly change the community character of the area. Lacking specific guidance from an approved Local Coastal Program, the Coastal Act provides guidance concerning what would constitute a significant increase in the size, scale, and bulk of a structure. One example, Coastal Act Section 30610 (g)(1)), allows for disaster replacement of any structure up to 110% of the existing size (floor area), height, and bulk¹ (volume), but also qualifies that the replacement structure must be sited in the same location on the affected property. The California Code of Regulations §13250 requires a Coastal Development Permit for all improvements to single family residences greater than 10% larger in floor size and height. Thus, by extension, in order for the Commission to conclude that development will not result in significant impacts, the proposed development should be within 10% of the size, height, and bulk of any existing development and should be sited in the same location. In this case, the proposed development may exceed the limitation in bulk and significantly deviates from the existing placement of the house. An initial staff estimate is that the volume of the existing house is 31,660 cubic feet. However, the applicant has recently submitted information suggesting a larger volume (see Exhibit W). In order to be consistent with the Chapter 3 policies of the Coastal Act, the proposed project will need to be within 10% of the size (square footage), height, and volume, and re-site the replacement structure on the existing footprint. Therefore, Special Condition 1 requires that the applicant submit information to the Executive Director for review and approval to establish the base volume of the existing structure prior to demolition. Special Condition 2, which requires submittal of revised plans prior to construction of the replacement structure, identifies the limits for a new structure that would be consistent with the above finding and Chapter 3 of the Coastal Act.

Thus, as proposed, the new structure is not consistent with 30253(5) of the Coastal Act. In addition, approval of the new structure as proposed would prejudice the completion of an LCP, inconsistent with Coastal Act 30604(a), because of its significant changes to the character of the site. However, if modified to assure that the new structure is not greater than 10% larger in size, volume, height, and that it remains within the existing footprint as the existing structure, the proposed new house will conform to the Chapter 3 policies of the Coastal Act. As mentioned, Special Condition 2 requires the applicant to submit revised plans approved by the City, that meet the above criteria.

Likewise, for the reasons discussed above, the project, if modified, preserves the current ambient quality and character of the site and the overall character along Camino Real. Thus, in the larger context of community character, the proposed demolition and rebuild will not significantly change the community character of the area.

¹ Bulk is the total interior cubic volume as measured from the exterior surface of the structure.



Finally, the project will not otherwise impact public access or view opportunities available to the coast. Overall, therefore, the Commission finds that the project, as modified, is consistent with Coastal Act 30253(5), and Policy 30604(a) in that approval of the project has been found consistent with the Chapter 3 policies of the Coastal Act and will not prejudice development of the LCP in conformance with Chapter 3 policies of the Coastal Act.

D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal and is incorporated into this finding, and has recommended appropriate mitigation to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). Any public comments regarding this project have been addressed in these findings. As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

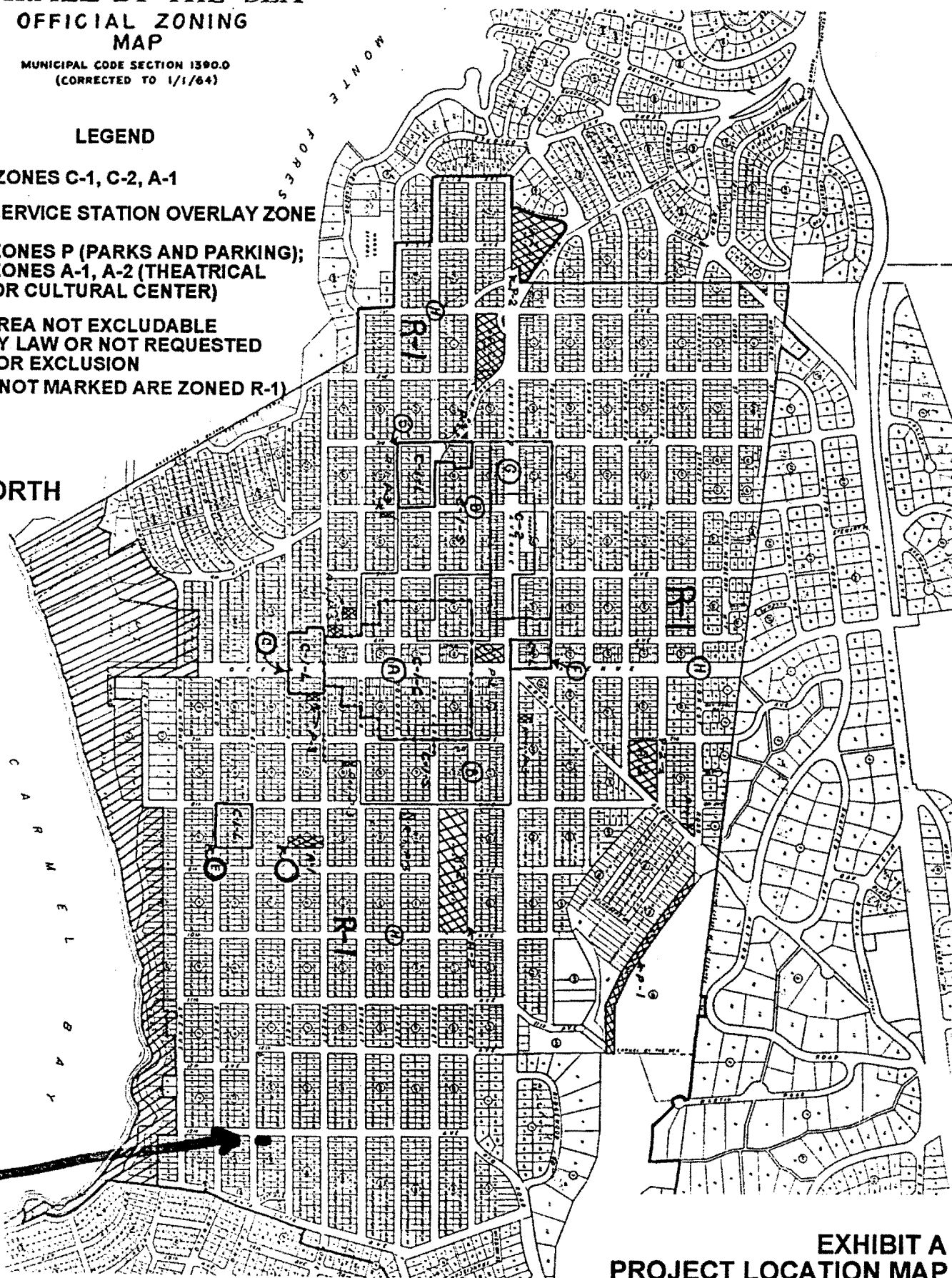


CARMEL-BY-THE-SEA OFFICIAL ZONING MAP

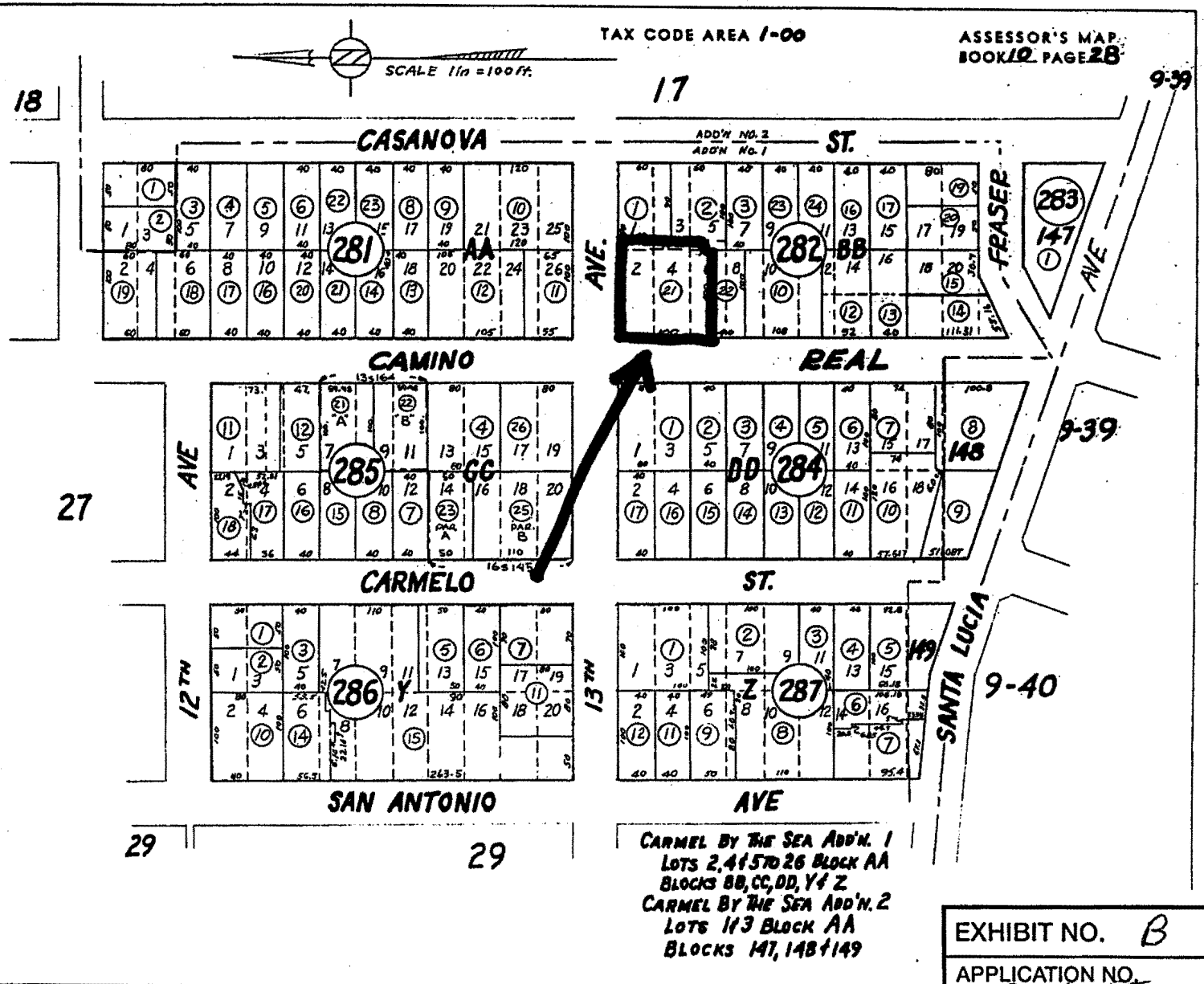
MUNICIPAL CODE SECTION 1390.0
(CORRECTED TO 1/1/64)

LEGEND

- ZONES C-1, C-2, A-1
- SERVICE STATION OVERLAY ZONE
- ▨ ZONES P (PARKS AND PARKING);
ZONES A-1, A-2 (THEATRICAL
OR CULTURAL CENTER)
- ▨ AREA NOT EXCLUDABLE
BY LAW OR NOT REQUESTED
FOR EXCLUSION
(AREAS NOT MARKED ARE ZONED R-1)



**EXHIBIT A
PROJECT LOCATION MAP**



CARMEL BY THE SEA ADD'N. 1
 LOTS 2, 4, 5 TO 26 BLOCK AA
 BLOCKS BB, CC, DD, Y & Z
 CARMEL BY THE SEA ADD'N. 2
 LOTS 1 & 3 BLOCK AA
 BLOCKS 147, 148 & 149

EXHIBIT NO. B
APPLICATION NO. 3-01-085
<i>Parcel map</i>
California Coastal Commission

Lombardo
& Gilles
A PROFESSIONAL LAW CORPORATION
Attorneys At Law

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OCT 30 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

FILE NO. 01469.000.A

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Salinas, CA 93902-2119
(SALINAS) 831-754-2444
(MONTEREY) 888-757-2444
(FAX) 831-754-2011
(EMAIL) lomgil.com

October 25, 2001

VIA FACSIMILE

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OCT 29 2001
CALIFORNIA
COASTAL COMMISSION

Anthony L. Lombardo
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David D. Bessire
Steven D. Penrose
Jason S. Retterer
E. Soren Diaz
Aaron P. Johnson
Sheri L. Damon
Virginia A. Hines
Patrick S.M. Casey
Paul W. Moncrief
Edward G. Bernstein
Of Counsel

Ms. Tami Grove
Deputy Director, California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060-4537

RE: GARY MARTIN (PERMIT APPLICATION NO. 3-01-85)

Dear Ms. Grove:

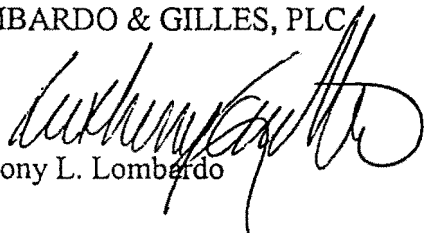
Please accept this letter as a request by the applicant, Gary Martin, to withdraw that portion of the Coastal Commission permit application involving the lot line adjustment application for his property in Carmel.

Based on the discussions the applicant has had with your staff, as well discussions I have had with your counsel, Diane Landry, it is apparently the Commission's contention that the language of Government Code §66499.20½ enacted in 1993 controls whether a parcel map filed twenty plus years ago before the enactment of the statute had the effect of merging legal parcels. The Commission staff has also communicated that opinion to the City of Carmel.

In order to avoid that issue further delaying the Commission's reconsideration of the demolition of Mr. Martin's home, which the Commission is scheduled to take up at next month's hearing, please accept this letter as a request that the portion of the application involving the lot line adjustment be withdrawn. My client would appreciate confirmation from you at your earliest convenience that this matter will be heard on the November agenda as was represented to the Commission at the last meeting.


Sincerely,

LOMBARDO & GILLES, PLC


Anthony L. Lombardo

ALL:ncs

cc: Mr. Gary Martin
Members, California Coastal Commission
Mr. Peter Douglas

EXHIBIT NO. C
APPLICATION NO. 3-01-085
Request to Withdraw Lot Line Adjustment
 California Coastal Commission

Southeast corner of
Camino Real
& 13th Avenue
Carmel-by-the-Sea
California
93921

FORM NO. 99-55

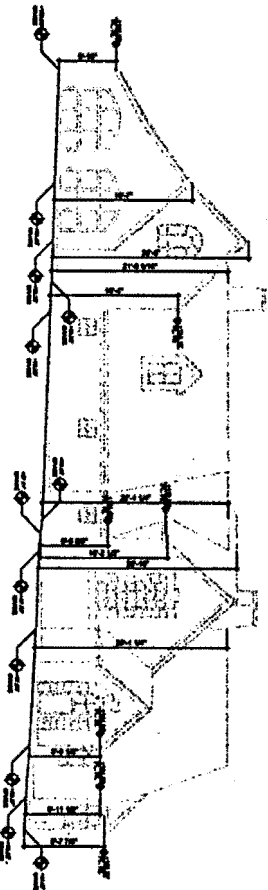
A. C. BROWN,

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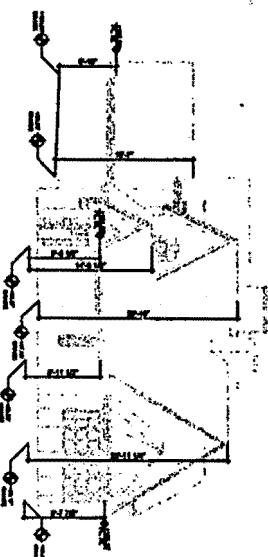


California Coastal Commission

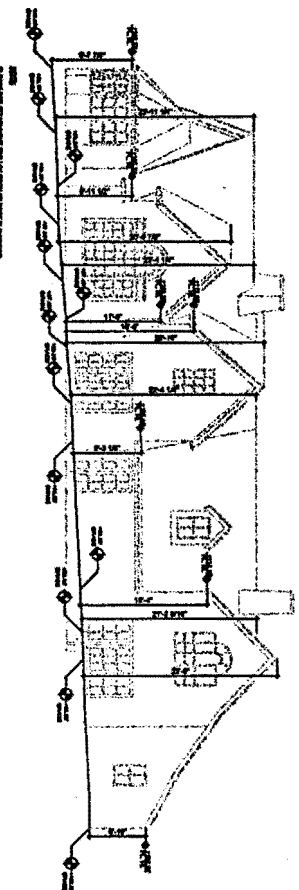
EXHIBIT NO. <i>E</i>
APPLICATION NO. <i>3-01-085</i>
<i>Site Elevation</i>
<i>P. 2 of 2</i> California Coastal Commission



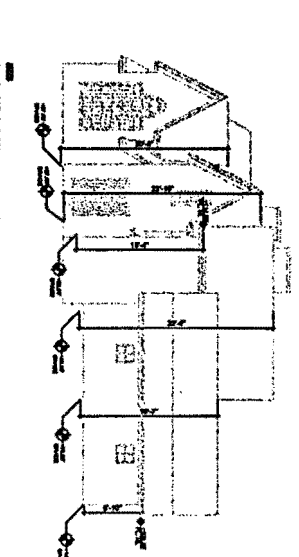
4 NORTH ELEVATION
SCALE 1/8" = 1'-0"



2 EAST ELEVATION
SCALE 1/8" = 1'-0"



3 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



1 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



Exhibit **F**
Photos of Existing Structure
3-01-085
Gary Martin

Post-it* Fax Note 7671

State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Other Listings _____ LOC# _____
Review Code _____ Reviewer _____To Mike Watson
Cof/Dep't Coastal Commission
Phone # _____
Fax # 427 4877EXHIBIT NO. GAPPLICATION NO. 3-01-085Original SurveyP. 1 of 2
California Coastal CommissionPage 1 of 2*Resource Name or #: #10 281 21 Wild Boar InnP1. Other Identifier: Mary Pardow Hooper House*P2. Location: ☐ Not for Publication ☒ Unrestricted a. County Monterey

b. USGS 7.5' Quad _____ Date _____ T _____ R _____ 1/4 of _____ 1/4 of Sec _____ B.M. _____

c. Address S W Corner 13th Camino Real City Carmel CA Zip 93921

d. UTM: (Give more than one for large and/or linear feature) Zone _____ 55 _____ mE/ 31 _____ mN

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

Block BB Lots 2, 4, and part of 6

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

This is a Craftsman house very typical of Carmel's early architectural development. It has a large irregular shape of one story with a two story addition in the rear. Its west elevation is asymmetrical with a classic river stone chimney in the front and a bay window on the left corner. It has wood windows which have a fixed center pane with mul-ioned side sliders. The wood framing is clad with shingles finished at the bottom with clapboard siding. The roof is gabled and covered with composition shingles and it has overhanging eaves with exposed rafters. At the rear there is another wing at the north side of the house. The entry porch is of stone, covered with ivy. The property is surrounded by a four foot high grape stake fence containing a gate pointed in the center with an arched trellis. A charming sign denoting the house as the Wild Boar Inn is on the gate. There is a double garage facing Thirteenth Street with clapboard siding, a gabled roof and braced wooden doors.

*P3b. Resource Attributes: (List attributes and codes)

HP2. Single Family Property*P4. 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, etc.)

West elevation

*P6. Date Constructed/Age and Sources:

☐ Prehistoric ☒ Historic ☐ BothBuilt in 1921

*P7. Owner and Address:

Dr & Mrs Michael LeatonP.O. Box 223200Carmel CA 93922C--County

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

Ann CottinghamCarmel Historic SurveyP.O. Box 3959 Carmel, CA*P9. Date Recorded: 05/24/1990

*P10. Survey Type: (Describe)

IntensiveVolunteerC--Comprehensive Survey

*P11. Report Citation: (Cite survey report/other sources or "none")

Historic Context Statement prepared by Leslie Heumann andGlory Anne Laffey in 1996.*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)

State of California -- The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
 BUILDING, STRUCTURE, AND OBJECT RECORD

Primary # _____
 HRI # _____

Page 2 of 2

*NRHP Status Code _____

*Resource Name or #: 10 282 21 Wild Boar Inn

B1. Historic Name: Mary Pardow Hooper House

B2. Common Name: Wild Boar Inn

B3. Original Use: Single Family

B4. Present Use: R--Residential

*B5. Architectural Style: Craftsman

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

Build 4/21 #196 Joe G Hooper \$6500 - Garage 6/2/22 #422 J.G. Hooper \$300 - 2nd Story Add. 1936
 J.G. Hooper - Add bath & remodel #78-184 10/16/78 Brayton Wilbur \$5000 In 1969 Owner Gus Arriola
 adjusted lot lines

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

*B8. Related Features:

Garage

B9a. Architect: NA

B. Builder: unknown

*B10. Significance: Theme Residential Architecture Area Monterey County

Period of Significance 1900 - 1940 Property Type Residential Applicable Criteria 1-3-4

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

This house was built in 1921 for Joseph Hooper, who was one of the original and most senior of the players on the Abalone League team. One of the trophies, The Silver Hooper Cup was an ornate stove top donated by Tal Josslyn. Gus Arriola celebrated cartoonist of Gordo fame, bought the house from Tom Hooper, Joseph's son in the late 1960s and lived there with his family for twelve years. Arriola had worked for MGM in Hollywood where he met his wife, a cartoonist who worked for Walt Disney and was the Mary Frances Sevier in his Gordo strip. In 1972 the house was purchased by the Brayton Wilburs of San Francisco. He was with his father's well known importing firm Wilbur Ellis. The Wilburs owned the house until 1993 and as their daughter Clare reports, enjoyed marvelous times in their much loved house on weekends and summers for over twenty years.

EXHIBIT NO. G

APPLICATION NO. 3-01-085

Original Survey

P-2 of 2
 California Coastal Commission

B11. Additional Resource Attributes: (List attributes and codes) HP2. Single Family Property

*B12. References:
 Polk Directory 1926-27, 1928, 1933, 1936, 1939, 1969,
 1970
 Dept. of Building & Safety, original permit

Recorder's office, Salinas - Sharron Hale A Tribute to
 Yesterday, Valley Pres

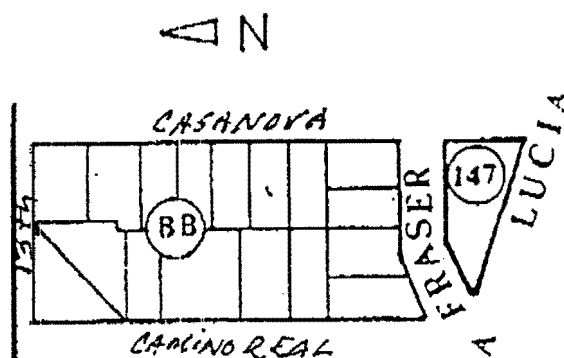
B13. Remarks:
 Zoning: R1; Threats: Demolition
 Oral Interviews: Gus Arriola by Van Vleet - Clare
 Wilbur by Sales -

*B14. Evaluator: Enid T. Sales

Date of Evaluation: 04/11/1999

(This space reserved for official comments.)

(Sketch Map with north arrow required)



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

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code 4X MAY 18

Other Listings _____

Review Code _____

Reviewer _____

EXHIBIT NO. HAPPLICATION NO. 3-01-085J+S Surveyp. 1 of 4
California Coastal CommissionPage 1 of 4

*Resource Name or #: (Assigned by Recorder)

APN 15-267-001P1. Other Identifier: Wild Boar Inn*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 Monterey Date 1947 T _____; R _____; _____ % of _____ % of Sec _____ B.M. _____c. Address southeast corner of Camino Real and 13th Avenue City Carmel-by-the-Sea Zip 93921

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

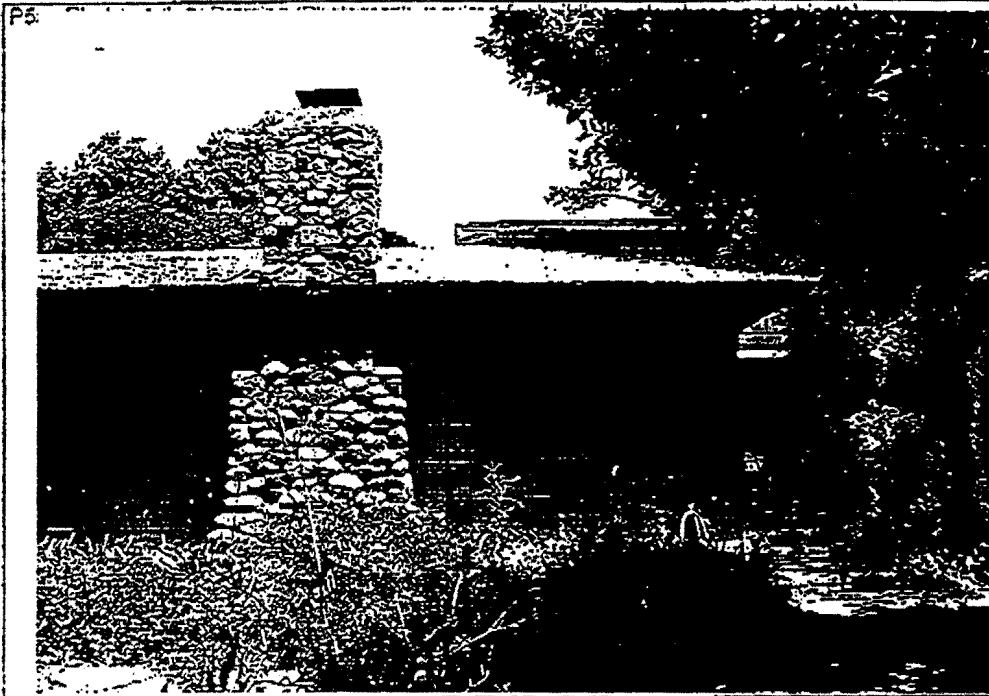
e. Other Locational Data: (e.g. parcel #, directions to resource, elevation, etc., as appropriate)

Block 3B, Lots 2, 4, and part of 6

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

This Wild Boar Inn residence is located on the southeast corner of Camino Real and Thirteenth Avenue. This intersection, and the block to the east and to the south, are characterized by narrow streets with little or no shoulder. The intersection serves as a clearing in an otherwise heavily canopied area. The street scape along Camino Real on this block is dominated by the foliage-covered fences and other vegetated borders at the front of the lots combined with mature trees, creating the forested look typical of Carmel.

The Wild Boar Inn residence is set back from both Camino Real and Thirteenth Avenue, with a naturalized yard on the west and north sides and a large patio area bordered with more naturalized landscaping on the east. The house sits close to the south lot line, with just enough room for a small path along the south facade. The house is a complex plan, most closely resembling a C-shaped plan. [See continuation sheet.]

*P3b. Resource Attributes: (List attributes and codes) HPS2. Single Family property*P4. Resources present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (isolates, etc.)

P5b. Description of Photo: (View, date, accession #) _____

*P6. Date Constructed/Age and

Sources: ☒ Historic☐ Prehistoric ☐ Both1921

*P7. Owner and Address:

Michael & Tracy LeatonP.O. Box 233200Carmel, CA 93922-3200*P8. Recorded by: (Name, affiliation, and address) S. LassellJones & Stokes Associates, Inc.2600 V Street, Ste. 100Sacramento, CA 95816*P9. Date Recorded: 6/30/99

*P10. Survey Type: (Describe)

Site specific intensiveinventory and evaluation

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Jones & Stokes Associates, Inc. 1999. Evaluation report for the Baker, Clendon, Feiner, and Leaton residences, Carmel-by-the-Sea, Monterey County, CA. Prepared for City of Carmel-by-the-Sea, Community Planning and Building.

*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): _____

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

Primary # _____

HRI # _____

BUILDING, STRUCTURE, AND OBJECT RECORDPage 2 of 4

*NRHP Status Code 4X

*Resource Name or # (Assigned by recorder) APN 10-282-021

B1. Historic Name: _____

B2. Common Name: Wild Boar InnB3. Original Use: Single family residenceB4. Present Use: single family residence*B5. Architectural Style: Craftsman

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

Constructed in April 1921 (permit #196) at an estimated cost of \$6,500; a garage was added in 1922 (permit #422) at an estimated cost of \$300; a second story was added in 1936 (permit #183); plumbing and rewiring work were done in 1954; two building sites were established in 1959 (resolution #s 378 & 770), and again in 1972 (2-211 (PC) use permit); [see continuation sheet]

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

Original Location: _____

*B8. Related Features:

Garage

B9a. Architect: Unknownb. Builder: Unknown*B10. Significance: Theme: Cartoon Artists; Arts Community; Residential Design TraditionsArea: United States; Carmel-by-the-Sea, CAPeriod of Significance: 1958-1970; 1905-1950sProperty Type: ResidenceApplicable Criteria: CRHR 1, 2, 3

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

The Wild Boar Inn is eligible for listing in the CRHR under the second criterion for its association with Gus Airrola, creator of the comic strip Gordo, and as a contributing element of the potentially eligible "District One" historic district. Although the CPF survey described the District One southern boundary as 13th Avenue, such boundaries typically run through the middle of blocks so that streetscapes are preserved, i.e. to avoid situations where incompatible new development across the street visually detracts from the character of the edges of the district. Such an approach would be appropriate for the potentially eligible District One historic district. Therefore, the properties on the first lots south of 13th Avenue would be considered for inclusion in the District One historic district.

The house is individually significant at the local, state, and national level for its association with the life and work of cartoonist Gus Airrola. The house was both home and studio for Airrola and his family for eleven years. The Airrolas chose to make Carmel their home after several trips to the area during which they fell in love with the character of the village. The house on the corner of Camino Real and 13th Avenue was the first house they owned in Carmel. Gus and his wife Frances enjoyed daily walks to the beach and through the streets of the neighborhood. During this period Airrola travelled frequently to Mexico, experiencing the culture and folk art of his, and Gordo's, native land. These travels transformed Airrola's caricaturization of Gordo, as Airrola actively sought to share the beauty and culture of

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

*B12. References:

see references section of the inventory and evaluation report, Jones & Stokes Associates. 1999. Evaluation Report for the Baker, Clendon, Feiner, and Leaton Residences, Carmel-by-the-Sea, Monterey County, California.

B13. Remarks:

*B14. Evaluate S. Lassell Jones & Stokes Associates, Inc.
2600 V Street Sacramento, CA 95818

*Date of 6/30/99

(This space reserved for official comments.)

<p>MONTE VERDE</p> <p>CASANOVA</p> <p>CAMINO REAL</p> <p>CARNELO</p>		<p>EXHIBIT NO. <u>H</u></p> <p>APPLICATION NO. <u>3-01-085</u></p> <p><u>J+S Report</u></p> <p><u>p. 2 of 4</u></p> <p>California Coastal Commission</p>
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State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____

HRI # _____

Trinomial _____

Page 3 of 4

*Resource Name or # (Assigned by _____

APN 10-252-021

*Recorded by S. Lassell*Date 6/30/99☒ XEXHIBIT NO. HAPPLICATION NO.
3-01-085J & S ReportP-3 of 4
California Coastal Commission**P3a. Description.**

The long side of the C runs north-south and is the front facade, while two ells extend to the east from the northeast and southeast corners of the body of the house. This creates two setbacks in the front facade at the southwest and northwest corners. The setback at the southwest corner incorporates the main entry to the house and a small, raised patio. The setback at the northwest corner is incorporated into the landscaping of the yard, including a small stepping-stone path leading to the back yard. The house is wood frame on a concrete foundation, and is one story except for a second story addition above the south ell. The cladding is wood clapboards below the watertable and long, uniform wood shingles laid in even courses above the watertable. The low pitched, hipped roof is wood framed with projecting exposed eaves, and is covered with asphalt shingles. The fenestration is typically wood-framed sliders, with three sliders in the bay window on the northwest corner of the front elevation and two tripartite windows (with fixed center pane and 8 light side sliders) on either side of the random course rubble stone chimney that is a striking visual feature of the front facade. Three entries lead from the back patio into the house. Each of the ells has a wood frame multi-light door flanked by wood slider windows, while a large sliding glass door provides access to the main body of the house. A two-story, random course, rubble stone chimney is located on the south facade of the south ell, and a third smaller chimney is located on the south roof slope of the north ell. A two-car garage with a medium pitch gable roof sits in the northeast corner of the property, and faces onto Thirteenth Avenue. Generally the house is in good condition, with some signs that the wood shingles need repainting and the occasional replacement. Newer flashing and signs of roof damage indicate some incompatibility between the chimneys and the roofing.

The house is encircled by a wood fence that is intermittently covered with ivy, and has an arched trellis over the entry gate. Low broad trees both inside and outside of the fence create an obscured view of the house from the streets, and provide a canopy over the entire north and west yards. The backyard has foliage and trees around the edges, but is strikingly free of tree canopy compared with the front yard.

B6. Construction History.

a fence was erected in 1973 and a building inspector's report was filed; a bathroom was added and the existing bathroom was remodeled in 1978 (permit #78-184) at an estimated cost of \$5000; cabinet work and minor electrical work (switches) were done as a result of a violation inspection in 1988.

B10. Significance.

Mexico with his readers. Although Airrola continued to create the Gordo strip for years after moving from the house at the corner of Camino Real and 13th Avenue, this house and studio is directly associated with a critical period in his career. The house has been little changed since Airrolas lived there, and retains its integrity under this association. Thus, the house is eligible for listing in the CRHR under the second criterion for its association with a person who is significant at the local, state, and national level.

Character defining features of this significance include: the second story addition that served as Airrola's studio, the proximity of the house to Carmel Beach, and the design characteristics of the house that convey the unique character of Carmel, as described below.

The house is also eligible for listing in the CRHR as a contributing element of the District One historic district because it conveys the design principles of the Arts and Crafts movement, the landscaping principles of this movement, and reflects the design traditions typical of early residential development in Carmel. Architectural elements of the house that convey the Arts and Crafts philosophy include the U-shaped plan and resulting creation of a front patio and semi-enclosed back patio; the honest use of materials such as wood shingles, stone paving materials, and course rubble stone in the three chimneys, and; the wood frame, tri-partite, slider and casement windows. [continued]

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

Primary # _____

HRI # _____

Trinomial _____

CONTINUATION SHEET

Page 4 of 4

*Resource Name or # (Assigned by

APN 10-282-021

*Recorded by S. Lassell

*Date 6/30/99

☒ Continuation☐ Update**B10. Significance. Cont.**

The landscaping around the house is also typical of the Arts and Crafts tradition, with naturalized plantings in a variety of species, sizes, and locations throughout the yard; the large trees at the front of the lot, creating a canopy over the front yard and integrating the house into the landscape; the use of stone paving materials in patios and paths, and; the ivy-covered wood fence and trellis over the entry gate. The house also exhibits the qualities typical of the design traditions of early residential block development in Carmel, including: the U-shaped plan with the long side of the U oriented toward the ocean; the deep front yard that contributes to a staggered rhythm of gardens along both Camino Real and 13th Avenue; the uphill orientation of the house on the lot; the location of the house near the south edge of the lot, creating varied side yards, and the location of the detached garage along the edge of the street.

Character-defining elements of the property that convey the property's significance as a contributing element of the historic district include: the U-shaped plan; the use of wood shingles and shiplap siding; the wood frame, tri-partite, slider and casement windows; the course rubble stone chimneys; the low-pitch rooflines; the use of stone paving for paths and patios; the semi-enclosed patio in the back yard that serves as an outdoor "room"; the naturalized and informal landscaping in the front and side yard; the canopy of trees over the yard and house that help integrate the house into a natural setting; the siting of the house at the south edge of the lot; the siting of the garage at the north edge of the lot; and the ivy-covered wood fence and arched trellis.

EXHIBIT NO. H

APPLICATION NO.

3-01-045

J+S Report

P. 4 of 4
California Coastal Commission

CITY OF CARMEL-BY-THE-SEA

DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

STAFF REPORT

TO: CHAIRMAN FISHER AND PLANNING COMMISSIONERS

FROM: CHIP RERIG, ASSOCIATE PLANNER

DATE: 22 MARCH 2000

SUBJECT: HR 99-3/LEATON
SE CORNER OF CAMINO REAL AND 13TH
BLOCK BB, LOTS 2,4, 1/2 of 6, and portions of 1,3, and 5

I. SUMMARY RECOMMENDATION

Determine that the Findings accurately reflect the discussion and decision of the Planning Commission and adopt the Findings.

II. BACKGROUND

On 8 March 2000, the Planning Commission reviewed a historic evaluation and DPR 523 Form on an existing single-family residence located on the southeast corner of Camino Real and Thirteenth Avenue. The Commission found, based on a preponderance of the evidence, that the Leaton residence is not historically or culturally significant. The Commission developed Findings for Decision and instructed staff to bring the Findings back for adoption. A draft of the Findings is attached for the Commission's review and approval.

EXHIBIT NO. <i>I</i>
APPLICATION NO. <i>3-01-085</i>
<i>Findings</i>
<i>p. 1 of 3</i> California Coastal Commission

CITY OF CARMEL-BY-THE-SEA
DEPARTMENT OF COMMUNITY PLANNING AND BUILDING
FINDINGS FOR DECISION

EXHIBIT NO. <i>I</i>
APPLICATION NO. <i>3-01-085</i>
<i>Findings</i>
<i>p. 2 of 3</i> California Coastal Commission

HR 99-3/Leaton
SE Corner of Camino Real and 13th
Block BB; Lots 2, 4, ½ of 6, and portions of 1, 3, and 5

22 March 2000

CONSIDERATION: A historic evaluation for an existing single-family dwelling.

FINDINGS:

1. That the structure is located on the southeast corner of Camino Real and Thirteenth Avenue and includes all of lots 2 and 4, ½ of lot 6, and portions of lots 1, 3, and 5 all in block BB.
2. That the parcel was originally developed in 1921 with a single-family dwelling and was subsequently modified in 1922, 1936, 1954, 1969, 1972, 1973, 1978, and 1988.
3. That the dwelling is dilapidated and in a severe state of disrepair including potential threats to the health and safety.
4. That the dwelling and associated accessory structures encroach into the required setbacks; a situation that could potentially be a fire hazard.
5. That the dwelling was not constructed by individuals who significantly contributed to the development of the City, County, State, or Nation.
6. That the site or dwelling do not contribute characteristics or value as part of the cultural development of the City, County, State, or Nation.
7. That no significant events took place on the site and that no unique site conditions exist.

8. That the architecture of the dwelling and associated accessory structure is not distinguished, does not embody any innovative design elements or details, is not a good example of any architectural style or school, and was not built by any notable architect or builder.
9. That the site is not located in any potential historic district.
10. That the site is not associated with the period of significance of cartoonist Gus Arriola.
11. That a preponderance of evidence establishes that the site or structure are not historically or culturally significant.
12. That since the site or structure are not historic resources, removal of the structure cannot be a cumulative impact on the environment.

EXHIBIT NO. <i>I</i>
APPLICATION NO. <i>3-01-085</i>
<i>Findings</i>
<i>p. 3 of 3</i> California Coastal Commission

Consumers Home Inspection Service

A Division of Markey Construction, Inc. (A California Corporation)

215 HAMES ROAD WATSONVILLE CA
(831) 724-2924

INSPECTION REPORT

EXHIBIT NO. J

APPLICATION NO.
3-01-085

Home Report

P 1 of 3
California Coastal Commission

Property Location:

Camino Real & 13th, SE Corner
Carmel CA

Inspection Date: March 1, 2000

Age of House: 79 yrs. approx.

Client:

Dr. & Mrs. Leaton

Inspected By: Larry Markey

Report No. 4434

This report is limited to listing the deficiencies of the house only.

* * * * *

FOUNDATION AND STRUCTURE OF THE HOUSE

The foundation of the house is composed of a minimal strength concrete perimeter wall. The concrete wall is not as deep or as wide as modern foundations and has settled and cracked over the years. The interior floor areas are supported by concrete pier blocks. These pier blocks are not set in concrete footings and have also settled, as evidence by the sloping and sagging floors inside the house. A foundation contractor or a structural engineer should be consulted on upgrading the foundation and leveling the floors.

Foundation bolts are installed in a few perimeter areas in order to secure the house to the foundation wall during an earthquake. However the existing bolts are undersized and are spaced widely apart. Installing additional foundation bolts may not be possible because of the brittle nature of the old concrete foundation walls.

Also the 2" x 4" cripple walls around the perimeter of the foundation are widely spaced and cannot be adequately re-enforced for earthquake resistance.

The exterior walls of the house are constructed using a "single-wall" design. This design does not utilize 2" x 4" wooden studs, but rather uses 1" lapped boards to form the wall. This type of construction is inherently weaker than modern wall construction and should not be used to support a second story. However a second story was added onto this house, resulting in bowing of the lower floor walls. This bowing is most noticeable on the south wall of the house. Not much can be done to correct this condition because the "single-wall" construction is basically inadequate to support the upper floor.

"Single-wall" construction also has disadvantages such as lack of space for plumbing lines, electrical cables, heating ducts, insulation, etc. Single-wall construction will also allow more outside noise to penetrate into the house.

ROOF

The asphalt shingle roof covering is deteriorated and worn and should be replaced. Signs of past and present roof leaking were found in the attic.

Some of the exposed ceiling beams are over-spanned and have sagged. During re-roofing, some re-enforcement or upgrading of the roof structure will probably be necessary, depending on the type of roofing materials that are used.

* * *

PLUMBING

Under the house we found signs that the original cast iron sewer lines have leaked and clogged over the years. Because of the trees around the house, the main sewer line may be cracked, allowing roots to enter. Replacing the main sewer line is the best option.

* * *

FIREPLACES AND CHIMNEYS

The stone chimney for the living room fireplace is separating from the house. Not much can be done to repair this chimney because the mortar has deteriorated and the supporting structure has failed. Re-building the fireplace and chimney completely is the only practical solution.

The stone chimney above the kitchen is also badly deteriorated and cannot be repaired or re-enforced. In its present condition, this chimney could crumble during an earthquake. This chimney should be removed.

* * *

HEATING

The gas forced-air furnace is about 40 years old and is at the end of its useful life.

We also noticed that the metal heating ducts under the house have separated in places and are rusted. Inside the ducting, a build-up of dust and other such contaminants was noticed. These ducts should be replaced when the furnace is replaced.

Some of the older heating ducts are sealed with asbestos tape. Asbestos sheeting material was also found on some of the abandoned furnace ducting and heating plenums under the house. Information about removal of this material should be obtained from an asbestos abatement company.

* * *

EXTERIOR

We noticed gaps around many of the wood-framed windows. These gaps allow air to blow into the house. Signs of rain water seepage were also found around many of the windows due to these gaps and open spaces. Because of the design of these windows, there is no practical way of improving their weather tightness and energy efficiency, other than replacement.

The sliding glass doors in the living room are not made safety glass and should be replaced.

EXHIBIT NO. J
APPLICATION NO. 3-01-085
Home Report
P. 2 of 3 California Coastal Commission

ELECTRICAL

Much of the original "knob and tube" electrical wiring remains in service inside the house. While inspecting in the attic and under the house, we found that some of this wiring has improper connections, resulting in a potential fire hazard. Replacing all of the old wiring is the best way to insure that problems do not develop. An electrician should be consulted for further information.

We also found that the house has an inadequate number of electrical wall outlets and has a reduced number of electrical circuits. Upgrading of the entire electrical system is the best recourse.

* * *

INTERIOR

The interior stairway is too narrow and steep to conform to modern fire safety standards. Stairways of this design are also considered unsafe because they can lead to falls. Because of its placement, there is no practical way of improving this stairway unless major structural changes are made.

PLEASE CALL OUR OFFICE IF THERE ARE QUESTIONS ABOUT THIS REPORT

EXHIBIT NO. J
APPLICATION NO. 3-01-085
Home Report
P. 3 of 3 California Coastal Commission

UYEDA & ASSOCIATES FILE COPY



STRUCTURAL ENGINEERS

659 Abrego Street, Suite 5 • Monterey, CA 93940
(831) 373-3181 • Fax (831) 373-3188 • Email: yutaka@mbay.net

May 29, 2001

Harvard Investment Company
805 Veterans Blvd., Suite 200
Redwood City, CA 94063

Ref: House at Southeast Corner of Camino Real & 13th
Carmel-by-the-Sea, CA

I inspected the above house with Michael Bolton on May 23, 2001. I also read the inspection report prepared by Mr. Larry Markey of Consumers Home Inspection Service, dated March 1, 2001.

From a structural point of view, the house is in very serious condition. There is no shear element in any of the exterior walls or in the roof diaphragm. There is no shear element in the perimeter foundation. Also the anchor bolts are too small and too far apart from each other. There is no concrete footing under the pier blocks. The stone fireplace and the stone chimney were not reinforced or tied to the roof framing and the mortar has deteriorated. The house is located about 40 miles directly south from Loma Prieta (close to the epicenter of the big earthquake in 1989). Damage to the house from this earthquake was minimal, but we do not want to take a chance for the next big earthquake.

Because of these findings during my inspection of the above house, I regretfully must state that it is unsafe for occupancy.

I strongly recommend demolishing the house, because the retrofitting that would be necessary to make this structure safe for occupancy would not only be far more costly than building a new house, but would necessitate a major redesign anyway.

If you have any questions regarding this report, please call me anytime.

Sincerely

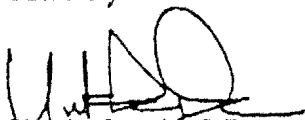


Yutaka Uyeda, S.E.



EXHIBIT NO.	K
APPLICATION NO.	3-01-055
Engineers Letter	
 California Coastal Commission	



Public Notice

EXHIBIT NO. <i>L</i>
APPLICATION NO. <i>3-01-085</i>
<i>Red-Tag Order</i>
<i>p 1 of 5</i> California Coastal Commission

UNSAFE BUILDING DO NOT ENTER

THIS BUILDING HAS SUSTAINED SEVERE STRUCTURAL DAMAGE AND SHALL NOT BE ENTERED BY ANY PERSON WITHOUT WRITTEN APPROVAL OF THE CHIEF BUILDING OFFICIAL OF THE CITY OF CARMEL-BY-THE-SEA.

Date: *8/8/01* Time: *3:30 PM* Inspector: *Murray*

Department of Community Planning and Building.... ~~624-6835~~

620-2010



City of Carmel-by-the-Sea

Planning/Building Division

P.O. Drawer G

Carmel, CA 93921

(831)620-2010 Office

(831)620-2014 Fax

SPECIAL INSPECTION APPLICATIONProperty Location: SE CORNER Camino Real AND 13THBlock: BB Lots 2, 4 And 1/2 (Parcel No.: 010-282-021-000
AND TRACTS 1, 3, 5)Applicant: GARY MARTIN Phone: (831) 622-5220
40 BDR, INC.Mailing Address: 805 VETERANS BOULEVARD, SUITE 200 City: PEDWOOD CITY
40 BDR, INC.State: CA Zip: 94063 Fax No.: (831) 622-5225 FAX
NOTE: AGENT/ REPRESENTATIVE: BOLTON DESIGN GROUP, INC.Same as Above ☒Property Owner: SAME AS ABOVE Phone: ()

Mailing Address: City: State: Zip:

OFFICE USE ONLYBuilding Official Fee: \$120.00 Receipt #: 1364 Date: 8-3-01 By: JMS ML

Planning Staff Fee: \$30.00 Receipt #: Date: By:

Report Prepared By: Timothy J. Merone Date: 8-8-01

Timothy J. Merone, Building Official

8/10/01 Photos taken.

Staff Planner: Chip Rerig ☐Ben Bero ☐Brian Roseth ☐Other ☐

Signature: Date:

SEE REVERSE SIDE OR OTHER SHEET FOR INSPECTION/RESEARCH

EXHIBIT NO. <u>L</u>
APPLICATION NO. <u>3-01-085</u>
<u>Red Tag Order</u>
<u>P. 2 of 5</u> California Coastal Commission

SPECIAL INSPECTION NARRATIVE

(This report must be attached to and accompany the application)

Block: BB
Lot: 2, 4 pts. of 1, 3, 5 & 6.
APN: 10-282-21
Location: S/E corner of Camino real and 13th

BACKGROUND:

This inspection was conducted to evaluate the structural integrity and overall systems condition of the dwelling and detached garage on the property.

The house was originally constructed in 1921 with the second floor added in 1936.

Approximately 90% of the wiring and plumbing appear to be original with the house and addition. The heating system appears to have been upgraded at some point after the original construction but is also very old.

The dwelling and garage are constructed as single wall type construction. The walls and sill plates are bolted to the concrete foundation at intermittent intervals.

SITE CONDITIONS:

The following is a breakdown of conditions found at the site during the inspection:

A) Under-floor Area and Structural Integrity:

- ◆ There is no foundation wall bracing in the under-floor space of the dwelling. The addition of the second floor has placed excessive stress on all support members that are insufficient for the current dead loads. (See the Uyeda report of May 29, 2001)
- ◆ The anchor bolts are rusted, quite small and spaced sporadically along the perimeter of the building. This poses a hazardous situation in the event of an earthquake since the bolting is very insufficient for the size of the building.
- ◆ The heating system, a horizontal mount forced air furnace, sits on wood 4"x4" blocks with dirt immediately underneath. There are several cracks and breaks in the air plenum due to rust and corrosion. The ducts are deteriorated with damage to the fiber insulation throughout and there are numerous joints where asbestos tape has been used for a seal. The system is not safe for operation and is substandard and dangerous.
- ◆ The existing and original wiring is knob/tube type wiring. The wiring appears to be deteriorated due to heat and use. The insulation is very hard and brittle and shows signs of failure in several locations. There are severe cracks in the insulation posing a potential for fire. The system is substandard and hazardous and shall not be used or energized until replaced or removed.
- ◆ The posts supporting the floor girders are not evenly spaced for proper support and sit upon concrete piers on top of the earth with no footing underneath. This allows for lateral movement of each pier/post posing a hazard to the support of the entire floor structure. There is no gusset connection at the post to girder intersection allowing for breakage and loss of floor support. These are substandard conditions and pose an immediate hazard to structural integrity and safety. (See the Uyeda report of May 29, 2001)

EXHIBIT NO. <i>L</i>
APPLICATION NO. <i>3-01-055</i>
<i>Red-tag Order</i>
<i>8-3-05</i> California Coastal Commission

Page 3

B) House Interior/Exterior and Structural Integrity:

- ◆ The overall appearance of the interior of the house visually seems in good condition however; due to the excess loading of the second floor on the exterior walls the building shakes and can be "racked" in any direction with pushing on the walls. This indicates a severe overload of the walls and supporting members beyond their capability to be safe for occupancy.
- ◆ The roofing consists of composition shingles over an old wood shingle roof. There is evidence of moss build-up between the two roof coverings causing the latter to lift away from the roof posing a potential for leakage. There is clear evidence that the roofing is substandard and not installed properly.
- ◆ Breakage was found in the plumbing waste and vent system at the exterior of the house. This was originally a galvanized steel piping system and has been repaired using ABS plastic piping. Since the system is exposed at the exterior of the building the ABS plastic is deteriorating due to its exposure to sun and ultraviolet light. The steel galvanized piping is rusted and deteriorated. The plumbing system is substandard and not suitable for use.

C) Garage:

- ◆ The garage was constructed using the same type of single wall construction as the house, although it was built in 1936 and is on a concrete slab.
- ◆ The rafters are over-spanned and sagging due to their age and roof loading.
- ◆ The roof covering is in the same condition as the house.
- ◆ The electrical system has been modified with Romex type wiring and is exposed and subject to physical damage posing a fire hazard.

OPINION:

It is my opinion that the dwelling and its detached garage have outlived their usefulness and are in a state of disrepair and dilapidation. There are severe structural deficiencies throughout the buildings placing them in a substandard and dangerous condition.

Based on my field inspection of the buildings and the engineering report submitted by Yutaka Uyeda it is my opinion that these buildings meet the conditions set forth in the Uniform Code for the Abatement of Dangerous Buildings and are substandard and dangerous. They are not habitable and constitute a hazard to life safety, property and surrounding structures. The property has been posted as such and is not to be inhabited or entered until further notice. (A copy of the placard is attached to this report)

RECOMMENDATION:

Pending the issuance of a permit for rehabilitation and/or demolition of the structures they are to remain vacant and uninhabited. The required permit(s) shall be obtained within 60 days of the date of this notice. They shall be immediately secured against unsafe and/or unlawful entry to protect the safety of persons and/or adjacent properties in the event of total structural failure.

EXHIBIT NO. <i>L</i>
APPLICATION NO. <i>3-01-085</i>
<i>Red-Tag Order</i>
<i>p. 4 of 5</i> California Coastal Commission

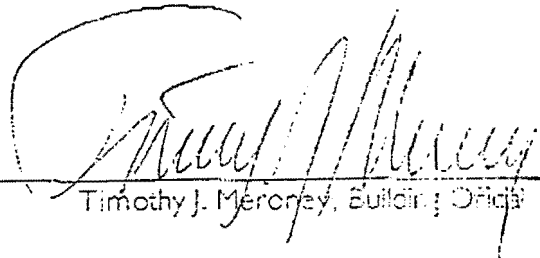
Page 4

Further, the owner must comply with either of the following portions of Section 401 of the Uniform Code for the Abatement of Dangerous Buildings:

NOTICES AND ORDERS OF BUILDING OFFICIAL

401.2; 3.1...If the building official has determined that the building or structure must be repaired, the order shall require that all permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.

3.3...If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.


Timothy J. Meroney, Building Official

8.10.01

Date

EXHIBIT NO. L
APPLICATION NO. 3-01-055
Red-Tag Order
P 5 of 5 California Coastal Commission

UYEDA & ASSOCIATES



STRUCTURAL ENGINEERS

659 Abrego Street, Suite 5 • Monterey, CA 93940
(831) 373-3181 • Fax (831) 373-3188 • Email: yutaka@mbay.net

August 6, 2001

City of Carmel-by-the-Sea
Community Planning and Building Department
P.O. Box G
Carmel-By-The-Sea, CA 93921

Attention: Mr. Timothy J. Meroney, Building Official

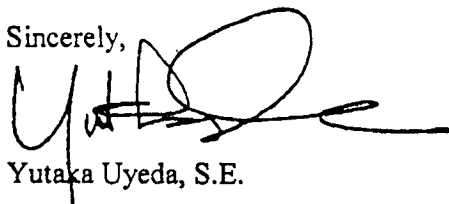
Re: Martin Property located at the SE corner of Camino Real and 13th Block BB,
Lot 2, 4 and ½ of lot 6.

Dear Mr. Meroney:

On May 23, 2001, I inspected the subject single family dwelling. I strongly recommended demolishing the house because I have determined it to be unsafe for occupancy.


The facts are that this structure poses an imminent risk to its occupants and neighbors and must come down now. It would be a tragedy to have someone injured needlessly by this structure.

Sincerely,



Yutaka Uyeda, S.E.



EXHIBIT NO. <i>M</i>
APPLICATION NO. <i>3-01-085</i>
<i>Add'l Letters</i>
<i>P 1 of 7</i>
 California Coastal Commission

August 22, 2001

City Of Carmel-by-the-Sea
Department of Community Planning and Building
P.O. Drawer G
Carmel-by-the-Sea, California 93921

EXHIBIT NO. <i>M</i>
APPLICATION NO. <i>3-01-085</i>
<i>Add'l Letters</i>
<i>p. 2 of 7</i> California Coastal Commission

attn: Mr. Timothy J. Meroney, Building Official

in re: Martin Property located at the SE corner of Camino Real and 13th
Block BB, lot 2, 4, and 1/2 of lot 6 and parts of 1, 3, 5
Carmel-by-the-Sea, Monterey County
APN 010 - 282 - 021

Dear Tim:

On behalf of Mr. Gary Martin, I would like to thank you for visiting the subject property on Wednesday, August 08, 2001 and conducting a special inspection per Mr. Martin's request.

I have made several field visits to the site since this project began a year ago and concur with your assessment of the existing site conditions as outlined in your Special Inspection Notes and Narrative dated August 10, 2001.

The issue I would like to address with you is found in your Recommendation section where you use the term rehabilitation and seem to be implying that the concept of rehabilitating the existing structures is a viable alternative to demolition of the existing structures.

Under the State Historical Building Code the term "Rehabilitation" is defined as follows: "Involves equipping the building or facility for an extended useful life with a minimum alteration of original construction or the process of returning a structure to a state of usefulness by repairs or alterations."

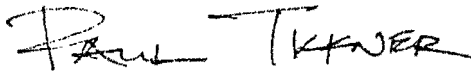
As you state in your Special Inspection Narrative under the heading of Opinion, "the dwelling and its detached garage have outlived their usefulness and are in a state of disrepair and dilapidation." Further you state, "There are severe structural deficiencies throughout the buildings placing them in a substandard and dangerous condition." It's clear by reading your report that the steps necessary to "extend the useful life" of the subject structures far exceed the definition of rehabilitation as defined by the State of California.

During my visit to the site I observed that the existing two-story single wall construction is overstressed and unbraced. The existing structural members are over spanned for the loads currently in place. Thus, the possibility of raising the existing intact structure to install new footings and foundations would not only be dangerous to attempt but would likely result in the structure racking and shattering.

Mr. Timothy J. Meroney
Page 2
August 22, 2001

Since your inspection report and Mr. Uyeda's dated May 29, 2001 concur with my own site observations it's readily apparent by all qualified accounts that the structures are indeed an eminent threat to life safety and should be demolished.

Sincerely,



Paul Tickner, Architect

EXHIBIT NO. <i>M</i>
APPLICATION NO. <i>3-01-085</i>
<i>Add'l Letters</i>
<i>p. 3 of 7</i> California Coastal Commission

UYEDA & ASSOCIATES

STRUCTURAL ENGINEERS

659 Abrego Street, Suite 5 • Monterey, CA 93940
(831) 373-3181 • Fax (831) 373-3188 • Email: yutaka@mbay.net

August 23, 2001

City of Carmel-By-The-Sea
Department of Community Planning and Building
P.O. Drawer G
Carmel-by-the-Sea, CA 93921

Attn: Mr. Timothy J. Meroney, Building Official

Ref: House at Southeast Corner of Camino Real and 13th
Block BB, lot 2,4 and ½ of lot 6 and parts of 1,3,5
Carmel-by-the-Sea, CA

Dear Mr. Meroney:

I am in receipt of your Special Inspection Report dated August 10, 2001, and concur with your recommendation that the existing structures should be demolished. However, I do not agree with you that the structures are viable for rehabilitation.

My inspection of the subject structures and recommendations outlined in my letter dated May 29, 2001 to Mr. Martin stand for the reason stated therein.

I strongly recommend demolishing the house, because the extent of the rehabilitation necessary to make the structure safe would not only be far more costly than building a new house, but would necessitate a major redesign to address the multitude of structural inadequacies already identified by my observations.

Sincerely,

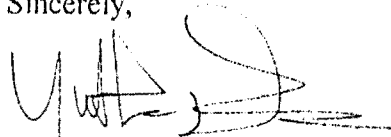

Yutaka Uyeda, S.E.



EXHIBIT NO. <i>M</i>
APPLICATION NO. <i>3-01-085</i>
<i>Add'l Letters</i>
<i>p-4 of 7</i> California Coastal Commission



WINKLEBLACK CONSTRUCTION

CUSTOM BUILDING

License No. 347496

755 Oceanview Blvd.

Pacific Grove, CA 93950

Phone (831) 899-5736

Fax (831) 899-5737

August 27, 2001

Mr. Tim Meroney
c/o City Of Carmel-by-the-Sea
Department of Community Planning and Building
P.O. Drawer G
Carmel-By-The-Sea, CA 93921

RE: APN 010 - 282 - 021

Dear Mr. Meroney:

I am a licensed California General Contractor and have built a number of homes on the Monterey Peninsula, including in the City of Carmel.

I have been requested by Mr. Gary Martin to review the list of deficiencies contained in your notice to abate dated August 10, 2001 to estimate the cost of effecting and repairing the items contained on that list.

Due to the nature of the basic structural flaws, code violations and hazardous materials contained in the structure, what would be required to correct these violations would be the demolition and reconstruction of the home. Based on my experience in building homes of similar type using what would be considered average labor and material costs and finishes, I estimate the cost of complying with the corrections contained on this list at roughly \$200.00 - \$250.00 a square foot (not including the cost of demolition and removal of the existing structure) to result in a cost of approximately \$540,000.00 - \$675,000.00 in order to make the dwelling safe for occupancy.

Sincerely,

WINKLEBLACK CONSTRUCTION

By: Bob Winkleblack
Bob Winkleback

EXHIBIT NO. <i>M</i>
APPLICATION NO. <i>3-01-085</i>
<i>Add'l Letters</i>
<i>p. 5 of 7</i> California Coastal Commission

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
(831)620-2014 FAX

10 September 2001

Anthony L. Lombardo
Lombardo & Gilles
Post Office Box 2119
Salinas, CA 93902

VIA FACSIMILE

Subject: Gary Martin Residence
Block BB, lots 2, 4, 6 and ½ 8 and W/pt. lots 1, 3, and 5
APN 10-282-21

Dear Mr. Lombardo:

Thank you for your recent correspondence regarding Gary Martin's residence noted above. The concerns for the structural integrity and safety of the property have been paramount for everyone involved over the past few months.

As I stated in my inspection report of August 10, 2001, it is my professional opinion that the buildings remain vacant and uninhabited and have been declared dangerous and substandard. To further explain what this means and to interpret what I intended is that the buildings would require such extensive work to rehabilitate that they would, in effect, *be demolished* in order to accomplish this task.

I have spoken with Mike Watson at the California Coastal Commission regarding this very issue and explained my opinion to him.

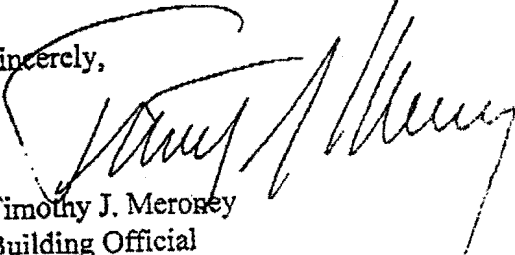
Please accept this letter as my last opinion on the subject of demolition of the buildings on the property: that upon approval for the demolition of said structures by the Coastal Commission, this department will immediately issue a permit for same, and that all buildings on said property *should be demolished* as soon as possible in the interest of life and safety to surrounding properties.

EXHIBIT NO. <i>M</i>
APPLICATION NO. <i>3-01-085</i>
<i>Add'l Letters</i>
<i>p. 6 of 7</i> California Coastal Commission

Mr. Anthony L. Lombardo
10 September 2001
Page 2

Thank you for your attention in this matter.

Sincerely,



Timothy J. Meroney
Building Official

cc: Chip Rerig, Acting Community Planning and Building Director
Don Freeman, City Attorney
Mike Watson, Coastal Planner

EXHIBIT NO. <i>M</i>
APPLICATION NO. <i>3-01-085</i>
<i>Add'l Letters</i>
<i>P-7 of 7</i> California Coastal Commission

Standard Coverage Policy

CLTA Standard Coverage - 1990

Policy Number **FTY 531373**



SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, A Minnesota corporation, herein called the Company, insures, as of Date of Policy shown

in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
 2. Any defect in or lien or encumbrance on the title;
 3. Unmarketability of the title;
 4. Lack of a right of access to and from the land;
- and in addition, as to an insured lender only:
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
 6. The priority of any lien or encumbrance over the lien of the insured mortgage, said mortgage being shown in Schedule B in the order of its priority;
 7. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule B, or the failure of the assignment shown in Schedule B to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

Issued through the office of:

OLD REPUBLIC TITLE COMPANY

20 EAST ALISAL
SALINAS, CA 93901
(408) 757-8051

EXHIBIT NO. *N*

APPLICATION NO.
3-01-085

Title Report

p. 1 of 6
California Coastal Commission

Old Republic National Title Insurance Company
400 Second Avenue South
Minneapolis, Minnesota 55407

By

President

Attest

Secretary

Jay E. Sowle

Authorized Signature

CLTA Standard Coverage Policy 1990

DRNT 1101

Schedule A

Premium \$ 4,502.00

File No. 214549-C

Policy No. FTY 531373

Date of Policy August 24th, 2000

at 8:00 a.m.

Amount of Insurance \$ 2,707,500.00

1. Name of Insured:

GARY A. MARTIN



2. The estate or interest in the land which is covered by this policy is:

a FEE.

3. Title to the estate or interest in the land is vested in:

GARY A. MARTIN, a single man

EXHIBIT NO.	N
APPLICATION NO.	3-01-085
Title Report	
p. 2 of 6	
California Coastal Commission	

Schedule B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.

3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

Continued

Schedule B (Continued)

PART II

1. Taxes and assessments, general and special, for the fiscal year 2000-2001 a lien, but not yet due or payable.

Code No. : 001-000
Assessor's Parcel No. : 010-282-021

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

3. Covenants, Conditions and Restrictions, which do contain express provisions for forfeiture or reversion of title in the event of violation, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in an instrument

Entitled : Deed
Executed by: Carmel Development Company, a Corporation
Recorded : July 23rd, 1920 in Book 174 of Deeds, Page 393

The reversionary rights imposed to enforce liquor restrictions have been released and relinquished,
By document recorded : May 21, 1980 in Reel 1409, Page 613, Official Records

The reversionary rights have been subordinated to all deeds of trust,
By document recorded : March 30, 1961 in Book 2135, Page 596, Official Records

NOTE: Section 12956.1 of the Government Code provides the following: "If this document contains any restriction based on race, color, religion, sex, familial status, marital status, disability, national origin, or ancestry, that restriction violates state and federal fair housing laws and is void. Any person holding an interest in this property may request that the county recorder remove the restrictive covenant language pursuant to subdivision (c) of Section 12956.1 of the Government Code."

EXHIBIT NO. <i>N</i>
APPLICATION NO. <i>3-01-085</i>
Title Report
<i>P-3 of 6</i> California Coastal Commission

Schedule C

Policy No. FTY 531373
Page 1 of Schedule C

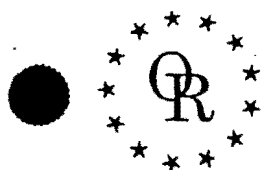
The land referred to in this policy is situated in the County of Monterey, City of Carmel,
State of California, and is described as follows:

Parcel "A" as shown on that certain Map filed November 8, 1972 in Volume 3 of
Parcel Maps, at Page 55, Monterey County Records.

EXHIBIT NO. <i>N</i>
APPLICATION NO. <i>3-01-085</i>
<i>Title Report</i>
<i>p. 4 of 6</i> California Coastal Commission

ENDORSEMENT

Attached to:



**OLD REPUBLIC NATIONAL
TITLE INSURANCE COMPANY**
a Corporation, of Minneapolis, Minnesota

Policy No: FTY 531373
Order No: 214549-C

The Company hereby insures the Insured against loss or damage which the Insured shall sustain by reason of:

The enforcement or attempted enforcement of any covenant, condition or restriction that unlawfully limits the use, occupancy or ownership of the land on the basis of sex, color, race, religion, ancestry, national origin, familial status, marital status or disability.

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements nor does it increase the face amount thereof.

EXHIBIT NO.	N
APPLICATION NO.	3-01-085
Title Report	
	p 5 of 6
California Coastal Commission	

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Corporation
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By:

President

Attest:

Secretary

Countersigned:

By Joyce E. Fowler
Validating Officer

TAX CODE AREA 1-00

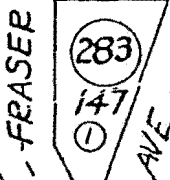
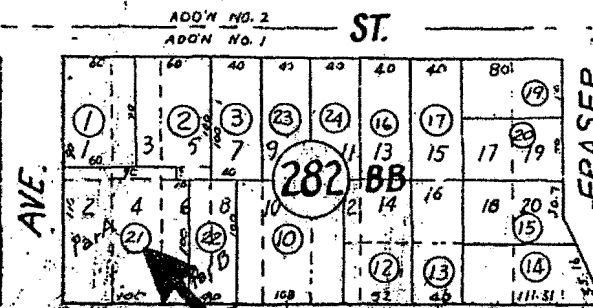
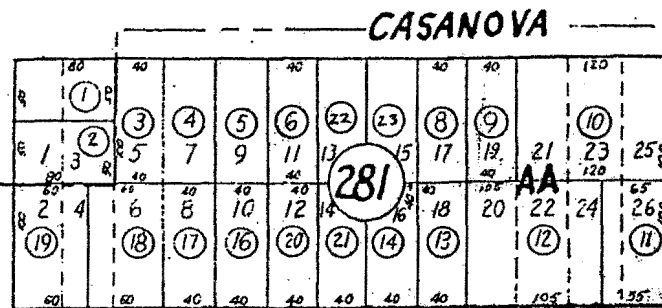
ASSESSOR'S MAP
BOOK 10 PAGE 28

SCALE 1 in = 100 ft.

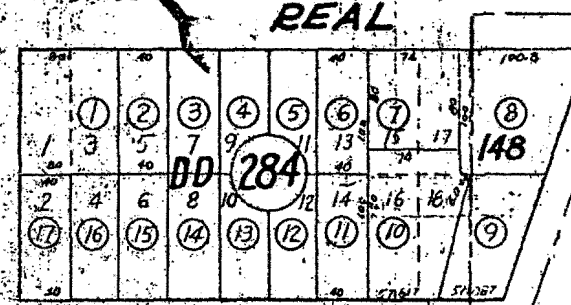
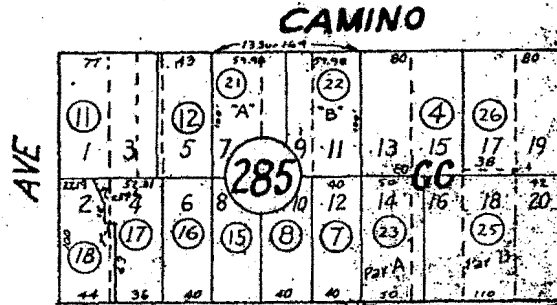
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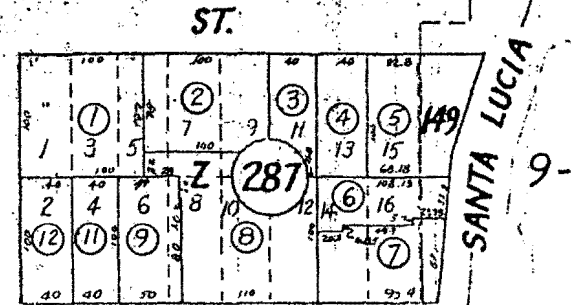
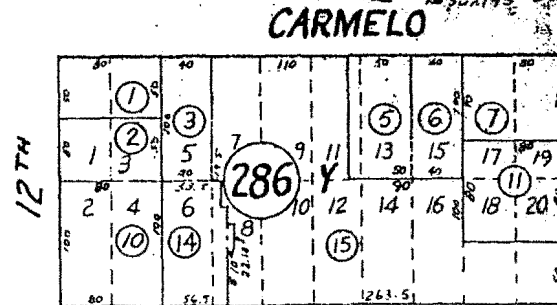
9-39



27



9-39



9-40

SAN ANTONIO

AVE

29

29

CARMEL BY THE SEA ADD'N. 1
LOTS 2, 4, 5 TO 26 BLOCK AA
BLOCKS BB, CC, DD, Y & Z
CARMEL BY THE SEA ADD'N. 2
LOTS 1 & 3 BLOCK AA
BLOCKS 147, 148 & 149

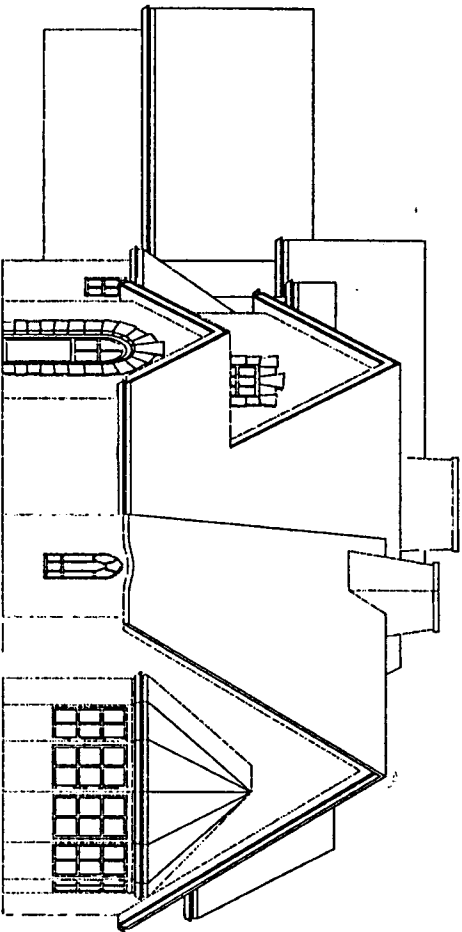
EXHIBIT NO. **N**

APPLICATION NO.
3-01-085

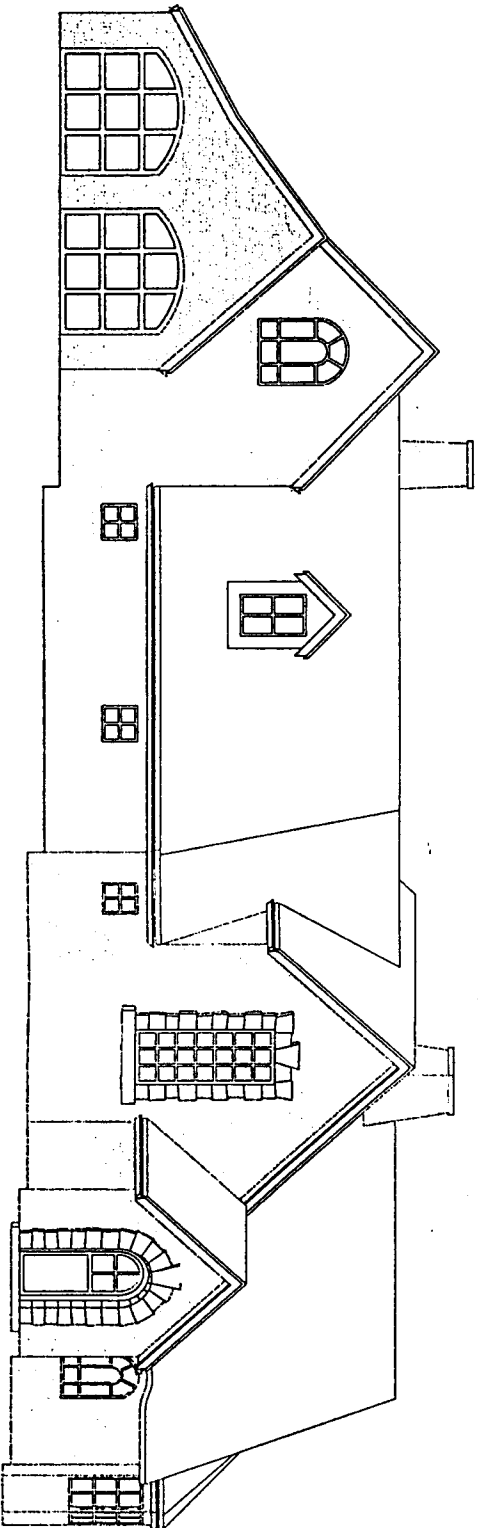
Title Report

p-6 of 6
California Coastal Commission

EXHIBIT NO.	0
APPLICATION NO.	3-01-085
Elevations	
P. 1 of 2	
California Coastal Commission	



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"



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

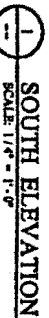
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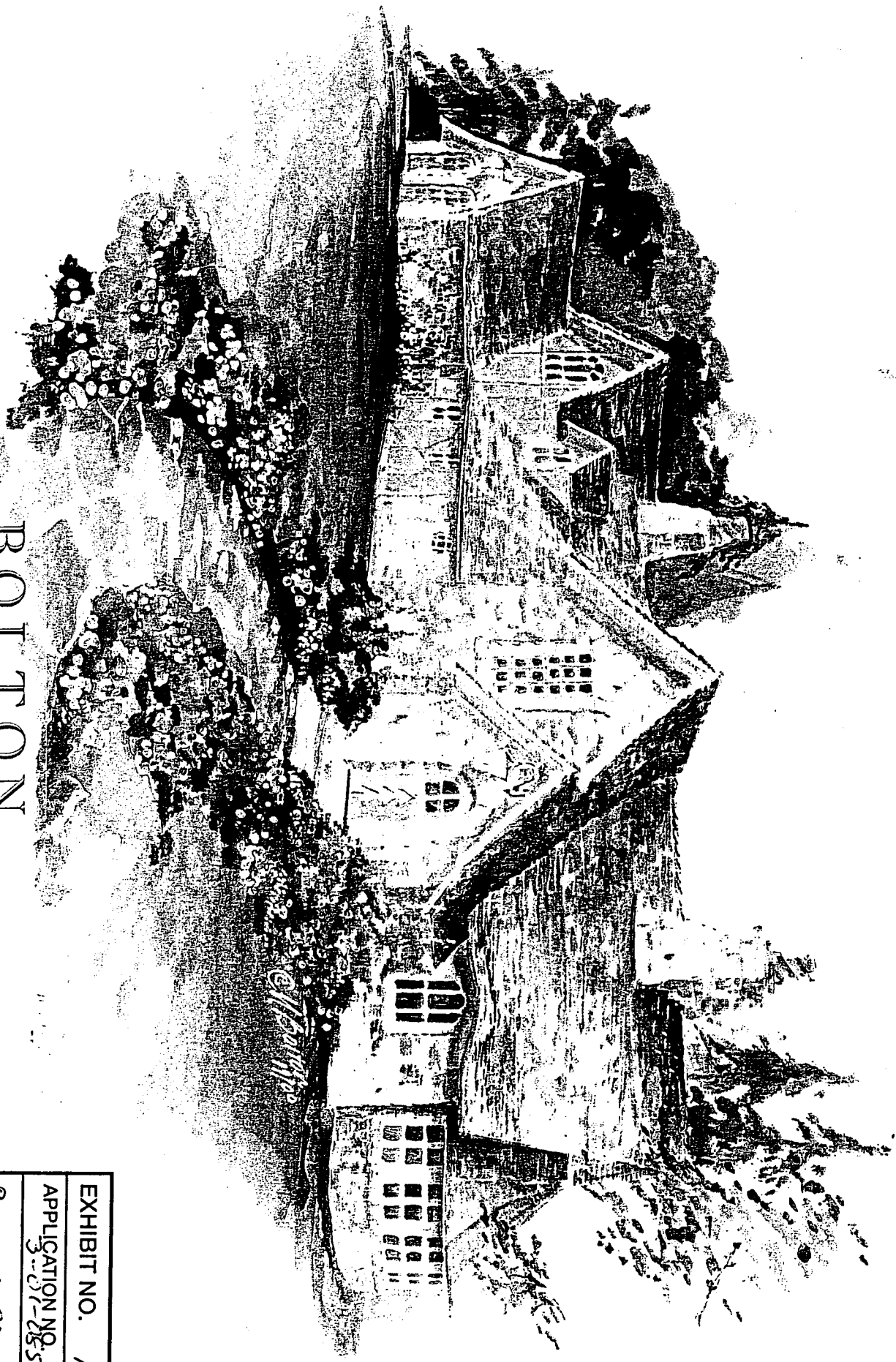
3-21-085


 p. 2 of 2
 California Coastal Commission

A line drawing of a three-story building with a gabled roof. The building features several windows, including a large arched window on the upper floor and smaller rectangular windows on the lower floors. A chimney is visible on the right side of the roof. The drawing is oriented vertically, showing the side profile of the structure.

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





BOLTON

DESIGN GROUP, INC.

Copyright © 2001 Bolton Design Group, Inc.

EXHIBIT NO. P

APPLICATION NO.
3-07-285

Proposed Structure

California Coastal Commission

Post-It Fax Note	7671	Date <u>9/5/01</u>	# of pages <u>1</u>
To <u>GARY MARTIN</u>	From <u>M. BOLTON</u>		
Co./Dept.	Co.		
Phone #	Phone #		
Fax # <u>650 365 0450</u>	Fax #		

FILE COPY
of Carmel-by-the-Sea

POST OFFICE BOX 55
 CARMEL-BY-SEA, CALIF. 93921

624-3543

2 March 2001

Mr. Gary Martin
 805 Veterans Boulevard, Suite 200
 Redwood City, CA 94063

Dear Mr. Martin:

The Forest and Beach Commission considered your application to remove and prune limbs on several coast live oaks during their regular meeting of 1 March 2001.

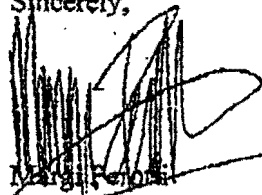
In a majority vote the Commission approved your application with the following conditions.

1. All footings must be hand dug within 15 feet of any tree.
2. Six upper canopy trees (Monterey pine, Monterey Cypress or coast redwoods must be planted as replacement trees.
3. Approved for removal are two coast live oaks 17" and 8" dbh and the pruning of one 12" diameter spar from a 21" dbh coast live oak. In addition to the limbs requested for removal you may prune additional 7 limbs of various diameters at the back northeast corner of the lot and additional limb removal is approved from the remaining spar of the 21" dbh double spar coast live oak.
4. All measures of tree protection shall be adhered to during construction.
5. No trees may be removed until you have received approval through the Planning Commission, the issuance of a valid building permit, and the issuance of a valid tree removal/pruning permit.


Should you disagree with the decision of the Forest and Beach Commission, you may appeal their decision the City Council within five working days. All appeals need to be filed with Karen Crouch, City Clerk, located at City Hall, east side of Monte Verde between Ocean and 7th Avenues.

If you have any questions please phone my office at (831) 624-35643.

Sincerely,

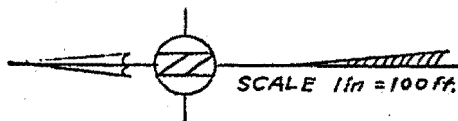


Mary Ferrell
 Secretary to the Forest and Beach Commission

EXHIBIT NO. <u>Q</u>
APPLICATION NO. <u>3-01-085</u>
<u>Forest and Beach</u> <u>Commission Findings</u>
 California Coastal Commission

TAX CODE AREA 1-00

ASSESSOR'S MAP
BOOK 10, PAGE 28



18

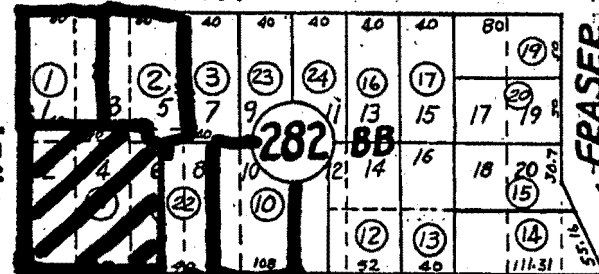
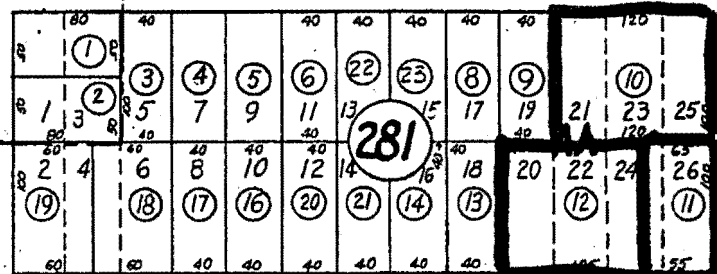
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9-39

CASANOVA

ADD'N. NO. 2
ADD'N. NO. 1

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FRASER

283

147

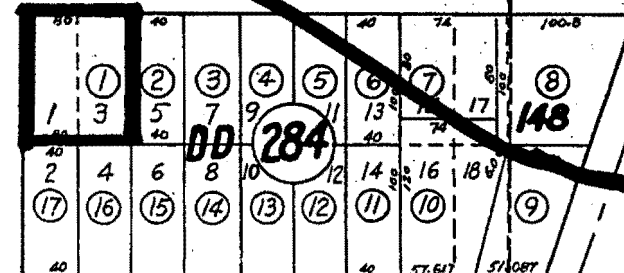
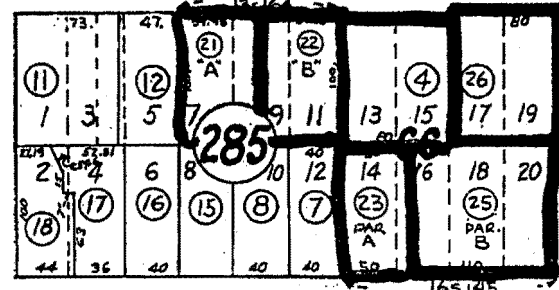
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9-39

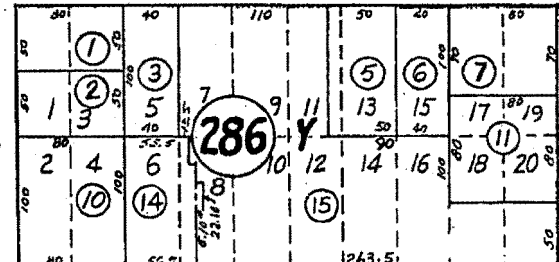
Martin
Parcel

27

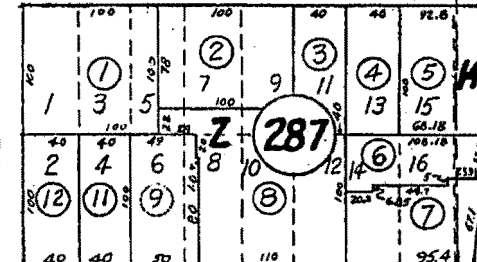
CARMELO

ST.

12TH



13TH



SANTA LUCIA

9-40

SAN ANTONIO

AVE

29

29

CARMEL BY THE SEA ADD'N. 1
LOTS 2, 4 & 5 TO 26 BLOCK AA
BLOCKS BB, CC, DD, Y & Z
CARMEL BY THE SEA ADD'N. 2
LOTS 1 & 3 BLOCK AA
BLOCKS 147, 148 & 149

EXHIBIT NO. **A**

APPLICATION NO.
3-01-035

Parcel Map

California Coastal Commission

Attn. Mike Watson
Calif. Coastal Comm.
re permit # 3-01-032-R
Hearing 9/12/01 Room W22a

RECEIVED ^{Sept 3, 01}

SEP 06 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Commissioner Mike Watson

I'm a neighbor of Gary Martin's living across the street in a house built around the time his was + of similar materials + construction. I understand the predicament you have put him in but I don't understand the logic behind your decision to ban the demolition of his unlivable house.

The house has been deemed unsafe by experts. It has been red tagged. No one is allowed to go in it. How do you arrive at the conclusion that it not be torn down? You aren't going through any thought process that I'm familiar with.

It was suggested that you were playing a game with the city of Carmel?

You are on our Coastal Commission + I expect you to know the rules, take the facts into consideration + act wisely. Please do just that.

Yours sincerely
Jeaphine A. Boyer

EXHIBIT NO.	5
APPLICATION NO.	3-01-055
Residence Letters	
p. 1 of 16 California Coastal Commission	

P.O. Box 4671
Carmel, CA 93921

6 Sept. 2001

Mr. Charles Lester, District Manager
California Coastal Commission
Central Coast District
725 Front St, Suite 300, Santa Cruz, CA 95060
Re: Martin Residence; Permit No. 3-01-032-R

Dear Mr. Lester,

We understand that there will be a rehearing on 12 Sept. 2001 concerning Mr. Gary Martin's request to the Coastal Commission to replace the existing house located on the southeast corner of the intersection of Camino Real and 13th Streets in Carmel.

Our home is on Camino Real almost directly across the street from the Martin property. Mr. Martin has shown us an architectural drawing of his proposed house, which he says will be his personal residence. We believe it is appropriate for the neighborhood and would be a welcome replacement for the existing structure which is in severe disrepair and, in our opinion, not maintainable as historically significant.

We wholeheartedly support Mr. Martin's request.

Sincerely,

Mr. and Mrs. Harry E. Handler

Harry E. Handler

Patricia B. Handler

Phone: 831-624-0597

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

EXHIBIT NO. 5

APPLICATION NO.
3-01-085

Residence Letters

P. 2 of 16
California Coastal Commission

Sept. 5, 2001
Item # W22a
Application # 010.282.021
Permit # 3.01.032R

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SEP 06 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Charles Lester
District Manager
Calif Coastal Commission
751 Front St. Suite 300
Santa Cruz, Calif. 95060

Dear Mr. Lester,

We are next door neighbors to the property under consideration. We are in favor of the demolition of the existing "condemned" single family dwelling and are in favor of the new family dwelling proposed for the site. The new dwelling would make a tremendous improvement to our community.

We understand Mr. Martin's desire to build two homes. However, since the property was already split within the last five years, we would prefer the property to remain with one single new structure.

Thank you.

Sincerely,

W. Glenn Beech, Jr.

Carol M. Beech

EXHIBIT NO.	S
APPLICATION NO.	3-01-085
Residence Letters	
P. 3 of 16	
California Coastal Commission	

California Coastal Commission
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, Ca 95060
Charles Lester, District Manager

September 5, 2001

Re: Permit # 3-01-032-R

Applicant: Gary A. Martin

Project Description:

Request for the reconsideration of the denial of a Coastal Development Permit for the demolition of an existing single family residence, rehabilitate existing garage, and adjust lot lines.

Project Location:

S.E. Camino Real & 13th Ave. Carmel (Monterey County) APN 010-282-021

Dear Mr. Lester,

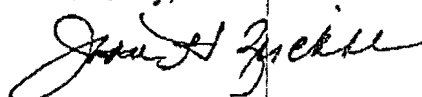
I am a permanent resident of Carmel, and my home borders the Martin property on the West side.

Many of us in this area are shocked and saddened by the recent refusal of the Coastal Commission to allow Mr. Martin to proceed with the demolition of the crumbling original house on his lot. The "red tagged" structure now occupying the property is both a dangerous fire hazard and an eyesore. It has no historical significance but is rapidly becoming a home for rodents and trash.

Mr. Martin's building plans, which he graciously showed to his neighbors, are both in keeping with the Carmel "little town" feeling and will contribute much to the area. Both his main house and his future plans for a second smaller home on the second lot fit in with the neighborhood. He has followed "the rules" and bent over backwards to accommodate his neighbor's wishes and those of the planning department. I care what kind of home is built right next to mine. I don't want my town to lose its unique personality anymore than your Commission does.

We who live in Carmel hope it will remain beautiful, small, and special. Please give Mr. Martin's request reconsideration. Thank you.

Sincerely,



Joan H. Zischke
P.O. Box 7053
Carmel, Ca 93921-7053

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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST

EXHIBIT NO.	5
APPLICATION NO.	3-01-055
Residence Letters	
p. 4 of 16	
California Coastal Commission	

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SEP 04 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda/

CEMEX NO. 224-03-01
Item No. W 22a
Patricia W. Goetz
In favor of demolition

CALIFORNIA COASTAL COMMISSION
725 Front St., Ste. 300
Santa Cruz, CA. 95060
ATTN: Mike Watson

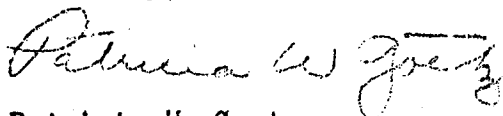
Commissioners:

Please be advised that not demolishing the structure at SE Camino Real and 13th Ave., Carmel, would be extremely detrimental to the safety and character of the neighborhood, of which I am a resident (full time).

As the property exists at the present time, it is not only an enormous fire hazard but also a breeding ground for rats, raccoons, and other varmints. Its unightly condition detracts from the beauty of our area, and should be demolished as soon as possible.

Mr. Martin has presented a very acceptable plan for the property and it will be very much in keeping with the character of Carmel. It makes absolute sense to allow him to proceed with his plan.

Sincerely,



Patricia W. Goetz
Camino Real, 4 SW 13th, Carmel

EXHIBIT NO.	S
APPLICATION NO.	
3-01-085	
P. 5 of 16 California Coastal Commission	

FILE COPY

21 May, 2001

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SEP 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

California Coastal Commission:
Re: Application # 3-01-032

We, the undersigned, have reviewed the proposed design for a single-family residence to be located at the Southeast corner of Camino Real and 13th Street, Carmel.

We understand the design and believe it to be aesthetically pleasing, nicely sited and scaled. The new home has been designed to preserve the trees on site as well as utilize colors and materials that will blend with the surrounding area and the village's natural theme. The style and condition of the existing structure has concerned us all for some time and we would be pleased to see this proposed design approved as submitted.

Signed, concerned residents and neighbors,

Aileen Belf Camino Real 25E of 13th
Carol M. Bell Camino Real 25E of 13th St.
Bruce L. Ben Camino Real 25E of 13th St.
Harry Handler Camino Real 25W of 13th
Patricia Handler Camino Real 25W of 13th
Josephine S. Boyer Camino Real - 13th
Joan H. Zuercher Carmel 13th corner
Sally Frost Camino Real + 13th Ave

EXHIBIT NO. 5
APPLICATION NO.
3-01-085
P. 6 of 16 California Coastal Commission

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9/9/01

SEP 10 2001

Honorable Sara Wan,

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

I appreciate your previous support in helping to maintain the historical tradition and character of Carmel-by-the-Sea. Please continue that support by upholding your previous decision regarding the Martin property (agenda item W22A).
Thank you for your efforts.

Larry Robinson
P.O. Box 1321
Carmel-by-the-Sea

EXHIBIT NO. 5

APPLICATION NO.

3-01-085

P. 7 of 16
California Coastal Commission

September 9, 2001

To: Chairman Sara Wan and members of the Coastal Commission

From: Anne Bell

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SEP 10 2001

Re: Carmel Property - The Reconsideration to Deny
Demolition and Lot Line Adjustment
Application: #3-01-0323R _ Martin

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

The Historic Preservation Committee for the City of Carmel around a year or so or more heard all the information regarding the historicity of this property and unanimously agreed that the evidence of the research did indicate that the property did qualify it as a local historical significant resource. Indeed, I am sure that your Commission has already reviewed the fact that it was once the home of Gus Arriola during the time when he was doing his most productive work as a nationally recognized cartoonist (remember "Gordo"?) at least an 11 year period. But even before that period, the house was a gathering place for Carmel's movers and shakers. The fact that the house is in great disrepair is due to the present owner's wish to tear the house down, have a lot line adjustment and economically benefit from building two structures on two different lots.

Again, the fact that the decision of the city's H.P. committee has again been disregarded and an appeal of your Commission is again before you shows to what extremes the pressures are on the city of Carmel to grant these demolitions.

Speaking for myself as a long time resident, your previous decision to deny the demolition was sound and I ask you to accept your staff's original recommendation.

Sincerely,

Anne Bell
P.O. Box 2303
Carmel, Ca 93921

EXHIBIT NO.	S
APPLICATION NO.	
	3-01-085
	P. 8 of 16
California Coastal Commission	

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SEP 10 2001

Melanie C. Billig
P.O. Box 1414
Carmel-by-the-Sea, CA 93921

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda #W 22a
Application #3-01-032R
Martin
Oppose

September 8, 2001

To: Chairman Sara Wan and Members of the Coastal Commission
Re: The reconsideration of your previous decision to deny demolition and a lot line adjustment

Dear Coastal Commissioners:

I would strongly urge you to uphold your previous decision on this agenda item. I attended the Santa Rosa meeting and listened to Mr. Martin's presentation and your thoughtful discussion and vote. You made the right decision for the neighborhood and Carmel. Nothing has changed since then.

This house can be rehabilitated and become once again an outstanding example of the craftsman style. The owner is determined to demolish the house and has allowed it to significantly deteriorate to its current condition in order to achieve his goal. The property is an eyesore for the neighborhood. He refused to clean up the property even before he was cited by the city. If the Sea Urchin and Periwinkle can be rehabilitated, so can this property. Situated on such a special lot, it truly represents old Carmel and this neighborhood's character.

Another loss for this neighborhood's character would be to allow a lot line adjustment as requested. This property already had one lot split off several years ago, the lot to the immediate south. This neighborhood has been and is one of large lots. To allow another lot split would not only compromise this area of primarily large lots but would also send the wrong signal to others seeking to create cookie cutter lots and maximize financial gain at the expense of the neighborhood and Carmel's community character in general. Please support your staff's original recommendation if you do in fact reopen this entire matter.

As a member of the neighborhood, I respectfully request that you deny reconsideration. Your previous decision was sound, fair and deliberate. Thank you for helping us to preserve this neighborhood and our special little coastal community.

Sincerely,



Melanie C. Billig

EXHIBIT NO.	S
APPLICATION NO.	3-01-085
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California Coastal Commission	

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Sept. 9, 2001

California Coastal Commission

To: Chairman Sara Wan and Members of the Coastal Commission

Subject: Your reconsideration of your previous decision to deny
demolition and a lot line adjustmentRe: Agenda #W 22a
Application #3-01-032R

Dear Coastal Commissioners:

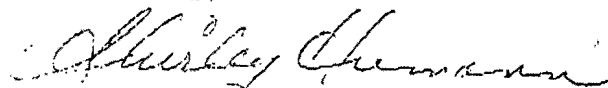
As a long time residents of Carmel by the Sea I feel strongly that you made the right decision on the "Martin" home, in opposing the demolition and lot-split previously before you.

I urge you to once again oppose this request for demolition & lot split for a handsome craftsman style home on a special corner and in an area where most homes are on a double lot.

This piece of property has been allowed to deteriorate in hopes of demoliting it, but the basics are there. It would truly be a loss of character if not preserved.

Once again, please deny the request for reconsideration.

Sincerely,



Shirley Humann

EXHIBIT NO. S
APPLICATION NO.
3-01-085
P. 10 of 16 California Coastal Commission

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Constance S. Wright
P.O. Box 2331
Carmel, CA 93821
Phone: 831/524-2522
Fax: 831/524-6031

SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Agenda #W 22a
Application #3-01-032 R
Martin
Oppose

9/9/01

To: Sara Wan, Chair
Members of the Coastal Commission

I urge you to uphold your previous decision on this item and to deny the reconsideration. The demolition of this Craftsman style house would deprive us of a piece of our past, which is vanishing all too rapidly. Moreover, the lot line adjustment which has been requested would net the owner a great deal of money, while we would lose more of our Carmel character.

Very sincerely,

Constance S. Wright

EXHIBIT NO.	5
APPLICATION NO.	
	3-01-085
	P. 11 of 16
	California Coastal Commission

Sara Wan and members of the
Coastal Commission

Please uphold your previous decision
regarding agenda #1 was A (Martin).
Do not allow demolition no lot split.
This is a craftsman style home that
would be easy to rehabilitate.

Thank you for your consideration

Betty Marie Lipp
Box 2471
Carmel, Ca. 93921

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

EXHIBIT NO. 5

APPLICATION NO.

3-01-085

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California Coastal Commission

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SEP 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

ITEM NUMBER: W 22a
PERMIT NUMBER: 3-01-032-R
Paul and Laurie Goldman
Oppose Project

Dear Mr. Watson, California Coastal Commission,

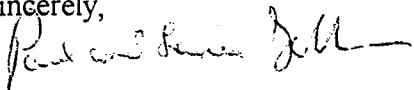
As property owners on Camino Real @13th we oppose the above project for the following reasons.

1. Allowing this property to be sub-divided would allow 3 single-family structures to encompass an area that had a single-family home for decades. Just less than 4 years ago the very same property was split and an adjoining single-family home was built.
2. This is a tripling or a potential of a 300% increase in population of a tranquil and beautiful street.
3. Additional development will destroy many heritage trees. Once gone they can never be replaced. This will also destroy the wildlife that depends on this area to live and thrive.
4. With the areas limits on water it is not in the best interest to a put the property in position to get approval for additional water usage. The property may also sit vacant and idle for years until this approval takes place. Thus adding an eyesore to the local neighborhood and coastal area.
5. Adding homes adds more cars and traffic, which is detrimental to the coast and also a very quite street.
6. There will be increased pollution to a pristine village area in ways of sewage and air quality.

We would be happy to support the building of a new single structure with no additional subdivisions. In fact this was our impression of the project as explained by the new owner. The neighbors had been led to believe that only one structure was to be built. We supported this to find out that this was not the entire picture, but a plan to subdivide was on the planning boards table.

If you have any questions please feel free to contact me.

Sincerely,



Paul and Laurie Goldman

EXHIBIT NO.	S
APPLICATION NO.	
	3-01-085
	P. 13 of 16
	California Coastal Commission

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SEP 05 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Council Member Barbara Livingston
Post Office Box 00
Carmel-by-the-Sea, California 93921
Telephone: 831/626-1610
Fax: 831/620-1283
e-mail: barbaralliv@earthlink.net
web site: http://www.barbaralliv.com

Agenda # W 19a
Application #3-00-082
Pressley
Oppose

- 9/5/01

TO: Chair Sara Wan and Members of the Coastal Commission

I am pleased to support the position of the City of Carmel-by-the-Sea and ask that you accept your staff recommendation to deny this proposed application for the following reasons:

- Since at least 1981 the City has struggled with development issues related to Pescadero Canyon. Its scenic beauty, challenging terrain and environmental sensitivity and constraints argue strongly for its protection.
- The parcel in the Canyon has extraordinary limitations. It was created decades ago when the impacts of habitat disruption, sedimentation, and public view impairment were not taken into account. We can not consider this application in the same way as we would one on flat land. It is an undersized lot on a slope of 51%. Carmel's design guidelines, General Plan and land use code all speak to the limitation of development on slopes in excess of 30%.
- The Jones & Stokes report commissioned by the city to determine the ESH status for Pescadero Canyon said to: minimize lot coverage, maximize the retention of important views, minimize grading and maximize setbacks.

For all these reasons I urge you to deny this application.

Very sincerely yours,

Barbara Livingston

EXHIBIT NO.	5
APPLICATION NO.	3-01-085
P-14-P 16 California Coastal Commission	



CARMEL PRESERVATION FOUNDATION

POST OFFICE BOX 3955 • CARMEL, CALIFORNIA 93921 (408) 6246025

MEMO W 22a 3-01-032R

TO: Sara Wan, Chair and Coastal Commissioners

RE: Gary Martin Demolition in Carmel

FROM: Enid Sales, Director Carmel Preservation Foundation

DATE: September 2, 2001

It is my understanding that the Martin Project is being heard in Eureka on 9/12/01, and that a reconsideration of the demolition of his house at 13th and Camino Real will again be discussed due to new information. I am also aware that the Carmel Building Official has red-tagged the house due to its not being in Code Compliance. This step was predictable but does not mean that the house can not be readily made inhabitable if brought up to Code.

The testimony of Mr. Martin's engineer is also to be expected because he was hired to say what, indeed, he has said. For a wood frame building, fairly recently inhabited and maintained by a notable San Francisco family, to be ready to fall down must remind you of the Periwinkle and Sea Urchin houses about which the owners made the same apocryphal claim.

I would hope that the Commission would require an independent structural report from a Preservation architect or engineer before accepting Mr. Martin's claims. In my memory, one of the concerns you voiced in Santa Rosa was that Mr. Martin's intent to tear down this fine old Craftsman house to divide the property into two lots was for speculation purposes. Speculation on an empty lot, in my experience, could not be considered a Project. This would not be considered acceptable under CEQA, and should not be in Carmel. Thank you.

Enid Sales

EXHIBIT NO.	5
APPLICATION NO.	
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California Coastal Commission	

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SEP 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA*Revised***Council Member Barbara Livingston****Post Office Box CC****Carmel-by-the-Sea, California 93921****Telephone: 831/620-1610****Fax: 831/620-1213****e-mail: barbaralivingston@earthlink.net****web site: <http://www.barbaralivingston.com>**

Agenda # W 22a

Application #3-01-032R

Martin

Oppose

9/05/01

TO: Chair Sara Wan and Members of the Coastal Commission

Regarding your reconsideration of this application I offer the following:

• Had the Coastal Commissioners accepted the report of the structural engineer for Periwinkle/Sea Urchin on Scenic Drive those 2 cottages would have been demolished months ago. Fortunately, the Commission voted to preserve the cottages and a subsequent engineering report showed them to be not only salvageable, but in much better shape than previously advertised.

• The Martin house may be uninsurable at the moment, but wouldn't that be cured by the applicant applying for a permit to rehab his house? According to the staff report, the City's Building Inspector says as much: "Mr. Meroney's recommendation is that the structures remain vacant pending the issuance of a permit for rehabilitation and/or demolition." The Coastal Commission has denied the demolition; therefore, the remaining option is for the owner to apply for permit to rehab the structures.

• Your staff has denied reconsideration of the lot line adjustment, and I concur that no error has occurred to cause you to reopen this issue.

In the interest of preserving an historic building and neighborhood character, I ask that you hold to your previous decision and vote for preservation, not demolition.

Very sincerely yours,

Barbara Livingston

EXHIBIT NO. 5

APPLICATION NO.

3-01-085

P. 16 of 16
California Coastal Commission



CARMEL PRESERVATION FC

POST OFFICE BOX 3959 • CARMEL, CALIFORNIA

EXHIBIT NO. 7
APPLICATION NO. 3-01-085
Additional Letters
P. 1 of 11
California Coastal Commission

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NOV 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

MEMO: W27g - #3-01-085

TO: Sara Wan, Chair and Members of the Coastal Commission

FROM: Enid Sales, Director of Carmel Preservation Foundation

RE: Gary Martin Demolition in Carmel

DATE: November 8, 2001

The letter which I sent to you in September is attached and is still relevant to this property. However I would like to reiterate that the Carmel Preservation Foundation the Preservation Committee and others have urged that an independent, qualified, preservation architect or engineer be required to inspect this building to assess its structural condition and its ability to be rehabilitated.

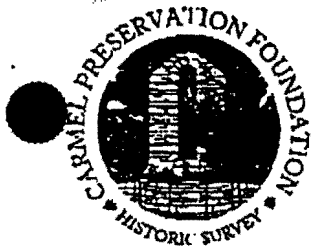
This house is an important historic resource primarily because of its early Craftsman architecture, and its large parcel which is typical of its time and place. It has been owned and occupied by several well-known families among whom there was a comic strip creator. It's true value to Carmel, however, is its representation of early Carmel village development. A comfortable family home in a copious natural setting, near the beach, and within walking distance of town. Mr. Martin's claims that his projected mansion matches other houses in Carmel can only refer to other outsized, over designed, then e houses that are currently being built, not Carmel's indigenous, early Craftsman housing stock.

The position in support of this demolition by the City, is indicative of their attitude about historic preservation. This is clearly evidenced in the new EIR the Planning staff has prepared to satisfy the LCP. Public comments have been extensive and have expressed an extraordinary level of disapproval. Admonitions have come from the State Office of Historic Preservation, Susan Brandt-Hawley, Attorney, Chattel Architecture edits of the Element, the President of the Carmel Preservation Foundation, Joel Panzer, a professional Planner, complete edits of the Element and Ordinance by myself, and comments by Anne Bell of the Preservation Committee, to mention a few of those who commented. (all of the above material has been presented to Coastal Commission staff for their information and evaluation.)

The two outstanding defects in the EIR are the lack of professionalism and objectivity, and the misguided use of a Programmatic EIR designed to remove protection for any individual resource. The intention of avoiding preservation protection is reflected throughout both the Element and the Ordinance, and every goal and policy is based on the owner's voluntary request for designation, and designation would only be granted if the building is the first, last, only, or most significant historic resource.

We urge you to deny all further demolition and substantial alteration permits until Carmel has a professional Planning Director with a background in preservation, history, and architecture. Carmel's LCP will never reach an acceptable level under the present regime, because it is without any experienced leadership at the Planning level, and although they hire qualified consultants they persist on ignoring their recommendations. Thank you.

Enid Sales



W219

CARMEL PRESERVATION FOUNDATION

POST OFFICE BOX 3959 • CARMEL, CALIFORNIA 93921 (408) 6246025

MEMO W 22a 3-01-032R

TO: Sara Wan, Chair and Coastal Commissioners

RE: Gary Martin Demolition in Carmel

FROM: Enid Sales, Director Carmel Preservation Foundation

DATE: September 2, 2001

It is my understanding that the Martin Project is being heard in Eureka on 9/12/01, and that a reconsideration of the demolition of his house at 13th and Camino Real will again be discussed due to new information. I am also aware that the Carmel Building Official has red-tagged the house due to its not being in Code Compliance. This step was predictable but does not mean that the house can not be readily made inhabitable if brought up to Code.

The testimony of Mr. Martin's engineer is also to be expected because he was hired to say what, indeed, he has said. For a wood frame building, fairly recently inhabited and maintained by a notable San Francisco family, to be ready to fall down must remind you of the Periwinkle and Sea Urchin houses about which the owners made the same apocryphal claim.

The deplorable condition of this property has been created by the present owner. It is a fire hazard because the owner has not removed overgrown brush, or dead plants and trees. He has also deliberately torn up a large chalk rock patio and left it in a loose and dangerous condition. This is one of our characteristic, large early parcels, and although it was originally even bigger, it was reduced to this one legal parcel with one Assessor's parcel number in 1969.

I would hope that the Commission would require an independent structural report from a Preservation architect or engineer before accepting Mr. Martin's claims. In my memory, one of the concerns you voiced in Santa Rosa was that Mr. Martin's intent to tear down this fine old Craftsman house to divide the property into two lots was for speculation purposes. Speculation on an empty lot, in my experience, could not be considered a Project. This would not be considered acceptable under CEQA, and should not be in Carmel. Thank you.

Enid Sales, Director
Carmel Preservation Foundation

EXHIBIT NO. 7
APPLICATION NO. 3-01-085
Additional Letters
p. 2 of 11 California Coastal Commission

William R. Englander
Alice Englander
P.O. Box 6328
Carmel-by-the-Sea, CA 93921
831/ 626-4398
FAX 831/ 626-4399
alice@englander.com
<http://www.englander.com>

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NOV 08 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 7, 2001

To: Chairman Sara Wan and Coastal Commissioners

Re: 3-01-085 Gary Martin

W27G
Opposed

Dear Coastal Commissioners,

We live a few blocks away from this proposed demolition and walk by it often. It is a lovely tree-studded lot with an older, craftsman-style home that fits neatly into the neighborhood and enhances the feeling of "real Carmel".

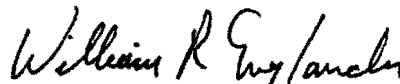
We would like to express our strong opposition to allowing the demolition to occur.

The house was occupied until fairly recently. If it has become uninhabitable, then it must be because of neglect and poor maintenance. Even so, we feel that it should be rehabilitated.

As you are aware, it is the demolition of these older, smaller homes that is threatening the existence of the Carmel we love. Not only do we lose the character and scale these cottages offer, we see them replaced by large, poorly designed, out-of-scale houses. In many cases the owners present their case almost tearfully about building their "dream house" ... yet it is very common to see a "for sale" sign (at a very high asking price) pop up as soon as it is built.

We appreciate the support you have shown to Carmel this year and hope you will deny this demolition. Thank you.

Sincerely yours,



Alice Englander

William R. Englander

EXHIBIT NO. 7
APPLICATION NO. 3-01-085
Additional Letters
p 3 of 11
California Coastal Commission

W 27g

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NOV 13 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 12, 2001

Item Number: W 27g
Permit #: 3-01-085

Dear Mr. Watson, California Coastal Commission;

As the neighboring property owners' of Camino Real @13th we do support the project with the following understanding:

- The lot or lots involved will not be subdivided.
- The new home built will be a single-family residence with no second residence being built.
- No further sub-divisions or applications of such will be made at a future date.

We wish the new owners the best during their project and are thankful they are respectful of the surrounding neighbors.

If you have any questions please feel free to contact us.

Sincerely,


Paul or Labrie Goldman

EXHIBIT NO. T
APPLICATION NO. 3-01-085
Additional Letters
p. 4 of 11 California Coastal Commission

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NOV 10 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Walter E. Gourlay

P.O. Box 981
Carmel, CA 93921
Walterg@redshift.com

W27g. ✓

November 9, 2001

To: Sara Wan, Chairperson, and
Members of the California Coastal Commission

Re: 3-01-085. Gary Martin

W27G
Opposed

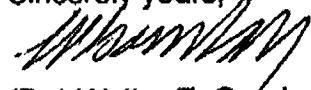
Dear Members of the Coastal Commission:

I am grateful for your concern and your continuing support for efforts to preserve the special character of Carmel-by-the-Sea. I am writing to urge you not to approve the demolition of this significant and architecturally unique home as proposed by Gary Martin. He has intentionally allowed the property to deteriorate in the hope of getting permission to tear it down. This tactic is reprehensible. It should not be allowed to set a precedent for others in the future.

The house in question is a craftsman-designed building. It's a great asset to its neighborhood, and to our city generally. In addition, its lot and trees add considerably to the ambience of Carmel. Demolition would be a blow to our hopes of preserving what is left of the essential character of our city.

Please reject this application.

Sincerely yours,



(Dr.) Walter E. Gourlay

EXHIBIT NO. 7
APPLICATION NO. 3-01-085
Additional Letters
p- 5 of 11
California Coastal Commission

Nov. 7, 2001

TO: CHAIRMAN SARA WAN & COASTAL COMMISSIONERS

RE: 3-01-085 Gary Martin

W27G - opposed

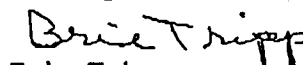
Dear Coastal Commissioners,

As local neighbors and residents of this (Martin) property of Carmel, we are appalled that this property was left to decay and ruin this marvelous craftsman style structure and then assume the City of Carmel would allow a demolition. In addition, Mr. Martin intends to split this lot for two homes in an area, where mostly double lots are visible.

This structure is vital to this neighborhood and could easily be restored to its wonderful character.

Thank you for strong support of our community and its desire to preserve its character.

Sincerely,


Shirley Humann
Brie Tripp.**RECEIVED**

NOV 08 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

EXHIBIT NO. <i>7</i>
APPLICATION NO. <i>3-01-085</i>
<i>Add'l Letters</i>
<i>P. 6 of 11</i> California Coastal Commission

Melanie C. Billig
P.O. Box 1414
Carmel-by-the-Sea, CA 93921

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NOV 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 6, 2001

To: Chairman Sara Wan and Coastal Commissioners

Re: 3-01-085 Gary Martin

W27G
Opposed

Dear Coastal Commissioners,

I am sorry that I cannot attend this meeting as I will be out of state. I do, however, want to take this opportunity to raise a very strong objection to the demolition of this outstanding craftsman style home as proposed by Mr. Gary Martin. This structure is truly significant in our neighborhood and in Carmel. It is vital to the character of our neighborhood, both in terms of its architecture and also in terms of its lot and trees. Demolition of this type only further renders our new Local Coastal Plan irrelevant.

Mr. Martin has deliberately allowed this property to decay in order to enhance and further his request for a demolition to both the city and the Coastal Commission. This approach to his property must be strongly and forcefully dealt with, i.e., stopped. To allow him to get away with this will set a very negative precedent for future applicants.

Thank you for your true concern for Carmel and your strong support for our efforts on behalf of community preservation.


Melanie C. Billig

EXHIBIT NO.	7
APPLICATION NO.	3-01-085
Add'l Letters	
p. 7 of 11	
California Coastal Commission	

Council Member Barbara Livingston
Post Office Box CC
Carmel-by-the-Sea, California 93921
Telephone: 831/626-1610
Fax: 831/620-1283
e-mail: barbaratlivingston@earthlink.net
web site: <http://www.barbaralivingston.com>

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NOV 07 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

6 November 2001

RE: 3-01-085
GARY MARTIN
W 27 G
OPPOSED

TO: Chair Sara Wan and Coastal Commissioners

Dear Chair and Coastal Commissioners:

My concerns regarding the above referenced issue are those of cumulative loss of community character. The property owner wants to tear down an old house in Carmel-by-the-Sea and rebuild in the manner of today's starter castles.

What this will do to the block of Camino Real between 13th and Santa Lucia is grave enough, but this new construction will contribute to a serious loss of character which will impact the surrounding neighborhood, the southwest quadrant and ultimately the entire village. Cumulative loss of our character resources is serious business in a town renowned for its old cottages. Scruffy as some may be, they nevertheless represent our home and the heart of our town.

Please give this matter your usual due consideration. Thank you very much.

Best Regards,

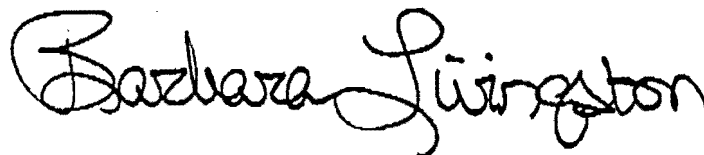



EXHIBIT NO. 7
APPLICATION NO. 3-01-085
Add'l Letters
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 California Coastal Commission

EXHIBIT NO. T
APPLICATION NO. 3-01-085
Add'l Letters
P. 9 of 11 California Coastal Commission

Nov. 7 2001
Item W279
Application # 010-282-021
Permit # 3-01-085

Mr. Charles Lester
District Manager
Calif. Coastal Commission
725 Front Street, Suite 300
Santa Cruz, Calif. 95060

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NOV 08 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Mr. Lester:

We are next door neighbors to the property under consideration. We are in favor of the demolition of the existing "red tagged" single family dwelling and are in favor of the new family dwelling proposed for the site. The new dwelling would make a tremendous improvement to our community.

We are aware of Mr. Martin's continued desire to build two homes. However, since the property was already split within the last five years, we strongly recommend that the property remain with one single new structure. Our neighborhood's character is dominated by single homes on large lots.

Thank you for your consideration.

Sincerely,

Cecil M. Bell

Aileen Buehler

OCT 30 2001

~~San Francisco~~
39 Havens Steps
San Francisco, CA 94133
Tel (415) 776-0624

Susan Johnson Willey
Carmel
P.O. Box 3773
Carmel, CA 93921
Tel (831) 624-9334
CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA OFFICE

EXHIBIT NO. 7
APPLICATION NO. 3-01-085
Add'l Letters
P. 10 of 11 California Coastal Commission

CALIFORNIA COASTAL COMMISSION
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, California 95060

Dear All-

As a neighbor located diagonally behind the Duquesne/Hamilton property, I am definitely in FAVOR of the demolition of the current structure, to be replaced by a new two-story residence.

→ Item: W 27e
Application # 3-01-083
Susan Johnson Willey
In FAVOR of
demolition &
construction of
2-story dwelling

The house that is there now is of late 1960s non-descript design, resembling a modular unit. It is of NO architectural or historic significance, and is almost a carbon-copy of the house next door. A change will be most welcome to the neighborhood.

Quite frankly, I do not understand why on earth the Coastal Commission should have to deal with each building application in our shrinking little town. That is what we have a (very active) Planning Commission for, and the City Council in cases of appeal.

Your time should be devoted to the "Big Picture", keeping the coast itself development-limited and allowing Council to preserve the character which it is well-known would-wide.

→

This does not mean that it should, then, be your
business to encourage more beach fires, more hotel
rooms, or a boardwalk, all of which would degrade
our community, making it less attractive to the
public who visit in droves already.

Very truly yours,

Susan Sharon Wilkey

27 October

DDJ

cc: Carmel Planning Commission
Carmel PUD COM

EXHIBIT NO. 7
APPLICATION NO. 3-01-085
ADD'L letters
p. 11 of 11 California Coastal Commission

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY I. AVIS, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov



W 279

November 9, 2001

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**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**

Mike Watson
Coastal Commission
Central Coast Office
725 Front Street, Suite #300
Santa Cruz, California 95060

Subject: **Wild Boar Inn (Gus Arriola Residence)
Southeast Corner Camino Real and 13th Avenue
Carmel-by-the-Sea**

Dear Mr. Watson:

We have reviewed the two DPR 523 forms faxed to this office - one prepared 4/11/99 by Enid T. Sales; the other prepared 6/30/99 by Jones & Stokes, Inc. From this material and additional material on Gus Arriola we downloaded from the internet, it appears Arriola made a significant contribution as a syndicated cartoonist. His comic strip *Gordo* was published from 1941-1985, at its peak in 270 U.S. newspapers. In the 1960s the strip's main character, Gordo, a Mexican bean farmer, was transformed from a negative stereotype to an ambassador for Mexico and its culture. Through the strip, American readers were exposed to many aspects of Mexican folklore, history, and art.

Arriola purchased the subject property in the late 1950s and lived there until 1972. Although he continued to create the *Gordo* strip after selling the subject property, it appears the strip's important transformation took place while Arriola resided there. It is our opinion if the subject property was Arriola's primary residence during the 1960s, it functioned as his studio, and it looks today basically as it did during the 1960s, the property is eligible for the California Register of Historical Resources under Criterion 2: for association with Gus Arriola.

Thank you for allowing the Office of Historic Preservation to comment on California Register eligibility for the Gus Arriola Residence. If you have any questions please call Cynthia Howse of my staff at (916) 653-9054.

Sincerely,

Dr. Knox Mellon
State Historic Preservation Officer

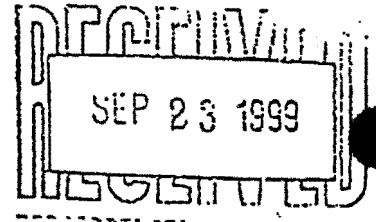
EXHIBIT NO. U
APPLICATION NO. 3-01-085
OHP Review
California Coastal Commission

GUS ARRIOLA

PO Box 3275 Carmel, Ca 93921

624-2910

Sept, 20, 1999



To Whom It May Concern...

We oppose the inclusion of the Carmel Hooper House, at Camino Real and 13th, in the California Register of Historical Resources on the tenuous basis of the twelve-year Arriola residency.

Attaching historic significance because I opted to work at home borders on the bizarre. Many, wider-known professionals in the area work at home. I have maintained home studios in La Jolla, CA...Phoenix, AZ...and locally in the Strasburger House on Carmel Point and the Stackpole House, now demolished, at Dolores & 13th. Much of Susan Lassell's Evaluation Report is erroneous, culled as it was from dubious news clips and not a personal interview.

We ask to be excluded as a reason for the State's claim of such historic import. We find this 'snag' in the present owners personal plans, on our account, patently unfair and unjust. We strongly urge the Community Planning and Building Agency to reconsider and rescind this designation, granting Dr. and Mrs. Leaton the due right to protect their sizeable investment.

Respectfully, Frances and *GW* Arriola

EXHIBIT NO. V
APPLICATION NO. 3-01-085
Arriola Testimony
p1 of 4 California Coastal Commission

COPY TO CHIP PERIG -
GW ARRIOLA
SEPT. 20, 1999

Wendel, Rosen, Black & Dean, LLP
1111 Broadway, 24th Floor
Oakland, California 94607-4036

Charles A. Hansen (SBN 76679)
WENDEL, ROSEN, BLACK & DEAN, LLP
1111 Broadway, 24th Floor
Oakland, California 94607-4036
Telephone: (510) 834-6600
Fax: (510) 834-1928

Attorneys for Gary A. Martin

CALIFORNIA COASTAL COMMISSION

Application No. 3-01-032 Harvard
Investment (Martin)

**DECLARATION OF GUS
ARRIOLA**

Applicant: Gary A. Martin

Project Location: SE Corner of Camino Real
and 13th Avenue, Carmel, Monterey County

Project Description: Demolition of an
existing approximately 2,635 sq. ft. single
family residence

Local Approval: City of Carmel-by-the-Sea:
DS 01-04/RE 01-08/VA 01-03

File documents: Coastal Development Permit
files 301-032 (Martin); City of Carmel-by-
the-Sea uncertified Land Use Plan and
Zoning Ordinance; City of Carmel
Community Building and Planning
Department Staff Report (03/14/01); Jones &
Stokes Associates Evaluation Report
(06/1999).

EXHIBIT NO. <i>V</i>
APPLICATION NO. <i>3-01-085</i>
<i>Arriola Testimony</i>
<i>P 2 of 4</i> California Coastal Commission

I, Gus Arriola, declare and say based on my own personal knowledge:

1. I am making this statement at the request of Charles Hansen, Gary Martin's attorney, in order to put into evidentiary form statements I have previously made about one of my former homes, located at the southeast corner of Camino Real and 13th in Carmel-by-the-Sea. I understand that Mr. Hansen will be submitting this declaration to the California Coastal Commission on July 12, 2001.

2. Attached as Exhibit 1 is a true copy of a letter which my wife and I wrote last year concerning the house. I still hold the views expressed in the attached letter.

1 3. I find it to be both unfair and disturbing that my former residence in the
2 house is being cited as a reason for preserving a house that has been declared unsafe for
3 occupancy. My reasons for these beliefs are detailed in the following paragraphs.

4 4. No one involved with the Jones & Stoke Report interviewed or consulted
5 me or sought my input before using me as an icon for the claim that the house has
6 historical significance.

7 5. As the second owner of the house, I have considerable knowledge about it.
8 As noted in my prior letter, much of the content of the Jones & Stoke report is simply
9 wrong. Many of these inaccuracies could have been avoided if the author had
10 interviewed me.

11 6. No one from the California Coastal Commission contacted or consulted me
12 before its staff recommended against permitting demolition of the house.

13 7. If I were to attach historical significance to any house in which I have lived,
14 it would be the brick Arizona house in which I was born and certainly not the house at
15 Camino Real and 13th in Carmel-by-the-Sea.

16 8. Although I have very much appreciated and enjoyed being part of the
17 Carmel community, the house played no significant part in my artistic roots or sources.
18 Those roots are in Arizona, and the house at Camino Real and 13th had little or no role in
19 the content of or inspiration for my art.

20 9. The use of my name and career to justify an historical designation of the
21 house in question is disturbing to me, and I would very much prefer not to be a possible
22 reason for depriving the current owner of the privileges and rights enjoyed by other
23 property owners in protecting their investment and quality of life.

24 10. I have serious questions as to how one can be honored by preserving a
25 house that is dilapidated, unsafe to occupy and of no particular architectural significance
26 (having been altered frequently and substantially).

EXHIBIT NO. ✓
APPLICATION NO. 3-01-085
<i>Arricola Testimony</i>
<i>P 3 of 4</i> California Coastal Commission

11. I appreciate recognition for my work, but I do not want to be involved in a process where the dreams and plans of others are thwarted because of my having lived in a house that holds no special significance for me or for my work.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 11, 2001, at Carmel-by-the-Sea, California.

Gus Arriola
Gus Arriola

7-11-2001

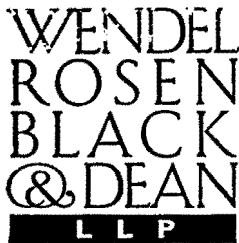
Wendell Rosen, Black & Deane, LLP
1111 Broadway, 20th Floor
Oakland, California 94607-5008

EXHIBIT NO. ✓

APPLICATION NO.
3-01-085

Arriola Testimony

P 4 of 4
California Coastal Commission



Attorneys at Law

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NOV 09 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

W 279
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Telephone: (510) 834-6600
Fax: (510) 834-1928
info@wendel.com

November 8, 2001

Mike Watson
California Coastal Commission
Central Coast District Office
725 Front Street
Santa Cruz, CA 95060-4508

EXHIBIT NO. W
APPLICATION NO. 3-01-085
Applicant's Add'l Materials
California Coastal Commission

**Re: Application No. 3-01-085;
SE Corner of Camino Real and 13th Avenue, Carmel;
Reply to Staff Report dated October 31, 2001**

Dear Mr. Watson:


We represent Gary and Susan Martin and are counsel of record for the Martins. The Martins will be responding directly and briefly to the Staff Report of October 31, 2001. This letter will provide a more detailed and technical reply to the Staff Report.

Demolition Issue: Applicant concurs with Staff's recommendation of a demolition permit in accordance with the red tag issued by the City of Carmel, and urges the Commission to approve such permit. Applicant agrees with the statements in the portion of the Staff Report analyzing the demolition issue (page 17 of the Staff Report) that "...given the circumstances, it would be imprudent to require [the] structure not be demolished"; that "there are overriding factors that allow for demolition of the structure," that "...rehabilitation is not a viable alternative"; and that demolition of the structure "...will not prejudice the City's ability to prepare and complete an LCP." Given Staff's concessions, we do not believe that demolition can prudently or lawfully be conditioned or delayed.

Lack of Historicity: In view of the recommendation that a demolition permit be issued, the issue of historicity appears to be largely moot. In the event that the issue is still of concern to the Commission, Applicant wishes to bring to the Commission's attention that a recent and definitive study commissioned by the City of Carmel and performed by Kent Seavey, a widely acknowledged architectural historian. Mr. Seavey consciously and explicitly declined to treat Applicant's house as a historical resource, although he recommended inclusion of 233 other properties. We understand that Seavey's report is available from the City.

November 8, 2001
Page 2

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EXHIBIT NO. <i>W</i>
APPLICATION NO. <i>3-01-085</i>
<i>Applicants Add'l</i>
<i>Materials</i>
 California Coastal Commission

November 8, 2001

Page 3

"Merger" Issue: Applicant has withdrawn the lot line adjustment aspect of his application because of issues raised by the Commission's staff about a supposed "merger" of legal lots in 1972. Applicant believes that Staff is wrong in its unsupported assertion that a merger occurred, and has provided the Commission with a legal analysis by Anthony L Lombardo, Esq. challenging Staff's position on this issue as being based on a later-enacted and non-retroactive statute. (See Exhibit C to Staff Report of October 31, 2001.)

Applicant urges the Commission to make no finding on the "merger" issue or on the existence or non-existence of multiple lots. Neither the Commission nor its staff has the expertise or mandate to adjudicate legal issues concerning real estate titles. Such issues are typically left to the courts. The position taken by staff on "merger" in its current report contradicts recent findings by the City of Carmel (See Exhibit I to the October 31, Staff Report) and Staff's own statements and findings contained in its prior two reports on this application, which describe the property as consisting of multiple lots. The issue is not properly before the Commission at this time given the withdrawal of the lot line adjustment aspect of the application.

It was the Commission's staff that came up with the "merger" notion. This "merger" idea contradicts positions taken by Mr. Arriola (the person who supposedly caused the merger and has been interviewed on this issue); Applicant's sellers (the Leatons); the brokers who handled the sale to applicant, and the City of Carmel. Further, Staff is legally incorrect in suggesting that Applicant's "title report" shows a merger, given that the Insurance Code makes clear that neither preliminary title reports nor title insurance policies are informational documents. See Insurance Code §§12340.1 and 12340.11. Staff is on a detour with its "merger" theory. Huge civil liability claims (between buyers, sellers, brokers, title insurers and others) may turn on the merger issue, and it would be unfitting and premature for the Commission to arrogate this title issue to itself on a virtually non-existent record.

Conditioning Demolition On A Re-Design Of Applicant's Home: Staff has recommended that the Commission issue a demolition permit only if that permit is qualified by a "Special Condition" that disregards all of the design review by the City of Carmel (whose Planning Commission unanimously approved Applicant's home), and requires that Mr. Martin build and live in a home he does not want. Staff is recommending that this Commission withhold a demolition permit -- despite the concession that withholding the permit would be imprudent -- unless Applicant bends to Staff's will and lets Staff dictate the design of his home. **Applicant does not and will not consent to the proposed special condition.**

Staff's Purported Facts On The Design Issue Are Grossly And Prejudicially Incorrect: The centerpiece of Staff's argument for imposing the Special Condition is that Applicant's proposed home must be redesigned because it is too large in "general size, scale, volume and footprint" and must be scaled back to conform to the existing house. Staff Report, p. 3. This is flatly wrong on any dimension measured.

EXHIBIT NO. W
APPLICATION NO. 3-01-085
Applicants Address Materials
California Coastal Commission

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Staff repeatedly asserts that the proposed new home is "much larger in bulk and volume" (Staff Report p. 7). Staff, at page 18, of its report purports to support that claim with a reference to an impressive-sounding "Exhibit N." But Exhibit N turns out to be a Title Insurance Policy. Staff fails to explain how one can derive volume from a title policy. Staff even includes a footnote on page 20 of its report defining "bulk" (and its synonym "volume") and claims that "...the existing structure has been estimated at 31,660." (Emphasis added.) Staff gives no details as to these calculations, who did them, or how they were done.

In contrast, Applicant's architectural/design team has performed rigorous and detailed calculations on all aspects of comparative size, including sophisticated volumetric software to permit an accurate comparison. The results are shown on the following chart:


	Existing	Proposed	Change
Volume (cu. ft.)	41,031	31,252.8	-25.6%
Footprint including garage (sq. ft.)	2,635	1,981	-24.8%
Total square footage, including garage (sq. ft.)	3,262	2,700	-17.2%

As the chart shows (and as even Staff concedes on the issue of height), the proposed new house that Mr. Martin proposes to build is smaller than the existing structure in any and every way such measurements can be made.

Staff Has Reversed Position On The Design Of The Home: When Mr. Martin originally met with Mr. Watson, Mr. Watson comment on Mr. Martin's proposed design: "This is a beautiful house. Exactly what I'd expect to see in Carmel." Even in its original report Staff had flattering things to say about the design that it now finds objectionable. In that original report, dated June 28, 2001, Staff stated:

"The combination of eclectic design and natural materials surrounded by natural forest screening preserves much of the existing street ambience and is compatible with the general character of the neighborhood and the City's residential (R-1) district." Report p. 2 (emphasis added)

Neither the Commission nor its Staff is equipped to micromanage design features for single family homes in Carmel. Under Categorical Exclusion, §I.1.a, this is not something that the Commission routinely does. And Staff's report is devoid of evidence showing a need for redesign. Staff's argument for redesign is premised on the notion that the new house is larger. As shown above, this premise is demonstrably false.

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The Proposed Special Condition Is Beyond The Commission's Jurisdiction: For the past 25 years, the Commission has not concerned itself with the construction or alteration of single-family dwellings in Carmel, as defined in Carmel's Zoning Ordinance Sec. 1310.01, where the houses are within a specified design envelope. See Categorical Exclusion §I.1.a. Applicant's proposed new house fits well within that design envelope, and Staff does not suggest the contrary. Yet Staff is now ignoring the Categorical Exclusion by trying to interpose itself and the Commission—by way of the "Special Condition"—into the design details of a family's single family home in Carmel.

The Commission may have jurisdiction over demolition. But that issue must be decided on its own merits and is not properly used as a "hook" for asserting jurisdiction over things clearly left to the City of Carmel under the Categorical Exclusion. This is particularly true when the demolition is of a red-tagged home that cannot be entered where the demolition cannot prudently be delayed or denied.

All other bases for jurisdiction over the design of the proposed new home have fallen by the wayside: The lot line adjustment, if it ever was a basis for jurisdiction under Section I.1.e of the Categorical Exclusion (a proposition that Applicant disputes), is no longer before the Commission at this time (having been withdrawn due to confusion caused by Staff's merger theory). Staff virtually admits this point at the bottom of page 19 of its report.

The only other arguable basis for the Commission's initial assertion of jurisdiction was the existence of a "variance" exceeding 10% of Zoning Ordinance standard concerning the setback of Applicant's garage. (The relevant provision of the Categorical Exclusion is Section III.3.) However, this is not a basis for the Staff's effort to dictate the design details of Applicant's home for several reasons. The garage is not to be altered or moved as part of Applicant's project. The condition that exists (and that has existed since 1922) will not change or enlarge in any way. It is, in other words, not a part of Applicant's "Project," and cannot serve as a rational jurisdictional basis for reviewing the design of Applicant's new home. The "variance" also does not serve as a valid jurisdictional basis for the Commission imposing the Special Condition because Staff has recommended approval of "the non-conforming side yard setback for the garage" in its report. See Staff Report, p. 6. It would be illogical and unlawful for the Commission to purport to ignore the Categorical Exclusion based on a "variance" that 1) long preexisted the Project; 2) represents the status quo; 3) has nothing to do with the proposed new home or the Project; and 4) is perfectly acceptable to the Staff and the City of Carmel.

Conclusion: As a legal matter, the Commission has no valid basis for imposing the Special Condition. As a practical matter, imposition of the Special Condition will prevent a demolition which staff admits it cannot prudently be delayed or denied. Applicant will, if necessary, amend his existing pleadings to challenge imposition of the Special Condition if that is what the

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Commission chooses to do. Applicant hopes, however, that the Commission will reject the factually inaccurate staff work that spawned the Special Condition, and that it will reject that condition decisively and resoundingly.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN, LLP


Charles A. Hansen

CAH:gcc

EXHIBIT NO. W
APPLICATION NO. 3-01-085
Applicants Add'l materials
 California Coastal Commission

Gary & Susan Martin
805 Veterans Blvd., Suite 200
Redwood City, CA 94063
(650) 365-4345

November 9, 2001

EXHIBIT NO. <i>W</i>
APPLICATION NO. <i>3-01-085</i>
<i>Applicants Add'l</i> <i>Materials</i>
 California Coastal Commission

RECEIVED

NOV 19 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

«F1»

Re: Application No. 3-01-085
SE Corner of Camino Real and 13th Avenue, Carmel
Reply to Staff Reported dated October 31, 2001

Dear «F2»,

Demolition. We are pleased that staff now agrees with us that demolition of the existing home is necessary. We agree that to do otherwise would be "imprudent."

Condition. We cannot accept the condition. Demolition is a stand-alone issue. It should be granted on its own merits without condition. Approving the demolition of an uninhabitable and dangerous structure that we all agree now is unsafe on condition that we cannot build the home Carmel has approved is wrong. The staff report for Wednesday's hearing concludes that Peter Douglas should be given the authority to design our home based on the erroneous position that our proposed home is "much larger" than the existing one. This is entirely and completely untrue! See chart below.

	<u>existing</u>	<u>proposed</u>	<u>change</u>
Volume (cu. ft.)	42,031	31,252.8	-25.6%
Footprint including garage (sq. ft.)	2,635	1,981	-24.8%
Total square footage including garage (sq. ft.)	3,262	2,700	-17.2%


Either through lack of accurate analysis or intentional misrepresentation, the conclusions of the staff are completely unsupported by any evidence.

Proposed Design. The proposed design should be approved as submitted. Staff has already taken the position that it is compatible with Carmel's community character. When we met with Mike Watson on May 18, 2001, he reviewed our plans and said, "This is a beautiful house. Exactly what I'd expect to see in Carmel." In its original report dated June 28, 2001, your staff wrote of our design,

"The combination of eclectic design and natural materials surrounded by natural forest screening preserves much of the existing street ambiance and is compatible with the general character of the neighborhood and the City's residential (R-1) district," p. 2 (emphasis added)

We therefore respectfully request that you approve the demolition of our house and eliminate the special condition giving Mr. Douglas the unprecedented authority to dictate the design of our replacement home.

Sincerely,

EXHIBIT NO. <i>W</i>
APPLICATION NO. <i>3-01-085</i>
<i>Applicants Add'l</i> <i>Materials</i>
 California Coastal Commission

BOLTON
DESIGN GROUP, INC.
Mission Street, Between 4th and 5th Avenues
P.O. Box 5488, Carmel, California 93921

RECEIVED

NOV 19 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 13, 2001

To: Gary A. Martin
805 Veterans Blvd., Suite 200
Redwood City, California 94063

Re: Martin Family Residence Camino Real & 13th Avenue, Carmel, California

Dear Mr. Martin,

I have reviewed the Coastal Commission's Staff Report for tomorrow's hearing and it's comparison of the volume, footprint and square footage of the existing and proposed homes. The Staff Report erroneously concludes that the proposed home is larger than the existing. It is not. The Staff Report omits the square footage and volume of the second story in it's calculations. The table below contains the actual calculations confirmed using our Allplan CADD software by Nemetschek AG. From the three-dimensional models of both the existing and proposed homes:

	<u>Existing</u>	<u>Proposed</u>	<u>Change</u>
1. Total Building Volume: (Including Garage)	36,184 cu. ft.	31,253 sq. ft.	- 13.6 %
2. Building Footprint: (Including Garage)	2,635 sq. ft.	1,981 sq. ft.	- 24.8 %
3. Total Building Square Footage: (Including Garage)	3,262 sq. ft.	2,700 sq. ft.	- 17.2 %

As you can see by these figures, the proposed structure is substantially less in volume by a factor of 13.6 % Less than the existing structure.

The Building Footprint of the proposed structure is also less, 654 sq. ft. less or 24.8 % Less than the existing structure.

Finally, it should be noted that the Total Building Square Footage of the proposed structure (2,700 sq. ft.) is 17.2 % Less than the existing structure (3,262 sq. ft.).

In summary, the proposed home is smaller than the existing home and is consistent with the volume, footprint, square footage, and character of other homes in the neighborhood.

Best Regards,



Michael Bolton

Telephone: 831 622 5220 Facsimile: 831 622 5225

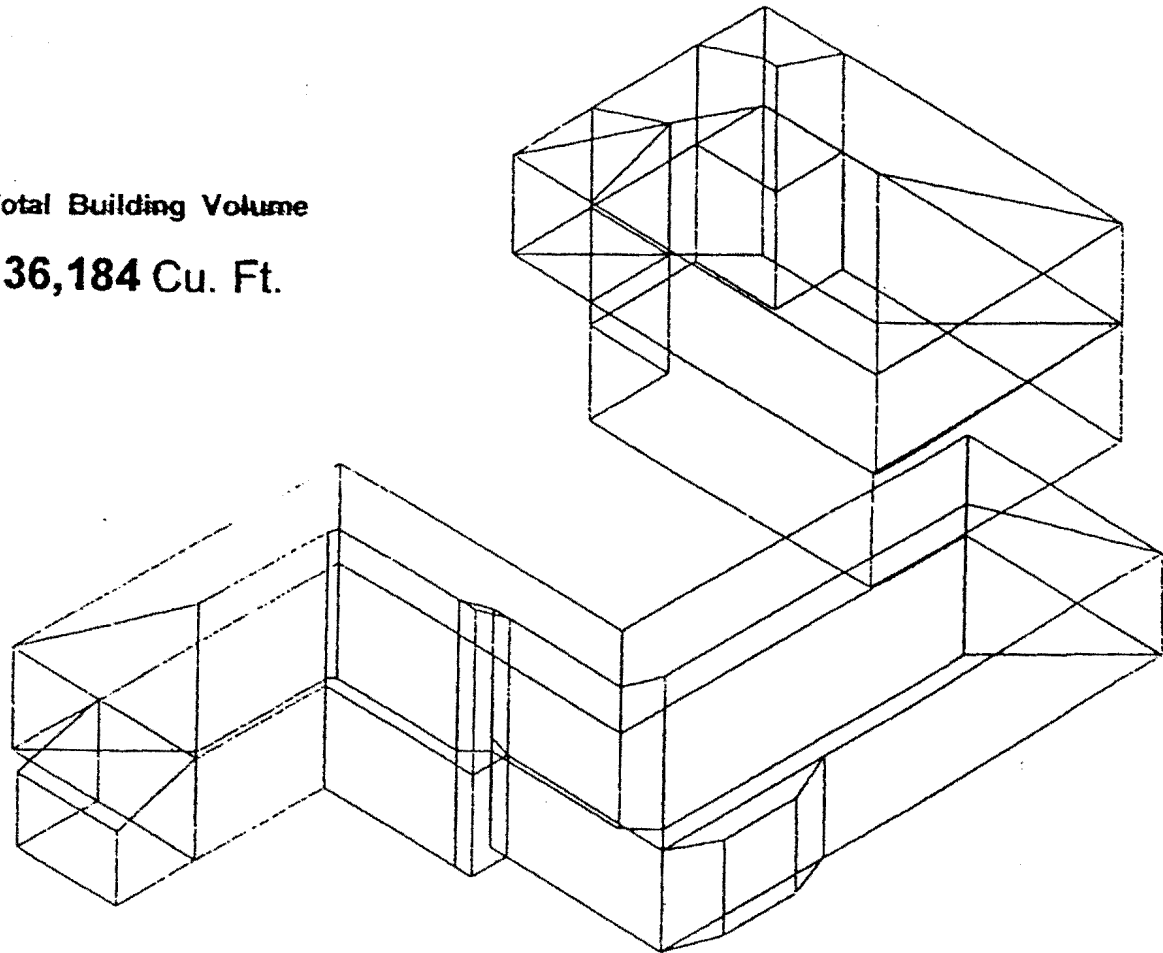
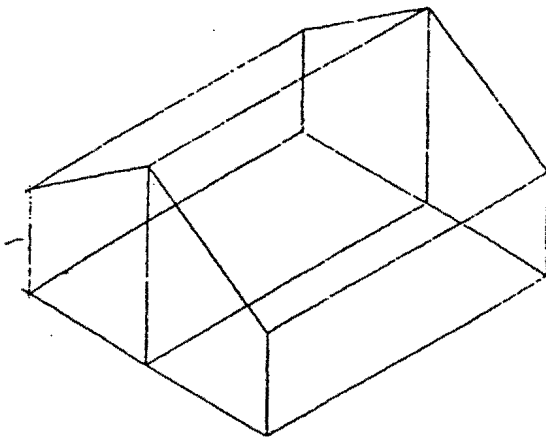
Web site: <http://www.boltondesigngroup.com>
E-mail: mbolton@boltondesigngroup.com

EXHIBIT NO. W
APPLICATION NO. 3-01-085
Applicants Add'l Materials
California Coastal Commission

Martin Family Residence, Southeast corner of Camino Real & 13th Avenue, Carmel, California


Total Building Volume

36,184 Cu. Ft.

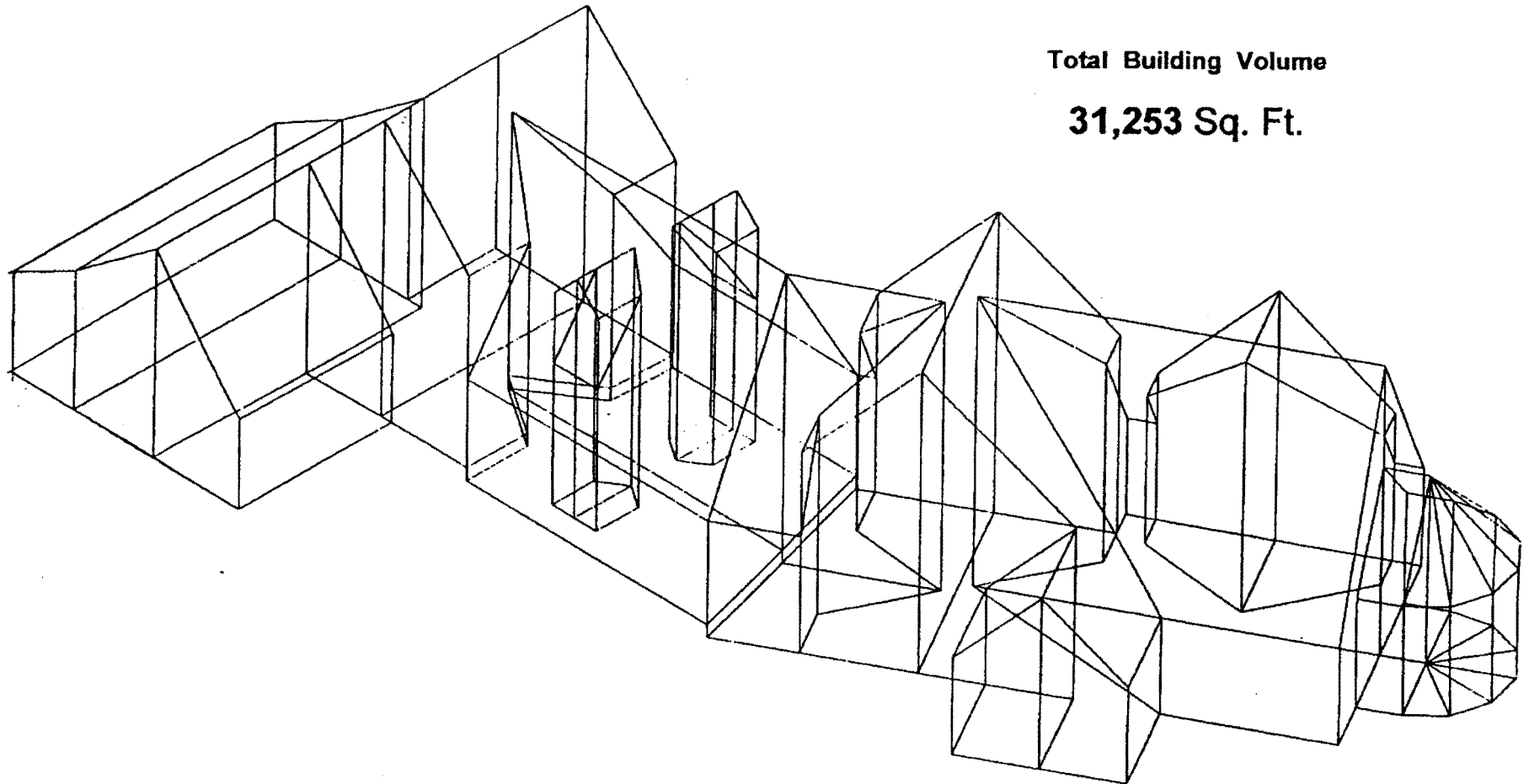


Three Dimensional Wire Frame Model Of
The Existing Structure Used To Calculate The Total Volume

BDG, INC., 00.06 Camino Real & 13th Avenue, Nemetschek AG, Allplan Version.16.2, 08 NOV 2001

EXHIBIT NO. <i>W</i>
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<i>Applicants Add'l</i>
<i>Materials</i>
 California Coastal Commission

Martin Family Residence, Southeast corner of Camino Real & 13th Avenue, Carmel, California




Total Building Volume

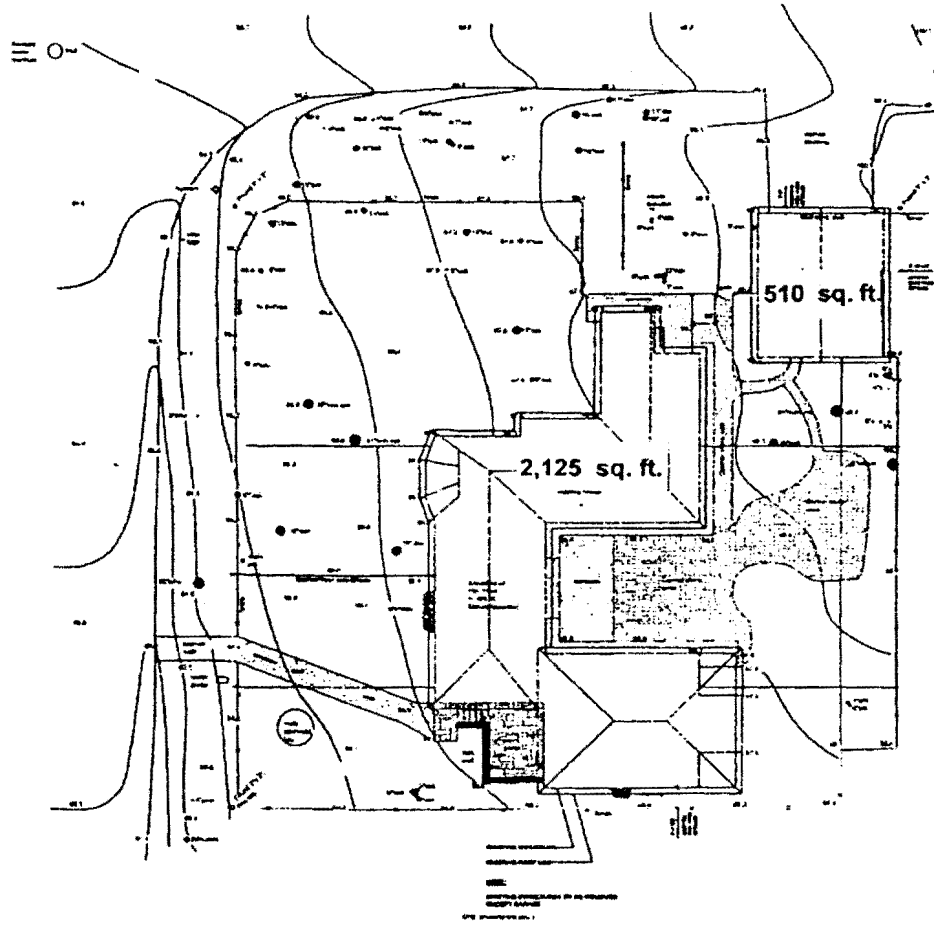
31,253 Sq. Ft.

**Three Dimensional Wire Frame Model Of
The Proposed Structure Used To Calculate The Total Volume**

BDG, INC., 00.06 Camino Real & 13th Avenue, Nemetschek AG, Allplan Version.16.2, 08 NOV 2001

EXHIBIT NO. <i>W</i>
APPLICATION NO. <i>3-01-085</i>
Applicants <i>Ad'l</i>
<i>Materials</i>
 California Coastal Commission

Martin Family Residence, Southeast corner of Camino Real & 13th Avenue, Carmel, California



Total Building Footprint

2,635 Sq. Ft.

BOLTON
DESIGN
GROUP
INC.

851 622 3220

Martin Family
Residence on
Camino Real

Southeast corner of
Camino Real
& 13th Avenue
Carmel-by-the-Sea
California
95021

EXISTING SITE /
ROOF PLAN

Scale: 1/2" = 10'
North Arrow
Plan

Sheet: PD-01

1 EXISTING SITE / ROOF PLAN
Scale: 1/2" = 10'

Site Plan Used To Calculate The Existing Structure's Total Building Footprint

BDG, INC., 00.06 Camino Real & 13th Avenue, Nemetschek AG, Allplan Version.16.2, 08 NOV 2001

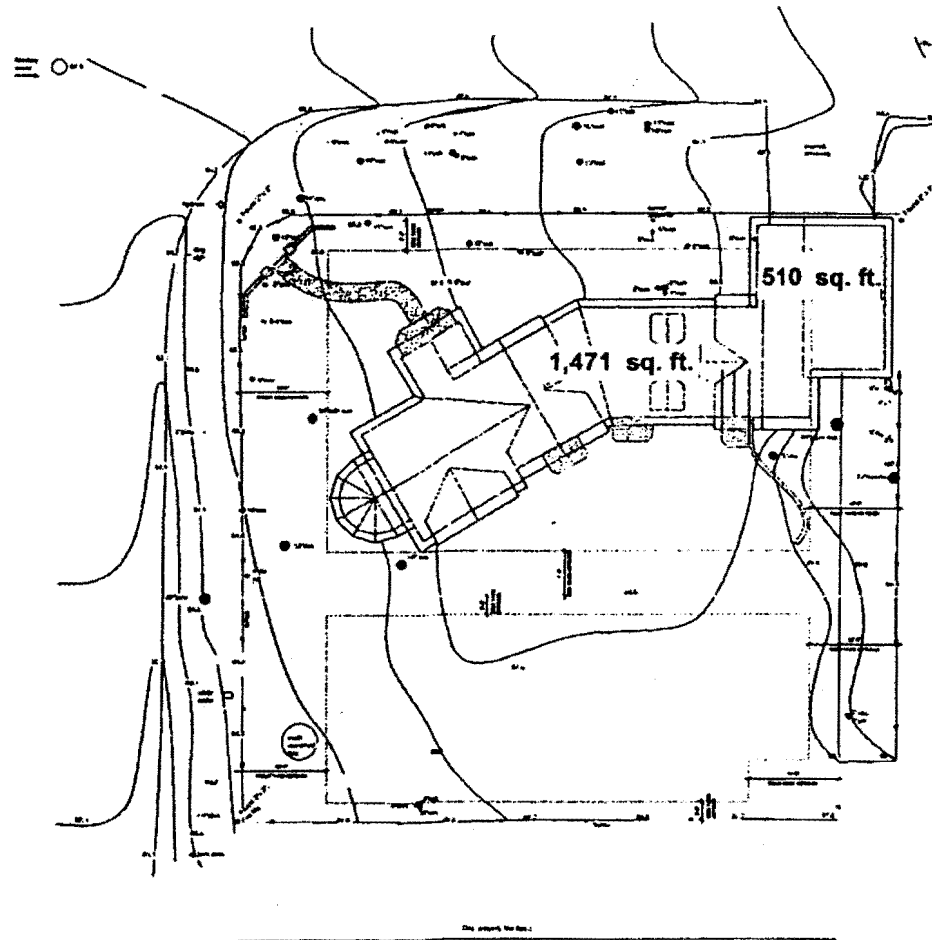
EXHIBIT NO. W

APPLICATION NO.
3-01-085

Applicants Add'l
Materials

California Coastal Commission

Martin Family Residence, Southeast corner of Camino Real & 13th Avenue, Carmel, California



Total Building Footprint

1,981 Sq. Ft.

BOLTON
DESIGN
GROUP
INC.

831 422 3238

Martin Family
Residence at
Camino Real

Southeast corner of
Camino Real
& 13th Avenue
Carmel-by-the-Sea
California
93921

DATE: 11.05.2001
DRAWING: 00.06.001

PROPOSED SITE /
ROOF PLAN

SCALE: 1/8" = 1'-0"
SHEET: 00.06.001
DATE: 11.05.2001

PROJECT: PD-03

This drawing is a site plan showing the proposed building footprint and setbacks. It is intended to be used in conjunction with the other drawings in this set. The user of this drawing is responsible for ensuring that all applicable laws and regulations are followed.

PROPOSED SITE / ROOF PLAN
SCALE: 1/8" = 1'-0"

Site Plan Used To Calculate The Proposed Structure's Total Building Footprint

BDG, INC., 00.06 Camino Real & 13th Avenue, Nemetschek AG, Allplan Version.16.2, 08 NOV 2001

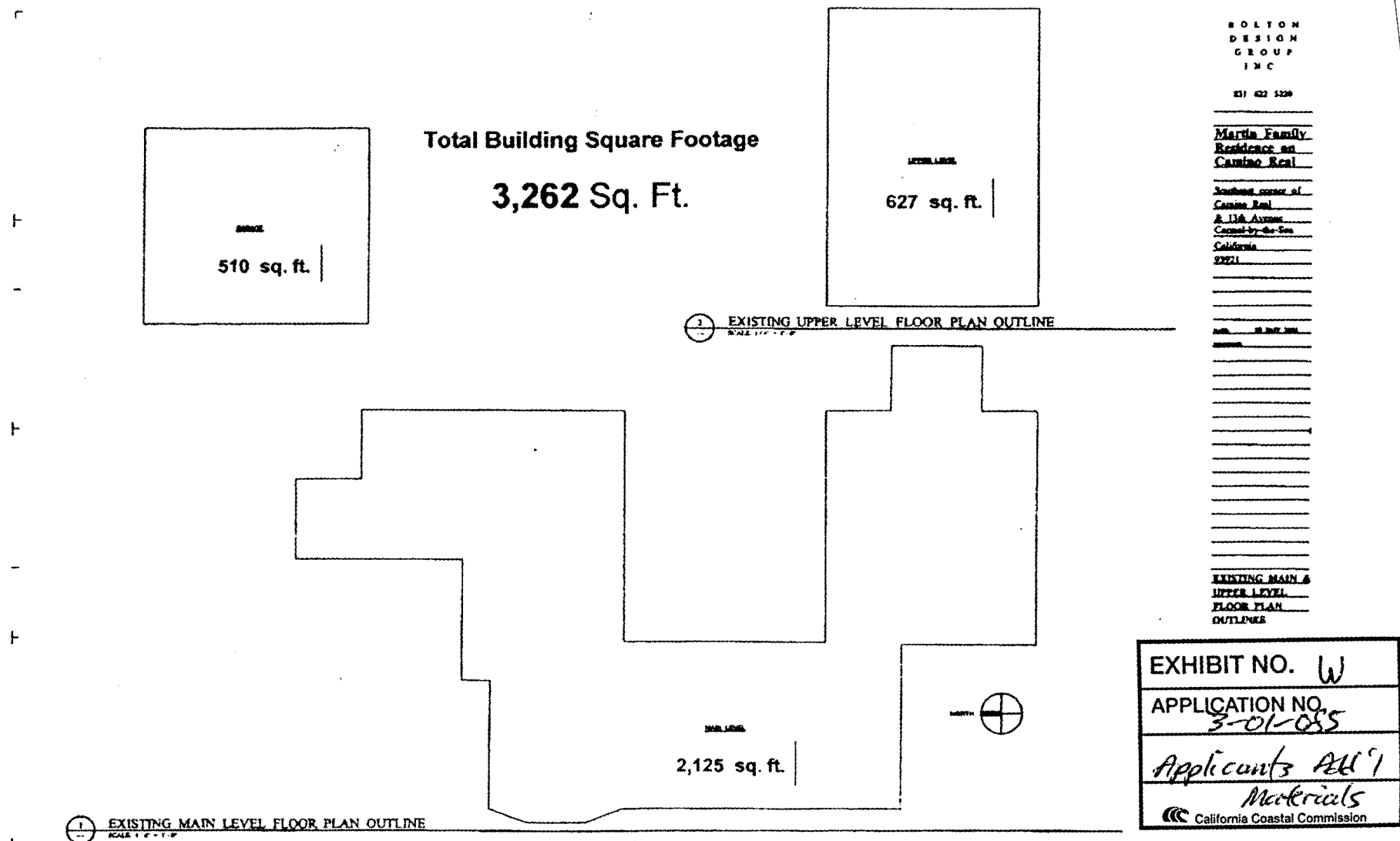
EXHIBIT NO. W

APPLICATION NO.
3-01-085

Applicants Add'l

Materials
California Coastal Commission

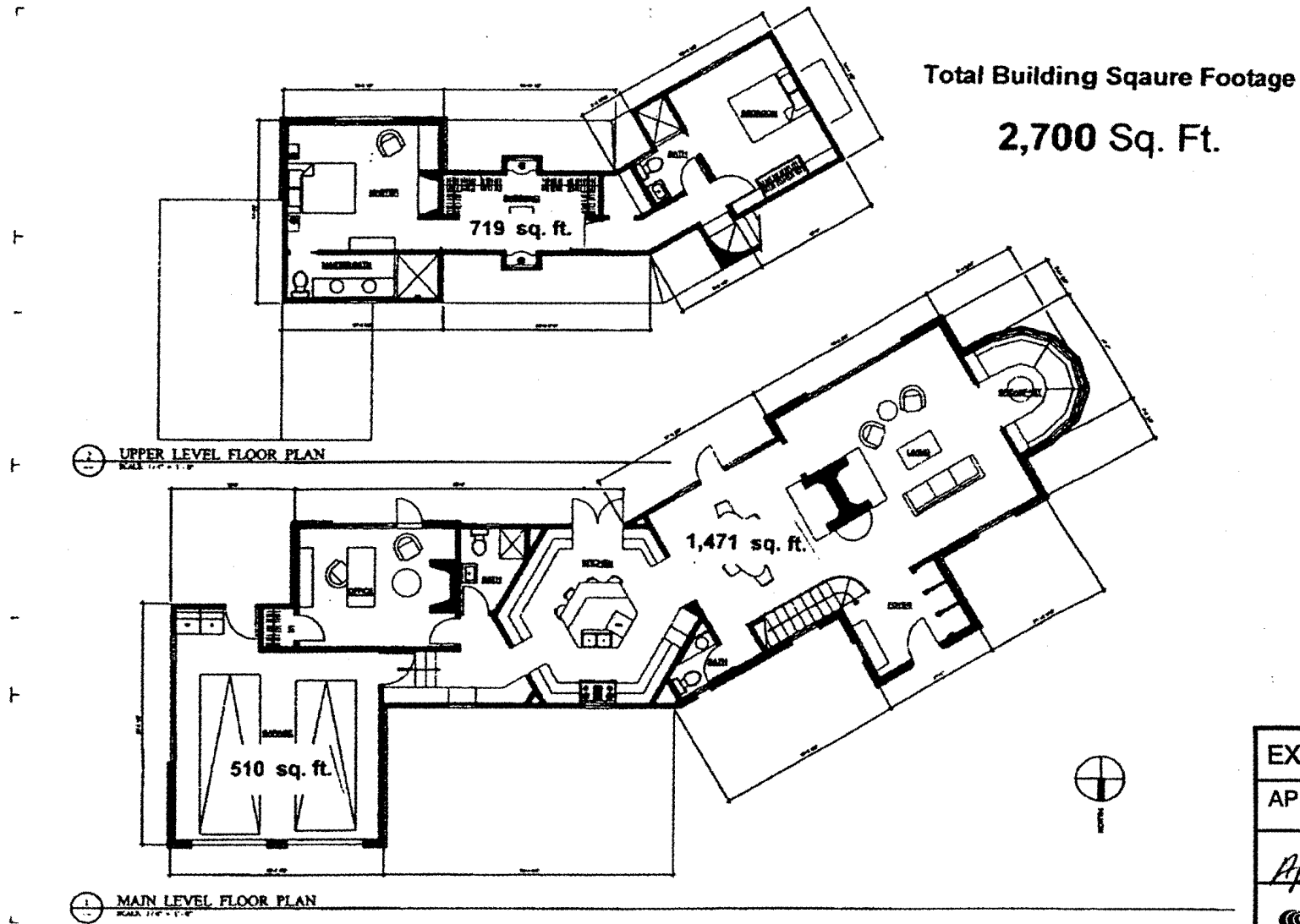
Martin Family Residence, Southeast corner of Camino Real & 13th Avenue, Carmel, California



Floor Plan / Outlines Used To Calculate The Existing Structure's Total Square Footage

BDG, INC., 00.06 Camino Real & 13th Avenue, Nemetschek AG, Allplan Version.16.2, 08 NOV 2001

Martin Family Residence, Southeast corner of Camino Real & 13th Avenue, Carmel, California



BOLTON
DESIGN
GROUP
INC.

831 422 5200

**Martin Family
Residence on
Camino Real**

Southeast corner of
Camino Real
& 13th Avenue
Carmel-by-the-Sea
California
93921

DATE: 10/01/00
DRAWN: 10/01/00

**MAIN &
UPPER LEVEL
FLOOR PLANS**

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

EXHIBIT NO. W

APPLICATION NO.
3-01-085

**Applicants All
Materials**

California Coastal Commission

Floor Plan / Outlines Used To Calculate The Proposed Structure's Total Square Footage

RDG. INC., 00.06 Camino Real & 13th Avenue, Nemetschek AG, Allplan Version.16.2, 08 NOV 2001