

CITY OF CARMEL-BY-THE-SEA
DESIGN REVIEW BOARD
AGENDA CHECKLIST

MEETING DATE: 17 December 2008

BLOCK: LL LOT: 30

FIRST HEARING: 7/23/2008

CONTINUED FROM: N/A

ITEM NO: DS 08-76

OWNER: Baron/D'Angelo

STREAMLINING DEADLINE: 1/10/2009

SUBJECT:

Consideration of Design Study (Final) and Coastal Development Permit applications for the substantial alteration of an existing residence located in the Single Family Residential (R-1) and Archaeological Significance Overlay (AS) Districts.

ENVIRONMENTAL REVIEW:

Exempt (Class 3 – New Construction)

LOCATION:

E/s North Camino Real between 2nd & 4th

ZONING:

R-1, AS

ISSUES:

1. Does the proposed design comply with the Residential Design Objectives (CMC 17.10.1) and the Residential Design Guidelines?

OPTIONS:

1. Approve the application as submitted.
2. Approve the application with special conditions.
3. Continue the application with a request for changes.
4. Deny the application.

RECOMMENDATION:

Option #2 (Approve the application with special conditions.)

ATTACHMENTS:

1. Staff Report dated 17 December 2008.
2. Application Materials.
3. Project Plans.

STAFF CONTACT: Marc Wiener, Assistant Planner

CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT Adopted & Approved 12/17/08

APPLICATION: DS 08-76

APPLICANT: Baron/D'Angelo

BLOCK: LL

LOT: 30

LOCATION: E/s North Camino Real between 2nd & 4th

REQUEST:

Consideration of Design Study (Final) and Coastal Development Permit applications for the substantial alteration of an existing residence located in the Single Family Residential (R-1) and Archaeological Significance Overlay (AS) Districts.

EXISTING NONCONFORMITIES:

1. South side-yard setback.

BACKGROUND:

This site is located on the east side of North Camino Real between Second and Fourth Avenues. The site contains a one-story residence at the rear of the property and a detached garage at the front of the property. The site slopes from east to west at approximately 12% and contains eight significant trees.

The Design Review Board accepted the Design Concept for this project on 24 September 2008. The project went before the Board for a final review on 22 October 2008 and was denied. However, due to a procedural error the Final Review is being reheard.

PROJECT DESCRIPTION:

The applicant is proposing to expand the existing residence by demolishing the north portion of the structure and constructing a new addition, a portion of which will be two-stories. The applicant is also proposing a 140 square foot studio along the south side of the property. The main residence will include a 1,666 square foot first floor, a 518 square foot upper level and a 397 square foot basement. There is a 260 square foot detached garage at the front of the property that will remain.

Site coverage includes the driveway, walkway, front and rear patios, outdoor shower and a hot tub at the southeast corner of the property.

PROJECT DATA FOR A 7,200 SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	2,779 sf (38.6%)	647 sf (10%)	2,999 sf (41%)*
Site Coverage	899 sf (13%)**	N/A	891 sf (13%)
Trees (upper/lower)	3/1 trees	0/13 trees	0/13 trees
Ridge Height (1 st /2 nd)	18/24 ft.	12 ft. 6 in.	13 ft. 8 in. /20 ft. 3 in.
Plate Height (1 st /2 nd)	12 ft./18 ft.	8 ft.	9 ft. 6 in./17 ft.
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft.	72 ft.	34 ft.***
Composite Side Yard	15 ft. (25%)	24 ft.	15 ft. (25%)
Minimum Side Yard	3 ft.	3 ft.	3 ft.
Rear	3 ft. /15 ft.	23 ft.	10 ft. 6 in.
*Includes bonus basement space.			
**Includes a 4% bonus if 50% of all coverage is permeable or semipermeable.			
***Detached garage is 15' from the front property line.			

EVALUATION:

Concept Review: This project was originally heard by the Design Review Board on 23 July 2008 and continued with a request that the applicant revise the design to mitigate the view impact on the northeast neighbor. The applicant relocated the two-story element to mitigate the view impact.

On 24 September 2008 the Board reviewed this project again. The Board accepted the design concept with the condition that the applicant reduce the height of the two-story structure by one-foot. The applicant was also required to work with staff to address the bathroom window privacy concerns of the northeast neighbor.

Final Review: On 22 October 2008 the Board reviewed the revised plans that included reducing the height of the second story from 22.5 to 21.5 feet and improved privacy screening of the bathroom on the lower level.

The Board reversed its previous decision and voted to deny the project based on its visual impact to the surrounding properties, primarily caused by the mass and location of the two-story element. After the decision staff consulted with the City Attorney and

determined that the project must be reheard due a procedural error that occurred during the hearing.

Since this is a new hearing, the Board should consider staff's recommendations, along with public comment and testimony, and reach a decision regarding the project.

Project Changes: Since the last hearing the applicant has made further changes to address the concerns of the neighbors and the Board. The applicant has lowered the height of the structure an additional 15 inches, from 21.5 to 20.25 feet, and reduced the second story from 540 to 518 square feet. The width of the second story has been reduced by approximately one-foot six-inches and the roof eaves on the north and south elevations have been removed. The applicant has also indicated that the second-story bathroom window along the north elevation will be made of frosted glass.

Finish Details: Design Guidelines 9.5 - 9.8 encourage the "*use of natural materials*" and "*board and batten siding and shingles are preferred.*"

The applicant is proposing cedar shingle siding, unclad wood doors and windows and composition shingle roofing. The applicant is proposing a landscaped "green roof" on the studio. The proposed materials are consistent with the Design Guidelines and compatible with the neighborhood.

Landscaping: The applicant has submitted a landscape plan. The two lower canopy trees were removed from the landscape plan as requested by the Board at the concept review to accommodate views of the neighbors.

Exterior Lighting: The proposed exterior lighting is located in areas needed for safety and outdoor activity as recommended by the Design Guidelines. The applicant has indicated that the landscape lighting will not exceed 18 inches above the ground and 15 watts per fixture. The wall mounted lighting shall not exceed 25 watts per fixture as noted in Standard Condition #9.

Studio: The applicant has indicated that the studio will have a setback of six-feet from the significant tree in front of the studio. Staff had added a special condition to address this issue in the last staff report.

At the previous hearing the southern neighbor had expressed concerns about the location of the studio. The applicant has agreed to move the studio back five feet to address the concerns of this neighbor. Staff has added a special condition requiring the applicant to reflect this change on the set of plans submitted with the building permit application.

Archeological Significance Overlay District: Sites located in the Archeological Significance Overlay District require an Archeological Survey. This is addressed in standard condition #21.

Summary: Since the first hearing with the Board on 23 July 2008 the applicant has made the following revisions to accommodate the concerns of the Board and neighbors:

- Relocated the second-story.
- Reduced the square footage of the second-story
- Reduced the height of the second-story.
- Removed the roof eaves from the second-story.
- Withdrew the proposal to plant two upper canopy trees.
- Relocated the studio.
- Frosted the upper second-story bathroom window.

These changes achieve a fair balance of view opportunities and maintain reasonable privacy for all of the properties affected by the project as encouraged in the Design Guidelines. These changes also ensure that the building's mass relates to the context of other homes in the area. Based on the original concept acceptance and the additional changes that have been incorporated since the previous hearing, staff recommends approval of the project.

RECOMMENDATION:

Approve the application with the attached findings and conditions.

SPECIAL CONDITION:

1. The applicant shall move the detached studio 5 feet easterly along the southern property line, with a maximum elevation gain of the top of the roof of 1 foot in order to keep the studio near grade. The current side-yard setback shall be maintained. The revised location shall be shown on the set of plans submitted with the building permit application.

Findings adopted by the Design Review Board on 12/17/08.
 DS 08-76 (Baron/D'Angelo)

<u>FINDINGS REQUIRED FOR CONCEPT AND FINAL DESIGN STUDY APPROVAL</u> <u>(CMC 17.64.8 and LUP Policy P1-45)</u>		
For each of the required design study findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Design Review Board decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
Municipal Code Finding	YES	NO
1. The project conforms with all zoning standards applicable to the site, or has received appropriate use permits, variances consistent with the zoning ordinance.	✓	
2. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest, open space resources and site design. The project's use of open space, topography, access, trees and vegetation will maintain or establish a continuity of design both on the site and in the public right of way that is characteristic of the neighborhood.	✓	
3. The project avoids complexity using simple/modest building forms, a simple roof plan with a limited number of roof planes and a restrained employment of offsets and appendages that are consistent with neighborhood character, yet will not be viewed as repetitive or monotonous within the neighborhood context.	✓	
4. The project is adapted to human scale in the height of its roof, plate lines, eave lines, building forms, and in the size of windows doors and entryways. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood. Its height is compatible with its site and surrounding development and will not present excess mass or bulk to the public or to adjoining properties. Mass of the building relates to the context of other homes in the vicinity.	✓	
5. The project is consistent with the City's objectives for public and private views and will retain a reasonable amount of solar access for neighboring sites. Through the placement, location and size of windows, doors and balconies the design respects the rights to reasonable privacy on adjoining sites.	✓	
6. The design concept is consistent with the goals, objectives and policies related to residential design in the general plan.	✓	
7. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All buildings are setback a minimum of 6 feet from significant trees.	✓	
8. The proposed architectural style and detailing are simple and restrained in character, consistent and well integrated throughout the building and complementary to the neighborhood without appearing monotonous or repetitive in context with designs on nearby sites.	✓	
9. The proposed exterior materials and their application rely on natural materials and the overall design will as to the variety and diversity along the streetscape.	✓	

10. Design elements such as stonework, skylights, windows, doors, chimneys and garages are consistent with the adopted Design Guidelines and will complement the character of the structure and the neighborhood.	✓	
11. Proposed landscaping, paving treatments, fences and walls are carefully designed to complement the urbanized forest, the approved site design, adjacent sites, and the public right of way. The design will reinforce a sense of visual continuity along the street.	✓	

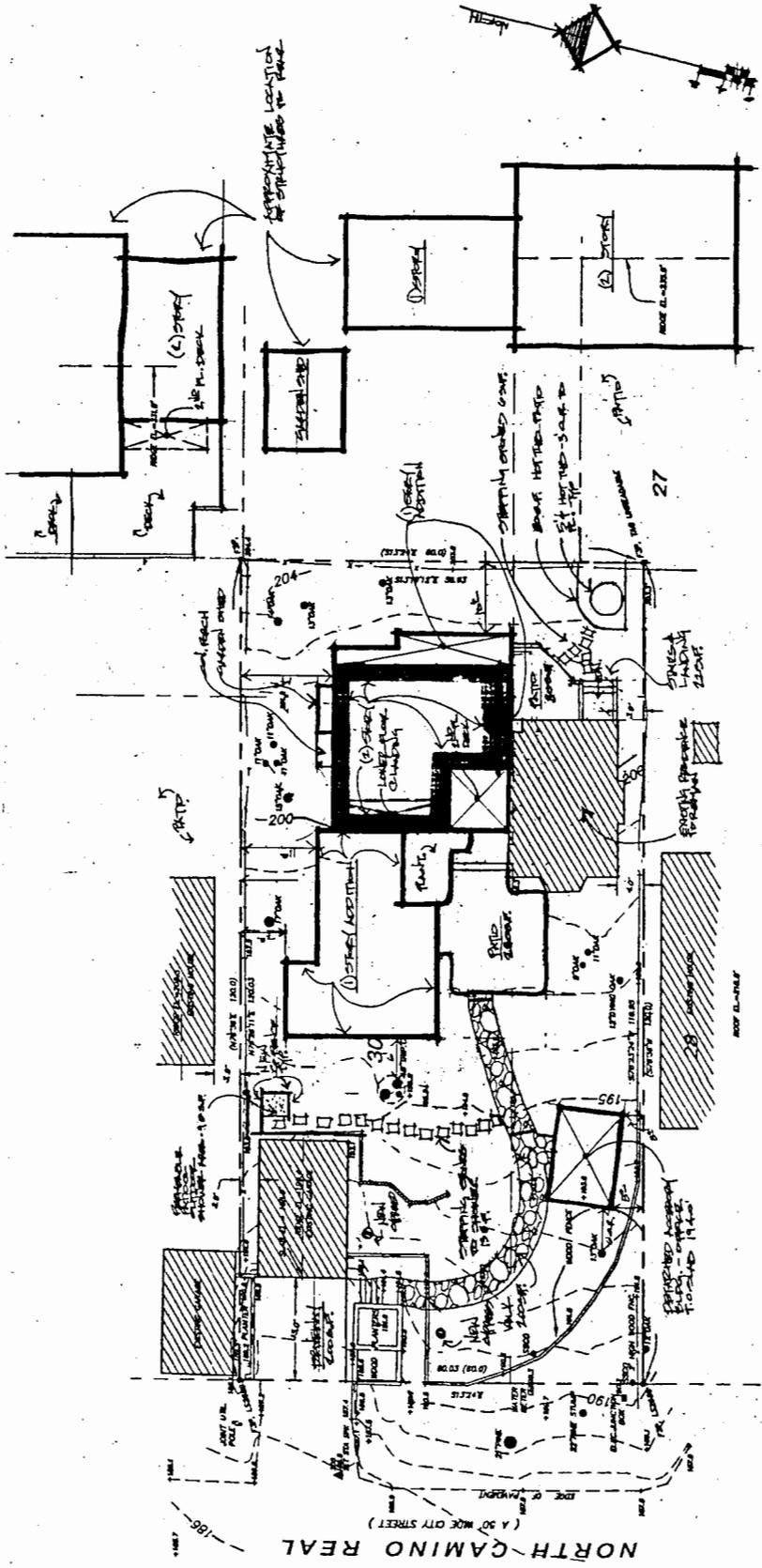
COASTAL DEVELOPMENT FINDINGS (CMC 17.64.B.1):

1. The project conforms with the certified Local Coastal Program of the City of Carmel by the Sea.
2. The project is not located between the first public road and the sea and no review is required for potential public access.

Standard R-1 Conditions		
No.	Condition	
1.	This approval constitutes a Design Study and Coastal Development Permit authorizing the demolition of an existing residence and the construction of a new residence. All work shall conform to the approved plans dated 17 December 2008 except as conditioned by this permit.	✓
2.	The project shall be constructed in conformance with all requirements of the local R-1 zoning ordinances. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested at the time such plans are submitted, such changes shall require separate approval by the Design Review Board.	✓
3.	This approval shall be valid for a period of one year from the date of action unless an active building permit has been issued and maintained for the proposed construction.	✓
4.	All new landscaping shall be shown on a landscape plan and shall be submitted to the Department of Community Planning and Building and to the City Forester prior to the issuance of a building permit. The landscape plan will be reviewed for compliance with the landscaping standards contained in the Zoning Code, including the following requirements: 1) all new landscaping shall be 75% drought-tolerant; 2) landscaped areas shall be irrigated by a drip/sprinkler system set on a timer; and 3) the project shall meet the City's recommended tree density standards, unless otherwise approved by the City based on site conditions. The landscaping plan shall show where new trees will be planted when new trees are required to be planted by the Forest and Beach Commission or the Design Review Board.	✓

5.	Trees on the site shall only be removed upon the approval of the Forest and Beach Commission; and all remaining trees shall be protected during construction by methods approved by the City Forester.	✓
6.	All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Twelve inches (12") of mulch shall be evenly spread inside the dripline of all trees prior to the issuance of a building permit.	✓
7.	Approval of this application does not permit an increase in water use on the project site. Should the Monterey Peninsula Water Management District determine that the use would result in an increase in water beyond the maximum units allowed on a 7,200 square foot parcel, this permit will be scheduled for reconsideration and the appropriate findings will be prepared for review and adoption by the Design Review Board.	✓
8.	The applicant shall submit in writing any proposed changes to the project plans as submitted on 17 December 2008 and approved by the Design Review Board, prior to incorporating changes on the site. If the applicant changes the project without first obtaining approval, the applicant will be required to either: a) Submit the change in writing and cease all work on the project until either the Design Review Board or staff has approved the change; or b) Eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection approval.	✓
9.	Exterior lighting shall be limited to 25 watts or less per fixture and shall be no higher than 10 feet above the ground. Landscape lighting shall be limited to 15 watts or less per fixture and shall not exceed 18 inches above the ground.	✓
10.	All skylights shall use nonreflective glass to minimize the amount of light and glare visible from adjoining properties. The applicant shall install skylights with flashing that matches the roof color, or shall paint the skylight flashing to match the roof color.	N/A
11.	The Carmel stone façade shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted. Prior to the full installation of stone during construction, the applicant shall install a 10 square foot section on the building to be reviewed by planning staff on site to ensure conformity with City standards.	✓
12.	The applicant shall install unclad wood framed windows. Windows that have been approved with divided lights shall be constructed with fixed wooden mullions. Any window pane dividers, which are snap-in, or otherwise superficially applied, are not permitted.	✓
13.	Approval of this remodel does not authorize demolition and is based on the	N/A

	constraints of the design of the existing building and site constraints as presented to the Design Review Board. Unauthorized demolition shall void this approval and shall require submittal of a new Design Study application.	
14.	Approval of this Design Study shall be valid only with approval of the Use Permit.	N/A
15.	Approval of this Design Study shall be valid only with approval of the Variance.	N/A
16.	The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	✓
17.	The driveway material shall extend beyond the property line into the public right of way as needed to connect to the paved street edge. A minimal asphalt connection at the street edge may be required by the Superintendent of Streets or the Building Official, depending on site conditions, to accommodate the drainage flow line of the street.	✓
18.	Existing lots and/or lot fragments that comprise the building site shall be merged into a single lot of record.	N/A
19.	This project is subject to a volume study.	✓
20.	A hazardous materials waste survey shall be required in conformance with the Monterey Bay Unified Air Pollution Control District prior to issuance of a demolition permit.	✓
21.	An archaeological reconnaissance report shall be prepared by a qualified archaeologist or other person(s) meeting the standards of the State Office of Historic Preservation prior to approval of a final building permit. All new construction involving excavation shall immediately cease if materials of archaeological significance are discovered on the site and shall not be permitted to recommence until a mitigation and monitoring plan is approved by the Design Review Board.	✓



S I T E P L A N

- SCOPE OF WORK:**
1. PREP. IMPROVEMENT PLAN OF EXIST. RESOURCES TO FLOOR.
 2. NEW (1) & (2) STORY ADDITION W/ EXISTENT BRICK (3) STORY.
 3. PROVIDE NEW FRONT PORCH/DECK FLOOR.
 4. PROVIDE NEW DRIVEWAY & DRIVEWAY FLOOR.
 5. NEW DRIVEWAY & DRIVEWAY AT WEST L.I.F.
 6. NEW DRIVEWAY & DRIVEWAY AT WEST L.I.F.
 7. NEW DRIVEWAY & DRIVEWAY AT WEST L.I.F.

FLOOR AREA (COMPOSITE PLAN)

EXIST. BLDG.	10,000
NEW BLDG.	10,000
TOTAL	20,000
EXIST. DRIVEWAY	1,000
NEW DRIVEWAY	1,000
TOTAL DRIVEWAY	2,000
EXIST. PARKING	1,000
NEW PARKING	1,000
TOTAL PARKING	2,000
EXIST. LANDSCAPING	1,000
NEW LANDSCAPING	1,000
TOTAL LANDSCAPING	2,000
TOTAL	28,000

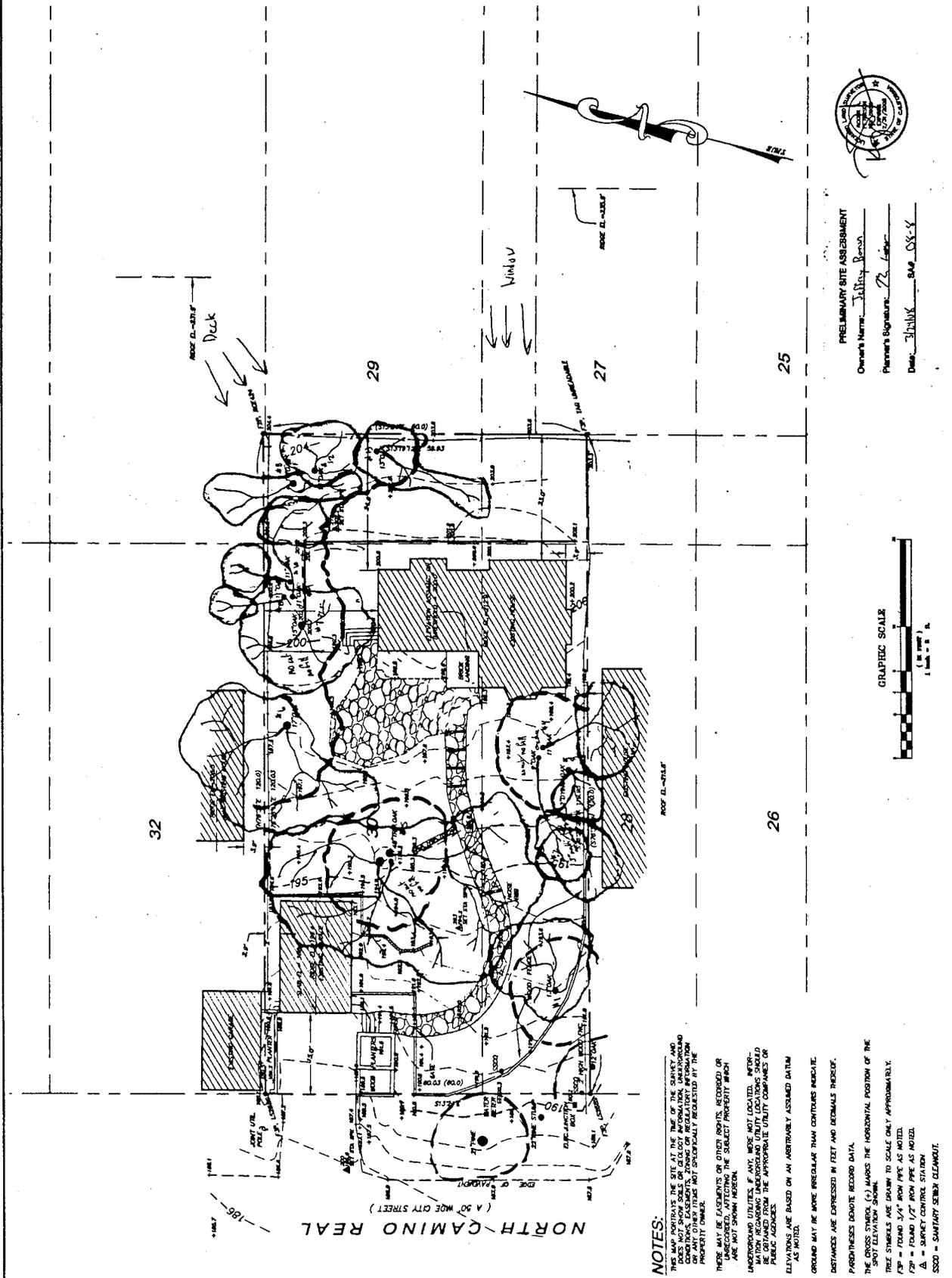
PROJECT DATA

DATE: 10-22-07
 ARCHITECT: PETER DAVIS
 LOT SIZE: 7,200 SQ. FT.

SITE CONFORMANCE

EXIST. BLDG.	10,000
NEW BLDG.	10,000
TOTAL	20,000
EXIST. DRIVEWAY	1,000
NEW DRIVEWAY	1,000
TOTAL DRIVEWAY	2,000
EXIST. PARKING	1,000
NEW PARKING	1,000
TOTAL PARKING	2,000
EXIST. LANDSCAPING	1,000
NEW LANDSCAPING	1,000
TOTAL LANDSCAPING	2,000
TOTAL	28,000

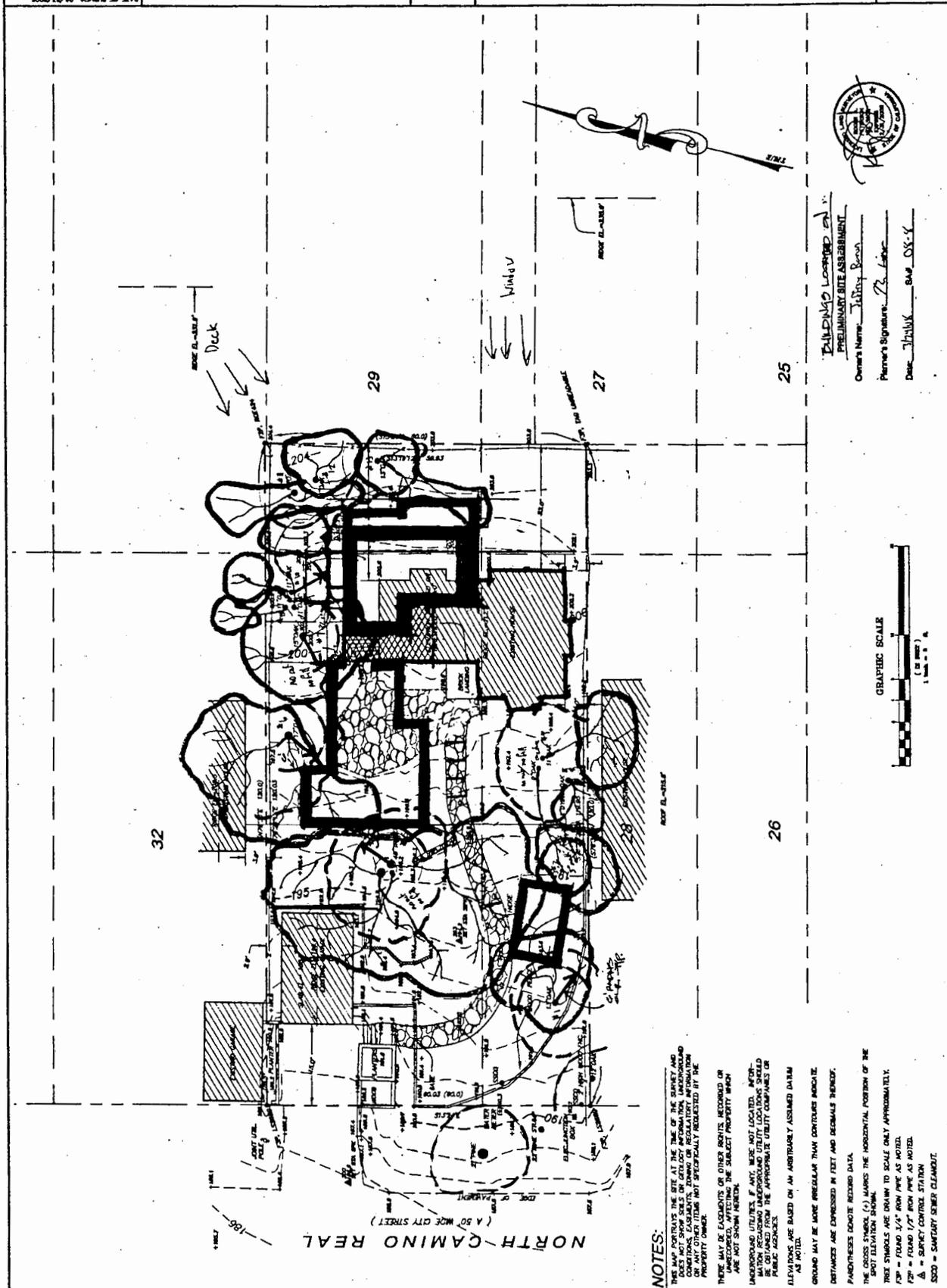
TOPOGRAPHIC SURVEY
 REAL PROPERTY IN BLOCK 11, CARMEL-AT-SEA
 ADDITION NO. 2, VOL. 3-C&G-7, COUNTY OF SANTA CRUZ
 DESCRIBED IN DOCUMENT #00075113 (AM 01-23-03-03)
 RLS
 RASKUSSEN LAND SURVEYING, INC.
 P.O. BOX 3133
 MONTEREY, CALIFORNIA 93943
 (831) 376-7340 (831) 376-2548 FAX
 DRAWING NO. 09/27/2008
 DRAWING SCALE: 1" = 40'



PRELIMINARY SITE ASSIGNMENT
 Owner's Name: Jilliny Peron
 Planner's Signature: [Signature]
 Date: 09/27/08

NOTES:
 THIS SURVEY SHOWS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT SHOW SITES OR CONDITIONS THAT MAY EXIST AT A LATER DATE. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY CHANGES IN THE PROPERTY OWNER.
 THERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDED OR UNRECORDED, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREIN.
 UNDERGROUND UTILITIES, IF ANY, WERE NOT LOCATED. INFORMATION ON THE LOCATION OF UNDERGROUND UTILITIES SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES OR PUBLIC AGENCIES.
 ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.
 GROUND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE.
 DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
 PARADISES DONATE RECORD DATA.
 THE SURVEYOR'S (S) MARKS THE HORIZONTAL POSITION OF THE TREE STAMPS ARE DRAWN TO SCALE ONLY APPROXIMATELY.
 FPM = FOUND 1/4" FROM PPE AS NOTED.
 FOM = FOUND 1/2" FROM PPE AS NOTED.
 A = SURVEY CONTROL STATION
 SS02 = SURVEY CONTROL STATION

PROJECT NO.	101101
DATE OF SURVEY	08/27/2008
SCALE	1" = 40'
OWNER	BARON & DYNOWILO LIVING TRUST
PREPARED BY	PETER DAVIS ARCHITECT
DATE	10/10/08



BUILDING LAYOUT
 PRELIMINARY SITE ASSIGNMENT
 Owner's Name: Baron & Dynowilo
 Planner's Signature: [Signature]
 Date: 10/10/08



NOTES:
 THIS MAP PORTAYS THE SITE AT THE TIME OF THE SURVEY AND DOES NOT REPRESENT THE EXISTING CONDITIONS. THE SURVEYOR HAS MADE A VISUAL CHECK OF THE SURVEYED AREAS AND HAS FOUND NO DISCREPANCIES. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER ITEMS NOT SPECIFICALLY REQUESTED BY THE PROPERTY OWNER.
 THERE MAY BE EASEMENTS OR OTHER RIGHTS, RECORDED OR UNRECORDED, AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.
 UNRECORDED UTILITIES, IF ANY, WERE NOT LOCATED. INFORMATION REGARDING UNDERGROUND UTILITY LOCATIONS SHOULD BE OBTAINED FROM THE APPROPRIATE UTILITY COMPANIES OR PUBLIC AGENCIES.
 ELEVATIONS ARE BASED ON AN ARBITRARILY ASSUMED DATUM AS NOTED.
 GROUND MAY BE MORE IRREGULAR THAN CONTOURS INDICATE. DISTANCES ARE EXPRESSED IN FEET AND DECIMALS THEREOF. FRACTIONES INDICATE RECORD DATA.
 THE CROSS SYMBOLS (+) MARKS THE HORIZONTAL POSITION OF THE SHOT ELEVATION POINT.
 THESE SYMBOLS ARE DRAWN TO SCALE ONLY APPROXIMATELY.
 FIP = FOUND 1/4" FROM PIPE AS NOTED.
 FIP = FOUND 1/2" FROM PIPE AS NOTED.
 Δ = SURVEY CONTROL STATION.
 SCD = SURVEY SETBACK CLEARMENT.

26

25

27

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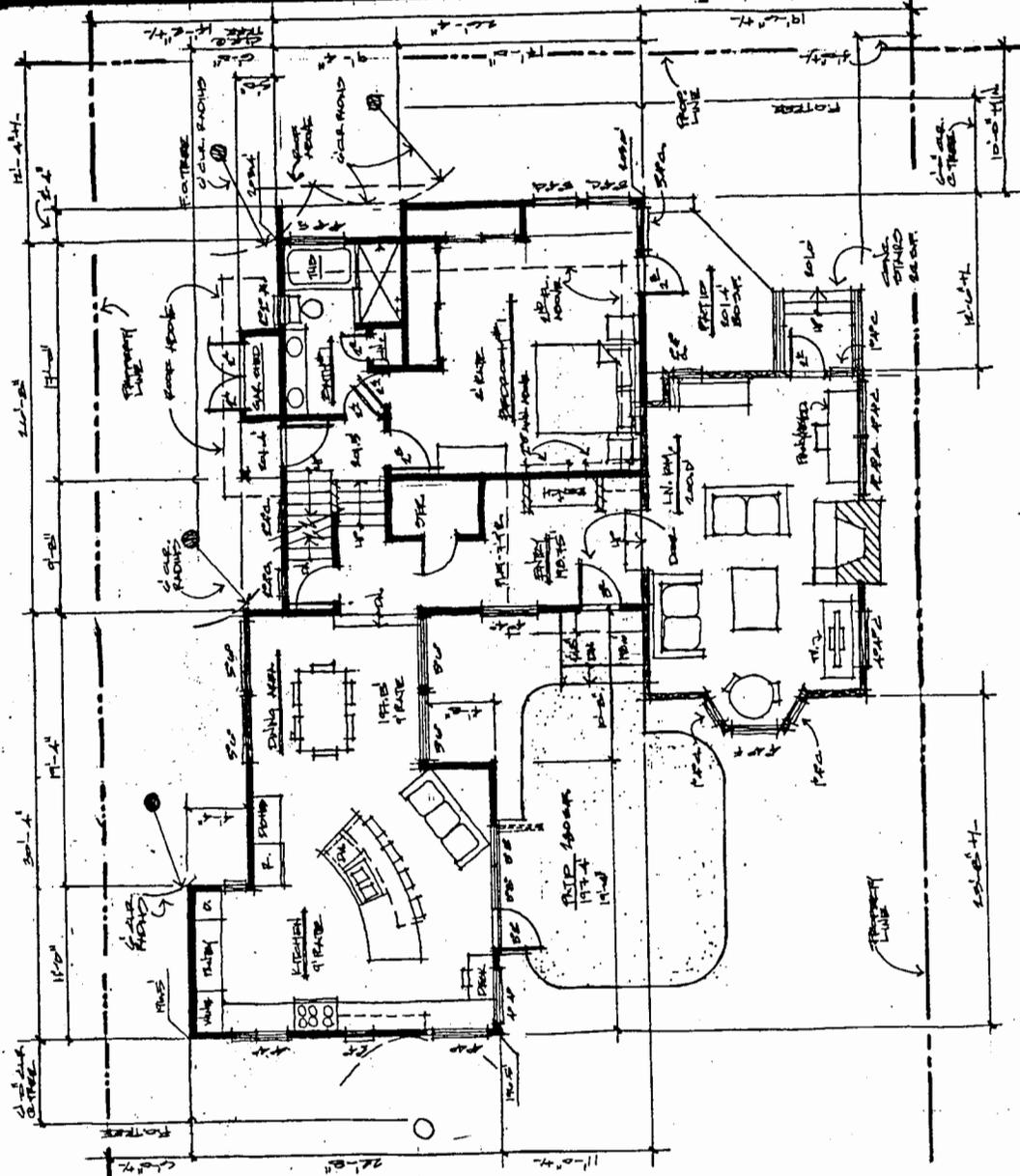
32

NORTH-CAMINO REAL
 (A 50' WIDE CITY STREET)

RLS

TOPOGRAPHIC SURVEY
 REAL PROPERTY IN BLOCK 11, CAMINO REAL TRUST
 SECTION NO. 1, WELLS-CALIFORNIA COUNTY, CA
 DESCRIBED IN DOCUMENT 2008073113 (W/10-10-08)

RASMUSSEN LAND SURVEYING, INC.
 P.O. BOX 3130
 MONTEREY, CALIFORNIA 93942
 (831) 378-7340 (831) 378-2848 FAX



PROJECT: RECEPTION, RESTROOM & ACCEPTANCE
 EXHIBIT / DRAWING NUMBER: 15
 DATE OF THE DRAWING: 10/10/11

DATE: 10/10/11
BY: P.D.
CHECKED: P.D.
SCALE: AS SHOWN

LESS: 100 SQ. FT.	200 SQ. FT.
ADD: 100 SQ. FT.	300 SQ. FT.
TOTAL: 200 SQ. FT.	500 SQ. FT.
ADD: 100 SQ. FT.	600 SQ. FT.
TOTAL: 300 SQ. FT.	900 SQ. FT.
ADD: 100 SQ. FT.	1,000 SQ. FT.
TOTAL: 400 SQ. FT.	1,400 SQ. FT.
TOTAL: 500 SQ. FT.	1,900 SQ. FT.
TOTAL: 600 SQ. FT.	2,500 SQ. FT.
TOTAL: 700 SQ. FT.	3,200 SQ. FT.
TOTAL: 800 SQ. FT.	4,000 SQ. FT.

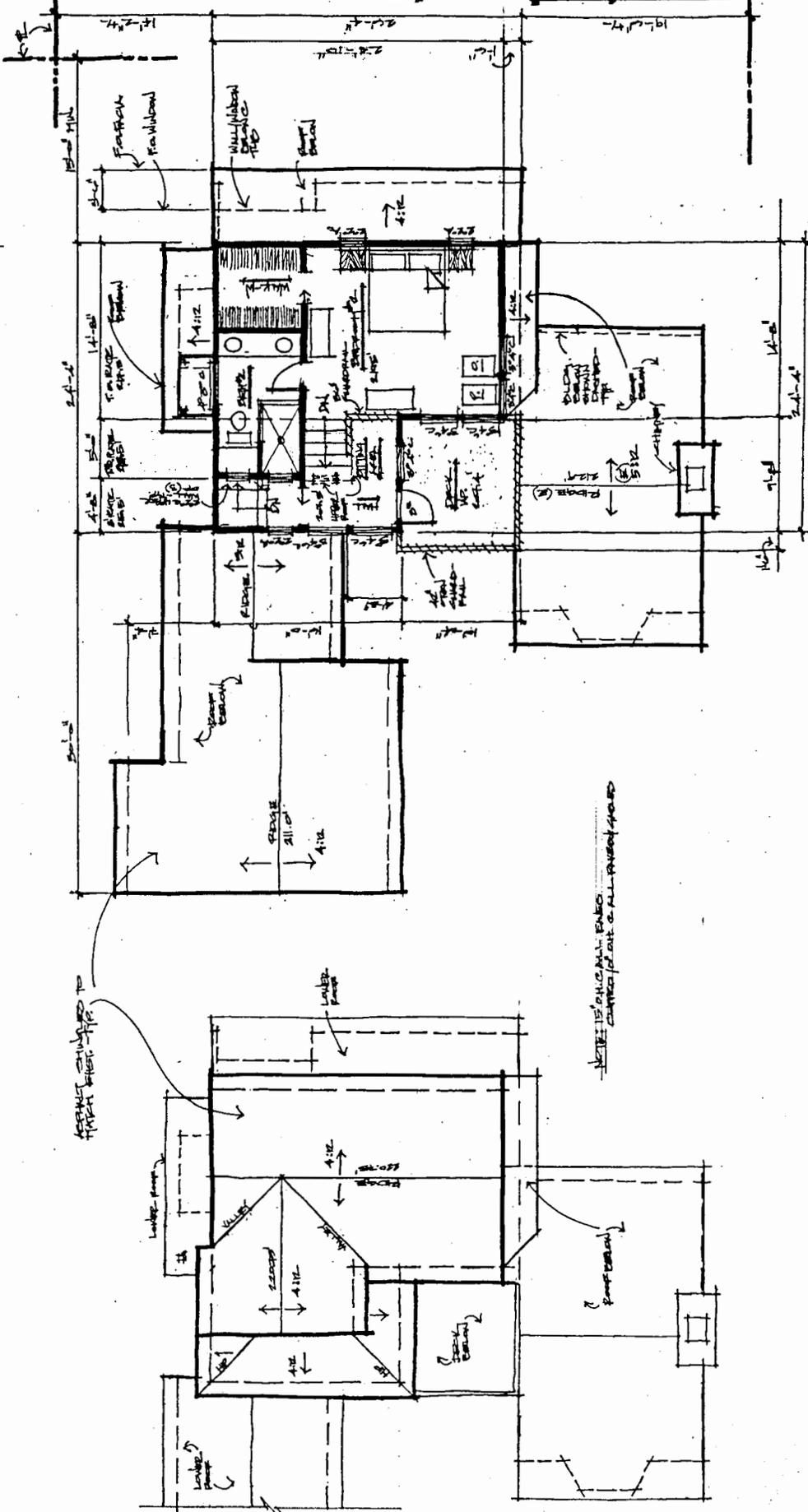
Notes: All windows & doors - doors, windows, panes, frames, etc. - all items are to be installed as shown on this drawing.

REVISIONS:

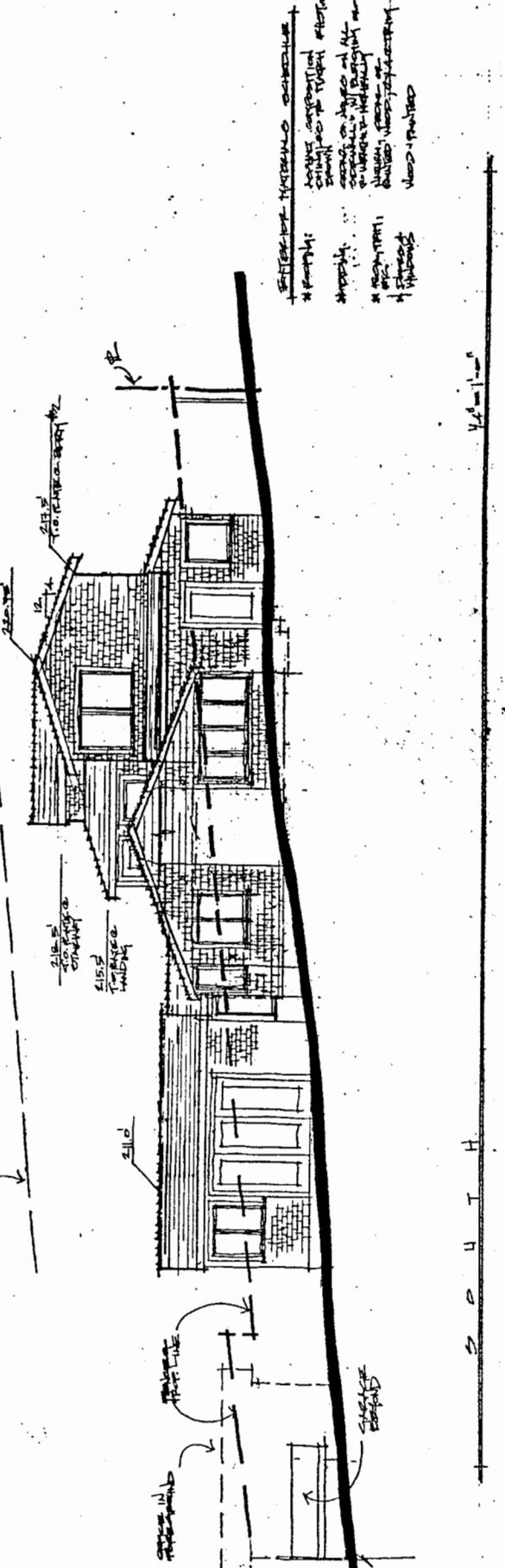
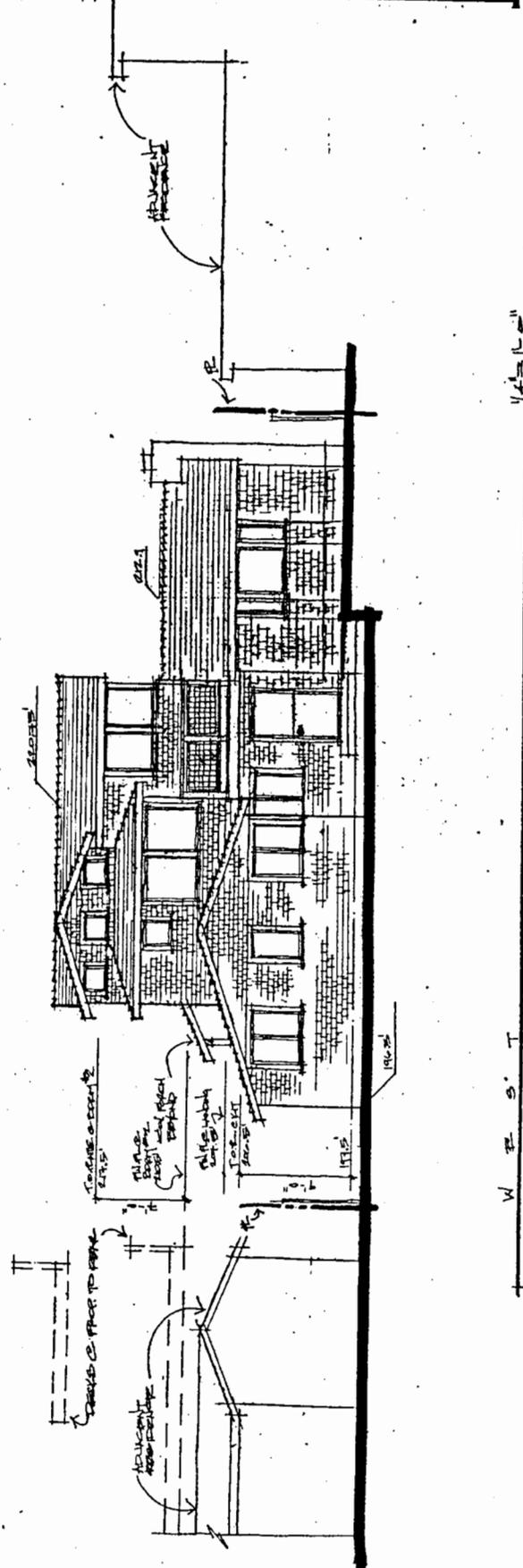
NO. 1	DATE	DESCRIPTION
1	10/10/11	ISSUED FOR PERMIT

PERMIT:

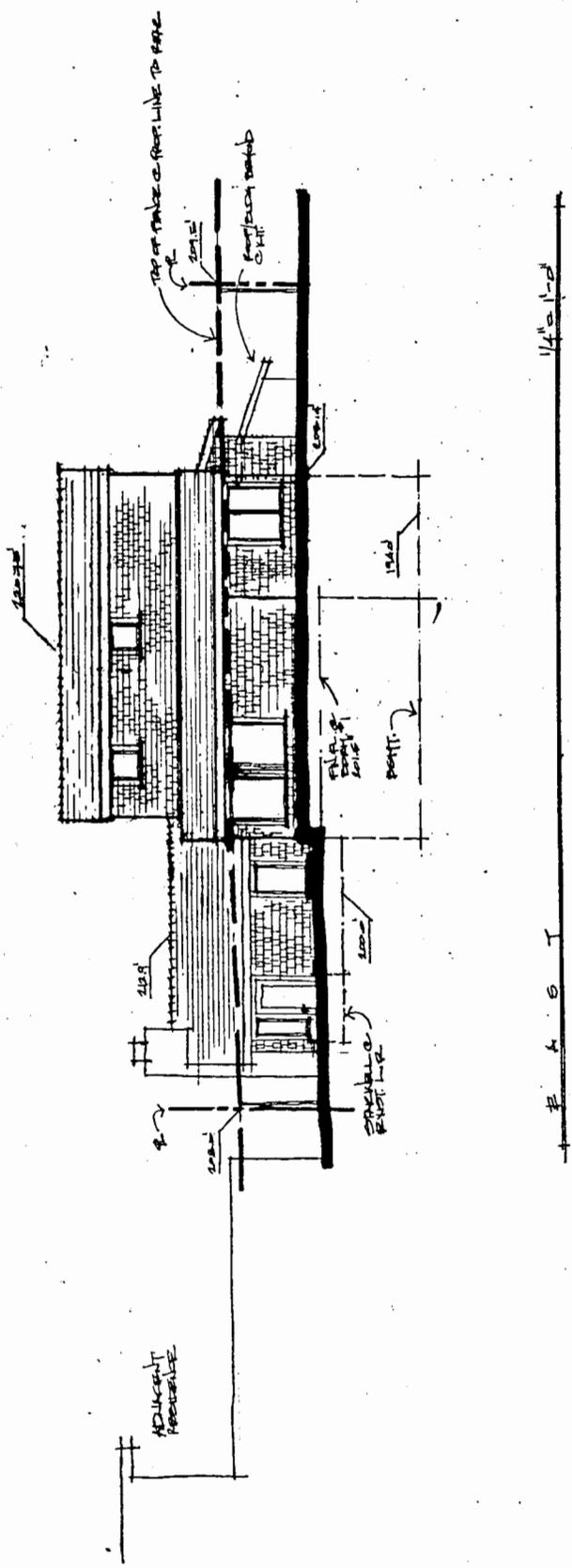
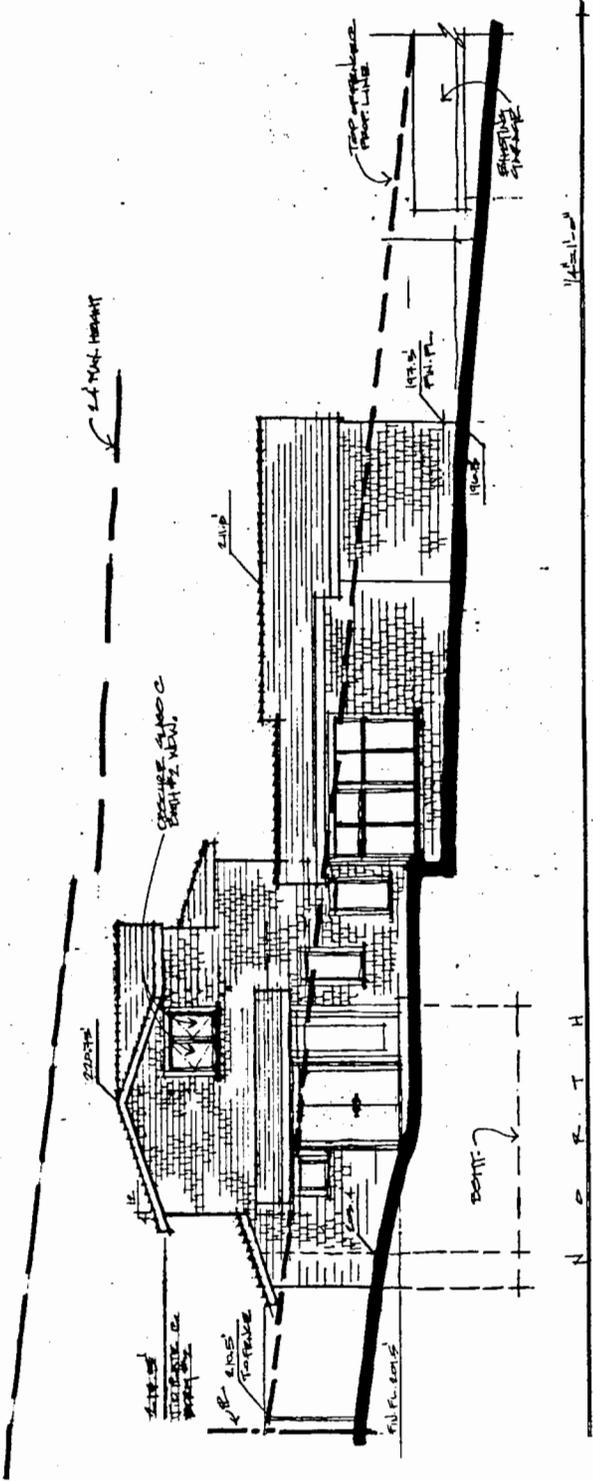
NO. 1	DATE	DESCRIPTION
1	10/10/11	ISSUED FOR PERMIT

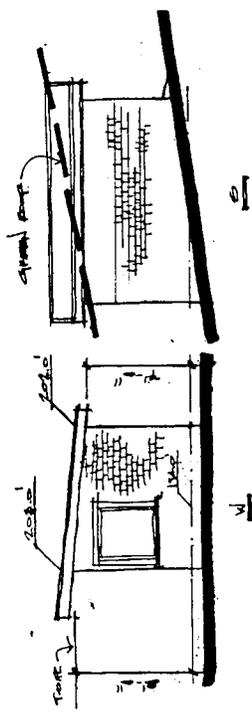
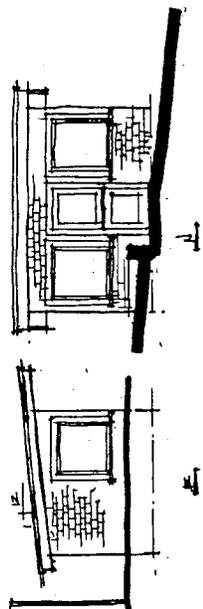


H P P E R F O O R S T A I L S
 S E C O N D F L O O R / L O V E R F O O R (1500 sq ft)
 RECEPTION CENTER / OFFICE
 SHEET 12 OF 12



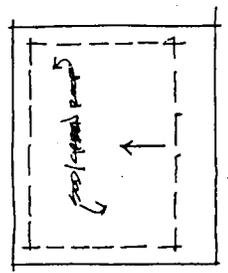
DESIGNED - COMP
 MATERIALS - [illegible]
 FINISHES - [illegible]
 STRUCTURE - [illegible]
 MECHANICAL - [illegible]
 ELECTRICAL - [illegible]
 PLUMBING - [illegible]



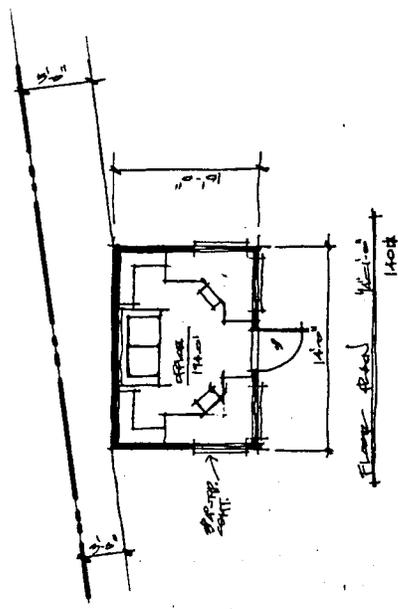


1/4" = 1'-0"

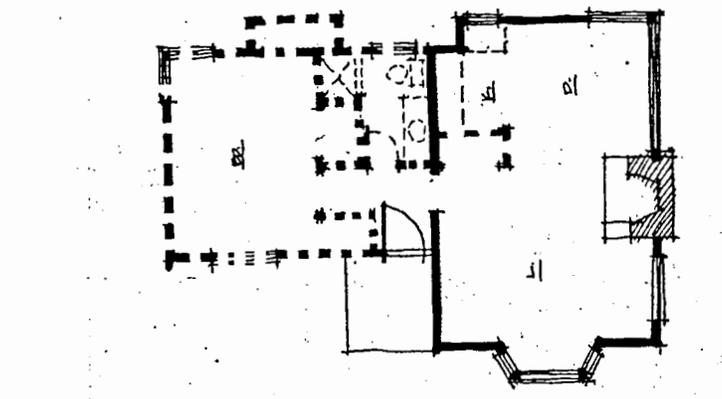
D E T A I L S



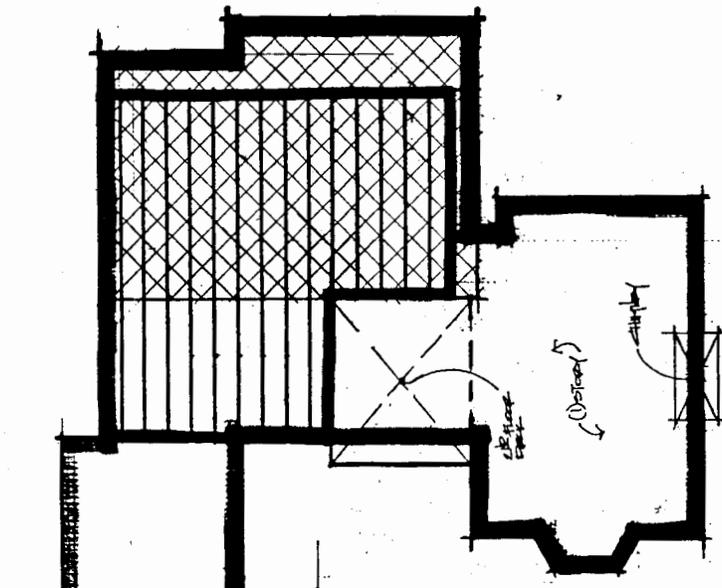
Proposed Ramp
 Notes: SEE L-1 FOR FINISHING SCHEDULE



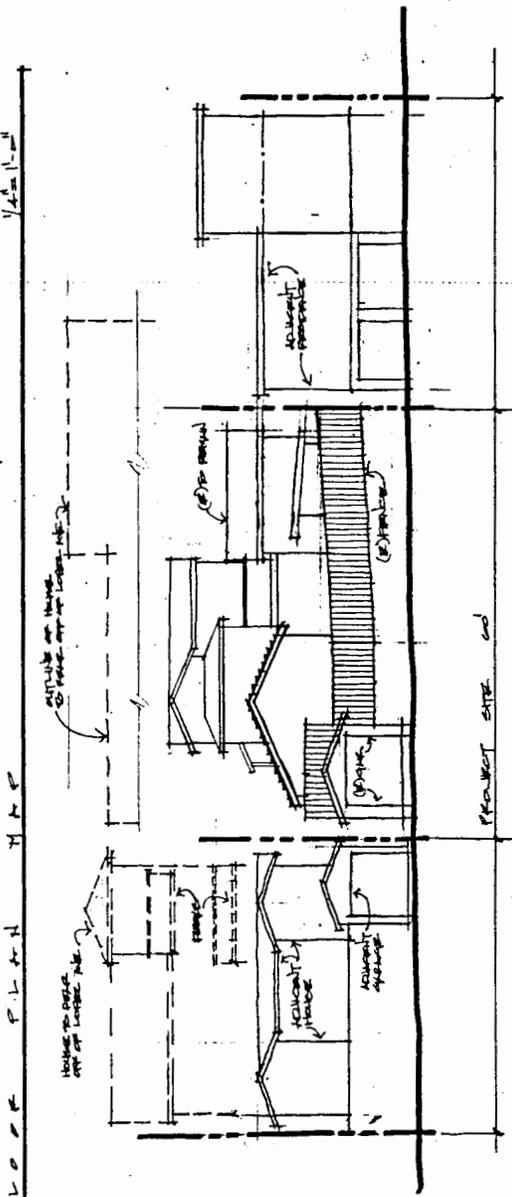
1/4" = 1'-0"



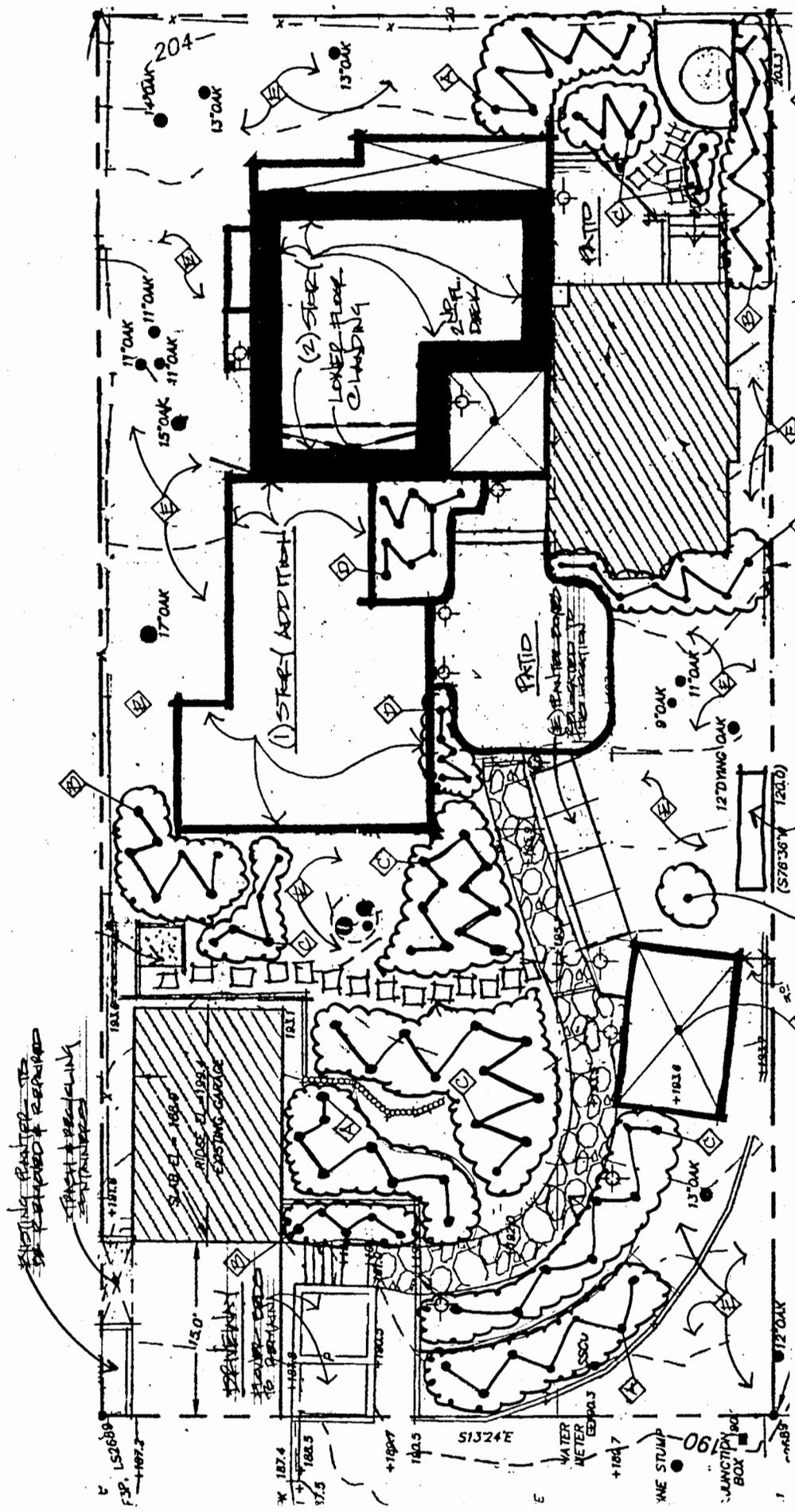
WALLS TO BE REMOVED
 WALL TO BE RE-PLACED
 WINDOW TO BE REMOVED
 WINDOW TO BE RE-PLACED
 TOTAL
 FLOOR AREA
 618 sq ft
 597 sq ft
 121 sq ft
 TOTAL
 1336 sq ft



LANDING
 MAIN LANDING
 UPPER LANDING
 DOWNER LANDING
 STAIR RAILING



STREET SCAPES - NORTH CHANDLER
 FRONT ENTRANCE



LEGEND - PLANTS

ROSES / PLUMERS
 RHODODENDRONS / AZALEAS
 WAXE / DROUGHT TOLERANT
 GRASSES
 PERENNIAL FLOWERS
 EXISTING / NEW PLANTING
 FOR REFERENCE - NO PLANTING
 ALL NEW PLANTING TO HAVE NUMBER
 1. PLANTING
 2. NO NEW PLANTING UNLESS (S) OAKS

LEGEND - LIGHTING

ALL LIGHT FIXTURES TO BE
 ABOUT 10' TO 12' HIGH
 ALL LIGHT FIXTURES TO BE
 20' TO 25' HIGH
 ALL LIGHT FIXTURES TO BE
 30' TO 35' HIGH
 ALL LIGHT FIXTURES TO BE
 40' TO 45' HIGH
 ALL LIGHT FIXTURES TO BE
 50' TO 55' HIGH
 ALL LIGHT FIXTURES TO BE
 60' TO 65' HIGH
 ALL LIGHT FIXTURES TO BE
 70' TO 75' HIGH
 ALL LIGHT FIXTURES TO BE
 80' TO 85' HIGH
 ALL LIGHT FIXTURES TO BE
 90' TO 95' HIGH
 ALL LIGHT FIXTURES TO BE
 100' TO 105' HIGH

CONCEPTUAL LANDSCAPE PLAN

Return to:
Carmel City Hall
Post Office Drawer G
Carmel, CA 93921
Attention: Brian Roseth

DOCUMENT: **2008036279**

Titles: 1/ Pages: 1



Fees: ...
Taxes: ...
Other: ...
AMT PAID

RESOLUTION

RESCINDING AN HISTORIC RESOURCE DESIGNATION

It is the purpose of this Resolution to rescind and terminate all effects of the **Resolution to Designate an Historic Resource** recorded on 4 January 2007.

On 4 January 2007, the Department of Community Planning and Building of the City of Carmel-by-the-Sea recorded a **Resolution Designating an Historic Resource** for the property identified below. That Resolution was recorded pursuant to section 5029(b) of the California Public Resources Code, requiring the City to record all historic resource determinations. That action also was taken in furtherance of the Local Coastal Program certified by the California Coastal Commission and implemented by the City of Carmel-by-the-Sea Ordinances No. 2004-01 and 2004-02.

On 21 April 2008, the Historic Resources Board of the City of Carmel-by-the-Sea determined that the aforementioned property did not qualify as an historic resource and that the original designation should be rescinded. The Board's action was consistent with the Local Coastal Program certified by the California Coastal Commission and implemented by the City of Carmel-by-the-Sea Ordinances No. 2004-01 and 2004-02, specifically section 17.32.070.D of the Municipal Code and Coastal Implementation Plan.

Therefore, based on the administrative determination of the Historic Resources Board, it is hereby resolved by the Department of Community Planning and Building that the **Designation of an Historic Resource** previously recorded for the property described below is rescinded, and the property is removed from the Carmel-by-the-Sea Inventory of Historic Resources. This Resolution shall be recorded as a notice to all owners of the property, and their successors.

Assessor's Parcel Number: 010232039000

Block: LL **Lot(s):** S/PT 28 AND 30

Current Owner: D ANGELO KEVIN & BARON JEFF TR

Street Location: E/S NORTH CAMINO REAL BET. 2ND & 4TH

Certified by:

Brian Roseth,
Planning Services Manager, Carmel-by-the-Sea

END OF DOCUMENT

CITY OF CARMEL-BY-THE-SEA

STAFF REPORT Appeal Denied 2/3/09

TO: MAYOR McCLOUD AND COUNCIL MEMBERS

THROUGH: RICH GUILLEN, CITY ADMINISTRATOR

FROM: MARC WIENER, ASSISTANT PLANNER

DATE: 3 FEBRUARY 2009

SUBJECT: CONSIDERATION OF AN APPEAL OF THE DESIGN REVIEW BOARD'S DECISION TO APPROVE DESIGN STUDY AND COASTAL DEVELOPMENT PERMIT APPLICATIONS FOR THE SUBSTANTIAL ALTERATION OF AN EXISTING RESIDENCE LOCATED IN THE SINGLE FAMILY RESIDENTIAL (R-1) AND ARCHAEOLOGICAL SIGNIFICANCE (AS) OVERLAY DISTRICTS (E/S NORTH CAMINO REAL BETWEEN 2ND & 4TH, BLK LL, LOT 30). THE APPELLANTS ARE RON AND MARIAN WORMSER AND CAROL BERGERE.

SUMMARY RECOMMENDATION

Deny the appeal and uphold the Design Review Board's decision.

BACKGROUND

This site is located on the east side of North Camino Real between Second and Fourth Avenues. The site contains a one-story residence at the rear of the property and a detached garage at the front of the property. The site slopes from east to west at approximately 12% and contains eight significant trees. On 21 April 2008 the Historic Resources Board determined that the property does not qualify as an historic resource.

PROJECT DESCRIPTION

The applicant is proposing to expand the existing residence by demolishing the north portion of the structure and constructing a new addition, a portion of which will be two-stories. The applicant is also proposing a 140 square foot studio along the south side of the property. The main residence will include a 1,666 square foot first floor, a 518 square foot second floor and a 397 square foot basement. There is a 260 square foot detached garage at the front of the property that will remain.

PROJECT DATA FOR A 7,200 SQUARE FOOT SITE:			
Site Considerations	Allowed	Existing	Proposed
Floor Area	2,779 sf (38.6%)	647 sf (10%)	2,999 sf (41%)*
Site Coverage	899 sf (13%)**	N/A	891 sf (13%)
Trees (upper/lower)	3/1 trees	0/13 trees	0/13 trees
Ridge Height (1 st /2 nd)	18/24 ft.	12 ft. 6 in.	13 ft. 8 in. /20 ft. 3 in.
Plate Height (1 st /2 nd)	12 ft./18 ft.	8 ft.	9 ft. 6 in./17 ft.
Setbacks	Minimum Required	Existing	Proposed
Front	15 ft.	72 ft.	34 ft.***
Composite Side Yard	15 ft. (25%)	24 ft.	15 ft. (25%)
Minimum Side Yard	3 ft.	3 ft.	3 ft.
Rear	3 ft. /15 ft.	23 ft.	10 ft. 6 in.
*Includes bonus basement space.			
**Includes a 4% bonus if 50% of all coverage is permeable or semipermeable.			
***Detached garage is 15' from the front property line.			

HEARING SUMMARY

Design Review Board: The Design Review Board reviewed this project on four occasions. Below is a brief summary of these hearings.

First Concept Review: This project was originally heard by the Design Review Board on 23 July 2008 and continued with a request that the applicant revise the design to mitigate the view impact on the northeast neighbor (Wormsers).

Second Concept Review: The applicant revised the design by relocating the two-story element to mitigate the view impact. On 24 September 2008 the Board reviewed the revised plans and accepted the design concept with a request to reduce the height by one foot and to address the privacy concerns related to the bathroom windows.

First Final Review: On 22 October 2008 the Board reviewed the revised plans, which included a reduction in height of the second story from 22.5 to 21.5 feet, and improved privacy screening of the bathroom on the lower level.

The Board reversed its previous decision and voted to deny the project based on its visual impact to the surrounding properties, primarily caused by the mass and location of the two-story element. After the decision staff consulted with the City Attorney and

determined that the project needed to be reheard due a procedural error that occurred during the hearing.

Second Final Review: The Final Review was reheard on 17 December 2008. Prior to this hearing the applicant made further changes to the project to address the concerns of the neighbors and the Board. The applicant lowered the height of the structure an additional 15 inches, from 21.5 to 20.25 feet, and reduced the second story from 540 to 518 square feet. In consideration of these changes, the Board voted to approve the project.

Appeals were filed by Ron and Marian Wormser on 30 December and Carol Bergere on 31 December 2008.

EVALUATION

Basis for Appeal: Below is a summary of the concerns raised by each appellant with a response from staff:

Wormser:

1. *The proposed design presents excessive mass and bulk.*

Response: At 20-feet 3-inches the proposed ridge is nearly four feet lower than the maximum allowed height. The property also sits lower than the neighbors to the east, which helps reduce the appearance of mass and height. Additionally, the use of basement space and detached structures, such as the studio and garage, minimize the mass of main residence.

The property to the south and the two properties to the east are developed with two-story structures that are similar in scale and height to the applicant's proposed design. Of the 18 homes on the east side of North Camino Real Street, 13 are two-story structures. Staff concludes that proposed structure is compatible with the neighborhood and does not present excessive mass and bulk to the neighbors or the public way.

Bergere:

1. *The proposed design presents excessive mass and bulk.*

Response: See response #1 above.

2. *The addition boxes in the appellant.*

Response: The proposed two-story element is located approximately 49 feet from the appellant's home. Staff concludes that there is adequate open space and access to light between the properties.

3. *The proposed second story blocks the appellant's view.*

Response: The Design Guidelines encourage maintaining "some views through the site from other properties." The appellant currently enjoys unimpeded ocean views from the living room and the second-story bedroom. The appellant also enjoys filtered views to the west through the tree canopy from the family room. While the proposed project will impact a portion of the filtered views from the family room, a significant portion of the appellant's ocean views will be maintained.

Summary: Since the first hearing with the Board on 23 July 2008 the applicant has made the following revisions to accommodate the concerns of the neighbors and the Design Review Board:

- Relocated the second-story.
- Reduced the square footage of the second-story.
- Reduced the height of the second-story.
- Removed the roof caves from the second-story.
- Withdrew the proposal to plant two upper canopy trees.
- Relocated the studio.
- Frosted the upper second-story bathroom window.

These changes achieve a fair balance of view opportunities and maintain reasonable privacy for all of the properties affected by the project as encouraged in the Design Guidelines. These changes also ensure that the building's mass relates to the context of other homes in the area.

RECOMMENDATION:

Deny the appeal and uphold the Design Review Board's decision.

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

MEETING DATE: 21 April 2008

BLOCK: LL LOT: part 28 & 30

FIRST HEARING: X

CONTINUED FROM: N/A

ITEM NO: HA 08-1

OWNER: Jeff Baron/Kevin D'Angelo
STREAMLINING DEADLINE: N/A

SUBJECT:

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

ENVIRONMENTAL REVIEW:

Exempt (Class 31- Historic Resource Rehabilitation).

LOCATION:

E/s N. Camino Real bet. 2nd & 4th

ZONING:

R-1

ISSUES:

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

OPTIONS:

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

RECOMMENDATION:

Option #2 (Grant the appeal.)

ATTACHMENTS:

1. Staff Report dated 21 April 2008.
2. DPR 523 Forms.
3. Application Materials.

STAFF CONTACT: Sean Conroy, Senior Planner

CITY OF CARMEL-BY-THE-SEA
COMMUNITY PLANNING AND BUILDING
STAFF REPORT Adopted and Granted on 4/21/08

APPLICATION: HA 08-1 **APPELLANT:** Jeff Baron/Kevin D'Angelo
BLOCK: LL **LOT:** part 28 & 30
LOCATION: E/s N. Camino Real bet. 2nd & 4th

REQUEST:

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

ADDITIONAL REVIEW:

1. None.

BACKGROUND:

This site is located on the east side of North Camino Real Street between Second and Fourth Avenues and is developed with a small Minimal Traditional style residence and a detached garage. The residence was constructed in 1947 and was designed by Hugh Comstock. The detached garage was added in 1960.

The residence was identified as an historic resource as part of the City's on-going survey of historic structures. A DPR 523 form was filed with the City on 25 May 2005. The DPR form indicates that the structure qualifies as an historic resource under California Criterion #3 (architecture) as an example of the late residential work of Hugh Comstock.

EVALUATION:

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

Process: CMC 17.32.070 states that a property identified as an historic resource on the Carmel Inventory shall be presumed historically significant and shall not be removed from the City's Inventory unless substantial evidence demonstrates that it is not an historic resource. The ordinance also states that any decision to remove a resource from the inventory shall be based on a recommendation by a qualified professional. However,

the City Administrator and City Attorney have determined that if an owner does not want to hire a qualified professional they can present their own argument for the Board's consideration. The appellant has not hired a qualified professional.

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

- 1) The Context Statement does not identify the Minimal-Traditional style as important to the City.
- 2) The residence is a common example of a 1940's era style.
- 3) There are other, better examples of the work of Hugh Comstock listed on the City's Historic Inventory.
- 4) The residence is basically invisible from the street.
- 5) The window changes have impacted the integrity of the residence.

Relationship to Context Statement: The Context Statement does not address the Minimal-Traditional style of architecture and does not cover post-1940 development. Until the Context Statement is updated it cannot be used to assist in determining if a property qualifies as historic. The Board's decision should be based on the information available in the file and whether or not a 'fair argument' can be made that the structure is historic based on the California Register Criteria.

It is clear the Hugh Comstock has had a significant impact on the character of the City. However, a fair argument has not been made that this residence is an important example of his work.

Style: On 18 December 2006 the Board granted an appeal that removed a Minimal Traditional style residence that was designed by Edwin L. Snyder from the Inventory. At that time, staff made the following argument for granting the appeal:

In the book, A Field Guide to American Houses, the author states the following regarding the Minimal-Traditional style:

"These houses were built in great numbers in the years immediately preceding and following World War II; they commonly dominate the large tract-housing developments of the period" (478).

One of the goals of historic preservation is to maintain those properties that contribute to the unique character of Carmel. While the subject residence may be an example of the Minimal Traditional style, it is a style that can be found in large numbers throughout the country.

The subject residence does not appear to contribute to the unique character of the City in such a way as to designate it as historic.

This argument is equally applicable to the subject residence and staff is recommending that the appeal be granted.

Integrity: The footprint of the residence is basically unaltered from its original construction. However, the original divided-lite windows have been replaced with vinyl windows with no divided-lites. Even if the Board determined that a Minimal Traditional style residence, designed by Comstock, could potentially be worth preserving, it appears that the window changes would disqualify this residence.

Comparative Resources: There are approximately 27 other structures design by Comstock listed on the City's Historic Inventory. All of these, staff would argue, are better examples of his work.

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

- The Minimal Traditional style is not identified in the Historic Context Statement and has not significantly contributed to the character of the City.
- The loss of original windows has impacted the integrity of the residence.
- There are numerous other, better examples of the work of Hugh Comstock listed on the City's Inventory.

RECOMMENDATION:

Grant the appeal.

RECEIVED

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

FEB 23 2009

CENTRAL COAST DISTRICT OFFICE
728 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4608
VOICE (831) 427-4883 FAX (831) 427-4877

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Marian and Ron Wormser

Mailing Address: P.O. Box 7359

City: Carmel-by-the-Sea

Zip Code: 93921

Phone: 831.620.0725

SECTION II. Decision Being Appealed

1. Name of local/port government:

Carmel-by-the-Sea City Council

2. Brief description of development being appealed:

Application for the substantial alteration of a residence which in its design is inconsistent with the Carmel Local Coastal Plan, Carmel Municipal Code Zoning Ordinance and Residential Design Guidelines.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Single Family Residential (R-1) District E/s N. Camino Real bt. 2nd & 4th, Block LL, Lot(s) 30, Carmel-by-the-Sea, CA. Project DS 08-76, Owners: Jeff Baron and Kevin D'Angelo.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:	
APPEAL NO.	A-3-CML-09-011
DATE FILED	2/23/2009
DISTRICT	Central Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: Feb. 3, 2009

7. Local government's file number (if any): TBD

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Jeff Baron & Kevin D'Angelo
1516 Homestead Road
Santa Clara, CA 95050

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Ms. Carol Bergere
P.O. Box 2438
Carmel, CA 93921

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**SECTION IV. Reasons Supporting This Appeal****PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

I. Compliance with Carmel's Local Coastal Plan:

The sections of the Carmel-by-the-Sea Local Coastal Plan Housing Element and subordinate Carmel Municipal Code Zoning Ordinance and Residential Design Guidelines on which this appeal is based follow:

A. Permitted Levels: LCP Section 3, B, 2. Governmental Constraints, Residential Development Standards: "Housing within this district may contain up to two stories, plus a basement."

The project has 4 distinct above-ground levels plus a below-grade basement, a separate garage and a separate office.

Note: No other residence on the east side of Camino Real between 4th and 2nd Avenues appears to have more than 2 above-grade living levels.

Also, Carmel's Residential Design Guidelines, Section 7, Building Mass, Scale and Form, Subsection 7.7, Building Height: "A building should appear to be no more than two stories in height as viewed from the public right away (sic)."

The project's appearance from Camino Real, i.e. west elevation, clearly shows 4 distinct levels.

Also, Carmel's Residential Design Guidelines, Subsection 7.7, Building Height: "Locate two story elements downhill, except where this would appear dominant or out of scale when viewed from the public right-of-way or a neighboring home."

The project's upper level is located as far uphill as permitted, as close as possible to the east property line.

(continued on the attached)

Section IV: Reasons Supporting This Appeal, continuation pages to Wormser appeal

Note: No other residence on the east side of Camino Real between 4th and 2nd Avenues appears to have an upper level as close as possible to the east property line and as far uphill as possible. It is therefore likely that the project's uppermost ridge line of 220.75 feet would be noticeably higher than other properties in the neighborhood.

B. Mass and Bulk: LCP Section 6, Goals, Objectives and Policies, P3-24:
"Continue to use appropriate height, coverage and floor area standards to ensure that new construction does not present excess visual mass or bulk to public view or to adjoining properties."

Also, Carmel's Municipal Code Zoning Ordinance Chapter 17.10.011, D, Purpose and Design Objectives: "Buildings shall not present excess visual mass or bulk to public view or to adjoining properties."

In addition to its utmost uphill location, the project's upper level is oriented north-south, thus maximizing its profile over the highest point on the property with maximum adverse bulk, mass and view impact on those to the east, northeast (our property) and on those viewing the property from the public right-of-way to the west, Camino Real.

Note: All other upper levels on the east side of Camino Real between 2nd and 4th Avenues are located down the slope away from the east property line and/or oriented in whole or in part east/west. The combined effect of being lower on the slope and oriented differently results in a less massive profile to both the east neighbors and to the west public right-of-way.

C. View Rights: Carmel's Residential Design Guidelines, Section 5, Privacy, Views: "...the desire to maximize view opportunities from one's own property must be balanced with consideration of respecting views of others....locate buildings so they will not substantially block views enjoyed by others."

As was evident when the netting was erected to demonstrate the profile of the project, with the upper level as far uphill as possible and so close to the north property line, the upper ridge line obstructed more than half of the ocean view from our property located to the northeast when viewed from our main living level (living and dining rooms) and from the outside deck. (The view from the upper bedroom level was less obstructed, but that is not the primary living and viewing area.)

Section IV: Reasons Supporting This Appeal, continuation pages to Wormser appeal

D. Basement Bonus: Municipal Code Section 17.10.030 Floor Area Ratio and Building Standards D iv Bonus Floor Area – Basement Incentive: “Each site shall be allowed 100 square feet of floor area located in a basement....The result of this incentive is to reduce above-ground floor area and reduce exterior volume for sites awarded bonus floor area in basements.”

The project's height and above-ground mass were not significantly reduced with the additions of a basement and a separate structure for an office. The current uppermost ridge-line is only 27" below the maximum permitted.

II. Changes in Historical Status:

The subject residence, designed by Hugh Comstock and constructed in 1947, was identified as an historic resource in 2005 by the City of Carmel. From the Carmel Planning Staff report for an April 21, 2008 meeting of the Carmel Historic Resources Board, “The residence was identified as an historic resource as part of the City's ongoing survey of historic structures. A DPR 523 form was filed with the City on 25 May 2005. The DPR form indicates that the structure qualifies as an historic resource under California Criterion #3 (architecture) as an example of the late residential work of Hugh Comstock.”

In his May 25, 2005 report to the Department of Parks and Recreation of the State of California, Evaluator Kent Seavey wrote, “The John M. Roberts House is significant under CA Register criterion 3, in the area of architecture as an essentially unaltered late example of the residential design work of Carmel master builder Hugh White Comstock. The post-WWII residence continues the theme of architectural development, established in the 1997 Carmel Historic Context Statement, in that it contributes to the understanding of the overall design character of the community.”

Nonetheless within 3 years, upon application by the project owners, the Planning Staff recommended and the Historic Resources Board approved the removal of this property from historic status.

Carmel's Municipal Code does not require notification of neighbors for matters appearing before the City's Historic Resources Board. The requirement is only for limited public postings of forthcoming Board Agendas. As new full-time residents of Carmel the prior September and moving from out-of-state, we were unaware of the request for and subsequent hearing of the application to remove the subject property from the list of historic resources. While ignorance is no defense, fundamental questions of fairness and compliance with the spirit of historic preservation regulations remain.

If it is appropriate for the Coastal Commission to review that decision at this time, we respectfully request that it do so.

Section IV: Reasons Supporting This Appeal, continuation pages to Wormser appeal

III. PROJECT MODIFICATIONS SINCE INCEPTION:

The project's design has been modified since its inception. Notably, those modifications were only made either at the direction of the Carmel Design Review Board or following DRB rejections of the application, in attempts to address concerns expressed by the DRB and three of four abutting neighbors.

IV. POSSIBLE SOLUTION:

At the February 2009 Carmel City Council meeting at which this project was discussed, one of its members who had previously served on the Carmel Design Review Board offered a potential solution which, in that person's judgment, would be consistent with the letter and intent of all applicable Design Guidelines including the 'basement bonus'.

The proposal was "...to lower the rear multi-story bulk by 3 feet, from 220.75 to 217.75 feet, (whereby) the current floor plan could be maintained by creating a retaining/planter wall 3 feet behind the proposed structure. This would allow the current window configurations, including all egress requirements." This description was subsequently provided by our consulting architect who attended the Council meeting at which the proposal was described in response to our question whether the proposal was architecturally feasible.

Throughout this process, we have fully accepted and agreed with Carmel's core residential design concept that projects should achieve an equitable balance of interests among all directly interested parties.

In that spirit, we believe that the Council member's solution represents a reasonable and equitable compromise, one which we are prepared to accept.

Should there be technical reasons which make that solution impractical, we are open to other equitable resolutions.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Maria S. Worman
Tom Worman

Signature of Appellant(s) or Authorized Agent

Date: Feb. 23, 2009

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____