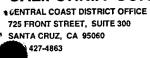
CALIFORNIA COASTAL COMMISSION







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# **COASTAL DEVELOPMENT PERMIT: REGULAR CALENDAR**

Application Number ...... 3-00-090 (Mandurrago & Adams: San Carlos Inn)

Applicant .....Brian Adams, (John C. Mandurrago, Agent)

Project location ......East side of San Carlos and West side of Mission between 7<sup>th</sup> and 8<sup>th</sup> Avenues, Carmel (APN 010-142-003 and 010-142-011). See Exhibit A.

Project description ....... Demolition of one 1,200 square foot single family residence, one 300 square foot studio, one 800 square foot apartment, and one 1,000 square foot commercial space. Construction of a new 7,429 square foot residential care facility and a 5,000 square foot basement, garage, storage, and kitchen area. The applicant also proposes a roof garden, public mini-park, a private/public courtyard, and a gated inter-block walkway.

Approvals Received .......<u>City of Carmel-by-the-Sea</u>: Commercial Design Review, Use Permit, and Variance (DR 98-41 / UP 98-04 / VA 00-03) for Demolition and Construction of San Carlos Inn Addition.

File documents......Coastal Development Permit files 3-00-090 (San Carlos Inn); City of Carmel-By-The-Sea uncertified Land Use Plan and Zoning Ordinance; Draft EIR (8/25/1999); Response to Comments on Draft EIR (10/20/1999); Superior Court Ruling, County of Monterey, Case No. M 49762 (3/5/2001).

Staff recommendation ... Approval with Conditions



California Coastal Commission June 13, 2001 Meeting in Los Angeles Staff: M. Watson Approved by:

### I. Summary

The proposed project includes the demolition of four existing structures: a 1,200 square foot single family residence; a 1,000 square foot commercial space; a 300 square foot studio; and a 800 square foot apartment all within the City's Residential/Limited Commercial District of the City of Carmel-by-the-Sea. In its place, the applicant proposes to construct a new, 13-unit residential care facility approximately 7,429 square feet, located on the East side of San Carlos and West side of Mission between 7<sup>th</sup> and 8<sup>th</sup> Avenues. The proposed project also includes a 5,500 square foot parking garage with seven (7) spaces, storage, and kitchen area that will be accessed from Mission Street. A roof garden, public mini-park, public/private courtyard, and gated inter-block walkway are also part of the proposal.

As noted, the applicant proposes to demolish several buildings on both San Carlos and Mission Streets. One structure in particular has been the subject of debate as to its contribution to the history of Carmel. The Hitchcock house, as it is affectionately named, was built in 1907. The structure is named for Joseph John Hitchcock Jr., a surrey driver, historian, and descendent of early settlers to Carmel. He contributed to the early development of Carmel as an employee of the Carmel Development Company, a real estate development firm. The Carmel Preservation Foundation completed its evaluation of the house in 1993 and claimed the structure was historical due to its ties to Joseph Hitchcock and his role in the development of early Carmel. The City disagreed with the CPF findings and required that an independent consultant perform a historic evaluation using criteria identified by the State Office of Historic Preservation. The evaluation completed by Jones & Stokes Associates (November 1998), found that the structure is not of local importance. Due to uncertainty regarding the houses historical significance, a final environmental impact report (EIR) was commissioned in October of 1999. The EIR found that demolition of the Hitchcock house would result in significant unavoidable impacts to the City's cultural resources. The Planning Commission voted to certify the EIR as procedurally complete but found that the Hitchcock House did not constitute a historic resource. It did so because Joe Hitchcock Jr.'s association with the Carmel Development Company (CDCo) and contribution to the development of the City of Carmel did not occur during the time he resided in the house on Mission Street. As such, the house on Mission Street did not convey any historical significance.

The architectural style, scale and mass of the proposed San Carlos Inn residential care facility is compatible with that of the general character of the City's Residential/Limited Commercial District along San Carlos and Mission Streets. The project as proposed does not negatively impact any visual resources, public access or recreational opportunities in the coastal zone, but in fact, expands public access and recreation opportunities in the City's commercial core. Although the project is not located in a known archeologically sensitive resources area, it does involve excavation of subsurface materials for construction of the parking garage. In addition, the project relies upon the transfer of water use credits from pre-existing uses on-site and a pre-commitment of water from the City of Carmel. The project will not result in an additional allocation since adequate water has been "banked" by the City.

The project does not impact visual resources, community character, or coastal access, nor will it

prejudice the completion of an LCP consistent with the Coastal Act. As conditioned to provide for relocation or salvage and to protect limited water supplies and potential sensitive archeological or paleontological resources that may be found on the parcel, the project is consistent with the policies of Chapter 3 of the Coastal Act.

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#### **Exhibits**

- A. Project Location Map
- B. Assessor's Parcel Map
- C. City Staff Report
- D. Neighborhood Photo's
- E. Site Plans

# **II. Staff Recommendation on Coastal Development Permit**

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the motion below. A yes vote results in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: I move that the Commission approve Coastal Development Permit Number 3-00-031 subject to the conditions below and that the Commission adopt the following resolution:

Staff recommends a YES vote.

Approval with Conditions. The Commission hereby grants a permit for the proposed development on the grounds that the development as conditioned is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976 (Coastal Act), will not prejudice the ability of the City of Pacific Grove to prepare a local coastal program conforming to Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).

# III. 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. Relocation or Salvage. PRIOR TO COMMENCEMENT OF REMOVAL OR DEMOLITION OF THE EXISTING HITCHCOCK HOUSE STRUCTURE, permittee shall submit, for review and approval by the Executive Director, the following measures to implement relocation or salvage:
- (a) Documentation that arrangements have been made to move the existing Hitchcock House to another location within the City; or,
- (b) If relocation is not feasible, then documentation of the structure shall be completed in accordance with the Secretary of Interior's (HABS) standards; and, a materials salvage plan shall be prepared. Such plan shall provide for identification, recovery and reuse of all significant architectural elements of the existing building that can be feasibly incorporated in new construction on or off site. To the extent salvageable materials exceed on-site needs, they may be sold, exchanged or donated for use elsewhere (with preference for recipients proposing reuse within Carmel). The plan shall specify that salvageable materials not used on site, sold or exchanged shall be offered without charge, provided recipient may be required to bear the cost of removal. Unsound, decayed, or toxic materials (e.g., asbestos shingles) need not be included in the salvage plan. The plan shall include a written commitment by permittee to implement the plan.

Relocation shall not be deemed infeasible unless: 1) a Licensed Historical Architect, Licensed Historical Contractor, or equivalent qualified expert has determined that relocation of the structure would not be feasible, or if feasible, would not result in worthwhile preservation of building's architectural character; or, 2) it has been noticed by appropriate means as available for relocation, at no cost to recipient, and no one has come forward with a bona fide proposal to move the existing structure within a reasonable time frame (i.e., within 60 days from date of first publication and posting of availability notice). Such notice of availability shall be in the form of a public notice or advertisement in at least two local newspapers of general circulation (at least once a week for four weeks), as well as by posting on the site and by other means as appropriate.

Submitted salvage plans shall be accompanied by a summary of all measures taken to encourage relocation, copies of posted notice, text of published notices/advertisements, and evidence of publication, along with a summary of results from this publicity, a list of relocation offers (if any) that were made and an explanation of why they were not or could not be accepted.

2. Creation of Interpretive Kiosk. PRIOR TO COMMENCEMENT OF REMOVAL OR DEMOLITION OF THE EXISTING STRUCTURE, permittee shall submit, for review and

approval by the Executive Director, plans to create an interpretive kiosk memorializing the life of the Joseph Hitchcock Jr. and exhibiting the unique architecture of the Hitchcock House. The applicant shall professionally photo-document the Hitchcock House prior to any demolition or construction. Additionally, a memorial indicating the history of the site, with an educational display on the life and contributions of Joseph Hitchcock Jr. and his family to the development of the City of Carmel, shall, prior to occupancy, be permanently mounted in an interpretive kiosk within the public courtyard of the San Carlos Inn.

Any revision or amendment of these adopted conditions and mitigation measures or of the project plans as approved pursuant to the City's review procedures shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit.

- 3. Future Development Deed Restriction. This permit is only for the development described in coastal development permit No. 3-00-090. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including but not limited to a change in the density or intensity of land use, shall require an amendment to Permit No. 3-00-090 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission and from the applicable certified local government.
- 4. MPWMD Permit Compliance. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, permittee shall present evidence to the Executive Director from the Monterey Public Water Management District that states water is available, through water credits and pre-commitments, to adequately serve the proposed residential care facility.
- 5. Public Access Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, permittee shall submit, for the Executive Director's review and approval, a deed restriction which provides for public access of the entire courtyard, intrablock walkway, and public mini-park as described in the approved Site Plan and shown on Exhibit E-2. The document shall run with the land, binding all successors and assigns and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The recorded document shall include legal descriptions of both the entire project site and the area of dedication. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- 6. Archaeological Mitigation. Should archaeological resources be discovered at the project site during any phase of construction, the permittee shall stop work within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, an appropriate mitigation plan shall be prepared and implemented by a qualified professional archaeologist, following the recommendations included in the *Preliminary Archaeological Reconnaissance* of the site prepared by Archaeological Consulting, dated December 21, 1999. The mitigation plan shall be submitted for review and approval by the

Executive Director of the Commission prior to implementation. A report verifying compliance with this condition shall be submitted to the Executive Director for review and approval, upon completion of the approved mitigation.

# **IV. Recommended Findings and Declarations**

The Commission finds and declares as follows:

### A. Project Description and Background

The proposed project includes the demolition of four existing structures: a 1,200 square foot single family residence; a 1,000 square foot commercial space; a 300 square foot studio; and a 800 square foot apartment all within the City's Residential/Limited Commercial District of the City of Carmel-by-the-Sea. In its place, the applicant proposes to construct a new, 13-unit residential care facility approximately 7,429 square feet, located on the East side of San Carlos and West side of Mission between 7<sup>th</sup> and 8<sup>th</sup> Avenues. The proposed project also includes a 5,500 square foot garage, storage, and kitchen area that will be accessed from Mission Street. A roof garden, public mini-park, public/private courtyard, and gated inter-block walkway are also part of the proposal. The structures to be demolished are located on two back-to-back 4,000 square foot parcels (APN 010-142-03 and 010-142-011) in the Residential/Limited Commercial District (Exhibit B).

The proposed San Carlos Street level (upper floor) would consist of 3,783 square feet and contain seven (7) units ranging in size between 320 and 380 square feet. Each unit contains its own bathroom, walk-in closet, and balcony. The San Carlos Street level also contains a lobby, communal dining area with fireplace, kitchen, elevator access, and covered public mini-park.

The proposed Mission Street level (ground floor) would consist of 3,572 square feet and contain six (6) residential units ranging in size between 280 and 320 square feet. The Mission street level also contains sitting area, exercise/steam bath/massage area, library, staff office, living area, elevator access, and access to observation deck. Each unit contains individual bathrooms, walk-in closets, and private patio areas; planter boxes and benches delineate the private areas. The proposed facility appears to be Spanish Revival in design with shallow, cement plaster exterior siding, a Mission clay barrel tile roof, multi-lite non-clad wood windows, exposed rafter tails and wrought iron railings. The proposed elevator shaft would extend to approximately 30 feet which is four (4) feet higher than permitted by city Municipal Code, the remainder of the building would be 26 feet in height. Accordingly the applicant has applied for and received from the City a height variance for the elevator shaft.

There currently exists on-site a 1,000 square foot commercial space, 1,200 square foot uninhabited single family residence, an 800 square foot apartment, and a 300 square foot studio slated for demolition. The City's ordinances require no net loss of residential or affordable housing units; the project actually increases the number of affordable residential units available within the

Residential/Limited Commercial land use of the site. The project also requires a transfer of water credits from the existing buildings on-site to meet the Monterey Public Water Management District water allocation for residential care facilities.

A draft Initial Study was published and circulated for public review in 1998. Along with a historical analysis, the Study found that the structure was not eligible for listing in the California Register of Historic Resources or for designation as a significant resource by the City of Carmel. The Carmel Preservation Foundation (CPF) refuted the Initial Study's findings and historical evaluation report. At its January 19, 1999 meeting, the Historic Preservation Committee of the City of Carmel acknowledged the questions and uncertainty regarding the historical aspects of the structure and thus requested that an Environmental Impact Report (EIR) be prepared. The EIR found that "the proposed project includes the demolition of the Hitchcock House, a historically significant resource in the City of Carmel. Demolition would result in a significant and unavoidable effect on the environment, since it would destroy a significant historical resource, and there are no mitigation measures available that would reduce the impact to less than significant." The City of Carmel voted to certify the EIR as procedurally complete (October 1999) but found that the structure currently existing on the site did not constitute a historic resource. On February 9, 2000, the Planning Commission approved the Design Review (DR 98-41), Use Permit (UP 98-04), and Variance (VA 00-03) for the San Carlos Inn project (Exhibit C). The matter was taken up in Superior Court (Case No. M 49762, March 5, 2001) which found that the administrative record contained substantial evidence to support the City's claim that the Hitchcock House was not a locally significant historic resource.

#### **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 (1) it involves demolition, and (2) it requires variances greater than 10% of the applicable standards under the City's Zoning Ordinance. As mentioned above, the applicant has received a 4-foot height variance for the elevator shaft, which is approximately 15% greater than the City's applicable standard.

#### **C. Issues Discussion**

### **1. Community Character and Visual Resources**

The Coastal Act requires that the special character of communities such as Carmel be protected. Sections 30251 and 30253(5) of the Act state:

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....

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.

The City of 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. The City of Carmel 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 as much for the character of its storied architecture, as for its renowned shopping area and white sand beach. In part, Carmel is made special by the character of development within City limits as various architectural styles present reflect the historical influences that have existed over time.

The proposed project is located on two (2) adjacent parcels fronting San Carlos and Mission Streets between 7<sup>th</sup> and 8<sup>th</sup> Avenues. On the property adjoining Mission Street is the Hitchcock House, a two-story single family residence built in 1907. The Hitchcock House has maintained exceptional integrity in its 95+ years with changes mostly confined to the interior and located in its original site. It has almost always served as a residence except for a few years as an insurance office. The surrounding neighborhood though zoned Residential/Limited Commercial is mainly commercial in nature and no longer exhibits the character of low-density single family residences. As such, the existing house does not particularly contribute to the community character at this location (Exhibit D).

### **Demolition of the Hitchcock House**

One of the structures to be demolished is known as the Hitchcock House. It was previously owned by Joseph Hitchcock Jr. (1881-1937), a historian, surrey driver, and descendent of early Carmel settlers.

The original two-story structure was built in 1907 by Mr. Hitchcock possibly with the help of M.J.

Murphy, a noted architect and craftsman. The Carmel Preservation Foundation (CPF) placed the Hitchcock House on its list of significant resources based on a finding that the structure was clearly related to local events, associated with important persons, and contributed to the unique architecture of Carmel. In light of this information, the City's Historic Preservation Committee requested that an EIR be drafted. The EIR, undertaken by Denise Duffy & Associates, reported there was significant unavoidable impacts to cultural resources associated with the proposed project (including demolition of Hitchcock House) for which there were no feasible mitigation measures available that would reduce the impact to less than significant.

The proposed project includes demolition of the Hitchcock House, a historically significant resource in the City of Carmel-by-the-Sea. This action would result in a significant and unavoidable effect on the environment since it would destroy a significant historical resource. This is a significant impact, which cannot be reduced to a less-than-significant level.

Upon full disclosure of the EIR's findings and after addressing public comment, the City of Carmel-by-the-Sea adopted the EIR as procedurally correct but found that the structure currently existing on the site did not constitute a historic resource. The finding was based on the results of an independent evaluation report of the Hitchcock House performed by Susan Lassell of Jones & Stokes Associates.

In the course of investigating the historicity of the structure, Ms. Lassell 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 Jones & Stokes report reasoned that the structure did not convey any cultural heritage because the Hitchcock family members did not live in the house while they were actively participating in forging Carmel's cultural heritage. Furthermore, there was not directly associated with any person(s) who significantly contributed to the development of the community. The City's consultants also found that the Craftsman style of architecture was not indicative of an architecturally exemplary or significant residence of Carmel.

The November 1998 Jones & Stokes Evaluation Report, described the existing building as follows:

At the street level the house appears to be one story, though because of the slope of the lot the rear of the building is two stories. The house has a medium pitch, cross-gable roof that is covered with asphalt shingle and exposed rafters in the eaves. The gable end of the roof projects past the entry façade of the house, creating a full-width entry porch that is raised three steps above street level. The porch has an enclosed porch railing with four wooden piers that support the boxed gable. The entire top level f the house, including the enclosed porch railing, is covered with a narrow wooden shiplap. Each of the gable ends have wooden shingle siding. Fenestration's throughout the house is wood frame and appears to be original. On the front (east) façade there are two tri-partite windows with fixed sashes and simple but decorative muntins and a wooden Dutch door with a three panel bottom half and a six light upper half. Fenestration's on the remaining facades consist of 1/1 light double hung sash windows, sliders with simple decorative muntins, single light pivot windows, and various wooden doors at the lower level of the house. There is a brick chimney on the exterior of the north façade and a chimney projecting from the west slope of the roof.

The Jones & Stokes report, perhaps more importantly, contended that the siting and overall character of the house as a Craftsman style residential property had been compromised by relatively more recent construction on Mission Street.

The house is flanked by a two-story 1950'a era motel with a similarly small setback to the north and a small, two-story 1980's era professional office building with a large setback that is paved for parking to the south. Further south on the west side of Mission Street is a two-story, U-shaped office complex and a one-story commercial building. On the east side of Mission Street are several buildings built on the rise of a slope, sitting approximately 4 to 10 feet above the street level. These buildings include a motel, a multiunit residential building, a house with a street level garage, and another house that has been remodeled into a ballet school. The general character of the street is a continuation of the commercial and professional district that surrounds Ocean Avenue. Neither the Hitchcock House alone nor the physical context of the block convey the distinct character of Carmel's historic residential neighborhoods.

In addition, the Jones & Stokes Evaluation report on the Hitchcock family stated that:

Joe Hitchcock Jr. contributed to the early development of Carmel as an employee of the Carmel Development Company from 1903 to approximately 1915. The argument that his role as a surrey driver contributed significantly to the success of the Carmel Development Co. is not supportable. Even if his association with the Carmel Development Co. is significant, the house on Mission Street does not convey that significance. Joe Jr. moved out of his parents' house when he married in 1909, so he could have lived there only for a short time while working for the Carmel Development Co. Additionally, the residence of a person is not typically considered significant if the person is notable for activities that took place away from the home. Resources that would convey Joe Jr.'s significance would have to be related to the transportation theme, such as early trails and roads, blacksmith shops, livery stables, or stage stops, as indicated in the Historic Context Statement.

The Carmel Preservation Foundation rebutted the findings in the 1998 Jones & Stokes report, but was unable to persuade the City into adopting the structure as a historical resource. Based on the conclusions of the Jones & Stokes report, the City instead adopted the EIR and dismissed the historically significant finding of the report. Adoption of the EIR was challenged in the County of Monterey, Superior Court (Case No. M 49762). The petitioners (Carmel Preservation Foundation) contended that the City arrived at its decision without the benefit of an adequate environmental impact report (EIR). The courts disagreed with the allegation and found that the City did in fact

have enough evidence to support the finding that the Hitchcock House is not historic.

Petitioners argue that there cannot be a finding of substantial evidence because the EIR, although ultimately favorable, was inadequate in that it did not provide meaningful information in two key areas. It is contended that the EIR failed to consider what impact demolition would have on the City's dwindling stock of historic resources; and secondly, it failed to consider feasible alternatives recommended by the EIR.

The primary question to be answered is whether or not the evidence supports the finding that the Hitchcock House is not historic. The court has scrutinized the record and finds that it contains sufficient substantial evidence to support the City's determination in that regard. It is axiomatic that demolition of a structure that is not historic cannot contribute to a dwindling stock of historic resources. This finding of lack of historicity likewise undercuts the argument for the need to adopt feasible alternatives.

The City, as well as, the Courts found that the structure is not worthy of protection because in their view the association between significant events or influential persons and the structure were not clearly made. The Commission, however, is mandated to protect community character in coastal cities, whether that character is historic or otherwise. The Hitchcock House does exhibit some examples of the classic Craftsman architecture of its period, the loss of which adds cumulatively to the loss of community character in Carmel. However, staff does not believe the contribution of this particular residential structure within its primarily commercial neighborhood rises to the level to deny its demolition. Instead, staff recommends applying a special condition to mitigate for the loss of "community character" from the demolition. First, the applicant is required to photo-document the Hitchcock House prior to any demolition or construction. Additionally, the new San Carlos Inn is to include a memorial indicating the local significance of the site, with an educational display on the life and contributions of the Hitchcock family to be permanently mounted in a kiosk within the public courtyard at the San Carlos Inn Residential Care Facility. And finally, the applicant is required to propare a salvage plan for the existing structure and advertise the structure for possible relocation within the city limits.

#### **Proposed San Carlos Inn Residential Care Facility**

As described by the City's February 9, 2000 staff report, the proposed San Carlos Inn Residential Care Facility has been designed to be architecturally compatible with the existing structures located within the Residential/Limited Commercial district. The facility proposal exhibits a Spanish Revival architectural style, including stucco exterior surfaces, a Mission clay barrel tile roof, multi-lite non-clad wood windows, exposed rafter tails and wrought iron railings (Exhibit E). The proposed elevator shaft would extend to approximately 30 feet, which is four feet higher than permitted by the City's municipal zoning code. The remainder of the structure would be 26 feet in height. Applicant has applied for and been granted a height variance for the elevator shaft. An 8.8 percent floor area design bonus was also granted by the Planning Commission for the facility's inclusion of public courtyard, mini-park, and intra-block walkway.

The San Carlos Inn design was subject to the City's general commercial design guidelines which encourages modifications to respect and be compatible with the architectural character, scale, and design of the overall district. Design guidelines also call for providing walking malls within the interior of blocks and the use of open space and landscaping to maintain the village-like character of its commercial district. As described by the City's staff report, the proposed residential care facility appears consistent with the scale and architecture of the existing neighborhood and does not appear to conflict with the design guidelines for improvements to commercial sites. In fact, the City found that the proposal is a complementary addition to the surrounding neighborhood and protects the unique qualities of the overall district.

The proposed San Carlos Inn provides a large publicly accessible courtyard in the middle of the site that is adjacent to the communal living area and separated from the private rooms and patio. It also includes a public mini-park accessed from San Carlos Street. Located above the exercise room is a planned gated intra-block walkway that is separate from the private rooms / private patios that will be closed at night. Because of these exceptional design elements, the City found that the San Carlos Inn is consistent with the ambient character of the Residential/Limited Commercial District.

#### **Relocation or Salvage**

Although not deemed historic, the structure (Hitchcock House) proposed for demolition, through both architectural style and other cultural attributes does evoke a sense of Carmel's past, and incrementally contributes to the City's character. The loss of the existing structure could be mitigated through relocation elsewhere within Carmel. However, suitable sites for relocation are relatively scarce within Carmel. While the supply of relocation-worthy structures is likely to substantially outpace the availability of receiver sites within City limits, such relocations from time to time are in fact accomplished in Carmel. A recent example is the Door House, which at its new location will serve as a guest unit. Even though its original specific location context is changed, a certain level of mitigation is achieved because the relocated structure is retained within its overall community context.

The likelihood of a successful relocation can be improved by publicizing the availability of the structure that is proposed for demolition. And, in those instances where relocation is not feasible or no qualified recipients come forward, at least parts of the structure can nonetheless be salvaged and eventually incorporated in other structures in Carmel<sup>1</sup>.

At present, there is no formal relocation or salvage program in Carmel. Informal and commercial

<sup>&</sup>lt;sup>1</sup> What if the permit is conditioned to require that the building be offered for relocation or salvage, but there are no takers for reuse within Carmel? The usual demolition expedient is destruction and removal to the nearest landfill. The Coastal Act contains no specific direction regarding structural relocation or salvage of existing buildings. Nonetheless, relocation and salvage would support other Statewide public policy efforts to provide affordable housing, conserve valuable materials, avoid placing unnecessary materials into the wastestream and minimize energy consumption. Therefore, while the purpose of such a condition would clearly be to protect Carmel's character, the public offering and thoughtful disposition of the structure would also serve the broader public interest-- whether or not relocation is achieved within Carmel in any given instance.

channels are already available in the region (e.g., Carmel has at least one shop [Off the Wall] that specializes in salvaged architectural details, and Capitola has the Recycled Lumber Company). There is discussion of a regional program for the Monterey Peninsula area, which would facilitate not only the reuse of structures in Carmel but also support existing programs such as that already in place in the neighbor city of Pacific Grove.

#### Conclusion

The proposed development is visually compatible with the character of the surrounding area in the City of Carmel-by-the-Sea. The proposed structure will not adversely impact any public views or visual resources. The special conditions of this permit, which require photo-documentation of the Hitchcock House and a memorial tribute of the Hitchcock family in a kiosk within the public courtyard of the new San Carlos Inn, serve to preserve the cultural influences associated with the site. Additionally, to the extent that salvaged materials will find their way back into new construction in Carmel, the requirement to prepare a relocation/salvage plan will provide a limited form of mitigation for impacts on Carmel's community character. Considering existing and future avenues for relocating or recycling older buildings, such measures appear appropriate and feasible. Accordingly, as conditioned for the historic documentation and tribute of the site's association with the Hitchcock family, and to prepare a relocation/salvage plan for the existing structure, the project is found to be consistent with Sections 30251 and 30253(5) of the Coastal Act.

#### 2. New Development

The Coastal Act requires that new development be located where it will not have significant adverse effects on coastal resources. Section 30250(a) of the Act states:

Section 30250(a). (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The Coastal act also considers development for commercial visitor serving facilities a priority use. Section 30254 of the Act states that:

Section 30254....Where existing ... public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

#### Land Use

The site is located within one-half a block of the City's Central Commercial District,

approximately one and one-half blocks south of Ocean Avenue. The proposed development would be located in a previously developed area adjacent to existing commercial development. The site is currently developed with a 1,200 square foot single family residence; a 1,000 square foot commercial space; a 300 square foot studio; and a 800 square foot apartment. As proposed, the new structure will replace these uses with a 7,429 square foot residential care facility. The proposed uses are consistent with the uses allowed in the Residential/Limited Commercial District, based on the City's zoning ordinance.

While the Hitchcock House served primarily as a residence in the past, it had been used most recently for commercial space and rental housing. The City's Municipal Code allows demolition of structures that serve as affordable housing for low or moderate income residents only if replaced with new affordable housing elsewhere in the community. As proposed, the project will demolish three (3) residential housing units and create a 13-unit affordable residential care facility. The result is a net increase of affordable housing.

Should the project be converted in the future to another use, the new building *could* allow for a variety of alternatives. These might include up to eight (8) independent residential units, mixed use office / residential or commercial / residential. In addition the structure could be converted to provide affordable housing opportunities to low-income residents or seniors. The City has conditioned the use permit to ensure that if the proposed use fails and the building is converted to another use, no land use, density, or parking non-conformities will be created. In any event, any future proposed changes in use will require an amendment to this permit.

#### Parking

According to the City's staff report (February 9, 2000) the existing site is nonconforming in terms of parking, under the City's Municipal Code. Based on existing development the project site currently has at least a four (4) parking space deficit. The City's Code requires .33 parking spaces for each resident in residential care facilities. Accordingly, the proposed 13-unit project requires 4.3 spaces. The Code also requires a specific parking area design to ensure that adequate and safe maneuvering room is available. The applicant has proposed seven (7) underground parking spaces, though at least two (2) of the parking spaces may require multiple and complex turning movements. If the proposed parking is infeasible, the applicant is required to revise the plan to provide a minimum of five (5) parking spaces (4.3 rounded up to 5), consistent with the City's parking requirements. Since the project will remedy the overall number of deficit parking spaces, it will result in a net benefit to the parking demand in the downtown area.

#### Water

The Monterey Peninsula Water Management District (District) is the governing authority for water allocation and major supply facilities on the Monterey Peninsula while water service is provided by the California American Water Company (Cal-Am). Cal-Am provides water to its users through groundwater extractions and diversions from the Carmel River via the Los Padres Dam. Both of these sources are currently being utilized near or above their sustainable yield. Two threatened species, the California red-legged frog (*Rana aurora draytonii*) and the Steelhead (*Oncorhynchus mykiss*), are found in the Carmel River. In 1983 the District allocated 20,000 acre feet of water per year for the entire district area; an amount assumed to be sufficient to meet district needs until the year 2000. However, in the intervening years the water situation has changed greatly in the Monterey area. The State Water Resources Control Board has issued an order limiting the amount of pumping that Cal-Am can do from the Carmel River, not to exceed 11,285 acre-feet/year.

The Monterey Peninsula Water Management District (MPWMD) allocates water to all of the municipalities on the Monterey Peninsula. Each municipality distributes its share of water allocated to various categories of development, such as residential, commercial, industrial, etc. According to City staff, there is no more water remaining in the City's allocation for new uses. However, water transfers between existing uses commercial uses are permitted by the MPWMD. Such transfers are determined based on detailed water use formulae, depending on type of use.

According to a MPWMD letter of projected water demand and water use credit transfer requests (January 8, 2001), the water use factor for residential care facilities is currently estimated at 0.085 acre-foot per bed. At its proposed size, the 13-bed residential care facility would require 1.105 acre-feet of water per year. The San Carlos Inn project will therefore require an additional 0.781 acre feet of water above the 0.324 acre feet of water currently provided to the existing residential units and retail building. To make up the difference, the City of Carmel has pre-committed up to .897 acre-feet of water to the project. These water pre-commitments cannot be transferred to other projects until and unless the project for which the water has been pre-committed has been abandoned. Thus, a total of 1.221 acre-feet of water is available for the proposed residential care facility project; the remaining .116 acre-feet will be returned to the City's reserve when the project is issued a building permit.

The MPWMD concurs with the City's estimated new demand (1.105 acre-feet) using the District's current commercial water use factors, though the District has not verified the City's estimated water credit (0.324 acre-feet). Final verification of the credit will occur only after the present uses have been abandoned. Furthermore, it should be noted that the District plans to update its commercial water use factors this year. The water use factor for residential care facilities may change after completion of the updated commercial water use survey. Any change in the factor could alter the water use projection for the proposed project if permits are not obtained before the survey is finalized. Thus, the project is conditioned to present evidence to the Executive Director from the MPWMD documenting the final actual amount of water available, through water credits and pre-commitments, to adequately serve the proposed residential care facility.

#### Conclusion

The proposed land use is consistent with the uses allowed in the Residential/Limited Commercial District and with the City's Municipal Code. The project will result in a net increase of affordable housing and bring into conformance adequate parking on-site for the anticipated use. The formal commitments made by the City, in tandem with the condition requiring evidence of the final MPWMD permit allocation, is sufficient to find that there is adequate water available as a public

service for the project. The project will not have significant adverse effects on coastal resources. Accordingly, the project is found to be consistent with Sections 30250(a) and 30254 of the Coastal Act.

### **3. Public Access**

Public Access policies of the Coastal Act require the protection of public access to the shoreline and recreational opportunities and resources within the coastal zone, including commercial visitor serving facilities. Sections 30210, 30211, and 30212.5 of the Coastal Act states:

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization...

Section 30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

As the project is to be located on a previously developed site within the urban core of the Central Commercial District and will correct an existing parking deficit, it will not impact any recreational facilities or opportunities along the coast. The proposed project will create a large publicly accessible courtyard that in the middle of the site, a public mini-park accessed from San Carlos Street, and a gated intra-block walkway between San Carlos and Mission Streets that will be closed at night (See Exhibit E-2). The public courtyard and intra-block walkway total approximately 3000 square feet and extend along the entire length of the property from Mission Street to San Carlos. Entrance to the courtyard (via walkway) is through a wrought iron gated "entry" at both ends; the gates will be open to the public from sunrise to sundown. An elevated observation deck (approximately 12' x 24') is accessed from the courtyard as well. The project also includes a 290 square foot public mini-park located at the southwest corner of the property along San Carlos Street. This mini-park contains benches and flowering planters and is open to the public 24 hours per day. The mini-park entrance is an extension of the current public sidewalk. As noted above, the permit is conditioned to include an interpretive kiosk with pictures and history of the Hitchcock House and family as an additional amenity to this public courtyard space.

The project site is located approximately 8 to 9 blocks inland from the ocean (Exhibit A). Because of this, it is unlikely that the project would interfere or restrict public access at or along the coast, since patrons of the San Carlos Inn would not likely park at such a distance from their intended

destination. Although several routes can access Carmel Beach, the primary public access route from Highway One to Carmel Beach is via Ocean Avenue. As the project does not increase the number of visitor serving inn units in Carmel, it is not expected to increase demand on these public access routes such that it would impact access to the beach, nor will the project restrict or otherwise negatively impact public parking along the coast. However, to ensure that the courtyard and mini-park remain available to the public as proposed for the life of the project, particularly if it changes ownership, a deed restriction is necessary. Staff is recommending a condition requiring that a deed restriction be recorded, which provides for public access of the entire courtyard, intrablock walkway, and public mini-park as proposed by the applicant and described in the approved Site Plan and shown on Exhibit E-2.

Thus, as conditioned the proposed project facilitates public access through the City's Commercial core and provides recreational opportunities consistent with Sections 30210, 30211, and 30212.5 of the Coastal Act.

#### 4. Archeological Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Since an archaeological study has not been provided for this project, it is not possible to assess the potential impacts the project may have on archaeological or paleontological resources onsite. The project site is not in area of known archaeological sensitivity and it has previously been constructed upon. However, because construction of the basement floor requires significant excavation, with the potential of impacting unidentified archaeological or paleontological resources, the project has been conditioned to (1) require that an archaeological monitor be present during all construction and pre-construction activities that involve ground disturbance; (2) halt work within 150 feet if any human remains, intact cultural features or paleontological resources are discovered until such find can be evaluated by the archaeological monitor; and (3) if the find is determined to be significant, develop and implement appropriate mitigation measures necessary to preserve and protect the archaeological and paleontological resources found on site. A final grading plan shall be required prior to commencement of construction.

As conditioned to suspend work and develop and implement appropriate mitigation measures if significant archaeological or paleontological materials are found during construction or excavation activities conducted on site, the proposed development is consistent with the archeological protection policies of Coastal Act Section 30244.

#### **G. Local Coastal Programs**

The Commission can take no action that would prejudice the options available to the City in preparing a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act). As described previously, 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. The City has made progress on the LCP submittal and has indicated that they expect the Land Use Plan and Implementation Plan to be submitted for Commission review in December 2001.

The Coastal Act provides specific guidance for issuance of coastal development permits in cases where the local jurisdiction does not have a certified LCP. Section 30604(a) of the Coastal Act states:

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.

The City is currently in the middle of a community planning process to determine, among other things, the basis for defining Carmel's community character and ways to protect and preserve said character consistent with the Coastal Act. Until that time, Commission staff has been given guidance to use their best professional judgement to assess the individual and cumulative effect that projects such as this will have on the community character of Carmel.

The proposed demolition and construction as conditioned will not significantly change the community character of the area. The project proposes demolishing a structure that has been determined not to be of historical significance by both the City of Carmel and the State Office of Historic Preservation, although the site has been shown to be of local significance due to its association with the Hitchcock family and unique Craftsman architecture. To mitigate for the potential loss of community character, the permit has been conditioned to implement relocation or salvage measures. The San Carlos Inn project has been further conditioned to include a permanent display memorializing the local significance of the Hitchcock House and family members. The architectural style of the proposed residential care facility has been deemed compatible with that of its surroundings and will not change the community character of the area. Moreover, the new development will be more in keeping with the commercial land use pattern of this neighborhood than are the existing developments on site.

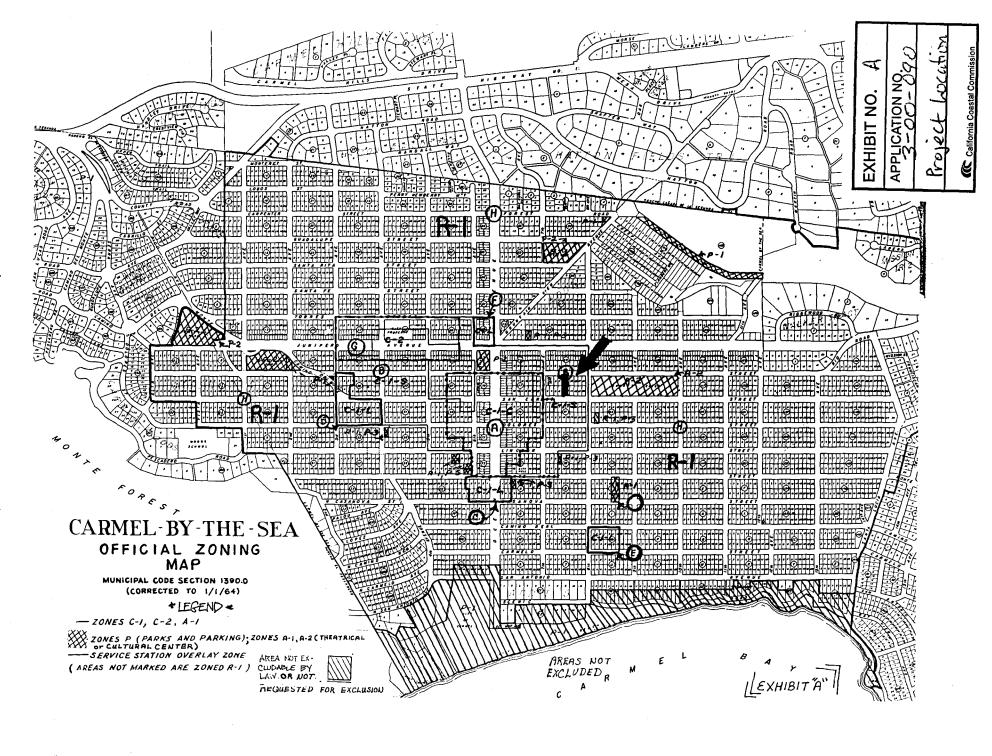
Additionally, the proposed project includes the creation of underground parking bringing into conformance the number of required spaces for the current zoned use. The project will not otherwise impact public access or recreational opportunities available along the coast and will

enhance public access opportunities through the use of the public courtyard, walkway, and minipark. Therefore, the Commission finds that the proposed project is consistent with Coastal Act 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.

#### H. 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 effects that the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, is incorporated into this finding, and has recommended appropriate mitigation's 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). 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.



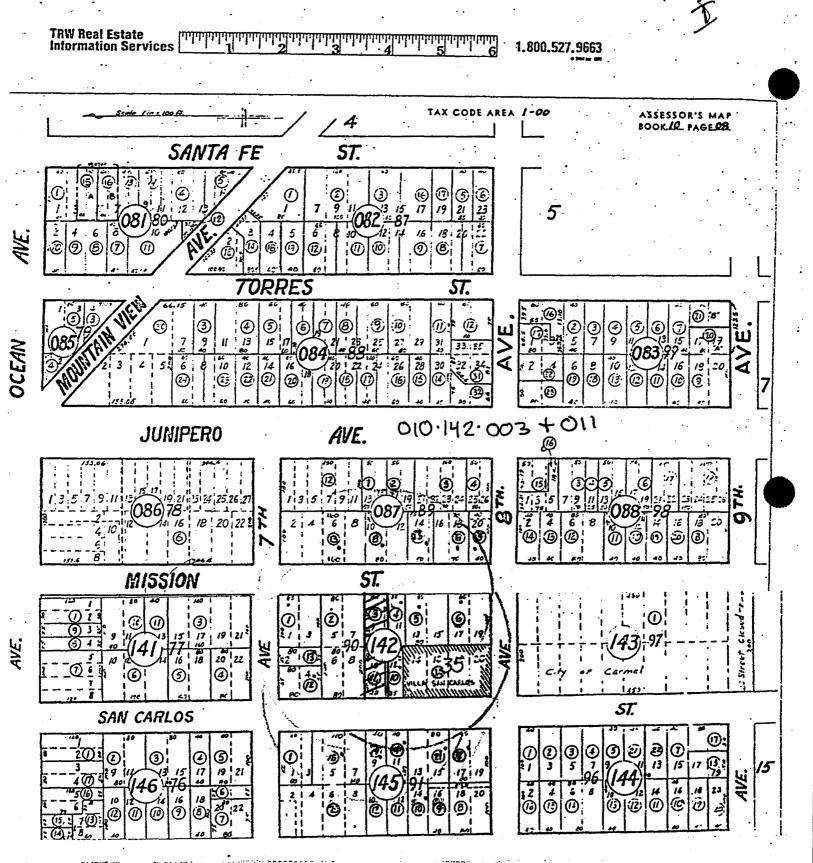


EXHIBIT NO. B
APPLICATION NO. 3-00-090
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California Coastal Commission

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# EXHIBIT C

### 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

-JUN 1 4 2000

DATE: 9 FEBRUARY 2000

COASTAL COMMISSION CENTRAL COAST AREA

SUBJECT: DR 98-41/UP 98-04/VA 00-03/SAN CARLOS INN RESIDENTIAL CARE FACILITY E/S SAN CARLOS AND W/S MISSION BETWEEN 7TH AND 8TH BLOCK 90; LOTS 9, 10 AND A PORTION OF 11

### I. SUMMARY RECOMMENDATION

Approve the Commercial Design Review, Use Permit, and Variance applications subject to the following Special Conditions and the attached use permit conditions.

- 1. The project shall comply with the plans dated 1 February 2000, except as amended by any Special or Standard Conditions. Any future changes in the project may require rereview and approval by the Planning Commission.
- 2. The applicant shall adhere to all Forest and Beach Commission conditions of approval dated 29 April 1997 and 5 March 1998 (attached).
- 3. The applicant shall comply with all requirements of the Archaeological Significance Overlay District (17.14.120).
- 4. The applicant shall return to the Planning Commission for final design approval on details such as colors, lighting, public way design, landscaping, and decorative features.

3-00-090 (Mandurrago & Adams) Exhibit C i of 17 DS 98-41/UP 98-04/VA 00-03/San Carlos Inn Staff Report 9 February 2000 Page Two

#### II. INTRODUCTION/BACKGROUND

In December of 1996 the Planning Commission reviewed and denied an application to construct a 10-unit residential care facility on a 4,500 square foot parcel in the RC District. The Commission was concerned about the size of the units, lack of interaccessibility, the amount of open space, and off-street parking. To address the Commission's concerns the applicant completely redesigned the project and purchased two adjoining parcels thereby expanding the project site to 8,500 square feet.

In May of 1997 the Planning Commission reviewed a conceptual proposal for the redesigned residential care facility. The revised proposal included 16-units and two independent studio apartments fronting on San Carlos Street. By this time four (4) trees had been conditionally approved for removal by the Forest and Beach Commission. At its meeting, the Planning Commission expressed concern about the size of the units, the need for larger common areas, access to natural light, access to storage, and the complicated parking layout.

The applicant further revised the plan and the Planning Commission conducted conceptual review in February of 1998. After reviewing the revised concept drawings the Commission expressed the following concerns:

- The parking plan should be studied further to ensure accessibility to the storage space and trash enclosure, and to provide for adequate parking. (Although concern was also expressed regarding emergency access and space for deliveries, staff and the applicant have agreed that the underground garage will not be used for these purposes.)
- Redesign the dining area to include standard height counters, tables and chairs, and provide a kitchen that is accessible to residents.
- Consider the relationship of the arched windows and ceiling heights to make certain that all fenestration is functional (no false windows), and design windows in the north alcove to increase access to natural sunlight.
- The office space should be increased in size to accommodate 24-hour personnel.
- Address the issue of whether or not the project will be a licensed facility.

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- Consider developing a conversion plan should the project be converted in the future from a resident care facility to some other use.
- Concerns were expressed by members of the public primarily focusing on the: 1) potential for placing two beds in each room, 2) impacts on parking demand in the commercial district and water consumption, 3) design of the balconies and intra-block walkway, and 4) high vacancy rate in facilities elsewhere within the community and in surrounding communities.

At the Commission's 22 July 1998 meeting, the applicant revised the design to address concerns discussed at the February 1998 meeting. The concerns were addressed in the following manner:

**Parking Plan:** As originally designed in 1996, there were only two surface parking spaces which were accessed from Mission Street available for tenants, visitors and employees. All additional parking demand was proposed to be off-set by the use of the north Sunset Center parking lot or through the payment of in-lieu parking fees. This concept was rejected by the City.

In the revised proposal, the applicant designed an excavated garage with seven (7) parking spaces, exceeding the number of spaces required by Code established (4.3 spaces). However, both the Planning Commission and staff expressed concern that the proposed design was impractical. The plan contained a handicapped parking space which obstructed access to the storage area and trash enclosure, and provided insufficient space between vehicles. Staff recommended that in the final design the applicant should be required to submit a plan that simplifies parking for tenants, employees and others using the spaces. This can be accomplished by either enlarging the garage or reducing the number of spaces.

Dining Area/Kitchen: The applicant was requested by the Planning Commission to redesign the dining area to include standard height dining tables and counters, and to provide a kitchen area for tenant use. This was initiated as a way to ensure that assisted living is as similar to independent living as possible. According to others who operate similar resident care facilities, a kitchen can be a source of recreation, conversation and therapy for residents (if properly supervised). As revised, the applicant redesigned a small kitchen where the buffet was originally proposed. Additionally, the dining room floor plan was revised to include tables with standard chairs (not bench seating).

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Window Design: The Planning Commission expressed its conceptual support for the architectural design, specifically as it relates to the patios and decks for outdoor use and as a way of increasing the perception of interior space. Additionally, the design of windows is varied to provide architectural interest and to relieve mass. The applicant redesigned the windows at the request of the Planning Commission to accurately reflect interior spaces and removed arches where sufficient ceiling height will not be available. The applicant also added windows in the lower portion of the alcove (north elevation) which will increase natural sunlight in the living room, dining area and in hallways.

Given the size of the structure and its visibility from two public right's-of-way, the applicant was encouraged to continue to explore ways to reduce the mass and scale of this structure. This, staff argued, could be accomplished through a detailed landscape plan, the use of natural materials, traditional detailing, and simple building forms.

Office Space: The project was redesigned to include an office space where a private room had previously been proposed. Not only did this revision reduce the density of the project, it also increased the size of the office space where 24-hour personnel would be available. The applicant also relocated the therapeutic room and enlarged it significantly to include a walk-in tub and exercise equipment. These amenities were argued to be necessary to promote an array of alternatives for activities and to provide for on-site physical therapy.

Licensing Requirements: A concern was expressed throughout review of the conceptual design that the resident care facility would not be licensed. As proposed by the applicant, a license will be obtained. Staff confirmed that the "level of care" is what dictates the State requirement for a license. Moreover, once the requirement for a license is triggered, the operational aspects of the facility are controlled by the State. Therefore, the applicant's agreement to obtain a license (which will be confirmed as a condition of approval) would ensure identical treatment of the facility as is required for all other similar facilities. Moreover, many of the amenities included in the design (through conceptual design review and consultation meetings with staff) were required on the basis of an increased understanding of what has been successful or unsuccessful in other facilities. The rooms are larger, predominantly include private baths and are oriented to the south where private open space and natural light and air is most accessible.

Conversion Plan: The Planning Commission requested the applicant to prepare a conversion plan should the project be converted in the future to another use. This recommendation was based on a concern expressed by those in the industry who are experiencing high vacancy rates. Although it is possible that high vacancy rates exist, Exhibit

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there is no certainty whether they exist because of an overabundance of facilities or because of other factors such as options for home health care. Moreover, resident care is conditionally permitted land use in the commercial district, and it is somewhat irregular for a project applicant to consider how a building will function in the future, if not functioning as its originally intended use. Moreover, the question of high vacancy rates may not be something that the City can consider under the use permit process.

Although the applicant did not submitted a formal conversion plan, staff reviewed the conceptual plans and has determined that the building would allow for a variety of possible alternatives. These might include up to eight independent residential dwelling units, mixed use office/residential or commercial/residential development, or senior housing. These land use alternative could be provided with an interior remodel to the building and very minor exterior alterations. Additionally, the structure might possibly be converted into a single room occupancy (SRO) building which essentially provides affordable housing opportunities to low-income residents or seniors. In this example, the building would require few, if any, interior and exterior alterations. Proposed conditions of approval will ensure that if the proposed use fails and the building is converted to another use, no land use, density, or parking nonconformities will be created.

Other Considerations: Additional concerns expressed by members of the public focussed on potential expansion of the facilities to include two beds in every room. Under the conditions of approval of any future permit associated with the project, the facility would be restricted to a maximum of 13 beds due to limited water availability. As is true with any use permit, the Planning Commission could amend the permit in the future upon request if additional water become available. If this were to occur, the application would be reviewed in a noticed public hearing and would be analyzed by the City for consistency with applicable General Plan policies and Municipal Code standards. Further, the application would be considered for consistency with State licensing requirements.

Concerns were also expressed by some members of the public regarding the design of balconies and the potential impact resulting from the intra-block walkway. As is required of all new structures in Carmel, the proposed design will be reviewed for consistency with all applicable State Building and Fire Codes. The conceptual design was studied by staff against the design of other facilities in and around Carmel, and the project has been revised on numerous occasions to increase room sizes, common spaces, private bathrooms, and similar facilities to address potential problems and help to ensure that the facility will be an asset to the community.

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The intra-block walkway is recognized by the General Plan and Municipal Code as a desired feature in the community and would reduce the amount of buildable area on the parcel. This, in turn would reduce mass consistent with the predominantly residential character of the village and scale of the commercial district.

The Commission complimented the applicant on the design changes and instructed staff to proceed with review of the project and prepare an environmental assessment. A historic evaluation was completed in November of 1998, an Initial Study was completed in January of 1999, and a final environmental impact report (EIR) was completed in October of 1999. The Planning Commission, at its 15 December 1999 meeting, voted to certify the EIR as procedurally compete but found that the structure currently existing on the site did not constitute a historic resource.

### III. EXISTING SITE CONDITIONS

The project site is a 8,500 square foot parcel that contains all of lots 9 and 10 and a portion of lot 11in block 90. The project site fronts on both San Carlos Street and Mission Street. The project site is presently encumbered by several existing structures. The site has a moderate slope (12-15 percent) toward the center of the parcel and contains one (1) upper and six (6) lower canopy trees. The Forest and Beach Commission conditionally approved the removal of the 24" Holly along Mission Street, the 19" Oak in the center of the parcel and two (2) additional trees.

### IV. PROJECT DESCRIPTION

The proposed project consists of constructing a new 7,429 square foot, 13-unit, residential care facility and a 5,500 square foot basement/garage/storage/kitchen area accessed from Mission Street by a sloped (16 percent) ramp. The garage area is proposed to house seven (7) cars. The applicant also proposes a roof garden accessed by elevator, a public minipark, a private/public courtyard, and a gated interblock walkway.

The proposed San Carlos Street level (upper floor) would consist of 3,783 square feet and contain seven (7) units ranging in size between 320 and 380 square feet. Each unit contains its own bathroom, walk-in closet, and balcony. The San Carlos Street level also contains a lobby, communal dining area with fireplace, kitchen, elevator access, and covered public mini-park.

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The proposed Mission Street level (ground floor) would consist of 3,572 square feet and contain six (6) residential units ranging is size between 280 and 320 square feet. The Mission Street level also contains a sitting area, exercise/steam bath/massage area, library, staff office, living area, elevator access, and access to the observation deck. Each unit contains individual bathrooms, walk-in closets, and private patio areas. The private areas are delineated by planter boxes and benches.

The proposed facility appears to be Spanish Revival in design with shallow, cement plaster exterior siding, a Mission clay barrel tile roof, multi-lite non-clad wood windows, exposed rafter tails and wrought iron railings. The proposed elevator shaft would extend to approximately 30 feet which is four feet (4') higher than permitted by the Municipal Code and the remainder of the structure would be 26 feet in height. Accordingly, the applicant has applied for a height variance for the elevator shaft. The applicant also requests an 8.8 percent floor area design bonus that is permitted by the Municipal Code provided the Planning Commission agrees that the proposed design qualifies.

Because of the elements involved, the proposed design must be reviewed under: 1) Municipal Code Section 17.12.085 (General Commercial Design Regulations, 2) 17.12.060.C.2 (Floor Area Bonus for Design)

### **General Commercial Design Regulations**

Municipal Code Section 17.12.085 establishes the General Design Regulations for the commercial districts. These design standards encourage modifications to respect, and be compatible with, the architectural character, scale, and design of the overall district. Modifications which are uncomplimentary or that conflict with the overall commercial district are discouraged.

As designed, the proposed San Carlos Inn appears consistent with the scale and architecture of the existing neighborhood and does not appear to conflict with the design guidelines for improvements to commercial sites. Staff believes that the proposal will be a complementary addition to the surrounding neighborhood and protect the unique qualities of overall district.

### **Design Bonus**

Municipal Code Section 17.12.060.C.2 provides for a discretionary floor area bonus of up to ten percent (10%) of the site area for projects that represent outstanding achievement 3-00-090 Exhibit

(Mandurrago & Adams)

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in implementing at least three of the five design objectives found in Municipal Code Section 17.12.060.D. These objectives include: 1) create a publicly accessible courtyard that is linked to an adjoining sidewalk, 2) provide usable open space that is visually accessible to the public from any public way, 3) create interior passageways or enclosed public spaces, 4) create publicly accessible intra-block walkways, 5) preserve and enhance the urban forest by preserving all significant trees on the site.

The applicant requests an 8.8 percent (772 square foot) design bonus since they propose: 1) a large publicly accessible courtyard in the middle of the site that is adjacent to the communal living area and separated from the private rooms and patios, 2) a public minipark accessed from San Carlos Street and located above the exercise room, 3) a gated intra-block walkway that is separate from the private rooms/private patios and will be closed at night. Staff believes that the design does qualify for the floor area bonus since it implements three (3) of the the required design elements contained in the Code.

#### Parking

Municipal Code Chapter 17.34 outlines off-street parking requirements for all districts in the City. The Code requires .33 spaces for each resident in residential care facilities. Accordingly, this 13-unit project requires 4.3 spaces although 7 spaces are proposed. The Code also requires specific parking area design to ensure that adequate and safe maneuvering room is available. Staff is concerned that at least two of the proposed parking spaces may require multiple and complex turning movements. Accordingly, staff has requested that the applicant provide a turning movement study for each space given the garage constraints. Pages 47 through 50 of <u>Architectural Graphic Standards</u> provides garage and parking turning requirements. Staff is not concerned if the garage analysis recommends the loss of up to two parking spaces since five spaces would still meet Code requirements.

#### Water

Municipal Code Section 17.08.060 requires that activity resulting in an increase in commercial floor area be consistent with the City's water management program as well as the Monterey Peninsula Water Management District's rules and regulations. The MPWMD requires .085 acre feet of water per bed for residential care facilities. The City has precommitted .897 acre feet of water to the San Carlos Inn Residential Care Facility and water currently exist on the site. As proposed, the project requires 1.105 acre feet of water. The San Carlos Inn project, however, would not result in an additional allocation Exhibit

3-00-090 (Mandurrago & Adams)

of

## DS 98-41/UP 98-04/VA 00-03/San Carlos Inn Staff Report 9 February 2000 Page Nine

since adequate water has been precommitted to the project. Any water precommitted but not used by the project would return to the City's commercial allocation.

### **Public Way Improvements**

Municipal Code Section 17.12.120 requires improvements to the public way when a development project involves substantial new or replacement construction in the commercial districts. The applicant has provided a public way improvement plan to replace the existing exposed aggregate concrete sidewalk along both frontages (Mission and San Carlos) with sand-set cobbles. Staff has added a special condition that requires the applicant to return to the Planning Commission for final design detail approval which includes the public-way improvement materials and street restripping.

### Variance

The applicant requests approval of a four foot (4') height variance for the elevator tower proposed for the project. The elevator services the basement/garage/kitchen/storage level, both housing levels, and the roof garden which is accessible only by elevator. Staff believes that since only a small element (56 square feet) would exceed the height limit, the site slopes down from both frontages, and the elevator is required for handicap access the request is acceptable and meets the Special Findings Required for Approval of a Variance (17.18.190). The Findings are detailed below.

Exhibit

3-00-090 (Mandurrago & Adams)

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San Carlos Inn Project Data						
Lot Area (8,500 sf)	Allowed/ Recommended	Proposed	Exception			
Building Coverage	5,759 sf (67.75%)	4,335 (50.99%)	0			
Floor Area	6,583 sf (77.4 %)	7,355 sf (86.2%)	+772 sf (8.8%)*			
Open Space	2,741 sf (32.25%)	2,741 sf (32.25%)	0			
Landscaping	1,096 sf (13%)	1,118 sf (13%)	0			
Height	26 ft	30 ft**	+2 ft			
Parking***	4.3 spaces	7 spaces	0			
<ul> <li>The applicant requests a design bonus consistent with Municipal Code Section 17.12.060.C.2.</li> <li>The applicant proposes a four foot (4') height variance for the elevator tower.</li> </ul>						

\*\*\* Staff is conditioning approval on submittal of a turning movement study for the garage.

### V. STAFF RECOMMENDATION

Approve the Commercial Design Review, Use Permit, and Variance applications subject to the following Special Conditions and the attached use permit conditions.

- 1. The project shall comply with the plans dated 1 February 2000, except as amended by any Special or Standard Conditions. Any future changes in the project may require rereview and approval by the Planning Commission.
- 2. The applicant shall adhere to all Forest and Beach Commission conditions of approval dated 29 April 1997 and 5 March 1998 (attached).
- 3. The applicant shall comply with all requirements of the Archaeological Significance Overlay District (17.14.120).
- 4. The applicant shall return to the Planning Commission for final design approval on details such as colors, lighting, public way design, landscaping, and features. 3-00-090 Exhibit

(Mandurrago & Adams)

of

### CITY OF CARMEL-BY-THE-SEA

### DEPARTMENT OF COMMUNITY PLANNING AND BUILDING

#### FINDINGS FOR DECISION

#### UP 98-4

San Carlos Inn Residentia	l Care Facility					
E/s San Carlos and W/s Mission between 7 <sup>th</sup> and 8th						
Block 90, Lots 9, 10 and a portion of 11 9 February 2000						
CONSIDERATION:	The applicant requests approval of	a use permit for the				
•	development of property in the	Residential-Limited				
	Commercial Land Use District.					

#### **GENERAL FINDINGS**:

- 1. The project site is located on the east side of San Carlos Street and the west side of Mission Street between Seventh and Eighth Avenues in the Residential-Limited Commercial District.
- 2. The project site consists of an 8,500 square foot parcel composed of two original legal lots of record and a portion of a third lot that were originally developed with several residential and commercial structures.
- 3. The intent of the property owner is to demolish all existing structures and construct a 7,355 square foot residential care faciliity. That the new structure will contain thirteen (13) residential care units, a publicly accessible intra-block walkway, courtyard and mini-park, as well as an underground garage/kitchen/storage area.
- 4. Demolition of the existing structures would free-up the parcel for potential development on the 8,500 square foot parcel which is all of Lots 9 and 10 and a portion of 11 in Block 90.
- 5. All residential units have been renter-occupied for at least one year preceding the date of the application, as documented in the application submittal materials. That the application does comply with Municipal Code Section 17.18.120 and State law which prohibits the demolition of affordable residential units for moderate-income households, as defined by the Association of Monterey Bay Area Governments since the units have not affordable been used as housing.

Exhibit C

UP 98-4/San Carlos Inn Residential Care Facility Findings for Decision 9 February 2000 Page Two

6. The structures on the site have not been designated as historic resources and the City prepared an environmental impact report that was certified by the City's Planning Commission. The Planning Commission determined that none of the structures on the site constituted historic resources.

#### **REOUIRED FINDINGS**

A. Required Findings 17.18.180.A: that the proposed development has been found consistent with Section 17.10.010.B related to conversion or demolition of residential housing units.

A-1 That the project would demolish and convert three (3) residential housing units.

A-2 That as a result of the demolition and consistent with Findings #3 and #6 above, there would be no net loss of housing and no net loss of affordable housing.

B. Required Findings 17.18.180.A: that the proposed development has been found consistent with Section 17.10.010.M and N related to second story space.

B-1 That the Municipal Code limits newly constructed space above the ground level story to either residential units or to occupancy by existing motel/hotel units.

B-2 That the upper floor of the San Carlos Inn Residential Care Facility will be occupied by residents of the care facility.

B-3 That the Municipal Code prohibits the loss of second floor apartments through demolition or conversion.

B-4 That, as conditioned, no future conversion of this building would result in creation of second story commercial space.

C. Required Findings 17.18.180.C: that the proposed development has been found consistent with Section 17.08.060 related to water consumption.

C-1 That the project has been precommitted .897 acre feet of water consistent with Monterey Peninsula Water Management District rules.

C-2 That an official survey of fixture units will occur prior to the issuance of a 3-00-090 Exhibit (Mandurrago & Adams) /7 of /7 UP 98-4/San Carlos Inn Residential Care Facility Findings for Decision 9 February 2000 Page Three

building permit.

C-3 That as conditioned the project will not require additional water resources not already precommitted.

C-4 That any precommittment not used by the project will be returned to the City's commercial allocation.

D. Required Findings 17.18.180.D: that the proposed development has been found consistent with Chapter 17.34 related to parking.

D-1 That based on existing on-site development the project site currently has at least a 4 parking space deficit. With the proposed construction of a 13-unit residential care facility, the required on-site parking is 4.3 spaces which the Code requires to be rounded up to 5 spaces.

D-2 That the project proposes an underground garage with seven (7) parking spaces.

D-3 That the proposed parking layout may fail to meet dimensional standards for space size and back-up room.

D-5 That if the proposed parking is infeasible the applicant would be required to revise the plan to provide a minimum of five (5) parking spaces which is consistent with the City's parking requirements.

E. Required Findings 17.18.180.E: that the proposed development has been found consistent with Chapter 17.38 related to expansion of existing nonconformities.

E-1 That the existing site contains several nonconformities including: minimum parking requirements and minimum setbacks.

E-2 That the proposed project would create a nonconformity because of the required elevator shaft (maximum building height).

E-3 That Municipal Code Section 17.46.030 provides for a height variance provided certain findings can be met.

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UP 98-4/San Carlos Inn Residential Care Facility Findings for Decision 9 February 2000 Page Four

> E-4 That by granting the variance, the elevator to the roof garden will be feasible and the elevator tower is in character with the architecture of the proposed structure.

> E-5 That the variance constitutes less than 60 square feet, is centered on the inward slope of the project site, and is required for handicap access. That the variance would not be detrimental to any adjacent property, nor in any other way be injurious to public health, safety or welfare.

F. Required Findings 17.18.180.F: that the proposed development has been found consistent with Chapter 17.12 related to commercial design regulations.

F-1 That the City reaffirms that it is essentially and predominantly a residential city with a unique commercial and multifamily residential area noted for its village character. The character is created by having a variety of design in buildings, by keeping the buildings small in scale, by providing walking malls within the interior of blocks, by the use of open space and landscaping, by use of structures for small specialty shops and by the mix of both apartments and shops within the commercial district.

F-2 That the project as designed respects and is compatible with the architectural character and scale of the surrounding district.

F-3 That the project as designed complements the existing scale and design of the adjacent structure to the north.

F-4 That the project as designed does not create visual clutter through excessive number of, or uncomplimentary, design elements.

F-5 That the modification does not incorporate color, materials, patterns or other design elements that: 1) call attention to the facade; 2) create a form of advertising or sign; 3) would render the storefront unusable by a subsequent business occupant without further remodeling; or 4) create a standardized identification with a particular business use.

F-6 That the proposed openings in the project including doors and windows are in proportion to the street facades and structure.

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F-7 That the amount of glass transparency along each street façade is limited to prevent an excessive amount of interior light and/or glare to shed onto the public right-of-way.

## **CONDITIONS**

- 1. This use permit shall constitute a master permit for development of the property. All subsequent activities on this property, including, but not limited to, the conduct of existing or proposed new businesses, approval of use permits and approval and construction of additions or alterations, shall be subject to City review and approval under the findings and conditions of this permit. No activity shall be approved nor undertaken unless it conforms to the findings and conditions of this permit.
- 2. This use permit constitutes a land use entitlement to construct a commercial structure with a basement to be used as storage and a kitchen and a garage, a main floor composed of six (6) residential care units and an exercise room and an office and a living area, and an upper floor composed of seven (7) residential care units and a lobby and dining area. Any activities undertaken pursuant to this permit shall conform to all conditions of this permit. This permit is recognized as part of a multi-lot combined development.
- 3. This use permit authorizes the establishment of one (1) commercial space occupying a total of not more than 7,355 square feet of floor area.
- 4. No retail spaces are permitted.
- 5. Only one business shall be authorized to occupy the single commercial space on this property.
- 6. The currently undesignated commercial space shall be evaluated for its potential impact on the overall commercial district. No business activity shall be approved nor conducted that would produce levels of light, noise, odors, or traffic that would conflict with the maintenance of a safe, healthful, and pleasant living environment for adjacent residential uses.
- 7. The permittee shall be responsible for the placement and construction of all utilities to serve the project including the construction of off-site improvements, as necessary, to connect to existing utility facilities. All utilities shall be installed Exhibit

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> underground. Existing meters and vaults located in the sidewalk at the perimeter of the site shall be relocated on site and shall be screened from pubic view. All commercial spaces shall be equipped with ultra-low flow water fixtures as defined by the Monterey Peninsula Water Management District. Any required Fire Department connection shall be concealed within an exterior wall so that only the heads are revealed. Any post indicator valve shall be concealed in a niche or behind landscaping.

- 8. The development shall not result in a net increase in water use beyond that which has been precommitted to the project and any residual water not used in the project shall be returned to the City's commercial water allocation.
- 9. That no part of the structure shall be used for transient rental hotel units or sold as condominium units.
- 10. The City shall reserve the right to require the applicant to post a security bond upon approval of the final design of the project to secure construction of all off-site improvements required as a condition of final design approval.
- 11. The permittee shall obtain a Coastal Development permit from the California Coastal Commission prior to issuance of any building permits for project demolition or construction and shall submit a copy of the approved permit and any conditions and staff reports prepared by the California Coastal Commission.
- 12. The permittee shall obtain a Building permit authorizing any demolition or construction prior to commencing any demolition or construction.
- 13. All trees on the site shall be protected during demolition by methods approved by the City Forester.
- 14. Any grading on site and any disposal of excavated materials from the site shall conform to a plan approved by the Director of Community Planning and Building.
- 15. No trees shall be removed by the future site development until the applicant has obtained approval by the City Forester or Forest and Beach Commission. The removal of trees from the site shall not occur until a plan has been approved by the Planning Commission to develop a new dwelling on the property.

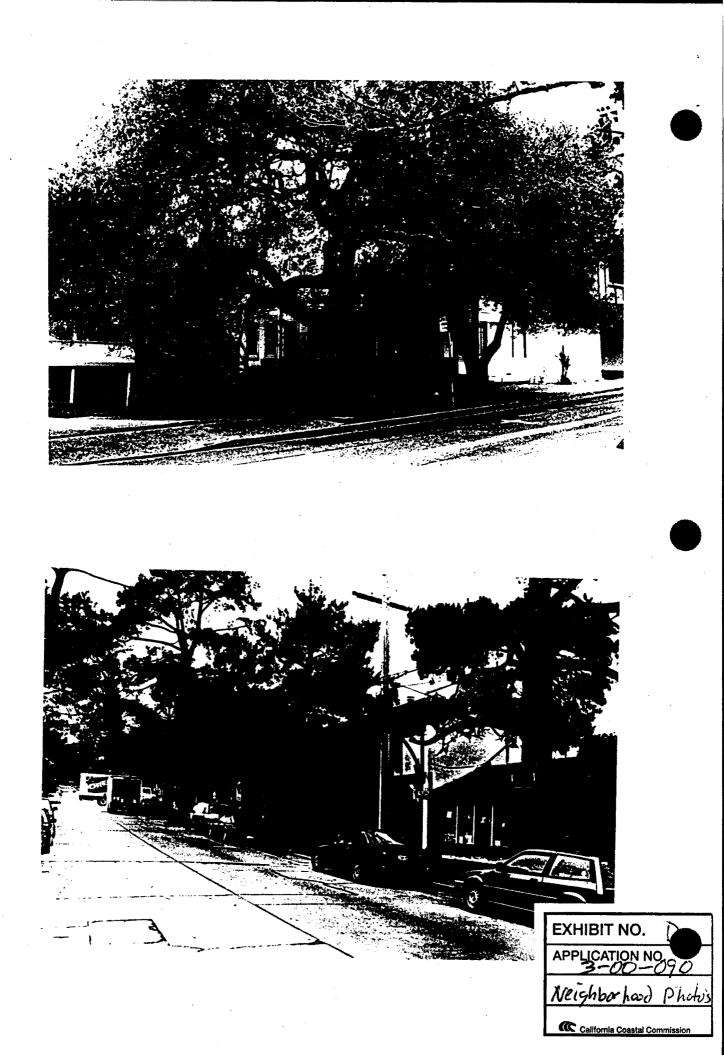
3-00-090 (Mandurrago & Adams)

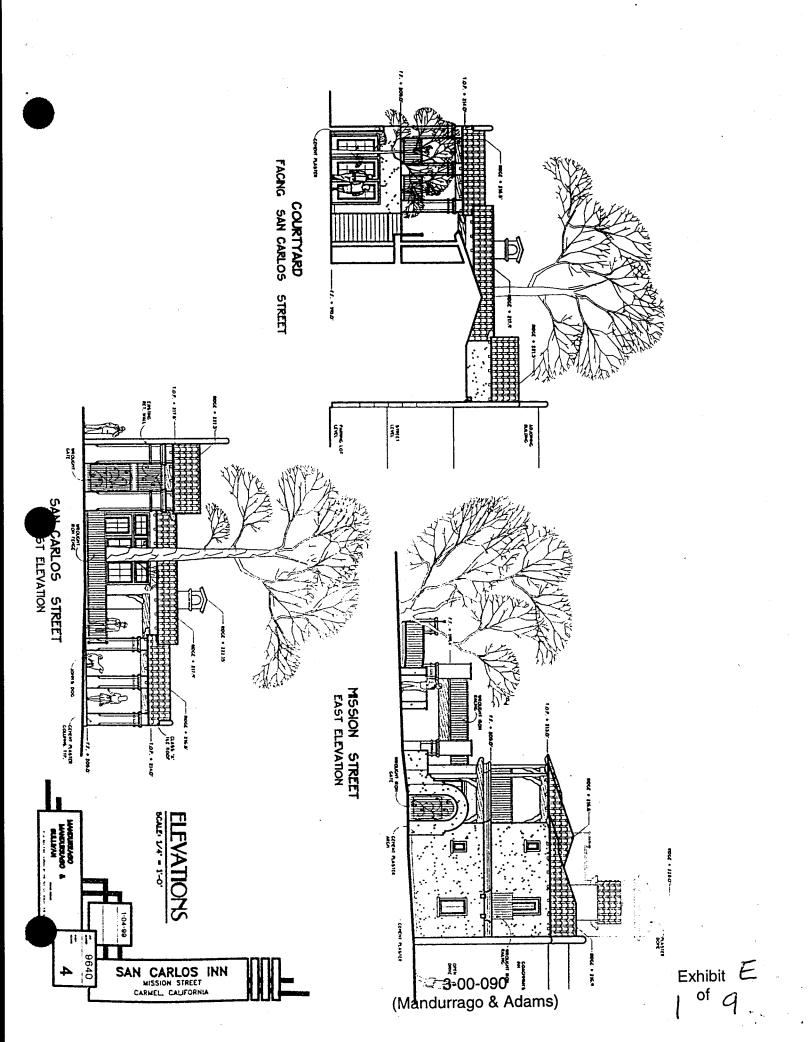
Exhibit C 16 of 17 UP 98-4/San Carlos Inn Residential Care Facility Findings for Decision 9 February 2000 Page Seven

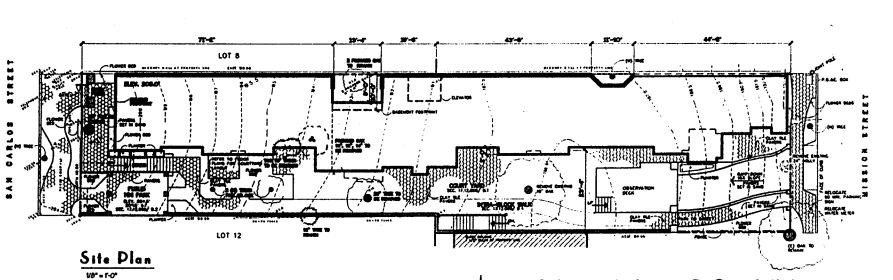
- 16. All portions of all land use entitlements and/or exceptions authorized by this permit are contingent upon City approval of a final design for the project. All design alterations of any structure on the project once constructed shall be subject to design review approval in conformance with the Municipal Code of the City of Carmel-by-the-Sea. If any part of this permit is implemented, all associated permits shall apply.
- 17. The applicant shall be required to submit construction drawings for review by the Building Official and receive a building permit prior to commencing construction of the alterations to the building approved in this permit.
- 18. Any exterior changes that are not expressly approved by the Planning Commission in this permit shall not be permitted unless the applicant submits a revised application for consideration and approval consistent with all applicable Municipal Code Sections.
- 19. The applicant shall return to the Planning Commission for final design approval on details such as colors, lighting, public way design, and landscaping.
- 20. The applicant shall professionally photodocument the entire structure located on the west side of Mission Street on the site prior to any demolition or construction. Copies of the photographs shall be archived in the property file at City Hall.
- 21. That if the proposed facility fails and the building is converted to another permitted use, no land use, density, or parking nonconformities will be created.

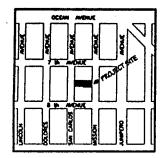
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Exhibit C 17 of 17









VICINITY MAP

### PROJECT INFORMATION

APH	010-142-011	+ 010-142-03
SITE AREA		8500.00 6.
	LOCK 40 LOT 4. 1 N STREET, 5 SW of	
HEICHT		30.0 PT. HAX.
FLOOR AR	ĽA	
	TREET LEVEL	3.572 5.F. 3.783 5.F.

TOTAL PARISHG LEVEL

7.306 5.7. 4.901 5.7.

#### BULDING. COVERACE ALLOWED - 67.75%

5.754 5.7. 4.335 5.7. PROPOSED = 50.992

### FLOOR AREA RATIO

ALLOWED		77.4 X 17.12.060 +	87.A X	7.429 5.7.
PROPOSED	•	86.2 X		7.305 5.7.

# SAN CARLOS INN Distinctive Living for the Elderly

### SHEET INDEX

### 1. SITE PLAN

SCALE P . 6 -----

- 2. FLOOR PLANS GARAGE LEVEL
- 3. FLOOR PLANS MISSION STREET & SAN CARLOS STREET LEVELS
- 4. EXTERIOR ELEVATIONS . EAST , WEST AND COURTYARD
- 5. EXTERIOR ELEVATIONS NORTH AND SOUTH
- 6. ROOF PLAN
- 7. SAN CARLOS STREETSCAPE
- 8. MISSION STREETSCAPE

### 9. SECTION



Exhibit of C

3-00-090 (Mandurrago & Adams)

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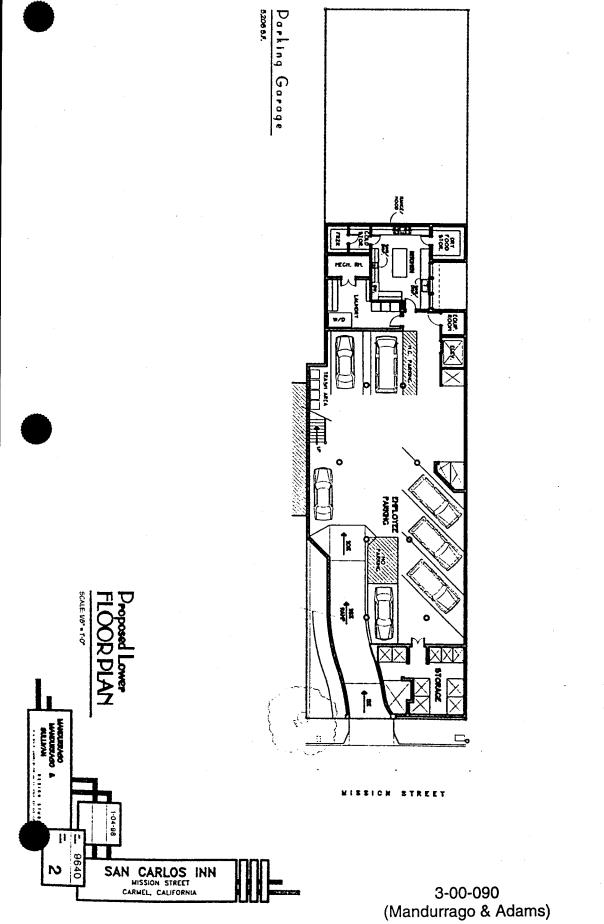
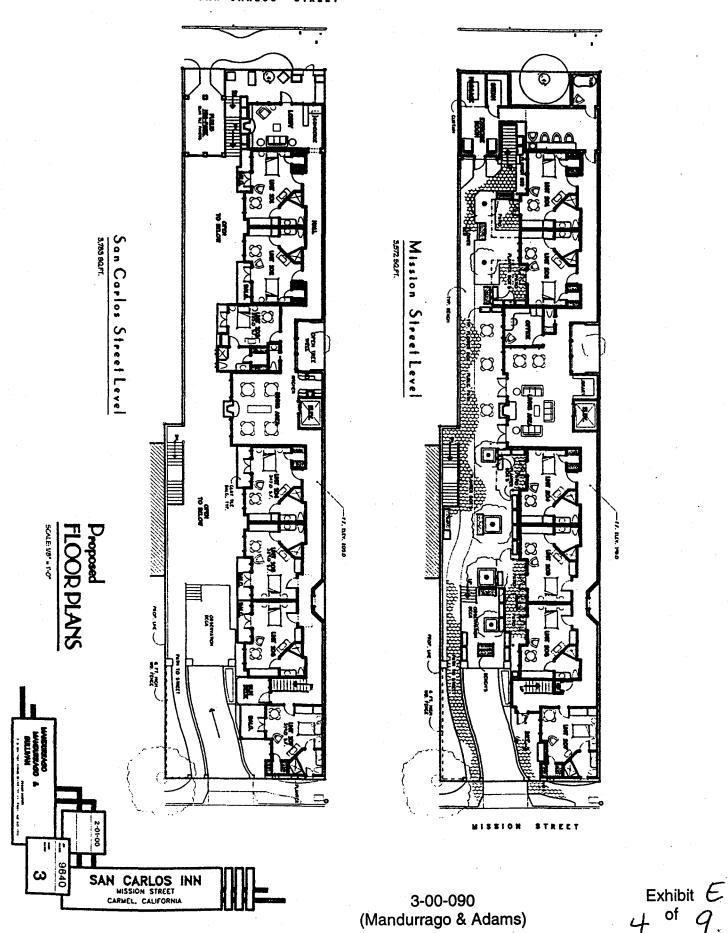


Exhibit E 3



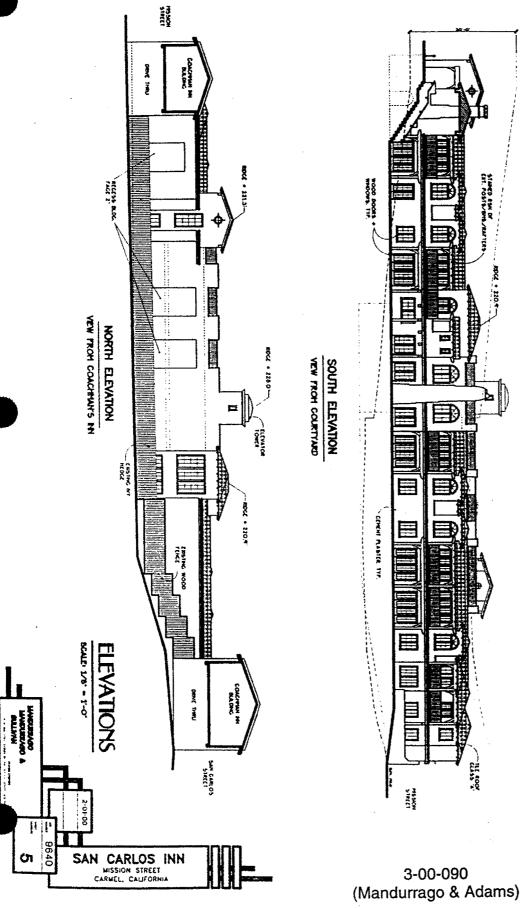


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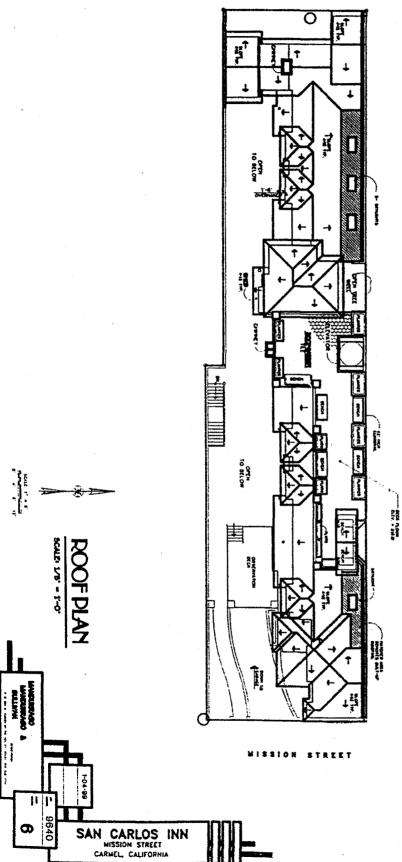


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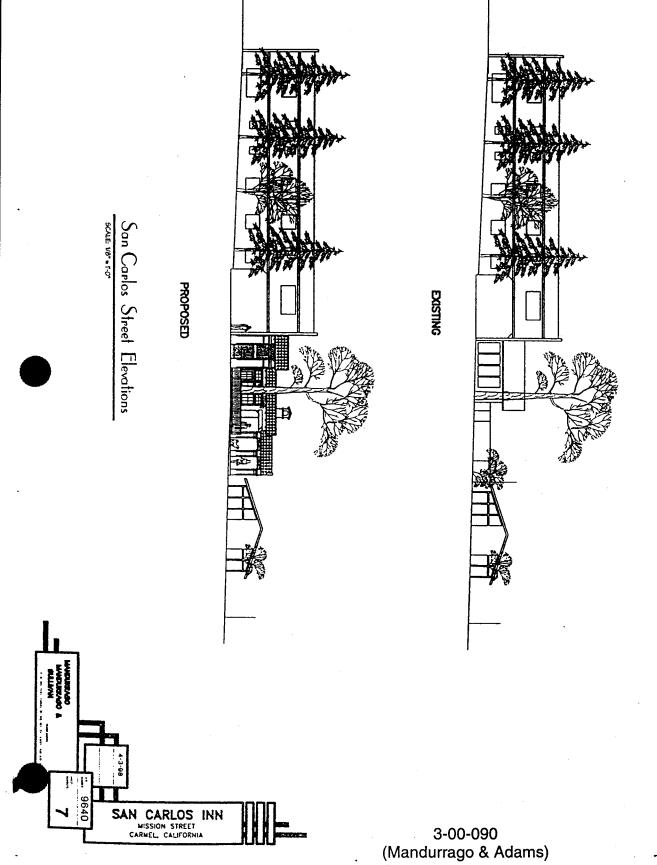
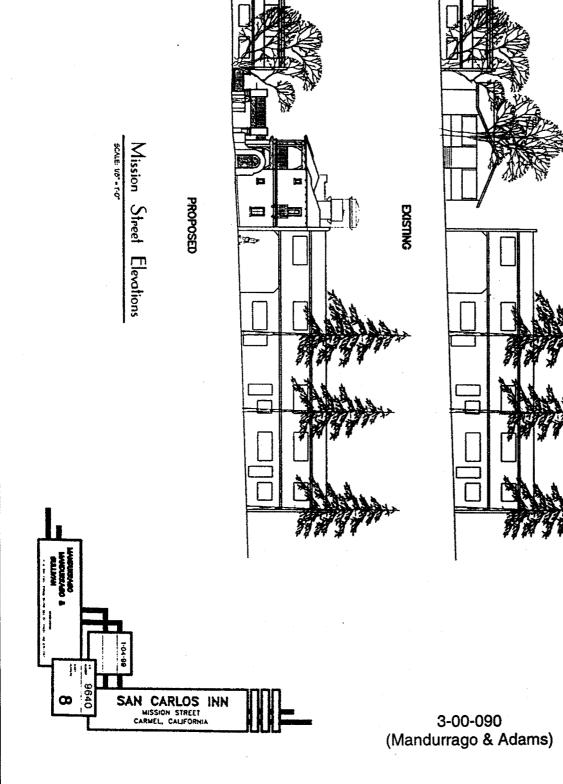


Exhibit  $\mathcal{E}$ 



# Exhibit E of 9.

